

The Texas Commission on Environmental Quality (TCEQ or commission) proposes amendments to §§230.1 - 230.3 and 230.9.

#### BACKGROUND AND SUMMARY OF THE FACTUAL BASIS FOR THE PROPOSED RULES

The purpose of the proposed amendments is to implement Senate Bill (SB) 662, 80th Texas Legislature, 2007, by requiring certain plat applicants to transmit to the Texas Water Development Board (TWDB) and any applicable groundwater conservation district (GCD) information that would be useful in performing GCD activities, conducting regional water planning, maintaining the TWDB's groundwater database, or conducting state studies on groundwater. Under Local Government Code, §212.0101 and §232.0032, a municipal authority responsible for approving plats by ordinance or the commissioner's court of a county by order (respectively) may require a person who submits a plat application for the subdivision of a tract of land for which the source of the water supply intended for the subdivision is groundwater under that land, to have attached to it a statement that is prepared by an engineer licensed to practice in this state or a geoscientist licensed to practice in this state and certifies that adequate groundwater is available for the subdivision.

Local Government Code, §212.0101(b) and §232.0032(b) both require the commission, by rule, to establish the appropriate form and content of a certification to be attached to a plat application. Local Government Code, §212.0101(c) and §232.0032(c), both added by SB 662, require the commission, in consultation with the TWDB, by rule, to require a person who submits a plat to transmit the information to the TWDB and any applicable GCD. SB 662 became effective on September 1, 2007, and requires the commission's rules be adopted before January 1, 2009.

If the use of Chapter 230, Groundwater Availability Certification for Platting, is required by a municipal or county platting authority, plat applicants must provide the Certification of Groundwater Availability for Platting form under §230.3(c) to the municipal or county platting authority. Plat applicants must provide the information, estimates, data, calculations, and determinations required to support the certification to the municipal or county platting authority upon request. Plat applicants are not presently required to provide this information to the commission, the TWDB, or to any applicable GCD. The proposed amendments will require these plat applicants to transmit the data to the TWDB and applicable GCDs. The data will be used for groundwater management evaluation and planning purposes required by Texas Water Code (TWC), Chapter 16 for the TWDB, and TWC, Chapter 36, for the GCDs.

#### SECTION BY SECTION DISCUSSION

Proposed amendments to §230.1, Applicability, make a conforming citation change and add requirements for plat applicants to transmit information to the executive administrator of the TWDB and any applicable GCD, as added by SB 662, 80th Legislature, 2007. The proposed amendment in subsection (a) changes and conforms the reference from Local Government Code, §232.0031 to §232.0032. The proposed amendments add new subsection (c), Transmittal of Data, to provide the requirements for plat applicants to transmit information to the executive administrator of the TWDB and the applicable GCD or GCDs. If use of Chapter 230 is required by the municipal or county platting authority, proposed subsection (c) requires the plat applicant to: provide copies of the information, estimates, data, calculations, determinations, statements, and the certification described in Chapter 230 to determine groundwater quality, availability, and usability to the executive administrator of the TWDB and the applicable GCDs; and, attest that copies of this information have been provided. The proposed amendments add new Figure 30 TAC §230.1(c)(2), Transmittal of Data. This form will be used and signed by the plat applicant to

attest that copies of information have been transmitted as required by the Local Government Code and Chapter 230. The executive director is allowed to make minor changes to this form which do not conflict with the requirements of the chapter. The commission proposes these amendments to implement Local Government Code, §212.0101(c) and §232.0032(c), as added by SB 662, 80th Legislature, 2007.

Proposed amendment to §230.2, Definitions, adds two new definitions and moves the term "plat applicant" into alphabetical order in the list of definitions. The definition for "Applicable groundwater conservation district or districts" is added as new paragraph (1). An applicable groundwater conservation district would be defined as any district or authority created under Texas Constitution, Article III, Section 52, or Article XVI, Section 59, that has the authority to regulate the spacing of water wells, the production from water wells, or both, and which includes within its boundary any part of the plat applicant's proposed subdivision. The definition for "executive administrator" is added as new paragraph (6) to mean the executive administrator of the TWDB. The commission proposes to add these definitions to implement Local Government Code, §212.0101(c) and §232.0032(c), as added by SB 662, 80th Legislature, 2007. The commission also proposes to move the term "plat applicant" from definition (7) to definition (10) so that the list of terms in §230.2 is in alphabetical order.

