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STATE OF LOUISIANA
DEPARTMENT OF NATURAL RESOURCES
OFFICE OF CONSERVATION

GROUND WATER RESOURCES COMMISSION
20TH REGULAR MEETING

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TRANSCRIPT OF THE GROUND WATER RESOURCES COMMISSION
MEETING, REPORTED BY DONNA T. CHANDLER, CERTIFIED
COURT REPORTER FOR THE STATE OF LOUISIANA.
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REPORTED AT:

THE LASALLE BUILDING - 1ST FLOOR
LABELLE ROOM
617 NORTH 3RD STREET
BATON ROUGE, LOUISIANA 70802

COMMENCING AT 11:07 A.M., ON DECEMBER 7, 2011

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APPEARANCES

GROUND WATER RESOURCES COMMISSION MEMBERS:

SCOTT A. ANGELLE
KYLE BALKUM
JAMES S. BURLAND
GLENN T. CAMBRE
ELLIOT D. COLVIN
WILLIAM R. DOWNS
PAUL D. FREY
JOSEPH D. "DAN" HOLLINGSWORTH, JR.
CHARLES KILLEBREW, Ph.D.
ROBERT DAN "MICKEY" MAYS
TED W. MCKINNEY
PAUL D. MILLER
JAMES H. WELSH

GARY SNELLGROVE
JOHN W. ADAMS, ESQ.
OFFICE OF CONSERVATION
P.O. BOX 94275
BATON ROUGE, LOUISIANA 70804-9275

1 MR. ANGELLE: Good morning. We are
2 going to go ahead and call the Ground Water
3 Resources Commission meeting for December 7th
4 to order. And ask staff to go ahead and
5 handle roll call.

6 MR. ADAMS: Yes, sir.
7 When I call your name, please sound
8 off.

9 Secretary Scott Angelle.

10 MR. ANGELLE: Here.

11 MR. ADAMS: Kyle Balkum.

12 MR. BALKUM: Here.

13 MR. ADAMS: Bo Bolourchi.

14 James Burland.

15 MR. BURLAND: Here.

16 MR. ADAMS: Glenn Cambre.

17 MR. CAMBRE: Here.

18 MR. ADAMS: Elliot Colvin.

19 MR. COLVIN: Here.

20 MR. ADAMS: William Downs.

21 MR. DOWNS: Here.

22 MR. ADAMS: Paul Frey.

23 MR. FREY: Here.

24 MR. ADAMS: Mayor Dan Hollingsworth.

25 MR. HOLLINGSWORTH: Here.

1 MR. ADAMS: Jimmy Johnston.
2 Charles Killebrew.
3 MR. KILLEBREW: Here.
4 MR. ADAMS: Jackie Loewer.
5 Mickey Mays.
6 MR. MAYS: Here.
7 MR. ADAMS: Ted McKinney.
8 MR. MCKINNEY: Here.
9 MR. ADAMS: Paul Miller.
10 MR. MILLER: Here.
11 MR. ADAMS: Eugene Owen.
12 Kelsey Short.
13 Brad Spicer.
14 Jim Welsh.
15 MR. WELSH: Here.
16 MR. ADAMS: Mr. Secretary, we have 13
17 members present. That is enough for a
18 quorum.
19 MR. ANGELLE: Thank you very much. I
20 appreciate it.
21 The second item will be the adoption
22 of the minutes of the meeting summary of
23 March 14th, 2011.
24 MR. ADAMS: Yes, sir. Along with the
25 e-mail that each of you received yesterday

1 with the agenda, there was a copy of the
2 meeting summary from the previous meeting
3 that we held in March. At this time, the
4 staff requests a motion to approve that
5 meeting summary.

6 MR. HOLLINGSWORTH: So moved.

7 MR. ANGELLE: Motion by
8 Mr. Hollingsworth. Second by Mr. Frey --
9 I'm sorry -- Mr. Miller.

10 Any objection?

11 Hearing none, that motion is adopted.

12 Okay. Before we get into Item No. 3,
13 we, obviously, want to thank everyone. It
14 has been a tremendous year for all of us in
15 state government. Been very, very busy. And
16 folks have been working throughout the state
17 on a Ground Water Management Plan
18 Recommendation that we will kind of get into
19 a little bit further on into the meeting.

20 Again, just for, for the seriousness
21 of the subject matter, one of the things that
22 we discussed early would be, in a sense,
23 reorganize ourselves so that we would have a
24 court reporter here. So in the past, that
25 was not something that we were doing. We are

1 taking, I think, a step in a very, very
2 forward progressive/aggressive manner to show
3 the folks in Louisiana that we, we think our
4 comments ought to be recorded and ought to be
5 available, and we certainly made those
6 minutes available.

7 I want to thank all of you for making
8 the effort to be here. I realize that some
9 of you have come from, from far distances to
10 be here in Baton Rouge. Again, this is a
11 very, very serious subject matter. We are
12 continuing to try to evolve to a point where
13 sustainability, regulation, can all match up
14 in an area where we can, we can both have
15 protection of the resource, and at the same
16 time, the kind of economic development that
17 we, we want for our state.

18 So having said that, Mr. Adams, I'll
19 turn it over to you for, for Item 3. And I
20 guess you will cover, in association with
21 members of your -- your colleagues, 3a
22 through 3h?

23 MR. ADAMS: Yes, sir.

24 MR. ANGELLE: Okay. Go ahead.

25 MR. ADAMS: This is the, the -- and my

1 name is John Adams. I'm the attorney with
2 the Environmental Division of the Department
3 of -- of the Office of Conservation within
4 the Department of Natural Resources. And
5 this is the, the same update that we, we have
6 been giving in previous meetings.
7 Essentially, we are going to cover the ground
8 water, the water well and ground water
9 management regulation amendments update, the
10 Katrina and Rita water well repair update,
11 the Haynesville Shale frac water supply
12 implementation update, the statewide water
13 well notification audit and enforcement
14 update, the public outreach and education
15 update, and we've added a new item this week,
16 as a result of a letter that we received from
17 the East Baton Rouge Metro Council
18 Resolution. We will talk about that when we
19 get to it.

20 First off, with regard to the
21 regulatory amendment activity, when -- at our
22 last meeting in March, we were in the process
23 of updating the Title 56 regulations which
24 deal with ground water construction,
25 registration and evaluation, as a result of,

1 of the transfer to the Department of Natural
2 Resources of the water well drillers programs
3 from the Department of Transportation and
4 Development. There were numerous
5 typographical clarifications that needed to
6 be made. Those were formally codified and
7 published on, on March 20th of 2011.

8 Additionally, we revised the water
9 well driller registration forms to include
10 the requirement for drillers to furnish the,
11 the GPS latitude and longitudes in those
12 registrations. And that was as a result of,
13 of, of discovering that there was a way we
14 could streamline the process of putting those
15 registrations into the database and making
16 the database much more, more up-to-date by
17 requiring the drillers to provide us that
18 information. That -- all those have been
19 enacted, and they are part of our current
20 regulations.

21 In addition, there were additional
22 clarifications and typographical changes that
23 needed to be made. And that second round has
24 been made. We did hold a public hearing on
25 it, and they will be implemented when the

1 Louisiana Register is published this month on
2 the 20th.

3 Further, there was a, a regulatory
4 amendment to require corner posts around
5 drilling rig supply wells. That regulation
6 will also be published on, on December 20th
7 of this month.

8 MR. ANGELLE: Can you explain exactly
9 what that is?

10 MR. ADAMS: Yes, sir.

11 As, as most of you are aware, on a --
12 when oil and gas drilling rigs are
13 constructed, there's a work platform. And
14 frequently a water well is, is drilled on
15 that work platform, either on or very -- in
16 close proximity to that platform. Of course,
17 that platform is subject to a lot of truck
18 activity and movement of equipment and that
19 sort of thing.

20 The -- we had a request from -- was it
21 Representative Shaw?

22 MR. SNELLGROVE: Yes.

23 MR. ADAMS: Representative Shaw that
24 asked us to look into requiring corner posts,
25 protected corner posts, to be put around

1 drilling rig supply wells that either would
2 be located on that work platform or that
3 would be located in close proximity to the
4 work platform, but were not going to be
5 plugged and abandoned within six months of
6 the, of the termination of the construction
7 activity.

8 MR. ANGELLE: I guess I'm not familiar
9 with the term "corner post."

10 MR. ADAMS: You're not familiar with
11 the term "corner post"?

12 MR. ANGELLE: Are you saying "corner
13 post"?

14 MR. ADAMS: Corner posts, yes, sir.

15 Protective, protective posts. The
16 requirement says that they need to be
17 constructed of Schedule 40 or better or, or
18 thicker metal. It must extend four feet
19 above the surface of the ground and surround
20 the, the, the -- to protect the well.

21 MR. ANGELLE: Uh-huh.

22 MR. ADAMS: So it's protective posts
23 on the four corners of the well to surround
24 it and, and protect it from damage.

25 MR. ANGELLE: Are these for wells that

1 are already existed in the footprint --

2 MR. ADAMS: No, sir.

3 MR. ANGELLE: -- or are these for the
4 drilling rig supply wells?

5 MR. ADAMS: These are only for
6 drilling rig supply wells that are, that are
7 constructed on or after December 20th.

8 MR. ANGELLE: Okay.

9 MR. ADAMS: The, the final amendment
10 that was published and entered into the, the
11 rules on August the 20th is another rule that
12 was designed to streamline the, the water
13 well registration process by allowing water
14 well owners who are required to file a, a
15 notice of registration, to allow them to use
16 the water well driller's notice of
17 registration, which has to be filed within 30
18 days of the completion of construction. By
19 his registration to suffice for the water
20 well owner's registration, which is required
21 to be filed within 60 days of construction of
22 the well. So that regulatory change was
23 implemented on -- in August.

24 MR. ANGELLE: Okay. So the current
25 statute prior to this change, prior to this

1 8/20 change --

2 MR. ADAMS: Yes, sir.

3 MR. ANGELLE: -- the statute required
4 the domestic well owner within 60 days to, to
5 register with the state; correct?

6 MR. ADAMS: To register with the
7 Department of Natural Resources, yes.

8 MR. ANGELLE: So this regulatory
9 amendment satisfies that statutory
10 requirement?

11 MR. ADAMS: Yes, sir. And that's for
12 owners of, of drilling rigs supply wells as
13 well as for owners of domestic wells.

14 MR. ANGELLE: So we, obviously,
15 believe that water well drillers are doing a
16 better job, if you would, of turning in their
17 appropriate documents because it's, it's what
18 they do, as opposed to an individual well
19 owner who may not in the past have been, been
20 as good -- as, as good in, in the complying
21 with this requirement because it may be a
22 once-in-a-lifetime-thing for them?

23 MR. ADAMS: That is correct. But in
24 addition to that, the main reason for the
25 change is because while the Department of

1 Transportation and Development maintained the
2 driller's database and we maintained an
3 owner's database, when we inherited that
4 program, we, we -- since we now have both
5 databases, it is more efficient just to
6 require one registration form to suffice for
7 that.

8 MR. ANGELLE: Absolutely. Much more
9 efficient. Quite frankly, I think some of
10 the conversations we had, going back some
11 time from, from this, from this particular
12 commission, that was one of the observations.

13 MR. ADAMS: Yes, sir.

14 MR. ANGELLE: So let me make sure I
15 understand you.

16 A domestic well owner is no longer
17 required to file that?

18 MR. ADAMS: The domestic well owner at
19 his option can allow the driller's
20 registration to suffice for his own. So as
21 long as the driller has filed his
22 registration, the owner can say, I would like
23 for that to -- that fulfills my requirement
24 and I'm done.

25 MR. ANGELLE: Do they have to do

1 something to --

2 MR. ADAMS: No, sir.

3 MR. ANGELLE: -- to be able to elect
4 that, or is it kind of an automatic deal?

5 MR. ADAMS: It's an automatic deal.

6 MR. ANGELLE: What level of confidence
7 do we have that water well drillers are, in
8 fact, filing -- do we feel like it's a
9 hundred percent compliance?

10 MR. ADAMS: We feel like it's
11 approaching a hundred percent compliance.

12 MR. ANGELLE: That's a good job. I
13 will tell you that, you know, part of the big
14 issue, I think, that the Commission has is,
15 or the managers of the resources, I should
16 say, which would include the Commission and
17 other stakeholders, is having great data,
18 data that's accurate, and, and making sure
19 that we have this. I always felt, and I
20 think Mr. Snellgrove ended up having to --
21 when was the law adopted that required
22 domestic well owners to notify us? Was that
23 like a 1984?

24 MR. SNELLGROVE: That would have been
25 dating back, I believe, to 2001.

1 MR. ANGELLE: 2001?

2 MR. SNELLGROVE: Yes, sir.

3 MR. ANGELLE: But you ended up having
4 to send out, as I recall, some thousand plus
5 letters to, to wells that were showing up in
6 one database from the driller's perspective
7 that were not showing up in your database
8 from the well owners, and the law was
9 specific at that time and said the well owner
10 had to do it. And was it 4,000 letters?

11 MR. SNELLGROVE: We had about --
12 nearly 3,000 compliance notices or notices of
13 violation were sent out as a part of our
14 auditing process.

15 MR. ANGELLE: Right.

16 MR. SNELLGROVE: But this was not
17 applicable to, to domestic well owners. It
18 was for those well owners who had wells that
19 required to provide us 60-day advance
20 notification prior to installation of the
21 well.

22 So the law still provides for well
23 owner responsibilities.

24 MR. ANGELLE: Right.

25 MR. SNELLGROVE: I want to make sure

1 that's clear. But the regulation allows for
2 the well owner to recognize that the
3 driller's registration for domestic purposes
4 for those types of wells to suffice as his
5 responsibility to meet that legislative law.

6 MR. ANGELLE: That's smart, and I
7 appreciate you-all doing that.

8 Be easier if you sent the letters out
9 and it's not contemplated by this amendment;
10 is that right?

11 MR. SNELLGROVE: Correct.

12 MR. ANGELLE: So you sent the letters
13 out because folks had, had not provided you
14 with the 60-day notice -- is that right --
15 although the law required that?

16 MR. SNELLGROVE: Correct. That was
17 the purpose of the audit, was to, to reach
18 out and, and notify those well owners who
19 have failed to comply with that regulation,
20 or that requirement, that they give us this
21 advance notification before the well was
22 installed, large volume wells, public supply
23 irrigation.

24 MR. ANGELLE: The interest there was,
25 again, not so much to -- from an enforcement

1 standpoint to be punitive as much as it was
2 to get really good data?

3 MR. SNELLGROVE: Correct. To get --
4 to resolve the compliance situation, to
5 provide for the information to allow us to
6 evaluate that location for our -- for
7 sustainability.

8 MR. ANGELLE: Okay. So, so when, when
9 we begin to get serious about that, you
10 inherited a backlog of those kind of
11 situations, which were 2,000 plus, and, and
12 we worked to bring those up-to-date?

13 MR. SNELLGROVE: Correct. That's
14 correct.

15 MR. ANGELLE: Okay. Is it necessary
16 to expand this rule to, to -- again, what I'm
17 looking for is, I think it makes more sense,
18 although the statutes talk about the well
19 owner, and I get that. I think it makes more
20 sense every chance we can to ride our
21 database on the coattails of the drillers as
22 opposed to the owners.

23 Now, I realize that the statute may
24 speak differently, but I would just encourage
25 you-all to continue to look for ways to -- we

1 definitely want the owner's information. We
2 definitely want a GPS location. But how we
3 go about getting it, I would continue to urge
4 you to -- I would urge you to continue to try
5 to find -- you know, streamline ways so that
6 our data can be as accurate as it possibly
7 can.

8 MR. SNELLGROVE: Yes, sir.

9 MR. ANGELLE: Any other comments or
10 questions?

11 Yes, sir. Everybody just kind of jump
12 in. Go ahead, Mr. Mays.

13 MR. MAYS: One question on how it
14 works through the system mechanically.
15 You've got a permit to drill a well to access
16 in our area, say the Sparta, to use that
17 water for drilling. What's the control that
18 they just can't continue using that for the
19 fracking process?

20 MR. ANGELLE: Right. So a well, a
21 well that is permitted for a specific
22 purpose, that would then end up evolving into
23 used for a non-permitted purpose?

24 MR. MAYS: Right. Is there a check on
25 that, or how does that work?

1 MR. ADAMS: Essentially, the -- first
2 of all, those are two separate
3 classifications of wells. A drilling rig
4 supply well can be used to supply the water
5 needs of the drilling rig while it's under
6 construction and that sort of thing.
7 However, that well cannot be used for
8 fracking purposes unless the company gives us
9 prior notification that they are going to use
10 it for that purpose and allows us to do an
11 evaluation for the well for that purposes --
12 for that purpose, and then the well is
13 classified as an industrial well, not a
14 drilling rig supply well.

15 So there's, there's two separate
16 classifications for those two different
17 activities.

18 MR. ANGELLE: So I guess it begs the
19 next question, from an enforcement
20 standpoint. So, so the permit, the legal
21 permit, okay, would be for a particular
22 purpose. Okay. And if you acquire it for a
23 particular purpose and you wish to use it for
24 another purpose, I think what I'm hearing is,
25 you have to kind of go through another

1 process that now has evaluation, whether or
2 not we have folks who are, are not going
3 through the second, the second process, is,
4 is maybe what you get into?

5 MR. ADAMS: Well, in response to that,
6 that question, the, the WH1 form, which is
7 another report that will be given in just a
8 few seconds, that information has to be
9 reported on the WH1, the work history report
10 form. So in the event that a company is
11 using a drilling rig supply well to supply
12 frac water to their well, they, they will
13 have to report that on the -- they have to
14 report the source and the volume on the WH1
15 form, and it will become apparent to us when
16 we review those that they are pulling water
17 from an unauthorized well.

18 MR. ANGELLE: But do you have, do you
19 have the resources -- is that something that,
20 that you actually -- I think the reporting is
21 great. But do you have the ability that when
22 someone sends in a WH1 for you to look at the
23 source of the well and to determine whether
24 or not that well is, in fact, properly
25 permitted for that purpose?

1 MR. ADAMS: I believe that, that
2 question is a little bit beyond my
3 information.

4 MR. SNELLGROVE: Yeah. Well, if the
5 question is whether or not we have the
6 resources, we have staff that, that address
7 that situation.

8 I would say this, though. That the
9 oil and gas industry and the folks who are
10 using frac water from their water wells are
11 very educated in that we went through an
12 intense process back in 2008 with the onset
13 of the Haynesville Shale to bring them up to
14 a level of understanding of what our rules
15 and regs require them to do. We have one
16 staff member dedicated solely to addressing
17 frac water supply and water wells from the
18 oil and gas industry. He has a one-on-one
19 relationship with all of these company
20 contacts. I feel very confident that our
21 agency has a good handle on and the industry
22 has responded very favorably to our public
23 outreach and education effort to bring them
24 up to speed to the rules and regs. And trust
25 me, they do not like the issuance of

1 compliance orders or, or things of that
2 nature. They take a vested interest in
3 ensuring that their companies are in
4 compliance.

5 And if it does occur, what I have
6 found it was because they had a change in
7 personnel and the new person hadn't been
8 brought up to speed. It doesn't happen very
9 frequently, but occasionally we do find that
10 some of that may happen.

11 MR. ANGELLE: I would also just say
12 that I do think there are certainly
13 possibilities or opportunities, I should say,
14 you know. I can -- while I'm hearing a
15 pretty robust process, I can envision a way
16 for folks to, you know, even just because you
17 have a trooper on the interstate and a speed
18 limit 55, doesn't necessarily mean everybody
19 is complying.

20 MR. MAYS: I guess I would like to add
21 a little bit more to that and probably in
22 you-all's position, Commissioner's position,
23 we have been told in our Sparta area, and we
24 hope that it's true, that there's a lot of --
25 there's a gray sand that's going to take a

1 lot of fracking, that's got an oil duct to it
2 and, obviously, we hope it's successful.

3 But we, we don't have extra water in
4 the -- in the Sparta to, to do all the
5 fracking. So if that's true, and they are
6 drilling some wells -- hopefully, it is true,
7 and it will -- there will be a lot of oil
8 pumping out of that area. But to make sure
9 that there's control some way or another,
10 that they're not getting that water for the
11 fracking process out of the Sparta. That's
12 my concern.

13 MR. ANGELLE: Right. I think it's a
14 valid concern. I think it's a valid concern
15 in all areas that wells that are permitted or
16 statutorily allowed for a particular purpose
17 could be used for another purpose. Seemed
18 like the reporting may be their enforcement.
19 Enforcement may take additional resources for
20 which we are going to talk about.

21 I certainly could envision a situation
22 where, where the well owner, the well owner
23 could be using a, a well for a purpose other
24 than what it was permitted. Okay.

25 We are going to address that under the

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enforcement.

