

WM INV_SOUTH TEXAS_CP_20220811_Investigation_1835103
Texas Commission on Environmental Quality
Investigation Report

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**Customer: Bexar Medina Atascosa Counties Water Control and
Improvement District 1**
Customer Number: CN600654115

Regulated Entity Name: ADJ 2130

Regulated Entity Number: RN102629490

Investigation # 1835103

Incident Numbers

385435

384935

Investigator: JOSEPH NICHOLS

Site Classification CERTIFICATE OF
ADJUDICATION

Conducted: 07/12/2022 -- 08/11/2022

No Industry Code Assigned

Program(s): WATER RIGHTS

Investigation Type: Compliance Investigation

Location:

Additional ID(s):

Address: ,

, ,

Local Unit: REGION 13 - SAN ANTONIO

Activity Type(s): WCMCPL - WCMCPL - Water Master
Complaints
WMDIVER - WM Diversion Site
Investigation

Principal(s):

Role

Name

RESPONDENT

BEXAR MEDINA ATASCOSA COUNTIES WCID 1

Contact(s):

Role

Title

Name

Phone

REGULATED
ENTITY
CONTACT

OFFICE MANAGER

Bonnie T Sallee

Office (830) 665-2132

Other Staff Member(s):

Role

Name

Supervisor

ANGELA SANDER

QA Reviewer

CESAR ALVARADO

Associated Check List

Checklist Name

Unit Name

COMPLAINT INVESTIGATION - Water Rights

FY22-57

Investigation Comments:

Summary of Complaint/Inquiry:

On Tuesday, July 12, 2022, the South Texas Watermaster (STWM) Office of the Texas Commission on Environmental Quality (TCEQ) received a complaint stating the Bexar Medina Atascosa Counties Water Control

and Improvement District No.1 (BMA) has not been following the Drought Contingency Plan (DCP) and Water Conservation Plan (WCP) for Medina Lake pursuant to their Certificate of Adjudication No. 19-2130 in the San Antonio River Basin in Medina County.

Summary of Investigation - Action taken:

Certificate of Adjudication 19-2130 authorizes BMA to maintain an existing dam and reservoir on the Medina River (Medina Lake), impounding 237,874 acre-feet of water. BMA is also authorized to maintain an existing dam and reservoir on the Medina River (Diversion Lake), impounding 4,500 acre-feet of water. In addition to the two reservoirs, BMA is authorized to divert and use 20,144 acre-feet of water per year for municipal purposes; 45,856 acre-feet of water per year for agricultural purposes; and 750 acre-feet of water per year for domestic and livestock purposes. The diversions occur by allowing water to flow from Medina Lake into Diversion Lake and thence into a man-made canal.

BMA meters their diversions into the canal at a point on Diversion Lake. Prior to making a diversion, BMA submits a declaration of intent to divert at which time the Watermaster approves or denies the request and records the diversion.

On Wednesday, July 13, 2022, STWM Specialist, Joseph Nichols, called and met with BMA to confirm they are adhering to their water right and to take a meter reading. STWM Specialist, Joseph Nichols, took photos and GPS points at the time of the investigation.

On Friday, August 5, 2022, STWM Specialist, Joseph Nichols, visited the BMA office to confirm that the DCP is posted in their main lobby.

On Thursday, August 11, 2022, STWM Specialist, Joseph Nichols, recorded another meter reading this time from BMA's online metering system.

As of July 31, 2022, BMA has used 13,426 acre feet of their authorized 45,856 acre feet for irrigation use as verified by meter readings conducted on a quarterly basis. BMA continues to submit declarations of intent to divert and pump operation reports on a timely basis in compliance with Texas Administrative Code § 304.

The TCEQ does not have the authority to require entities to implement their DCPs in times of drought. Each entity is responsible for overseeing implementation and enforcement of their DCP. TCEQ rules (30 Texas Administrative Code §288) require DCPs to include specific, quantified targets for water use reductions to be achieved during water shortage and drought. The entity preparing the plan establishes the targets; however, these goals are not enforceable per statute (Texas Water Code §11.1272(d)). Neither statute or TCEQ rule require that DCPs include conservation rates or for those rates to be submitted to the TCEQ. Rate structures should be obtained from BMA.

Conclusion/Referred to:

No violations of either Chapter 11 of the Texas Water Code or Title 30 Texas Administrative Code § 297 and § 304 were cited by STWM office at the time of the investigation. This area will continue to be monitored by the STWM office to ensure compliance with BMA's water right.

