

Technical Committee Meeting Minutes
Capital Area Groundwater Conservation Commission
3074 Westfork Drive, Suite A, Baton Rouge, LA 70816
June 18, 2024, 1:00 p.m.

I. Call to Order

Glenn Shaheen – Capital Area Groundwater Conservation Commission (CAGCC)
Technical Committee Chairman

II. Roll Call

Gary Beard – Capital Area Groundwater Conservation District (CAGCD) Executive Director

Members present: Glenn Shaheen, Nolan Brown, Ken Dawson, Jonathan Leo, Jesse Means, and Matt Reonas.

Members absent: Karen Gautreaux.

III. Establishment of a Quorum

Glenn Shaheen – CAGCC Technical Committee Chairman

Chairman Shaheen declared the presence of a quorum with 6 members present.

IV. Invocation

Gary Beard – CAGCD Executive Director

V. Pledge of Allegiance

Gary Beard – CAGCD Executive Director

VI. Recognition of Guests

Glenn Shaheen – CAGCC Technical Committee Chairman

Guests present: Scott Bergeron, Dennis McGehee – BRWW, Brett Furr – Taylor Porter, Rory Denicola – Exxon, Douglas Melancon – Exxon, Takeisa Collins-Wright, Anna Gilbert – Owen & White, Roy Waggenpack – Owen & White, Ryan Clark – Halff & Associates, Anthony Simon – Secure Water.

VII. Amendments to the Agenda

Glenn Shaheen – CAGCC Technical Committee Chairman

No amendments to the agenda.

VIII. Approval of Minutes of Previous Meeting, April 25, 2024 (action required)

Glenn Shaheen – CAGCC Technical Committee Chairman

Mr. Reonas noted the incorrect meeting date of February 20, 2024, on the agenda.

Approval of minutes was for April 25, 2024, meeting.

Motion by Mr. Means and second by Mr. Leo to approve the minutes of the April 25, 2024, meeting. Unanimous vote.

IX. Executive Director's Report

Gary Beard – CAGCD Executive Director

A. Ethos – reconsideration (action required)

Mr. Beard opened the Executive Director's report with the reconsideration of the Ethos well. He said there are a couple of things that have come to light. One is that there is a limitation on the 2000-foot aquifer. He said it was in the 23 to 25 million gallon per day on the 2000-foot aquifer. He said the average has exceeded the daily cap they had placed. This is for information only so there is nothing to do about this right now. The other thing is that the law has changed since that time, and there's been testimony given at the House and Senate committees on things that go in the field.

Chairman Shaheen asked Mr. Beard if he had gotten any information back from Dr. Tsai. Mr. Beard said he had asked Dr. Tsai to rerun the model at the various levels but had not received the data back from him. He hopes to have this before the next Board meeting. He said he asked Dr. Tsai to run this at the different strata and see what might be available that would have less of an impact at the 2000-foot aquifer. He added that the Ethos well is for backup only. Mr. Melancon said they keep one for backup and they usually run six and seven.

Mr. Beard said since the law has changed and we have an agreement in principle with Ethos to put meters on those wells, "Is it Exxon and Ethos intent to comply with the agreement that the District has in place with them?" Mr. Melancon replied, they do have meters on that well and it will be the instantaneous flow that Mr. Beard is referring to.

Mr. Beard asked, "So Ethos and Exxon will not be allowing our meters to go on the site?" Mr. Melancon said yes this is correct. Mr. Beard clarified that the contract the District has right now, is null from their side. He asked Mr. Melancon to explain to the Committee how they plan to calibrate these meters.

Mr. Melancon said the calibration is done by either an instrument tech or manufacturer and for example, a tech will come out and do the calibration. They will provide them with a document that says the date the calibration was done. He said the District's techs can go there at any time and look at the document and make sure the meter is calibrated. Mr. Beard said, so it is a factory calibration. Mr. Melancon said it is a qualified person whether it be a tech instrument or a manufacturer. Mr. Shaheen asked if this is someone who is certified. Mr. Melancon replied, yes, it is, and they would get a certification certificate and it will be in their file for the District to verify at any time. Mr. Beard asked how their field tech does this, and Mr. Melancon said he is not sure, but the District is welcome to walk through this with them. Mr. Leo asked if ExxonMobil is the lessor of the land and what is the contractual legal relationship between Exxon and Ethos.