Continue, John.

MR. ADAMS: All right. Moving to the next report, which is the Hurricane Katrina/Rita water well damage repair report.

As, as you know from, from previous meetings, when Hurricanes Katrina and Rita came through, they caused substantial damage to approximately 130 or so water wells across the southern part of the state. The Office of Conservation has taken the lead in overseeing the program to appropriate funds to get those wells repaired. Right now in our initial letter to the well owners, we received approximately 50 responses back authorizing the Office of Conservation to, to hire someone to go in and, and repair to an active status those wells or to plug and abandon those wells.

So pursuant to that, we have issued a contract procurement process in which on October 24th, the bid notice was published. We held a pre-bid meeting on November the 30th. There is a bid submission deadline for contractors who are bidding on, on this, this

1 project of December 14th. We anticipate that
2 by sometime in February, a contractor will be
3 selected and notice to proceed with the
4 project will be issued. And there is a --
5 under the scope of services of the work,
6 there's a six-month period for which the
7 contractor has to complete the contract. So
8 we anticipate the contractor to, to plug 39
9 wells and repair to an active status another
10 11 wells prior to, prior to August 2012.
11 That's the status of the -- of that damage
12 report.

13 MR. ANGELLE: And those were the
14 high--

15 MR. ADAMS: The wells that they are
16 currently -- that are on, on the list to be
17 repaired or plugged right now, are a
18 combination of the high priority and the
19 medium priority list. Essentially, the ones
20 that we selected to do first were the ones
21 where we were relatively easily able to
22 contact the property owner and get
23 authorization from them to go ahead and make
24 the necessary repairs.

25 MR. ANGELLE: Are we going to be able

1 to have a report that at the end of this
2 process, that we could -- obviously, we, we
3 didn't have enough resources to take care of
4 every well that was identified in the medium
5 and low priority. I think we have taken care
6 of maybe the high priority is what I'm
7 hearing. But...

8 MR. ADAMS: In this, in this stage, we
9 didn't make a distinction between the two.
10 We went after the ones that were -- that the
11 authorization was easily obtained. What we
12 will do in Phase Two -- and in Phase Two, the
13 amount of wells that we'll be able to work
14 with there will, to a certain degree, depend
15 on how much money we are able to hire a
16 contractor for in Phase One.

17 MR. ANGELLE: Okay. So what I'm
18 saying is, the problem is still -- you
19 identified a problem, we got some resources
20 to kind of, to address the problem?

21 MR. ADAMS: Yes, sir.

22 MR. ANGELLE: What I don't want is the
23 remaining part of the unsolved problem just
24 to kind of, you know, go to the back of the
25 file.

1 MR. ADAMS: Correct.

2 MR. ANGELLE: You-all need to provide
3 something to this group so that we can at
4 least put it into our mix of things, if we
5 are going to ask or try to identify
6 additional opportunities for, for resources,
7 and we keep this at the very tip of our
8 thoughts.

9 MR. ADAMS: Yes, sir.

10 MR. KILLEBREW: Mr. Adams, what was
11 the number of wells that would be
12 reactivated?

13 MR. ADAMS: We don't know, we don't
14 know exactly how many of them will be
15 reactivated. We received 11 requests to put
16 the wells into inactive status, but part of
17 the determination involving doing that will
18 be once the contractor goes out there and
19 looks at the well, he's going to need to make
20 a determination as to the integrity of that
21 well as to whether it can be reactivated; or
22 if there are casing issues, if there are
23 cracks in the casing, that sort of thing,
24 then they will simply have to plug and
25 abandon it, and they won't be able to return

1 that one back to, to, to active service, nor
2 will they be able to put it in inactive
3 status until such time as the landowner
4 determines that he wants to reactivate the
5 well.

6 MR. KILLEBREW: Okay. So it's --

7 MR. ADAMS: But right now we have 11
8 requests to do that. But, but we don't know
9 exactly how many of those requests will be
10 able to, to be implemented based on the
11 integrity of the well.

12 MR. KILLEBREW: Thank you.

13 MR. ANGELLE: On the high priority
14 wells, on the high priority wells, those
15 wells we determined were potentially, could
16 be potentially -- could potentially
17 contaminate -- may be a strong word -- but
18 impact, negatively impact --

19 MR. ADAMS: Yes, sir.

20 MR. ANGELLE: And so we used, we used
21 public money --

22 MR. ADAMS: Yes, sir.

23 MR. ANGELLE: -- to plug and abandon a
24 private well under the scope of public
25 safety, right?

1 MR. ADAMS: Yes, sir.

2 MR. ANGELLE: Okay. And I think that
3 was through some federal grant that we
4 received. Still public money.

5 MR. ADAMS: Yes, sir.

6 MR. ANGELLE: Does the law address
7 that the well owner has a responsibility to
8 P and A that well, because this seems to be a
9 special response to, you know, storm issues.
10 Does the well owner have that --

11 MR. ADAMS: Yes, sir. The well owner
12 does have that responsibility under all
13 normal circumstances and including this
14 circumstance. However, because of the
15 special circumstance of the two storms,
16 public money has been appropriated for these
17 particular wells.

18 MR. ANGELLE: All right. So we really
19 don't know what the population of -- because
20 this was a one-time study in a -- and
21 particular affect on the region, but if we
22 had other wells like this throughout the
23 state, it would be very difficult for us to
24 know that, right?

25 MR. ADAMS: Yes, sir.

1 MR. ANGELLE: Any ideas of how we
2 might know that, and is that important?

3 MR. ADAMS: The way we discovered
4 these is, as a result of the storms, we knew
5 there were damaged wells. So the state hired
6 a company to perform an audit of the wells in
7 the, in the potentially affected areas.

8 MR. ANGELLE: That was boots on the
9 ground, though, right? They actually went
10 and inspected the well, right?

11 MR. ADAMS: Yes, sir. So, so to do --
12 I'm not sure how we would approach --

13 MR. ANGELLE: There's no normal
14 inspection required. The state, the state
15 does not perform an annual or scheduled
16 inspection of water wells?

17 MR. ADAMS: No, sir. But the
18 inspectors that do do inspections on water
19 wells are supposed to be on the look for just
20 this sort of thing. And when they do see a
21 well that's not properly -- is not
22 functioning properly, they can send a notice
23 to us, at which point we will take action
24 against the, the owner to, to issue a -- some
25 sort of, some sort of requirement to get the

1 situation.

2 MR. ANGELLE: Who is making those
3 inspections, the DOTD folks?

4 MR. ADAMS: The DOTD inspectors.

5 MR. ANGELLE: All right. To your
6 knowledge, do we have any of those kind of
7 reports that are coming in that we have --

8 MR. ADAMS: I don't know.

9 MR. ANGELLE: Just check on that. I'm
10 trying to determine if this is a, a .0001
11 percent problem or a 10 percent problem.

12 MR. ADAMS: Yes, sir.

13 MR. ANGELLE: Kind of get back to us
14 on that.

15 MR. ADAMS: All right. Any other
16 questions with regard to the Katrina/Rita
17 water well damage report?

18 MR. MCKINNEY: Yes, I have a question.

19 MR. ADAMS: Yes, sir.

20 MR. MCKINNEY: What are these
21 individuals doing for water at this
22 particular time, given that it's been, what,
23 three, four years?

24 MR. ADAMS: Most of these wells were
25 located either at, at hunting or fishing

1 camps or, or, or locations that, that they,
2 they either didn't frequent often or in areas
3 where the structure that, that they, that
4 they habited, that they lived in, was simply
5 wiped off from the face of the earth
6 completely. So there's -- most of these
7 areas, there is no structure there, there is
8 no longer any moving waters or any camp or
9 anything like that. So there is a structure
10 there with private water, too.

11 MR. MCKINNEY: So we're assuming that
12 we are going to revitalize the well and hope
13 that they will rebuild?

14 MR. ADAMS: No, sir. There are some
15 that, that are in relatively close proximity
16 to either a dwelling or perhaps the
17 individual may decide to use it for some --
18 we don't know what purpose they may decide to
19 use that well for. But, in any event, we are
20 not repairing the well. All we are doing is
21 properly capping it. Although, we are
22 calling that a repair, because it brings it
23 in, in conformance with the regulations.

24 But for those 11 people that requested
25 that we repair their well, what we're doing

1 is repairing it such that it's placed in an
2 inactive status essentially by properly
3 capping it.

4 All right. The next report that, that
5 we are here to provide is, and we have
6 already briefly talked about it just a minute
7 ago, is the Haynesville Shale frac water
8 mandatory drilling and frac water supply
9 source and volume report. And this is
10 consistent with the reporting that we have
11 done in the previous meetings.

12 The list up there now is actions that
13 are taking place, and we've reported these
14 actions before.

15 The next page is the page from the WH1
16 form. And we put that up there just so you
17 can see what the page looks like where the
18 operators are required to, to do their
19 reporting, and to point out the certificate
20 at the bottom that -- where the, the operator
21 is, is certifying to the accuracy of the
22 report.

23 The pie graph on this page -- and it's
24 the same information that's been provided in
25 the other -- in the previous meetings --

1 essentially shows of the total water being
2 used for drilling and for fracking
3 operations, it gives the breakdown of that
4 water. Essentially, 80 percent of the total
5 water being used is being used for rig supply
6 and it comes from ground water sources.
7 Twelve percent of the water being used comes
8 from ground water, and it's being used for
9 frac water supply. 76 percent of the water
10 being used is used for frac water supply, but
11 it comes from surface sources. And then 2
12 percent comes from surface water, and is
13 being used for rig supply. And then there's
14 another 2 percent of ground water that's
15 being used for other purposes. And then less
16 than half a percent that's being used for
17 other purposes that's coming from surface
18 water.

19 MR. ANGELLE: Do you have the ability
20 to tell where, where that ground water is
21 coming from? It looks like there's, what, 22
22 percent?

23 MR. ADAMS: The WH1 forms do require
24 that the operators put the, the well that the
25 water, that the ground water, is being used

1 from on the report. So, yes, sir, we should
2 be able to run a report to tell exactly which
3 wells are supplying the water for --

4 MR. ANGELLE: For the Commission, if
5 you could, get within 30 days this type of
6 graph that shows -- I know at one time, I
7 guess we had a parish breakdown and an
8 aquifer breakdown. I know it takes a little
9 work, but that would be really helpful for
10 the Commission members to know.

11 MR. SNELLGROVE: Yeah. I do
12 apologize. You had requested that in the
13 last meeting as we were preparing for this
14 meeting. It was noted yesterday evening that
15 that might have been an oversight on our
16 part.

17 MR. ANGELLE: No problem. We still
18 need to get it done.

19 MR. SNELLGROVE: We will.

20 MR. MCKINNEY: John, I want to make a
21 comment on this surface water issue.

22 In the Sparta meeting, again, this is
23 not the first time, but individuals from the
24 audience has made comment to the fact that
25 domestic wells are being drilled, and then

1 water taken and put into a confined area, and
2 then that water, in turn, sold as surface
3 water. So I'm just making a comment, it
4 seems to be on the street that this is
5 occurring and still occurring.

6 MR. ADAMS: Yes, sir. We received
7 similar comments. And there's been several
8 actions we have taken to, to address just
9 that situation, including the most recent
10 update to the form that requires for all
11 surface water sources they give us a GPS
12 coordinate as to where that surface water
13 source is located, so that in the event we
14 need -- that we get one of these, these
15 complaints -- I hate to call it a complaint,
16 because it's, you know, it's, it's something
17 that certainly we need to look into. But
18 when we get one of these situations that
19 arises, we can attempt to, to compare it to
20 the WH1 report and find out what their source
21 is and see if it is a pond that's connected
22 with a surface water source -- I'm sorry,
23 it's a pond that's connected to a ground
24 water source.

25 In addition, as Mr. Snellgrove pointed

1 out earlier, we have taken -- made great
2 efforts to inform the operators of these --
3 of the wells, what the requirements are.
4 And part of the certification that they sign
5 when they sign this, is a certification
6 saying that they have not used water from a
7 mislabeled, a mis -- you know, a mislabeled
8 source.

9 Also, we do investigate each one of
10 those complaints that we get. Unfortunately,
11 like you said, most of those complaints are,
12 you know, it's just the rumor on the street,
13 but there's no verification. The people
14 issuing the complaint can't point out which
15 pond or which, which specific ground water
16 well is being used to feed a pond.

17 However, for each of those complaints
18 that we receive that we have enough
19 information to go on, we have some inspectors
20 out to try to either confirm or, or just
21 investigate the situation so that we can take
22 appropriate action.

23 MR. ANGELLE: Dan?

24 MR. HOLLINGSWORTH: Mr. Chairman, I
25 wanted to ask, as the area of fracking

1 expands in the future, we have the same rules
2 of engagement already in place to take care
3 of those?

4 MR. ANGELLE: I'm not certain I
5 understood that question. I'm sorry, Dan.

6 MR. HOLLINGSWORTH: Let's say that
7 fracking becomes a practice in other areas of
8 the state beyond the Haynesville Shale. Do
9 we have the same rules of engagement?

10 MR. ADAMS: Yes, sir, absolutely.
11 Those rules apply statewide. They are not
12 limited to the Haynesville Shale. The only
13 reason we frequently mention it in terms of
14 the Haynesville Shale is because that's the
15 predominant area where fracking is taking
16 place right now.

17 MR. ANGELLE: Now, having said that,
18 just to go back to Ted's question, I would --
19 or your statement -- I think what we need to
20 see -- this is unaudited information. Okay.
21 And I take it and accept it as unaudited
22 information.

23 Do we have wells that are permitted
24 for one purpose, used for another purpose,
25 and then somehow on forms that are executed

1 by folks who are responsible for executing
2 them, to the best of their knowledge, as the
3 statement says, do we have water in one
4 category showing up in another category? I
5 don't have any specific evidence, but I don't
6 think we have a hundred percent compliance,
7 either.

8 So one of the issues is, is, you know,
9 whether it's a hundred percent compliance, as
10 I said on, you know, on speeding on the
11 interstate or reporting water, it's an issue.
12 It's an issue.

13 In the times where you have got those
14 inquiries, John, and you have sent somebody
15 to those sites, have you found anything that
16 is an enforceable action?

17 MR. ADAMS: I don't think that we
18 have.

19 MR. SNELLGROVE: Not to my
20 recollection. We have responded to all of
21 the complaints that have -- where we have
22 been provided enough details that either we
23 can investigate by contacting the well owner
24 that is being alleged to have caused the
25 problem, this issue, or if we get a pond,

1 suspect pond location, we will send an
2 inspector out, and they will go around the
3 pond and look for any evidence of hoses or
4 water coming in and water going out.

5 MR. ANGELLE: Could you have a water
6 well -- just excuse my ignorance -- but could
7 you have a water well that is on, on a rather
8 large landowner's property that is several
9 thousand feet away from a pond and be fed,
10 instead of at the top of the pond, through,
11 through infrastructure at the bottom of the
12 pond, so it would be very difficult? The
13 thing that keeps coming back to me is, I know
14 when we visited about this in July and
15 August, we went through a pretty serious,
16 pretty serious drought conditions. We still
17 are. And I see this number, and I'm
18 impressed by this number. Again, it's an
19 unaudited number.

20 But as I ask you-all the question
21 again, and I know this is a resource issue,
22 if 76 percent of the water is coming from
23 surface water, and that includes back to
24 2009, I'm assuming you can also break that
25 down what's coming from a lake or river or

1 stream and/or a private, a private pond. I
2 think we capture the data that way, right?

3 MR. SNELLGROVE: We have in the past,
4 correct.

5 MR. ANGELLE: So from the private pond
6 perspective, if it's not being refilled by,
7 by a well or some naturally-occurring spring,
8 I'm having a hard time reconciling how
9 private ponds can still have water in August
10 and September in a serious drought, when it
11 would seem like the ability to withdraw from
12 that pond would be diminished in a drought
13 condition? That you can maybe get one, you
14 know, you could get one, one trip to the
15 pond, if you would, but not ten.

16 And I realize that perhaps maybe a
17 flyover, maybe some aerial photography would
18 help in that situation. But I'm particularly
19 interested in hearing -- I mean, that's one
20 thing I have been kind of, you know, looking
21 at the data, giving people benefit of the
22 doubt of providing accurate information, and
23 then saying, okay, well, do you know now what
24 percentage of that 76 percent is from
25 public lakes, streams and rivers as opposed

1 to private ponds? Do you know that now?

2 MR. SNELLGROVE: We had run statistics
3 on that in the past. I don't have it
4 offhand, certainly, but we can investigate
5 that. We have the ability to do so.

6 MR. ANGELLE: Yeah. I know we are
7 grabbing the data that way, and I think
8 that's good, but -- and, and I don't expect
9 you to, to, to have an answer for, for, for
10 these kind of policy issues that we are kind
11 of struggling with. But it would appear to
12 me that some of that -- my common sense,
13 which I don't have a bunch of, tells me that
14 there has to be, there has to be some
15 non-compliance there.

16 MR. HOLLINGSWORTH: Sounds like a
17 contradiction.

18 MR. ANGELLE: Yeah.

19 Now, again, I don't think anybody here
20 is saying that everybody who reports -- this
21 is not our data. This is data that is being
22 reported to us and we are, we are, you know,
23 formatting and reporting back to the
24 stakeholders. And if it were not for a
25 drought, I don't necessarily know that we

1 would be having this conversation.

2 So is it -- do we rely on, on the
3 public just to say, hey, somebody is a bad
4 act over here and we run and chase that down,
5 or are there any other suggestions?

6 MR. FREY: Mr. Chairman, in listening
7 to this conversation, I just -- and with all
8 due respect to the very educated audience we
9 have here today -- I have been in a number of
10 public meetings over my career and years, and
11 there are some folks that show up at these
12 meetings and tend to finger point and don't
13 have specific information. So I think, you
14 know, we need specific information, not
15 innuendos as to we think this is happening.

16 It appears that Mr. Snellgrove and his
17 staff have some very good data and backs up
18 that this is not an occurrence that is
19 happening on a daily basis.

20 Now, Mr. McKinney, you may have some
21 more information that is more specific, but I
22 think we need to get down to specifics and
23 not innuendos. That's, that's my comment.

24 MR. ANGELLE: Sure. Sure.

25 MR. SNELLGROVE: May I add, also,

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Secretary?

Maybe the answer to your question could be best provided by, by a geologist that understands about hydrology and settings and, and, say, in particular, north Louisiana with the presence or lack thereof of water in a surface pond feature. My appreciation of those types of features, especially in a hilly terrain, could be that they can continue to be fed by subsurface ground water, and a pond may never actually ever go dry. I mean, it can, can continue to be fed by a resource that you may not see on the surface, even though the rain doesn't fall.

And then you have other situations where some ponds are located in a strategic location, either there by nature or, or by a manmade act, to, to, to maximize the runoff and collect the little bit of rain that does fall in a drought because rain still does fall during drought conditions. It may not fall everywhere in a large volume.

So -- and, again, I can surely support what we have on the public record for those allegations that have come before the agency

1 and the investigations that we did and found
2 that there were no perpetrators, if you will,
3 or no wells that were feeding these
4 locations. And in one case I remember, a
5 pond was being fed, but it was by wastewater.
6 It was legitimately -- the pond was being
7 legitimately filled with recycled wastewater,
8 so -- but not from a water well.

9 But, anyway, we certainly appreciate
10 and want to continue to, to encourage the
11 delivery of, of information that may, that
12 may, that may find a non-compliant situation.
13 So I'm not at all trying to advocate that we
14 should not continue to be astute and provide
15 our agency the opportunity to investigate
16 these situations. But I can and have given
17 you our experiences with it. And I will
18 maybe allow Jeff at this time to add about
19 the hydrology, perhaps, on surface water
20 features and what have you in particular to
21 your question about the drought.

22 MR. ANGELLE: Let me just, if I could,
23 just in the essence of time, perhaps that we
24 set that up for the next agenda. I would say
25 that I have confidence that the vast majority

1 of what you-all are presenting is accurate.
2 And just to say, you know, to agree with
3 Paul, that we have to deal with specifics.
4 But I think the way to deal with those
5 specifics and how we encourage people to
6 bring us the specifics, as Paul has
7 mentioned, is what gives us -- gives the
8 public confidence that, that it is, it is a
9 narrow exception rather than the rule, and
10 there are always going to be exceptions and,
11 and it will be -- humans will be what we are.

12 But to the degree that we can have
13 that type of explanation and perhaps have
14 some kind of round table within, within, you
15 know, the department as to whether or not
16 there's anything that we might be able to do,
17 using any kind of other electronic resources,
18 any kind of, you know, opportunities for
19 people to report an issue to us online, going
20 through a 1-800 number, again, not trying to
21 be out there trying to criminalize folks, but
22 we have to be able to answer these continued
23 questions of folks doing this, and I think
24 we, we are doing an adequate job. Whether or
25 not we can turn it up a notch, remains to be

1 seen. We are all called to do that. So
2 let's go ahead and get that set up on the
3 next agenda. I just wanted to address it.