No Violations Associated to this Investigation

Signed Joseph Nichols
Environmental Investigator

Date 8/19/2022

Signed Angela Sander
Supervisor

Date 8/24/2022

Attachments: (in order of final report submittal)

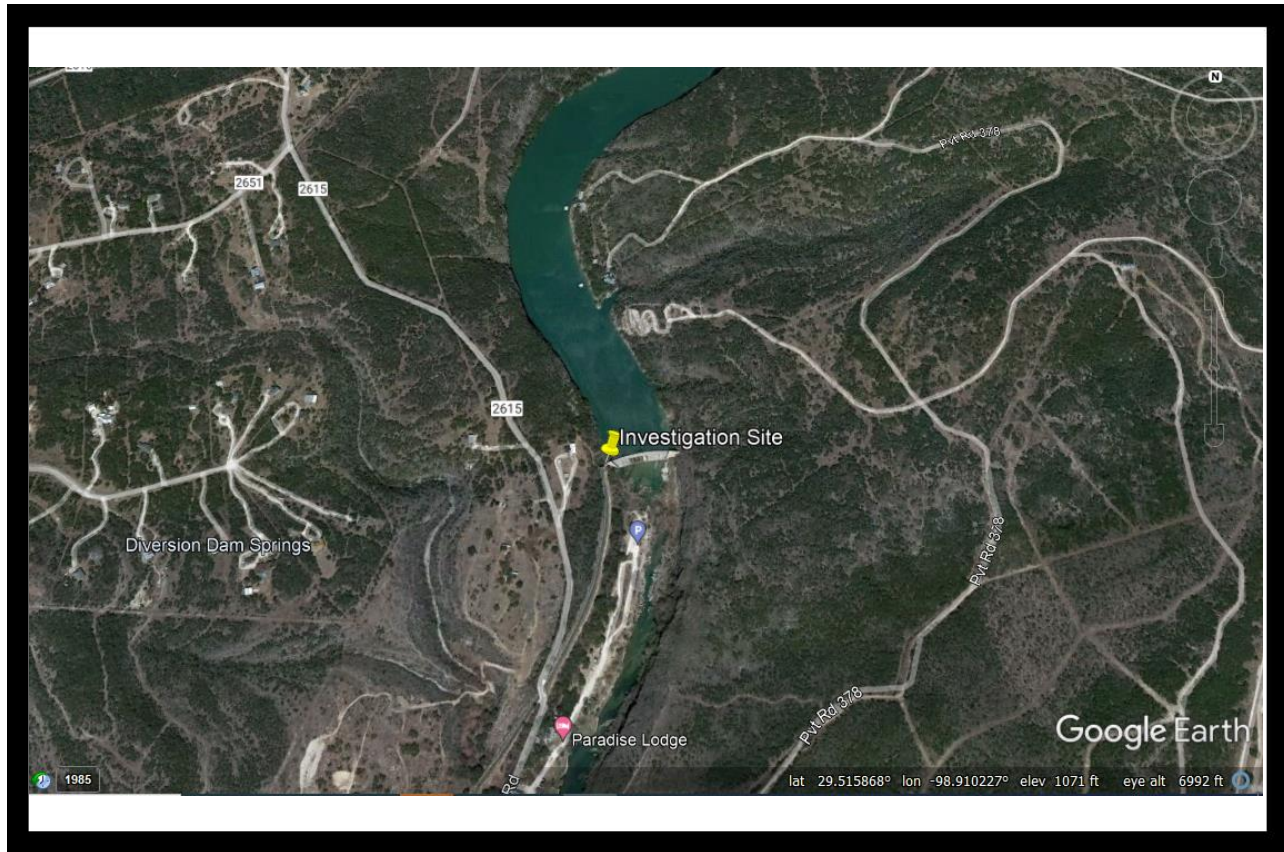
- Enforcement Action Request (EAR)
- Letter to Facility (specify type) : _____
- Investigation Report
- Sample Analysis Results
- Manifests
- Notice of Registration

- Maps, Plans, Sketches
- Photographs
- Correspondence from the facility
- Other (specify) : _____
- _____
- _____

List of Attached files
FY22-57.pdf

Incident No.	384935	RN	102629490
	385435		
Investigation No.	1835103	CN	600654115

**OFFICIAL PHOTOGRAPH
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**



SUBJECT: USGS Topographic Map of BMA Investigation Site

LOCATION: 5.5 miles south of Lakehills

CITY: Rio Medina **COUNTY:** Medina

DATE: 8/12/2022 **GPS:** 29.510292, -98.901763

PHOTO NO.: 1 of 5

Incident No.	384935 385435	RN	102629490
Investigation No.	1835103	CN	600654115

**OFFICIAL PHOTOGRAPH
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**



SUBJECT: Aerial Satellite Map of BMA Investigation Site

LOCATION: 5.5 miles south of Lakehills

CITY: Rio Medina **COUNTY:** Medina

DATE: 8/12/2022 **GPS:** 29.510292, -98.901763

PHOTO NO.: 2 of 5

Incident No.	384935	RN	102629490
	385435		
Investigation No.	1835103	CN	600654115