Mr. Melancon replied that they lease the Ethos facility, but ExxonMobil owns the well and Ethos operates it. Mr. Leo asked what our relationship is with Ethos, is it a direct relationship or is it a direct relationship with ExxonMobil and derivatively

through ExxonMobil to Ethos. Mr. Melancon replied, Ethos operates the well and is responsible for metering. They meter the flow, and they report the flow quarterly from ExxonMobil to Capital Area Groundwater Conservation District.

Mr. Leo asked if the metering data generated by the Ethos wells comes directly to the District and not first to ExxonMobil and then from ExxonMobil to the District.

Mr. Melancon replied he believes this is accurate.

Mr. Leo asked if Mr. Melancon could verify this for the District. Mr. Melancon said Don Lynn is the environmental person and he would contact him regarding this request. Mr. Leo said Mr. Beard mentioned the landscape has changed dramatically since the passage of SB 432 which leads him to another question – What is the frequency of the reporting of the data generated by those wells will be to the District?

Mr. Melancon said; however it is required, and he believes it's going to be monthly.

Mr. Beard clarified it is hourly data provided to the District monthly. Mr. Melancon said he talked to Don Lynn, their environmental person for Ethos and works at the LA station. He said their flow meters are similar to what the District has, and they are differential pressure flow meters, and they can get in and find the data.

Chair Shaheen said and to the extent they verify this was Mr. Beard comfortable with it.

Mr. Beard said the data would have to come to the District monthly and then the District will have to have a system set up analyze and verify the data.

A discussion took place regarding the maximum daily pumping limits on the 2000-ft. sand.

Mr. Beard said he knows for a fact that Ethos meters, sometimes in the field verification are being field verified through ultrasonic meters. He asked Mr. Melancon if this was correct. Mr. Melancon said he is not sure of that and that may be a check they are using. If they feel that something has drifted, they may use it as a check.

Mr. Beard said this is a good way of doing this and he wants them to be aware of the fact that he understands Exxon is in the heat of political battles.

He said testimony given was that inaccurate information comes out of strap-on meters and ultrasonic and yet Exxon is using them to field verify their meters. He said the company that does this also works for the District and the District will be using this same system for the audit.

Chair Shaheen asked Mr. Beard to clarify the audit, as he understands it, by law now, will only take place once a year. Mr. Beard said yes, the audit can be done only once a year.

Mr. Leo asked Mr. Beard, "Do we have no way of determining how much water is actually being withdrawn and at what rate, until the end of the month. Mr. Beard replied yes, after the fact. Mr. Leo asked if we have the authority to get this data more quickly? Mr. Beard said not unless through audit and this is a result of the new legislation.

Mr. Reonas asked Mr. Melancon if his company has any issues with complying with the structures of having the meters calibrated or allowing the District to audit because

we are going to have to restructure according to how we are going to do this. Mr. Melancon said he understands.

Chairman Shaheen told Mr. Melancon after the meeting in April, there was a discussion about this well and the Committee had asked Dr. Tsai to provide some information that we still don't have. Per your permit, it says your well is for power generation. Is it possible for Exxon to consider looking at another sand versus the 2000-foot sand?

Mr. Melancon said they are aware and are always looking at this and from a sustainability standpoint, groundwater is at the top of their list. He said they go through the R.O. unit, their boilers and turn on the turbines.

Discussion continued about the R.O. system.

Mr. Leo asked, "in reference to the April 25, 2024, minutes, there is a reference to this well as a replacement for Well 1309, which has been out of service for some time. Has this well been properly closed, abandoned, plugged?"

Mr. Melancon said yes it will be. It has been looked at and is not repairable, and they will have a proper P&A and report that. (This is also 2000 foot.)

Mr. Beard asked if it collapsed at the bottom. Mr. Melancon said yes but he does not know where and he does know the diameter of the well, but he will let Mr. Beard know.

Chair Shaheen asked what the age of the well is. Mr. Melancon replied he is not sure. Motion by Mr. Means and second by Mr. Dawson to approve the Ethos well permit for reconsideration and move to the full Board. Unanimous vote.

