



NTG NORTH TEXAS
GROUNDWATER
CID CONSERVATION
DISTRICT

District Rules Updates

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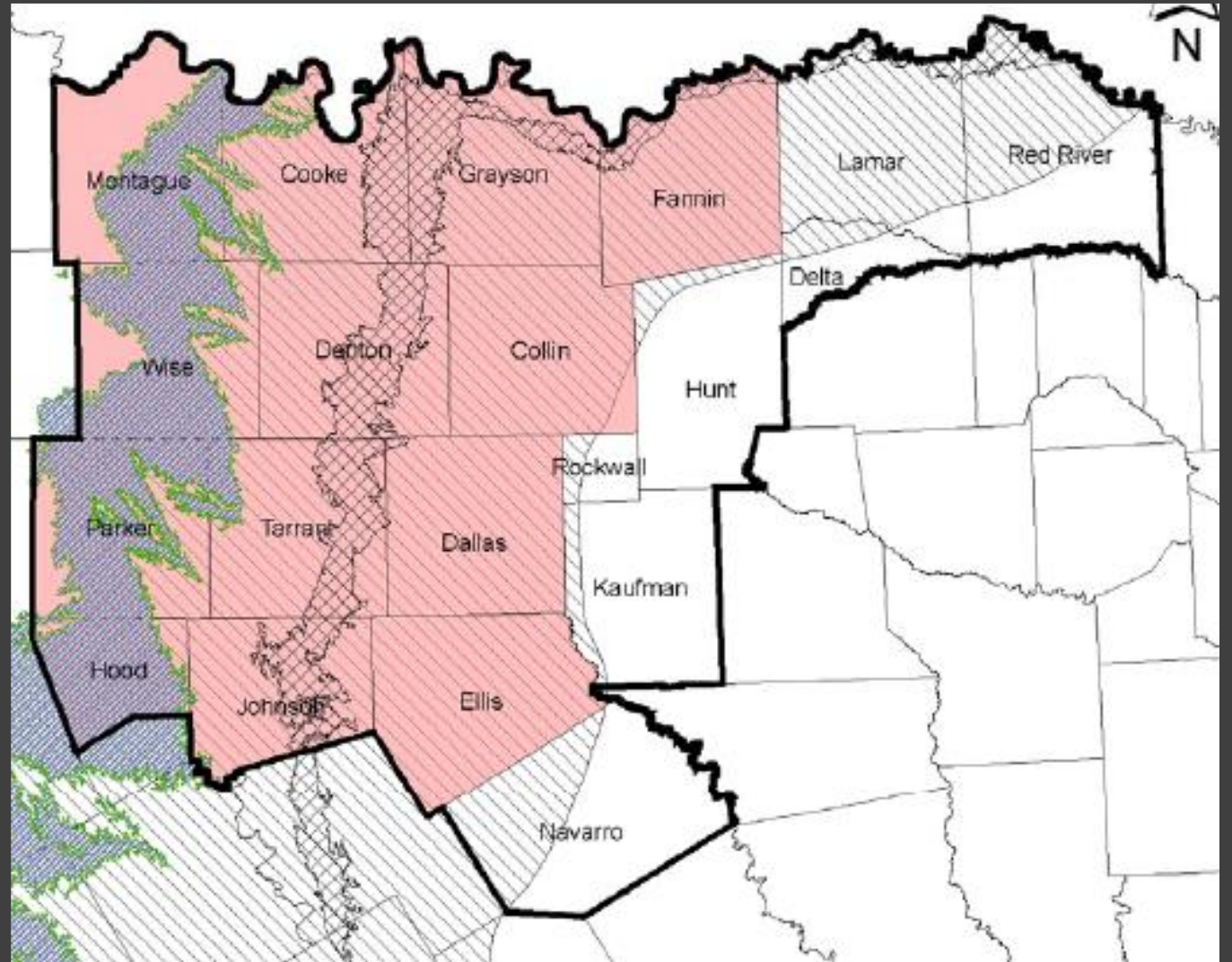
General Manager

NTGCDs Rule Making Hearing

1. History of the District and the District Rules
2. Overview of the District Rules
3. Proposed Changes to the Rules



In 2007 TCEQ issued a report designating the area as a Priority Groundwater Management Area (PGMA), which required one or more GCDS to be created in the 13-county area of North Central Texas, including Collin, Cooke and Denton Counties