Proposed amendments to §230.3, Certification of Groundwater Availability for Platting, adds the requirement for plat applicants to provide a copy of the Certification of Groundwater Availability for Platting form to the executive administrator of the TWDB and to any applicable GCD and update Figure 30 TAC §230.3(c). This proposed amendment to subsection (b) requires these plat applicants to transmit the certification form to the TWDB and applicable GCDs to use for the groundwater management evaluation and planning purposes required by TWC, Chapters 16 and 36. The first proposed amendment

to Figure 30 TAC §230.3(c) is limited to a conforming statutory citation change on the second line of the "Use of this form" notation. This proposed amendment changes and conforms the reference from Local Government Code, §232.0031 to §232.0032. The second proposed amendment to Figure 30 TAC §230.3(c) updates the "note" on line 18 by referring users to the most recent State Water Plan for general information on the state's aquifers. The commission proposes this change because the TWDB has added an aquifer and changed aquifer boundaries since the previously referenced report was published in 1995. The commission proposes these amendments to implement Local Government Code, §212.0101(c) and §232.0032(c), as added by SB 662, 80th Legislature, 2007.

Proposed amendment to §230.9, Determination of Groundwater Quality, updates paragraph (3) to reflect the change in state authority for laboratory accreditation and certification from the Texas Department of Health to the TCEQ as part of House Bill 2912, 77th Legislature, 2001. The conforming change in the proposed amendment to paragraph (3) removes the reference to the Texas Department of Health and provides cross references to commission laboratory accreditation and certification rules in 30 TAC Chapter 25, Environmental Testing Laboratory Accreditation and Certification.

#### FISCAL NOTE: COSTS TO STATE AND LOCAL GOVERNMENT

Nina Chamness, Analyst, Strategic Planning and Assessment, has determined that, for the first five-year period the proposed rules are in effect, no significant fiscal implications are anticipated for the agency or other units of state or local governments as a result of administration or enforcement of the proposed rules. The TWDB, applicable GCDs, and platting authorities are expected to receive additional groundwater information that will aid them in state and regional water planning activities.

The proposed amendments have two purposes: to implement the provisions of SB 662, 80th Legislature, Regular Session regarding transmission of useful groundwater conservation data to the TWDB and applicable GCDs by plat applicants and to make non-substantive revisions for legal citations to the pertinent parts of the Local Government Code. Under current statute, platting authorities have the option to require a plat applicant to certify that adequate groundwater is available to supply water for a proposed subdivision. Prior rulemakings have established what plat applicants must do and what data must be gathered and submitted to the platting authority if certification is required. Under the proposed rules, the requirement to submit this certification would still be at the discretion of the platting authority. However, if an applicant is required to submit groundwater certification, then the proposed rules would require that the information also be sent to the TWDB and to each GCD in which the proposed subdivision is located. If applicants are allowed to submit groundwater conservation data electronically, there should be no fiscal implications to the applicant, TWDB, or the appropriate GCDs as a result of the proposed rules. If paper submission is required, local governments could see an increase in filing and storage costs. Any increase in these costs is not expected to have a significant fiscal impact on local governments. Increases in filing and storage costs would vary among local governments and depend on each local government's policies and practices. The proposed rules could save GCDs money since they could receive information regarding groundwater availability from plat applicants instead of incurring costs to have separate studies performed to confirm groundwater availability.

#### PUBLIC BENEFITS AND COSTS

Ms. Chamness also determined that for each year of the first five years the proposed rules are in effect, the public benefit anticipated from the changes seen in the proposed rules will be greater protection of the

state's groundwater supply and more efficient management of groundwater resources due to the availability of additional, more detailed groundwater data to state and GCD planners.