4 I think it's a valid concern. And I
5 think I certainly am aware that folks believe
6 that that is going on disproportionately. I
7 don't believe it is going on
8 disproportionately, but I'm not confident to
9 say it's not going on at all. And I think we
10 need to try to put some efforts around that.

11 MR. MCKINNEY: (Nodding head.)

12 MR. ANGELLE: Okay.

13 MR. ADAMS: All right. Any other
14 questions about the --

15 MR. ANGELLE: And you will get a
16 report in the next 30 days out broken out by
17 parish and by aquifer?

18 MR. SNELLGROVE: Correct.

19 MR. ANGELLE: Thanks. Because that
20 could be on the ground water supply. The way
21 to deal with that could be coming, like, for
22 instance, from the Red River alluvial; is
23 that correct?

24 MR. SNELLGROVE: That's correct.

25 MR. ADAMS: Correct.

1 MR. ANGELLE: And to address this,
2 there's nothing in the law? This is all done
3 through a guidance document, right? I mean,
4 this, this --

5 MR. SNELLGROVE: No, sir. The
6 reporting on the --

7 MR. ANGELLE: Not the reporting, but
8 the cooperation that we are getting from the
9 energy industry is all in response to a
10 guidance document; is that right?

11 MR. ADAMS: Yes, sir, that's correct.

12 MR. ANGELLE: The statutes do not
13 specifically give the Commissioner the
14 authority to tell energy companies that they
15 can't use ground water for fracking purposes?

16 MR. SNELLGROVE: Oh, yeah, that's
17 correct. It's an advisory. We issued an
18 advisory in 2008 --

19 MR. ANGELLE: Right.

20 MR. SNELLGROVE: -- that encouraged
21 alternative resources, such as surface and/or
22 alluvial aquifer systems, as opposed to
23 Upland Terrace and the Wilcox.

24 MR. ANGELLE: Do you know of any other
25 industry that has had that kind of guidance

1 document imposed upon them, or recommended to
2 them, I should say?

3 MR. SNELLGROVE: I can't recall
4 offhand since I have been involved with it.

5 MR. ANGELLE: So the point I want to
6 make is that, the Commissioner has no, no
7 legal authority to pick winners and losers of
8 who can use this water and who can't use this
9 water. But through a -- through some, some
10 aggressive leadership has issued a guidance
11 document. And the unaudited report of that
12 guidance document shows at least 76 percent
13 of it is coming from surface water, and some
14 of that ground water on that frac supply
15 could be coming from a non-potable aquifer,
16 like the Red River alluvial, right?

17 MR. SNELLGROVE: Yeah, that is
18 correct.

19 MR. WELSH: I think the next
20 regulatory step to take on that policy would
21 be to, to make it into a rule.

22 MR. ANGELLE: Do you have the
23 authority to, do you have the authority to,
24 to establish a rule that picks a winner and a
25 loser?

1 MR. WELSH: Well, the rule, I guess,
2 or the --

3 MR. ANGELLE: My, my first reaction to
4 that is, I would not fix, fix what is not
5 broken. And this issue -- again, we need to
6 try to be able to audit it, but, but what
7 happens in the -- what happens if -- we don't
8 have the same kind of guidance document for,
9 for paper mills, right?

10 MR. SNELLGROVE: No.

11 MR. WELSH: Correct.

12 MR. ANGELLE: Okay. And I think one
13 rule begets another rule. And my concern is
14 that, is that this is working. I guess my
15 observation that this is working. We need to
16 do some more. Again, I think we, we do have
17 some bad actors, but I do believe they are
18 limited. I guess -- my -- I'm concerned
19 about, about picking a winner and a loser for
20 the use of the water resource.

21 MR. WELSH: I think the policy was a
22 response to a recognized emergency in 2008,
23 and something had to be done about the
24 situation in the Carrizo-Wilcox, and that was
25 the answer.

1 MR. ANGELLE: And you certainly
2 believe that, that the industry has responded
3 positively to that guidance document?

4 MR. WELSH: I think that the pie graph
5 would show that. And, in fact, if that rule
6 was not there, that red would not be where it
7 is today, 76 percent. And not only as we
8 know, the other plays in the state, the
9 Tuscaloosa Marine Shale and the Brown
10 Dense/Lower Smackover, the operators in those
11 two areas, which will be developed using
12 similar technology, fracking, they have all
13 indicated that they will not use ground water
14 fracking and they will go to surface water.

15 So the message that was sent to the
16 Haynesville operators has spread statewide.
17 I think that's a good sign.

18 MR. ANGELLE: Uh-huh. Very good.

19 So to the, to the folks in the
20 audience who are in the oil and gas business,
21 and I should say, I guess, in natural gas
22 business, two things I would say, is thank
23 you for your cooperation with the guidance
24 document; and the second thing, I want to
25 encourage you-all to look at your own

1 policies and procedures to make sure that you
2 are doing everything you can to, in fact,
3 comply with that, with that, with that
4 guidance document. Thank you.

5 MR. ADAMS: The next item on the
6 agenda is the -- an update on the statewide
7 well notification audit and enforcement. And
8 Mr. Snellgrove briefly mentioned a little bit
9 about that just a few minutes ago.
10 Essentially, it's an audit of wells that were
11 required to provide us prior notice so that
12 we could evaluate the well prior to its
13 installation.

14 In conducting the audit, we did go
15 through -- we have gone through parish by
16 parish through, through each parish. We were
17 on schedule with the 2009 and 2010 schedules.
18 So every, every parish has been audited for
19 compliance up through 2010.

20 We have now moved to an annual audit
21 schedule where by December -- by the end of
22 December of each year, we will have continued
23 with the audit to ensure compliance and make
24 sure that the -- that our data is completely,
25 completely accurate.

1 The findings that we found in
2 conducting the audit are broken down by
3 parish and, essentially, these, these next
4 three pages are, a list of the compliance
5 actions for each parish. The bottom line is
6 that a total of 2,984 actions have been
7 issued. And we will continue to keep, keep
8 that audit up-to-date and follow up on those
9 actions to make sure that those wells that
10 were supposed to be evaluated, the proper
11 information is submitted to us so that we can
12 keep the database up-to-date.

13 MR. ANGELLE: So that addresses the
14 previous conversation I was having with Mr.
15 Snellgrove?

16 MR. ADAMS: Yes, sir. Yes, sir.

17 MR. ANGELLE: So you had 2,984
18 actions?

19 MR. ADAMS: There were 2,984 wells
20 that we discovered had not sent us their,
21 their prior notice of construction.

22 MR. ANGELLE: So you had nearly 3,000
23 wells during the period of 2009-2010?

24 MR. ADAMS: No, sir. They were
25 discovered during the period 2009-2010.

1 MR. ANGELLE: Discovered during that
2 time period.

3 MR. ADAMS: The wells --

4 MR. ANGELLE: Then the law that
5 required them to put you on notice for you to
6 evaluate those wells, but in despite of that,
7 those wells actually were drilled without
8 your notice.

9 MR. ADAMS: Correct. And the time
10 period from that was from July of 2001
11 through, essentially, 2010.

12 MR. ANGELLE: Your baseline was the
13 DOTD database?

14 MR. ADAMS: There were, there were
15 several sources that we used to compare to
16 find that information, and the DOTD database
17 was the primary one. And once again, the
18 difference, as you pointed out earlier, is
19 the prior notification is required to be
20 filed by the water well owners who may do
21 this once in a lifetime as opposed to the
22 water well drillers that require their
23 post-construction registrations and do it,
24 you know, as part of their course and scope
25 of their work.

1 MR. ANGELLE: Would it help to have a
2 rule that no water well driller shall drill a
3 well -- shall be authorized to drill a well
4 unless he has evidence that prior
5 notification was given to the state? I mean,
6 you are going to continue to chase your tail
7 on this issue unless --

8 MR. ADAMS: Yes, sir.

9 MR. ANGELLE: -- you manage a small
10 number of drillers as opposed to the, the
11 entirety of the population of the state.

12 MR. ADAMS: Yes, sir. I believe that,
13 that rule might alleviate some of the
14 difficulty that we are seeing.

15 MR. MCKINNEY: John.

16 MR. ADAMS: Yes, sir.

17 MR. MCKINNEY: Do you have a breakdown
18 as to what percentage of these are domestic
19 and what percentage are --

20 MR. ADAMS: None of these are
21 domestic, because domestic well drillers are
22 not required to provide us with prior
23 notification.

24 MR. ANGELLE: Domestic well owners.

25 MR. ADAMS: I'm sorry. Domestic well

1 owners. Thank you, sir.

2 MR. HOLLINGSWORTH: What is the
3 penalty, Mr. Chairman, for that, for not
4 reporting? Is there any? Is there --

5 MR. ANGELLE: There's a civil penalty,
6 something small.

7 MR. ADAMS: Well, the penalty
8 actually--

9 MR. HOLLINGSWORTH: Have many times
10 have we utilized it?

11 MR. ADAMS: The penalty actually
12 varies, depending on when their well was
13 drilled. Between July 2001 and June 30th of
14 2003, the only authority that we have is to
15 issue a notice of violation basically just
16 telling them that you are in violation, get
17 it fixed.

18 Between -- any well drilled after June
19 30th of 2003, we actually have the authority
20 to implement civil penalties.

21 Now, at this point, we have -- I don't
22 believe we have issued any penalties up to
23 this point yet. We simply issued compliance
24 orders saying, you-guys have a problem, you
25 failed in your duty to, to provide us with

1 prior notification, go ahead and get it fixed
2 now. And, and depending on the response that
3 we get from that, we may need to take
4 additional --

5 MR. ANGELLE: What number, what
6 percentage of that -- a couple things I want
7 for the next time we meet.

8 What percentage does this represent of
9 the wells that we had to be notified on?
10 Okay. So that will give us an idea of, of,
11 again, is this a .01 or something bigger than
12 that, No. 1.

13 No. 2, how effective has your
14 compliance orders been? So you have 2984
15 compliance orders in the sense that you have
16 issued; correct?

17 MR. SNELLGROVE: That's correct.

18 MR. ANGELLE: And so just kind of give
19 us--

20 MR. SNELLGROVE: You want some
21 feedback as to who complied and how many and
22 et cetera?

23 MR. ANGELLE: How effective has that
24 been?

25 MR. SNELLGROVE: Right. Yeah, we are

1 in the stage right now where, hopefully, by
2 December 31st, we would have been able to
3 conduct a second audit, as you saw
4 highlighted earlier. And due to some issues
5 that we were overcoming with, with database
6 management and what have you, IT folks have
7 been able to improve our databases so that we
8 can more effectively do these audits.

9 MR. ANGELLE: Right. So I want you to
10 take a look at a rule or some regulation or a
11 statute that must apply at DHH regarding
12 installers of mechanical sewer systems. And
13 it is my understanding that mechanical sewer
14 systems, that installers have to be licensed;
15 and, secondly, they cannot install unless
16 they have evidence of some notification, and
17 see if we can learn anything from that.

18 Because while -- you know, I
19 appreciate the use of civil penalties and,
20 and as something that, you know, modifies the
21 behavior, the reality of it all is that all
22 we really want is to be able to manage the
23 resource, and we need that compliance. And
24 most folks -- I mean, I know when you sent
25 out those letters, my phone was ringing off

1 the wall because folks are, like, Well, I
2 didn't know I was supposed to do this. And,
3 and the reality of it, the drillers -- the
4 driller can be our conduit there.

5 MR. SNELLGROVE: Okay. We will
6 investigate that, no doubt, and provide some
7 information on, on our findings.

8 MR. MILLER: Mr. Chairman.

9 MR. ANGELLE: Yes, sir.

10 MR. MILLER: John, 2984, it says
11 that's from '09 to '10. Does that include
12 '11, as far as audits for '11, or is that
13 just --

14 MR. ADAMS: No, sir. That is just the
15 time period, the audit conducted in 2009 and
16 2010.

17 MR. MILLER: So for the audits of this
18 year, how are the numbers this year tracking
19 as compared to those old numbers?

20 MR. ADAMS: I don't know that we have
21 the numbers from that yet. However, keep in
22 mind that the audit for 2011 basically is
23 just picking up from what -- anything that
24 was done after 2010.

25 MR. MILLER: The reason I'm asking

1 that is, if you have seen a dramatic
2 reduction in '11, since the '09-'10 was the
3 first time folks had ever had to deal with
4 that.

5 MR. ANGELLE: Right, right.

6 MR. MILLER: So now are we seeing a
7 pretty dramatic reduction in the number of
8 actions that are happening in '11, and that
9 may go to the heart of your question.

10 MR. ANGELLE: Right. Well, the 2984
11 covers an eight-year period, nine-year
12 period; correct?

13 MR. MILLER: Yes, sir.

14 MR. ANGELLE: So you can graph them
15 out by year. I would suspect that, by year,
16 we are not seeing a big reduction. That
17 would just be me because, again, I think
18 folks -- you know, we, we haven't spent any
19 time or resources other than notifying a
20 particular offender from, from yesterday. I
21 don't necessarily know if we are doing a
22 whole bunch to, to advise folks who
23 potentially are going to be drilling a well
24 that they need to notify us.

25 You know, how do you -- again, it

1 would seem to me if, if the best and wisest
2 use of our resource would be to work
3 through -- we have over 250 licensed drillers
4 in the state? It would seem to me would
5 be -- and if every well has to be drilled by
6 a licensed driller, it would seem to me it
7 would make sense to, to require -- to work
8 through those 250, as opposed to four million
9 Louisianans?

10 MR. SNELLGROVE: Yeah. It would make
11 our job a lot easier. I mean, we have done a
12 lot of public ed and outreach with public
13 supply guys because we know that they were
14 having problems with this. They are part of
15 that count. We certainly had a large volume
16 of drilling rig supply well owners that were
17 not complying with that. The industry well
18 owners were pretty much on target. They have
19 a good history of compliance. But we have --
20 we had irrigation also that was a big problem
21 area.

22 So we opened up several public ed and
23 outreach efforts. We met with LRWA. We
24 traveled the state. We brought our message
25 of well owner notification, and we taught

1 them, we educated them, we tried to bring
2 them up to speed.

3 I'm curious, as well as you, as to, to
4 how those efforts have been, have been --
5 have played out. We spent a lot of resources
6 doing this, and working with, with NRCS,
7 with, with LSU Ag Center, to get the message
8 out to the farming community.

9 We have found that, that -- I can tell
10 you just from my experiences, I don't have
11 any hard number for you, but I can tell you
12 for sure -- and I know Jeff Jones can confirm
13 that -- that, that the NRCS process is
14 working. They will not issue a -- their
15 funding to an irrigation well owner until
16 such time they are confident that they have
17 complied with, that well owner has complied
18 with, our rules and regs. One hundred
19 percent I'm confident that, that 100 percent
20 of the NRCS process is working.

21 Now, with the LSU Ag Center, what we
22 want to do moving forward, assuming that the
23 law doesn't change that allows us to manage
24 this differently, we intend to get with the
25 LSU Ag Center and visit to their -- on their

1 local outreach efforts as well to do like we
2 did with LRA, to get the message out to the
3 farming community about water well owner
4 notifications.

5 So, I mean, these are the things that
6 we are going to do within our boundaries that
7 we currently have available to us, the tools
8 that we have, assuming that nothing does
9 change. And I appreciate the fact that we
10 want things to change and improve, but I
11 can't manage on the want. I have to manage
12 with what I have here and now. And we are
13 going to continue to do this effort. And I
14 am very curious to see what kind of results
15 that we have, or if it -- maybe it's the one
16 and done theory, and our efforts have been
17 futile. But at least we made the effort.

18 MR. ANGELLE: Yeah. My concern is it
19 takes so, so much effort to keep that message
20 out there.

21 MR. SNELLGROVE: Correct.

22 MR. ANGELLE: That you can wrap up and
23 then it's not sustained and -- then giving
24 that message is not sustainable because
25 you've got other fires that you have to work

1 on. And then, and then we are in a valley of
2 information, and a darkness or silence of
3 information.

4 And so, again, looking at what DHH is
5 doing with installers of mechanical treatment
6 systems, seems to be perhaps at least some
7 suggestion. I'm interested in hearing from
8 anyone else.

9 I believe that we have to find a way
10 to use in a cooperative way the drillers,
11 they have to be our partners. Drillers need
12 the sustainability of the resource as much as
13 we do. They are all good folks. In the
14 past, pledged their cooperation with us. It
15 just seems to me, you know, in a number of
16 examples. The DHH is one example.

17 The other one I would -- I will share
18 with you is the campaign finance disclosure.
19 We don't regulate the person who gives the
20 money because that's, that's a wide variety
21 of folks. We regulate the person who
22 receives the money. The person who receives
23 the campaign contribution is the person who
24 has to file the report.

25 And so there are a number of, of ways

1 we, we can look at it, where, just again,
2 partnering would make your job easier,
3 make -- and make management of the resource,
4 I think, give us a little bit more
5 confidence.

6 MR. SNELLGROVE: Yes, sir.

7 MR. ANGELLE: And you might want to
8 check with other states. I'm assuming that
9 there are probably some other states that are
10 doing that.

11 Thanks.

12 MR. ADAMS: All right. Moving on to
13 East Baton Rouge Metro Council Resolution No.
14 48944.

15 On October 26th, the Baton Rouge --
16 the East Baton Rouge Parish Metro Council
17 essentially adopted a resolution requesting
18 the Office of Conservation to hold hearings
19 to receive testimony on ground water level
20 decline in the Baton Rouge area and to
21 receive evidence of possible acceleration of
22 salt water intrusion across the Baton Rouge
23 Fault. And depending on those findings, if,
24 if those by, by sound scientific evidence is
25 established that, that those findings are

1 accurate, then they are requesting that the
2 Office of Conservation to declare the East
3 Baton Rouge Parish an area of ground water
4 concern and then take action as necessary to,
5 to maintain aquifer sustainability.

6 Now, they sent this letter to the
7 Office of Conservation. However, the Capital
8 Area Ground Water Conservation District has
9 authority over this area as well. So the
10 Office of Conservation can't take any action
11 without doing it in conjunction with the
12 Capital Area Ground Water Conservation
13 District.

14 As a result, we went ahead and
15 prepared a letter that we forwarded to the
16 Capital Area Ground Water Conservation
17 District. We forwarded that letter on
18 November 8th to find out how they wanted to
19 handle the situation.

20 We have had phone conversations with
21 several representatives of the Commission.
22 And we understand that, that they're
23 currently planning a response to the letter.
24 Once we receive the response to the letter,
25 then we will get back with them and decide

1 how to proceed from there.

2 MR. ANGELLE: Okay. That information
3 is included in your package. You have a copy
4 of the resolution. And that's a resolution
5 of the Metro Council in Baton Rouge, right?

6 MR. ADAMS: Yes, sir.

7 MR. ANGELLE: East Baton Rouge Parish.
8 And then on November 8th you drafted a
9 letter to the Capital Area Ground Water
10 Commission?

11 MR. MAYS: Mr. Secretary?

12 MR. ANGELLE: Yeah.

13 MR. MAYS: Question. The Commission
14 declared an area of concern, and that area is
15 what?

16 MR. ANGELLE: It requests, I believe,
17 right?

18 MR. ADAMS: Yes. They're --

19 MR. MAYS: I'm quoting from a letter
20 that the Commissioner signed that says, "I
21 declare East Baton Rouge Parish an area of
22 concern"; is that correct?

23 MR. SNELLGROVE: No, sir.

24 MR. ADAMS: No, sir.

25 MR. ANGELLE: It says the resolution

1 requests.

2 MR. MAYS: Oh, the resolution
3 requests.

4 MR. ANGELLE: The resolution is
5 attached, which came from the, the East Baton
6 Rouge and the City of Baton Rouge, we adopt a
7 resolution requesting that the Commissioner
8 declare that, I think.

9 MR. MAYS: Well, is the -- the only
10 areas of concern we have is the Sparta right
11 now; is that correct?

12 MR. ADAMS: Yes, sir, that is correct.

13 MR. MAYS: Would this be an additional
14 area if, in fact, you declare an area of
15 concern?

16 MR. ADAMS: First, there's a long
17 procedure that has to take place before we
18 get to that.

19 MR. ANGELLE: Right. But the answer
20 to his question is, before you get into the
21 procedure, the question, this would be, if,
22 if, in fact, this procedure -- a procedure we
23 would go through, this would be the first
24 area in Louisiana outside of Sparta; is that
25 correct?

