

Legislation Text

File #: AI 13-2503, Version: 1

Consider recommendation from EAA staff to assess an Administrative Penalty under Section 1.37 of the EAA Act against Ms. Andrea Sanger for failing to submit a 2019 Annual Groundwater Use Report with the EAA.

STAFF RECOMMENDED MOTION:

Move the board approve the Default Order Assessing an Administrative Penalty of \$200 to Ms. Andrea Sanger for the Failure to File a 2019 Annual Use Report.

SUMMARY:

The purpose of this agenda item is to address an unresolved compliance matter with Ms. Andrea Sanger regarding the submittal of her 2019 Annual Groundwater Use Report.

In accordance with Section 711.414 of the EAA rules, every permit holder shall accurately read their meter on a monthly and annual basis and file the results with the EAA no later than January 31st of each year. Ms. Sanger did not file her report for 2019, and EAA staff was unable, through multiple attempts, to either obtain the report during an allowed “grace period” through February of 2020 or achieve a settlement related to the failure to report.

Under the terms of the EAA’s General Manager Compliance and Settlement Guidelines, Ms. Sanger was offered a settlement of either the payment of \$100 or attendance of a virtual Well Owner’s Workshop. Ms. Sanger failed to accept either offer of settlement.

When EAA staff is unable to reach settlement on a compliance matter, the matter may only be resolved through civil litigation or through the utilization of an administrative penalty process allowed under Section 1.37 of the EAA Act and outlined in Chapter 717 of the EAA rules.

For this particular matter, staff recommends the board assess an administrative penalty of \$200 for the violation of EAA rules. Ms. Sanger was apprised of the recommendation and offered the opportunity to request a formal review of the matter. She declined to do so. Therefore, under EAA procedural rules, this item is being brought by staff as a default order.

At the October 13 board meeting, staff will be available to answer questions regarding outreach efforts to achieve compliance at the program level and questions regarding Section 1.37 administrative penalty procedures. A copy of the default order prepared by EAA staff and counsel is attached for the board’s reference.

M/WBE PARTICIPATION:

This agenda item does not involve the procurement of goods or services by the EAA and, therefore, this section is not applicable.

STRATEGIC PLAN REFERENCE:

This agenda item supports the EAA's policy direction as set forth in the EAA 2016-20 Strategic Plan: Goal B. Ensure Effective Management of the Edwards Aquifer.

FISCAL IMPACT:

Revenue received through enforcement is dedicated to the Conservation / Aquifer Protection Fund. This revenue is used solely to fund projects expressly devoted to the protection and conservation of the Edwards Aquifer. No revenue derived from matters is used to fund the operating expenses or capital purchases of the EAA.