

## Southwestern Travis County Groundwater Conservation District

### ADOPTED FEE SCHEDULE FOR FY 2021

The Board of Directors (Board) of Southwestern Travis County Groundwater Conservation District (District) has adopted by resolution the following schedule of fees for Fiscal Year 2021, beginning October 1, 2020. The Effective Date for these fees is October 1, 2020, or such other, later effective date as the Board may adopt. A summary of the scheduled fees that are related to authorizations for wells and groundwater production is shown in the enclosed table.

These fees provide the minimum funding to sustain the District's regulatory programs and offset ancillary administrative expenses as it seeks to promote groundwater conservation, provide for long-term availability of groundwater resources, reduce localized depletion of groundwater, minimize interference between wells, and minimize the degradation of groundwater. Generally, these fees are non-refundable unless it is shown that the District erroneously calculated the fee due.

Failure to pay uncontested applicable fees is subject to enforcement provisions and penalties set forth in District Rule 7.

#### Application Fees

**Well Registration Fee.** All groundwater wells in the District, regardless of age and of type and amount of use, must be registered with the District. Registration can be accomplished by the owner's completing and submitting a well registration form available from the District. At this time, no fee is assessed for registering any well in the District, whether Existing or New, and whether Exempt or Non-exempt.

**Well Drilling/Modification Authorization Application.** Any groundwater well proposed to be installed or modified after the Effective Date must complete an application for a Well Drilling/Modification Authorization (WDA), on a form available from and to be submitted to the District with the WDA application fee. The application form for the WDA also serves as the registration for the prospective well and as an application to cap, seal, and/or plug an existing well. While there is no fee for registration of that well, the application fee for the WDA is **\$500.00**. Submittal of an application for a WDA for a proposed Non-exempt well also requires payment of a statutorily authorized Well Construction Fee, as specified elsewhere in this Fee Schedule. The application fee but not the well construction fee is charged each time such an application is (re)submitted for the same well.

The owner or applicant must obtain an approved WDA Authorization from the District before work installing or modifying the well commences. The District may assess an additional fee if the District incurs non-routine expenses relating to the investigation of the application, a protest to the application requiring a contested-case hearing, or recurring inspections caused by the applicant or the applicant's agent failing to comply with District Rules and requirements.

**Well Construction Fee.** A prospective Exempt Well is not assessed a Well Construction Fee in addition to the Well Drilling Authorization application fee. All Non-exempt Wells are assessed and must pay a Well Construction Fee along with the application fee for the WDA before the WDA will be issued. The fee differs for the type of authorization sought for the Non-exempt Well:

- (1) Proposed Well to be authorized under an Operating Permit - **\$1000.00**
- (2) Proposed Well to be authorized under a General Permit by Rule - **\$500.00.**

This fee is different from and in addition to the application fee for Well Drilling/Modification Authorization.

**Production Authorization Application.** The owner of a Non-exempt Well that seeks either an Operating Permit or an authorization under a General Permit by Rule for either a previously installed well or a proposed new well must submit a Production Authorization application along with the designated application fee before groundwater may be withdrawn from the well. The application fee differs for the type of authorization sought and the intended type of beneficial use:

- (1) Authorization for Agricultural Use under an Operating Permit - **\$300.00**
- (2) Authorization for Non-Agricultural Use under an Operating Permit - **\$750.00**
- (3) Authorization for Use under a General Permit by Rule - **\$400.00.**

For the first half of FY 2021, the applications for these Production Authorizations will have application fees that are reduced by 50%, provided an administratively complete application, including payment of the discounted application fee, is received by the District within 180 days of the Effective Date.

The application fee shall be charged each time such an original application is (re)submitted.

**Application for a Modification to an Existing Operating Permit.** The owner of a well that seeks a modification to a previously installed and permitted Non-exempt Well that modifies the amount or source of water withdrawn from the well must submit an Operating Permit

application indicating the changes being contemplated, along with an application fee of **\$400.00**. The application fee for modifying an existing Operating Permit for agricultural use is reduced to **\$300**. The application fee is charged each time such an application is submitted with different parameters.

**Application for Renewal of a Production Authorization.** The owner of a well with a Production Authorization, whether an Operating Permit or General Permit by Rule, must apply for renewal of that permit no later than two months before the end of the Permit's term, on a form available from the District for such purpose. Provided there are no changes to the existing Operating Permit's provisions, pending enforcement actions, or outstanding fees due the District, its renewal will be authorized by the Board, following payment of a reduced \$200.00 application fee for such renewals if no public hearing is required by the Board, or payment of the **\$400.00** standard application fee for such renewal if a public hearing is required. Provided a well is meeting the terms of an existing General Permit authorization, upon receipt of the completed renewal application and payment of the **\$200.00** application fee, the General Permit authorization will be renewed without the Board's conducting a public hearing

**Application for Capping, Sealing, or Plugging Well.** The landowner or its designated agent must complete a District WDA application form to cap, seal, and/or plug an existing deteriorated or abandoned well and submit the form to the District, along with an application fee of **\$100.00**. The application and application fee are a pre-requisite for District review of the plans and approval of the work, which is required before it is undertaken.

