



## GCGCD NEWS



### FALL 2014 Newsletter

#### DISTRICT SUES LANDFILL COMPANY

##### **GCGCD vs. Post Oak Clean Green, Inc. Update**

Judge W.C. “Bud” Kirkendall heard motions by both parties on September 24, 2014 in Guadalupe County 2<sup>nd</sup> 25<sup>th</sup> District Court.

Judge Kirkendall granted the defendant, Post Oak Clean Green Inc. (POCG), a 30 day continuance in response to GCGCD’s motion for a summary judgment, thus allowing extra time for the defendant to take depositions.

Post Oak Clean Green Inc. is a landfill company attempting to build a solid waste disposal site over the outcrop of the Carrizo-Wilcox Aquifer. If built, the liner of the facility would be located just twenty feet above the groundwater source which serves 66 counties.

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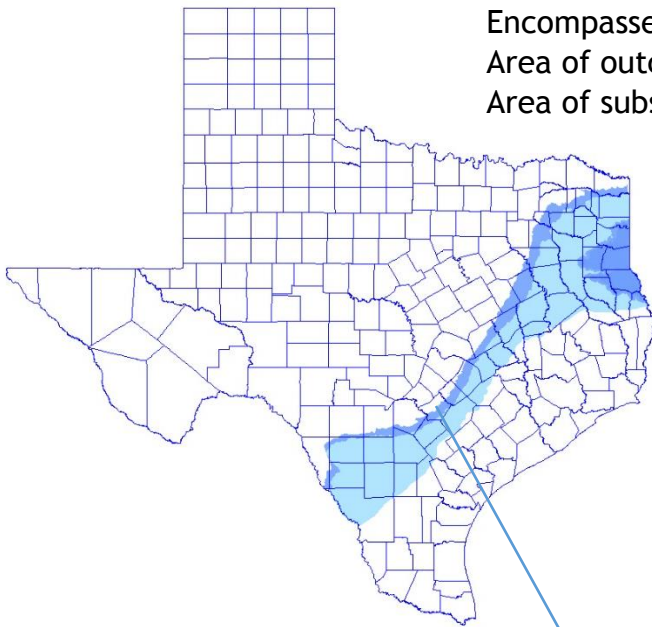


[WWW.GCGCD.ORG](http://WWW.GCGCD.ORG)

Visit our website for more information and much more!

## Carrizo-Wilcox Aquifer

Encompasses:	66 Counties
Area of outcrop:	11,186 square miles
Area of subsurface:	25,409 square miles



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GCGCD covers 436 square miles

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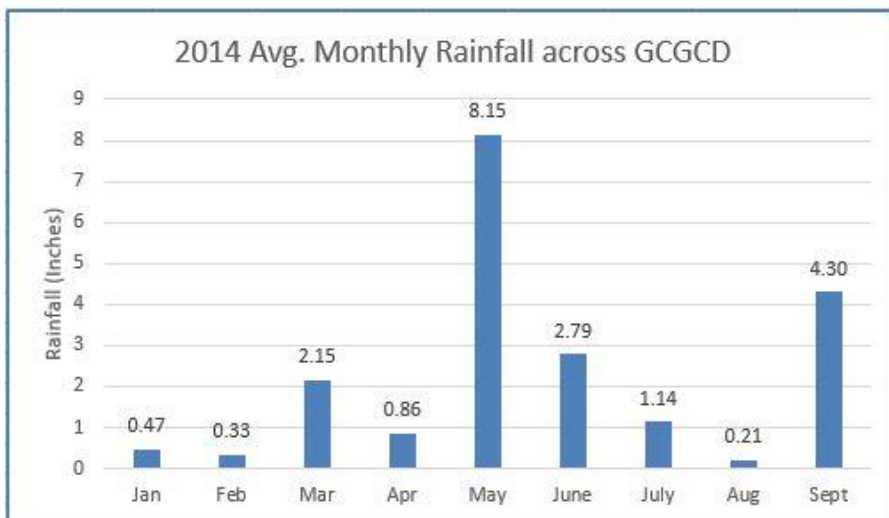
*Existing Total Useable Amount of Groundwater  
within GCGCD 12,583 acre-feet/year*

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## OUTREACH

GCGCD is a proud sponsor of the  
*Newspapers For Education* program  
offered by the Seguin Gazette  
GCGCD is providing newspapers for the school  
children of Weinert Elementary 2014-2015



Summer Months were VERY dry this year – with multiple grass fires reported across the county. Late September rains have blessed us with the Burn Ban being lifted but it takes time for that water to reach the aquifer.

Until things turn green – watch out for fire hazards and do your part to Conserve WATER!



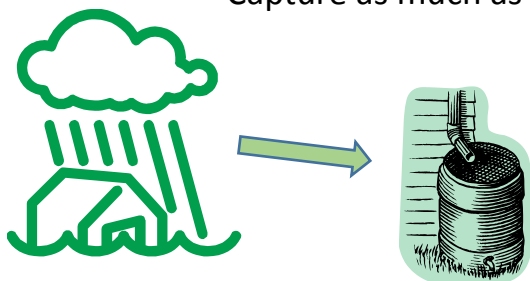
When the RAIN does come....

How can I make EVERY drop Count?



