

SOUTHWESTERN TRAVIS COUNTY GROUNDWATER CONSERVATION DISTRICT

Proposed Rules Amendments – November 10, 2021

3.5 Wells Regulated Under General Permit by Rule

If, based on a) the information in the submitted registration, b) the well test results, or c) the certified production capacity by a licensed pump installer after well completion, the District determines that the well will be a Non-exempt Well but its prospective usage will conform to a type of General Permit by Rule under current District Rules, the owner may be authorized to produce groundwater under a specified type of General Permit by Rule. ~~Two-Three~~ types of wells may be authorized using General Permits by Rule: Non-exempt Domestic Use Wells, under Rule 3.5(B); ~~and~~ Test Wells, under Rule 3.5(C); and Limited Production Non-exempt Wells, under Rule 3.5(D).

General Permits by Rule (“General Permits”) will have streamlined documentation requirements and timelines, compared to Operating Permits. General Permits ~~do not require notice and public hearings~~ ~~and~~ are used for administrative convenience when their use is ~~not in~~ consistent with the District’s overall mission. The ~~District-General Manager~~ may ~~issue grant or deny an application for~~ a General Permit ~~by Rule~~ as an authorization certificate by administrative action ~~upon a completed application~~, provided the eligibility requirements of the permit are met, applicable fees have been paid, and the permit’s requirements continue to be met. Alternatively, the General Manager, inat his or her discretion, may for any reason defer an application for a General Permit to the Board at a properly noticed open meeting.

A. General Requirements and Conditions for General Permits by Rule.

(1) Unless otherwise prohibited by the District and subject to the conditions and eligibility requirements specified for the General Permit by Rule, Non-Exempt Wells are authorized to operate pursuant to this Rule Section without an Operating Permit from the District.

(2) Wells authorized by this Section shall be registered in accordance with Rule 3.2(A) for Existing Wells and Rule 3.3(C) for New Wells.

(a) For Existing Wells under a General Permit by Rule, as defined in Rule 2, a completed Well Registration form that demonstrates eligibility for the General Permit and is accompanied by the appropriate General Permit application fee, shall serve as the application for a certificate of operation under the General Permit. **An administratively complete Production Authorization application, including its appropriate application fee as specified in the District’s current Fee Schedule, for all Existing Wells that will be under a General Permit by Rule must be submitted to the District no later than September 30, 2021.** Failure to comply with this deadline is a violation of District Rules. No aquifer testing or hydrogeological reporting is required for applying for an Existing Well under a General Permit. The certificate will be issued to a qualifying well owner within 30 days of an administratively complete application.

(b) For proposed new wells under a General Permit by Rule, a completed Well Drilling Authorization Application form that demonstrates eligibility for the General Permit and is accompanied by (1) the appropriate Well Drilling Authorization application fee, (2) Production Authorization for General Permit application fee, and (3) if applicable, well construction fee in accordance with Rule 3.3 and the current

Fee Schedule, shall serve as its application for a certificate of operation under the General Permit. A Tier 1 Specific Capacity Test and an Abbreviated Hydrogeological Report (see Rule 3.4(A)(4)) is required for administrative completeness of the application for a new well to be under a General Permit, except for Test Wells. The certificate will be issued to a qualifying well owner within 30 days of an administratively complete application.

(3) A well authorized pursuant to this Rule is not subject to production fees.

(4) In lieu of authorization pursuant to this Rule, including sustained non-compliance with the terms of the General Permit, the Board at its sole discretion may require the owner to obtain authorization for continuing groundwater production under an individual Operating Permit.

(5) Wells authorized pursuant to this Rule are subject to the Rules, regulations, Orders, special provisions, and other requirements of the Board, and laws of the State of Texas.

~~(6) Wells pursuant to this Rule are authorized by properly posted Board action but do not require a public hearing for issuing the initial General Permit or for renewing a permit with the same characteristics and requirements.~~

~~(7)~~ Other state and local jurisdictions may have other specific requirements for wells authorized pursuant to this Rule, some of which may be more prescriptive or stringent for certain wells in certain locations. Applicants must comply with these additional state and local requirements separately from complying with District Rules.