Plat applicants can range in size from nationwide, corporate land development companies to individual landowners. Plat applicants submitting groundwater data to the TWDB and the appropriate GCD under the proposed rules could see cost increases, although these are expected to be minimal. The proposed rules will require that plat applicants provide copies of all data required to support certification of groundwater availability to the TWDB and the appropriate GCD. If this data can be submitted electronically to the TWDB and the appropriate GCDs, plat applicants should not see a fiscal impact as a result of the proposed rules. If the plat applicant decides to submit, or is required to submit, paper copies of this data, increased copying expenses could be as much as \$20 per copy and increased postage costs could be as much as \$5 per copy. The total amount of copying and postage costs would depend on the number of GCDs to which the plat applicant must provide groundwater information.

At this time, staff knows of at least 15 counties that require groundwater certification. Fourteen of these counties contain one or more GCDs within their boundaries. These GCDs include: Bandera County River Authority and Ground Water District; Barton Springs-Edwards Aquifer Conservation District; Blanco-Pedernales GCD; Brazos Valley GCD; Cow Creek GCD; Edwards Aquifer Authority; Clearwater GCD; Guadalupe County GCD; Hays-Trinity GCD; Hill Country Underground Water Conservation District (UWCD); Lost Pines GCD; Medina County GCD; Plum Creek Conservation District; Saratoga UWCD; and, Upper Trinity GCD. Staff does not have the data available to know how many more of the state's platting authorities will require groundwater certification in the future, but it is known that established GCDs cover all or part of 145 counties in the state. An additional four counties are covered by GCDs that

have been created by legislative acts but remain subject to confirmation by the voters in the subject counties. If a platting authority not currently requiring groundwater certification decides to require certification, a plat applicant could also incur costs to have groundwater availability certified by a licensed professional engineer or geoscientist and well testing costs to comply with certification criteria set forth in previous rulemakings. Since the criteria for groundwater certification is part of current rule, professional and test well costs are not contained in this fiscal note.

#### SMALL BUSINESS AND MICRO-BUSINESS ASSESSMENT

No adverse fiscal implications are anticipated for small or micro-business plat applicants as a result of the proposed rules if they submit groundwater data to the TWDB and appropriate GCDs electronically. If groundwater data is submitted by sending paper copies to TWDB and GCDs, a small or micro-business could expect to see the same cost increases for copying (\$20 per copy) and postage (\$5 per copy) as that incurred by a large business. This increase is not considered to be a material increase.

#### SMALL BUSINESS REGULATORY FLEXIBILITY ANALYSIS

The commission has reviewed this proposed rulemaking and determined that a small business regulatory flexibility analysis is not required because the proposed rules do not adversely affect a small or micro-business in a material way for the first five years that the proposed rules are in effect. It is expected that small or micro-businesses will choose to submit required data to the TWDB and the appropriate GCDs electronically.

#### LOCAL EMPLOYMENT IMPACT STATEMENT

The commission has reviewed this proposed rulemaking and determined that a local employment impact statement is not required because the proposed rules do not adversely affect a local economy in a material way for the first five years that the proposed rules are in effect.

#### DRAFT REGULATORY IMPACT ANALYSIS DETERMINATION

The commission reviewed the proposed rulemaking in light of the regulatory analysis requirements of Texas Government Code, §2001.0225, and determined that the rulemaking is not subject to §2001.0225 because it does not meet the definition of a "major environmental rule" as defined in the Texas Administrative Procedure Act. A "major environmental rule" is a rule that is specifically intended to protect the environment or reduce risks to human health from environmental exposure, and that may adversely affect in a material way the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state.

This rulemaking does not meet the statutory definition of a "major environmental rule" because it is not the specific intent of this rule to protect the environment or reduce risks to human health from environmental exposure. The specific intent of the proposed rulemaking is to implement legislative changes enacted by SB 662, which require certain plat applicants to transmit to the TWDB and any applicable GCD information that would be useful in performing GCD activities, conducting regional water planning, maintaining the TWDB's groundwater database, or conducting studies for the state related to groundwater.

Further, the rulemaking does not meet the statutory definition of a "major environmental rule" because the proposed amendments will not adversely affect in a material way the economy, a sector of the

economy, productivity, competition, jobs, the environment, or public health and safety of the state or a sector of the state. The cost of complying with the proposed amendments is not expected to be significant with respect to the economy as a whole or a sector of the economy, particularly if the plat applicant submits the information electronically. In addition, the proposed amendments could provide a financial benefit to local GCDs, in that the GCDs would receive the plat applicants' data, which would save the time and money required for conducting groundwater availability studies.

