
CAPITAL AREA GROUNDWATER CONSERVATION COMMISSION

PUBLIC HEARING ON NOTICES OF INTENT:

(1) to add LAC 56:V, 1301 through 1305, Limitations and Prohibitions on Pumping; and

(2) to add LAC 56:V 707A(3) regarding measuring well yield and to amend LAC 56:V 1107A regarding pumpage fees

Location: The Office of Conservation

Department of Natural Resources

LaSalle Building

LaBelle Room, First Floor

617 North Third Street

Baton Rouge, Louisiana

Date: March 28, 2022 at 1:30 p.m.



REPORTED BY:

SARA L. PIAZZA
CERTIFIED COURT REPORTER
CERTIFICATE NUMBER 29026

1 P R O C E E D I N G S

2 GARY BEARD: Ladies and gentlemen,
3 we'll call the meeting to order. I'm going to ask
4 if you have any cell phones or pagers, if you'd turn
5 them to silent or turn them off, we'd appreciate it.

6 Good afternoon. My name is Gary
7 Beard. I'm the executive director of the Capital
8 Area Groundwater Conservation District. I'll be
9 conducting the public hearings today on behalf of
10 the district. The date today is March 28th, year of
11 our Lord 2022.

12 UNKNOWN SPEAKER: Gary, you mind
13 talking into the mic so we can hear you, please?

14 GARY BEARD: No mic.

15 UNKNOWN SPEAKER: No mic?

16 GARY BEARD: I'll shout.

17 UNKNOWN SPEAKER: Thank you.

18 LISA MANDA: Or move on up front.
19 You can sit at these tables if you want.

20 GARY BEARD: The public hearing
21 procedures were Attachment 1 that were outside the
22 door in case you needed one. The purpose of the
23 hearing is the discussion of Notices of Intent for
24 the following: Limitations and Prohibitions on
25 Water Pumping, LAC 56:V, Chapter 13, 1301 through

1 1305. Number 2, the Independent Remote Metering
2 System, LAC 56:V, number 707; and Pumpage Fees, LAC
3 56:V 1107.

4 To submit written comments on either
5 of the Notices of Intent, please submit a completed
6 Attachment 2A or 2B and turn those in at the hearing
7 today. Those are outside the door.

8 All written and oral comments and
9 submissions regarding the proposed notices of intent
10 shall be fully considered by the Capital Area
11 Groundwater Conservation Commission. In order for
12 your comments to be submitted to the legislative
13 oversight committee, comments must be submitted in
14 writing. You should use Attachment 2A or 2B for
15 this purpose.

16 A response to the comments and
17 submissions shall be filed with the House and
18 Governmental Affairs and Senate and Governmental
19 Affairs Oversight Committees.

20 A copy of the response will be sent
21 to each person who presented comments or submission
22 on the Notice of Intent, if a mailing address, fax
23 number, or email address is provided to the Capital
24 Area Groundwater Conservation District.

25 There are some technical amendments.

1 Currently, there is a proposed correction to be made
2 to the amendment to LAC 56:V number 707. The
3 section being added is numbered incorrectly in the
4 Notice of Intent. The number 2 should be corrected
5 to be the number 3. This section being added is LAC
6 56:V 707A3 and 3a.

7 So we have two hearings set for this
8 afternoon. And now the hearing will begin on the
9 proposed rule, adding Chapter 13 regarding the
10 limitations and prohibitions on water pumping. And
11 in the preamble it says the Capital Area Groundwater
12 Conservation Commission (also known as Capital Area
13 Groundwater Conservation District) proposes to adopt
14 LAC 56:V.1301-1305 as authorized by Revised Statute
15 38:3071. This proposed rule is being promulgated in
16 accordance with the provisions of the Administrative
17 Procedure Acts, R.S. 49:950.

18 The Board of Commissioners of the
19 Capital Area Groundwater Conservation Commission
20 approved the necessary additions and amendments to
21 the provisions governing limitations and
22 prohibitions on water pumping to adopt the
23 prohibition of particular water production at
24 certain depths, the establishment of a procedure for
25 the issuance of water well permits, and a policy of

1 subjecting any existing pumping limitations to an
2 annual review by the Board of Commissioners.

