

**SOUTHERN TRINITY GROUNDWATER CONSERVATION DISTRICT
RULEMAKING**

Title: **SOUTHERN TRINITY GROUNDWATER CONSERVATION DISTRICT RULES**
Ch. 1 (Definitions and General Provisions)
Ch. 4 (District Records)
Ch. 5 (Groundwater Production)
 Subch. B (Groundwater Production Limitations)
 Subch. D (Groundwater Exportation Permits)
 Subch. E (Wells Exempt from Permits)
 Subch. F (Registration of Wells)
Ch. 6 (Well Management)
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Ch. 8 (Meters and Reporting)
Ch. 9 (Procedures before the District)
 Subch. C (Application and Registration Processing by the District)
 Subch. D (Contested Case Hearing Procedures)

Rule Type: **Proposed Rules (PRs) (redlined)**

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GM approves PRs: __

GLOBAL EDITORIAL CHANGES	
Edit	Example
Uniform capitalization where appropriate	District, beneficial use, citations to statutes
Grammar and typos	Correct
Re-number affected sections and subsections accordingly.	-

CHAPTER 1. DEFINITIONS AND GENERAL PROVISIONS

§ 1.1 Definitions of Terms

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(19) “Dewatering well” means a temporary well used to remove water from a construction site or excavation, ~~or to relieve hydrostatic pressure or uplift on permanent structures for a non-consumptive use.~~

...

(46) “Monitoring Well” means a well ~~used installed~~ solely for the purpose of measuring some property of the groundwater or the aquifer it penetrates, and that does not produce more than 5,000 gallons of groundwater per year.

...

(63) “Public water supply” means a water supply system that meets the requirements of 30 Texas Administrative Code § 290.38.

...

(72) “TDLR” means the Texas Department of Licensing and Regulation.

CHAPTER 4. DISTRICT RECORDS

§ 4.7 Contact Information for Permittee Management and Operator

If a permittee is a corporation, district, county, municipality, trust, estate or partnership, the permittee shall provide the District with contact information, including electronic mail address, mailing address and telephone number, for the officers, principals, board members or managers of the governing body of the entity and for the operator of any wells within 30 days of the District’s written request and as part of its annual groundwater use report.

CHAPTER 5. GROUNDWATER PRODUCTION

Subchapter B. Groundwater Production Limitations

§ 5.103 Groundwater Available for Production from the Trinity Aquifer

...

(h) If ~~after the reissuance of all Historic Use Production Permits and Non-Historic Use Production Permits authorizing withdrawals from the Trinity Aquifer in accordance with Section 5.222,~~ the aggregate of the annual volume of groundwater authorized for production pursuant to Historic Use Production Permits from the Hensell Management Zone (HUPP_{Trinity (Hensell)}) is less

than the volume calculated in Subsection (c) above for the Non-Exempt_{Trinity (Hensell)}, then the District may grant Non-Historic Use Production Permits for the Hensell Management Zone (NHUPP_{Trinity (Hensell)}) in an aggregate annual volume equal to or less than the difference between the volume calculated in Subsection (c) above and the aggregate of the annual volume of groundwater authorized for production pursuant to Historic Use Production Permits from the Hensell Management Zone (NHUPP_{Trinity (Hensell)} ≤ Non-Exempt_{Trinity (Hensell)} - HUPP_{Trinity (Hensell)}).

(i) If ~~after the reissuance of all Historic Use Production Permits and Non-Historic Use Production Permits authorizing withdrawals from the Trinity Aquifer in accordance with Subsection (g),~~ the aggregate of the annual volume of groundwater authorized for production pursuant to Historic Use Production Permits from the Hosston Management Zone (HUPP_{Trinity (Hosston)}) is less than the volume calculated in Subsection (c) above for the Non-Exempt_{Trinity (Hosston)}, then the District may grant Non-Historic Use Production Permits for the Hosston Management Zone (NHUPP_{Trinity (Hensel)}) in an aggregate annual volume equal to or less than the difference between the volume calculated in Subsection (c) above and the aggregate of the annual volume of groundwater authorized for production pursuant to Historic Use Production Permits from the Hosston Management Zone (NHUPP_{Trinity (Hosston)} ≤ Non-Exempt_{Trinity (Hosston)} - HUPP_{Trinity (Hosston)}).

