



P.O. Box 90277 Austin, Texas 78709 (512) 596-3101

June 24, 2024

Gwen Ricco  
MC 205, Office of Legal Services  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**RE: Rule Project Number 2024-006-230-OW  
Proposed Rulemaking – 30 Texas Administrative Code Chapter 230, Groundwater  
Availability Certifications for Platting, §§ 230.1-230.11;**

Dear Ms. Ricco:

I am writing on behalf of the Texas Alliance of Groundwater Districts (TAGD) regarding the proposed revision to 30 Texas Administrative Code Chapter 230, Groundwater Availability Certifications for Platting, §§ 230.1-230.11, as outlined in your recent notice of public hearing. TAGD is a membership organization representing 91 of the 98 groundwater conservation districts (GCDs) and 44 associate members from the professional groundwater community. TAGD works to promote good groundwater management based on sound science and local conditions. Thank you in advance for the opportunity to provide input.

TAGD appreciates the TCEQ's efforts to implement the provisions of SB 2440, requiring Groundwater Availability Certification in the plat application and approval process for proposed subdivisions. We would like to acknowledge and express our gratitude for the proposed removal of the embedded forms from the text of the rules and the email requirement in Section 230.4. TAGD had previously submitted suggested revisions to the rules back in January of this year, and we are pleased to see that our input has been considered and acted upon.

In response to your request for comments on whether to include a definition of "credible evidence" and what that definition would be, we strongly urge the TCEQ to adopt a definition, and suggest using the definition we proposed in January:

Credible evidence - "at a minimum the results of an aquifer test demonstrating sufficient groundwater availability that was completed no more than 3 years before the date of the plat application within a ¼-mile radius of the proposed subdivision and was conducted in compliance with any applicable rules of any groundwater conservation district in which the



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proposed subdivision will be located, and any other information required under the rules of such groundwater conservation district and the municipal or county authority”

This definition ensures that the evidence provided is both recent and relevant to the specific location of the proposed subdivision, thus supporting more accurate and reliable groundwater availability assessments.

I'm also attaching the letter TAGD sent TCEQ and the suggested revisions to 30 TAC 230 as part of the initial stakeholder process. I am now resubmitting them as part of the official rule making process.

Thank you for your consideration of these comments and for the opportunity to provide our additional input. Please do not hesitate to contact me if you have any questions or would like to discuss.

Sincerely,

A handwritten signature in black ink, appearing to read 'Adam Foster', is positioned above the typed name.

Adam Foster  
Executive Director, TAGD  
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(512) 961-2652