

Chapter 9 Enforcement

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The purpose of these enforcement policies is to ensure compliance and responsible constituent action as the District endeavors to promote groundwater conservation, provide for long-term availability of groundwater resources, reduce localized depletion of groundwater, prevent interference between wells, and prevent the degradation of groundwater.

9.1 Enforcement Policy in General

(1) The District realizes that many Rule violations are unintentional and will make every effort to encourage voluntary compliance with District Rules. In general, the District will attempt to encourage voluntary compliance in the following manner:

- a) Personal contact, if possible,
- b) Sending a Notice of Violation by First Class Mail from the District,
- c) Sending a Notice of Violation by Certified Mail from the District. If these efforts at voluntary compliance are unsuccessful, or if the violation is particularly egregious, the District may then proceed to sending a Notice of Violation by Certified Mail detailing the alleged violations and setting forth the legal ramifications. Unresolved Rule violations may be placed on a District Board of Directors Meeting agenda for action and possible assessment of penalties available to the District under the authority of Chapter 36.

9.2 Civil Enforcement

(1) As authorized by Texas Water Code Section 36.102, the violation of any law, District rule, or order may be subject to a civil penalty not to exceed \$10,000.00 per day per violation, and each day of a continuing violation constitutes a separate violation. The Board may seek enforcement of such civil penalties by injunction, mandatory injunction, or other appropriate remedy through a complaint filed in a court of competent jurisdiction. In addition, the District may seek, and the court shall grant, recovery of attorney's fees, costs for expert witnesses, and any other costs incurred by the District's appearance before the court.

9.3 Notice of Violation

(1) To initiate an enforcement action, the District shall provide written notice to a person who is believed to be in violation of law, including violation of a District rule or order. The notice shall include information about the violation and may require remedial action and may

assess a penalty. The notice shall provide the opportunity for public hearing under Chapter 8. Such written notice will be considered a Notice of Violation.

9.4 Penalty Schedule

(1) The District may assess penalties against well drillers, pump installers, well owners, property owners, or any combination thereof for non-compliance with law, District rules, or order. Penalties will be assessed in accordance with the following schedule. The District will calculate such penalties based on the penalty amount per day per violation per person, and each day of a continuing violation constitutes a separate violation. If the District is required to file suit to enjoin any violation that same suit will seek civil penalties of up to \$10,000 per day per violation, and each day of a continuing violation, along with court costs, expert witness fees, and attorney’s fees as authorized by statute.

Schedule of Penalties for Non-Compliance

| Non-Compliant Action | Penalty |
|---|----------------|
| Failure to notify District of drilling activity or pump installation of greater than 25,000 gpd capacity, location, date, and time, as required by Chapter 5. | \$250.00 |
| Drilling a well without District authorization. | \$1,000.00 |
| Failure to submit the State of Texas Well Report and other information, as required by Chapter 6. | \$250.00 |
| Violation of District Rule or permit requirement | \$250.00 |
| Subsequent violation of same Rule by the same person. | \$500.00 |

Adopted March 19, 2018 by Board Order; effective January 1, 2019.