B. BRWW Istrouma - reconsideration (action required)

Mr. Beard called on Mr. McGehee with BRWW, to inform the Committee on how the flows are now going to be in compliance with what the new request is.

Mr. McGehee said what they have agreed on is to reduce the daily production of the well. The well was originally going to be designed for 1,700,000 gallons and what they will do is limit that production per day. They will limit the production to 500,000 gallons per day, rather than 170,000, and this is going to be a back up well. Mr. Beard asked if the figure is 1.7 million and not 170,000. Mr. McGehee said yes, 1,700,000 is right and it's going to be the same well and we are going to have a production of 500,000 gallons per day. He said both Istrouma and Hurricane Creek are going to be an additional supply for BRWW as needed. He said this is just a way of keeping these in back up when we have other wells out of service. He said currently have five wells for BRWW and two wells for Parish Water, out of service and it is ongoing. He added with the metering they will be able to tell how much water they are pumping.

Mr. Beard said, in his opinion, he thinks this is a reasonable plan and they should keep the system they have. He said he thinks this meets Dr. Tsai's requirement on the impact of the southern fault line.

Mr. Means asked if we got Dr. Tsai's data requested. Mr. Beard said no, he thinks Dr. Tsai gave us an impact. Mr. Beard read what Dr. Tsai sent and said yes it does meet the criteria.

Mr. Means suggested the Committee develop some standards. Mr. Beard agreed and said what he would like to do as soon as we start getting some data. He said he would like to develop a standard on the effects of the fault line.

Mr. Leo said he would like to get on the record, the information that Dr. Tsai did provide in response to the request of the last Technical Committee meeting, which supports the decision the Committee makes regarding these two wells.

Mr. Reonas said the Istrouma well was the one that he had the most concerns with and asked Dennis to confirm that BRWW will abide by all the strictures of the new law that came into effect. Mr. McGehee replied absolutely.

Motion by Mr. Dawson and second by Mr. Leo to approve the Istrouma well permit after reconsideration and move on to the full Board. Unanimous vote.

C. BRWW Hurricane Creek - reconsideration (**action required**)

Motion by Mr. Means and second by Mr. Leo to approve the Hurricane Creek well permit after reconsideration and move on to the full Board. Unanimous vote.

D. Permits – Discussion of Time Constraints (**action required**)

Mr. Beard opened the discussion on the permits and time constraints, saying, it is A and B – Construction and Operation. He said permits are given so that the operation lasts for a certain period of time. It just does not go on and on, because the data changes every year. He said this is for discussion only to decide what we do in the future and how do we structure it. He said we are looking at some methodology where you can issue a permit within X number of years down the road, and it is reanalyzed from an operations perspective.

Ms. Lambert suggested the Board review some of the ByLaws and have them reflect this. We might want to start with industry first, being as how that is what we are trying to wean off. She added then you start getting those public water systems who may start getting concerned.

Chairman Shaheen said he part of what the Committee has talked about is establishing guidelines going along with what Rachel's saying.

It's very difficult to make decisions based on data that we have and that is going to get better. We also need guidelines to manage that data and that will probably take several working sessions to lay this all out while considering these various wells and infrastructure in the aquifers.

Mr. Leo said he agreed with Ms. Lambert comments and Chairman Shaheen's in terms of prioritizing and also sequencing the requirement for generation of information and reassessment. He said it should be noted not to exceed the time frame built in and how long to go with respect to reassessment of any permit. He said he thinks the assessment is critical and he does agree that industry should be first.

Mr. Means asked Mr. Beard, if we get to the point where we see the data coming in and we know that we are pulling way more than we can handle, what would be the next step right now as you see it?

Discussion continued on the 3 restricted areas and Mr. Beard said he would update the Board once the data was being received.

Mr. Means asked if there was a mechanism in place of making somebody produce an amount of water.

Ms. Lambert asked if we actually imposed on a single user, a well limit?

Mr. Beard commented that it was a legal question.

Ms. Lambert said that operating permits with limitations would be a great chance to start imposing limitations with a longer time frame at first.

Discussion continued on making that transition.

Mr. Beard gave details on the good data coming in from about 143 wells at the time and how the district will be able to see the self-reported numbers side by side with the meters. He said that the self-reported well numbers were inaccurate and reported volumes were sometimes reported out of the wrong stratum. These things have been going on for decades.

