

FAQs on HB 3405

The following information is responsive to common questions related to HB 3405. Please note that further guidance associated with implementation of the bill is being developed and will be provided as soon as possible. If you need further information, please submit your inquiries to info@bseacd.org.

What does HB 3405 do?

- Expands the area of the BSEACD to include the unregulated portions of Hays County (see [map](#))
- Clarifies the jurisdiction of the Edwards Aquifer Authority, the Plum Creek Conservation District, and the BSEACD in the shared area
- Clarifies the authority of the BSEACD to regulate the Trinity Aquifer in the current and expanded area
- Provides authority to regulate pumping from Aquifer Storage and Recovery (ASR) wells
- Sets a fee cap of \$0.17/1k gal. on the permitted volume of permitted wells in the expanded area
- Creates a process for existing well owners to apply for a Temporary Permit within the first 90-days to continue to operate the well for up to the maximum production capacity of the well
- Allows for interim operation under a Temporary Permit from the effective date of the Act until a Regular Permit is issued
- Establishes factors for reducing the amount of a Temporary Permit when a Regular Permit is issued
- Creates a process for an applicant to contest a reduction in the Regular Permit volume with the applicant bearing the burden of proof
- Sets a fee cap for the City of Austin
- Validates prior BSEACD actions
- Clarifies that the bill is local and does not have state-wide implications

Why was HB 3405 needed?

- Without the bill, groundwater pumping in the annexed area would be unmanaged under the Rule of Capture
- Under the Rule of Capture, large capacity wells could pump an unlimited amount of water without regard to the effects on the Trinity Aquifer or existing wells
- The Trinity Aquifer is a drought-prone aquifer with limited water availability that serves as the source for area wells and the baseflow to area creeks and springs
- To provide the benefits of coordinated long-term aquifer management through a Groundwater Conservation District

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What are the benefits of HB 3405?

- Provides fair and equitable management of the aquifer such that all users are considered
- Provides protection to the regional aquifer system, the existing wells, and the affected creeks and springs
- Ensures that the private property rights of all individual landowners are protected
- Allows for an objective science-based approach to permitting and coordinated long-term aquifer management
- Allows for a voice in regional water planning decisions

When does HB 3405 take effect?

- The bill has passed both chambers and is on its way to the governor's desk for signature. The bill becomes law as soon as the governor signs it or after 20 days if it's not signed.

Are any wells grandfathered?

- Certain small low-capacity domestic and livestock wells will be required to be registered but are *exempt* from permitting requirements
- All other *nonexempt* wells will be required to be permitted
- Within the first 90 days of the effective date of the act, a person operating an existing well or that has entered into a contract before the effective date of the act, will be eligible for a Temporary Permit to continue operation
- The Temporary Permits may authorize up to the maximum production capacity of the wells
- The final Regular Permit volume may be reduced from the Temporary Permit volume if the District finds that the temporary permit volume will cause: 1) failure to achieve the Desired Future Conditions or 2) an unreasonable impact on existing wells
- All wells drilled after the effective date of the act and existing wells that do not obtain a Temporary Permit will be subject to District's existing permit conditions and procedures

How does HB 3405 affect the Board of Directors?

- Early versions of the bill would have expanded the bill from 5-7 directors, The enrolled version of the bill does not expand the Board
- The expanded area will require that existing five single-member precincts are redrawn to incorporate the new area
- The two City of Austin precincts (4 and 5) will not be affected by the expanded area and will be redrawn and balanced within the current City limits
- The remaining three precincts (1, 2, and 3) will be drawn and balanced to represent the existing areas plus the new expanded area
- Sitting Directors will be able to serve out their current terms regardless of the effect of the redrawn precincts