

Jon Niermann, *Chairman*  
Bobby Janecka, *Commissioner*  
Catarina R. Gonzales, *Commissioner*  
Kelly Keel, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

July 31, 2024

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

Re: Petition for Inquiry of Lone Star Groundwater Conservation District;  
TCEQ Docket No. 2024-0967-MIS

Dear Ms. Gharis:

Enclosed for filing is "Attachment A" that is part of the Executive Director's (ED) Response for the above-referenced matter. It was not included with the ED's Response filed on July 30, 2024, due to an Adobe-related issue.

Please let me know if you have any questions at [kayla.murray@tceq.texas.gov](mailto:kayla.murray@tceq.texas.gov).

Sincerely,

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

Kayla Murray  
Staff Attorney  
Environmental Law Division

Enclosure

cc: Mailing List



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

Nominee Information		Person Nominating Information	
<i>Name:</i> Amber Blount	<i>Title:</i> General Manager	<i>Name:</i> Doug Shaw	<i>Title:</i> General Manager
<i>Address/City/State:</i> 1012 Ave. F, Plains, TX 79355		<i>Address/City/State:</i> 1859 W Hwy 199, Springtown, TX	
<i>Nominee's Groundwater Management Area:</i> GMA 2		<i>Affiliation:</i> GM of Upper Trinity GCD and member of GMA 8 and GMA 6	
<i>Nominee's Groundwater Conservation District:</i> Sandy Land UWCD		<i>Phone:</i> (817) 523-5200	
<i>Tenure with District:</i> 17 years		<i>Fax:</i>	
<i>Phone:</i> (806) 456-2155		<i>Email:</i> doug@uppertrinitygcd.com	
<i>Fax:</i> (806) 456-5655		<div style="border: 1px solid black; width: 100%; height: 100%;"></div>	
<i>Email:</i> amber@sandylandwater.com			

Questions about Nominee	Yes	No	Comments
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Is nominee willing to serve as chairman of a review panel?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Is nominee willing to travel and serve at own expense?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Does nominee own land or have any other holdings or interests in <span style="border: 1px solid black; padding: 2px;">Groundwater Management Area 14</span> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Does nominee own land or have any other holdings or interests adjacent to <span style="border: 1px solid black; padding: 2px;">Groundwater Management Area 14</span> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Does nominee own land or have any other holdings or interests in the <span style="border: 1px solid black; padding: 2px;">Lone Star Groundwater Conservation District</span> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>Please make a brief statement of the nominee's background and qualifications to serve on a review panel:</p> <p>I have worked with Amber for years through Texas Alliance of Groundwater Districts and she has demonstrated a great understanding of the requirements set forth for Groundwater Conservation Districts. Additionally, she has shown to be impartial in her decision making.</p>			

Send Nomination Forms To:	
Peggy Hunka, P.G., MC-147 Texas Commission on Environmental Quality PO Box 13087 Austin TX 78711-3087 Cell: 512-468-7282 Tel: 512-239-2789	<div style="text-align: center;">- or -</div> <div style="text-align: center;"> <a href="mailto:peggy.hunka@tceq.texas.gov">peggy.hunka@tceq.texas.gov</a>          (put "Nominations" in the subject line) </div>



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

Nominee Information	Person Nominating Information
Name: <u>Britney Britten</u> Title: <u>GM</u>	Name: <u>Britney Britten</u> Title: <u>GM</u>
Address/City/State: <u>301 W. 3rd White Deer, TX</u>	Address/City/State: <u>Same</u>
Nominee's Groundwater Management Area: <u>1</u>	Affiliation:
Nominee's Groundwater Conservation District: <u>Panhandle GCD</u>	Phone: Fax:
Tenure with District: <u>9 years</u>	Email:
Phone: <u>806-883-2501 ext. 2</u> Fax:	
Email: <u>Britney@pgcd.us</u>	

Questions about Nominee	Yes	No	Comments
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Is nominee willing to serve as chairman of a review panel?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Is nominee willing to travel and serve at own expense?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Does nominee own land or have any other holdings or interests in <u>Groundwater Management Area 14</u> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Does nominee own land or have any other holdings or interests adjacent to <u>Groundwater Management Area 14</u> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Does nominee own land or have any other holdings or interests in the <u>Lone Star Groundwater Conservation District</u> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

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

I would be willing to serve on the review panel to offer unbiased opinion & thoughts on the petition. I believe in our processes for groundwater laws and would take my role as petitioner seriously. I have been manager for 3 years and have a Masters in Strategic Communication and innovation.

