

Coastal Plains Groundwater Conservation District  
Proposed Rule Amendment Explanations

- 1) The definition of “Abandoned well” is changed by removing capped wells from those considered to be “in use.”
- 2) Removes the definition of “Act” because the word “act” is used throughout the rules but with a different meaning.
- 3) Adds a definition for “Enabling Act” (replacing “act”) to make the meaning clear.
- 4) Conforming amendment.
- 5) Conforming amendment.
- 6) Conforming amendment.
- 7) Conforming amendment.
- 8) Amends rule 3.6 to allow well owners or operators who applied for a well prior to October 7, 2011 to apply for historical user status. Subsection (d) is amended to create special protection for historic users based on the date the well was operated and set maximum historic user production amounts.
- 9) Amends rule 3.11(b)(1) to require all applicants to include a water conservation plan with the application.
- 10) Amends rule 3.11(c) to change the permit level that requires performing a hydrogeologic study from 1,200 acre feet to 1,000 acre feet.
- 11) Amends rule 3.13(a) to make a conforming amendment to the changes in the hearing procedures rules.
- 12) Amends rule 3.14 to explain how applications will be processed (determination of administrative completeness and scheduling a public hearing).
- 13) Amends rule 3.18(a) to require renewal applications include a statement that the well has not been abandoned.
- 14) Amends rule 3.23 to add requirements for a motion to rehear a contested case hearing, add a requirement that the party who requests a rehearing must pay the cost of compiling the hearing record, and provisions for appealing a final decision of the Board.
- 15) Adds new rules 3.24 through 3.46 (and renumbers rules 3.40 and 3.41) to set out complete procedures for conducting contested case hearings. The proposed rules

generally provide for the following:

- a. A determination of administrative completeness;
- b. Proposed permit action by the General Manager, which is scheduled for a public hearing; if no protests are filed and the applicant agrees with the proposed action the Board may issue the permit; third-party protestors must file a request for contested case hearing and prove they have standing to protest and that they are raising justiciable issues;
- c. A person that owns a registered or permitted well that may be adversely impacted by the application (if granted) are entitled to a contested case hearing;
- d. Sets out the deadline and contents of a protest;
- e. If a protest is timely filed the case is scheduled for a preliminary hearing;
- f. The board will schedule a preliminary hearing on timely filed protests or requests, then (if the Board determines a contest is warranted) schedule an evidentiary hearing, following which the Board will hold a final hearing to vote on the hearing examiner's proposal for decision;
- g. The Board may delegate any matter to the State Office of Administrative Hearings ("SOAH");
- h. Sets out the requirements for hearings conducted by SOAH;
- i. Administrative procedures including service of documents, continuances, designation of parties, discovery, witness expenses, evidentiary rules, depositions and subpoenas, prohibitions against ex parte communications, and procedures for remanding applications to the Board;
- j. Allows for informal dispositions or alternative dispute resolution;
- k. Allows the hearing examiner to send the Board certified questions that will help resolve contested case issues;
- l. At the final hearing the Board may reopen the record, if necessary, and requires to Board to provide findings of fact and conclusions of law as part of its decision.

16) Conforming amendment.

17) Conforming amendment.

18) Amends rule 6.11 to establish desired future conditions and implement the Modeled Available Groundwater ("MAG") issued by the Texas Water Development Board. The Board will review all the applicable information when renewing permits and determine if any production reductions are required. Sets out the applicable production reductions for historical use permits and regular permits.

19) Adds rule 6.12 to allow different production limits, permit terms and additional requirements for brackish groundwater production.

20) Conforming amendment.

21) Conforming amendment.

22) Conforming amendment.