## Rainwater Harvesting!

Capture as much as you can



- SAVES YOU MONEY \$\$\$\$  
Reduce the amount of water purchased by using rainwater for outside watering
- REDUCES YOUR CONSUMPTION at the same time!
- REDUCES FLOODING, EROSION & SURFACE WATER CONTAMINATION  
By collecting water that would otherwise runoff from buildings, parking lots or roads into storm drains or rivers and streams



## Monitor Wells Measured

Water level measurements were once again obtained by GCGCD staff. We added two additional Wilcox wells to the western portion of our District. Currently we are collecting data on 19 observation wells.



By comparing the data over time, we are better able to understand the changes in the aquifers that we are charged with managing.

To view ten years of water level history on our observation wells for both the Carrizo & Wilcox Aquifers – visit our website.

[www.gcgcd.org/water-use/monitoring-wells](http://www.gcgcd.org/water-use/monitoring-wells)



## Registration of New Wells

District's Rule 6.2 states that "All new wells must be registered by the well owner, well operator or water well driller".

### Registration is FREE but MANDATORY.

If you have recently drilled a water well on your property located within GCGCD boundaries and are not certain if your new well has been properly registered, give us a call 830-379-5969.

To determine if your well is located within the GCGCD jurisdiction, review the map on our website [www.gcgcd.org/about](http://www.gcgcd.org/about) or simply give us call. We are always happy to help!

### FAQs

*Why is it important to register my private well?*

**Answer:** To help US protect YOU!

If WE don't know where your well is located, we cannot protect you from large capacity wells being drilled too close to a smaller domestic/livestock well. For more info – read District's rules on Spacing. [www.gcgcd.org](http://www.gcgcd.org)

*Is my well EXEMPT? Do I need a permit for a new domestic or livestock well?*

**Answer:** A well that is used SOLELY for domestic use or for providing water to livestock or poultry that is either drilled, equipped or completed so that it is incapable of producing more than 25,000 gallons of groundwater a day (~17.5 gpm) is exempt from permitting. (GCGCD Rule 5.2)

But still MUST be registered with the District. To obtain registration form Give us a call 830-379-5969 or visit our website @ [www.gcgcd.org/downloads](http://www.gcgcd.org/downloads)

*We are here to manage and protect the aquifers over which we all live and we need your help to do just that!*

## District Creating New Database

GCGCD has been working on inputting all known wells within the District's boundary into a GIS database. To complete this project, we are asking for your help. Please be sure you or your well driller has registered your new or existing well.

It is MANDATORY. It is FREE and EASY to do!

[www.gcgcd.org/downloads](http://www.gcgcd.org/downloads)

As the population of our District and surrounding areas expand, the need for water will increase. To serve those residents and businesses, additional wells will need to be drilled. Proper spacing of new well fields is essential in order to protect the existing residential and livestock wells in our area. The Groundwater District's mission is to "conserve and regulate the use of groundwater through the monitoring of aquifer levels and production". Knowing the location of all wells within the District allows us to better plan spacing of large capacity wells.

GCGCD DOES NOT TAX EXEMPT WELLS. We are a FEE based agency only. The District will not meter exempt wells. Domestic or livestock wells producing less than 17.5 gallons per minute are considered exempt.

If you have recently purchased property that has an EXISTING water well on it - Let us know so we can update our files. Simply give us a call and we will walk you through the very simple process. Forms can also be found on our website!

Continued from pg.1

## LANDFILL LAWSUIT

The District filed the lawsuit to enforce its Rule 8.1 which states that **“In no event may waste or sludge be permitted to be applied in any manner in any outcrop area of any aquifer within the Guadalupe County Groundwater Conservation District”**.

Representatives from GCGCD and SPOD (Stop Post Oak Dump – [www.stoppostoakdump.com](http://www.stoppostoakdump.com)) as well as SSLGC (Schertz-Seguin Local Government Corporation) who filed an amicus brief on behalf of GCGCD were in attendance to hear arguments over jurisdiction.

Attorneys for POCG filed a plea to the jurisdiction claiming (1) the lawsuit is “impermissible” because TCEQ has not issued its final ruling (2) TCEQ is the only forum with jurisdiction to hear these issues and (3) no ruling over rule violations can be made until a final ruling by TCEQ has been issued. Lawyers for Post Oak argued that until the site is built, there has been “no harm to the District”.

Marisa Perales, attorney for GCGCD, raised the issue of a second violation of the District’s Rule 8.1 - which clearly states that when anyone seeking a permit from an agency attempting to generate, transport, apply, dispose or otherwise manage a waste or a sludge within the boundaries of the District - a **“notice of the application must be provided to the District by the applicant within ten days of the date of application”**. The initial permit for a proposed landfill by POCG was filed with TCEQ over two years ago. To date, no official notice has been given to the Guadalupe County Groundwater Conservation District.

In his October 7, 2014 ruling, Judge Kirkendall ordered the defendant’s plea to jurisdiction DENIED stating (1) Chapter 36 of the Texas Water Code entitles the District to enforce its rules and (2) applications pending before the TCEQ have no bearing on the Court’s jurisdiction. Furthermore, the judge ruled (3) POCG intentions to build the solid waste disposal site without compliance to the District’s rules makes this dispute “undoubtedly ripe”.

The next hearing has been scheduled for November 4, 2014.

**To read the judge’s ruling in its entirety visit our website @ <http://gcgcd.org/news--events.html>**

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