Furthermore, the proposed rulemaking does not meet the statutory definition of a "major environmental rule" because it does not meet any of the four applicability requirements listed in Texas Government Code, §2001.0225(a). This section only applies to a major environmental rule, the result of which is to: (1) exceed a standard set by federal law, unless the rule is specifically required by state law; (2) exceed an express requirement of state law, unless the rule is specifically required by federal law; (3) exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program; or (4) adopt a rule solely under the general powers of the agency instead of under a specific state law. The proposed rulemaking does not meet the four applicability requirements, because the proposed rules: (1) do not exceed a standard set by federal law as there is no federal equivalent for the provisions in the Texas Local Government Code; (2) are specifically required by state law, specifically Local Government Code, §212.0101 and §232.0032 and do not exceed the express requirements of these statutes; (3) do not exceed a requirement of federal delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program as no such federal delegation agreement exists with regard to the proposed rules; and (4) are not an adoption of a rule solely under the general powers of the commission as the proposed rules are required by SB 662.

The commission invites public comment on this draft regulatory impact analysis determination. Written comments on the draft regulatory impact analysis determination may be submitted to the contact person at the address listed under the SUBMITTAL OF COMMENTS section of this preamble.

#### TAKINGS IMPACT ASSESSMENT

The commission evaluated the proposed amendments and performed an assessment of whether the proposed amendment constitutes a taking under Texas Government Code, Chapter 2007. The primary purpose of the proposed rulemaking is to implement legislative changes enacted by SB 662, which require certain plat applicants to transmit to the TWDB and any applicable GCD information that would be useful in performing GCD activities, conducting regional water planning, maintaining the TWDB's groundwater database, or conducting studies for the state related to groundwater. The proposed amendments would substantially advance this purpose by amending the Chapter 230 rules to incorporate the new statutory requirements.

Promulgation and enforcement of these proposed rules would be neither a statutory nor a constitutional taking of private real property. Specifically, the proposed regulations do not affect a landowner's rights in private real property because this rulemaking does not relate to or have any impact on an owner's rights to property, nor does the proposed rulemaking reduce the value of property by 25% or more beyond that which would otherwise exist in the absence of the regulations. The proposed amendments will only affect plat applicants who are already required by the county platting authority or municipality to certify that sufficient groundwater is available as the intended water supply. The plat applicants would be required to submit information useful in performing groundwater conservation district activities,

conducting regional water planning, maintaining the state's groundwater database, or conducting studies for the state related to groundwater to the applicable GCD and the executive administrator of the TWDB.

Therefore, the proposed rulemaking would not constitute a taking under Texas Government Code, Chapter 2007.

#### CONSISTENCY WITH THE COASTAL MANAGEMENT PROGRAM

The commission reviewed the proposed rules and found that they are neither identified in Coastal Coordination Act Implementation Rules, 31 TAC §505.11(b)(2) or (4), nor will they affect any action/authorization identified in Coastal Coordination Act Implementation Rules, 31 TAC §505.11(a)(6). Therefore, the proposed rules are not subject to the Texas Coastal Management Program.

Written comments on the consistency of this rulemaking may be submitted to the contact person at the address listed under the SUBMITTAL OF COMMENTS section of this preamble.

#### ANNOUNCEMENT OF HEARING

A public hearing on this proposal will be held in Austin on March 27, 2008, at 2:00 PM at the Texas Commission on Environmental Quality Complex located at 12100 Park 35 Circle in Building E, Room 201S. The hearing will be structured to receive oral or written comments by interested persons.

Individuals may present oral statements when called upon in order of registration. There will be no open discussion during the hearing; however, an agency staff member will be available to discuss the proposal 30 minutes prior to the hearing.

Persons who have special communication or other accommodation needs who are planning to attend the hearing should contact John Gaete, Office of Legal Services, at (512) 239-6091. Requests should be made as far in advance as possible.

