



**Barton Springs/
Edwards Aquifer
Conservation District**

**Meeting of the Board of
Directors**

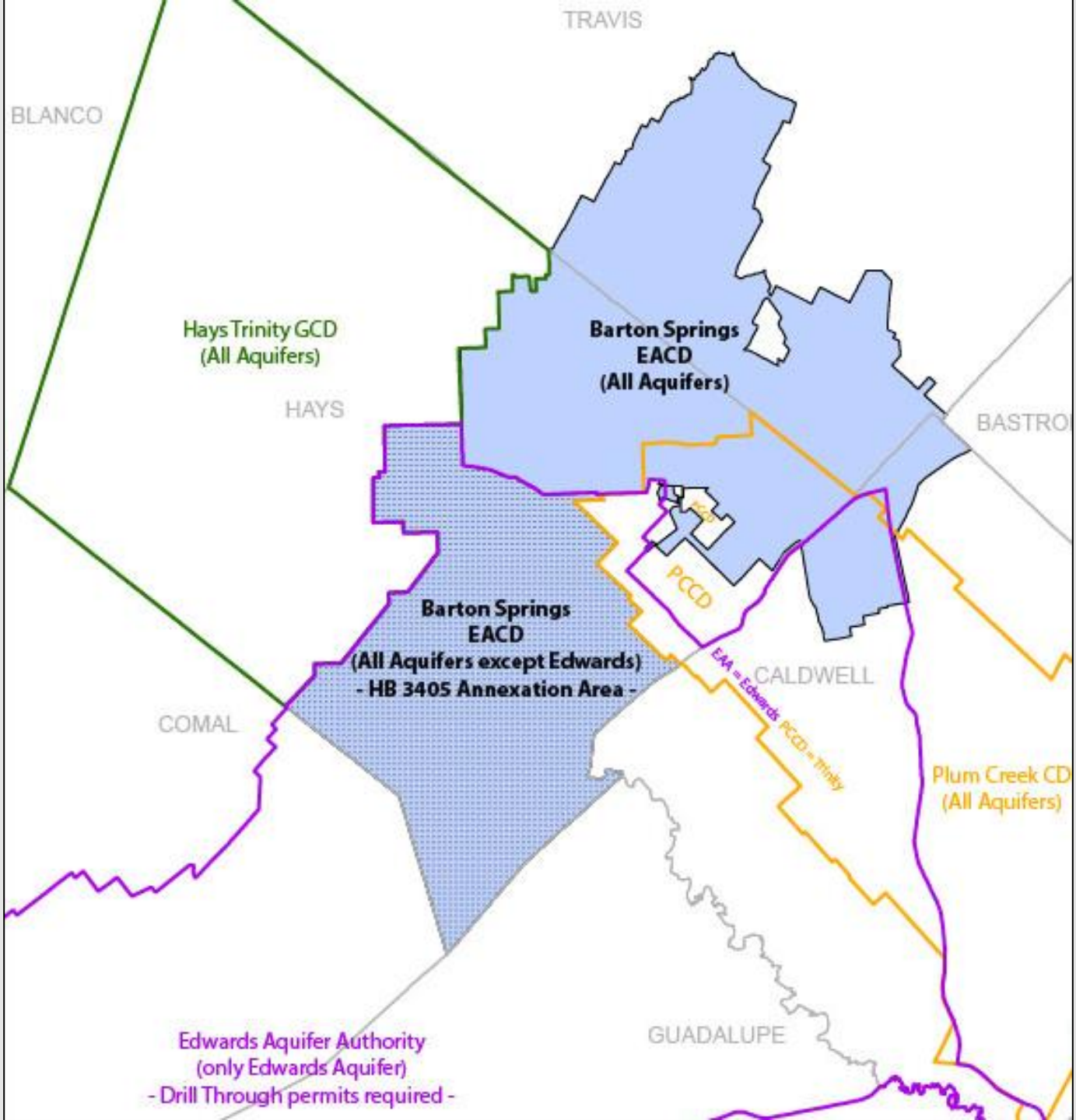
June 25, 2015

The background of the slide is a photograph of water with ripples. A small, dark, cylindrical object is floating on the water's surface, creating a small wake. The water is a light blue-grey color.

