

REQUEST FOR INQUIRY

FILED BY

CURTIS CHUBB, PH.D.

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY
DOCKET NO. 2015-0844-MIS**

**AMICUS BRIEF OF THE MID-EAST TEXAS GROUNDWATER CONSERVATION DISTRICT
TO CURTIS CHUBB, PH.D.'S PETITION FOR INQUIRY REGARDING
THE POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT**

The Mid-East Texas Groundwater Conservation District (“the District”) files this amicus brief to the above-referenced Petition for Inquiry, under 30 Texas Administrative Code §293.23(f). The District is within Groundwater Management Area 12 and covers three counties in central Texas (Freestone, Leon and Madison) northeast of the Post Oak Savannah Groundwater Conservation District. The District also regulates and protects the Carrizo-Wilcox aquifer system, which runs southwest to northeast through a large part of central Texas roughly following Interstate 35.

This amicus brief was requested by TCEQ on June 18, 2015 with a stated deadline for submission of Tuesday, 5:00 p.m. on July 7, 2015. This amicus is filed without the benefit of review or approval by the District’s Board of Directors, which will review the submission at its regular Board meeting in July. If directed by the Board, the District may submit a supplemental brief following that review.

The District does not object to the Post Oak Savannah Groundwater Conservation District’s management plan, rules or permits. Recognizing that any set of rules may be abused, and that it is incumbent upon every groundwater conservation district to use adaptive management to address changed circumstances and actual aquifer conditions, the District expects the Post Oak Savannah Groundwater Conservation District Board of Directors and staff to take whatever actions are necessary to address excessive aquifer declines and to achieve the adopted Desired Future Condition. If, at any point, it is clear that actual production is causing excessive declines, the District will call on the Post Oak Savannah Groundwater Conservation District Board of Directors and staff to take appropriate action at that time.

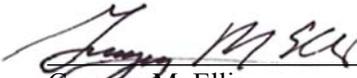
The District has not made a comprehensive review of the Post Oak Savannah Groundwater Conservation District’s rules or issued permits. The District has reviewed Management Plans within Groundwater Management Area 12 and has no objections to those plans or to the Post Oak Savannah Groundwater Conservation District’s plan in particular. The District interprets Chapter 36 to require all groundwater conservation districts to achieve their adopted and approved Desired Future Conditions not on model results but on actual aquifer conditions. The Post Oak Savannah Groundwater Conservation District management plan include a plan to monitor aquifer levels, establish threshold levels, and reduce authorized groundwater production as necessary. See Sections 10-13, Post Oak Savannah Groundwater Conservation District Management Plan, Adopted October 9, 2012.¹

¹ The Post Oak Savannah Groundwater Conservation District’s Management Plan is available online: <https://docs.google.com/viewerng/viewer?url=http://www.posgcd.org/wp-content/uploads/2015/02/POSGCD-Mgt-Plan-Adopted-10-9-12.pdf&hl=en>

The District recognizes that proper aquifer management requires tailoring regulations to the hydrology of the aquifers within each district, the communities that depend upon those groundwater supplies, the type of demands made on those aquifers and the property rights of those who own that groundwater. For these reasons the District supports local control and management of groundwater withdrawals to achieved adopted Desired Future Conditions.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing document has been sent by First Class Mail, to each party listed on the attached Mailing List on this the 7th day of July, 2015.



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