

## 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 owner/operators of existing groundwater wells in the District other than those used by a single residential household must register their wells with the District not later than December 31, 2020. All wells used by a single residential household must be registered with the District as soon as practicable but not later than September 30, 2021. 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, if applicable. The application form for the WDA also serves as the registration for the prospective well, as an application for modifying a previously installed well, and as an application to cap, seal, and/or plug an existing well. While there is no additional fee for registration of that well, the application fee for the WDA for a new proposed well is **\$500.00**.

The WDA application form must also be completed for prospective Minor and Major Modifications, as defined in Rule 3.2.C, to certain previously installed wells. Minor Modification of a previously installed well that is Exempt is not assessed a WDA application fee. Minor Modifications to a Non-exempt well under either a General Permit by Rule or an Operating Permit will have a WDA application fee of **\$100.00**. Major Modifications to any previously installed well, regardless of whether Exempt or Non-exempt and, if Non-exempt, regardless of the type of permit, will have a WDA application fee of **\$500.00**. Repairs and replacement of existing well equipment are not considered Modifications and do not require submittal of a WDA application or application fee, provided there is no change to the well's production capacity or aquifer being used.

Submittal of an application for a WDA for a proposed Non-exempt well or for a Major Modification to an existing Non-exempt well also requires payment of a statutorily authorized Well Construction Fee, as specified in the next subsection of 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 proposed Exempt Well and a Minor Modification, if authorized by the District, to a previously installed well are not assessed a Well Construction 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 New Well to be authorized under an Operating Permit - **\$1000.00**
- (2) Proposed New Well to be authorized under a General Permit by Rule - **\$500.00**.
- (3) Major Modification to Previously Installed Well with a General Permit - **\$500.00**
- (4) Major Modification to Previously Installed Well with an Operating Permit - **\$1000.00**

This fee is different from and in addition to the application fee for a Well Drilling/Modification Authorization that is described in the preceding subsection. This fee is also different from and

in addition to the application fee for a Production Authorization for withdrawing water from such Non-exempt Wells, as described in the following subsection.

**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 to obtain a permit to withdraw groundwater from the well. The amount of the application fee differs, depending on the type of authorization sought and the intended beneficial use:

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

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

Upon the initial application for an Operating Permit of an Existing Well that is not solely for single-residence use, the District will provide the well owner/operator with a temporary Operating Permit from the District that specifies a subset of requirements for continuing to operate that well until a regular Operating Permit is administratively complete and the regular permit received. The temporary permit will have an effective date of January 1, 2021, regardless of when the temporary permit or the regular Operating Permit is received by the well owner/operator. The temporary permit does not have a separate application fee assessed.

**Application for Amending an Existing Production Authorization.** The owner of a well that seeks an amendment to a previously issued Production Authorization arising from modifying a Non-exempt Well that constitutes a Major Modification of the well, as defined by Rule 3.2(C), must submit a new Production Authorization 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 **\$300.00**. The application fee is charged each time such an application is submitted with different parameters. A public hearing shall be required for such amendment of an Operating Permit and may be required for such amendment of a General Permit by Rule. The conversion of a temporary Operating Permit to a regular Operating Permit is not considered a modification or amendment to the Production Authorization and does not require the application fee described above in addition to the initial application fee for the Production Authorization application.

**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 of an Operating Permit 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 (or **\$150.00** and **\$300.00**, respectively if Agricultural Use).

Provided a well owner 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 either a temporary or regular Operating Permit, whether for an Existing or New Well, must meter, or otherwise estimate using a method acceptable to the District in its sole discretion, the amount of groundwater actually withdrawn from the well each month, beginning January 1, 2021, and report that actual use to the District monthly. The metered groundwater use is used by the permit holder to calculate and 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 and in lieu of its separate metering requirement, the permittee and the District may negotiate a quarterly or annual fee for exporting a portion of the 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 metered and 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, regardless of whether the wells are permitted under temporary or regular Operating Permits, 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 October 1, 2020, 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. The Service Connection Fee must be paid before the service connection is activated, as described in Rule 3.4(D)(8), except for those connections activated in the initial, interim period between October 1, 2020, and receipt of the temporary Operating Permit following initial registration. During the interim period, the Service Connection Fee will be paid after activation of the connection and upon receipt of the temporary Operating Permit.

### **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.

**SUMMARY TABLE OF FEES IN DISTRICT FEE SCHEDULE, AUGUST 26, 2020**

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

	Comments	FOR PREVIOUSLY INSTALLED WELLS					
		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 required	-	\$400	\$750	\$750	-	-
<b>Application Fee for Capping, Sealing, and/or Plugging Well</b>	For any previously installed well	-\$100					
<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% discount on renewal if in compliance and PH not required	-	\$300	\$400	\$400	-	-
<b>General Permit Renewal Fee</b>	Authorized renewal every five years; presumed compliance so 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

Table Continued on Next Page



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