Send Nomination Forms To:	
Peggy Hunka, P.G., MC-147 Texas Commission on Environmental Quality PO Box 13087 Austin TX 78711-3087 Cell: 512-468-7282 Tel: 512-239-2789	- or - <a href="mailto:peggy.hunka@tceq.texas.gov">peggy.hunka@tceq.texas.gov</a> (put "Nominations" in the subject line)



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

Nominee Information		Person Nominating Information	
<i>Name:</i> Carrie Dodson - GM	<i>Title:</i> Carrie Dodson - GM	<i>Name:</i> same	<i>Title:</i> same
<i>Address/City/State:</i> 1097 FM 2640 Quanah, TX 79252		<i>Address/City/State:</i>	
<i>Nominee's Groundwater Management Area:</i> GMA 6		<i>Affiliation:</i>	
<i>Nominee's Groundwater Conservation District:</i> Gateway Groundwater Cons Dist		<i>Phone:</i> <span style="float: right;"><i>Fax:</i></span>	
<i>Tenure with District:</i> 6 years		<i>Email:</i>	
<i>Phone:</i> 9408399000			
<i>Fax:</i> 9408399000			
<i>Email:</i> gatewaygcd@att.net			

Questions about Nominee	Yes	No	Comments
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Is nominee willing to serve as chairman of a review panel?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Is nominee willing to travel and serve at own expense?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Does nominee own land or have any other holdings or interests in <u>Groundwater Management Area 14</u> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Does nominee own land or have any other holdings or interests <u>adjacent</u> to <u>Groundwater Management Area</u> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Does nominee own land or have any other holdings or interests in the <u>Lone Star Groundwater Conserva</u> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Please make a brief statement of the nominee's background and qualifications to serve on a review panel: General Manager of Gateway Groundwater Conservation District since 2018. Attributes include integrity and attention to detail.			

Send Nomination Forms To:	
Peggy Hunka, P.G., MC-147 Texas Commission on Environmental Quality PO Box 13087 Austin TX 78711-3087 Cell: 512-468-7282 Tel: 512-239-2789	- or -  <a href="mailto:peggy.hunka@tceq.texas.gov">peggy.hunka@tceq.texas.gov</a> (put "Nominations" in the subject line)



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

Nominee Information	Person Nominating Information
<i>Name:</i> Laura Martin <i>Title:</i> General Manager	<i>Name:</i> self <i>Title:</i> self
<i>Address/City/State:</i> PO Box 1919	<i>Address/City/State:</i>
<i>Nominee's Groundwater Management Area:</i> GMA 13	<i>Affiliation:</i>
<i>Nominee's Groundwater Conservation District:</i> Gonzales County UWCD	<i>Phone:</i> <i>Fax:</i>
<i>Tenure with District:</i> 10 years	<i>Email:</i>
<i>Phone:</i> 830-672-1047 office 830-339-0893 cell	
<i>Email:</i> generalmanager@gcuwcd.org	

Questions about Nominee	Yes	No	Comments
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Is nominee willing to serve as chairman of a review panel?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Is nominee willing to travel and serve at own expense?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Does nominee own land or have any other holdings or interests <u>in</u> <span style="border: 1px solid black; padding: 2px;">Groundwater Management Area 14</span> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Does nominee own land or have any other holdings or interests <u>adjacent to</u> <span style="border: 1px solid black; padding: 2px;">Groundwater Management Area 14</span> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Does nominee own land or have any other holdings or interests in the <span style="border: 1px solid black; padding: 2px;">Lone Star Groundwater Conservation District</span> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Please make a brief statement of the nominee's background and qualifications to serve on a review panel: Employee of GCUWCD for 10 years, 3 years as general manager. Graduate of the Texas Water Foundation, Texas Water Leaders Program.			