1 MR. ADAMS: Yes, sir.

2 MR. MAYS: And was there ever a
3 request from the Carrizo to be an area of
4 concern?

5 MR. ADAMS: No, sir.

6 MR. MAYS: Thank you.

7 MR. ANGELLE: Okay. So you will keep
8 us informed as to the developments of your
9 cooperation with the Capital Area?

10 MR. ADAMS: Yes, sir.

11 MR. ANGELLE: All right.

12 MR. ADAMS: Moving along, as, as most
13 of you are familiar with, and Mr. Mays, this,
14 this goes right along with what your concern
15 just now was.

16 The, the Commissioner did declare a
17 ground water emergency for the Carrizo-Wilcox
18 and the Upland Terrace aquifers in two
19 particular areas of interest, specifically
20 the Keithville area and Ellerbe Road areas.
21 This was done on August 19th. And, of
22 course, it was done as a result of the severe
23 drought that's taken place across north
24 Louisiana.

25 Essentially, the emergency order

1 allows for the continued use of ground water
2 for human consumption and agricultural
3 purposes. However, it prohibits the use of
4 water for residential lawn and golf course
5 fairway watering. It limits the washing of
6 vehicles and equipment beyond what's
7 necessary to achieve proper maintenance. It
8 prohibits the filling of ponds for aesthetic
9 purposes. It prohibits the filling of pools
10 beyond what's necessary for maintenance
11 purposes. And it prohibits industrial wells
12 from withdrawing water beyond what is
13 necessary for human consumption and
14 agricultural purposes, and, in any event, if
15 they are going to use more than 300 gallons a
16 day, they have to contact us and let us know
17 what the purpose of that use is going to be
18 so that we can, we can approve of, you know,
19 withdrawals of greater than 300 gallons per
20 day.

21 Leading up to this emergency order,
22 the Commissioner had numerous conversations
23 and meetings with both the secretary and
24 local and regional governing authorities to
25 discuss the situation and receive their

1 input. There was both a public notification
2 and an education public outreach program that
3 was implemented. Essentially, there were
4 numerous meetings held up in that area to
5 solicit comments and, and find out from the
6 individuals that are actually experiencing
7 the problem, the, the depth of the problem
8 and the location of, of the areas of concern.

9 LSU has a -- LSU-Shreveport has a
10 monitoring well network. Since the issuance
11 of this order, we have contacted the USGS and
12 made arrangements for four additional
13 observation wells in that area to be added to
14 that network. We are continuing to, to
15 measure local rainfall activity and we're
16 conducting monthly updates.

17 Based on the, the individuals that,
18 that have contacted us with various
19 complaints -- and this includes at the public
20 meetings that were held in the, in the
21 Ellerbe Road area -- we have made a contact
22 list of people who are having problems and
23 concerns, and we are continually -- we are
24 conducting an ongoing phone survey to contact
25 those people to find out if the situation has

1 changed, if it's gotten worse, if it's gotten
2 better, to try to more directly monitor
3 exactly what's going on.

4 And we have assigned the, the
5 inspectors that we have in our Shreveport
6 office to do periodic inspections of the area
7 to, to make sure that the rules that have
8 been implemented in the emergency order are
9 being enforced.

10 Also, we have had numerous -- based on
11 complaints that we have had from people in
12 the area, pointing out that, you know, their
13 neighbors are, you know, filling ponds or
14 that sort of thing, we have investigated each
15 and every one of those complaints, at least
16 all the ones we have had sufficient
17 information to actually conduct an
18 investigation, to either issue a compliance
19 order or make a determination that, you know,
20 what someone thought was a violation,
21 actually isn't a violation because they are
22 receiving water from the Red River alluvial
23 aquifer as opposed to the Carrizo-Wilcox or
24 the Upland Terrace aquifers, which are the
25 only two aquifers being restricted.

1 MR. ANGELLE: Do you have any metrics
2 to show us what the monitoring wells were to
3 before and after this order?

4 MR. ADAMS: That's not a slide that we
5 prepared for you; although, we do have data,
6 data on that.

7 MR. ANGELLE: Okay. Can you --

8 MR. HOLLINGSWORTH: Mr. Chairman, do
9 we have any idea what's caused this, what are
10 the overriding factors that led to this
11 emergency? And is an emergency a step beyond
12 calling it critical or vice versa?

13 MR. ADAMS: An emergency is a, a
14 totally separate track from declaring an area
15 an area of concern or declaring a critical
16 area of concern.

17 And emergency is caused by an
18 unexpected chronic -- I'm sorry -- unexpected
19 acute occurrence of something as opposed to
20 a, a -- just the, the slow, steady decline of
21 a particular area.

22 MR. ANGELLE: Study versus gradual
23 maybe?

24 MR. ADAMS: Yes, sir. Yes, sir.

25 I'm sorry, there were two parts of

1 your question. What was the other part?

2 MR. HOLLINGSWORTH: I just wanted to
3 know if we have been able to identify the
4 causes of the problem.

5 MR. ANGELLE: Well, I think in the
6 order on Page 2 there are several findings in
7 the, in the order that detail -- let's see.
8 Wasn't there a finding that talked about
9 the -- Item No. 3 -- Item No. 2.

10 MR. HOLLINGSWORTH: I think we had
11 some information at our board meeting here a
12 couple of years ago talking about how, how
13 lenticular that particular aquifer was, if I
14 remember correctly.

15 MR. ADAMS: I'm sorry, I couldn't
16 hear.

17 MR. ANGELLE: Correct. I think --
18 yeah, he was talking about how lenticular,
19 how lenticular the Carrizo-Wilcox was. I
20 know that in item -- finding No. 2, you
21 mentioned a drought.

22 Wasn't there a mention of the
23 lenticular nature of the Carrizo-Wilcox in
24 the findings?

25 MR. SNELLGROVE: That would have been

1 a finding as well as population density and
2 dependence upon these --

3 MR. ANGELLE: What finding would that
4 be?

5 MR. BALKUM: Would that be No. 3 in
6 the last sentence?

7 MR. SNELLGROVE: Yes. No. 3 includes
8 both the dependence on public and domestic
9 supply as well as the discontinuous nature
10 and typically thin, lenticular and fine
11 textured sand beds. That's Finding No. 3.

12 MR. ANGELLE: So, generally, I would
13 say, to summarize, the issue -- the deficit
14 was created with more demand than, than its
15 ability to recharge during that time period.

16 What caused that -- I recall having
17 conversations with the staff -- certainly
18 use, and certainly the inability for, for the
19 aquifer to, to recharge because of the
20 drought.

21 The uses -- have uses spiked in that
22 area? I'm not sure.

23 So you don't, you don't, you don't
24 have the, the data to determine whether or
25 not the Commissioner's order has been

1 successful?

2 MR. SNELLGROVE: I can add to that.

3 The data is from, from Gary Hanson's
4 network of wells in the LSU-Shreveport area
5 is improving. The data is showing that the
6 water levels are improving, and they are
7 increasing and rising. What we are using as
8 a benchmark is June of 2011, prior to the
9 phones ringing that folks in these areas are
10 experiencing their wells going dry or they
11 are losing pressure or their water quality
12 has been deteriorated.

13 So right now, we have got -- and we
14 track this every month. Gary Hanson goes
15 out, or his staff goes out, and collects this
16 data once a month. So every month we get the
17 information from his group. And we have been
18 charting it. We do have this data. We will
19 be glad to provide it to you. But I can tell
20 you right now that it is definitely
21 improving, and it could be several reasons.

22 I mean, people's lawns probably have
23 long been, been dead. They may not have the
24 need to water anymore as much as they had
25 because it's not a hundred plus degrees. And

1 we are getting rain now. The month of
2 November was a very average month, as far as
3 rainfall goes. It was very encouraging. And
4 it appears like so far in the month of
5 December, that we may have a continuation of
6 that pattern. So we expect to see these
7 wells to continue to improve at these
8 locations that we are monitoring.

9 We did mention earlier that we will be
10 bringing online some additional wells through
11 the USGS in a contract that we are developing
12 with them, to give us more control in that
13 area and to be able to have a more robust
14 monitoring so we can understand this
15 lenticular nature out there, because, you
16 know, in this type of aquifer system, what
17 may be improvement in one area, because of
18 the nature of this aquifer system, it could
19 be quite different, you know, right around
20 the corner, if you will, so to speak. So we
21 want to have more control, and that's why we
22 did what we did.

23 But we're not at a point right now, we
24 don't believe. John had mentioned earlier,
25 too, that we are doing a phone survey of

1 those who have called and said they are
2 having -- experiencing water problems. Well,
3 we are going back and calling these folks and
4 we are going to find out what the conditions
5 are today, based on the information we have
6 today, about the aquifer in these monitoring
7 well locations.

8 So based on that, I'm expecting by
9 maybe Friday or so, we may be able to provide
10 the next update, monthly status update, based
11 on this new information. It may be that we
12 can relax some of the restrictions. It may
13 be that we need to continue where we are with
14 some encouragement and, and letting the folks
15 know that we are seeing improvement. Don't
16 know where we are going to be, but we need to
17 complete our process and investigation, and
18 then we'll go ahead and issue the update at
19 that time.

20 MR. ANGELLE: I know I'm going to
21 address this a little bit later, but as we
22 evaluate this, is the state -- does the state
23 have a canary in a coal mine here; that is,
24 a, that is, a public, a public canary, if you
25 would, or were we -- or we're in that

1 particular area because of, of a lack of
2 monitoring wells, whatever is the appropriate
3 number, and I would assume that because of
4 the lenticular nature of that particular
5 aquifer, it would require probably a
6 different monitoring network than, than,
7 perhaps maybe Chicot by comparison?

8 Was the canary here -- well, did we
9 have one, or was it -- as we try to manage
10 the resource, was it homeowners or users
11 calling and saying, I have got a problem?

12 MR. SNELLGROVE: I think that the
13 latter is the correct answer. We had, we had
14 the complaints coming in that prompted us to
15 understand that there was a problem.
16 Otherwise, we weren't -- we didn't have a
17 network in that area, other than Hanson, his
18 group of wells were there, but, but -- and
19 they were -- I'm sure that they were, were
20 showing some signs of decline. But, but
21 there was no -- I mean, these aquifer systems
22 rise and fall with seasonal variations and
23 what have you. So that necessarily -- that
24 would not have necessarily tipped off a
25 problem.

1 I think it was more of a perfect
2 storm. We had water level -- we had user --
3 residential densities in these areas that
4 were relying upon that aquifer system or
5 those two aquifer systems to provide their
6 domestic well water, as well as some public
7 supply providers in the area. We had a
8 drought that was ongoing for, for several
9 months, for actually over a year that, that
10 continued. You know, and domestic users, you
11 know, in a time of drought, it's not like in
12 industry where they have a steady demand for
13 water. A domestic user, I mean, he's got
14 shrubbery and trees and grass, and he's got
15 to maintain that outside. Whenever it
16 doesn't rain, he uses his tap. So that
17 pulls.

18 And then as well as the public supply
19 providers who are providing these same
20 residential folks, if they don't have their
21 own private well, they are using water that
22 is coming out of that same system, and it's
23 being used for these other activities that,
24 that are in an abnormal state.

25 So you had an abnormal volume of

1 ground water dependency without -- the double
2 whammy was without the recharge, because you
3 weren't getting that.

4 But to answer your question, back to
5 the, back to the question about monitoring, I
6 would say that yes, that the calls that came
7 in, that said, My well has gone dry, prompted
8 our agency into, into a response where we
9 started studying and understanding, looking
10 more intensely at that area. And it didn't
11 take very long for us to, to react, if you
12 will, once we had enough objective
13 information that indicated that there was an
14 immediate problem.

15 And that's the term that you were
16 looking for. And the definition of an
17 emergency versus an area of concern is the
18 word, is the word "immediate." We had an
19 immediate situation. We had folks who were
20 adversely being impacted at that moment in
21 time. Their well was going dry.

22 MR. ANGELLE: Right. It certainly --
23 I think, for me is, the observation I have,
24 is that as a manager of the resource, we need
25 to have in this state some investment in

1 monitoring wells beyond what we have now so
2 that we can predict those issues before they
3 happen and issue orders that obviously are
4 not as onerous as these are. I mean, we need
5 the same thing that every manager, whether
6 it's fish or wildlife or anything else you
7 might imagine, needs to know the status of
8 the resource in more of a real time
9 information. And so we will talk a little
10 bit more about that. But...

11 MR. HOLLINGSWORTH: Mr. Chairman, I
12 fully agree with you. But at least now you
13 have data available to you so you know where
14 the problem begins. So when it begins to get
15 close to that, would we not have an
16 obligation to make advance notice so you
17 don't have the shortages and people can
18 mitigate the problem head-on?

19 MR. SNELLGROVE: Yes, sir.

20 MR. HOLLINGSWORTH: We don't know that
21 about some of our other aquifers.

22 MR. ANGELLE: Right. You know, if we
23 take a look at, you know, for 180 years of
24 our statehood, that was not something that we
25 really -- so it's an evolution. And it just

1 seems to me that we, we know -- we spend most
2 of our time getting rid of water in this
3 state. So we can tell you where, where the,
4 the pumps are and we can tell you what the
5 cubic feet per second for it, what the
6 discharge is, we can tell you that, because
7 we know that and we have that cataloged.

8 From a monitoring standpoint on what's
9 going on the subsurface, I think we -- one of
10 the things I would hope we would be able to
11 recommend to the legislature, and over time,
12 be able to get the resources to invest in a
13 more robust monitoring network, and what we
14 need in one aquifer may be different from
15 what we need in another aquifer, and I think
16 this kind of illustrates it.

17 MR. MAYS: Mr. Chairman.

18 MR. ANGELLE: Yes, sir.

19 MR. MAYS: I just want to say I agree
20 with you, and I think we have got a perfect
21 example of what's happening. We didn't have
22 the resources for monitoring. We had to
23 declare an emergency. We know what's
24 happening in the Sparta, and that's what we
25 are trying to prevent is an emergency. And

1 we, I think the reason is, from the Capital
2 Area Ground Water, I didn't know anything
3 about this until I read this. Here is
4 exactly what they are trying to do, is to
5 prevent an emergency situation.

6 So I don't know where the task lies,
7 but we know it's coming, and it's going to
8 continue to come.

9 MR. ANGELLE: Absolutely.

10 The task, when you say you don't know
11 where it lies, I have a mirror over here for
12 you. And, and I appreciate, you know,
13 everyone's interest. Again, this is tough
14 stuff, historically that we haven't had to
15 deal with, and, you know, just we, we are
16 slowly grinding through it.

17 But that example was a real example
18 where folks could not perform basic functions
19 in their household. Interpret that as the
20 way you wish. And we may not have been able
21 to do anything about it. It may have been
22 Mother Nature was just so overwhelming. We
23 may not.

24 But right now, we, we -- in that
25 instance, we were, we were totally relying on

1 luck. And we need to rely a little bit more
2 on man. And the only way you can manage, in
3 my opinion, is having the data and having --

4 MR. BALKUM: Mr. Chairman.

5 Gary, you said that emergency order
6 will remain in place until water levels
7 return to June 2011?

8 MR. SNELLGROVE: Well, we are using
9 that as a benchmark to have something to go
10 by. But, basically, we are, we are going to
11 keep it into -- well, it needs to remain in
12 effect. It's a temporary emergency order.
13 We believe that Mother Nature will correct
14 itself and, and, hopefully, get back to a
15 norm quickly. So we are very cautious of
16 that, and we want to make sure that we are
17 out of the woods before we, we release,
18 release anything.

19 But, basically, we are looking for
20 sound, objective information. That's why we
21 are contracting with the USGS to get more
22 control, to get more understanding of the
23 well -- of the water levels in the area where
24 these, these population densities exist,
25 where there is a greater drawdown on that, on

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that system.

So we are not there yet. Hopefully, we will get those wells -- by January, we can start getting data from them. I think we are, we are going to track the monthly -- we are going to stay on a monthly track with the USGS, the four new USGS wells, as well as the LSU-Shreveport. So we are going to be getting the data from both sets that will complement each other, is what I'm trying to say, and we will get better control on it, and then we will just watch. We will watch the rainfall and, and, you know, we have to look at the recharge side of it. And the reduction in the, or the anticipated reduction in the amount of ground water use is that -- you know, if the rain begins to fall, then folks don't need to water their lawns, et cetera. And so the volume of water that is going to be potentially withdrawn to fulfill those wants and needs will hopefully evade and subside and go back to normal.

I don't know when this time period will be, but, you know, one thing for sure is, we will have a better handle on it with

1 additional data that we are going to get
2 through the USGS contract.

3 MR. HOLLINGSWORTH: Mr. Chairman,
4 after this emergency is over, is it going to
5 be called a critical area? Just a question.

6 MR. ADAMS: No. The, the -- again,
7 the process for that is for a well owner, a
8 well owner in the area, to submit an
9 application to the Office of Conservation
10 requesting a, a designation as an area of
11 ground water concern. And then hold -- the
12 Commissioner can hold hearings and all that
13 sort of thing. And based on the findings, he
14 can declare it an area of concern or a
15 critical area of concern. And, again, that's
16 a totally separate track than what we are
17 turning on.

18 MR. ANGELLE: So the answer is, it
19 won't automatically be, but it could be?

20 MR. HOLLINGSWORTH: Should be. If
21 they have got that kind of problem already.

22 What would constitute critical? My
23 gosh. Anyway. Thank you.

24 MR. ANGELLE: Thank you, sir.

25 MR. ADAMS: All right. The, the next

1 report is our public, public education and
2 outreach report. And the Office of
3 Conservation has continued their process of
4 reaching out to the public in a lot of
5 different ways.

6 During the most recent SONRIS to
7 Sunset two-day conference sponsored by the
8 Department of Natural Resources, we provided
9 three one-hour courses that were -- went to
10 fulfill drillers licensing requirements.
11 This is something that we haven't done
12 before.

13 Traditionally, water well drillers are
14 required to get six hours of education per
15 year in order to maintain their license, and
16 they usually go through outside sources to
17 get those hours.

18 Now, normally, those outside sources
19 contact us and have, have one or more
20 speakers conduct one or more classes at
21 their, their conference. However, this time
22 we, we took the initiative of including
23 several hours that, that went for course
24 credit in the SONRIS to Sunset conference.

25 During the course of the, the Ground

1 Water Management Plan recommendations, as you
2 were aware, because it was, in part, on input
3 from, from, from this Commission and you that
4 we included certain things in the scope of
5 services in the contract. We included two
6 workshops in Alexandria as part of the plan
7 recommendations process.

8 Well, once this, the draft of the plan
9 recommendations was most recently released,
10 we held a series of five public outreach
11 meetings across the state in Baton Rouge,
12 Crowley, Alexandria, Shreveport and Ruston,
13 to solicit comments and, and concerns from,
14 from the public and anyone else who had an
15 interest in attending one of these, one of
16 these outreach meetings, to, to address the
17 technical issues or recommendations in the,
18 in the draft that we had released.

19 Based on that -- based on information
20 we received from that, we submitted it to
21 the, the author of the recommendations. And
22 as one of the items on the agenda today,
23 which you-guys will get to in just a little
24 while, they have completed their
25 recommendations.

1 As we just talked about, there was a
2 South Caddo Parish ground water emergency
3 declared. We attended numerous meetings,
4 both with local and -- local officials as
5 well as several meetings with members of the
6 public, to address their concerns, to
7 categorize their concerns, to try to find out
8 exactly first-hand what's going on over
9 there.

10 As Mr. Snellgrove pointed out earlier,
11 the -- we have partnered with the Louisiana
12 Rural Water Association to educate public
13 supply owners on the registration and
14 evaluation process. And when they conduct
15 their meetings, they frequently invite us to
16 participate with them in those meetings to
17 give presentations to the public supply well
18 owners.

19 And we are also in the process of
20 teaming up with the LSU Ag Center to
21 essentially give similar presentations to, to
22 irrigation well and, and agricultural well
23 owners or people that use wells for
24 agricultural purposes.

25 Essentially, that's, that's the most

1 recent public education outreach activities
2 that we have been going through.

3 Any questions on, on any of that?

4 If not, then I would like to go ahead
5 and proceed to the next item on the agenda,
6 which is the request from the Sparta Ground
7 Water Commission for monitor well funding.

8 And, essentially, what's going on
9 there, as most of you are aware, the Union
10 County Water Conservation Board, which is
11 located in Arkansas, but has a substantial
12 portion of the Sparta aquifer in the southern
13 portion of Arkansas, they have a series of 28
14 wells that they monitor to try to track the
15 ongoing Sparta recovery efforts. Seven of
16 those wells are in North Louisiana. And they
17 have requested that we pay a pro rata portion
18 of the monitoring well system, which for
19 those seven wells comes to a total of \$35,370
20 for the current fiscal year. That's the
21 request they have submitted to us.

22 MR. ANGELLE: Okay. So there's a copy
23 of a -- there's a letter from.

24 Historically, did we start this last
25 year; is that right?

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MR. MCKINNEY: Yes, I think last year was the first year.

