

Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Bobby Janecka, *Commissioner*  
Toby Baker, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

April 29, 2022

Ms. Laurie Gharis, Chief Clerk  
Officer of the Chief Clerk  
Texas Commission on Environmental Quality  
P.O. Box 13087, MC-105  
Austin, Texas 78711-3087

Re: TCEQ Docket No. 2022-0299-MIS; Petition for Inquiry filed by Dr. Curtis Chubb  
seeking a review of Post Oak Savannah Groundwater Conservation District

Dear Ms. Gharis:

Enclosed for filing with the Texas Commission on Environmental Quality is the  
Executive Director's response to the above-referenced Petition for Inquiry.

Please do not hesitate to contact me if you have any questions regarding the material.  
Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Kayla Murray".

Kayla Murray  
Staff Attorney  
Environmental Law Division

cc: Mailing List

**TCEQ DOCKET No. 2022-0299-MIS**

<b>PETITION FOR INQUIRY OF POST</b>	<b>§</b>	<b>BEFORE THE TEXAS COMMISSION</b>
<b>OAK SAVANNAH GROUNDWATER</b>	<b>§</b>	
<b>CONSERVATION DISTRICT</b>	<b>§</b>	<b>ON</b>
<b>SUBMITTED BY CURTIS CHUBB, PH.D.</b>	<b>§</b>	<b>ENVIRONMENTAL QUALITY</b>

---

**EXECUTIVE DIRECTOR’S RESPONSE TO PETITION FOR INQUIRY & POST OAK  
SAVANNAH GROUNDWATER CONSERVATION DISTRICT’S RESPONSE**

---

**I. INTRODUCTION**

The Executive Director (ED) of the Texas Commission on Environmental Quality (TCEQ or Commission) files this Response to the Petition for Inquiry of Post Oak Savannah Groundwater Conservation District (Post Oak or District) filed by Curtis Chubb, Ph.D. (Petitioner). The ED will also respond to Post Oak’s Response to the Petitioner’s Petition for Inquiry in this filing.

Under Title 30, TEXAS ADMINISTRATIVE CODE (TAC) § 293.23(g), the Commission may either dismiss the petition or appoint a review panel to conduct the inquiry and submit a report. The Petitioner alleges that Post Oak has failed to adequately protect the groundwater in its management area due to the failure of Post Oak to enforce substantial compliance with its rules, pursuant to TEXAS WATER CODE (TWC) § 36.3011 (d) and 30 TAC § 293.23(b)(9). The ED recommends denying the petition because Post Oak has shown that it has not failed to enforce substantial compliance with its rules.

**II. PROCEDURAL BACKGROUND**

On March 9, 2022, Curtis Chubb, Ph.D. filed a Petition for Inquiry of Post Oak Savannah Groundwater Conservation District with the Commission. The petition included a certified statement that described why the Petitioner believes an inquiry is necessary, pursuant to 30 TAC § 293.23(d). In accordance with 30 TAC § 293.23(e), which requires the Petitioner to provide a copy of the petition to all groundwater conservation districts (GCD) within and adjacent to the groundwater management area (GMA) within five days of filing the Petition, the Petitioner provided copies of the Petition to the following GCDs, which are within and adjacent to GMA 12: Barton Springs/Edwards

Aquifer Conservation District, Brazos Valley GCD, Bluebonnet GCD, Fayette County GCD, Mid-East Texas GCD, Gonzales County Underground Water Conservation District, Lost Pines GCD, Neches & Trinity Valleys GCD, and Post Oak Savannah GCD.

On March 22, 2022, within the 21 days required by 30 TAC § 293.23(e), the Petitioner provided evidence that the petition had been provided to the subject GCDs. The ED concludes that the Petitioner has met the filing requirements of 30 TAC § 293.23(e). On March 15, 2022, the Office of General Counsel mailed a letter providing all affected parties in this matter information on how to file a response to the validity of the specific claims raised in the Petition, in accordance with 30 TAC § 293.23. The 35-day deadline to file a response to the Petition was on April 13, 2022, and one response was received by that date, from Post Oak.