3 The time is approximately 1:40 p.m.
4 At this time the floor is open for comments
5 regarding this proposed rule.

6 CELIA CANGELOSI: Here's the three
7 people who want to speak. Does anybody else have a
8 comment slip on 2A? These didn't want to speak.

9 GARY BEARD: We have three, four.
10 Okay. So we will have four people.

11 CELIA CANGELOSI: So we've having
12 trouble reading this name. It's somebody --

13 GARY BEARD: Reverend James?

14 CELIA CANGELOSI: James, Reverend
15 James --

16 GARY BEARD: If you could come up to
17 the table.

18 LISA MANDA: Gary, this is when I
19 start timing, right?

20 GARY BEARD: Yes. And state your
21 full name, and as it says in the rules, we're giving
22 everybody two minutes to speak.

23 REV. JAMES VANDERWEELE: My name is
24 Reverend James VanderWeele. My comments may be a
25 little bit out of sync with other comments that are

1 made.

2 I had the opportunity when I was in
3 school to study world religions. I am a retired
4 minister, but in the study of world religions, I
5 dealt quite a bit with the history of faiths around
6 this planet. And interconnected with that was the
7 opportunity to take courses in anthropology. There
8 have been places where people lived several thousand
9 years ago where they are no longer living, coastal
10 communities that were washed away. And at this
11 point, we are here in Louisiana where we appear to
12 be under attack by winds, rain, storms.

13 At this time, I think it is critical
14 in the total forward look of people here in
15 Louisiana to be thinking about the future. We
16 cannot be paying more attention to the quarterly
17 reports than we are to what's going to happen 50
18 years from now. And so my thought to you is
19 directed from the standpoint, let's do everything we
20 can to protect the water that we have and make sure
21 that it is here for the long haul for people who are
22 living here hopefully for the long haul. Thank you.

23 GARY BEARD: Thank you, Reverend.

24 LISA MANDA: Thank you.

25 GARY BEARD: Next we have Anne Stone.

1 She doesn't want to speak. All right.

2 CELIA CANGELOSI: No.

3 GARY BEARD: Martha Holmgren.

4 MARTHA HOLMGREN: Hello. I'm Martha
5 Holmgren from St. Francisville. And my comments
6 will very much dovetail on the previous gentleman.
7 I am in favor of the proposed metering and the price
8 increase to cover it. We're all aware that around
9 the world in our own country and around the world,
10 people are beginning to struggle to have enough
11 water. A neighbor of mine, who is a three-star
12 general --

13 CELIA CANGELOSI: Ms. -- the metering
14 is the second --

15 MARTHA HOLMGREN: Oh, I'm sorry.

16 GARY BEARD: This is just on the
17 restrictions for the aquifer, on the pumping.

18 MARTHA HOLMGREN: Okay. Well, should
19 I -- I'm in favor of both of them.

20 GARY BEARD: In favor of both. Okay.

21 MARTHA HOLMGREN: Thank you.

22 GARY BEARD: Next person is Phillip
23 Beard.

24 PHILLIP BEARD: Hello.

25 GARY BEARD: Mr. Beard, you might

1 want to let everybody know there's no relation here.

2 PHILLIP BEARD: I'm not auditioning
3 for a part, okay. Yeah, my name is Phillip Beard.
4 I work in the film industry and I'm very grateful
5 that we have that kind of program here in Louisiana.

6 But my question is, how much is a
7 million gallons? I mean, what can you fill up with
8 a million gallons? I really haven't an idea about
9 how the volume of water that we're talking about.

10 And my other thought is I just spent
11 a week in New Orleans and I drank their water. It
12 wasn't as good as the Baton Rouge water. And so the
13 notion that we even mess with this is, to me, beyond
14 the practical reasons. And I want to say that I
15 think this might have more to do with the price of
16 gasoline than saving water for us. I appreciate
17 being here to speak about this. Anyway, thank you.