I would like to follow up with what Mr. Mays said earlier about the monitoring of the wells, particularly in the Sparta, as related to the Arkansas group.

They have spent roughly \$65 million to get three primary industries apart of the Sparta up there by taking water out of the Ouachita River. The monitoring of this particular area is of the utmost importance and has been for some time. And it's a good example of what we were talking about earlier, you know, knowledge and data and all that kind of stuff.

It's, it's to a point to where you really don't want to stop gathering data because you are just beginning to see what the consequences were and what the results are producing. But at the same time, with the Graphics Packaging project coming online, hopefully, by the middle of January. I was informed on Monday they had a slight delay. But, as it turns out, everything is back on track, and they should completely fill that

1 system by the end of -- by the second week in
2 January and hopefully be up and running. But
3 here again, the significance of monitoring
4 and continuing to monitor.

5 So I would speak extremely highly in
6 favor of us funding that, and I'm hoping that
7 that will be the case, because those people
8 in Arkansas are far ahead of us in our
9 particular region, particularly in the
10 monitoring and in consequences of their
11 action and what they have been able to do
12 with it. So I'm just going to follow up on
13 what Dr. -- what Mr. Mays said earlier: It
14 is of vital importance that we continue to do
15 that.

16 MR. ANGELLE: Thank you, sir.

17 So just remind me historically, the,
18 the Union County, I recall we did this last
19 year, I thought it was maybe two years ago.
20 Did they -- they provided leadership
21 sometimes back and, and figured out that a
22 monitoring footprint for them to manage the
23 resource needed, needed seven locations in
24 northwest Louisiana, or northeast Louisiana?

25 MR. MCKINNEY: It's my understanding

1 that the location of those wells -- and Ben
2 McGee of USGS was very vital in making some
3 of those choices -- but based on the cone of
4 depression and the location of the West
5 Monroe project and the alliterated area and
6 where those cone of depressions were located
7 in locating these wells, so, yes, it's
8 something that is based on the data,
9 scientific data, there in the aquifer.

10 MR. ANGELLE: Right. But the Union
11 County Water Conservation Board initially had
12 those monitoring wells constructed? This
13 must be the -- is this the cost to monitor.

14 MR. MCKINNEY: Right.

15 MR. ANGELLE: This is not the cost to
16 construct additional wells; correct?

17 MR. MAYS: No.

18 MR. ANGELLE: And certainly I support
19 what we have done. I'm just trying to get a
20 historical perspective.

21 So did the Union County Water
22 Conservation Board, working with USGS, put
23 together a footprint, and that footprint,
24 after they looked at it, said, okay, in order
25 to be able to manage this appropriately, we

1 need one here, one here, one here, and when
2 we added it all up, seven of the 35 were in
3 Louisiana?

4 MR. MCKINNEY: It's my understanding
5 that the footprint knows no boundaries. So,
6 therefore, Arkansas and Louisiana is
7 insignificant.

8 MR. ANGELLE: I'm sorry, not the --
9 the footprint of the aquifer has boundaries?

10 MR. MCKINNEY: Right.

11 MR. ANGELLE: And for those, I'm
12 trying -- the reason I'm asking this series
13 of questions is because we just spent a great
14 deal of time on the need for us to do that
15 in, in other areas of the state. I don't yet
16 know the process that one would go about and
17 say, for instance, what would be the
18 appropriate number of monitoring wells in a
19 particular area? Is this -- are we driving a
20 Volkswagen, a Chevrolet or a Cadillac right
21 here?

22 And I'm asking these questions not,
23 not so much that I'm not for this, but trying
24 to use it in, in other areas. You know, for
25 instance, in the Wilcox, as our conversation

1 before the meeting, in the Wilcox, because of
2 this lenticular nature, we might need ten
3 times that amount because what you find in
4 one spot, as Mr. Snellgrove said, may be
5 different just around the corner. So, so
6 that's what I'm searching for.

7 The Commission, itself, does not have
8 financial resources. So I took the request
9 over to, to our budget people, and, and my
10 budgeting people told me that they felt we
11 could do this. The Department of Natural
12 Resources could, could provide the funding.
13 I'm waiting on a final word on that. I
14 should have it tomorrow morning. I see I
15 have a meeting scheduled. I'm at a pretty
16 high level of confidence that we would be
17 able to enter into an agreement to do that.

18 And it kind of begins to give me an
19 idea of the kind of resources that I think
20 that we need to start looking at long-term,
21 not only for that area, but also other areas
22 as well.

23 MR. HOLLINGSWORTH: Mr. Chairman,
24 along that line, is the State of Louisiana
25 working collaboratively with any of our

1 neighbors on our shared problems with water
2 where the aquifers extend beyond our state
3 lines?

4 MR. ANGELLE: I'm not aware of
5 anything that, that is going on, you know.
6 And when you say "neighbors," I mean, whether
7 it be Arkansas, Louisiana, or, or Texas or
8 Mississippi, I think, to my knowledge, this
9 is the only one where we have that. And in
10 Texas we do have some cooperation on the
11 Sabine River Authority, but that's more of a
12 surface water issue than ground water.

13 MR. HOLLINGSWORTH: I think something
14 like that would make sense.

15 MR. ANGELLE: I mean, there's no
16 question. And I think that that's good
17 advice, and I appreciate you bringing it up.
18 Getting our arms around what's going on in
19 the state has been challenging. And,
20 certainly, I think you bring up another good
21 point that we need to look to in the future.

22 Anybody have any discussion on this
23 particular request?

24 MR. SNELLGROVE: Mr. Secretary, I can
25 clarify and confirm for you that the cost,

1 the 35,000 plus, will be for -- not for
2 installation, but it will be for maintenance
3 of the -- and, and, you know, collecting data
4 from the wells.

5 In discussion with the USGS earlier,
6 these wells were, were already existing. And
7 they were strategically located, you know, in
8 conjunction with, you know, USGS in that area
9 for these wells to be located where they are.

10 MR. ANGELLE: And has the reporting --
11 seemed like I saw some report in the media
12 sometimes, maybe six, eight months ago, that
13 showed, from these particular wells, showed
14 a, a rebound in -- from the previous number.

15 MR. SNELLGROVE: Yes, sir. These
16 wells are showing steady increases over time
17 post the implementation of their efforts to
18 get the industry off of, off of the ground
19 water resources and into the Ouachita River.

20 MR. ANGELLE: So, again, it was good
21 management as opposed to good luck.

22 MR. SNELLGROVE: Yes, sir.

23 MR. KILLEBREW: Mr. Chairman, I had a
24 question, just for recollection purposes.

25 Is this the first request we have ever

1 gotten? Is this the first request we have
2 gotten like this?

3 MR. SNELLGROVE: We have actually
4 funded -- had a request, a previous request.
5 I believe it may have been two years back.
6 We had a request similar to, to, to help
7 assist with the cost for that fiscal year.
8 The funding was approved then. It was -- it
9 was done then.

10 Then last year -- as I understand it,
11 the Union County had some federal money that
12 was not -- that was earmarked for the next
13 year, and that occurred. And then the
14 following year, this fiscal year now, the
15 money that was earmarked had been taken away.

16 So, so the Union County -- that's what
17 prompted the Union County Board to request
18 for Sparta to consider this request for
19 Louisiana to pick up on those seven wells.

20 MR. ANGELLE: Okay. So there won't be
21 any action of the Commission that's necessary
22 on this. Again, I'm very confident that we
23 will call you tomorrow and tell you that we
24 got it done. So I'm meeting with Mr. Harper
25 tomorrow. Make sure that someone checks with

1 me so we can call the Sparta folks and
2 you-all can relay the information over to
3 Union County.

4 MR. HOLLINGSWORTH: Mr. Chairman,
5 could I ask Mr. Snellgrove a question
6 relative to it?

7 I've heard that they've had
8 significant increases in the water level
9 table in the cones of depression. But then I
10 heard by the same token that there had been
11 no increase in the level of the, of the
12 Sparta outside of those cones of depression.
13 The overall increases, the increases have
14 been where the cones of depression were. Is
15 that true, or do you know?

16 MR. SNELLGROVE: Well, we had reported
17 information, I guess it's now about a year
18 back. And then since then, we have been in
19 discussions with the USGS to fine-tune our
20 maps showing the recoveries from or showing
21 the water levels for all of the Sparta in
22 Louisiana. The drought happened. We had
23 several things that came up from both --
24 well, we had the flood, and we had, we had --
25 USGS got busy with the flood. And so we just

1 haven't had the opportunity to get back with
2 USGS to fine-tune that effort.

3 We were very near complete. In fact,
4 I think we were only -- we were at a point
5 where we needed to really put it graphically
6 onto a map to, to draw the contour lines to
7 give you another update on that. And
8 hopefully we will be able to do that in the
9 next Commission meeting, and we can get back
10 on track with, with that.

11 But, generally, Jeff may recall a
12 little bit more specifically the well
13 conditions. Do you want to --

14 MR. JONES: Yes. And, again, I'm
15 Jeffrey Jones, by the way, the assistant
16 director, Environmental Division, geologist.

17 And as Gary was saying, we have been
18 noticing recovery from the -- from all of the
19 conservation efforts and the use of surface
20 water in Union County, within Union Parish in
21 particular. But what we have noticed is
22 actually within the Sparta, itself, is a
23 regional, not just the cone of depression,
24 but a regional increase in recovery. It's
25 not just the cone coming on up and the rest

1 not as well.

2 But I believe that it's a combination
3 of several things. We have discussed this in
4 the past, that we are looking at the, at the
5 efforts that we have made with the three
6 areas of ground water concern. We are
7 looking at everybody's increased awareness of
8 the public outreach we have had up there,
9 increased awareness of conservation efforts.
10 These are all associated elements with regard
11 to the rebound, particularly since 2005 in
12 the areas of ground water concern.

13 But with regard to the cones of
14 depression, again, we were hearing and seeing
15 and reading figures of 40 to 50 feet, 40 to
16 50 feet of recovery within four years. And,
17 again, levels like that are tremendous,
18 particularly within the Sparta aquifer.

19 We know that we get tremendous
20 recoveries when the rice growing season is
21 over in the Chicot aquifer. We certainly
22 know that. We see that. That's seasonal.
23 But for this to be -- it's a permanent
24 ongoing recovery of the Sparta aquifer in
25 Union -- in particular in Union Parish, but

1 the surrounding parishes, Morehouse Parish.
2 We have seen the increase in water levels
3 from monitoring wells in these other
4 parishes, surrounding parishes as well.
5 Okay.

6 MR. HOLLINGSWORTH: Thank you.

7 MR. JONES: Thank you.

8 MR. ANGELLE: And are you using the
9 data from these monitoring wells to help to
10 make that statement?

11 MR. JONES: Yes, we are using the data
12 from these monitoring wells with our maps
13 that we are preparing.

14 As Gary said, we have -- so much has
15 happened within the past few months, but it
16 must have been about two months ago where we
17 were close to and working with USGS to
18 completion of, of the maps, the Sparta maps,
19 that effectively were showing the Sparta
20 between -- and, again, we were looking at it
21 in ten-year periods. But primarily from 2005
22 to the present, and prior to 2005. Those two
23 maps are -- they are dramatic. But we will
24 complete those, and you will see them at the
25 next Commission meeting.

1 MR. ANGELLE: Okay.

2 The area of ground water concern, is
3 there one or two areas of ground water
4 concern?

5 MR. JONES: There's three.

6 MR. ANGELLE: Three.

7 MR. JONES: Three altogether. You
8 have the, the Ruston area, the
9 Jonesboro-Hodge area, and the West Monroe
10 area.

11 MR. ANGELLE: So it's your opinion
12 that the implementation of those -- that the
13 declaration and implementation of --

14 MR. JONES: Yes.

15 MR. ANGELLE: -- have contributed--

16 MR. JONES: Exactly. Since August of
17 2005, the reporting requirements, again, what
18 we see is that we will get applications for,
19 say, Rick's Supply Wells. And, and they will
20 actually, because of the conditions of
21 reporting and everything else involved, there
22 are those who have chosen, because of the
23 reporting requirements in particular, not to
24 install wells. And, again, that's -- that is
25 a type of encouragement of, of conservation

1 of ground water in those areas until we see
2 the, the cones of the depression, which we
3 still have at this time, but they have, they
4 have improved. We are working on those, on
5 those numbers as well. Those -- like I say,
6 that's all part of these maps that we are
7 putting together that we are going to be
8 showing you.

9 MR. ANGELLE: Mr. Mayor, Mr. Ted, Mr.
10 Mickey, does the kind of rebound that Jeff is
11 talking about and has been reported, is it --
12 do folks on the ground believe that, that
13 it's too much too fast and, therefore, there
14 must be something wrong?

15 MR. MAYS: I would like to add one
16 thing that he failed to mention. One of the
17 biggest reasons for part of the rebound was
18 the unfortunate closure of the IP plant in
19 Bastrop, too. So I don't know that we have
20 enough to be able to say what -- how much or
21 even a model that would say how much that had
22 an effect, but we do know it probably had as
23 large or larger effect than anything else.
24 Conservation and education have played a big
25 part, but let's not forget that one.

1 MR. JONES: Yes. Thank you.

2 MR. MCKINNEY: Well, converse to that,
3 when the Graphics Packaging kicks off next
4 month, you are going to be able to see
5 significant results there, also.

6 MR. ANGELLE: So that will be a
7 reduction, as I recall?

8 MR. MCKINNEY: Ten million a day.

9 MR. JONES: That's a huge amount.

10 MR. ANGELLE: One number that I think
11 I had heard in the past was that the Sparta
12 was probably about a 17-million-a-day
13 deficit.

14 MR. MCKINNEY: I'm sorry?

15 MR. ANGELLE: One of the numbers that
16 I think had been reported was that the Sparta
17 was about a 17-million-gallon-per-day
18 deficit.

19 MR. MCKINNEY: I don't remember the
20 exact. I don't, I don't remember the exact
21 number on that, but it is a significant
22 deficit.

23 MR. HOLLINGSWORTH: I think that's
24 pretty close, but it's all based on
25 information that's not complete. Just like

1 these wells that are not being reported, I'm
2 sure there are a lot that weren't counted
3 because we didn't really have any teeth in
4 that whole process.

5 And then there's this question. I
6 keep hearing from some other engineers that
7 since, by the nature of the Sparta as a
8 contained aquifer, and it may not rise any in
9 our area, not -- you get out there in the
10 hinterlands. Is that true or not?

11 MR. JONES: No. As a geologist, as a
12 hydrogeologist, it is -- it will recover
13 definitely in the Ruston area with, with
14 reduced usage and, and, for instance, again,
15 reduced usage of certain wells that are
16 within the cone of depression surrounding
17 Ruston and, and use of, of water from wells,
18 say, outside the city limits or a mile
19 outside.

20 MR. HOLLINGSWORTH: That's fine. I
21 know we have had a drop --

22 MR. JONES: Things will all flatten
23 out.

24 MR. HOLLINGSWORTH: -- of about 35
25 feet over the last 40 years. So, so we have

1 had a significant drop in the cone of
2 depression. But I had heard that the
3 aquifer, itself, doesn't drop at that same
4 rate or recover at that same rate. Of
5 course, it's a much larger area.

6 MR. JONES: And, again, it will -- it
7 depends on the location of the pumpage --

8 MR. HOLLINGSWORTH: Right.

9 MR. JONES: -- and the production, you
10 know, in terms of the greatest, the greatest
11 recovery. And, again, it's gradual, as you
12 say, away from where the pumpage is
13 occurring.

14 Does that answer your question?

15 MR. HOLLINGSWORTH: Yes, sir.

16 MR. JONES: Thank you.

17 MR. ANGELLE: Mr. Credeur, would you
18 step forward and, and introduce yourself for
19 the record. I'm sorry to have you do that.

20 MR. CREDEUR: Am I allowed to, to make
21 a comment?

22 MR. ANGELLE: Yeah, you're --

23 MR. CREDEUR: I am Pat Credeur, the
24 Executive Director of the Louisiana Rural
25 Water Association.

1 Listening to, to you-guys speak about
2 the problems in the Sparta, and, of course,
3 there's a lot of problems as far as droughts
4 are concerned in the northern part of the
5 state.

6 A couple years ago we, we did a survey
7 just in the Sparta area of all the utilities
8 in that area of what their water loss --
9 water production was versus their, their
10 sales. And as most of you know, that water
11 loss problem averaged around 37 to 38 percent
12 back then.

13 We have been educating these
14 utilities. We do monthly training sessions
15 geographically across the state. We have
16 contracts with the Department of Health that
17 allows us to able to do this. And with us
18 doing this, and with our energy conservation
19 program, which helps out utilities locate
20 water leaks, a lot of the utilities water
21 loss problems have, have dropped to 12, 15,
22 18 percent. So that might help out a little
23 bit, bring it up at the aquifer.

24 Working with our, our colleagues in
25 Arkansas, with the Sparta, they made sure

1 that a lot of the utilities on a monthly
2 basis turned in water loss rates to their --
3 I don't know if it's Natural Resources in
4 Arkansas, or whatever it is. But that might
5 be a good thing to do with a lot of these
6 utilities, make sure that they have, they
7 check themselves.

8 Most of the time when my staff goes
9 out there and we, we check their, their
10 production versus the sales, we come up with
11 the water loss, a lot of them didn't even
12 realize it. So we continue to teach them
13 about doing this. And some of the utilities
14 out there still don't have any, any master
15 meters. If you don't have a master meter
16 within your utility, you are pumping free
17 water, so to speak.

18 One other thing I will say, Mr.
19 Chairman, is that I think it's a good idea
20 that we continue to educate the people that
21 use the water out in these areas. And, and I
22 hate to say this, but the only time you can
23 get somebody to turn off their tap from
24 watering their gardens is to hit their
25 pocketbooks. And you can send out flyers,

1 you can get on the TV, you can do whatever
2 you want within the, with a state emergency
3 as far as drought situations are concerned.
4 Until you put some kind of a fine on these,
5 on these people continually using the water,
6 especially during a drought, they will
7 continue doing it. I just wanted to make
8 that comment.

9 MR. ANGELLE: Have you encouraged your
10 members to impose that, that fine?

11 MR. CREDEUR: Yes.

12 MR. ANGELLE: Have they?

13 MR. CREDEUR: Yes. Every -- actually,
14 probably go out in January, as part of the
15 magazine, we always talk about, talk about
16 having some kind of drought program.

17 We actually present the City of
18 Lafayette's program to a lot of the utilities
19 across the state. You want water? If you
20 live in an address that has got an even
21 address number, you water in the evenings
22 between 2:00 and whatever and on certain
23 days. And then on, on the negative side of
24 that, you do it the other days. And it's
25 helped out the City of Lafayette.

1 But they also impose fines, you know,
2 to stop this. And, of course, you have to
3 have people traveling throughout the
4 community and making sure that this is --
5 it's going to stop, but it's helped out the
6 City of Lafayette. And, yes, we do promote
7 it and we talk about it at our training
8 sessions as well.

9 MR. ANGELLE: Yeah. Just a couple of
10 other questions.

11 The master meter situation, where you
12 go in and you help your members understand
13 the metrics of water produced versus water
14 sold in the Delta, the difference there will
15 be, you know, unaccounted for which is likely
16 due to leakage.

17 MR. CREDEUR: Right.

18 MR. ANGELLE: There's no requirement
19 currently to your knowledge for utility
20 providers to have a master meter?

21 MR. CREDEUR: USDA rule utility
22 services, and I think DHH's loan program as
23 well, will not loan out the money now unless
24 you have got a master meter. You know, you
25 would go a step further, that they won't

1 grant or loan money to you if you don't put
2 meters in the ground. Believe it or not, in
3 2011, there's still utilities out there that
4 do not have water meters or have master
5 meters. So they have no idea what they are
6 pumping. People can be, can be filling up
7 pools day in and day out, and there's nothing
8 but a minimum charge to them. Now, we are
9 working with these communities to get them to
10 change that mindset.

11 MR. ANGELLE: So everybody pays the
12 same amount?

13 MR. CREDEUR: Yes, sir. It doesn't
14 matter if you use 3,000 gallons of water a
15 month or you use 50,000 gallons of water.

16 MR. ANGELLE: With nine kids in our
17 family, we would have loved that.

18 So, so, Gary, make a note that in some
19 of the recommendations, whether or not we
20 need to have capital request at any group
21 requested capital outlay money, has to also
22 comply with that DHH and USDA requirement.

23 MR. SNELLGROVE: Okay.

24 MR. CREDEUR: All it's doing is asking
25 that community to monitor the amount of water

1 you are pulling out of the ground. And you
2 can do that with a master meter.

3 MR. ANGELLE: How much money are we
4 talking about?

5 MR. CREDEUR: Well, it depends on the
6 size, but it could be eight, nine, \$10,000.
7 You are not looking at a lot of money.

