

Bryan W. Shaw, Ph.D., *Chairman*  
Carlos Rubinstein, *Commissioner*  
Toby Baker, *Commissioner*  
Zak Covar, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

January 9, 2013

**To:** The governing body of each county, regional water planning group, adjacent groundwater conservation district, municipality, river authority, water district, or other entity that supplies public drinking water, including each holder of a certificate of convenience and necessity, and each irrigation district, located either in whole or in part in Briscoe County.

### **NOTICE OF REPORT AVAILABILITY AND REQUEST FOR COMMENTS**

The Executive Director of the Texas Commission on Environmental Quality (TCEQ) has completed a petition and **draft** report to address groundwater management in the Briscoe, Hale and Swisher County Priority Groundwater Management Area (PGMA). This notice is to announce the availability of the **draft** report and the opportunity to provide comments on the **draft** report. The TCEQ **draft** report may be accessed on the agency's Internet website at: [http://www.tceq.texas.gov/permitting/water\\_availability/groundwater/pgma.html](http://www.tceq.texas.gov/permitting/water_availability/groundwater/pgma.html), and staff will provide a hard-copy of the **draft** report if requested.

With this notice, the Executive Director of TCEQ respectfully requests you review and consider the **draft** report. The Executive Director will welcome written comments received before close of business on **June 30, 2013**, and the report will be finalized after all written comments have been considered. Written comments regarding the **draft** report may be directed to Ms. Peggy Hunka at TCEQ, MC-147, P.O. Box 13087, Austin, Texas 78711-3087, or via email at [peggy.hunka@tceq.texas.gov](mailto:peggy.hunka@tceq.texas.gov). All written comments received before close of business on June 30, 2013, will be placed in the TCEQ's official files.

The TCEQ **draft** report identifies an area in western Briscoe County in the Briscoe, Hale and Swisher PGMA that is not within a groundwater conservation district (GCD). The TCEQ **draft** report concludes that this area impacts the management of groundwater resources and that groundwater problems will continue without region-wide GCD management. The TCEQ **draft** report recommends that the area be added to the High Plains Underground Water Conservation District No. 1 (HPWD) as the most feasible, practicable, and economic means to achieve groundwater management in the Briscoe, Hale and Swisher County PGMA.

**Subsequent Actions.** When the report is final, the Executive Director will file the report with the Chief Clerk of the TCEQ, mail copies of the report to county clerks and public libraries in the county, and post the report on the agency's Internet website. Within 30 days of filing the report, the Executive Director will prepare a summary of report findings and recommendations, and note report availability. The summary will be mailed to the stakeholders who have received this notice. The Executive Director will refer the report to the State Office of Administrative Hearings (SOAH), and request a contested case hearing be conducted in Briscoe County. Notice

of the SOAH hearing will be published in at least one newspaper with general circulation in the area and mailed to stakeholders at least 30 days before the date chosen for the hearing.

After the hearing, the SOAH administrative law judge will file a proposal for decision with the Chief Clerk of the TCEQ, and the Chief Clerk will set the issue for the three-member Commission of TCEQ to consider at a regularly scheduled public agenda hearing in Austin. If the TCEQ recommends that the western portion of Briscoe County be added to the HPWD, it will issue an Order and provide the Order to the Commissioners Court of Briscoe County, and the HPWD for additional consideration and action.

**Questions.** Questions regarding this **draft** report and the TCEQ's Priority Groundwater Management Area program may be directed to the Water Availability Division, Groundwater Planning and Assessment Team. The TCEQ staff contacts for this report are Kelly Mills, P.G., Team Leader, at 512.239.5412 or [kelly.mills@tceq.texas.gov](mailto:kelly.mills@tceq.texas.gov), and Peggy Hunka, P.G., Staff Geologist at 512.239.2789 or [peggy.hunka@tceq.texas.gov](mailto:peggy.hunka@tceq.texas.gov).