Send Nomination Forms To:	
Peggy Hunka, P.G., MC-147 Texas Commission on Environmental Quality PO Box 13087 Austin TX 78711-3087 Cell: 512-468-7282 Tel: 512-239-2789	- or - <a href="mailto:peggy.hunka@tceq.texas.gov">peggy.hunka@tceq.texas.gov</a> (put "Nominations" in the subject line)



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

Nominee Information	Person Nominating Information
<i>Name:</i> Doug Shaw <i>Title:</i> General Manager	<i>Name:</i> Doug Shaw <i>Title:</i> General Manager
<i>Address/City/State:</i> 1859 W Hwy 199, Springtown, TX	<i>Address/City/State:</i> 1859 W Hwy 199, Springtown, TX
<i>Nominee's Groundwater Management Area:</i> GMA 8 & GMA 6	<i>Affiliation:</i> GM of Upper Trinity GCD and member of GMA 8 and GMA 6
<i>Nominee's Groundwater Conservation District:</i> Upper Trinity GCD	<i>Phone:</i> (817) 523-5200 <i>Fax:</i>
<i>Tenure with District:</i> 9 years	<i>Email:</i> doug@uppertrinitygcd.com
<i>Phone:</i> (817) 523-5200 <i>Fax:</i>	
<i>Email:</i> doug@uppertrinitygcd.com	

Questions about Nominee	Yes	No	Comments
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Is nominee willing to serve as chairman of a review panel?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Is nominee willing to travel and serve at own expense?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Does nominee own land or have any other holdings or interests in <u>Groundwater Management Area 14</u> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Does nominee own land or have any other holdings or interests <u>adjacent to</u> <u>Groundwater Management Area 14</u> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Does nominee own land or have any other holdings or interests in the <u>Lone Star Groundwater Conservation District</u> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Please make a brief statement of the nominee's background and qualifications to serve on a review panel: I have worked with Mitchell for years through GMA 8 and he has a very fair and impartial way of making decisions and is very familiar with the requirements set forth for Groundwater Conservation Districts.			

Send Nomination Forms To:	
Peggy Hunka, P.G., MC-147 Texas Commission on Environmental Quality PO Box 13087 Austin TX 78711-3087 Cell: 512-468-7282 Tel: 512-239-2789	<a href="mailto:peggy.hunka@tceq.texas.gov">peggy.hunka@tceq.texas.gov</a> (put "Nominations" in the subject line)
- or -	



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

Nominee Information	Person Nominating Information
Name: <u>Lynn Smith</u> Title: <u>PG G.M.</u>	Name: <u>Lynn Smith, PG</u> Title: <u>G.M.</u>
Address/City/State: PO Box 868, Seymour, TX 76380	Address/City/State: PO Box 868, Seymour, TX 76380
Nominee's Groundwater Management Area: GMA 6	Affiliation: Rolling Plains GCD
Nominee's Groundwater Conservation District: Rolling Plains GCD	Phone: <u>940 273 4230</u> Fax: <u>4230</u>
Tenure with District: 1.5 years, 8 years at previous district	Email: lynn@rollingplainsgcd.gov
Phone: <u>940 273 4230</u> Fax:	
Email: lynn@rollingplainsgcd.gov	

Questions about Nominee	Yes	No	Comments
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Is nominee willing to serve as chairman of a review panel?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	if no other person is more appropriate
Is nominee willing to travel and serve at own expense?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Does nominee own land or have any other holdings or interests in <u>Groundwater Management Area 14</u> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Does nominee own land or have any other holdings or interests adjacent to <u>Groundwater Management Area 14</u> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Does nominee own land or have any other holdings or interests in the <u>Lone Star Groundwater Conservation District</u> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>Please make a brief statement of the nominee's background and qualifications to serve on a review panel:</p> <p>I have served as a GCD General Manager for 9.5 years. I served on the Starr Review Panel. Prior to being on staff with a GCD, I worked for Collier Consulting as a geophysicist/hydrogeologist doing projects in most of Texas and the southwestern US.</p>			

