

## **D. Approval of Operating Permit Applications by District**

### **(1) Permits Requiring Board Action**

Administratively complete applications for an Operating Permit or Operating Permit amendments for any Non-exempt Well shall be brought before the Board for consideration, public hearing, and action. Final Board action shall be taken no later than 95 days from the determination of an administratively complete application, unless such action is previously postponed by properly posted Board action. Issuance of the regular Operating Permit following Board action replaces and terminates the corresponding temporary Operating Permit for the well.

### **(2) Permit for Aggregated Withdrawals**

When two or more wells are owned by the same entity and operated as a multi-well system, the owner may apply and the District may issue an Operating Permit for an aggregate (i.e., combined total) withdrawal. An Operating Permit for an Aggregate Withdrawal shall allow groundwater to be produced from any well of the multi-well system such that the combined amount of production for all of the wells in the system is equal to or less than the permitted production limit. The Aggregated Well system under the Operating Permit must be metered such that all Aggregated Withdrawals are able to be routinely and periodically reported by one or more meters under Rule 3.4(D)(6). The Aggregated Wells shall be registered separately and identified individually on the permit.

### **(3) Operating Permit Term**

Unless otherwise specified by the District as a special permit condition, Operating Permits are issued by the District for a renewable one-year term and will be required to be renewed before expiration, including payment of applicable permit renewal fees and any production fees then due, as specified in the District's current Fee Schedule. The permit with a renewal application will be renewed by Board action without public hearing, provided the permit renewal fees are paid and the current permit conditions are being met. The permit is subject to review, involuntary amendment, or revocation by the District under Rule 3.6.

### **(4) Special Permit Conditions**

Rule 3.4(A)(4) notwithstanding, the Board of Directors may require an applicant for any prospective production amount to conduct an aquifer test based on local hydrogeological

factors, the likelihood and amount of negative impacts on nearby wells, possibility of negative water quality issues, high production volume or rate of production considerations, or other factors that may necessitate or justify an aquifer test to be required.

The Board of Directors may include special conditions on permits to address unique aquifer conditions, property configurations, land use, or any other factor that may impact aquifer levels or other permitted wells.

(5) Authorized Groundwater Withdrawal Amount

If the applicant requests more water than the District deems reasonable, or if the applicant disagrees with the District's evaluation, the District may approve the application on a temporary basis for a production quantity acceptable to the Board, and require the applicant to provide documentation to the District in support of the requested amount as reasonable and necessary. Following submission and review of such documentation, within 60 days the Board may reconsider the application and make adjustments to the permitted production quantity if deemed appropriate by the Board.

(6) Required Well Metering and Groundwater-Use Reporting

A well or Aggregated Wells used to withdraw groundwater under an Operating Permit is required to be equipped with individual water meters that are purchased, installed and maintained at the permittee's expense. Any portion of the produced groundwater that is exported outside the District must be separately metered such that the actual amount exported can be measured and reported; this requirement may be waived by the Board. Upon installing a new meter on a new or existing well, the owner and/or operator of the well shall register the meter with the District and the meter must be approved by the District. All registrations under this Rule shall identify the manufacturer and model of the meter, and the serial number of the particular meter installed. Approved meters must be mechanically driven, digital, totalizing water meters and functioning at all times. The digital totalizer must not be resettable by the permittee and must be capable of a maximum reading greater than the maximum expected pumpage and rate during the expected lifetime of the meter. Battery operated registers must have a minimum five-year life expectancy and must be permanently hermetically sealed. Battery operated registers must visibly display the expiration date of the battery. All meters must meet the requirements for registration accuracy set forth in the American Water Works Association standards for cold-water meters. Meters may be inspected for proper installation and operation, and they may be read by District personnel at any time between regular use reporting, subject to property access conditions set forth in Rule 4.5.

Unless specified otherwise in the temporary or regular Operating Permit, beginning April 1, 2021, permittees of such wells are required to report monthly meter readings indicating actual groundwater use and, as applicable, groundwater exported outside the District, on forms provided by the District. Meter readings must be read within five (5) days of the end of each reporting month and submitted to the District no later than ten (10) days after the end of the reporting month. False reporting or logging of meter readings, intentionally tampering with or disabling a meter, or similar actions to avoid accurate reporting of groundwater use and pumpage shall constitute a violation of these Rules and shall subject the person performing the action, as well as the well owner and/or the primary operator who authorizes or allows that action, to such penalties as the Board may assess, as provided in Chapter 36 and Rule 7.4. The District may charge late fees for meter readings that are not timely provided by the permittee per the current Fee Schedule, in addition to or in lieu of assessing enforcement penalties for violating permit conditions.

(7) Required Production Fees and Payment Schedule

Beginning April 1, 2021, permittees of wells used to withdraw groundwater under both temporary and regular Operating Permits are required to pay a production fee that is based on the actual amount of groundwater withdrawn; the actual amount of groundwater exported from the District, if any; and the applicable rate that is specified in the current Fee Schedule. A copy of the current Fee Schedule may be obtained from the District Office or online at [www.swtcgcd.org](http://www.swtcgcd.org). Unless specified otherwise in the temporary or regular Operating Permit, production fees are due quarterly and payment should accompany the reporting of actual use for the third month of the immediately preceding quarter, as indicated by the meter readings reported for the period by the permittee. Payment of the production fee after the fifteenth day of the month following the quarter will be considered late. Failure to timely report actual use or make fee payments is a rule violation and subject to penalties and other enforcement actions under Rule 7.4, up to and including termination of the permit to withdraw groundwater.

With advance notice to and consent by the District, the permittee can elect to pay its estimated annual production fees in advance, and reconcile actual use and previously estimated use in the payment of the subsequent year's production fee, on forms for that purpose provided by the District. Advance annual payment does not eliminate the requirement for the permittee to report actual use monthly.

(8) Effective January 1, 2024, the maximum allowable rate the District may impose for an export fee or surcharge shall increase each calendar year in accordance with Section 36.122(e-

1), Texas Water Code. An export fee or surcharge imposed, or an increase in an export fee or surcharge, is not valid unless it is approved by the Board after a public hearing.

(9) The District may only use funds obtained from a rate increase under Rule 3.4(D)(8) for costs related to assessing and addressing impacts associated with groundwater development as provided by Texas Water Code Section 36.207, including: a) maintaining operability of wells significantly affected by groundwater development; b) developing or distributing alternative water supplies; and c) conducting aquifer monitoring, data collection, and aquifer science.