### **III. GROUNDWATER LAW**

#### **A. Groundwater Conservation Districts**

The Texas legislature recognizes that a landowner, along with his lessees, heirs, and assigns, owns the groundwater below the surface of the landowner's land as real property. Tex. Water Code § 36.002(a). Local GCDs shall meet at least annually to conduct joint planning and review management plans, accomplishments, and new or amended existing desired future conditions (DFCs). Tex. Water Code § 36.108(c). A GMA is an area designated and delineated by the Texas Water Development Board (TWDB) under Chapter 35 of the Water Code as "an area suitable for management of groundwater resources." Tex. Water Code § 35.002(11). GCDs shall consider groundwater availability models and other data or information for the GMA and shall propose for adoption DFCs for the relevant aquifers within the GMA. Tex. Water Code § 36.108(d). DFCs are a quantitative description of the desired condition of the groundwater resources in a GMA at one or more specified future times. Tex. Water Code § 36.001(30).

The GCDs in a GMA must adopt DFCs by considering several criteria, including uses or conditions within a GMA, water supply needs in the State Water Plan, hydrological conditions, environmental conditions, subsidence, ownership rights, socioeconomic impacts reasonably expected to occur, and the feasibility of achieving the DFC. Tex. Water Code § 36.108(d). The DFCs must also provide a balance between the highest

practicable level of groundwater production and the conservation, preservation, protection, recharging, and prevention of waste of groundwater and control of subsidence in the management area. This subsection does not prohibit the establishment of DFCs that provide for the reasonable long-term management of groundwater resources consistent with the management goals under Section 36.1071(a). Tex. Water Code § 36.108(d-2).

After all the GCDs have submitted district summaries relating to the proposed DFCs, the GCD representatives shall reconvene to review the reports, consider any GCD's suggested revisions to the proposed DFCs, and finally adopt the DFCs for the GMA. The DFCs must be approved by a resolution adopted by a two-thirds vote of all the GCD representatives. The GCD's representatives shall file an explanatory report of the proposed DFCs for the GMA to the TWDB. Tex. Water Code § 36.108(d-3). After a district receives notification from the TWDB that the DFC's explanatory report is administratively complete, the district shall adopt the applicable DFCs, Tex. Water Code § 36.108(d-4). Each GCD in the GMA "shall ensure that its management plan contains goals and objectives consistent with achieving the DFCs of the relevant aquifers as adopted during the joint planning process." Tex. Water Code § 36.1085. All rulemaking shall consider the goals in the Groundwater Management Plan. Tex. Water Code § 36.101(5).

#### B. Groundwater Ownership and GCDs

The groundwater ownership right entitles the landowner to drill for and produce the groundwater below the surface but does not entitle a landowner the right to capture a specific amount of groundwater. Tex. Water Code § 36.002(c) and (d). The Texas Water Code authorizes GCDs to place limitations on the right to produce groundwater in an effort to conserve and protect the sustainability of aquifers. Tex. Water Code § 36.116(a)(2). The Texas Water Code also allows a GCD to issue production permits up to the point that the total volume of exempt and permitted groundwater production will achieve a DFC. Tex. Water Code § 36.1132. To ensure that the groundwater levels do not recede below the DFCs, the Water Code authorizes a GCD to promulgate rules to regulate the withdrawal of groundwater by setting production limits on wells and limiting the amount of water produced based on acreage or tract size. Tex. Water Code § 36.116(a)(2).

The TWDB determines the Modeled Available Groundwater (MAG) which is “the amount of water that the executive administrator determines may be produced on an average annual basis to achieve DFCs established under Section 36.108.” Tex. Water Code § 36.001(25). The Water Code requires that GCDs “shall consider,” among other things, the MAG for the GCD when issuing permits. Tex. Water Code § 36.1132(b)(1).

#### **IV. PETITION FOR INQUIRY**

Tex. Water Code § 36.3011 allows an owner of land within a management area to file a petition with the Commission requesting an inquiry into specific actions of a GCD. The Petitioner states that he owns approximately 90 acres of land within GMA 12 and he alleges that the groundwater in the management area is not adequately protected due to the failure of the district to enforce substantial compliance with its rules. This allegation matches the basis for a petition pursuant to TWC § 36.3011(b)(9) and 30 TAC § 293.23(b)(9).