18 LISA MANDA: Thank you.

19 GARY BEARD: Thank you, Mr. Beard.
20 Is there anyone else in the audience who would like
21 to speak on the first amendment?

22 KATHY WASCOM: I thought I checked to
23 speak on both. Kathy Wascom, Louisiana
24 Environmental Action Network. We have long been
25 supportive of protecting Baton Rouge's groundwater

1 and the sustainability of its aquifer, and we would
2 certainly support the proposed amendment for the
3 commission to be able to regulate the pumpage of the
4 water. So we thank you for your time and we will
5 continue to support the commission in its efforts.

6 GARY BEARD: Thank you, Ms. Wascom.

7 LISA MANDA: Thank you.

8 GARY BEARD: The floor is still open.
9 Is there any other comments on the first rule? Any
10 other comments? If not, that concludes the public
11 hearing on proposed rule adding Chapter 13 regarding
12 limitations and prohibitions on water pumping.

13 Now the hearing will begin on
14 proposed rules adding LAC 56:V 707A3, 3a regarding
15 independent metering -- independent monitoring
16 system and amending LAC 56:V 1107 regarding pumpage
17 fees.

18 Briefly, The Board of Commissioners
19 of the Capital Area Groundwater Conservation
20 District, which consists of the parishes of
21 Ascension, East and West Baton Rouge, East and West
22 Feliciana, and Pointe Coupee, has determined that
23 the users of the Southern Hills Aquifer System must
24 be adequately metered to allow Capital Area
25 Groundwater Conservation District the ability to

1 prevent waste of groundwater resources, and to
2 prevent or alleviate damaging or potentially
3 damaging subsidence of the land surface caused by
4 the withdrawal of groundwater within the district.

5 The Capital Area Groundwater
6 Conservation District plans to install an
7 independent remote monitoring system to meter and
8 monitor the groundwater users to ensure a precise
9 understanding of how much groundwater is being
10 removed to ensure the conservation of the aquifer.

11 Additionally, the independent remote
12 monitoring system will determine the extent of
13 chlorides within the aquifer. This rule change will
14 adopt a rule as part of LAC 56:V.707A.2. This
15 action is in accordance with Louisiana Revised
16 Statutes 38:3076.A, A3, (7), (8), (9), (10), (13),
17 (14)a and b, (17)and (18).

18 On Pumpage Fees (LAC 56:V.1107), the
19 Board of Commissioners of the Capital Area Ground
20 Water Conservation District, which consists of the
21 Parishes of Ascension, East and West Baton Rouge,
22 East and West Feliciana, and Pointe Coupee, has
23 increased the pumping charge for non-exempt
24 groundwater users from \$20 per million gallons of
25 water pumped to \$65 per million gallons of water

1 pumped. The Board has determined that this increase
2 is necessary to fund the monitoring and metering of
3 groundwater users in the Capital Area. The Capital
4 Area Groundwater Conservation District plans to
5 install an independent remote monitoring system to
6 meter the groundwater users to ensure a precise
7 understanding of how much groundwater is being
8 consumed to ensure the conservation of the aquifer
9 and to monitor the extent of chlorides in the
10 aquifer. This rule change will amend the rule in
11 LAC 56:V.1007. This action is in accordance with
12 Louisiana Revised Statutes 38:3076(14) and 38:3079.

13 At this time, the floor is open for
14 comments concerning this proposed rule. If you have
15 any comments, you can come forward, give your name
16 and your organization you represent. And we'll
17 start with Ms. -- those that signed up, Ms. Anne
18 Stone. Ms. Stone? Doesn't wish to speak. Okay.
19 Mr. Ronald Perritt?

20 RONALD PERRITT: Ronald Perritt with
21 Together Baton Rouge. I went to the website for the
22 Commission and read some of the statutes, which I
23 assume were the founding statutes for the
24 commission. And it says clearly to provide for the
25 efficient administration, conservation, quarterly

1 development of groundwater resources.