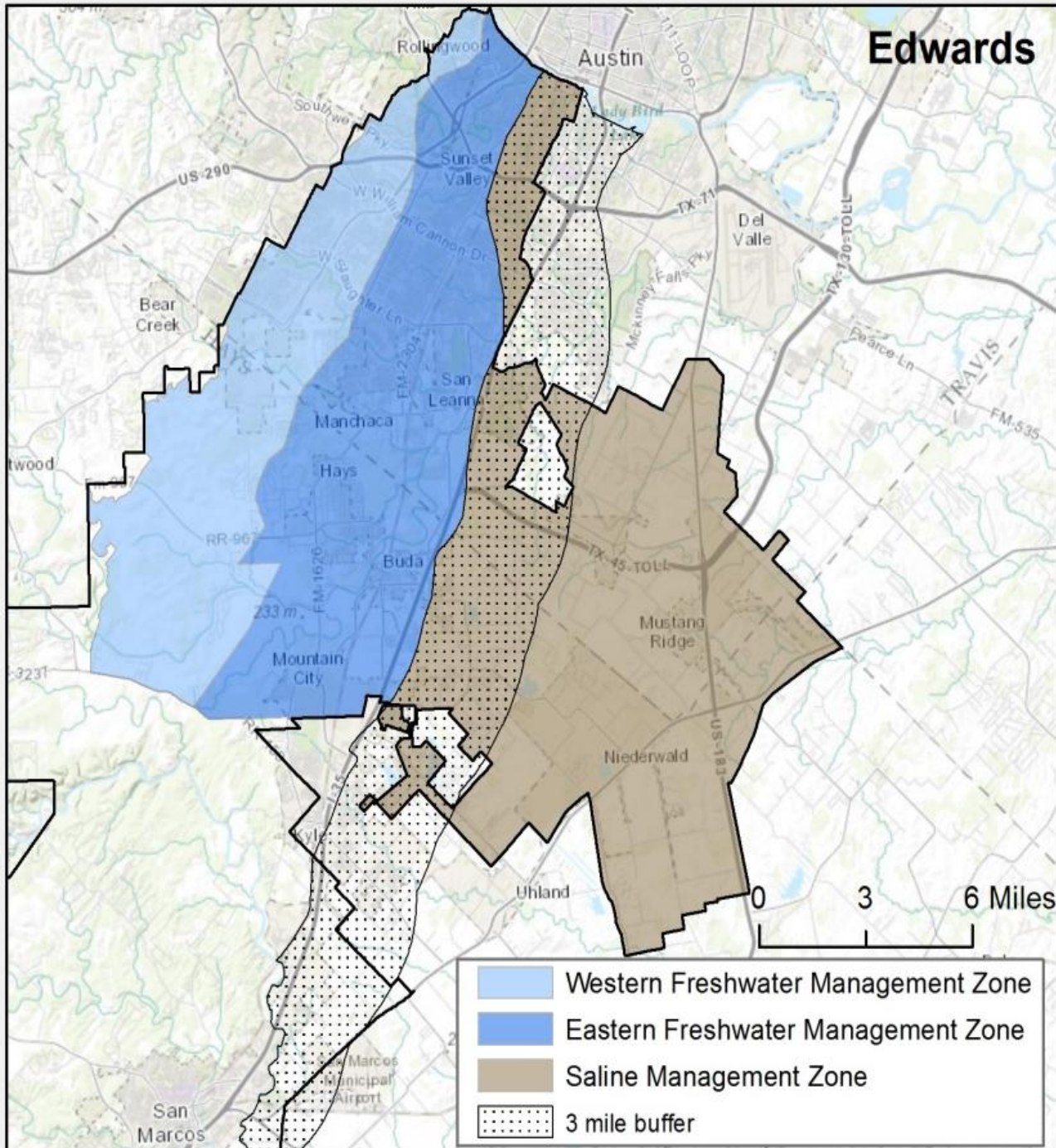
Agenda Item 5.a – Proposed Rule Revisions