The Petitioner made the following claims in his petition:

A. Post Oak treats MAGs as irrelevant numbers and does not comply with TWC Section 36.1132

As stated earlier, Tex. Water Code § 36.1132 allows a GCD to issue production permits up to the point that the total volume of exempt and permitted groundwater production will achieve a DFC. The Petitioner asserts that Post Oak has not complied with this requirement, and as such, the Carrizo and Simsboro aquifers have breached Threshold Levels 1 and 2 of the District’s rules. Petition for Inquiry at pages 5-7. The Petitioner also claims that the District’s noncompliance with TWC § 36.1132 is the “root cause” of both the Carrizo and the Simsboro MAGs being exceeded. Petition for Inquiry at 6. If the District was in compliance, the Petitioner proposes that the pumping permits would have “approximated the MAGs and the resulting ‘amount pumped’ would not have breached Threshold Levels 1 or 2.” Petition for Inquiry at 6. The Petitioner goes on to assert that the DFCs will be exceeded if action is not taken. Petition for Inquiry at 7.

The Petitioner reached this conclusion from data compiled in Figures 1 and 2, found respectively on pages 5 and 6 of the petition.<sup>1</sup> It should be noted, however, that the Petitioner did not appear to have all of the information available to him that was contained in Post Oak’s response.

B. Post Oak did not provide required notice to well owners when Threshold Levels 1 and 2 were reached.

Post Oak’s Rule 16.3 states, in part, that when a threshold established in Rule 16.4 is reached, the District “will give notice to well permittees.” The Petitioner asserts that a group of Milam County citizens submitted a petition to the District on November 5, 2020, asking it to affirm that the Carrizo and Simsboro aquifers had breached Threshold Levels 1 and 2. A “Groundwater Crisis” report was also submitted to the District by the same group of citizens on May 2, 2021. The Petitioner states that there has not been a response from the District for either the petition or the report. Petition at page 8.

The Petitioner goes on to assert that the Carrizo aquifer reached Threshold Level 2 in April 2020, and Rule 16.4 requires the District to take the actions spelled out in that rule, which includes a review of the Management Plan, rules, and regulations, “at such time as the conditions that result in a breach of Threshold Level 2.” Petition at page 11.

## V. POST OAK’S RESPONSE

In its response, Post Oak stated the DFCs at issue... “were required to be adopted using the best available science, which was the State’s Groundwater Availability Model (GAM). Unfortunately, the application of that previous version of the GAM has led to inaccurate predictions of DFCs and such inaccuracies ultimately and unknowingly led to adoption of unattainable DFCs by the District.” Post Oak’s Response at page 2.

Post Oak claims that it has carried out studies and actions in response to threshold exceedance, and that, along with its rules, are evidence that Post Oak does not consider the MAGs to be irrelevant numbers. Post Oak then goes on to explain that the additional studies will determine the “nature and extent of curtailment in groundwater

---

<sup>1</sup> Of the data found in these figures, the only numbers that can be verified by ED staff are the MAGs for the Carrizo and Simsboro aquifers.

production that may be required to achieve the District’s management objectives inclusive of achieving DFCs and PDLs.”<sup>2</sup> Post Oak response at page 3.

Regarding notice, the District responds that Rule 16.3 requires such notice to be given “as determined appropriate by the Board.” Post Oak response at page 3. The District then elaborates, “Because the Board has not yet determined it is appropriate to notify the well permittees, the District was not required to send notifications to well permittees.” Post Oak response at page 3. The District states it has provided updates at DFC Committee and Board meetings, and its consultants are “in contact with well permittees personnel on an ongoing basis and they were keenly aware of thresholds being reached.” Post Oak response at page 3. Furthermore, the District states that its Management Strategies Report, which will identify and assess challenges in meeting the District’s management goals, is “proof that the Board has exercised utmost concern and diligence during these ongoing efforts.” Post Oak response at page 4.

## **VI. ED’S RECOMMENDATION**

After reviewing the Petition and Response, the ED concludes that Post Oak has adequately demonstrated that it has complied with its rules.