Send Nomination Forms To:	
Peggy Hunka, P.G., MC-147 Texas Commission on Environmental Quality PO Box 13087 Austin TX 78711-3087 Cell: 512-468-7282 Tel: 512-239-2789	- or - <a href="mailto:peggy.hunka@tceq.texas.gov">peggy.hunka@tceq.texas.gov</a> (put "Nominations" in the subject line)



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

Nominee Information		Person Nominating Information	
<i>Name:</i> Mitchell Sodek	<i>Title:</i> General Manager	<i>Name:</i> Doug Shaw	<i>Title:</i> General Manager
<i>Address/City/State:</i> 225 S. Pierce, Suite 104, Burnet, TX		<i>Address/City/State:</i> 1859 W Hwy 199, Springtown, TX	
<i>Nominee's Groundwater Management Area:</i> GMA 8		<i>Affiliation:</i> GM of Upper Trinity GCD and member of GMA 8 and GMA 6	
<i>Nominee's Groundwater Conservation District:</i> Central TX		<i>Phone:</i> (817) 523-5200 <i>Fax:</i>	
<i>Tenure with District:</i> 14 years		<i>Email:</i> doug@uppertrinitygcd.com	
<i>Phone:</i> (512) 756-4900 <i>Fax:</i> (512) 756-4997			
<i>Email:</i> sodek@centraltexasgcd.org			

Questions about Nominee	Yes	No	Comments
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	my assumption is yes, but I only reached out to him on the due date for nominations and have not heard from him.
Is nominee willing to serve as chairman of a review panel?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Is nominee willing to travel and serve at own expense?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Does nominee own land or have any other holdings or interests in <u>Groundwater Management Area 14</u> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Does nominee own land or have any other holdings or interests <u>adjacent</u> to <u>Groundwater Management Area 14</u> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Does nominee own land or have any other holdings or interests in the <u>Lone Star Groundwater Conservation District</u> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>Please make a brief statement of the nominee's background and qualifications to serve on a review panel:</p> <p>I have worked with Mitchell for years through GMA 8 and he has a very fair and impartial way of making decisions and is very familiar with the requirements set forth for Groundwater Conservation Districts.</p>			

Send Nomination Forms To:	
Peggy Hunka, P.G., MC-147 Texas Commission on Environmental Quality PO Box 13087 Austin TX 78711-3087 Cell: 512-468-7282 Tel: 512-239-2789	- or -  <a href="mailto:peggy.hunka@tceq.texas.gov">peggy.hunka@tceq.texas.gov</a> (put "Nominations" in the subject line)



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

Nominee Information		Person Nominating Information	
<i>Name:</i> Lonnie Stewart	<i>Title:</i> Lonnie Stewart	<i>Name:</i> Lonnie Stewart	<i>Title:</i> Lonnie Stewart
<i>Address/City/State:</i> 731 FM 799, George West, TX 78022		<i>Address/City/State:</i> 731 FM 799, George West, TX 78022	
<i>Nominee's Groundwater Management Area:</i> GMA 13,15,16		<i>Affiliation:</i>	
<i>Nominee's Groundwater Conservation District:</i> Live Oak UWCD		<i>Phone:</i> 361-449-7017	<i>Fax:</i> 361-449-7017
<i>Tenure with District:</i> Since 1990		<i>Email:</i> louwcd@yahoo.com	
<i>Phone:</i> 361-449-7017	<i>Fax:</i> 361-449-7017		
<i>Email:</i> louwcd@yahoo.com			