Ms. Lambert asked about info from TWIG and if they got a response from industry on their water need.

Mr. Beard said Kellie had been working on that and now that she's moved to private industry, he would be picking up that task.

Mr. Reonas commented on two things: one being that the commission has never regulated on a well-by-well basis and that was one of the findings of the 2019 audit. The second being the survey that at the time it was requested was a voluntary compliance. CAG received a response from about 25% of users. The commission might consider making an order to that effect on the users.

Discussion continued about ways to obtain the responses and enforcement, plus long-term planning and understanding needs.

Mr. Means made a motion that we suggest to the full board that we revisit the surveys to make it mandatory that users answer.

Mr. Leo seconded that motion. All in favor – Aye. None opposed. Unanimous.

Mr. Melancon asked if what the commission meant by permit compliance was that well owners were not exceeding their max rate that they listed in their permit and that they have a meter on and calibrating it, plus submitting data monthly.

Chairman Shaheen responded that yes, that is what was meant.

More discussion about operating permits and how to address future needs of ordering users to limit production in certain sands if/when necessary, auditing users, legal authority to require a reduction in the amount of water that users take from a specific zone.

Ms. Lambert quoted from RS 38:3078: "Any order limiting rates of production of groundwater, except emergency orders issued as hereinafter provided, shall be issued only after sixty days' notice and a public hearing. The board shall give notice by registered mail to all users of groundwater reasonably known to it within the district within which pumping is to be limited..."

Chairman Shaheen noted the board just needs the data and needs to look at technical guidelines of how to manage operations.

Mr. Reonas said that's where there's a need to work with the major users to know their needs going forward so the board can determine the cost of water in the future.

Mr. Dawson reminded of Mr. Shaheen's statement that we are all partners, and we all have a vested interest in our aquifer. He said being able to protect the aquifer depends on open communication and knowing the future plans of industry and there should not be an adversarial relationship but a partnership.

X. Chairman's Report

Glenn Shaheen – CAGCC Technical Committee Chairman

XI. Commissioner Agenda Items

Glenn Shaheen – CAGCC Technical Committee Chairman

No commissioner agenda items.

XII. Old Business

Glenn Shaheen – CAGCC Technical Committee Chairman

No old business

XIII. New Business

Glenn Shaheen – CAGCC Technical Committee Chairman

No new business.

Mr. Reonas asked to have a discussion of the user. To put it on the agenda.

Mr. Beard said he would do it.

Mr. Reonas wanted to revisit with the Water Institute and/or Freeze and Nichols to find the gaps.

Mr. Beard agreed.

XIV. Commissioner Comments

Glenn Shaheen – CAGCC Technical Committee Chairman

No commissioner comments.

XV. Announcements

Glenn Shaheen – CAGCC Technical Committee Chairman

No announcements.

XVI. Public Comment

Glenn Shaheen – CAGCC Technical Committee Chairman

Roy Waggenpack, interested party, commented on the limits and that they came from industry setting them. Exxon, Georgia-Pacific, Baton Rouge Water, etc., were the ones who set the limits. He gave his views of the cause of saltwater intrusion. He went into detail about some well owners and their particular needs and reminded the board that it's

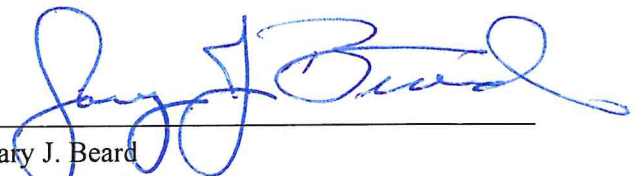
more complicated than just making a rule and limiting a few wells, and to look at the whole picture.

Chairman Shaheen thanked Roy for his comments and concurred his point was well made. He commented that we are partners and well owner input, information, and participation is critical to the success of what the commission is trying to accomplish. Mr. Leo remarked that the limits were aspirational in the sense that they did not have the data at the time that the numbers were set. The board anticipated being able to obtain details from TWIG and USGS to set firm numbers in the future.

XVII. Adjournment – (action required)

Glenn Shaheen – CAGCC Technical Committee Chairman

Mr. Means made the motion to adjourn, and Mr. Leo seconded. Unanimous. Meeting adjourned.



Gary J. Beard
Executive Director