

CHAPTER 1. AUTHORITY of DISTRICT, PURPOSE of RULES

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1.1 Authority to Promulgate Rules

The Comal Trinity Groundwater Conservation District, (CTGCD or District), is a political subdivision of the State of Texas. The District was created in 2015 during the 84th Texas Legislature. The District was created in response to the Texas Natural Resources Conservation Commission (TNRCC), now the Texas Commission on Environmental Quality (TCEQ), designation of the Trinity Aquifer in western Comal County as a Priority Groundwater Management Area (PGMA), an area experiencing or expected to experience critical groundwater problems, in accordance with applicable provisions and requirements of the Texas Water Code Chapter 35 in 1990. The District was created for the purpose of conserving, preserving, recharging, protecting, and preventing waste of groundwater within Comal County. Additionally, the District is charged with developing and implementing regulatory programs for groundwater resources within District boundaries.

As a duly created groundwater district, the District may exercise any and all statutory authority or power conferred under Chapter 36 of the Texas Water Code, including the adoption and enforcement of rules under Section 36.101 Rulemaking power, except as otherwise provided by the District's enabling legislation (HB 2407). All references to statutory provisions in these Rules are to the Texas Water Code, as amended, and governing legislation unless otherwise specifically stated.

1.2 Purpose of the Rules

The District Rules are promulgated under the District's Texas Water Code Chapter 36 statutory authority and the District's enabling legislation (HB 2407) to make and enforce rules to provide for the conservation, preservation, protection, and recharge of groundwater and aquifers within CTGCD boundaries. These Rules are intended to implement the management strategies and policies incorporated in the District Groundwater Management Plan and carry out the powers and duties conferred under Chapter 36.

These Rules are also intended to manage the drawdown of the water table, manage the reduction of artesian pressure, prevent interference between wells, prevent the degradation of the quality of groundwater, prevent waste of groundwater, give consideration to the service needs of retail water utilities, and carry out the powers and duties conferred under Chapter 36 and the District's enabling legislation.

These Rules, and any orders, regulations, requirements, resolutions, policies, directives, standards, guidelines, management plan, or other regulatory measures implemented by the Board of Directors (Board), have been and will be promulgated to fulfill these objectives. These Rules may not be construed to limit, restrict, or deprive the District or Board of any exercise of any power, duty, or jurisdiction conferred by Chapter 36 or any other applicable law or statute. The Board shall develop rules that are fair and impartial, and shall consider all groundwater uses and needs.

1.3 Applicability

These rules, and District actions taken pursuant to these rules, do not apply to groundwater withdrawals from the Edwards Aquifer, or to wells drilled for the purpose of withdrawing water from the Edwards Aquifer that are completed so as to be incapable of withdrawing water from any other aquifer within the District's boundaries. None of these rules may be construed to conflict with the rules of the Edwards Aquifer Authority.

1.4 Administrative Fees

Section 36.205 authorizes the District to assess fees for administrative acts of the District. These fees may not unreasonably exceed the cost to the District of providing the administrative function for which the fee is charged. Fees shall be assessed in accordance with the District Fee Schedule.

1.5 Effective Date

These Rules and any amendment are effective on the effective dates indicated following each subsection or chapter, as applicable.

1.6 Action on Rules

- a) The Board may from time to time, following notice and public hearing, amend or revoke these Rules or adopt new Rules.
- b) The Board may adopt an emergency Rule without prior notice or hearing, or with an abbreviated notice and hearing in accordance with Section 36.1011.

1.7 Severability

If any Rule, provision, section, sentence, paragraph, clause, word, or other portion of these Rules is for any reason held to be invalid, illegal, or unenforceable in any respect, the invalidity, illegality, or unenforceability shall not affect any other Rules or portions thereof, and these Rules shall be construed as if such invalid, illegal, or unenforceable Rule or of portions thereof had never been contained herein.

1.8 Regulatory Compliance

All wells and well owners, well drillers, pump installers, and others under the jurisdiction of the District, shall comply with all applicable Rules, orders, regulations, requirements, resolutions, policies, directives, standards, guidelines, or any other regulatory measures implemented by the District.

1.9 Variances

The District may grant an exception to requirements or provisions of the Rules to the extent allowed by Texas Water Code Chapter 36. A person desiring a variance shall submit a written request with supporting information and rationale for consideration to the General Manager. The General Manager may act on the request or refer the matter to the Board for consideration. If requested by the person requesting the variance, the General Manager shall refer the matter to the Board for consideration.

Adopted December 21, 2015 by Board Order; effective January 1, 2016.