Questions about Nominee	Yes	No	Comments
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Is nominee willing to serve as chairman of a review panel?	<input type="checkbox"/>	<input type="checkbox"/>	Yes, but preferable no
Is nominee willing to travel and serve at own expense?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Does nominee own land or have any other holdings or interests <u>in</u> <span style="border: 1px solid black; padding: 2px;">Groundwater Management Area 14</span> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Does nominee own land or have any other holdings or interests <u>adjacent to</u> <span style="border: 1px solid black; padding: 2px;">Groundwater Management Area 14</span> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Does nominee own land or have any other holdings or interests in the <span style="border: 1px solid black; padding: 2px;">Lone Star Groundwater Conservation District</span> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Please make a brief statement of the nominee's background and qualifications to serve on a review panel:			

Send Nomination Forms To:	
Peggy Hunka, P.G., MC-147 Texas Commission on Environmental Quality PO Box 13087 Austin TX 78711-3087 Cell: 512-468-7282 Tel: 512-239-2789	- or -  <a href="mailto:peggy.hunka@tceq.texas.gov">peggy.hunka@tceq.texas.gov</a> (put "Nominations" in the subject line)



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

Nominee Information	Person Nominating Information
<i>Name:</i> <u>Micah Voulgaris</u> <i>Title:</i> <u>GM</u>	<i>Name:</i> <u>Micah Voulgaris</u> <i>Title:</i> <u>GM</u>
<i>Address/City/State:</i> P.O. Box 1557/Boerne, 78006/Texas	<i>Address/City/State:</i> P.O. Box 1557/Boerne, 78006/Texas
<i>Nominee's Groundwater Management Area:</i> GMA 9	<i>Affiliation:</i> General Manager
<i>Nominee's Groundwater Conservation District:</i> Cow Creek GCD	<i>Phone:</i> <u>830 446 9782</u> <i>Fax:</i> <u>830 816 2607</u>
<i>Tenure with District:</i> 20 years	<i>Email:</i> <u>manager@ccgcd.org</u>
<i>Phone:</i> <u>830 816 2504</u> <i>Fax:</i> <u>830 816 2607</u>	
<i>Email:</i> manager@ccgcd.org	

Questions about Nominee	Yes	No	Comments
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Is nominee willing to serve as chairman of a review panel?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Is nominee willing to travel and serve at own expense?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Does nominee own land or have any other holdings or interests <u>in</u> <span style="border: 1px solid black; padding: 2px;">Groundwater Management Area 14</span> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Does nominee own land or have any other holdings or interests <u>adjacent</u> to <span style="border: 1px solid black; padding: 2px;">Groundwater Management Area 14</span> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Does nominee own land or have any other holdings or interests in the <span style="border: 1px solid black; padding: 2px;">Lone Star Groundwater Conservation District</span> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Please make a brief statement of the nominee's background and qualifications to serve on a review panel: I previously served on a review panel for the Starr County GCD. I am chairman of the GMA 9 Joint Planning Committee and have been employed by the Cow Creek GCD for 20 years.			

Send Nomination Forms To:	
Peggy Hunka, P.G., MC-147 Texas Commission on Environmental Quality PO Box 13087 Austin TX 78711-3087 Cell: 512-468-7282 Tel: 512-239-2789	- or - <a href="mailto:peggy.hunka@tceq.texas.gov">peggy.hunka@tceq.texas.gov</a> (put "Nominations" in the subject line)

**TCEQ DOCKET No. 2024-0967-MIS**

<b>PETITION FOR INQUIRY OF LONE STAR GROUNDWATER CONSERVATION DISTRICT SUBMITTED BY BILL BERAN</b>	<b>§ § § §</b>	<b>BEFORE THE TEXAS COMMISSION  ON  ENVIRONMENTAL QUALITY</b>
--	----------------------------	---

**EXECUTIVE DIRECTOR’S RESPONSE TO PETITION FOR INQUIRY & LONE STAR  
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 Lone Star Groundwater Conservation District (Lone Star or District) filed by Bill Beran (Petitioner). The ED will also respond to Lone Star’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 the rules adopted by Lone Star do not adequately protect the groundwater in the management area, pursuant to TEXAS WATER CODE (TWC) § 36.3011(b)(8) and 30 TAC § 293.23(b)(8). The ED recommends denying the petition because the Petitioner does not provide evidence that Lone Star is not adequately protecting groundwater in the management area.