B. Non-exempt Domestic Use General Permits

This provision authorizes the production of a specified amount of groundwater for Domestic Use, as defined in these Rules, for certain Existing and New Domestic-Use Wells that serve a single household and that exceed the applicable daily production capacity limitation for Exempt Use, under certain conditions and limitations. Non-exempt Domestic Use (NDU) wells that may be permitted under the NDU General Permit are subject to the specific conditions and requirements of this Rule section and also to the general conditions and requirements of Rule 3.5(A).

(1) New NDU Wells are not authorized for production in the Upper Trinity Aquifer Management Zone in either Area 1 or 2, or within 1500 feet of a well that is owned or operated by a Retail Public Utility's or other public water supply's well that is located in the same Aquifer Management Zone as the proposed New NDU Well.

(2) NDU wells permitted under the General Permit are not Exempt Wells.

(3) Both Existing NDU Wells and New NDU Wells under the General Permit are required to develop and submit to the District a User Water Conservation Plan (UCP) and User Drought Contingency Plan (UDCP) _ no later than 60 days after the applicant submits the application to the General Manager for review, and the permit holder must demonstrate compliance with applicable, tiered curtailments in groundwater use for District-declared drought stages under Rule 5.2(B) and the permit holder's UDCP. Until these plans are submitted and approved, the General Permit will be considered a conditional NDU Permit, and not subject to renewal without a new application fee and, if applicable, well construction fee.

(4) Groundwater production under this General Permit is subject to limitations imposed on all Existing and New Wells as necessary to comply with an applicable Desired Future Condition (DFC) that has been adopted by the District, including limitations, if any, indicated by the Modeled Available Groundwater pertaining to that DFC and applied to all relevant Non-exempt Wells.

(5) Wells authorized under this General Permit are subject to the reviews and actions described in Rule 3.6.

(6) New wells authorized under this General Permit are subject to the applicable spacing and construction requirements described in Rules 4.2 and 4.3, respectively.

(7) A well authorized under this General Permit, whether an Existing or New Well, is not required to meter its production or to ~~report~~ report its amount of groundwater used, but the estimated amount of ~~average~~ annual groundwater withdrawal specified in and authorized by its General Permit shall be established using District guidelines for reasonable and non-speculative use, and the expected annual use shall be further distributed by month. The NDU permit holder may, at its discretion, voluntarily meter its wells to assist in gauging and communicating the effectiveness of water conservation practices and drought management under its UDCP (Rule 5.2(C)).

(8) Groundwater produced under this General Permit may not be exported outside the District's jurisdictional boundaries. If any part of the permitted production is intended to be exported, the well must be permitted under an Operating Permit.

(9) NDU General Permits have a term of five (5) years and if in good standing with District Rules, shall be renewed by Board action upon submittals of a) application for renewal no later than 60 days before term expiration, and b) payment of the permit renewal fee identified in the District's ~~current~~ applicable Fee Schedule.

(10) NDU General Permits are subject to periodic review, involuntary amendment, or revocation under provisions of Rule 3.6(A).

(11) The District may require other information on the basis of site-specific or use-specific circumstances before issuing the General Permit or renewing it.

C. Aquifer Test Well General Permits

This provision authorizes the use of a designated Test Well, as defined in these Rules, for a specified maximum amount of groundwater production during the performance of aquifer tests and for a specified maximum duration of the test. Test Wells may be used either for withdrawal of groundwater or for monitoring and observation. The Test Well(s) may be requested by an applicant for a Production Authorization for establishing well or well field performance characteristics, or it may be a requirement of the District under a Well Drilling Authorization. Non-exempt Test Wells that are permitted under the General Permit are subject to the conditions and requirements of this Rule section and the general conditions and requirements of Rule 3.5(A).

(1) Test Wells permitted under the General Permit are not Exempt Wells.

(2) Test Wells must be registered even if intended to be temporary, and the registration information will serve as the applications for both its own Well Drilling Authorization and its General Permit by Rule. The

application and well construction fees as specified in the District's ~~currently adopted~~applicable Fee Schedule must accompany submittal of the applications.