#### SUBMITTAL OF COMMENTS

Written comments may be submitted to John Gaete, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to (512) 239-4808. Electronic comments may be submitted at <http://www5.tceq.state.tx.us/rules/ecomments/>. File size restrictions may apply to comments being submitted via the eComments system. All comments should reference Rule Project Number 2007-045-230-PR. The comment period closes March 31, 2008. Copies of the proposed rulemaking can be obtained from the commission's Web site at: [http://www.tceq.state.tx.us/nav/rules/propose\\_adopt.html](http://www.tceq.state.tx.us/nav/rules/propose_adopt.html). For further information, please contact Kelly Mills, Water Rights Permitting and Availability Section, Water Supply Division at (512) 239-4512.

## **CHAPTER 230: GROUNDWATER AVAILABILITY CERTIFICATION FOR PLATTING**

### **§§230.1 - 230.3, 230.9**

#### **STATUTORY AUTHORITY**

The amendments are proposed under Texas Water Code (TWC), §5.012, which provides that the commission is the agency responsible for implementing the constitution and laws of the state relating to the conservation of natural resources and protection of the environment; TWC, §5.103 and §5.105, which provide the commission with authority to adopt rules; and specific statutory authorization is derived from Local Government Code, §212.0101(b) and §232.0032(b), which require the commission to promulgate rules that establish the appropriate form and content of a certification to be attached to a plat application; and as added by Senate Bill 662, Local Government Code, §212.0101(c) and §232.0032(c), which require the commission, in concert with the Texas Water Development Board (TWDB), to promulgate rules requiring a plat applicant to transmit the information to the TWDB and any applicable GCD.

The proposed amendments implement Local Government Code, §212.0101(c) and §232.0032(c).

#### **§230.1. Applicability.**

(a) Subdivisions utilizing groundwater as the source of water supply. In the plat application and approval process, municipal and county authorities may require certification that adequate groundwater is available for a proposed subdivision if groundwater under that land is to be the source of water supply. The municipal or county authority is not required to exercise their authority under Texas Local Government Code, §212.0101 or §232.0032 [§232.0031]. However, if they do exercise their authority, the form and content of this chapter must be used.

(b) Use of this chapter. If required by the municipal or county authority, the plat applicant and the Texas licensed professional engineer or the Texas licensed professional geoscientist shall use this chapter and the attached form to certify that adequate groundwater is available under the land of a subdivision subject to platting under Texas Local Government Code, §212.004 and §232.001 [232.001]. These rules do not replace other state and federal requirements applicable to public drinking water supply systems. These rules do not replace the authority of counties within designated priority groundwater management areas under Texas Water Code, §35.019, or the authority of groundwater conservation districts under Texas Water Code, Chapter 36.

(c) Transmittal of data. If use of this chapter is required by the municipal or county authority, the plat applicant shall:

(1) provide copies of the information, estimates, data, calculations, determinations, statements, and certification required by §230.8 of this title (relating to Obtaining Site-Specific Groundwater Data), §230.9 of this title (relating to Determination of Groundwater Quality), §230.10 of this title (relating to Determination of Groundwater Availability), and §230.11 of this title (relating to Groundwater Availability and Usability Statements and Certification) to the executive administrator of the Texas Water Development Board and to the applicable groundwater conservation district or districts;  
and

(2) using the attached form, attest that copies of the information, estimates, data, calculations, determinations, statements, and the certification have been provided to the executive

administrator of the Texas Water Development Board and the applicable groundwater conservation district or districts. The executive director may make minor changes to this form that do not conflict with the requirements of these rules.

Figure: 30 TAC §230.1(c)(2)

TRANSMITTAL OF DATA

Use of this form: If required by a municipal authority pursuant to Texas Local Government Code, §212.0101, or a county authority pursuant to Texas Local Government Code, §232.0032 the plat applicant shall use this form to attest that information has been provided in accordance with the requirements of Title 30, TAC, Chapter 230. This form shall be provided to the municipal or county authority, the executive administrator of the Texas Water Development Board, and the applicable groundwater conservation district or districts.

Name of Proposed Subdivision: \_\_\_\_\_

Property Owner's Name(s): \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Plat Applicant's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

I, \_\_\_\_\_, the Plat Applicant, attest that the following information has been provided in accordance with Title 30, TAC, Chapter 230.