...

Subchapter C. Groundwater Production Permits

§ 5.213 Contents of Historic Use Production Permits

...

~~(e) Within 30 days of reissuance pursuant to Section 5.222, the District, on behalf of the permit holder, will file a reissued Historic Use Production Permit for recordation in the deed records of every county in which the well or wells or place of use are located and a copy shall be provided to the permit holder.~~

...

~~§ 5.222 Historic Use Production Permit Reissuance~~

~~Following the readoption of the District's management plan in 2015, and in compliance with the applicable procedures in Chapter 9, Subchapter C, the District shall reissue all Historic Use Production Permits authorizing withdrawals from the Trinity Aquifer to specify, to the extent reasonably possible, whether withdrawals are from the Hensell and/or the Hosston Management Zone and in what amount or amounts from each aquifer management zone withdrawals are authorized to be made.~~

...

§ 5.231 Contents of Non-Historic Use Production Permits

...

~~(e) Within 30 days of reissuance pursuant to Section 5.222, the District, on behalf of~~

~~the permit holder, will file a reissued Non-Historic Use Production Permit for recordation in the deed records of every county in which the well or wells or place of use are located and a copy shall be provided to the permit holder.~~

...

~~§ 5.242 — Non-Historic Use Production Permit Reissuance~~

~~Following the readoption of the District's management plan in 2015, and in compliance with the applicable procedures in Chapter 9, Subchapter C, the District shall reissue all Non-Historic Use Production Permits authorizing withdrawals from the Trinity Aquifer to specify, to the extent reasonably possible, whether withdrawals are from the Hensell and/or the Hosston Management Zone and in what amount or amounts from each aquifer management zone withdrawals are authorized to be made.~~

Subchapter D. Groundwater Exportation Permits

§ 5.417 Standard Permit Conditions for Groundwater Exportation Permits

All groundwater exportation permits shall be issued with and subject to the following conditions:

...

(b) the duty to conserve water in accordance with applicable law and, if applicable, comply with ~~either~~the permittee's water conservation plan and the District's water conservation plan, as may be amended;

...

Subchapter E. Wells Exempt from Permits

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§ 5.501 Exempt Wells

(a) The owner and/or operator of any of the following types of wells is exempt from the duty to obtain a drilling permit or groundwater withdrawal permit for the well:

...

(4) a well authorized under a permit issued by the Railroad Commission of Texas under Chapter 134, Natural Resources Code; ~~or~~

(5) a well completed and capable of withdrawing water solely from the Brazos River Alluvium Aquifer if the water produced or to be produced from the well is used or to be used solely for domestic use or to provide water for livestock or poultry, and the well is:

(A) on a tract of land that is less than 2 acres and the well is drilled, completed, or equipped to be incapable of producing more than 2,500 gallons of groundwater a day;

(B) on a tract of land that is 2 acres or more in size but less than 5 acres and the well is drilled, completed, or equipped to be incapable of producing more than 5,000 gallons of groundwater a day;

(CB) on a tract of land that is 5 acres or more in size but less than 7 acres and the well is drilled, completed, or equipped to be incapable of producing more than 12,000 gallons of groundwater a day; or

(DE) on a tract of land that is 7 ~~acres or more in size but less than~~ 10 acres ~~in size~~ and the well is drilled, completed, or equipped to be incapable of producing more than 17,000 gallons of groundwater a day;

(6) a dewatering well; or

(7) a monitoring well.

(b) The owner and/or operator of a well completed and capable of withdrawing water solely from the Trinity Aquifer is exempt from the duty to obtain a groundwater withdrawal permit for the well if the water produced or to be produced from the well is used or to be used solely for domestic use or to provide water for livestock or poultry, there is no public water supply available to the tract of land, and the well is:

(1) on a tract of land that is less than 2 acres in size and the well is drilled, completed, or equipped to be incapable of producing more than 1,000 gallons of groundwater a day;

(2) on a tract of land that is more than 2 acres in size but less than 5 acres and the well is drilled, completed, or equipped to be incapable of producing more than 2,000 gallons of groundwater a day;

(3) on a tract of land that is 5 acres or more in size but less than 7 acres and the well is drilled, completed, or equipped to be incapable of producing more than 4,000 gallons of groundwater a day; or

(4) on a tract of land that is 7 acres or more in size but less than 10 acres and the well is drilled, completed, or equipped to be incapable of producing more than 6,000 gallons of groundwater a day.

