

Legislation Text

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Consider recommendation from the Permits/Enforcement Committee to accept a settlement counter-offer from Mr. Wayne Dent, related to exceeding authorized groundwater withdrawals during 2017.

RECOMMENDED MOTION:

Move the board accept the counter-offer regarding the pending enforcement matter presented below.

SUMMARY:

The purpose of this agenda item is for the board to consider a Permits/Enforcement Committee recommendation to accept a counter-offer from the permit holder listed below in response to an EAA settlement offer to resolve the enforcement matter related to exceeding 2017 annual authorized withdrawal amounts. This enforcement matter and proposed counter-offer received from the permit holder are summarized herein for committee consideration. If in the course of discussion, the committee determines the need to do so, it may enter into closed session to consult with General Counsel on this matter.

Wayne Dent

Mr. Wayne Dent was identified as exceeding annual authorized groundwater withdrawal amounts during 2017 on Industrial-Ag Permit P105-159. This entity was permitted to withdraw 3.000 acre-feet, and reported a total of 7.905 acre-feet withdrawn; thus exceeding his annual authorized amount by 4.905 acre-feet. Historically, Mr. Dent has filed lease transfer applications to meet his annual pumping needs, but failed to do so in 2017. The settlement offered for this alleged violation is \$2,636.22, consistent with the EAA settlement guidelines.

On January 8 , 2019, Mr. Dent, sent a letter to EAA staff acknowledging the alleged violation and stated his desire to present a counter-offer to the EAA to resolve this matter. Mr. Dent requests that he be allowed to pay a settlement of \$200.00, and to defer payment of the remainder of the settlement (\$2,436.22) pending no violation of EAA rules through December 31, 2019. Mr. Dent attended the January 22, 2019 committee meeting to present this counter-offer.

At the January 22 meeting, the Permits/Enforcement Committee voted to recommend the board accept the counter-offer as discussed.

STRATEGIC PLAN REFERENCE:

This agenda item does not relate to a specific goal or action step within the Strategic Plan, but supports the general EAA mission.

FISCAL IMPACT:

Revenue received through compliance settlements is dedicated to the Conservation/Aquifer Protection Fund. This revenue is used solely to fund projects expressly devoted to the protection and benefit of the endangered species associated with the Edwards Aquifer. No revenue derived from compliance settlements is used to fund operating expenses or capital purchases of the EAA.