8 And as far as meters are concerned,
9 meters are like cash registers for this
10 community. If you don't have a meter, you
11 can't monitor how many -- how much water you
12 are using a month, or how much water your
13 customer is taking. You are just spinning
14 your wheels.

15 MR. ANGELLE: Could you help us, if we
16 requested to determine the number -- I know
17 that you have been very helpful -- the number
18 of districts. I'm not sure I'm using the
19 right word.

20 MR. CREDEUR: Well, we can probably --
21 I can probably get my staff to give me a list
22 of the communities that do not have master
23 meters, that do not have meters, and...

24 MR. ANGELLE: Yeah.

25 MR. CREDEUR: It's hard to say what

1 their water loss problem is because they may
2 say, Well, I think we pump a million gallons
3 a month, and they may be pumping three or
4 four million gallons a month. I can get that
5 for you and anything else you need.

6 MR. ANGELLE: Yeah, it would be very
7 helpful. It would be very helpful. Because
8 that's kind of low hanging fruit to silence
9 some issues before we start getting to a
10 point in the future, if we have to, owner's
11 reporting. This seems to be a pretty basic
12 function.

13 MR. CREDEUR: Be glad to.

14 MR. ANGELLE: Thank you, sir.

15 MR. ELLIOTT: Mr. Secretary, I'd also
16 like to make a comment that we shouldn't also
17 always assume that all those numbers or
18 differences are losses. One thing that we
19 have run into is a lot of the meters that we
20 have in the ground are old and worn. And we
21 are changing out meters and amazed at the
22 difference in our water systems that, that
23 the meter is just not picking up the amount
24 of water flowing through them. And I'm not
25 talking about a master meter. I'm talking

1 about a personal meter. And so probably not
2 assume that all of that is loss. A lot of
3 these older meters do not register near about
4 the volume of water that flows through them.

5 MR. ANGELLE: That's a good point. So
6 maybe in addition to having some, you know,
7 some program that, that does random, not --
8 random is not the right word -- but some,
9 some calibration of one percent of the meters
10 a year --

11 MR. ELLIOTT: Right.

12 MR. ANGELLE: -- half a percent of the
13 meters a year, so that you could find -- a
14 district could find if they had a bigger
15 problem with that than, say, the national
16 average.

17 MR. ELLIOTT: What we did in our water
18 system, we actually implemented a -- we are
19 trying to change out a number of meters per
20 year over a time span of the life span of
21 those meters. So that within, say, ten years
22 or 15 years, we've changed out all the meters
23 on that. So just something --

24 MR. ANGELLE: Good point.

25 MR. CREDEUR: And that's a good point.

1 And you have some utilities that have meters
2 in the ground that have been there for 30
3 years. And you're right, it's a type of
4 loss. It will go through that meter and it
5 won't indicate exactly what's being pumped
6 through there.

7 And I don't have to tell anybody in
8 here the infrastructure needs in this state
9 are bad, not just on the water side, but on
10 the wastewater side as well. And just a
11 small shift in the, in the ground formation,
12 and you are popping water lines left and
13 right.

14 So we, we do this type of program free
15 of charge to the utilities in the state. We
16 pull meters. We pull a certain amount of
17 meters. And we do bench tests on them and we
18 try to let these utilities know. But if we
19 just tested 50 of your water meters and 49 of
20 them are bad, and you --

21 MR. ANGELLE: That's what the FBI
22 would call a --

23 MR. CREDEUR: Yeah. So you know it's
24 time to do a meter changeout.

25 MR. ANGELLE: 49 out of 50 is probably

1 not a real good score.

2 MR. CREDEUR: Some of them are worse
3 than that. You know when you have a meter --

4 MR. ANGELLE: You got some working and
5 some not.

6 MR. CREDEUR: -- that's not showing
7 anything at all, you know it's time to change
8 it.

9 MR. ANGELLE: Pat, I want to thank you
10 publicly for your cooperation. You have been
11 really great, helpful. I know when we had
12 the issue in, in Caddo Parish, I called you,
13 and your staff responded to help us in a
14 great way. So we appreciate that.

15 MR. CREDEUR: Yes, sir. Thank you.

16 MR. ANGELLE: So, Gary, you got that,
17 perhaps the Capital Outlay. Just want --

18 MR. SNELLGROVE: Got it noted. Thank
19 you.

20 MR. ANGELLE: Again, if companies --
21 if municipalities in the district are
22 requesting capital outlay money from the
23 state, it might not be a bad idea to, as a
24 matter of policy, say that for you to, to be
25 eligible for this, you have to be willing to

1 install master meters.

2 MR. SNELLGROVE: Got it.

3 MR. ANGELLE: All right. Next?

4 MR. ADAMS: The next item on the
5 agenda is to go over the recommendations
6 for -- that we were presented with for
7 Statewide Ground Water Management Plan.

8 MR. ANGELLE: Yeah, you got the
9 ability for me to control that here or not?

10 MR. ADAMS: I don't think so.

11 MR. ANGELLE: Okay. Go ahead. Can
12 you move forward? Go ahead.

13 So just to kind of, from a background,
14 I want to kind of set everybody where we are
15 looking at. Obviously, this is in your
16 package, right? Is that correct, it's been
17 updated?

18 MR. SNELLGROVE: The entire
19 PowerPoint, yes.

20 MR. ANGELLE: Again, not to bore folks
21 with a bunch of history, but I think it is
22 important that we do have abundant water
23 resources. I think our challenge is how we
24 manage it from a ground water standpoint, 13
25 major aquifer systems, and, "Much of

1 Louisiana's ground water is suitable for use
2 with little or no treatment." That's a quote
3 from a January 2007 EIS. Next.

4 So, again, as just going through, to,
5 to address what I was telling Mr. Mays, you
6 know, from the date of the Louisiana Purchase
7 in 1803 to 2001, 198 years, we had no state
8 water management of ground water in this
9 state, which is an indication, again, that we
10 had an abundant supply of it. And our
11 emphasis for the last couple of hundred years
12 has been more on, on moving water than, than
13 managing what we have. Certainly, from our
14 levee systems and our pump systems from a
15 surface water standpoint, that is very
16 obvious.

17 Again, a variety of laws, we begin to
18 get into this business in 2001. My memory
19 tells me that was in response to a drought;
20 is that right?

21 MR. JONES: Yes.

22 MR. ANGELLE: It's been a variety of
23 acts of the legislature as we vowed from,
24 again, 1803 to 2001, getting into this
25 business. It's been a variety of statutes.

1 Suffice it to say, that we have now been in
2 this business in somehow, some way, some
3 form, at the state level for now about a
4 decade.

5 And I have the, the variety of
6 statutes that were passed. I'm not going to
7 go through all those, because of the time
8 issues. But there have been a number of
9 administrative actions, again, detailing that
10 the state is beginning to, if you would, wade
11 into this issue. I don't think the state's
12 really jumped into it yet. I think we are
13 just wading into it. And this shows what we
14 have done so far from the administrative
15 side, continuing with those things.

16 Again, we talked about some of the
17 regulatory amendments earlier. Again, this
18 shows some of the previous ones. Again,
19 demonstrating that the state is just
20 beginning to get into this issue.

21 Next.

22 What slide number do you pick up on,
23 Gary?

24 MR. SNELLGROVE: Well, that says 29
25 right there.

1 MR. ANGELLE: But I'm trying -- we've
2 been at it for two hours.

3 I got folks looking at me like they --

4 MR. SNELLGROVE: Yeah. It's slide 29
5 in your packet.

6 MR. ANGELLE: I'm sorry?

7 MR. SNELLGROVE: We're on slide 29 in
8 your packet.

9 MR. ANGELLE: Right. And at that
10 particular point, when we go over -- well,
11 just kind of skip through these real quick.

12 MR. ADAMS: Skip to 42.

13 MR. SNELLGROVE: Yeah, you've got
14 about ten more to go to get to the meat.

15 MR. ANGELLE: These are all in the
16 package. Go ahead.

17 And, obviously, in September of 2010,
18 the questionnaires were submitted and we
19 began to have the workshops. We did
20 workshops in Alexandria, and we had the
21 interviews, draft recommendations published.
22 Five public outreach meetings. Keep going.

23 And, then, of course, the next step is
24 for us to begin to take those recommendations
25 which you received, to grind through them,

1 and to decide what we want to put our name
2 on. Not all recommendations we need to
3 embrace. We won't all agree, but that's
4 okay. But there are ways to put this
5 together and submit something to the
6 legislature, for the legislature to then
7 grind on it as they had a role in this.

8 So at this point in time, I'm going,
9 I'm going to give it over to Gary. This, I
10 think, we have identified as the one, two,
11 three, four, five, nine, nine component parts
12 of a Statewide Ground Water, Ground Water
13 Management Plan. I would tell you from my
14 standpoint, the observation I have, is one
15 size does not fit all, and what happens in
16 one aquifer does not need to happen in
17 another area. We do need to have a statewide
18 plan, but I think we also need to have, if
19 you would, 13 plans as well. That's not
20 unusual, as I understand. Kind of like the
21 Department of Wildlife and Fisheries is
22 required to have a, a management plan for
23 every lake in the state. So it would make
24 sense that, again, we would not have a one
25 size fits all, but that every one of the

1 management plans should include the kind of
2 things that, that are listed here.

3 And my hope is for -- I will end up
4 assigning you all to kind of a committee
5 process. I'm waiting on the attorneys to
6 tell me whether or not we have to advertise
7 that from a public meeting standpoint, but
8 would ask that a group of you each take one
9 of these particular subject matters and kind
10 of, you know, vet it for us and then bring it
11 back so that we can detail to the legislature
12 what we believe ought to be in a, in a state
13 ground water management plan.

14 So, Gary, having said that, why don't
15 you proceed.

16 MR. SNELLGROVE: Yes, sir.

17 Okay. So the key components of a
18 ground water management plan, as it is for
19 most resource management plans, would be to
20 include elements such as monitoring,
21 evaluation, education, registration,
22 auditing, enforcement, emergencies,
23 incentives and collaboration. Next.

24 And as the Secretary was mentioning
25 that one size does not fit all. For

1 instance, we discussed earlier about the
2 nature of the Carrizo-Wilcox aquifer and its
3 discontinuous geology and what have you,
4 which is, is not the same for all aquifer
5 systems. And it's unique in that regard and
6 maybe it's got a little bit more of that
7 characteristic than the other aquifers in the
8 state. And the Chicot aquifer here is one
9 that, that's listed here on this slide as
10 being an example that it's definitely
11 different than the Sparta aquifer, and what
12 may work for one, may not work for the other.
13 Next, please.

14 So this next series of slides are
15 going to show the key components of a
16 Statewide Ground Water Management Plan and
17 the identification of the areas that, that
18 have been identified as problems. As we move
19 forward to manage the resource, what we have
20 found through the process of, of the study
21 and the recommendations with the contractor
22 and expertise that they provided and just our
23 own experience as a staff and managing the
24 resource as well, we certainly have found
25 that aquifer data collection is a problem in

1 certain areas of the state. In some areas,
2 some aquifers may have sufficient well
3 control and water level information and
4 quality, but for the most part, we are
5 finding that there are significant gaps. So
6 we have a need there. There's a need.

7 And also in addressing aquifer
8 sustainability and managing it from, from
9 that as being the big picture, we, we, you
10 know, we find deficiencies in modeling and,
11 and ground water demand projections and to
12 predict and project. Next, please.

13 We found that in -- under education
14 and outreach efforts as a key plan component,
15 problems with getting the message out on just
16 general resource awareness. Those who are
17 dependent upon the aquifer systems for public
18 supply or domestic purposes, understanding
19 where they are getting their water from, a,
20 and how sustainability is an issue and
21 getting that message out on conservation.

22 I believe that, you know, in my
23 understanding, you know, we constantly get
24 calls on ownership and right of capture and
25 our law and how -- and who has rights to do

1 what and who can do what, and can other folks
2 not use the water, the resource in the same
3 manner as, say, other user groups. So I
4 think that there's a need -- there's,
5 obviously, to me a need for a greater
6 outreach in that regard.

7 Aquifer demand impacts. That's
8 another item. User stewardship obligations.
9 Getting folks to feel like they are a part of
10 the solution. And, of course, if they
11 understand the items above and below, then
12 stewardship becomes more of a, of an
13 obligation, if you will, and a duty.

14 Next, please.

15 Three components, registration,
16 auditing, and enforcement. And under those
17 items, we found that there are areas to
18 improve on the way that we register our wells
19 and collect well locations in managing the
20 database systems that we have. And we
21 certainly recognize that in our existing law
22 that wells that were drilled prior to --
23 certain types of wells that were drilled
24 prior to 1984, may not even be registered as
25 they are not required to be, only if they

1 voluntarily have given us that information.

2 So we have, again, a gap of
3 information that, that we believe is
4 necessary to, to, to fully understand impacts
5 of new users coming into the system and, and
6 added, added stress or demand on the aquifer
7 systems.

8 MR. ANGELLE: So prior to 1984, only
9 large volume public supply wells.

10 So when you, when you went back and,
11 and did your audit, you talked about a period
12 of 2001 to 2009 or 2010, there was a change
13 in law that required something that was not
14 required in '84, obviously?

15 MR. SNELLGROVE: Yes, sir. The
16 2001 -- 2001 began with the enactment of
17 DNR's responsibilities through the Office of
18 the Governor, but eventually on Conservation,
19 for well owners to begin to comply with, with
20 notification both prior and post.

21 MR. ANGELLE: So do we have any idea
22 prior to 1984, how many wells were out there?

23 MR. SNELLGROVE: I don't, sir. I
24 mean, no. Black hole for me.

25 MR. ANGELLE: And even on the DOTD,

1 the DOTD management portfolio with regard to
2 drillers, nothing there, to your knowledge?

3 MR. SNELLGROVE: No.

4 MR. ANGELLE: So if somebody drew a
5 well in 1980 --

6 MR. SNELLGROVE: It quite possibly
7 could not be in our registration, and we
8 would not be aware of its existence with the
9 exception of a public supply well, which is a
10 mandate, I believe, under DHH.

11 MR. ANGELLE: Anybody have any ideas
12 on how that might be perfected?

13 MR. HOLLINGSWORTH: Talking about old
14 wells?

15 MR. WELSH: Pre-'84.

16 MR. ANGELLE: He's saying the USGS
17 might have it. I'm just having just a
18 general discussion. Anybody have any idea?

19 Again, it seems like to me that's
20 pretty relevant information if we are going
21 to manage our resource. Any idea on how one
22 might go about it?

23 MR. SNELLGROVE:

24 MR. CREDEUR: Mr. Secretary, I thought
25 DOTD had that at one time.

1 MR. ANGELLE: Okay.

2 MR. SNELLGROVE: There is, there is
3 one requirement Jeff had brought to my
4 attention. For an existing well that would
5 have been drilled prior to 1984, if the well
6 is reworked, and that's defined in the
7 regulations, then the driller is required to
8 report that or register that well at that
9 time. So for an older well, if they pulled
10 screen or if they do something significant
11 other than just going in there and swabbing
12 it or something, it has to be, it has to be
13 something a little more significant, then the
14 driller is then required to go ahead and
15 register that well and, and get it into, into
16 the agency for, for acknowledgement.

17 MR. WELSH: What's the --

18 MR. ANGELLE: Is there an average life
19 of a well?

20 MR. JONES: You have got wells, wells
21 going back to the '30s that are still in
22 operation, '40s. And, again, it depends on
23 the construction of the well, its location,
24 how corrosive the water is. There are all
25 kinds of elements that go into it. Again,

1 particularly --

2 MR. ANGELLE: Right. I understand
3 there may be all types, but on average, is it
4 --

5 MR. JONES: But, again, average --
6 again, there's still wells that were put in
7 in the '40s that are operating here in the
8 Baton Rouge area.

9 MR. ANGELLE: Uh-huh. That would be
10 unusual?

11 MR. JONES: I will say this: Often,
12 often the screens will have corroded out, the
13 wells will become -- the integrity of the
14 well is such that, that they will be -- they
15 have been effectively abandoned, not
16 necessarily plugged and abandoned, but
17 abandoned.

18 MR. ANGELLE: Right. So over a period
19 of time, those that are prior to 1984 --

20 MR. JONES: Right. They -- over a
21 period of time, they will not be used any
22 longer. There's a point when they, they are
23 going out.

24 MR. HOLLINGSWORTH: Mr. Chairman, I
25 would think the explosion of rural water

1 systems over the last 30, 40 years has done
2 away with the usage of a lot of those wells,
3 although some of them may still be active.
4 Because our well didn't have a filter on it
5 when I grew up, just had a piped in --

6 MR. ANGELLE: It made your hair turn
7 gray.

8 MR. HOLLINGSWORTH: These aquifers
9 dropping, like they are, probably have dried
10 us a lot of the old shallow wells.

11 MR. ANGELLE: That's true, too.

12 MR. ELLIOTT: I think it would be true
13 to also assume that probably the volume of
14 wells was not drilled as it is now, you know.
15 I mean, you look at infrastructure with
16 different things going on in the state, since
17 '84 versus prior to '84 is probably not a
18 drop in the bucket.

19 MR. ANGELLE: So from a resource
20 standpoint, it was a very, very small impact
21 on the resource.

22 MR. MCKINNEY: Lincoln Parish, about a
23 year-and-a-half or so ago, hired a gentleman
24 that I'm familiar with, to go around and
25 document every oil and gas well in Lincoln

1 Parish for the purpose of taxation purpose.
2 He has since been employed by surrounding
3 parishes and done the same thing in each of
4 those parishes. And being from the industry,
5 he knew what to look for, so forth and so on.

6 But the point I'm making is this: In
7 his endeavors to do that, he has shared with
8 me numerous locations that he has found to
9 where there are abandoned wells and actually
10 surface water is running into the abandoned
11 wells, not properly capped off.

12 So the point I'm making is that, I
13 guess, one could hire somebody, obviously.
14 We are talking about the whole state, not
15 necessarily a parish or two. But I guess it
16 could be done, but it would be very
17 expensive.

18 MR. HOLLINGSWORTH: As a part of that,
19 you could survey the water system customers.
20 That would be relatively easy to do. That
21 would give you a pretty good base to start
22 with, I would think.

23 MR. ANGELLE: To ask, to ask the water
24 system customers who, who would --

25 MR. HOLLINGSWORTH: They will have a

1 list of them. They will have the addresses
2 and may even have the database they can
3 download to you. So that would be the place
4 to start.

5 MR. ANGELLE: Why would they have
6 that?

7 MR. HOLLINGSWORTH: Well, they have
8 got a list of the people they are serving.
9 They could ask them.

10 MR. ANGELLE: Oh, I see what you are
11 saying, yeah.

12 MR. HOLLINGSWORTH: Whether they are
13 still using their old well or if they even
14 have one.

15 MR. ANGELLE: I thought you said they
16 would have a list of the well. They would
17 have a list of the customers.

18 MR. HOLLINGSWORTH: Right.

19 MR. ANGELLE: Yeah.

20 All right.

21 MR. SNELLGROVE: All right. So where
22 we're at right here on this slide is well
23 owner and driller compliance. Again, with
24 registration, auditing and enforcement being
25 the key components. And here is just having,

1 you know, it's the obvious. We talked about
2 it earlier, and several, several discussions
3 about, you know, how we do know. I mean, are
4 all the drillers complying and providing what
5 they're supposed to on registration after
6 they install, and same thing with the well
7 owners.

8 This is, of course, areas that we are
9 seeing needs for improvement, not, not to
10 self-indict, but we do the best we can with
11 the resources we have. And we do realize
12 that we can certainly improve as an agency on
13 how we do this. But we would also look for
14 the collective group here to maybe provide
15 for a more efficient way for us to go about
16 doing this above and beyond what our existing
17 law is, or regulations, for that matter.

18 And then the final would be, of
19 course, again, the agency's implementation of
20 registration and auditing and enforcement
21 and, lastly, accountability. You know, we --
22 having a system in that we can be confident
23 that we are meeting the goals that we have
24 set for ourselves or that you have set for
25 us. Next, please.

1 And then, of course, we have other key
2 elements, such as incentives and
3 collaboration, and dealing with emergencies,
4 ground water emergencies. Under this, under
5 this slide, we, we -- areas that could have
6 improvement would be looking at being a
7 little bit more aggressive in approaching
8 surface water alternatives from ground water
9 resources; more aggressive on public ed and
10 outreach and what have you on conservation
11 measures; looking at the water distribution
12 infrastructure, such as what was mentioned
13 earlier with the LRWA; repairs and leaks and
14 having upgrades. And maybe there's some type
15 of incentives can, that can improve that
16 process. And, of course, greater
17 communication between the agencies in light
18 of all these above. Next, please?