(cb) Notwithstanding Subsection (a) or (b), the District may require a well to be permitted pursuant to these rules if any of the applicable criteria in Section 36.117(d), Texas Water Code, are satisfied.

(~~de~~) A person holding a permit issued by the Railroad Commission of Texas under Chapter 134 of the Texas Natural Resource Code that authorizes the drilling of a water well shall report monthly to the District the total amount of water withdrawn from the well, the quantity of water necessary for mining purposes, and the quantity of water withdrawn for other purposes.

(~~ed~~) All wells qualifying as exempt wells pursuant to Subsection (a) and (b) of this Section, shall be registered with the District in accordance with these rules.

(~~fe~~) All exempt wells shall be equipped and maintained so as to conform to the District's Rules requiring installation of casing, pipe, and fittings to prevent the escape of groundwater from a groundwater reservoir to any reservoir not containing groundwater and to prevent the pollution or harmful alteration of the character of the water in any groundwater reservoir.

(~~gf~~) All exempt wells shall comply with the spacing requirements set forth in these rules, except for wells exempt under Subsection (a)(4).

(~~hg~~) The driller of an exempt well shall file the drilling log, and if available, a geophysical log, for the well with the District within 60 days of completion of the exempt well.

(~~ih~~) An exemption under this section does not affect the District's authority to impose fees under Texas Water Code, Section 36.122 or Texas Water Code, Chapter 36, Subchapter G. Groundwater withdrawn from an exempt well and subsequently transported outside the boundaries of the District shall be subject to any applicable production and exportation fees.

(~~ij~~) An exempt well will lose its exempt status if the well is subsequently altered, equipped, or used for a purpose or in a manner that is not exempt.

(~~kj~~) The owner and/or operator of an exempt well must ensure that the well site is accessible to District representatives for inspection, and must cooperate fully in any reasonable inspection of the well and well site by District representatives.

...

Subchapter F. Registration of Wells

§ 5.601 Registration of Exempt Wells

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(c) The general manager may approve a well registration if the general manager finds that:

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(9) for new wells that are not dewatering or monitoring wells, the proposed well location complies with the spacing rules;

(10) the registrant is in compliance with any permits the registrant holds from the District and with District rules;

(11) the well will be installed, equipped, operated, maintained, or closed, as appropriate, to preserve, protect, prevent the pollution, degradation, or harmful alteration of, control and prevent the waste of, prevent the escape of, and achieve the conservation of groundwater in the aquifer;

(12) the registrant intends to install, equip, operate, maintain, and close the well, as appropriate, in accordance with the manufacturer's standards, instructions, or recommendations, as may be applicable, and the District rules; and

(13) the well meets the criteria for exempt well status pursuant to Section 5.501 of these Rules.

(d) If the general manager makes a preliminary determination that the well is ineligible to be registered, then the matter shall be referred to the board for its consideration. If the board determines that the well is ineligible to be registered, then the owner and/or operator of the well shall file an application for, as applicable, a groundwater withdrawal permit, and/or a well drilling permit, under these rules.

CHAPTER 6. WELL MANAGEMENT

Subchapter B. Well Spacing and Location Requirements

§ 6.101 Location of Wells

(a) All new wells, except for dewatering and monitoring wells, must comply with the location requirements set forth in the Texas Department of Licensing and Regulation's rules in Chapter 76, 16 Texas Administrative Code, as may be amended.

(b) All new wells must be located a minimum horizontal distance of 50 feet from any property line.

(c) No new well may be located within five hundred (500) feet of a sewage treatment plant, solid waste disposal site, or land irrigated by sewage plant effluent, or within three hundred (300) feet of a sewage wet well, sewage pumping station, or a drainage ditch that contains industrial waste discharges or wastes from sewage treatment systems.