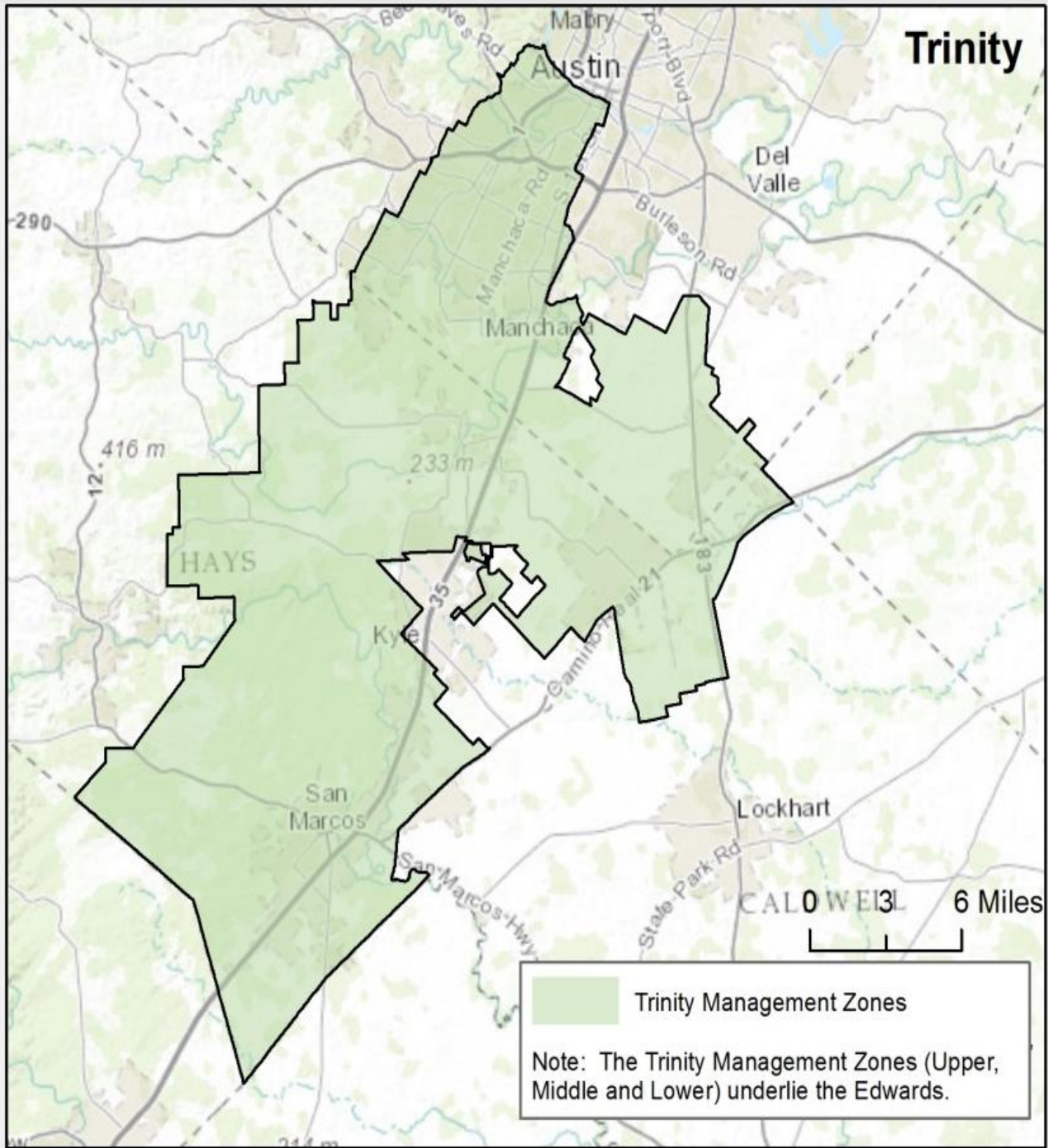
The background of the slide is a photograph of water with numerous small, concentric ripples. In the lower center, there is a small, dark, circular object that appears to be floating or partially submerged, creating a slight disturbance in the water's surface. The overall color palette is muted, with various shades of grey and blue.

New Maps and Figures




Edwards





Trinity

 Trinity Management Zones

Note: The Trinity Management Zones (Upper, Middle and Lower) underlie the Edwards.

