

LONE STAR GROUNDWATER CONSERVATION DISTRICT

January 30, 2009

MINUTES OF RULES AND BYLAWS COMMITTEE MEETING

The Rules and Bylaws Committee of the Lone Star Groundwater Conservation District (“District”) held a “Consensus Committee Workshop” open to the public, in the District’s office at 207 W. Phillips Street, Suite 300, Conroe, Texas, within the boundaries of the District, at 8:30 a.m., on January 30, 2009.

The roll was called of the members of the “Rules and Bylaws Committee”, to wit:

Kathy Turner Jones, Coordinator
Roy McCoy, Jr
W. B. Wood
Scott Weisinger

All members of the Committee were present with the exception of Director Wood. Also, in attendance at said meeting were Directors Owen, Eichelberger and Love; Alan Potok, District Engineer; District Staff; Consensus Committee Task Force Invitees; and members of the public. *Copies of the public sign-in sheets are attached hereto as Exhibit “A”.*

The meeting was called to order and declared to be open to the public by Committee Coordinator and General Manager, Kathy Turner Jones, at 8:30 am.

Ms. Jones welcomed LSGCD Board Members and members of the public and thanked them for attending the “Consensus Committee Meeting” to evaluate the effects and potential impact of draft rule amendments proposed in Section 13 – “Waste and Conservation Standards for Impoundments”. Ms. Jones added, the District has the role of permitting and regulating the use of groundwater in Montgomery County. In addition, the District has adopted a regulation limiting groundwater pumpage in Montgomery County to 64,000 acre/feet effective January 1, 2015. Currently, the District has permits issued in excess of 78,000 acre/feet a year. Montgomery County is already exceeding its sustainable yield annually and with the projected future population growth and development expected for 2015, we are looking at water demand in excess of 88,000 acre/feet.

Jones stated that today’s meeting is to give the developing community an opportunity to discuss their concerns with committee members and suggest rules that would be less detrimental to the development community and based on realistic and responsible engineering design

criteria, taking into consideration water conservation. Ms. Jones then turned over the discussion to the District's Engineer, Alan Potok.

Mr. Potok stated that TCEQ recently adopted rules regarding amenity lakes,. The District has imposed rules which could increase water rates for using groundwater to fill amenity lakes. Mr. Potok further stated that the District had sent out a survey to identify the amount of water being used for amenity lakes.

Ms. Jones explained that the concern of the District is, for every drop of water used for an amenity lake, there will have be a reduction in groundwater for public supply.

Mr. Potok explained that of the 161 water districts and 13 cities in Montgomery County, approximately 20 percent have some form of an amenity lake. If those lakes use 5 million gallons of groundwater annually to maintain their required level, then 90 million gallons would be used annually. Mr. Potok proposes the District adopt some form of regulation to manage this use by using a pan evaporation rate from Lake Conroe, which is 8.5 inches annually. At the end of each year, compare the actual numbers based on rainfall and drought to determine whether the permit has been exceeded or managed properly. The permit would only be issued or adjusted based on the evaporation rate. If 80 or 90% of permits have problems complying, then the initial standard would have to be reevaluated. The District has no staggered rate, at this time, for the use of groundwater to fill impoundments. He further recommends the District become more discreet in how the water is being used or will be used, before issuing a permit.

Discussion was made regarding the use of grey water to fill amenity lakes. In Part II of the WRAP, the permittee is asked why reclaimed water is not being used, which will identify the issues. Ms. Jones commented that the development community is encouraged to consider other means when filling amenity ponds as well as incorporating reuse projects in future developments.

PUBLIC COMMENTS:

Jace Houston, San Jacinto River Authority – Mr. Houston gave a brief explanation of his background with the Harris-Galveston Subsidence District prior to being with the San Jacinto River Authority. He stated that the bottom line is, if the homeowners association is required to keep the lake full by TCEQ standards, they have to keep the lake full. The Subsidence District does not prohibit the use of groundwater in impoundments but permittees are either forced to be creative in order to pump less than 10 mg, or they know they will have to have an alternate source for 80% of their usage. Houston added that there are so many good options to be considered including engineered wetlands or channelized retention areas where you would have a deepened channel that stays wet most of the tie and then a wider flowage way that fills in big rains but serves as a part the rest of the time.

Greg Frank, Costello, Inc. – Agrees with the District’s Engineer and supports having a mechanism for calculating evaporation and also standards for the design of lake bottoms. Lakes should be sized on economics now and for in the future.

Kevin Tokarski, Pate Engineering – Mr. Tokarski asked, how shallow can one go to pump enough water?

Director Weisinger responded by saying, that the Chico aquifer does not have the amount of water to support the larger impoundments, while it is not the desired quality needed for public supply, it would be a good option for smaller impoundments.

Mr. Potok commented that the rules could be amended to state that if an applicant can provide proof showing the Chico aquifer cannot support the amount of water needed for evaporation, the Board could consider approving the applicant to drill deeper.

Danny Signorelli, The Signorelli Company – Mr. Signorelli commented that he does not believe a formal step to eliminate the use of groundwater to maintain amenity lakes is necessary. He agrees with Mr. Potok’s formula in determining evaporation rates and permitting accordingly. The District should take into consideration “good” development when evaluating permits. When developers are constructing amenity lakes, substantial watershed should be available to maintain it otherwise, it should not be built.

Larry Kupstas, Aurous Development Services – Mr. Kupstas commented that he generally incorporates amenity lakes where natural drainage is available to maintain the lake levels. There are back up wells installed in case of a drought, but most of them have not ever been used.

Director Weisinger asks who would be responsible for repairing these lakes if leakage occurs within a few years after being built. Mr. Kupstas stated that within a few years the developer would make the appropriate repairs to the lake but 20 or 30 years later, the homeowners association would be responsible.

Brian Jarrard, Holcomb Properties – Mr. Gerrard commented that they had conducted a survey to current homeowners asking what the top 10 reasons for choosing their current development was, water features were on the list which proves that these amenity lakes are important when building an appealing development.

With there being no further comments, Ms. Jones thanked everyone for their input. District staff will work with Mr. Potok regarding suggested revisions to the proposed rule amendment to bring back to the Consensus Committee Members for comment. It is possible the District would eventually need to look into the possibility of a feasibility study. We need to look at alternate sources for maintaining the amenity ponds in order to prevent some over conversion for other types of uses.

The next Consensus Committee meeting is scheduled for February 20, 2009 at 9:30 a.m. in the Lone Star Groundwater Conservation District Board Room.

Without further discussion, the meeting was adjourned at 10:30 a.m.

PASSED, APPROVED, AND ADOPTED THIS 10th day of February, 2009.

Sam W. Baker, Secretary