**II. PROCEDURAL BACKGROUND**

On June 11, 2024, Bill Beran filed a Petition for Inquiry of Lone Star Groundwater Conservation District with the Commission.<sup>1</sup> 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 and the two nearby subsidence districts, which are within and adjacent to GMA 14: Bluebonnet GCD; Brazoria County GCD; Lone Star GCD; Lower Trinity GCD; Southwest Texas GCD; Harris-Galveston Subsidence District; Fort Bend Subsidence District; Pineywoods GCD; Mid-East Texas GCD; Brazos Valley GCD; Lost Pines GCD; Post Oak Savannah GCD; Fayette County GCD; Colorado County GCD; Coastal Bend GCD; and Coastal Plains GCD.

On June 25, 2024, 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 July 9, 2024, 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

---

<sup>1</sup> It does not appear that the petition included a certified statement that described why the Petitioner believes an inquiry is necessary, pursuant to 30 TAC § 293.23(d). However, the ED does not recommend denying the petition on that basis alone.

deadline to file a response to the Petition was on July 16, 2024, and one response was received by that date, from Lone Star.

### **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). Moreover, a GCD’s board of directors can determine it is appropriate to permit more groundwater than previously allowed as long as the amount of groundwater production is within the adopted DFC.<sup>2</sup>

#### **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 is a landowner in the management area and he alleges that the groundwater in the management area is not adequately protected by the rules adopted by the District. This allegation matches the basis for a petition pursuant to TWC § 36.3011(b)(8) and 30 TAC § 293.23(b)(8).

In his petition, the Petitioner claimed that the groundwater production rates in Lone Star’s DFCs exceed aquifer recharge rates. The Petitioner asserts that the District’s board of directors have introduced groundwater production rates in their DFCs that “greatly exceed aquifer recharge rates.” The Petitioner goes on to claim that the District’s past “excessive” use of groundwater has resulted in “serious declines” of all water wells’ production in Montgomery County. Petition for Inquiry (PFI) at page 1. The Petitioner expressed concerns that as the population increases, there will be an inevitable increase in water demand in Montgomery County, and the District’s “liberal [groundwater use] policy” will “accelerate depletion of [the] aquifer’s artesian pressure, invite permanent compaction of our clay-based aquifer soils, and further contribute to more ground faulting and surface subsidence issues.” PFI at page 1.

The Petitioner refers to a Groundwater Reduction Plan (GRP) devised by the San Jacinto River Authority (SJRA) in 2015. The Petitioner outlines this plan in his Petition, and stated that the plan, which called for the use of surface water from Lake Conroe, would “keep the county’s groundwater withdrawal rates no higher than the estimated recharge rate of 64,000 ac-ft/yr.” PFI at page 2. The Petitioner goes on to explain that legislation introduced and passed in 2017, changed the District’s board of directors from being appointed to being elected. PFI at pages 2-3. As a result of this change, the Petitioner states that the elected board of directors “cancelled” the 64,000 ac-ft/yr limit, and “replaced” it with 94,000 ac-ft/yr.

---

<sup>2</sup> However, the Petitioner could appeal the DFCs with the Texas Water Development Board (TWDB).

The Petitioner included a graph which he claims demonstrates the “deterioration of the aquifers’ productivity” as a result of this increase in ac-ft/yr implemented by the board of directors. This graph appears to represent the Petitioner’s view on the previous 64,000 ac-ft/yr withdrawal rate versus the most recently adopted 94,000 ac-ft/yr withdrawal rate, and does not appear to be based on actual data.

## **V. LONE STAR’S RESPONSE**

In its response, Lone Star claims that the Petition lacks supporting documentation and is defective on its face. Lone Star states that the defectiveness is due to the Petitioner failing to certify the petition and not attaching the graph included in the petition, in the copy served on Lone Star. Moreover, Lone Star asserts that the graph is invalid because it does not include the referenced article or the underlying data and calculations shown in the graph. Lone Star’s Response at page 2 and pages 10-11.