### **Groundwater Production Fees**

**Non-exempt Well or Aggregated Wells under an Individual Operating Permit.** The owner of a well under an Operating Permit, whether an Existing or New Well, must meter or otherwise estimate, by a method acceptable to District in its sole discretion, the amount of groundwater actually withdrawn from the well each month and then pay a quarterly production fee as follows:

- (1) For uses that are not Agricultural Uses, as defined in Rule 2, a fee of **\$0.20 per thousand gallons** of water reported as actually withdrawn from the well for such use.
- (2) For Agricultural Uses, as defined in Rule 2, a fee of **\$0.04 per thousand gallons** of water reported as actually withdrawn from the well for such use.

- (3) For groundwater transported out of the District from a well under an Operating Permit, a surcharge will be applied to the Production Fee of an **additional 50% of the standard Production Fee amount**. Only wells under an Operating Permit are authorized to export water out of the District. Exempt Wells and wells authorized under General Permits by Rule are prohibited from such export. As an alternative to the surcharge, the permittee and the District may negotiate a quarterly or annual fee for exporting groundwater under the permit.

Production fees for each quarter are due no later than the tenth day of the month following each fiscal-year quarter (i.e., January 10, April 10, July 10, October 10), and are considered late after the fifteenth day of that month.

**Non-exempt Well or Aggregated Wells under a General Permit by Rule.** The amount of groundwater withdrawn under authorization of a General Permit by Rule in good standing is generally not required to be reported to the District, and the permittee is not required to pay a groundwater production fee.

### **Service Connection Fee**

The owners of wells that provide a water supply to members of the public that are not members of their own residential household shall be assessed and pay the District a statutorily authorized one-time Service Connection Fee for each new service connection made to the well system after the Effective Date, using the definitions and procedures specified in Rule 3.4.D.8.

- (1) The Service Connection Fee for new longer-term end-user connections, except RV slips, will be assessed by the number of newly completed living units or dwellings, regardless of occupancy, multiplied by the statutorily authorized connection fee amount of **\$1000.00**.
- (2) The Service Connection Fee for new RV slips will be assessed at the rate of **\$200 each**.
- (3) The Service Connection Fee for new shorter-term end-user connections will be assessed at **\$1000.00 per new building** served by the well unless the system utilizes submeters, in which case the Service Connection Fee will be assessed at **\$1000.00** for each new submeter.

The Service Connection Fee is in addition to the quarterly Groundwater Production Fees for the water supply well.

## Other Approved Fees

**Returned Check Fee.** The District will assess the person writing the returned check a **\$30.00** fee for each check returned by the District Depository due to non-sufficient funds, account closed, signature missing, or any other problem causing such a return. This fee will be charged every time a check is returned.

**Late fee.** A late fee of **10% of the cumulative amount due**, including past-due late fees, will be assessed if payments due the District are not received within 10 days following the due date. The fee payment and the late fee payment must be made within 30 days following the date of the assessment of the late payment fee.

**Trip Fee.** If the District is required to have an employee or agent observe a well or meter or review documents not located within the District's office due to the actions or inaction of a well owner or permittee, the District may charge a trip or mileage fee equal to the **current federal standard mileage rate for distance traveled both ways** between the District office and the well location.

**Meter Verification / Inspection Fee.** A fee of **\$50.00 to \$100.00** will be assessed when a permitted user fails inspection after being advised that meters must be installed or calibrated, or when a permittee fails to submit the required meter readings and District personnel must visit the well site or take the meter readings. This fee may be assessed as many times as the well owner/operator fails to comply with Board Orders or District Rules to come into compliance. The fee will increase to **\$100.00** on the third instance to occur within a 12-month period in which a \$50 fee was previously assessed two instances prior. This fee is in addition to the variable Trip Fee that typically is assessed along with the Meter Verification/Inspection Fee.

**Enforcement Fee.** If the District is required to incur expenses to enforce the District's Rules, including the payment of the District's production fee, the person responsible for causing the District to incur the expense shall reimburse the District for such expenses within ten days after it certifies receipt of a demand for payment from the District.

**Court-related Fee.** If the District prevails in any suit to enforce its Rules, the District shall seek, and the Court may grant, in the same action, recovery of attorney's fees, costs for expert witnesses, and other costs incurred by the District's appearance before the Court.