Definitions (Rule 2)

New Terms:

- *Consumer Price Index*
- *HB 3405*
- *Limited Production Permit*
- *Maximum Production Capacity*
- *Regular Production Permit*
- *Shared Territory*
- *Temporary Permit*
- *Upper Trinity Management Zone*

Trinity Exemption Criteria (3-1.3)

- **Before Rules**

1. Livestock or Domestic Use; and
2. < 25,000 gal/day

- **After Rules**

1. Livestock or Domestic Use;
2. < 10,000 gal/day; and
3. > 10 acres

Temporary Permits (3-1.55)

- **Eligibility:**
 - Shared Territory
 - Existing wells (authorizes production)
 - Existing contracts for new wells (authorizes well drilling only)
- **Application Process (two-part application):**
 - **Part 1: Temporary Permit**
 - Core data only
 - Requested volume not to exceed max capacity
 - **Part 2: Regular Production Permit**
 - Clock begins simultaneously with fee and runs concurrently

Temporary Permits (3-1.55)

- **Action on Temporary Permits:**
 - Admin. complete
 - GM approves within 30-days
 - Incomplete applications expire
 - expired permits referred to Board for final action without hearing
- **Permit term:** from June 19th (HB 3405 effective date) until final appealable action on Regular Permit

Temporary Permits (3-1.55)

- **Temporary Permit Conditions:**
 - Comply with “other rules and orders applicable to permit holders”
 - No rights or privileges conferred
 - Applicant assumes risk of permit reduction
 - Install meter and report pumping
 - Authorizes requested volume (not to exceed MPC)
 - Standard permit conditions (no waste, beneficial use, inspections, etc)
- **Temporary Permit Fees:**
 - Timely payment of fees for authorized volume

Conversion to Regular Permits (3-1.55.4)