Additionally, Lone Star goes on to assert that the groundwater issues raised by the Petitioner are beyond the scope of the TCEQ’s authority. Specifically, Lone Star claims the following:

1. Only GCDs within a GMA can determine DFC. Lone Star’s Response at page 15.
2. The Petitioner should have filed a timely challenge of the current DFCs. *Id.*
3. It would be illegal for Lone Star to enforce the 64,000 ac-ft/yr limit, as that limit has been declared invalid. Lone Star’s Response at page pages 5-6.
4. TCEQ does not have the authority to change Lone Star’s enabling legislation nor does it have authority over Lone Star’s elections. Lone Star’s Response at page 15.
5. TCEQ does not have the authority to require permit holders to join the San Jacinto River Authority’s Groundwater Reduction Plan. Lone Star’s Response at page 16.

Lastly, Lone Star states that it has rules to protect the groundwater in GMA 14. Lone Star’s Response at page 8. Lone Star explains that its rules, “require operating permits for all non-exempt use. Each permit contains an annual production limit that is enforced by penalty.” *Id.* It goes on to explain the District has spacing rules to, “limit drawdown, minimize interference between wells, and control subsidence.” *Id.* Moreover, Lone Star claims that its most recent assessments, “conclude that LSGCD is on track to achieve its DFCs.” *Id.*

## **VI. ED’S RECOMMENDATION**

After reviewing the Petition and Response, the ED concludes that the Petitioner did not present evidence that showed the groundwater in the management area is potentially not being adequately protected by Lone Star’s rules. While the Petitioner asserted that the current DFCs allow for more groundwater to be pumped than was previously allowed, this does not demonstrate that the groundwater is not being protected. Moreover, the approval and adoption process of DFCs is not within the authority of the TCEQ.<sup>3</sup> Lastly, the ED has noted that the Petitioner appears to take issue with Lone Star

---

<sup>3</sup> The board of directors of GCDs is responsible for adopting rules, DFCs, and management plans for their respective GCD.

converting from an appointed board of directors to an elected board. However, the TCEQ has no authority over how the District's board is selected.

Lone Star has stated that it is operating within its approved DFCs, and it also states that the rules adopted are in compliance with these DFCs. The petition does not provide evidence to the contrary. No further action is required by TCEQ.

## **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 grant 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 36, Water 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 in the event the Commission decided to appoint a review panel. From June 26, 2024 to July, 22, 2024, 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. Due to the limited response to the first request, the ED issued a second solicitation for volunteers from July 23, 2024, through July 26, 2024. Six 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 that is not within or adjacent to 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). All of the nominees willing to serve on the review panel are from GCDs that are not in or adjacent to GMA 14.; and none 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 nominees for consideration by the Commission in order of tenured experience with respect to groundwater district service and willingness to serve as Chairman:

1. Lynn Smith, P.G., General Manager, Mesquite GCD; GMA 6.
2. Amber Blount, General Manager, Sandy Land UWCD, GMA 2.
3. Mitchell Sodek, General Manager, Central Texas GCD, GMA 8.
4. Lonnie Stewart, General Manager, Live Oak UWCD (and several others none of which are adjacent to or in GMA 14); GMA 13, 15, 16.
5. Michah Voulgaris, General Manager, Cow Creek GCD, GMA 9.
6. Laura Martin, General Manager, Gonzales County UWCD, GMA 13.
7. Doug Shaw, General Manager, Upper Trinity GCD, GMA 8 and 6.
8. Britney Britten, General Manager, Panhandle GCD, GMA 1.
9. Carrie Dodson, General Manager, Gateway GCD, GMA 6

The disinterested staff nonvoting recording secretary available and willing to serve is Peggy G. Hunka, 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 14, and they are willing to travel and serve at their own expense.

## **VIII. RECOMMENDATION**

The ED has thoroughly reviewed both the Petition for Inquiry as well as Lone Star's response, and based on the information contained in these filings, the ED finds that Lone Star has demonstrated that it is in compliance with its rules as well as the applicable TCEQ rules and TWC statutes. Additionally, the Petition for Inquiry did not provide documentation or evidence that indicated the groundwater in the GMA 14 is not being protected by Lone Star's rules. 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.