In reviewing the Petition for Inquiry, the ED found that the petition cited the total aquifer production permitted by Post Oak and applied this maximum permitted production amount to the MAG in determining the threshold percent of the MAG. The petition also cited that groundwater production lowered aquifer levels that exceeded threshold percentages of the DFC. Petition at page 6.

The ED attempted to verify the total annual individual aquifer groundwater production, or known pumping, and the specific aquifer groundwater levels over time within the Post Oak boundaries. This information is necessary to know if groundwater production is within MAG percentage thresholds and to also know the percentage of groundwater level decline for the approved DFC of individual aquifers. While the ED found many water wells that monitor conditions in individual aquifers on the Post Oak website, no groundwater level information or groundwater production data was

---

<sup>2</sup> PDL: Protective Drawdown Limit

available for individual aquifers. The ED found a yearly total production chart on the Post Oak website that showed total production for 2020 in Burleson County to be 43,100.6 acre-feet and total production for 2021 in Burleson County to be 55,306.7 acre-feet. Total groundwater production from Milam County was 1,665.4 acre-feet during 2020 and 999.3 acre-feet during 2021. The ED also checked the TWDB website and groundwater production was found for Burleson and Milan Counties (Post Oak) for 2019.

The MAG and DFC that the petition cited were approved on May 25, 2017, and are published on the TWDB website. The TWDB approved new DFCs for GMA 12 GCDs including Post Oak on November 30, 2021.

Additionally, the ED found that the TWDB posted GMA 12 website had published a “Desired Future Condition Explanatory Report for Groundwater Management Area-12” that was finalized on January 28, 2022. In the report, the new DFC values were listed as Final Adopted DFCs for the Sparta, Queen City, Carrizo-Wilcox Aquifers; split into the Carrizo, Calvert Bluff, Simsboro, and Hooper Aquifer DFCs. Staff noted that the 2017 Carrizo DFC for Post Oak is 67 feet of aquifer groundwater level decline and the Simsboro DFC was 318 feet of aquifer groundwater level decline from January 2000 through December 2069. The Final Adopted 2021 Carrizo DFC is 146 feet of decline and the Simsboro is 278 feet of decline from January 2011 through December 2070.<sup>3</sup>

As stated in its Response, Post Oak has indicated that it is in compliance with its rules, specifically 16.3 and 16.4, by addressing concerns of reaching Threshold Levels 1 and 2. It has done so by conducting studies, organizing meetings to discuss the studies, provided public reports about the studies’ findings, and reviewed its Management Plan as well as its rules. Moreover, Post Oak explained that based on studies it had conducted, “there was no possible plan for the Board to consider for curtailing groundwater production that would achieve the applicable DFCs.” Post Oak response at page 4. Post Oak has shown that it has monitored groundwater production, water quality, and water levels, as it is required to do so pursuant to Rule 16.3. The District

---

<sup>3</sup> The ED notes that it would be beneficial for the District's citizens and other stakeholders if all of the MAG and DFC information was clearly identified on Post Oak's website and linked to TWDB's website. In order to ascertain the information found throughout Section VI, ED staff was required to adeptly navigate both websites.



asserts that it has taken any actions required in Rule 16.4 as a result of the monitoring taken pursuant to Rule 16.3. A monitoring network update report, dated March 8, 2022, shows that 355 of the 370 monitored wells were scheduled for water level measurements by April 15, 2022 in the Hooper, Simsboro, Calvert Bluff, Carrizo, Queen City, Sparta, Yegua-Jackson, and the Brazos River Alluvium aquifers.

## VII. REVIEW PANEL

Within 90 days of receiving a petition for inquiry, the Commission shall either dismiss the petition or select a review panel, which will consist of a chairperson and four other members. Tex. Water Code § 36.3011(c); 30 TAC § 293.23(g). If the Commission determines to not dismiss the petition, it must issue an order appointing the members of the review panel and directing them to, not later than the 120<sup>th</sup> day after appointment, “review the petition and any evidence relevant to the petition and, in a public meeting, consider and adopt a report to be submitted to the commission.” TEX. WATER CODE § 36.3011(e).