(3) A detailed test plan must be provided to the District before the General Permit will be issued, precisely showing location of the well, well construction details and schematics, surface completion details, testing schedule, spacing from Existing Wells, a water management plan for the produced water, and post-test plugging and closure plan.

(4) The Test Well General Permit will specify a maximum authorized rate and total volume of groundwater production and the authorized length of the testing period. The owner/operator of a production test well is required to meter its groundwater production and to report to the District the maximum rate and total volume of its groundwater use during the test period ~~to the District~~.

(5) The water produced under the Test Well General Permit shall be used beneficially within the District to the maximum extent feasible.

(6) Tests under this General Permit are encouraged to be conducted during non-drought conditions, and a test plan that is ~~requested~~required to be conducted during D-3 Extreme or D-4 Exceptional Drought Stages (see Rule 5.2.2) must be explicitly authorized by the District Board.

(7) A well authorized under this General Permit must be constructed and closed in accordance with District well construction standards of Rule 4.5. and shall not allow commingling of groundwater from separate hydrogeologic zones.

(8) The District may require other information on the basis of site-specific or use-specific circumstances and may specify special permit conditions before issuing the Test Well General Permit.

D. Limited Production General Permits

This provision authorizes the production of a specified amount of groundwater for certain wells that are not considered Exempt under Rule 3.1(B), but meet the requirements described in this Rule section. Limited Production Non-exempt wells that may be permitted under a General Permit are subject to the specific conditions and requirements of this Rule section and also to the general conditions and requirements of Rule 3.5(A).

(1) A Non-exempt Well, as defined in these Rules, may be considered a Limited Production Non-exempt Well if it is drilled, completed, or equipped so the well is incapable of producing more than 10,000 gallons per day (6.94 gallons per minute), and estimated annual production from the well does not exceed 1,000,000 gallons, provided it is also registered with the District.

(2) The well is not used to fill surface impoundments for holding water except for Livestock Use, as defined in these Rules.

(3) Both Existing and New Limited Production Non-exempt Wells under the General Permit are required to develop and submit to the District a User Water Conservation Plan (UCP) and a User Drought Contingency Plan (UDCP) no later than 60 days after the applicant submits the application to the General Manager for review, and the permitholder must demonstrate compliance with applicable, tiered curtailments in groundwater use for District-declared drought stages under Rule 5.2(B) and the permitholder's UDCP. Until these plans are submitted and approved, the General Permit will be considered a conditional Limited Production Permit,

and not subject to renewal without a new application fee and, if applicable, well construction fee.

- (4) Groundwater production under this General Permit is subject to limitations imposed on all Existing and New Wells as necessary to comply with an applicable Desired Future Condition (DFC) that has been adopted by the District, including limitations, if any, indicated by the Modeled Available Groundwater pertaining to that DFC and applied to all relevant Non-exempt Wells.
- (5) Wells authorized under this General Permit are subject to the reviews and actions described in Rule 3.6.
- (6) New wells authorized under this General Permit are subject to the applicable spacing and construction requirements described in Rules 4.2 and 4.3, respectively.
- (7) A well authorized under this General Permit, whether an Existing or New Well, is not required to meter its production or to monthly report its amount of groundwater used, but the estimated amount of annual groundwater withdrawal specified in and authorized by its General Permit shall be established using District guidelines for reasonable and non-speculative use, and the expected annual use shall be further distributed by month. The Limited Production permit holder may, at its discretion, voluntarily meter its wells to assist in gauging and reporting the effectiveness of water conservation practices and drought management under its UDCP (Rule 5.2(C)).
- (8) Groundwater produced under this General Permit may not be exported outside the District's jurisdictional boundaries. If any part of the permitted production is intended to be exported, the well must be permitted under an Operating Permit.
- (9) Limited Production General Permits have a term of five (5) years and if in good standing with District Rules, shall be renewed by Board action upon submittals of a) application for renewal no later than 60 days before term expiration, and b) payment of the permit renewal fee identified in the District's applicable Fee Schedule.
- (10) Limited Production General Permits are subject to periodic review, involuntary amendment, or revocation under provisions of Rule 3.6(A).
- (11) The District may require other information on the basis of site-specific or use-specific circumstances before issuing the General Permit or renewing it.