§ 6.103 Required Well Spacing

(a) ~~Except for replacement wells, a~~All new wells drilled into the Hensel Formation or the Hosston Formation of the Trinity Aquifer with a maximum production capacity of 50 gallons per minute or less shall be located a minimum distance of one thousand (1,000) feet from any other well, other than an abandoned well, completed in the same management zone of the Trinity Aquifer.

(b) ~~Except for replacement wells, a~~All new wells drilled into the Hensel Formation or the Hosston Formation of the Trinity Aquifer with a maximum production capacity of more than 50 gallons per minute shall be located a minimum distance of one thousand (1,000) feet plus 20 additional feet for each additional gallon per minute of capacity over 50 gallons per minute from any other well completed in the same management zone of the Trinity Aquifer.

(c) The spacing requirements set forth in Subsections (a) and (b) of this section are not applicable to a replacement well, a dewatering well or a monitoring well, or any well that was completed on or before February 28, 2008. However, any well exempt from the spacing requirements because it was completed on or before February 28, 2008 will lose its exemption and become subject to the spacing requirements if, after February 28, 2008, the well is modified in a manner that substantially increases the capacity of the well.

Subchapter C. Well Drilling Permits

§ 6.201 Well Drilling Permits Required; Applications; Exception for Exempt Wells

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(b) The owner and/or operator of a well or proposed well must apply for and obtain from the District a well drilling permit before drilling, equipping or completing any non-exempt well, including performing any physical alteration of a well to convert it from an exempt well to

a non-exempt well, or a well exempt from permitting under § 5.501(b), or increasing the size or capacity of a well or well pump.

(c) Any person seeking to perform any of the activities identified in Subsection (b) must file with the District an application for a well drilling permit on a form prescribed by the District.

(d) A drilling permit is not required for well maintenance or repair that does not increase the production capabilities of the well to more than its authorized production rate except for a well that is being converted from an exempt well to a non-exempt well.

...

Subchapter D. Well Construction

§ 6.301 Unlicensed or Unregistered Well Drillers or Pump Installers Prohibited

(a) Except as otherwise provided in Subsection (b) of this section, within the District's boundaries no person may drill or construct a water well unless the person first holds a well driller's license issued by the ~~Texas Department of Licensing and Regulation~~ ("TDLR") under Chapter 1901, Texas Occupations Code; and Chapter 76, 16 Texas Administrative Code, as may be amended.

...

(e) Regardless of whether a license is required, all persons engaging in well drilling or pump installation or repair must comply with the applicable standards set forth in Chapter 76, 16 Texas Administrative Code ~~§§ 76.701, 76.702, 76.1000, 76.1001, 76.1003, and 76.1004, of the TDLR's Rules,~~ as may be amended ~~(the "TDLR's Rules"),~~ and the District's Rules. In the event that a specific provision in the District's Rules conflicts with a specific provision in the TDLR's Rules, the more stringent provision will govern.

CHAPTER 9. PROCEDURES BEFORE THE DISTRICT

Subchapter C. Application and, Registration ~~and Reissuance~~ Processing by the District

§ 9.201 Purpose

The purpose of this subchapter is to provide the procedures to be followed in the processing of applications and registrations filed with the District ~~and reissuances of Historic Use Production Permits and Non-Historic Use Production Permits under Sections 5.222 and 5.242.~~

§ 9.203 Applicability

This subchapter applies to the processing of all applications or registrations filed with the District ~~and to the reissuances of Historic Use Production Permits and Non-Historic Use Production Permits under Sections 5.222 and 5.242.~~

§ 9.213 General Manager’s Proposed Action on Applications ~~and Reissuances~~ and Technical Summary

(a) Following completion of technical review, the general manager will determine whether to recommend granting or denying the application ~~or whether to reissue a permit in accordance with Sections 5.222 or 5.242~~ and will prepare a written statement summarizing the recommendation and the reasons for that recommendation. If the general manager recommends full or partial granting of a permit or permit amendment application, ~~or permit reissuance~~, the general manager shall also prepare a draft permit. The general manager’s recommendation and any draft permits are subject to change by the general manager or board during the course of the proceedings on the application ~~or reissuance~~. The statement and proposed permit or denial shall be available for public review and inspection.

