

## Legislation Text

---

File #: AI 13-2981, Version: 1

---

**Consider recommendation from EAA staff to assess an Administrative Penalty under Section 1.37 of the EAA Act against Grace Point Church (P100-614) and Mr. James Goodman (P105-286), for exceeding authorized groundwater withdrawals from an Edwards Aquifer well in 2021 and for failing to settle the violation with the EAA.**

### STAFF RECOMMENDED MOTIONS:

1. Move the board assess an administrative penalty of \$204.02 to Grace Point Church for exceeding annual authorized groundwater withdrawals from an Edwards Aquifer well in 2021 and for failing to settle this violation with the EAA.
2. Move the board assess an administrative penalty of \$308.46 to James Goodwin for exceeding annual authorized groundwater withdrawals from an Edwards Aquifer well in 2021 and for failing to settle this violation with the EAA.

### SUMMARY:

The purpose of this agenda item is to address unresolved compliance matters with Grace Point Church, owner of EAA Permit P100-614; and Mr. James Goodwin, owner of EAA Permit P105-286, (“the Respondents”) related to exceeding annual authorized groundwater withdrawals (“overpumping”) from an Edwards Aquifer well in 2021 and then failing to settle this violation with the EAA.

In accordance with Section 711.224 of the EAA rules, “A person may not withdraw groundwater from the Aquifer unless authorized by a groundwater withdrawal permit issued by the Authority,” and “a person may not withdraw groundwater in violation of an Authority rule or groundwater permit.” Furthermore, Section 711.228 of the EAA Rules states, “A person may not violate the Act, the Authority’s rules, an order of the Board, or the terms or conditions of a permit.” During 2021, Grace Point Church was authorized to withdraw 0.356 acre-feet and pumped 0.848 acre-feet, thus overpumping a total of 0.492 acre-feet. During 2021, James Goodwin was authorized to withdraw 2.000 acre-feet and pumped 2.986 acre-feet, thus overpumping a total of 0.986 acre-feet.

Under the terms of the EAA’s General Manager Compliance and Settlement Guidelines, the Respondent was offered several options to resolve this compliance matter, including a settlement option utilizing unpumped groundwater rights available in the EAA Groundwater Trust (“the Trust”). This option allows well owners to offset their overpumped amounts with those rights available in the Trust at a rate of \$200 per acre-foot as modified by applicable escalators. In 2021, due to a 5.71% CPM reduction in the San Antonio Pool, the Trust option rate was \$211.42 per acre-foot overpumped. The Trust option allowed a settlement for Grace Point Church of \$104.02, and for James Goodwin of \$208.46. The Respondents failed to settle these violations with the EAA.

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 these particular matters, staff recommends the board assess an administrative penalty for the violation of EAA rules. The Respondents were apprised of the recommendation and offered the opportunity to request a formal review of the matter. The Respondents declined to do so. Therefore, under EAA procedural rules, this item is being brought by staff as a default order.

EAA staff recommends a \$100 penalty be added to the Trust settlement as offered; therefore, an administrative penalty of \$204.02 to Grace Point Church, and \$308.46 to James Goodwin for exceeding annual authorized groundwater withdrawals from an Edwards Aquifer well in 2021 and for failing to settle this violation with the EAA.

A copy of the default orders for these Respondents, prepared by EAA staff and counsel, are 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 does support the general EAA mission.

#### 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.