2 I'm an engineer and my training has
3 always said if you're going to conserve it, you have
4 to measure it. You obviously can't regulate
5 something you don't measure.

6 Also, it seems to me, we have an
7 enormous department in this state called Wildlife
8 and Fisheries, and they monitor our wildlife
9 populations and they regulate how many deer we can
10 kill, how many ducks we can shoot, and sometimes how
11 many fish we can catch. It seems to me that
12 monitoring the groundwater, which would be the
13 drinking water for not only ourselves, but our
14 children and our grandchildren, is at least as
15 important as how many ducks we can shoot. Thank
16 you.

17 LISA MANDA: Thank you.

18 GARY BEARD: Thank you. Ms. Kathy
19 Wascom.

20 KATHY WASCOM: Kathy Wascom,
21 Louisiana Environmental Action Network. We
22 certainly support the metering program and the
23 ensuing fees, and we are very glad that the
24 commission is following the recommendations of the
25 Louisiana auditor when they audited the Capital Area

1 Groundwater Commission. We are glad that the
2 commission is putting in the recommendations of the
3 auditor, and we hope to see this metering program go
4 forward. And we will be supportive at the
5 legislature and any other venue. Thank you.

6 LISA MANDA: Thank you.

7 GARY BEARD: Thank you, Ms. Wascom.
8 Reverend Weele? No? Martha Holmgren?

9 MARTHA HOLMGREN: Sorry. It was a
10 little hard to hear when we got started. Thank you.
11 Good afternoon. My name is Martha Holmgren. I am
12 with Together Louisiana. We are in favor of the
13 proposed metering and the price increase to cover
14 it. We're all aware that water has become a very
15 important issue around the globe with many
16 communities struggling to have enough. A neighbor
17 of mine, who is a three-star general, said there
18 will be wars fought over water. And here we sit
19 with this magnificent aquifer ready to provide
20 generations of Louisiana citizens with fresh
21 drinking water.

22 We need the data to understand the
23 aquifer, and as the previous gentleman said, in
24 order to conserve it. And I really believe that
25 Baton Rouge Water should be leading the way on this

1 in order to be able to serve their many customers
2 who rely upon them. Thank you.

3 LISA MANDA: Thank you.

4 GARY BEARD: Thank you. Is there
5 anyone else in the audience wishing to make
6 comments?

7 DAVID TREPPENDAHL: Yes. My name is
8 David Treppendahl. I live in West Feliciana Parish.
9 I own three apartment complexes in Baton Rouge and
10 we use about 1.5 million gallons of water a month.
11 So this rate increase, this pumpage fee, will cost
12 me about \$75 a month more than what I'm paying now.
13 And I have no problem whatsoever paying that
14 additional fee.

15 I've spoken to several other
16 apartment owners and apartment managers that I know
17 that don't have a problem with sending something in.
18 They have no problems paying that additional fee.
19 So people who are using, paying \$15 a month for
20 their average water bill, and it's going to go up
21 30, 40 or 50 cents, I can't imagine that they're
22 going to have a problem paying more. So I'm totally
23 in favor of a higher pumpage fee so that the
24 commission can do its job.

25 GARY BEARD: Thank you.

1 LISA MANDA: Thank you.

2 GARY BEARD: Is there anyone else in
3 the public that would like to make a comment?

4 PATRICK KERR: I want to sit on the
5 other side of the table because I want to talk to
6 y'all. So I'm Patrick Kerr. I'm with the Baton
7 Rouge Water Company. And I agree that we are
8 obliged to the people of Baton Rouge to do
9 everything we can to make sure that aquifer is here
10 for future generations.

11 I also want to tell you that we are
12 incredibly concerned about costs increasing. This
13 is a completely duplicative effort on the part of
14 the commission, and our position is that the
15 commission should use the tools it has now to write
16 some rules about auditing a process that's already
17 in place.

