



## *Clearwater Underground Water Conservation District*

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June 24, 2024

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

RE: Comments related to the proposed amendments to 30 Texas Administrative Code 230 – Groundwater Availability Certifications for Platting, **Rule Project Number 2024-006-230-OW**

Dear Ms. Ricco,

Per your request, we have reviewed the proposed amendments to 30 Texas Administrative Code (“TAC”) Chapter 230 – Groundwater Availability Certifications for Platting. Specifically, we considered the Texas Commission on Environmental Quality (“TCEQ”) request regarding the inclusion of a definition for “credible evidence” in 30 TAC 230.2. The inclusion of a definition would add clarification to the application of the waiver requirements defined by Local Government Code §§212.0101(a-1)(1) and 232.0032(a-1)(1).

The referenced sections of the Local Government Code would only apply when a tract will be supplied by the Gulf Coast or Carrizo-Wilcox aquifer, or if the tract is subdivided into 10 parts or less. If the tract will be divided into more than 10 parts and will not be served by one of the two major aquifers identified, then a groundwater availability certification must still be completed. However, if the tract is being subdivided into 10 parts or less, a definition of credible evidence should be included. A possible definition is:

Credible evidence – A written statement from the applicable groundwater conservation district stating “sufficient groundwater is available and will continue to be available to the subdivided tract of land.” If the tract is not within a groundwater conservation district, a report on the local groundwater availability prepared by a licensed professional engineer

or geoscientist with a conclusion stating “sufficient groundwater is available and will continue to be available to the subdivided tract of land.”

The definition above relies first on the agency tasked with managing the groundwater resources where the proposed subdivision will occur. However, if the plat is in an area without a district, then a professional is required to sign and seal the statement affirming to the commissioners court or municipal authority that he/she has investigated groundwater availability to ensure it is available to meet the long-term needs of the subdivision.

Along with the added definition of credible evidence, we request TCEQ consider removing the requirement for drilling and completion of an observation well from 30 TAC 230.8(c). The data from an observation well does provide the coefficient of storage required for 30 TAC 230.10(c)(5) which is then used in calculating projected drawdown. However, professional engineers and geoscientists can utilize reliable estimates of the coefficient of storage based on professional experience and observed aquifer conditions from the test well. For the purpose of assessing groundwater availability, the cost of the observation well does not typically justify the benefit of obtaining a coefficient of storage value. One option could be to include a provision similar to 30 TAC 230.8(c)(3)(C) which allows for waiving of the requirement to obtain a geophysical log on a case-by-case basis. A possible addition to 30 TAC 230.8(c) could be:

The municipal or county authority may, on a case-by-case basis, waive the requirement of an observation well as required under this section if it can be adequately demonstrated that the observation well is not necessary to characterize the aquifer(s) hydraulic conditions.

Thank you for the opportunity to provide these limited comments on the proposed amendments to 30 TAC 230. Please let me know if you have any questions.

Sincerely,



Dirk Aaron, General Manager  
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