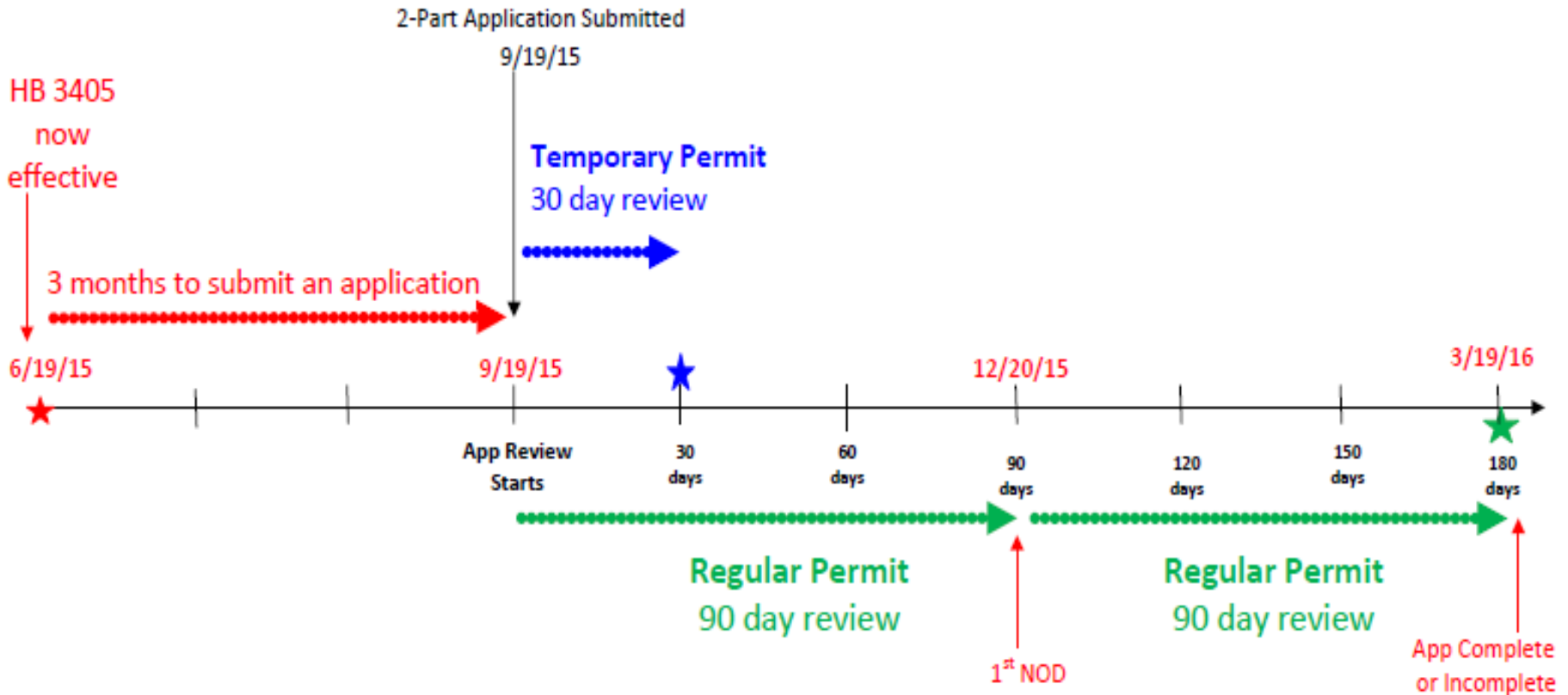
Part 2: Regular Production Permit

- **Current Production Permit process:**
 - Admin. completeness
 - Application processing timeframes (180 days)
 - Hydrogeological Reports (Aquifer Test)
 - Notice
 - Hearings
 - Protest and contested cases
 - Other related provisions

Conversion to Regular Permits (3-1.55.4)

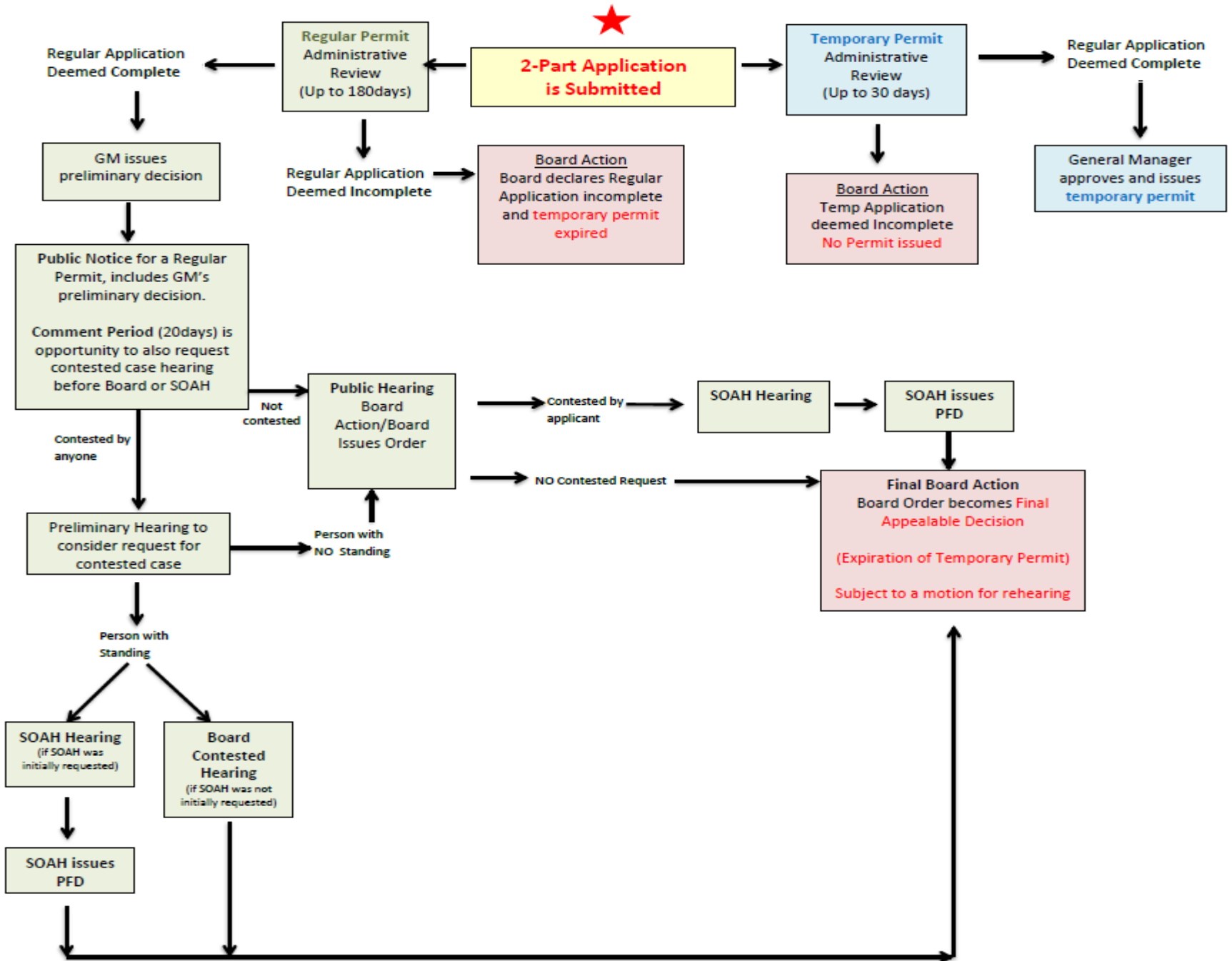
- **Factors for Action on Regular Permits:**
 - Admin. complete
 - Comply with Temp. Permit terms
 - Timely paid Temp. Permit fees
 - Will volume cause:
 - Failure to achieve DFCs
 - Unreasonable impacts on wells
- **Action on Regular Permits:**
 - Incomplete applications expire
 - Expired permits referred to Board for final action
 - Final action terminates Temporary Permit term
 - Reduced permits may be appealed to SOAH
 - Regular Permits subject to Board orders and rules