Within 45 days of receiving the report, the ED or the Commission “shall take action to implement any or all of the panel’s recommendations.” TEX. WATER CODE § 36.3011(h); 30 TAC § 293.23(i).

The commission, after notice and hearing in accordance with Chapter 2001, Government Code, shall take action the commission considers appropriate, including:

- (1) issuing an order requiring the district to take certain actions or to refrain from taking certain actions;
- (2) dissolving the board in accordance with Sections 36.305 and 36.307 and calling an election for the purpose of electing a new board;
- (3) requesting the attorney general to bring suit for the appointment of a receiver to collect the assets and carry on the business of the GCD; or
- (4) dissolving the district in accordance with Tex. Water Code §§ 36.303(a), 36.304, 36.305, and 36.308; 30 TAC § 293.22(e)(1-4).

## **A. Review Panel Member Solicitation**

Although the Executive Director is recommending that the Petition for Review be denied, consistent with prior practice on this type of Petition the Executive Director solicited nominations for review panel members from the Texas Alliance of Groundwater Districts in the event the Commission decided to appoint a review panel. From March 23, 2022, to April 8, 2022, the ED solicited nominations for volunteers to serve on a five-member review panel to consider the Petitioner's Petition for Inquiry. Three nominations were received; however, one of the individuals is disqualified from serving on the panel. Due to the limited response to the first request, the ED issued a second solicitation for volunteers from April 18, 2022, through April 22, 2022. No nominations were received from the second solicitation. The completed nomination forms are attached as Attachment A.

The Texas Water Code requires the commission to appoint a director or general manager of a district located outside the management area that is the subject of the petition; and may not appoint more than two members of the review panel from any one district. TEX. WATER CODE § 36.3011(d). Both of the nominees willing to serve on the review panel are from GMAs other than GMA 12; and neither of the nominees are from the same district.

## **B. Suggested Review Panel Members**

If the Commission decides to appoint a review panel in response to this Petition, The ED recommends the following two nominees for consideration by the Commission in order of tenured experience with respect to groundwater district service:<sup>4</sup>

1. Lynn Smith, P.G., General Manager, Mesquite GCD; GMA 6.
2. Milan J. Michalec, President, Cow Creek GCD; GMA 9.

---

<sup>4</sup> The ED has recommended that two nominees be disqualified. Zach Holland is a general manager adjacent to GMA 12, making him an affected party pursuant to 30 TAC § 293.23 (a)(2), and an affected party may not serve on the review panel pursuant to 30 TAC § 293.23 (g)(1)(B). Bob Kier, submitted as a nominee by the Petitioner, is not a director or general manager of a GCD as required according to 30 TAC §293.23 (g)(1)(B).

The disinterested staff nonvoting recording secretary available and willing to serve is Michael Chadwick, P.G. of the Water Availability Division.

The recommended review panel members have indicated to the ED that they do not own land or have any other holdings or interests adjacent GMA 12, and they are willing to travel and serve at their own expense.

### **C. Insufficient Review Panel**

Should the Commission decide to appoint a review panel, it will consist of only two members and not the required five members. The ED recognizes that a review panel of fewer than five voting members is not consistent with Tex. Water Code § 36.3011(c); however, the ED believes he exhausted the available options to obtain members willing to serve on a review panel.

The ED notes that a concern about finding review panel members was raised in the 2021 TCEQ Sunset Self-Evaluation Report, where, when discussing a review panel appointed in 2019 by the Commission in response to a Petition for Inquiry, the program explained, "... based on the challenges endured by the review panel, the program has concerns that it may be difficult to solicit members and seat a review panel in the future."<sup>5</sup>

## **VIII. RECOMMENDATION**

The ED has thoroughly reviewed both the Petition for Inquiry as well as Post Oak's response, and based on the information contained in these filings, the ED finds that Post Oak has demonstrated that it is in compliance with its rules as well as the applicable TCEQ rules and TWC statutes. As such, the ED has determined that the groundwater in the management area is being adequately protected, as required by both rule and statute, and the ED recommends this petition be denied.

---

<sup>5</sup> This was in response to the following question in the TCEQ September 2021 Sunset Self-Evaluation Report, which can be found in Section VII, Office of Water, Groundwater Planning, pg. 229: "Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws?"