(b) In conjunction with the proposed permit or, denial, ~~or reissuance~~, the general manager will prepare a technical summary that will include the following, as appropriate:

- (1) the applicant or permittee’s name and address;
- (2) a summary of the application ~~or reissuance~~;
- (3) the location of each point of withdrawal for an application;
- (4) the reasons and technical basis for the recommended action;
- (5) if applicable, a summary of the proposed permit;
- (6) the proposed purpose(s) of use, if applicable;

(7) notice that the general manager may modify his or her recommendation, or seek additional information from the applicant or permittee, in the course of the District’s proceeding on the application ~~or reissuance~~;

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§ 9.215 Action by Board on Applications or Registrations Where There is No Right to a Contested Case Hearing

(a) Applicability. This section applies to all registrations and applications other than applications for groundwater withdrawal permits, groundwater exportation permits, and applications for a variance from well spacing limitations ~~and to the reissuance of Historic Use Production Permits pursuant to Section 5.222 and Non-Historic Use Production Permits pursuant to Section 5.242~~.

(b) Scheduling the Board Meeting. Following technical review and the referral of the proposed action to the board, the general manager will schedule the presentation of the application or, registration ~~or reissuance~~ and the proposed permit, approval, authorization or denial to the board. The board may reschedule the presentation of the application or, registration ~~or reissuance~~

and the proposed permit, approval, authorization or denial.

(c) Notice of Board Meeting. At least 10 days prior to the board meeting, the District will notify the applicant, registrant or permittee of the date of the board meeting referred to above. If rescheduled by the board, the District will send notice of the rescheduled meeting date to the applicant, registrant or permittee no later than ten days before the rescheduled meeting. In addition, the District will provide public notice that the application or; registration ~~or reissuance~~ and the permit, approval, authorization or denial will be considered by the board by including an item on the board's agenda pursuant to the Open Meetings Act. Except to the extent that such items contain information excepted from public disclosure under the Public Information Act, copies of the application or; registration ~~or reissuance~~ and the proposed permit, approval, authorization or denial will be made available to the public for inspection and copying at the offices of the District during regular business hours.

(d) Consolidation or Severance of Matters. Consistent with notices required by law, the board may consolidate related matters if the consolidation will not injure any party and may save time and expense or otherwise benefit the public interest and welfare. The board may sever issues in a proceeding or hold special hearings on separate issues if doing so will not injure any party and may save time and expense or benefit the public interest and welfare.

(e) Oral Presentation Before the Board. The applicant, registrant or permittee and the general manager or his or her designee may make an oral presentation at the board meeting at which the application or; registration ~~or reissuance~~ and the proposed permit, approval, authorization or denial are presented to the board. Oral presentations before the board will be limited to 15 minutes each, excluding time for answering questions, unless the president establishes other limitations. Before the board meeting, the president may allot time for oral presentations. Oral presentations and responses to questions will be directed to the board.

(f) Public Comment. In addition, public comment on the application or; registration ~~or reissuance~~ and the proposed permit, approval, authorization or denial will be accepted.

(g) Upon consideration of the application or; registration ~~or reissuance~~ and the proposed permit, approval, authorization or denial at its meeting, the board may issue an order granting or denying an application or; registration ~~or reissuance~~ in whole or in part, dismissing proceedings, amending or modifying a proposed permit, or taking any other appropriate action.

...

§ 9.219 Notice of Permit Hearing Where There is a Right to a Contested Case Hearing

(a) Applicability. This section applies only to applications for groundwater withdrawal permits to authorize withdrawals from the Trinity Aquifer, groundwater exportation permits, and applications for a variance from well spacing limitations, and relates to final permit hearings before the board.

§ 9.307 Timing, Form and Contents of Requests for Contested Case Hearing

(a) A request for a contested case hearing may only be made for applications for groundwater withdrawal permits subject to a contested case hearing under § 9.219, groundwater exportation permits, and applications for a variance from well spacing limitations.