19 So the document that was delivered to
20 our agency, I've kind of repackaged it. And
21 it addresses three aspects of ground water
22 management plan development considerations.
23 And those, those three aspects are, are
24 elements of the plan that I got out of it,
25 and, then, of course, in discussing with our

1 staff, the same. We have surface water
2 infrastructure project alternatives. And
3 items under that that were suggested or
4 recommended on an aquifer-by-aquifer basis in
5 some cases. Some cases it was more of a
6 global recommendation. But, but these things
7 were broken down in the document that we
8 received today as, as the, the deliverable.
9 And they included things, items such as,
10 pipeline conveyance of surface water,
11 diversion canals, reservoirs, reservoir
12 management, rainfall harvesting, ground water
13 recharge type of, of options there.

14 And then in considering that some of
15 these can cross the boundaries between
16 conservation and best management practices
17 and infrastructure.

18 But be that as it may, the next item,
19 the next aspect, of course, in their
20 recommendations and suggestions on managing
21 the resource, is best management practices,
22 which include items such as wastewater
23 recycling, distribution maintenance and
24 repair. Again, tapping back into that, that
25 discussion on, on ground water distribution

1 and pipes. And, of course, implementation
2 and use of conservation measures, reducing
3 the use of the resource, et cetera.

4 And then, thirdly, the last aspect,
5 which was included in the document, were what
6 I considered to be administrative or policy
7 recommendations. Next, please.

8 And that's what, that's what broken
9 down on the next series of slides as it
10 relates to what they provided as
11 recommendations from a -- from what they term
12 Tier 1, which are more short-term solutions,
13 perhaps easier to, to implement without maybe
14 going through legislative change and things
15 of that nature; and then more longer-term
16 solutions that may require legislative action
17 and/or some, some maybe more difficult or
18 more challenging regulatory amendments.
19 Next, please.

20 And registration, of course, breaking
21 it down by element. You know, there are Tier
22 1 and Tier 2 recommendations that were
23 provided in the document. And they -- and at
24 this point, it gets a little bit more
25 specific. All of this information is in the

1 executive summary of the document that
2 you-all have been provided, as well as, you
3 know, in the body of -- and much more
4 discussion throughout on not only this aspect
5 as far as admin and policy recommendations,
6 but certainly the other items that I
7 mentioned about infrastructure and, and best
8 management practices. Most of the document
9 that, that was delivered discusses in detail
10 the aspects of -- those two aspects in
11 particular.

12 The recommendations on the admin and
13 policy side are more summarized very well, I
14 think, in the tables that are in the back of
15 the executive summary. But they -- and they
16 are all broken down here.

17 Secretary, do you want me to go ahead
18 and go through each one of these items or --

19 MR. ANGELLE: What's the flavor of the
20 group? Do you want to read them at home or
21 what?

22 MR. MCKINNEY: I want to make a
23 comment.

24 MR. MAYS: I would like to.

25 MR. ANGELLE: Sure. Go ahead.

1 MR. MAYS: I have read them. And I
2 don't know what the proper time is to make a
3 response to this, and what we are supposed to
4 do, but I would like the time to do that at
5 some point.

6 MR. ANGELLE: Sure. I think now would
7 be appropriate.

8 MR. MAYS: I made this statement at
9 the public hearing in Ruston. To me, this is
10 not a plan.

11 MR. ANGELLE: It's not supposed to be
12 a plan.

13 MR. MAYS: I pulled the scope of
14 services that's under the objective. That's
15 what it says.

16 MR. ANGELLE: Well, I think ultimately
17 the legislature has to detail what the plan
18 is. I think it's recommendations for them.

19 MR. MAYS: Yes, sir. It's not -- this
20 is a lot of factual stuff, but it's not a
21 plan. It wasn't supposed to be a plan.

22 MR. ANGELLE: I think what I'm saying
23 is, the idea is to present to the legislature
24 a list of recommendations so that the
25 legislature, working with us, can codify what

1 it is that we need, and all of that together
2 will make a plan.

3 MR. MAYS: Okay. Well, I was
4 certainly disappointed that, that what -- I
5 thought we were going to get some plan. And
6 then, like I said, from the scope of
7 services, and their conclusion that they
8 basically said that they could not come up
9 with a plan because there was not enough data
10 to, to come up with a plan.

11 MR. ANGELLE: I think that's true. I
12 think, I think it's a very -- it's a very
13 true observation based on what we have talked
14 about that, that in order to manage the
15 resource, we need, we need, we need a lot of
16 data. And part of the data is implementation
17 of a monitoring program that will be what I
18 would call ground water management 2.0. For
19 the last decade, we have been with ground
20 water management 1.0. Okay. And I think
21 that, that investing in a monitoring program
22 is where I personally believe, in
23 conservation and education and registration,
24 some of those things, that will provide the
25 kind of information that I think we need to

1 be able to detail a robust comprehensive
2 plan.

3 MR. MAYS: So presented to the
4 legislature will just be some actions that
5 need to be done but not a plan.

6 MR. ANGELLE: I think that over the
7 next 45 days, we are going to have to run
8 through that.

9 MR. MAYS: Well, what is your vision
10 for an actual plan, as far as what you would
11 hope to be a water management plan?

12 MR. ANGELLE: I think if you go back
13 to those nine component parts, it would be
14 to -- if you go back to that slide -- it
15 would be to identify the things that -- and
16 I'm certainly open to the suggestions of the
17 group, but in those nine components parts,
18 what is necessary to codify so that those
19 nine component parts can be in state law as
20 opposed to just kind of floating out there as
21 maybes, so that those nine things can be
22 codified to hold everyone accountable. And,
23 and any other, any other, any other item, any
24 other components that folks believe are
25 necessary to put into, into the law.

1 So, for instance, on registration, you
2 know, are we going to codify that no water
3 wells shall be drilled in the State of
4 Louisiana without by a licensed driller until
5 evidence has been presented to that driller
6 that such well has been -- has received prior
7 notification?

8 MR. MAYS: Well, I certainly agree
9 that a lot of that needs to be done and
10 should have been done years and years ago.
11 And I would hope that we can get to that
12 point in the next two weeks a legislative
13 action that would do that.

14 But in my mind, that was part of the
15 process, to, to implement a plan. So the
16 plan, itself. So that's where I was coming
17 from. I was hoping these 500 pages, or
18 whatever it is, is a, is a plan we need.

19 THE COURT REPORTER: I'm sorry, sir.
20 Can you speak up, please.

21 MR. MAYS: I'm sorry.

22 THE COURT REPORTER: Your mike is not
23 on.

24 MR. MAYS: I'm through.

25 MR. ANGELLE: Yes.

1 You know, the -- I think, you know,
2 having gone through the development of a, of
3 a, a master plan for coastal resources, and,
4 and one that wasn't as involved in the
5 Atchafalaya Basin, you know, it's -- we're
6 now getting to the point of the specifics.

7 I personally, while I appreciate the
8 recommendations of the consultant, I don't
9 believe it's the consultant's job to give us
10 a plan. I think it's the consultant's job to
11 help research those best management practices
12 that are out there, identify those things
13 that ought to be in a plan, and for us to vet
14 those things, to decide which ones we want
15 today, which ones we want to leave for
16 another day, and then to bring them to the,
17 the legislative branch to, to, to codify.
18 That's certainly how I believe.

19 I don't believe that, that any one
20 consulting firm is qualified to put together
21 a plan that, that I just, that any of us -- I
22 mean, he's not suggesting that. We just say,
23 okay, well, we hired you-all to put together
24 a plan; you-all put together a plan.

25 At the end of the day, the Board of

1 Directors, which are us and the legislature,
2 needs to decide what component parts that
3 they have recommended we want in a plan and
4 which ones they haven't recommended that we
5 perhaps think ought to be in there.

6 So I think we are trying to get to the
7 same point. And it's tough.

8 MR. MAYS: So you recommend to us to,
9 to look at this in detail and, and
10 specifically have some type of meeting to get
11 together --

12 MR. ANGELLE: Yeah.

13 MR. MAYS: -- get the input or the
14 agreement or disagreement? I think certainly
15 from the Sparta people, as we've got the only
16 three areas of concern in the state, that
17 anything connected to the Sparta should be a
18 Tier 1. I think we made that known in the,
19 in the -- in our public hearings, too, where
20 a lot of these, these things have gone, you
21 know, down below Tier 1, because we believe
22 we have the worst problem in the state. May
23 be second to Chicot now, but --

24 MR. ANGELLE: Well, I don't disagree
25 with that. I think that what -- the process

1 that I think we will get to, and for the next
2 45 days, will be either to have a series of
3 meetings of, of this group here, okay, where
4 it's more of a, a workshop. I'm trying to
5 comply -- obviously, going to comply -- with
6 the open meetings law, trying to determine if
7 we can do this by committee process. Okay.
8 And, for instance, take those, those nine
9 component parts, divide them amongst us,
10 charge folks with the responsibility of
11 delving into that in a much greater detail
12 and then coming back and saying, we agree
13 with this, we disagree with that, we want to
14 add this or whatever, and then putting us all
15 together and giving us an opportunity to
16 criss-cross in those things. But it's, you
17 know...

18 So one of the things I wanted to throw
19 out is that's going to take perhaps putting a
20 week's worth of time on the calendar for all
21 of us, perhaps a couple a days a week for
22 four weeks to be able to get there, and I'm
23 particularly interested in hearing any
24 feedback on how we all want to do that.

25 MR. MCKINNEY: I have a comment along

1 those lines. If you look on Page 51, for
2 example, what Mickey has already alluded to
3 here, Tier 1, Tier 2, Sparta Ground Water
4 Commission may consider meeting with their
5 legislators, blah, blah, blah, blah, blah.

6 That's something that we are quite
7 concerned about. And the Commission has
8 charged me with the responsibility of coming
9 here today to express to this Commission, as
10 I have expressed to Mr. Snellgrove in the
11 public meeting in Ruston, was how do we, as
12 interested persons in certain characteristics
13 of this proposed plan, know what those
14 outcomes are going to be before they are
15 etched in stone, so to speak? And as he
16 referred to in the meeting, we as
17 commissioners here on this, will obviously
18 know because we will have the hard data, the
19 hard copy, so to speak.

20 But there are throughout this state
21 obviously many, many, many people who have an
22 interest in this plan. How, how do we get to
23 them what the latest is? And how is it that,
24 that whomever else in here may be chosen to
25 sit on one of these particular issues, as you

1 are talking about, may not have an earthly
2 idea that we, as a Sparta Commission, have
3 been trying desperately to get the same
4 status as the Capital Area Ground Water. And
5 we are now beginning to work again towards
6 that goal, but yet we found ourselves listed
7 down here in a Tier 1, five to 30 years. We
8 have been doing this for ten years already.
9 We should be up here in Tier 1.

10 So, so how do I tell the, the
11 Commission, Sparta Commission, well, you
12 know, this is in Tier 2, but how do we get up
13 here in Tier 1? How do we make those
14 changes, not only in this issue, but, but the
15 many other issues, as Mickey has already
16 alluded to.

17 MR. ANGELLE: It would be, it would be
18 my vision that to understand that this is a
19 report, and I think that goes to what I was
20 saying. I don't necessarily agree with, with
21 that recommendation. I tend to agree with
22 your position. Okay. I think that we all
23 have been chosen to provide leadership on
24 this issue. We all have a passion for the
25 subject matter. For those things that, you

1 know, we are going to have to divide the
2 subject matter as, as other bodies do. And
3 I'm assuming that you will bring to, to this
4 Commission's attention at the appropriate
5 time that you would like to see that changed.
6 And you will make your case. And in that
7 instance, I assume that the Commission would
8 hear if there's any reason that would
9 contradict what you are requesting and kind
10 of message it.

11 I don't think that -- the expectation
12 that we could get something off the shelf and
13 make it fit and the first time we get it, it
14 be right, or -- or right is not the right
15 word -- but it would meet each one of our
16 individual expectations. We come from a wide
17 variety of business and, and industry and,
18 and local governments and whatever. It's
19 going, it's going to be a grind for the next
20 45 days on how we get there. So there is the
21 process. The process has to be public. It
22 has to be transparent. It has to be
23 recorded. And we have done it here to before
24 as the entire Commission, but I think we are
25 going to have to move to a committee process.

1 And I'm trying to make sure that, that the
2 committee process, again, is transparent and
3 folks can, can come and, and provide
4 information on that. Whether we have to do
5 it all here or not, I'm waiting on the
6 attorneys to give me that information.

7 MR. BALKUM: I have a comment, Mr.
8 Chairman.

9 Hearing the discussion of Tier 1 and
10 Tier 2, I didn't understand Tier 1 being most
11 important, Tier 2 less important, just that
12 Tier 1 would be implemented right away with
13 existing laws and regulations. Again, Tier 2
14 wasn't less important, but it would just take
15 more time in that legislative law or
16 regulatory law.

17 MR. ANGELLE: Yeah. I think, I think
18 you are right, Kyle, but I think that Tier 2,
19 when the long-term five to 30 years and then
20 require legislative solution, I think that,
21 that the five to 30 years is not
22 necessarily--

23 MR. BALKUM: Seems like with --

24 MR. ANGELLE: -- requiring legislative
25 action. And so I could understand why

1 Mr. Ted would say, wait a minute, I can't
2 wait five to 30 years.

3 MR. BALKUM: Sure. I can see that.

4 MR. SNELLGROVE: And I would add that
5 there's nothing that would prohibit in that
6 recommendation the, the Sparta Commission
7 from, from pursuing it now, because the
8 recommendation is that they may consider
9 addressing that issue with their legislators.

10 MR. ANGELLE: Right.

11 MR. MCKINNEY: That's our intention
12 and is currently ongoing.

13 MR. SNELLGROVE: I think we're all on
14 the same page.

15 MR. ANGELLE: There's nothing here
16 that would require you to wait five to 30
17 years.

18 MR. MCKINNEY: Right.

19 MR. SNELLGROVE: Correct.

20 MR. HOLLINGSWORTH: I think it would
21 be helpful to us if we had the endorsement of
22 this board. I think that's the main part of
23 that. We recognize that we have got work to
24 do with our local legislators first and
25 foremost. And...

1 MR. ANGELLE: I think we addressed
2 that issue.

3 MR. HOLLINGSWORTH: Probably --

4 MR. ANGELLE: Kyle, do you have any
5 other questions?

6 MR. BALKUM: One other one. And I
7 don't know how we will move forward in the
8 next 45 days. But looking at these nine plan
9 components, you know, there is some that I'm
10 not going to be able to speak to or have more
11 experience in than others. And, and it may
12 be that if we do break up into certain
13 groups, that we sign up for those components.

14 MR. ANGELLE: Sure. What I'm hearing
15 you say, what I'm hearing you say is you want
16 to sign up before you get put on the wrong
17 committee. Depends on how many more
18 questions you ask today.

19 MR. BALKUM: I'm done.

20 MR. ANGELLE: Thank you.

21 MR. ELLIOTT: Mr. Secretary, could you
22 just briefly describe -- all right.
23 Basically, we went through the process up to
24 this point. We have had the public comments.
25 We have got a plan from our contractor. What

1 goes from here? I know you have talked about
2 the 45 days.

3 Would you just briefly explain, all
4 right, what happened to the comments, the
5 public comments? Who evaluated them and how
6 they play in that? And then at what point do
7 we all come into that picture is kind of, if
8 you could.

9 MR. ANGELLE: Well, I'll allow Gary to
10 address the public comments. Again, what I
11 was suggesting, I will be working with staff
12 to kind of lay out a schedule. And while we
13 work by committee process, I am hoping that I
14 can get that approved with the AG's Office.
15 And then folks will, will be subject matter
16 experts in that particular area and come
17 back. Then all of us will, will then have an
18 opportunity as a group to decide whether or
19 not we want to approve that committee report
20 and/or amend that committee report.

21 And, and, again, I think what we are
22 going to have to do in our cover letter to
23 this, is acknowledge that we don't all agree
24 on everything in there. Again, I don't
25 necessarily think that what our job in ground

1 water 2.0 is. So that -- because if it takes
2 us to fully agree on everything, there may be
3 some things that ought to be in there for
4 debate that get left out.

5 And so I think it will, it will kind
6 of give us a chance to allow things to be in
7 there as recommendations. But, but there may
8 be things in there that are recommendations
9 that, that I may not want, you may not want,
10 but end up in there because there's been --
11 somebody has made a great case for it. And
12 we, we ought to allow the legislature to see
13 what it is that, that we are working through.
14 And somebody may take that idea and run with
15 it in, in, in ways that we were incapable of
16 running with it.

17 So I'll kind of detail that out for
18 you probably a little more specific. I've
19 got really one more tough week of meeting
20 deadlines and probably have some time to work
21 on it.

22 MR. ELLIOTT: I guess our objective is
23 in the end to be able to put our stamp on
24 something to submit to the legislature, in a
25 sense?

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MR. ANGELLE: That's correct. That's correct.

And, again, you know, my, my appreciation of it is that we have to have some freedom to be able to say, here, enclosed herewith is a list of recommendations in a particular area. You know, I would hope that we would adopt a phrase that one size does not fit all when it comes to management. That I hope we adopt that investing in monitoring is a critical, critical thing for us to do. And that some of these recommendations that we have made are not all agreed to by all of us; but, again, worthy of debate at a certain point in time that if we do invest in monitoring, that that monitoring will allow us to come back and issue, if you would, ground water management 3.0 or 4.0, as we evolve into this much like, again, the one I'm familiar with, the coastal master plan has evolved as we have got more information and more knowledge.

But it's really no -- you know, I want to give everybody an opportunity to comment. And if you want to have a dissenting opinion

1 about something like, like, you know, folks
2 in the legal profession, I don't have, I
3 don't have an issue with that. I think that
4 our job is to cast a wide net. We're talking
5 about things in the last 18 months that have
6 never been talked about in the State of
7 Louisiana with regards to ground water.
8 Okay. It's not perfect, but, but managing
9 resources are not. It's a tough, tough,
10 thing to do, especially something like water.

11 You know, not everybody is passionate.
12 Those folks who are passionate about fish and
13 wildlife are very passionate. Those folks
14 who are passionate about coastal resources
15 are very passionate. But it's not everyone.
16 Everybody is very passionate about water.

17 So it does affect everyone. And it is
18 going to have some, some points that I think
19 industry is going to want to make and I think
20 other folks are going to want to make as
21 well. We may not all agree.

22 MR. ELLIOTT: Thank you.

23 MR. HOLLINGSWORTH: Mr. Chairman, will
24 those comments that were made at the public
25 hearings be made available on the website or

1 in text in some form that the Commission
2 members can see?

3 MR. ANGELLE: Is that something that
4 we can do?

5 MR. SNELLGROVE: Yeah. You had
6 mentioned earlier that you would allow for us
7 to talk about that process. And so, if I
8 may, I'll go ahead and explain that.

9 All of the public comments that we
10 received in writing, or as part of the
11 transcript at the public hearings, were, were
12 put into a pdf file, or a series of pdf
13 files. And what I will do is -- what I
14 intended to do, we did that -- first of all,
15 we had a short period of time to digest a lot
16 of comments. So we put it into a readable
17 format that I could distribute it amongst our
18 staff so we could break it down to make sure
19 that we included all of the comments that,
20 that addressed inaccuracies or typos,
21 grammaticals, anything in that document that
22 we received that needed to be addressed to,
23 to make it, to make it correct. So, so we
24 did that.

25 But with the remaining comments, what

1 we intend to do, as I believe I mentioned it
2 in maybe the Ruston public meeting, we intend
3 to go through them, and those that are
4 relevant, we will provide a response to
5 either tell you where to go in the document
6 to find the answer to, to the question or the
7 comment, or to clarify, you know, how that
8 issue or item was addressed.

9 So now that's going to take us a
10 little time. And we do intend -- I can make
11 that -- and I intend to make the comments all
12 available and provide -- I can provide to you
13 a link and I'll send that out via e-mail
14 distribution -- to where you can, where you
15 can view them all.

16 And then, and then we will then,
17 subsequent to that, sometime in the next
18 couple of weeks, I would like to be able to
19 send you a second e-mail that you will be
20 able to view the responses from the agency
21 that addresses the comments.

22 MR. ANGELLE: That's fine.

23 MR. MILLER: Mr. Chairman.

24 MR. ANGELLE: Yes, sir.

25 MR. MILLER: I was going to say I did

1 notice, Gary, that on your website, I
2 actually printed out the draft transcripts
3 from several of the public hearings. I just
4 printed a couple of them just to glance
5 through. So they are out there right now, if
6 you go to the DNR website.

7 MR. SNELLGROVE: Good point.

8 MR. MILLER: Drafts are already up.

9 MR. SNELLGROVE: We have put all five
10 of the public meetings transcripts out, out
11 there right after we had received the, the
12 transcripts back from the court reporters.
13 So, yes, they are there, and that's probably
14 where we will add a link to the, to the
15 comments.