History of North Texas GCD

- North Texas Groundwater Conservation District was created on May 27, 2009 by Senate Bill 2497 for Collin, Cooke and Denton Counties.
 - 3 Directors are appointed by each participating County for a total of nine Directors on the Board of Directors.
 - Rules were initially adopted by the Board of Directors on October 19, 2010, and subsequently amended on January 21, 2013, November 12, 2013, August 12, 2014, March 1, 2017, January 1, 2019, and on February 11, 2020.
 - The District's rules are required to be in compliance with Senate Bill 2497 and Chapter 36 of the Texas Water Code.
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Overview of the Rules



Exempt Wells

- Exempt wells are wells that are exempt from metering, reporting production, paying production fees, and permitting requirements.
 - Current exemption = the well is exempt if it has a capacity of ≤ 17.36 gpm.
 - No tract size limit.
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Spacing Requirements

Maximum Capacity of the Well	Spacing from the Property Line	Spacing from Existing Wells Completed in the Same Aquifer
17.36 gpm or less	50 feet	100 feet
Greater than 17.36 gpm	50 feet	1,175 feet + [1.2 x (gpm of the proposed well)]



Well Registration Requirements

- Exempt Wells in existence prior to April 1, 2011, Leachate wells, monitoring wells, and piezometers are not required to be registered.
 - Well must be registered with the District if the well does not meet the exemption.
 - The District's registration rules are based on Section 36.117(h) of the Texas Water Code, which requires well registration.
 - All new, exempt wells (≤ 17.36 gpm) require the issuance of a Notice to Proceed by the District prior to drilling the well.
 - All new, non-exempt wells (>17.36 gpm) require the issuance of a Production Permit by the District prior to drilling the well.
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Non-Exempt Wells

- Non-exempt wells are those that do not meet the exemption.
 - New non-exempt wells are those that are > 17.36 gpm.
 - Non-exempt wells are required to be metered, report monthly meter readings on a quarterly basis, paying production fees, and meet permitting requirements.
 - The current production fee is:
 - All Non-exempt use (other than ag use): \$0.10 per 1000 gallons
 - Agricultural Use: \$1.00 per acre-foot or \$0.003069 per 1000 gallons
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Permitting Requirements

- Non-exempt wells in existence and registered prior to January 1, 2019, receive a Historic Use Permit based on the Maximum Historic Use from the well during the Historic Use Period.
 - Production Permits:
 - Must be approved by the Board of Directors.
 - Requires a 10-day notice prior to the Board Meeting per state law.
 - Permit review rules are based on Section 36.113(d) of the Texas Water Code.
 - Wells or well systems with a proposed aggregate production capacity of ≥ 200 gpm are required to submit a hydrogeological report.
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Proposed Changes to the Rules

Summary

- No changes to exemptions or permit requirements.
- Most changes are to add clarity to existing rules.
- A couple of changes are related to existing compliance issues that do not impact well owners.

Rule 1.1: Definition of Terms

- (16) “Closed loop geothermal well” means a well that ~~used for domestic use purposes~~ recirculates water or other fluids inside a sealed system for heating and/or cooling purposes, and where no water is produced from the well or used for any other purpose of use.
- (65) “Test Hole” means ~~an~~ a small diameter exploratory borehole that is drilled for groundwater quantity and/or quality assessment prior to further drilling and construction of a full-diameter, cased well.

Rule 3.1: Well Registration Required

(b) The following wells are not required to be registered by the District:

1. Pre-Effective Date Exempt Wells in existence or for which drilling commenced prior to April 1, 2011; and
2. Leachate wells, monitoring wells, closed loop geothermal wells, and piezometers.

Wells that meet the criteria of this subsection are, however, encouraged to be registered in order to receive the benefits of being classified as an existing well under these Rules, including but not limited to a consideration of the registered well in a review of a proposed new well's spacing requirements and during the permitting process for proposed new non-exempt wells. Wells not registered with the District are not considered in a review of a proposed new well's impact on existing wells.

Rule 3.1: Well Registration Required

(e) Test holes must be registered with the District in accordance with the terms of this rule. Test holes are not subject to registration fees charged by the District. A plugging report shall be submitted to the District within 30 days of the date the test hole is plugged in accordance with Rule 3.4(c). If any equipment is installed downhole or well construction occurs, such as installation of a pump or casing, for example, the borehole would then be considered a well and is subject to the same requirements as a new well as set forth in the District rules.