Respectfully submitted,

TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

Toby Baker,  
Executive Director

Charmaine Backens, Deputy Director  
Environmental Law Division

By: 

---

Kayla Murray  
Staff Attorney  
Environmental Law Division  
State Bar No. 24049282  
P.O. Box 13087, MC 173  
Austin, Texas 78711-3087  
Phone (512) 239-4761  
Fax: (512) 239-0606

REPRESENTING THE EXECUTIVE DIRECTOR OF  
THE TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

### CERTIFICATE OF SERVICE

I certify that on April 29, 2022, the Executive Director's Response To Petition For Inquiry & Post Oak Savannah Groundwater Conservation District's Response was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk, and a complete copy was served to all parties listed in the attached Service List via electronic transmission.



---

Kayla Murray  
Environmental Law Division  
State Bar No. 24049282

Mailing List  
Post Oak Savannah Groundwater Conservation District  
TCEQ Docket No. 2022-0299-MIS

Curtis Chubb, Ph.D.  
Blue Dog Ranch  
830 County Road 330  
Milano, Texas 76556  
512/455-9180

[texas.rain@centurylink.net](mailto:texas.rain@centurylink.net)

Gary Westbrook, General Manager  
Post Oak Savannah Groundwater  
Conservation District  
310 East Avenue C  
Milano, Texas 76556  
512/455-9900 FAX 512/455-9909  
[gwestbrook@posgcd.org](mailto:gwestbrook@posgcd.org)

Timothy T. Loftus, Ph.D., General  
Manager  
Barton Springs/Edwards Aquifer  
Conservation District  
1124 Regal Row  
Austin, Texas 78748  
512/282-8441 FAX 512/282-7016  
[tloftus@bseacd.org](mailto:tloftus@bseacd.org)

Zach Holland, General Manager  
Bluebonnet Groundwater Conservation  
District  
P.O. Box 269  
Navasota, Texas 77868  
936/825-7303 FAX 936/825-7331  
[zholland@bluebonnetgroundwater.org](mailto:zholland@bluebonnetgroundwater.org)

Alan M. Day, General Manager  
Brazos Valley Groundwater  
Conservation District  
P.O. Box 528  
Hearne, Texas 77859  
979/279-9350  
[aday@brazosvalleygcd.org](mailto:aday@brazosvalleygcd.org)

Laura Martin, General Manager  
Gonzales County Underground Water  
Conservation District  
P.O. Box 1919  
Gonzales, Texas 78629  
830/672-1047 FAX 830/672-1387  
[admin@gcuwcd.org](mailto:admin@gcuwcd.org)

David A. Van Dresar, General Manager  
Fayette County Groundwater  
Conservation District  
255 Svoboda Lane, Rm 115  
La Grange, Texas 78945  
979/968-3135 FAX 979/968-3194  
[david@fayettecountygroundwater.com](mailto:david@fayettecountygroundwater.com)

Penny Hanson, General Manager  
Neches & Trinity Valleys Groundwater  
Conservation District  
501 Devereaux St.  
Jacksonville, Texas 75766  
903/541-4845 FAX 903/541-4869  
[manager@ntvgcd.org](mailto:manager@ntvgcd.org)

James Totten, General Manager  
Lost Pines Groundwater Conservation  
District  
P.O. Box 1027  
Smithville, Texas 78957  
512/360-5088 FAX 512/360-5448  
[lpgcd@lostpineswater.org](mailto:lpgcd@lostpineswater.org)

David Bailey, General Manager  
Mid-East Texas Groundwater  
Conservation District  
P.O. Box 477  
Madisonville, Texas 77864  
936/348-3212 FAX 936/348-3512  
[david\\_metgcd@att.net](mailto:david_metgcd@att.net)

Vic McWherter  
TCEQ Office of Public Interest Counsel  
MC 103  
P.O. Box 13087  
Austin, Texas 78711-3087  
512/239-6363 FAX 512/239-6377  
[Vic.mcwherter@tceq.texas.gov](mailto:Vic.mcwherter@tceq.texas.gov)