**OFFICIAL PHOTOGRAPH
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**



SUBJECT: Meter reading of Medina Lake

LOCATION: 5.5 miles south of Lakehills

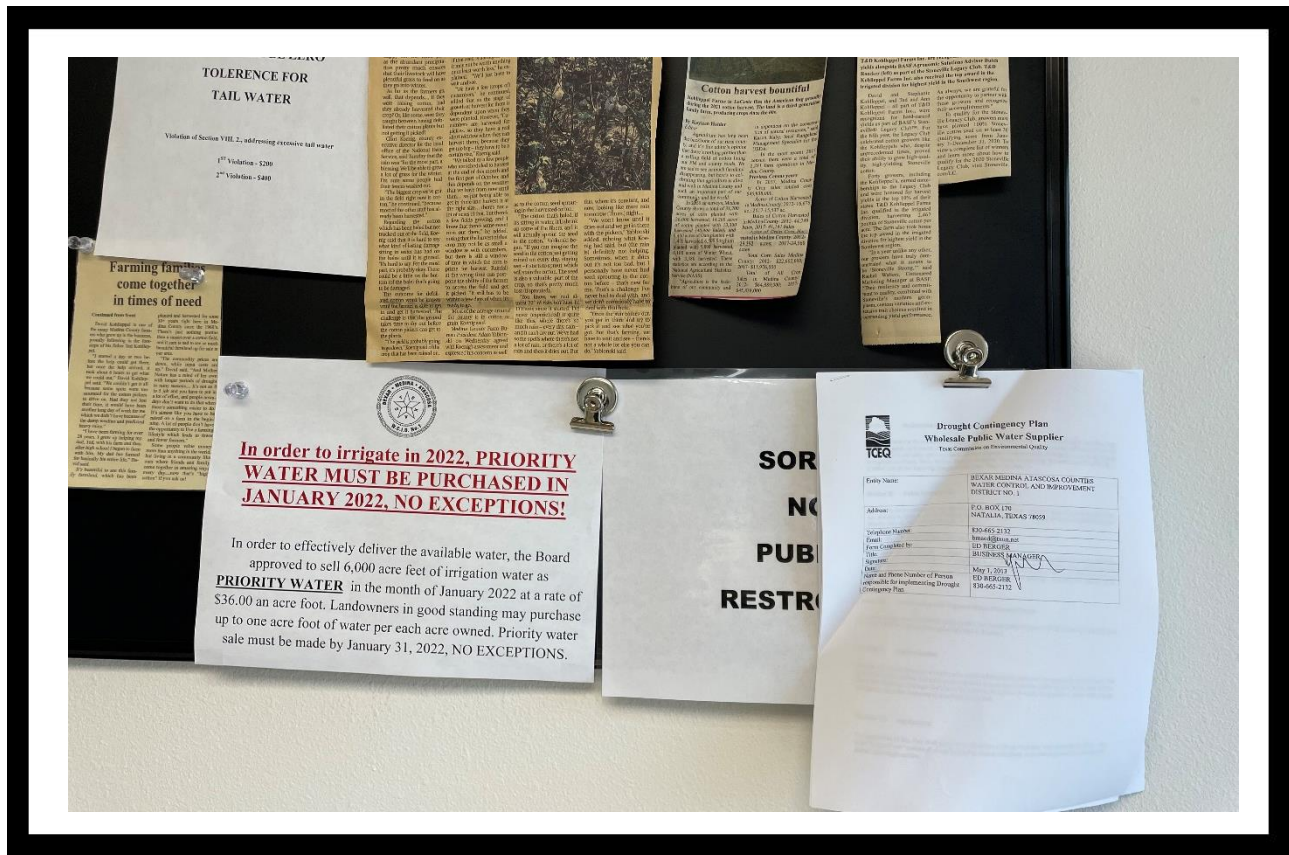
CITY: Rio Medina **COUNTY:** Medina

DATE: 7/13/2022 **GPS:** 29.510292, -98.901763

PHOTO NO.: 3 of 5

Incident No.	384935 385435	RN	102629490
Investigation No.	1835103	CN	600654115

**OFFICIAL PHOTOGRAPH
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**



SUBJECT: BMA Main Lobby bulletin board featuring the Drought Contingency Plan

LOCATION: 5.5 miles south of Lakehills

CITY: Rio Medina **COUNTY:** Medina

DATE: 8/5/2022 **GPS:** 29.192851, -98.859770

PHOTO NO.: 4 of 5

Incident No.	384935	RN	102629490
	385435		
Investigation No.	1835103	CN	600654115

**OFFICIAL PHOTOGRAPH
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**



SUBJECT: Meter reading of Medina Lake

LOCATION: 5.5 miles south of Lakehills

CITY: Rio Medina **COUNTY:** Medina

DATE: 8/11/2022 **GPS:** 29.510292, -98.901763

PHOTO NO.: 5 of 5