Respectfully submitted,

TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

Kelly Keel,  
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

## Mailing List

Lone Star Groundwater Conservation District TCEQ Docket No. 2024-0967-MIS

Bill Beran  
12002 Walden Rd.  
Montgomery, Texas 77356-8031  
[wberan@consolidated.net](mailto:wberan@consolidated.net)

### **GMA 11**

Pineywoods GCD  
General Manager  
P.O. Box 635187  
Nacogdoches, Texas 75963

### **GMA 12**

Mid-East Texas GCD  
P.O. Box 477  
Madisonville, Texas 77864

Brazos Valley GCD  
P.O. Box 528  
Hearne, Texas 77859

Lost Pines GCD  
317 E. Hempstead St.  
Giddings, Texas 78942

Post Oak Savannah GCD  
P.O. Box 92  
Milano, Texas 76556

### **GMA 14**

Bluebonnet GCD  
P.O. Box 269  
Navasota, Texas 77868

Brazoria County GCD  
111 E. Locust Street  
Building A-29, Suite 140 Angleton,  
Texas 77515

Lone Star GCD  
655 Conroe Park North Drive  
Conroe, Texas 77303

Lower Trinity GCD  
602 E. Church Street, #150  
Livingston, Texas 77351

Southwest Texas GCD  
P.O. Box 1407  
Jasper, Texas 75951

Harris - Galveston Subsidence District  
1660 West Bay Area Boulevard  
Friendswood, Texas 77546

Fort Bend Subsidence District  
301 Jackson St., Suite 639  
Richmond, Texas 77469

### **GMA 15**

Fayette County GCD  
255 Svoboda Lane, Room 115  
LaGrange, Texas 78945

Colorado County GCD  
910 Milam St.  
Columbus, Texas 78934

Costal Bend GCD  
P.O. Box 341  
Wharton, Texas 77488

Coastal Plains GCD  
2200 7th Street, Suite 401  
Bay City, Texas 77414

### **TCEQ**

Erin Chancellor, Director  
TCEQ Office of Legal Services MC 218  
P.O. Box 13087  
Austin, Texas 78711-3087  
512/239-0600 FAX 512/239-0606  
[Erin.Chancellor@tceq.texas.gov](mailto:Erin.Chancellor@tceq.texas.gov)

Charmaine Backens, Deputy Director  
TCEQ Environmental Law Division  
MC 173  
P.O. Box 13087  
Austin, Texas 78711-3087  
512/239-0600 FAX 512/239-0606  
[charmaine.backens@tceq.texas.gov](mailto:charmaine.backens@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)

Cari-Michel La Caille, Director  
TCEQ Office of Water MC 148  
P.O. Box 13087  
Austin, Texas 78711-3087  
512/239-4570 FAX 512/239-4430  
[cari-michel.lacaille@tceq.texas.gov](mailto:cari-michel.lacaille@tceq.texas.gov)

Kim Nygren, Deputy Director  
TCEQ Water Availability Division  
MC 160  
P.O. Box 13087  
Austin, Texas 78711-3087  
512/239-4600 FAX 512/239-4430  
[Kim.Nygren@tceq.texas.gov](mailto:Kim.Nygren@tceq.texas.gov)

Garrett Arthur Eli Martinez  
TCEQ Office of Public Interest Counsel  
MC 103  
P.O. Box 13087  
Austin, Texas 78711-3087  
512/239-6363 FAX 512/239-6377  
[Garrett.arthur@tceq.texas.gov](mailto:Garrett.arthur@tceq.texas.gov)  
[Eli.martinez@tceq.texas.gov](mailto:Eli.martinez@tceq.texas.gov)

Docket Clerk  
TCEQ Office of Chief Clerk MC 105  
P.O. Box 13087  
Austin, Texas 78711-3087  
512/239-3300 FAX 512/239-3311  
<https://www14.tceq.texas.gov/epic/efiling/>

Ryan Vise  
David Greer  
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)