Has the Certification of Groundwater Availability for Platting Form (Figure: 30 TAC §230.3(c)) been provided to the:	(Please Circle One)	
1. Municipal or County authority?	Yes	No
2. Executive administrator of the Texas Water Development Board?	Yes	No
3. Applicable Groundwater Conservation District or Districts?	Yes	No
Name of Groundwater Conservation District or Districts:		
Have copies of the information, estimates, data, calculations, determinations, and statements been provided to the:		
4. Executive administrator of the Texas Water Development Board?	Yes	No

5. Applicable Groundwater Conservation District or Districts?	Yes	No
Name of Groundwater Conservation District or Districts:		

Note: Mail the required information to the executive administrator of the Texas Water Development Board at the following address:

Executive Administrator  
Texas Water Development Board  
Groundwater Resources Division  
P.O. Box 13231  
Austin, Texas 78711-3231

Contact and other information for the Groundwater Conservation Districts within the state may be accessed on the following Internet pages:

[http://www.tceq.state.tx.us/permitting/water\\_supply/groundwater/districts.html](http://www.tceq.state.tx.us/permitting/water_supply/groundwater/districts.html)  
<http://www.twdb.state.tx.us/GwRD/pages/gwrindex.html>  
<http://www.texasgroundwater.org/index.htm>

**§230.2. Definitions.**

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise. If a word or term used in this chapter is not contained in this section, it shall have the same definition and meaning as used in the practices applicable to hydrology and aquifer testing.

**(1) Applicable groundwater conservation district or districts--Any district or authority created under Texas Constitution, Article III, Section 52, or Article XVI, Section 59, that:**

(A) has the authority to regulate the spacing of water wells, the production from water wells, or both, and

(B) which includes within its boundary any part of the plat applicant's proposed subdivision.

(2) [(1)] **Aquifer**--A geologic formation, group of formations, or part of a formation that contains water in its voids or pores and may be used as a source of water supply.

(3) [(2)] **Aquifer test**--A test involving the withdrawal of measured quantities of water from or addition of water to a well and the measurement of resulting changes in water level in the aquifer both during and after the period of discharge or addition for the purpose of determining the characteristics of the aquifer. For the purposes of this chapter, bail and slug tests are not considered to be aquifer tests.

(4) [(3)] **Certification**--A written statement of best professional judgement or opinion as attested to on the Certification of Groundwater Availability for Platting Form contained under §230.3(c) of this title (relating to Certification of Groundwater Availability for Platting).

(5) [(4)] **Drinking water standards**--As defined in commission rules covering drinking water standards contained in Chapter 290, Subchapter F of this title (relating to Drinking Water Standards Governing Drinking Water Quality and Reporting Requirements for Public Water Systems).

(6) **Executive administrator**--The executive administrator of the Texas Water Development Board.

(7) [(5)] **Full build out**--The final expected number of residences, businesses, or other dwellings in the proposed subdivision.

(8) [(6)] **Licensed professional engineer**--An engineer who maintains a current license through the Texas Board of Professional Engineers in accordance with its requirements for professional practice.

[(7)] **Plat applicant**--The owner or the authorized representative or agent seeking approval of a proposed subdivision plat application pursuant to municipal or county authority.]

(9) [(8)] **Licensed professional geoscientist**--A geoscientist who maintains a current license through the Texas Board of Professional Geoscientists in accordance with its requirements for professional practice.

(10) **Plat applicant**--The owner or the authorized representative or agent seeking approval of a proposed subdivision plat application pursuant to municipal or county authority.

(11) [(9)] **Requirements applicable to public drinking water supply systems**--The requirements contained in commission rules covering public drinking water supply systems in Chapter 290, Subchapter D of this title (relating to Rules and Regulations for Public Water Systems).

**§230.3. Certification of Groundwater Availability for Platting.**

(a) Certification. The certification required by this chapter must be prepared by a Texas licensed professional engineer or a Texas licensed professional geoscientist.

(b) Submission of information. The plat applicant shall provide to the municipal or county authority, the executive administrator of the Texas Water Development Board, and the applicable groundwater conservation district or districts the certification of adequacy of groundwater under the subdivision required by this chapter.

