

Legislation Text

File #: AI 13-2217, Version: 2

Consider recommendation from the Executive Committee to approve Proposed Rules related to the following Chapters of the EAA rules: Chapter 702 (Definitions); Chapter 707 (Procedure Before the Authority), Suchapters E (Actions on Applications) and F (Procedures for Contested Case Hearings); Chapter 709 (Fees), Subchapters B (Registration Fees), C (Permit Application Fees), D (Aquifer Management Fees), and E (Administrative Fees); Chapter 713 (Water Quality), Subchapters C (Well Construction, Operation, and Maintenance) and D (Well Closures); and Chapter 717 (Enforcement).

RECOMMENDED MOTION:

Move the board approve Proposed Rules related to the following Chapters of the EAA rules: Chapter 702 (Definitions); Chapter 707 (Procedure Before the Authority), Suchapters E (Actions on Applications) and F (Procedures for Contested Case Hearings); Chapter 709 (Fees), Subchapters B (Registration Fees), C (Permit Application Fees), D (Aquifer Management Fees), and E (Administrative Fees); Chapter 713 (Water Quality), Subchapters C (Well Construction, Operation, and Maintenance) and D (Well Closures); and Chapter 717 (Enforcement).

SUMMARY:

The purpose of this agenda item is for the board to consider an Executive Committee recommendation to recommend approval of Proposed Rules regarding the implementation of HB 2729, SB 520, the implementation of a portion of HB 3656, and an additional requirement for the construction of exempt Edwards Aquifer wells.

This proposed rulemaking incorporates amendments to the EAA Act resulting from the passage of HB2729 during the 86th Regular Session of the Texas Legislature. The amendments HB 2729 clarified that Chapter 36 as a whole does not apply to the Authority and directly incorporated language from Chapter 36 that was not otherwise contained in Chapter 49. In addition, the bill also removed two provisions within the Act that had become obsolete. The bill was inteded to accomplish three things: (1) eliminate confusion between the requirements in Chapter 36 and the EAA Act; (2) prevent the EAA's unique management requirements from hindering state-wide groundwater policy development; and (3) provide certainty to EAA permit holders and interested stakeholders in the Edwards Aquifer Habitat Conservation Plan and established water market.

The proposed rulemaking incorporates contested case hearing requirements associated with the passage of HB3656 during the 86th Regular Session of the Texas Legislature. These amendments provide an opportunity for a permit holder to request a contested case hearing regarding a conversion of base irrigation groundwater rights to unrestricted groundwater rights.

Additionally the proposed rulemaking incorporates new injection well allowances associated with the passage of SB520 during the 86th Regular Session of the Texas Legislature. These allowances are associated with the expansion of allowable source water for New Braunfels Utility's Aquifer Storage and Recovery Demonstration Project.

Finally, the proposed rulemaking would require a geophysical log be provided to the EAA during construction of an exempt well in the Edwards Aquifer. Such information would assist the drilling contractor and EAA staff to determine the geology of the well and determine the location/length of the annular seal and well casing. Such logging would likely reduce the number of improperly constructed wells and advance the goal of ensuring a well owner receives a properly constructed well that meets EAA specifications.

A copy of the Proposed Rules is attached for the board's reference in both clean and redlined form.

At the September 3 meeting, the Executive Committee voted to recommend the board approve Proposed Rules related to the following Chapters of the EAA rules: Chapter 702 (Definitions); Chapter 707 (Procedure Before the Authority), Subchapters E (Actions on Applications) and F (Procedures for Contested Case Hearings); Chapter 709 (Fees), Subchapters B (Registration Fees), C (Permit Application Fees), D (Aquifer Management Fees), and E (Administrative Fees); Chapter 713 (Water Quality), Subchapters C (Well Construction, Operation, and Maintenance) and D (Well Closures); and Chapter 717 (Enforcement).

M/WBE PARTICIPATION:

This agenda item does not involve the procurement of goods or services by the EAA and, therefore, this section is not applicable.

STRATEGIC PLAN REFERENCE:

This agenda item does not relate to a specific goal within the Strategic Plan, but supports the general EAA mission.

FISCAL IMPACT:

None.