18 Everybody who makes water in this
19 Capital Area has some method of metering it so they
20 know how much water they're taking. Whether they're
21 reporting it accurately or not -- I've heard people
22 on the commission wonder whether they were -- that's
23 a tool of an auditor to figure out. This is a 15-
24 to 20-million project. The equipment that has been
25 specified will not work. There have been no

1 engineering studies done to analyze the equipment
2 that's being purchased. So our fear is we're
3 putting a solution out before we have the problem
4 solved. I think this 15 or \$20 million will be well
5 spent on other projects.

6 I think what the commission is doing
7 is incredibly laudable. However, the fact is that
8 the commission is increasing a pumpage fee. They
9 are taxing the citizens of Baton Rouge with this
10 pumpage fee. There is a difference between a tax
11 and a fee in my opinion. A fee is something that is
12 used to pay for something specific that gives you a
13 benefit -- sewer, trash is a fee on your sewer bill
14 in Baton Rouge. If an agency like the commission
15 has authority to raise fees and uses it for
16 something other than that specific purpose, it's a
17 tax, so we can work through that with the
18 commission.

19 But please know Baton Rouge Water
20 Company is a huge user because of you. Every time
21 one of you takes a sip of water, it matters. And
22 it's you who pay this fee. Baton Rouge Water pays
23 it as a user. We pay it for the water we use in our
24 restrooms, fire hydrants that are flushed, fires
25 that are fought, but we pay very little of this.

1 The people of Baton Rouge pay. The people in East
2 Feliciana, West Feliciana, Ascension, they pay these
3 fees.

4 So all I'm asking is that we slow
5 this process a little bit, find a better solution,
6 do exactly what we need to do, which is measure the
7 water that's used, make sure the people that are
8 using it are using it for beneficial purpose and not
9 wasting it. And I'll be the first to tell you, I
10 think a lot of the people of Baton Rouge waste a lot
11 of water too, so we've got an obligation to educate
12 them and reduce that as well.

13 So, anyway, that's our two cents on
14 this. We are working with the commission. Gary's
15 been kind enough to meet with us on several
16 occasions to try and find a better solution. And I
17 hope we can come to a better solution that pleases
18 all of our constituents, our customers, our
19 regulators and you. So thanks for the minute to be
20 here, Gary. I appreciate it very much. And we look
21 forward to the outcome.

22 LISA MANDA: Thank you.

23 GARY BEARD: Thank you, Mr. Kerr. Is
24 there anyone else wishing to speak? Anyone else?
25 If not, that concludes the public hearing on the

1 proposed rules, adding LAC 56:V 707A, 3A regarding
2 independent monitoring system, and amending LAC 56:V
3 1107 regarding pumpage fees. And this will conclude
4 today's public hearings at 1:59 p.m. Thank you all
5 for coming. We appreciate it.

6 (End of proceedings.)
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REPORTER'S CERTIFICATE

This certification is valid only for a transcript accompanied by my original signature and original required seal or my certified digital signature on this page.

I, Sara Piazza, Certified Court Reporter in and for the State of Louisiana, as the officer before whom this testimony was taken, do hereby certify that this hearing is hereinbefore set forth in the foregoing 18 pages;

That this testimony was reported by me in the stenomask method, was prepared and transcribed by me or under my personal direction and supervision, and is a true and correct transcript to the best of my ability and understanding;

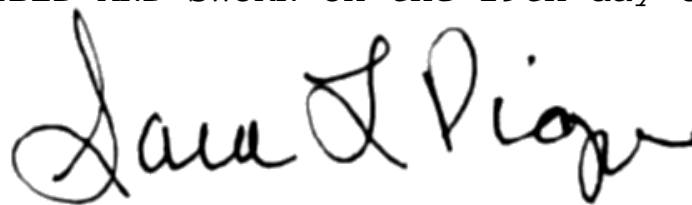
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That I am not related to counsel or to the parties herein, nor am I otherwise interested in the outcome of this matter.

SUBSCRIBED AND SWORN on the 29th day of March
2022.



SARA PIAZZA, CCR #29026