16 MR. MAYS: Mr. Chairman.

17 Can I ask, what kind of participation
18 did you get from the public in --

19 MR. SNELLGROVE: Statewide? As far
20 as--

21 MR. MAYS: Yes. I only know about
22 Ruston.

23 MR. SNELLGROVE: Sure. In the Ruston
24 area we had around -- you know, just a rough
25 head count, around 65. We saw similar

1 numbers at all of the other venues,
2 Shreveport, Crowley and Baton Rouge, at
3 around that same number. And then in
4 Alexandria, we had around, say, 35 or so
5 attendance there.

6 As far as public comments, of course,
7 we received that, that which was provided in
8 the transcript, but we also received many
9 comments via e-mail or, you know, regular
10 mail and faxes. And I think you will find,
11 you know, what I did was I broke them down by
12 each and put a white piece of paper in
13 between -- a blank piece of paper in between
14 so that they would be separate. I don't have
15 a count as to how many -- I think John is
16 showing something right now that --

17 MR. ADAMS: This is the set of
18 comments we received, including the white
19 sheets of paper that separate each comment.

20 MR. SNELLGROVE: Yeah. So as an
21 example. And, of course, there are
22 paragraphs in some; some of them are just one
23 comment. But we will put it all out there
24 and make it available to you.

25 MR. ANGELLE: And is the -- that

1 comment period --

2 MR. SNELLGROVE: It's closed, yes,
3 sir. It closed sometime -- Monday before
4 Thanksgiving. Monday of the -- the 21st,
5 yeah, November 21st.

6 MR. ANGELLE: So following, following
7 -- not this Monday coming, but the following
8 Monday, I need to work with my staff to make
9 sure that we can get together. I'm waiting
10 on that AG's answer on, on committee work
11 out. And I want to go ahead and develop the
12 schedule, proposed schedule, from that date
13 out and get it circulated to, to the
14 Commission.

15 MR. SNELLGROVE: Okay. I will meet
16 with staff to, to set up a date?

17 MR. ANGELLE: Yeah.

18 MR. SNELLGROVE: Yes, sir. Okay.

19 MR. ANGELLE: Okay. So the other item
20 we have on the agenda is to receive public
21 comment; is that right?

22 MR. SNELLGROVE: That's correct. Open
23 the public comment.

24 MR. ANGELLE: Okay. Public comments?
25 So we will go ahead and open the microphone.

1 Just please come forward, identify yourself,
2 and we'll be more than happy to hear from
3 you.

4 MR. FONTENOT: Can you hear me okay?

5 MR. ANGELLE: Yes, sir.

6 MR. FONTENOT: My name is William
7 Fontenot. And I live here in Baton Rouge. I
8 currently serve on a number of boards and
9 committees and things, that one of the
10 groups -- and I'm not here representing them
11 today, I'm just here as an individual. But I
12 serve as conservation chair of the Delta
13 Chapter of the Sierra Club. And I submitted
14 some comments on this document.

15 I was unable to make any of the
16 meetings. I'm legally blind and I do not
17 drive, and so getting places can be a
18 challenge.

19 And I really appreciate what you-all
20 are doing here because it's very, very
21 important.

22 You may remember that when you
23 received your award from the Louisiana
24 Wildlife Federation on Toledo Bend, that I
25 spoke to you about your father because I

1 served as director of Louisiana Wildlife
2 Federation for a couple of years.

3 There's some resources that I think
4 the staff is not really using and that is
5 really available for you. And one of them is
6 the Louisiana Constitution. Article IX of
7 the Louisiana Constitution deals with the
8 mineral resources of the state, oil, natural
9 gas, water, air. And Article IX, Section 1,
10 the first section in Article IX says -- and I
11 won't get this exactly correct, but it says,
12 The important natural resources of the state,
13 including air and water, and the healthful,
14 scenic, esthetic and historic qualities of
15 the environment, shall be protected,
16 replenished and restored as much as possible
17 consistent with the health, safety and
18 welfare of the people.

19 And in the second sentence it says,
20 The legislature shall adopt laws to implement
21 this provision.

22 So I think it's not -- what you need
23 to do is not just look at the regulations,
24 but also look at what's provided in the
25 Constitution and what's provided in court

1 decisions, how the courts have ruled about
2 the laws and regulations and the requirements
3 that agencies and officials and, and
4 businesses and government have for the use
5 and the long-term use of our natural
6 resources.

7 It's very important to include that in
8 your discussion. In the report done by
9 Ecology and Environment, it talks about,
10 there's not much in the law, but they don't
11 go to the Constitution. And I think that's a
12 missing thing.

13 It's a very significant missing piece.
14 I did some work with Ecology and Environment
15 back in the early 1980s, dealing with a
16 hazardous waste site just north of here up in
17 Devil's Swamp, which is about ten miles north
18 of this building. There were two companies
19 that had the contracts with the Environmental
20 Protection Agency to look at hazardous waste
21 sites in the United States. We had CH2M
22 HILL, which did everything east of the
23 Mississippi river; and Ecology and
24 Environment did everything west of the
25 Mississippi River, except for Devil's Swamp.

1 Ecology and Environment did the assessment of
2 Devil's Swamp.

3 Your draft document doesn't really
4 deal with any of the industrial waste that
5 has contaminated thousands of acres of land
6 in Louisiana. It doesn't really deal with
7 the billions of gallons of water, surface and
8 ground water, which have been contaminated by
9 the oil and gas industry. And it also
10 doesn't deal -- there's some discussion about
11 using surface water to replenish ground
12 water. But there's no discussion about the
13 reports done by the Louisiana Department of
14 Environmental Quality where they have
15 identified more than 300 river basins in
16 Louisiana where the water is unfit for human
17 consumption. It's severely limited because
18 of sewage, industrial waste, and other
19 problems.

20 So I think that -- I would encourage
21 you to look at the, at the short comments I
22 did because it may give you a slightly
23 different approach. I worked in the Attorney
24 General's Office for 27 years, from April of
25 1978 to April of '05. And my job was

1 basically to help individuals, groups, local
2 officials, businesses, farmers, fishermen,
3 try and figure out what the problem was that
4 they were trying to deal with, environmental
5 problems mostly, and then how they could try
6 and deal with those things. And I helped
7 organize groups in every parish in Louisiana,
8 and more than 30 other states across the
9 country.

10 And I think you, you really need to
11 step back and look at this because I don't
12 think that the Office of Conservation has
13 asked all the questions that need to be
14 asked. I think that the firm Ecology and
15 Environment is one of the best firms in the
16 country, but I don't think they were given a
17 free hand to go out and look at the problem
18 and come back and make some recommendations.
19 I think they were given limitations on what
20 they could look at. I'm just guessing.

21 But, anyway, I would strongly
22 encourage you to do what you are doing, but I
23 think you need also at the table, you need to
24 have all of the other state agencies that
25 deal with water resources. And I list those

1 in, in my letter. And that's, that's clearly
2 the Department of Wildlife and Fisheries, the
3 Department of Health and Hospitals, the
4 Department of Culture, Recreation and
5 Tourism, and Department of Commerce and
6 Industry, Department of Transportation and
7 Development. And you should definitely have
8 the Attorney General's Office sitting here
9 because understanding what the laws are and
10 how the courts have ruled and why they have
11 ruled on very complex natural resource issues
12 helps to define what your resources might be
13 or what tracks you might be able to take to
14 deal with these long-term problems. So...

15 And I would be glad to meet with you
16 or, or any of you in any way that might be
17 helpful. So thank you very much.

18 MR. ANGELLE: Thank you, Mr. Fontenot.
19 I do remember that meeting we had up in
20 Sabine. And I appreciate your continued
21 interest in the environmental and your public
22 service. Thank you, sir.

23 MR. FONTENOT: Thank you.

24 MR. VANDERSTEEN: Members, my name is
25 Buck Vandersteen. I'm with the Louisiana

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Forestry Association.

When a declaration of water emergency occurs, large water users, how are they notified? Is it an immediate termination of, of water use? Is it a gradual? When we were talking about water emergency, it came to mind how, how someone prepares for that. Certainly maybe the outreach programs, the education people, would know well ahead of time that there's a serious nature and, and to conserve water. But when that declaration is made, do you go up to a large user of water and say, Okay. You have got to turn the tap off because we have lost. So that was a question to, to how is that procedure done?

The second thing, is the public comment, will it be available to the Advisory Task Force that's also working with, with you in this effort?

MR. ANGELLE: Sure.

MR. VANDERSTEEN: Maybe if it's online, as Mr. Miller has suggested, we can find it, but it would be helpful if the Advisory Task Force also has a copy.

1 MR. ANGELLE: We will get that link to
2 you as well. Make a note. And we will get a
3 specific answer to your first question.

4 MR. VANDERSTEEN: Thank you.

5 MR. ANGELLE: Thank you, sir.

6 MS. WASCOM: Kathy Wascom. I live in
7 Baton Rouge, and I'm also a member of the
8 Advisory Task Force.

9 But the resolution that was brought to
10 you from the Metro Council in Baton Rouge and
11 the subsequent procedures to go through area
12 of concern I looked at, and perhaps in the
13 future in the legislative arena, there may be
14 added, as far as folks that can ask for an
15 area of concern to be looked at, you may be
16 able to add municipalities or parish
17 government to that legislation, as we proceed
18 and look at that issue, because Baton Rouge
19 is very concerned and the utility has
20 purchased land along the river. And at some
21 point Baton Rouge may have to use -- start
22 using river water because of large industrial
23 use to the north of the parish. So that the
24 citizens of East Baton Rouge Parish would
25 simply not only get what they perceive or

1 understand is inferior water, but they also
2 are bearing the financial burden, the city
3 and the citizens, because a lot of what you
4 talked about is rural areas.

5 In large urban areas such as Baton
6 Rouge, or New Orleans, or your large urban --
7 we don't have wells. We simply pay our water
8 bill or pay our sewer bill and turn on the
9 tap, and we are used to having wonderful
10 aquifer water in our areas, and would hate to
11 see us have to use river water. So there has
12 to be some sort of balance between a large
13 industrial user of ground water that is
14 essentially having the benefit of that ground
15 water at the expense of the urban area in
16 Baton Rouge. And that is a conflict area
17 that you are going to have in other areas
18 also, but it is going to have to be looked
19 and what -- and also if the municipalities or
20 parish governments can request, and not just
21 say a driller or a well user, a well
22 operator, but can request that their area be
23 considered an area of concern. And somehow
24 some sort of compromise between industrial
25 users and urban users be looked at. Thank

1 you.

2 MR. ANGELLE: Thank you.

3 MR. KERR: Mr. Chairman, members of
4 the committee, I'm Patrick Kerr. I'm
5 president and CEO of Baton Rouge Water
6 Company.

7 Gino asked me to tell you he wished he
8 could be here, but he's in recovery from
9 surgery as we speak.

10 A couple of things. One about the
11 report. I know Gino has mentioned this in
12 his written comments. The report is
13 completely silent as to Southern Hills
14 aquifer system in Baton Rouge or in, in
15 Louisiana. It's a major aquifer. But
16 there's no mention of it. I'm told the
17 Capital Area Ground Water Conservation
18 Commission wasn't even approached in
19 development of this report by A & E. So we
20 see that as a wholly lacking area of the
21 report and are concerned about it.

22 I would like to mention -- comment on
23 the company having purchased land on the
24 river. We did that several years ago. Our
25 job is to make sure that the residents of

1 Baton Rouge, the residents we serve, have
2 water when they turn on the tap. We will not
3 fail in that mission. There has not been a
4 lot of comment or concern in the political
5 forum about where that water comes from. The
6 river is here. It is useful. We should be
7 the last place on earth that doesn't have
8 high quality drinking water.

9 Our customers also should know the
10 difference honestly between water we draw
11 from the river and treat and water that comes
12 from the aquifer. I can't promise that will
13 be true. There will be some esthetic
14 differences, but the water will be perfectly
15 fit and good quality water.

16 The question for this Commission is
17 whether people in a significantly populated
18 urban area like this, should have to go to
19 the river for their water when ground water
20 supplies have always been adequate.

21 We are very concerned about the 1,500
22 and 1,700 foot sands from which we draw about
23 20 percent of our water. Salt water is -- it
24 continues to encroach. We have had several
25 studies done with the USGS at LSU and via

1 Locklane Hydro. We will report all that
2 information to you-all. And Baton Rouge
3 Water, I think in the very near future, will
4 be coming to this Commission and asking, as a
5 well owner, for a designation of an area of
6 concern. And we will be approaching the
7 Commissioner about that.

8 Thank you, Mr. Chairman.

9 MR. ANGELLE: Thank you, sir. I
10 appreciate it.

11 Welcome back.

12 MR. DUPLECHIN: Thank you, sir.

13 I know most of you know me, but for
14 those of you who may not, and for the record,
15 my name is Tony Duplechin. I'm director of
16 Capital Area Ground Water Conservation
17 District. And since our name has come up a
18 few times in the past few hours, I would like
19 to just give kind of a brief overview of the
20 district and the Commission, because I've
21 found in my nine months as director, that
22 there's a certain amount of -- and I don't
23 mean this in a negative connotation --
24 ignorance as to both the existence of the
25 district and the Commission and what we do.

1 The district and Commission began
2 operation in 1975 under the authority of Act
3 678 from 1974. It came into existence
4 because there were concerns for severe ground
5 water problems that had developed or were
6 recognized in the capital area as early as
7 the 1970s. Well, before then, but definitely
8 by the 1970s. This included water level
9 decline, salt water encroachment and land
10 subsidence.

11 Our authority provides for the
12 efficient administration, conservation,
13 orderly development of ground water resources
14 in the Capital Area District, which includes
15 East and West Baton Rouge, East and West
16 Feliciana and Pointe Coupee -- excuse me --
17 Parishes.

18 The Board consists of 15 members, one
19 each from the member parishes, that's five,
20 three nominated by industrial ground water
21 users, three nominated by public supply
22 ground water users, one each from Louisiana
23 Department of Transportation and Development
24 and the Louisiana Department of Environmental
25 Quality, one nominated jointly by Louisiana

1 Farm Bureau and Louisiana Cattlemen's
2 Association, and one nominee of the board who
3 serves at large.

4 Our activities include review and
5 approval of plans for new water wells to
6 ensure orderly development of ground water in
7 the district. We collect and maintain
8 records of ground water pumpage to monitor
9 and assess development trends. We collect
10 essential water level data, monitor salt
11 water encroachment and subsidence, and
12 conduct special aquifer studies through joint
13 funded projects with DOTD, USGS, LSU, Baton
14 Rouge Water Company, and East Baton Rouge
15 Parish.

16 We supply ground water information to
17 consultants, district water users,
18 developers, government and the general
19 public. We keep an eye on all environmental
20 issues that may impact ground water and
21 supply in support of ground water protection
22 through state agencies. We keep the district
23 water users informed of ground water issues
24 and concerns through a quarterly newsletter,
25 meetings and individual conduct -- contact.

1 Some of our accomplishments include,
2 we have worked with water users to minimize
3 water level declines in heavily pumped
4 aquifers, and to obtain equalization of
5 development between aquifers. We have
6 identified the 1,500-foot sand as a critical
7 supply source and have restricted future
8 development in that sand. We set limits on
9 pumpage for the 2,000-foot sand and called
10 for a moratorium on new wells in that aquifer
11 to help arrest adverse water level declines
12 and to minimize impact on salt water
13 encroachment and subsidence.

14 Our district pumpage records have
15 proved invaluable for ground water modeling
16 programs, and including those required for
17 ground water contamination studies in the
18 district.

19 We have assisted state agencies in
20 drafting and reviewing rules and regulations
21 and also EPA in reviewing ground water
22 assessments and hazardous waste sites.

23 And in 1996, we secured an EPA grant
24 for a pilot project to remediate salt water
25 encroachment in the Baton Rouge area, the

1 so-called connector well.

2 In summary, the activities of the
3 Capital Area Ground Water Conservation
4 District are directed towards conserving the
5 district's ground water supply and protecting
6 ground water from degradation caused by
7 development or contamination from any source.
8 Thank you.

9 MR. WELSH: Thank you, Tony.

10 The Secretary had a commitment that he
11 had, that he had to leave. I kind of feel
12 like LSU's back-up quarterback in the game,
13 or maybe fall to my knees on one play.

14 Any other comments?

15 Well, that's the end of the agenda.
16 Is there any final discussion here with the
17 commissioners before we adjourn?

18 MR. KILLEBREW: I have a question, I
19 guess. I assume the clock has already
20 started ticking on the 45 days.

21 MR. WELSH: We have a final date,
22 don't we, Gary, on the 45 days?

23 MR. SNELLGROVE: March of 2012 is
24 whenever the deliverable is to meet the House
25 Concurrent Resolution 2010.

1 MR. WELSH: Yes, it is.

2 MR. KILLEBREW: Just how might we
3 proceed to set up the committees to study the
4 various components of the --

5 MR. WELSH: I think the Secretary
6 indicated that -- we will do it, but the
7 Secretary needed to clear some procedures
8 like --

9 MR. KILLEBREW: First step. Okay.

10 MR. WELSH: -- and some things like
11 that, so we will let, we will let you-all
12 know --

13 MR. SNELLGROVE: Yes, sir.

14 MR. WELSH: -- very soon. I mean, we
15 are not going to drag this out.

16 MR. KILLEBREW: Yeah. Well, I'm ready
17 to volunteer, but I'm not going to do it
18 right now until I hear back from you-all.

19 MR. SNELLGROVE: Yes. I would say,
20 what I remember, what I recall the Secretary
21 saying not this Monday, but the following
22 Monday, we are going to meet internally, and
23 he's going to lay out some, some plans, and
24 then we will disseminate that information
25 back out.

1 MR. MCKINNEY: I'd like to comment on
2 that, Mr. Snellgrove.

3 There's some of us, including myself,
4 that do not have a secretary. I'm just a
5 one-man show. So keep that in mind.

6 MR. WELSH: Mr. Mays, you had a
7 comment or a statement?

8 MR. MAYS: I move we adjourn.

9 MR. WELSH: Okay. I have a motion to
10 adjourn.

11 MR. SNELLGROVE: Commissioner,
12 Commissioner, we have got one comment,
13 please.

14 MR. WELSH: Mr. Fontenot.

15 MR. FONTENOT: Yeah. William Fontenot
16 again.

17 I just want to -- one more thing. In
18 the report, there's mention of the major
19 users which they identify as the electrical
20 power generation industry, major users of the
21 ground and surface water. The petrochemical
22 industry, and -- but there's no discussion
23 about how those industries -- and I think the
24 paper industry is another major user that's
25 not really discussed that much. But I think

1 the -- you need to have a focus on how the
2 current users, whether they be somebody
3 sprinkling on their front lawn, or an Exxon,
4 or a Georgia-Pacific, what they can do to
5 reduce the amount of water that they are
6 consuming.

7 This water has to be viewed as
8 something that is a public, publicly-owned
9 natural resource. I mean, that's what it
10 says in Article IX of the Constitution. It
11 says, Important natural resources of the
12 state, including air and water, shall be
13 protected, replenished and restored as much
14 as possible consistent with the health,
15 safety and welfare of the people.

16 That does not mean giving Exxon the
17 right to use as much water as they want to do
18 whatever they want. It means we all have to
19 be held responsible for what we are doing.

20 And if we have industries using 85, or
21 whatever the percentage is, more than 80
22 percent of our surface water, then I think
23 there's a real focus needs to be put on
24 trying to get those industries to reduce
25 their water consumption. And I would make

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that the No. 1 issue that needs to be in your report to the legislature. It's pretty important, and it's not going to be easily resolved. But right now whoever starts using the water, the way it's been dealt with in the law, is that it's their water. And I don't think that's the same.

Thank you.

MR. WELSH: Thank you, sir.

Okay. No further business. The meeting is adjourned. We have been here three hours and 35 minutes.

(Meeting concluded at 2:35 p.m.)

1 STATE OF LOUISIANA

2 PARISH OF EAST BATON ROUGE

3 I, DONNA T. CHANDLER, Certified Court
4 Reporter and Registered Merit Reporter, do hereby
5 certify that the foregoing 181 pages are a true and
6 correct transcript of the Ground Water Resources
7 Commission Regular Meeting on December 7, 2011, as
8 taken by me in Stenographic machine shorthand,
9 complemented with magnetic tape recording, and
10 thereafter reduced to transcript, to the best of my
11 ability and understanding, using Computer-Aided
12 Transcription.

13 I further certify that I am not an attorney
14 or counsel for any of the parties, that I am neither
15 related to nor employed by any attorney or counsel
16 connected with this action, and that I have no
17 financial interest in the outcome of this action.

18 Baton Rouge, Louisiana, this 3rd day of
19 January, 2012.

20
21 _____
22 DONNA T. CHANDLER, CCR, RMR
23 CERTIFICATE NO. 29002
24
25