Docket Clerk  
TCEQ Office of Chief Clerk MC 105  
P.O. Box 13087  
Austin, Texas 78711-3087  
<https://www14.tceq.texas.gov/epic/eFiling/>

Ryan Vise  
TCEQ External Relations Division MC 118  
P.O. Box 13087  
Austin, Texas 78711-3087  
512/239-0010 FAX 512/239-5000  
[pep@tceq.texas.gov](mailto:pep@tceq.texas.gov)

Kyle Lucas  
TCEQ Alternative Dispute Resolution MC 222  
P.O. Box 13087  
Austin, Texas 78711-3087  
512/239-0687 FAX 512-239-4015  
[Kyle.lucas@tceq.texas.gov](mailto:Kyle.lucas@tceq.texas.gov)

# Attachment A

## Review Panel Nomination Form for Groundwater Conservation District Directors or Managers

Person being nominated

Your contact details

Name: Lynn Smith, P.G.	Name: same
Address/City/State:: 802 9TH ST Wellington, TX 79095	Address/City/State:
Nominee's Groundwater Management Area: GMA 6	
Nominee's Groundwater Conservation District: Mesquite GCD	
Title: General Manager	Title:
Tenure with District Starting my 7th Year	Affiliation:
Phone: 940-273-4230 Fax:	Phone: Fax:
Email: manager@mesquitegcd.gov	Email:

Is nominee willing to serve on a review panel in accordance with Texas Water Code, §36.3011 and Title 30, Texas Administrative Code, §293.23?      Yes       Don't know

Is nominee willing to serve as chairman of a review panel?      Yes       Don't know

Is nominee willing to travel and serve at own expense?      Yes       No

Does nominee own land or have any other holdings or interests in Groundwater Management Area 12?  
Yes       No

Does nominee own land or have any other holdings or interests adjacent to Groundwater Management Area 12?  
Yes       No

Does nominee own land or have any other holdings or interests in the Post Oak Savannah Groundwater Conservation District?      Yes       No

Please make a brief statement of the nominee's background and qualifications to serve on a review panel:

I am starting my 7th year as a General Manager at Mesquite GCD. Prior to that, I worked as a geologist/geophysicist at Collier Consulting for 18 years, primarily in the area of Texas groundwater.

I served on the Starr GCD Review Panel.

Send nomination forms to:

Mike Chadwick, P.G., MC-147  
Texas Commission on Environmental Quality  
PO Box 13087  
Austin TX 78711-3087  
Tel: 512-239-4517

- or -

michael.chadwick@tceq.texas.gov  
(put "Nominations" in the subject line)



# Review Panel Nomination Form for Groundwater Conservation District Directors or Managers

Person being nominated

Your contact details

Name: <i>Zach Holland</i>	Name: <i>Same</i>
Address/City/State: <i>303 E. Washington Avenue, Suite D Navasota, TX 77868</i>	Address/City/State:
Nominee's Groundwater Management Area: <i>14</i>	
Nominee's Groundwater Conservation District: <i>Bluebonnet Groundwater Conservation District</i>	
Title: <i>General Manager</i>	Title:
Tenure with District <i>12 years</i>	Affiliation:
Phone: <i>936-825-7303</i> Fax: <i>936-825-7331</i>	Phone: Fax:
Email: <i>zholland@bluebonnetgroundwater.org</i>	Email:

Is nominee willing to serve on a review panel in accordance with Texas Water Code, §36.3011 and Title 30, Texas Administrative Code, §293.23?      Yes       Don't know

Is nominee willing to serve as chairman of a review panel?      Yes       Don't know

Is nominee willing to travel and serve at own expense?      Yes       No

Does nominee own land or have any other holdings or interests in Groundwater Management Area 12?  
Yes       No

Does nominee own land or have any other holdings or interests adjacent to Groundwater Management Area 12?  
Yes       No

Does nominee own land or have any other holdings or interests in the Post Oak Savannah Groundwater Conservation District?      Yes       No

Please make a brief statement of the nominee's background and qualifications to serve on a review panel:  
*In my 12 years with the District, I have served in various capacities in local, regional, and state-wide organizations and groups. I also served on the review panel for Starr County GED which provides unique insights to the review panel process. If I can be of assistance in any capacity, please let me know.*