Rule 3.3: General Provision Applicable to Registration

- (b) A determination of administrative completeness of a registration application shall be made by the General Manager within thirty (30) business days after the date of receipt of an application for registration, which must also include fees consistent with Rule 9.12 and a well report deposit to the District. If an application is not administratively complete, the District shall request the applicant to complete the application. The application will expire if the applicant does not complete the application within 120 days of the date of the District's request. A registration application will be considered administratively complete and may be approved by the General Manager without notice or hearing if:
1. it substantially complies with the requirements set forth under Rule 3.2(b), including providing all information required to be included in the application that may be obtained through reasonable diligence; and
 2. if it is a registration for a new well:
 - (A) includes the well ~~log~~report deposit; and

Rule 3.3: General Provision Applicable to Registration

- (B) proposes a well that complies with the spacing, location, and well completion requirements of Section 4.

A person may appeal the General Manager's ruling on a registration application by filing a written request for a hearing before the Board. The Board will hear the applicant's appeal at the next regular Board meeting. The General Manager may set the application for consideration by the Board at the next available Board meeting or hearing in lieu of approving or denying an application.

Rule 3.3: General Provision Applicable to Registration

- (d) Except as provided under Subsection (e) of this section, a registrant for a new well has 240 days from the date of approval of the application for well registration to drill and complete the new well. If drilling has not ~~commenced~~completed within 240 days from the date of approval of the registration application, the well registration expires. However, a registrant may apply for one extension of an additional 240 days or may resubmit an identical well registration without the need to pay any additional administrative fee associated with the submittal of well registrations for new wells. Upon the expiration of a well registration, the District may process a resubmission of an expired registration application only upon the passage of thirty (30) calendar days from the date the previous registration application expired.

Rule 3.3: General Provision Applicable to Registration

- (e) A registrant for a new well that is required by state law to be approved by TCEQ prior to operation has 365 days from the date of approval of the registration application to drill and complete the new well, with up to two (2) 365-day extension options authorized under the same filing requirements under Subsection (d) if ~~drilling has~~ the well is not ~~commenced~~ completed prior to the end of the applicable 365-day period. Any extension requested under this Subsection (e) shall be granted only upon the submission of proof that an extension is warranted as determined by the District. Upon the expiration of a well registration, the District may process a resubmission of an expired registration application only upon the passage of thirty (30) calendar days from the date the previous registration application expired.

Rule 3.3: General Provision Applicable to Registration

- (g) If the well report and well completion report is timely submitted to the District, and the flow test has been performed in accordance with section 11.4 and the District Flow Testing Procedures, the District shall return the well report deposit to the owner or well driller. In the event that the well report, well completion report and flow testing requirements ~~under this rule and Rule 3.4~~ are not ~~filed~~ completed within the deadlines set forth in Rule 9.103.4(b), the driller or owner shall forfeit the well report deposit and may be subject to enforcement by the District for violation of this rule.
- (n) A well registration application will not be approved if the well driller or pump installer has well reports, well completion reports, or flow tests related to other wells that are more than one hundred twenty (120) days past due in accordance with Rules 11.4 and 9.10.

Rule 3.10: Application Requirements for Production Permits

10. a water conservation plan and drought contingency plan, if the applicant is required to prepare a water conservation plan and drought contingency plan by other law, or for applicants that are not required by other law to have a drought contingency plan, a declaration that the applicant will comply with the District's Drought Contingency Plan;
13. ~~For~~for wells or well systems with a proposed aggregate production capacity of 200 gpm and above, a Hydrogeological Report that meets all of the requirements of the District's Hydrogeological Report Requirements; ~~and~~ and a declaration allowing the District to monitor the water levels in the well through a continuous measuring device installed on the well pursuant to Rule 3.16; and
14. ~~and~~ information on whether the applicant has access to an alternative water source, including surface water or reuse/reclaimed water, as applicable based upon the purpose of use; and

Rule 3.10: Application Requirements for Production Permits

15. information on whether the applicant has requirements in its ordinances and/or regulations that require future end users to install and maintain smart irrigation controllers (weather or soil moisture-based) on irrigation systems, as applicable;

Rule 3.12: Considerations for Granting or Denying a Permit Application

8. the applicant has access to an alternative water source, including surface water or reuse/reclaimed water, as applicable based upon the purpose of use;
9. the applicant has requirements in its ordinances and/or regulations that require future end users to install and maintain smart irrigation controllers (weather or soil moisture-based) on irrigation systems, as applicable;

Rule 3.15: Permit Amendment

- (e) Prior to the Board of Directors considering a permit amendment that includes groundwater use for irrigation, the District may require the permittee to conduct: i) Irrigation Inspection to be performed by a TCEQ Licensed Irrigation Inspector to identify irrigation deficiencies: and ii) lab testing of soil and water as determined by the Board.