**Application and Processing Fee.** For extraordinary expenses incurred during the processing of applications, or if the District incurs additional unanticipated costs including, but not limited to, professional consultant fees or legal counsel specific to an application, the applicant will be responsible for all costs incurred by the District and invoiced to the applicant. District staff labor will be charged at an **hourly rate of \$75.00.**

The amount of processing required for applications is based on the information provided in the application. If the District later determines that the information was substantially incorrect, and a higher application or production fee should have been assessed and paid, all work on the well shall cease until the higher fee is paid.

PROPOSED

## SUMMARY TABLE OF FEES IN DISTRICT FEE SCHEDULE, PROPOSED JULY 31, 2020

  = Authorized by Enabling Act     
   = Authorized by Texas Water Code Chapter 36

<b>FOR PREVIOUSLY INSTALLED WELLS</b>							
	Comments	Production Authorizations					
		All Exempt	Operating Permit			General Permit by Rule	
			Ag Use	Non-Ag; Non-PWS	Non-Ag; PWS	Non-Exempt Domestic Use	Test Well
<b>Registration Fee</b>	Registration required of all wells, but no separate fee	-	-	-	-	-	
<b>Well Drilling Authorization Application Fee</b>	No WDA required for an Existing Well as-is	-	-	-	-	-	
<b>Administrative Management Fees</b>	Annually recurring fee, per well; not assessed	\$0	-	-	-	-	
<b>Operating Permit Application Fee</b>	Determined by District from application info; PH	-	400*	750*	750*	-	
<b>Application Fee for Capping, Sealing, and/or Plugging Well</b>	For any previously installed well	\$100					
<b>Application Fee for Modifying an Existing Operating Permit</b>	To change the source or increase the amount of water under permit determined by District	-	\$300	\$400	\$400	-	
<b>General Permit by Rule Application Fee</b>	from application info; no PH	-	-	-	400*	400*	
<b>Operating Permit Renewal Fee</b>	Annual renewal fee; PH not required if in compliance	-	\$300	\$400	\$400	-	
<b>General Permit Renewal Fee</b>	Authorized renewal every five years; no PH	-	-	-	\$200	\$200	
<b>Groundwater Production Fee</b>	Statutorily set rate; volume determined by metering	-	\$.04/1000 gal	\$.20/1000 gal	\$.20/1000 gal	-	
<b>Groundwater Export Fee</b>	If applicable, surcharge on Production Fee	-	50% of Prod'n Fee	50% of Prod'n Fee	50% of Prod'n Fee	-	
<b>(New) Service Connection Fee</b>	One-time fee for each new connection to PWS with Operating Permit after 10/1/2020	-	-	-	\$200 for RV slip; \$1000 for other type connection	-	
<b>Other Approved Fees</b>	As warranted, per Fee Schedule; nominally \$0	Variable with situation	Variable with situation	Variable with situation	Variable with situation	Variable with situation	

\* 50% discount of amount shown is available to applicants who submit substantially complete applications, including fee payments, within 180 days of October 1, 2020

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<b>FOR PROPOSED WELLS TO BE INSTALLED</b>							
	Comments	Production Authorizations					
		All Exempt	Ag Use	Operating Permit		General Permit by Rule	
				Non-Ag; Non-PWS	Non-Ag; PWS	Non-Exempt Domestic Use	Test Well
<b>Registration Fee</b>	Registration required of all wells, but no separate fee	-	-	-	-	-	-
<b>Well Drilling Authorization Application</b>	District approval required before well drilling or modifications begin	\$500	\$500	\$500	\$500	\$500	\$500
<b>Well Construction Fee</b>	Accompanies WDA application fee	\$0	\$500	\$1,000	\$1,000	\$500	\$500
<b>Operating Permit Application Fee</b>	Determined by District from application info; PH	-	\$400	\$750	\$750	-	-
<b>General Permit by Rule Application Fee</b>	Determined by District from application info; no PH	-	-	-	-	\$400	\$400
<b>Operating Permit Renewal Fee</b>	Annual renewal fee; 50% if no PH required on renewal	-	\$300	\$400	\$400	-	-
<b>General Permit Renewal Fee</b>	Authorized renewal every five years; no PH	-	-	-	-	\$200	\$200
<b>Groundwater Production Fee</b>	Statutorily set rate; volume determined by metering	-	\$.04/1000 gal	\$.20/1000 gal	\$.20/1000 gal	-	-
<b>Groundwater Export Fee</b>	If applicable, surcharge on Production Fee	-	50% of Prod'n Fee	50% of Prod'n Fee	50% of Prod'n Fee	-	-
<b>(New) Service Connection Fee</b>	One-time fee for each new connection to PWS with Operating Permit after 10.1.2020	-	-	-	\$200 for RV slip; \$1000 for other type connection	-	-
<b>Other Approved Fees</b>	As warranted, per Fee Schedule; nominally \$0	Variable with situation	Variable with situation	Variable with situation	Variable with situation	Variable with situation	Variable with situation