Send nomination forms to:

Mike Chadwick, P.G., MC-147  
Texas Commission on Environmental Quality  
PO Box 13087  
Austin TX 78711-3087  
Tel: 512-239-4517

- or -

michael.chadwick@tceq.texas.gov  
(put "Nominations" in the subject line)

## **REVIEW PANEL NOMINATION FORM – CHUBB PETITION FOR INQUIRY**

### **NOMINEE’S PERSONAL INFORMATION:**

- NAME: Robert S. Kier
- ADDRESS: 10604 D-K Ranch Road, Austin, Texas 78759
- TELEPHONE NUMBER: 512-461-5099 (mobile)
- EMAIL ADDRESS: bkier@austin.rr.com

IS NOMINEE WILLING TO SERVE ON THE REVIEW PANEL IN ACCORDANCE WITH TEXAS WATER CODE 36.3011 AND TITLE 30 TEXAS ADMINISTRATIVE CODE 293.23? Yes

IS NOMINEE WILLING TO SERVE AS CHAIRMAN OF THE REVIEW PANEL? Yes – if needed

IS NOMINEE WILLING TO TRAVEL AND SERVE AT OWN EXPENSE? Yes

DOES NOMINEE OWN LAND OR HAVE ANY OTHER HOLDINGS OR INTERESTS IN GROUNDWATER MANAGEMENT AREA 12? No

DOES NOMINEE OWN LAND OR HAVE ANY OTHER HOLDINGS OR INTERESTS ADJACENT TO GROUNDWATER MANAGEMENT AREA 12? No

DOES NOMINEE OWN LAND OR HAVE ANY OTHER HOLDINGS OR INTERESTS IN THE POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT? No

NOMINEE’S BRIEF STATEMENT OF BACKGROUND AND QUALIFICATIONS TO SERVE ON THE REVIEW PANEL:

- Ph.D. in Geology – 1972
- Practice over 50 years, 1971 to current
- Hydrogeology, engineering geology, environmental geology, general geology
- Licensed in Texas
- Self-employed

## **REVIEW PANEL NOMINATION FORM – CHUBB PETITION FOR INQUIRY**

### **NOMINEE’S PERSONAL INFORMATION:**

- NAME: Milan J. Michalec
- ADDRESS: 12 Brandt Road, Boerne, TX 78006
- TELEPHONE NUMBER: 210-373-5458 (mobile)
- EMAIL ADDRESS: redfish@gvtc.com

IS NOMINEE WILLING TO SERVE ON THE REVIEW PANEL IN ACCORDANCE WITH TEXAS WATER CODE 36.3011 AND TITLE 30 TEXAS ADMINISTRATIVE CODE 293.23? Yes

IS NOMINEE WILLING TO SERVE AS CHAIRMAN OF THE REVIEW PANEL? No

IS NOMINEE WILLING TO TRAVEL AND SERVE AT OWN EXPENSE? Yes

DOES NOMINEE OWN LAND OR HAVE ANY OTHER HOLDINGS OR INTERESTS IN GROUNDWATER MANAGEMENT AREA 12? No

DOES NOMINEE OWN LAND OR HAVE ANY OTHER HOLDINGS OR INTERESTS ADJACENT TO GROUNDWATER MANAGEMENT AREA 12? No

DOES NOMINEE OWN LAND OR HAVE ANY OTHER HOLDINGS OR INTERESTS IN THE POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT? No

**NOMINEE’S BRIEF STATEMENT OF BACKGROUND AND QUALIFICATIONS TO SERVE ON THE REVIEW PANEL:**

After completing a 25-year career in Aircraft Maintenance, I retired from active duty in 2001. I continue to serve in the Civil Service today as an Aircraft Logistics Program Analyst at JBSA-Randolph. I began studying and writing about local water issues in and around GMA 9 in 2004. At that time, I also started attending public meetings like Boerne City Council, Kendall County Commissioners Court and the Cow Creek Groundwater Conservation District. In 2006, I was appointed to fill a vacancy on the Board of Directors. Today, I am the Board President and serving a fourth term as a Director in District 2.