Rule 9.2: Water Use Fees

- (a) A ~~water use fee rate~~fee schedule shall be established by Board resolution annually at least 60 days before the end of the calendar year. The Board may adopt a different ~~water use fee rate~~fee for water used for agricultural purposes than for water used for non-agricultural purposes. The rate shall be applied to the groundwater pumpage in the ensuing calendar year for each non-exempt well. The District will review the account of any person changing the use of a well from non-exempt to exempt or vice versa to determine if additional water use fees are due or if a refund of water use fees is warranted.
- (b) No later than 30 days prior to the end of the calendar year the District shall send by regular mail or email to the owner or operator of each registered well that is required to pay the Water Use Fee a ~~reminder statement~~notice setting forth the ~~water use fee rate~~fee applicable to the water produced in the ensuing year, ~~setting forth deadlines for submission of fee payments and production reports of meter readings,~~ and other information deemed appropriate by the District.

Rule 9.7: Failure to Submit Water Production Reports

- (a) Water Production Reports not received by the deadline of not later than thirty (30) days after the last day of the applicable quarterly reporting period pursuant to Rule 9.1 will be subject to a late fee in accordance with the Districts fee schedule.~~of fifty dollars (\$50.00)~~
~~per billing account~~

Rule 9.10: Well Report Deposit

The Board, by resolution, may establish a well report deposit to be held by the District as part of the well registration procedures. The District shall return the deposit to the depositor if all relevant well reports and logs and District well completion reports are timely submitted to the District in accordance with Rule 3.4(b). In the event the District does not timely receive all relevant well reports and logs and District well completion reports, or if rights granted within the registration are not timely used, the deposit shall become the property of the District. In addition, the well report deposit will not be returned ~~until-if~~ the District is unable to~~has~~ flow tested the new well in accordance with section 11.4 and the District Flow Testing Procedures.

Rule 10.1: Water Meter Required

- (b) Except as otherwise provided in these Rules, all meters installed on new, non-exempt wells must be installed prior to production from the well and must be located within fifty (50) feet of the wellhead. The meter (or blind flange) must be installed the same day the well is completed and must be sealed in place by the District with a District seal upon completion of the well. For purposes of this Section 10, “completion” shall mean construction of the well and installation of the pump. If a newly drilled well has a pump installed, but is not capable of pumping due to lack of power service or other reason, the well must be equipped with a meter or bolted blind flange so that the District can place a seal on the well for the interim period until a flow test can be performed. The well ~~report~~log deposit reference in Section 9.10 of these rules will not be returned until the District has completed a flow test. Except as provided by Rule 10.4, the meter must remain with the well except in cases where the well is modified or the meter no longer meets the accuracy standards set forth under this rule and Rule 10.3. In the event a well owner wants to move a meter from one well to another, the well owner must submit a request to the District to remove its meter seal. The District shall remove or provide authorization to remove the seal within five (5) business days of receiving a request from the well owner. The District may seal the well from which the meter was removed to prevent its operation without a meter, in addition to sealing the

Rule 11.2: Rules Enforcement

- (b) Unless otherwise provided in these rules, the penalty for a violation of any District rule shall be either:
1. \$10,000.00 per violation; or
 2. a lesser amount, based on the severity of the violation, as set forth in these rules and the Enforcement Policy and Civil Penalty Schedule, which is attached to these rules as Appendix A and adopted as a rule of the District for all purposes.

Rule 11.7: Penalties for Failure to Register and Permit Non-Exempt Wells

Non-Exempt wells that are unregistered/unpermitted shall incur a penalty in accordance with the District fee schedule if they are reported to the District by the well owner. If the well is discovered to be out of compliance by any other source than the well owner, an additional \$1,000.00 penalty shall be enforced and the well owner will have ninety (90) days from the date of District's initial contact to bring the well into compliance as a new well pursuant to Rule 3.1(d). If the well is not in full compliance within ninety (90) days from the District's initial contact, the Board may enforce an additional \$500.00 fine per year that the well has been out of compliance. This section shall not be construed to waive the spacing and/or permitting requirements applicable to a non-exempt well.

Appendix A: Enforcement Policy and Civil Penalty Schedule

II. Major Violations

The following acts each constitute a major violation:

1. Failure to register or permit a well or amend the registration of a well where mandated by rules, including drilling, equipping, completing, altering, or operating a well without an approved registration, as evidenced through a Notice to Proceed or permit issued by the District. The specific penalty for failure to register and permit non-exempt wells shall be calculated in accordance with District Rule 11.7.

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Questions

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General Manager

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