Permit Processing Timeline



For both complete and incomplete applications, there may involve a series of actions and procedures such as Public Notice, Public Hearing, Rehearing, SOAH etc that will take place in

Path to a Permit

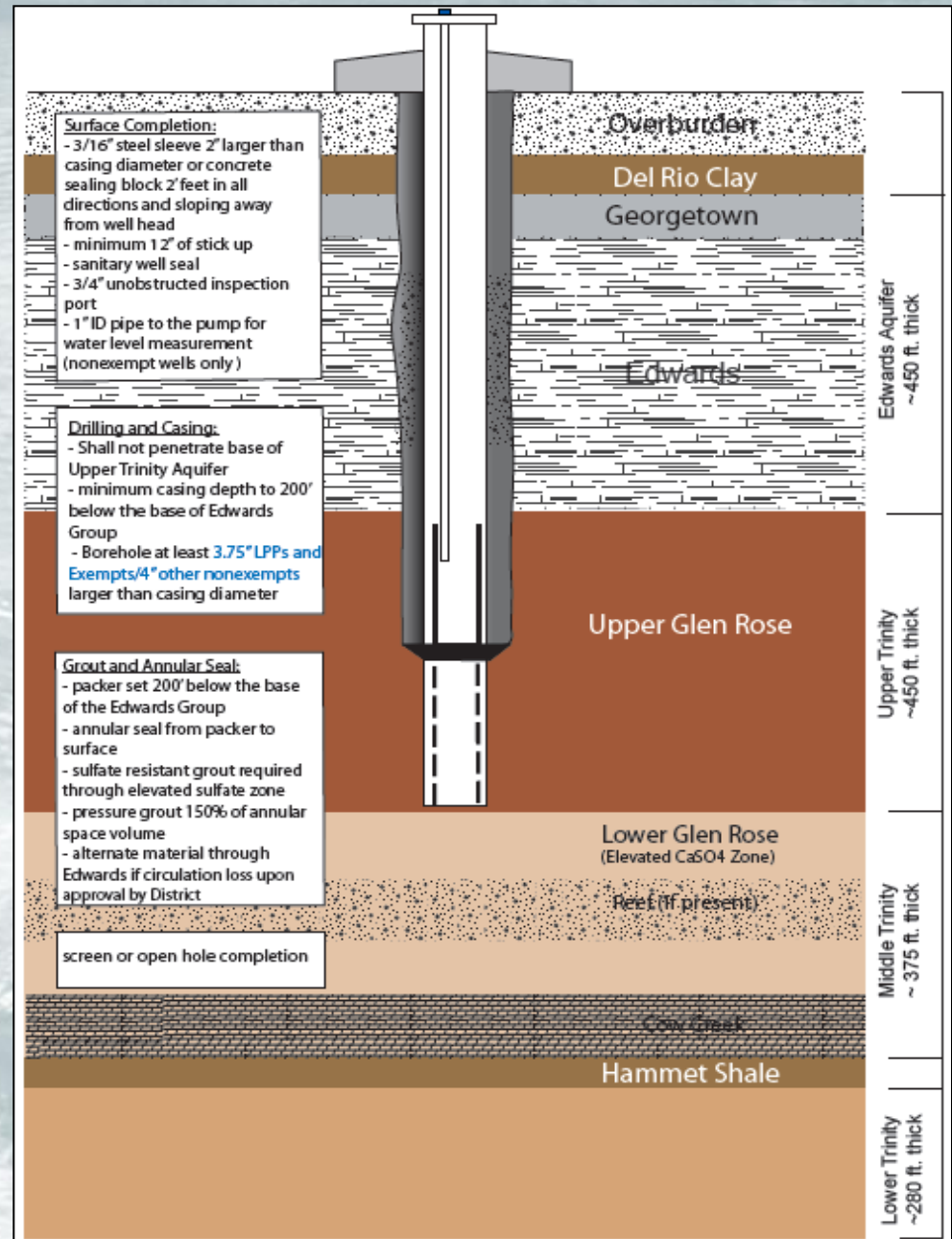


Limited Production Permit (3-1.20.B)

- Replace and relax current NDU terms
- Expand to include Livestock use
- LPP requirements:
 - Meter
 - Report annual pumping
 - Conservation Plan only
 - < 500,000 gal/year
- **Edwards LPPs**- Class A Conditional subject to ERP curtailments
- **Trinity LPPs** – Historical

Upper Trinity Management Zone (3-1.23)

- **Definition:**
 - portion of Upper Trinity Aquifer with no significant hydrologic connection to Edwards.
 - Edwards MZ's include connected portion
- Exempt and LPP wells allowed where UTMZ is limited



Factors for Action on Permits

- Factors for reducing converted Temp Permits (3-1.55)
 1. Failure to achieve DFC
 2. Unreasonable impacts to existing wells
- Add factors to standard permit conditions (3-1.11)
- Add factors as basis to modify permits (3-1.13)
- Aquifer test used to assess factors and set production limits (3-1.12, 3-1.23)
- Deemphasize MAG as a Trinity cap (3-1.6, 3-1.23)

Other Changes

- Introduction (Section 1)
- Application Requirements (3-1.4)
 - Reorganized
- Austin Fee Cap (3-1.19)
 - Provide fee calculation detail
- Notice, Hearings, and Contested Cases (4-9)
 - Implement HB 2179
- Other minor non-substantive changes



Discussion

Possible Action

1. Approve the draft rules presented as proposes rules to initiate formal rule making and to be the subject of a public hearing.
2. Set and post notice of a public hearing on the proposed rules to be held on July 16, 2015.
3. Begin a public comment period on the proposed rules with written comments due at 5pm on July 9, 2015 and with oral comments submitted at the July 16, 2015 public hearing.

Timeline for Implementation

Date	Event
June 21, 2015	Effective date of HB3405 (if governor doesn't veto or sign before) <ul style="list-style-type: none"> • Issue Press Release • Announce official annexation • District accepting well registrations • Information available • 90-days for Temporary Permits begins
June 25, 2015	Board meeting to approve rule concepts and initiate rule making
June 25, 2015	Publish notice of rule making <ul style="list-style-type: none"> • Issue Press Release • Rules available for review • Begins 20-day notice prior to hearing • Begin 2-week comment period
July 9, 2015	Regular Board meeting/Rule comment period deadline
July 16, 2015	Public Hearing and Special-called meeting on rules/Anticipated effective date of new rules <ul style="list-style-type: none"> • Issue Press Release • Announce new rules for Temporary Permits • District accepting Temporary Permit Applications
July 21-23, 2015	Town Hall meeting (San Marcos area)
August 17-20, 2015	Additional public meeting (Driftwood area)
Sept. 1, 2015	Preliminary work on redistricting
Sept. 14-17, 2015	Additional public meeting (TBD, if needed)
Sept. 21, 2015	Deadline for receiving Temporary Permit applications
Oct. 21, 2015	Deadline for issuing Temporary Permits
January 1, 2016	Board work sessions to consider redistricting plans
March 21, 2016	Deadline for Admin Review of Regular Production applications
June 1, 2016	Finalize redistricting, begin elections planning
November, 2016	Elections for Precincts 1, 3, and 4