(c) Form required. This chapter and the following form shall be used and completed if plat applicants are required by the municipal or county authority to certify that adequate groundwater is available under the land to be subdivided. The executive director may make minor changes to this form that do not conflict with the requirements of these rules.

Figure: 30 TAC §230.3(c)

[Figure: 30 TAC §230.3(c)]

**CERTIFICATION OF GROUNDWATER AVAILABILITY FOR PLATTING FORM**

Use of this form: If required by a municipal authority pursuant to Texas Local Government Code, §212.0101, or a county authority pursuant to §232.0032, Texas Local Government Code, the plat applicant and the Texas licensed professional engineer or Texas licensed professional geoscientist shall use this form based upon the requirements of Title 30, TAC, Chapter 230 to certify that adequate groundwater is available under the land to be subdivided (if the source of water for the subdivision is groundwater under the subdivision) for any subdivision subject to platting under Texas Local Government Code, §212.004 and §232.001. The form and Chapter 230 do not replace state requirements

applicable to public drinking water supply systems or the authority of counties or groundwater conservation districts under either Texas Water Code, §35.019 or Chapter 36.

Administrative Information (30 TAC §230.4)
1. Name of Proposed Subdivision:
2. Any Previous Name Which Identifies the Tract of Land:
3. Property Owner's Name(s):
Address:
Phone:
Fax:
4. Plat Applicant's Name:
Address:
Phone:
Fax:
5. Licensed Professional Engineer or Geoscientist:
Name:
Address:
Phone:
Fax:
Certificate Number:
6. Location and Property Description of Proposed Subdivision:
7. Tax Assessor Parcel Number(s).
Book:
Map:
Parcel:

Proposed Subdivision Information (30 TAC §230.5)
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8. Purpose of Proposed Subdivision (single family/multi-family residential, non-residential, commercial):		
9. Size of Proposed Subdivision (acres):		
10. Number of Proposed Lots:		
11. Average Size of Proposed Lots (acres):		
12. Anticipated Method of Water Distribution.		
Expansion of Existing Public Water Supply System?	Yes	No
New (Proposed) Public Water Supply System?	Yes	No
Individual Water Wells to Serve Individual Lots?	Yes	No
Combination of Methods?	Yes	No
Description (if needed):		
13. Additional Information (if required by the municipal or county authority):		
<p>Note: If public water supply system is anticipated, written application for service to existing water providers within a 1/2-mile radius should be attached to this form (30 TAC §230.5(f) of this title).</p>		

Projected Water Demand Estimate (30 TAC §230.6)	
14. Residential Water Demand Estimate at Full Build Out (includes both single family and multi-family residential).	
Number of Proposed Housing Units (single and multi-family):	
Average Number of Persons per Housing Unit:	
Gallons of Water Required per Person per Day:	
Water Demand per Housing Unit per Year (acre feet/year):	
Total Expected Residential Water Demand per Year (acre feet/year):	
15. Non-residential Water Demand Estimate at Full Build Out.	
Type(s) of Non-residential Water Uses:	
Water Demand per Type per Year (acre feet/year):	

16. Total Water Demand Estimate at Full Build Out (acre feet/year):
17. Sources of Information Used for Demand Estimates:

General Groundwater Resource Information (30 TAC §230.7)	
18. Identify and describe, using Texas Water Development Board names, the aquifer(s) which underlies the proposed subdivision:	
<p>Note: Users may refer to the most recent State Water Plan to obtain general information pertaining to the state's aquifers. The State Water Plan is available on the Texas Water Development Board's Internet website at: <a href="http://www.twdb.state.tx.us">www.twdb.state.tx.us</a></p>	

Obtaining Site-Specific Groundwater Data (30 TAC §230.8)		
19. Have all known existing, abandoned, and inoperative wells within the proposed subdivision been located, identified, and shown on the plat as required under §230.8(b) of this title?	Yes	No
20. Were the geologic and groundwater resource factors identified under §230.7(b) of this title considered in planning and designing the aquifer test required under §230.8(c) of this title?	Yes	No
21. Have test and observation wells been located, drilled, logged, completed, developed, and shown on the plat as required by §230.8(c)(1) - (4) of this title?	Yes	No
22. Have all reasonable precautions been taken to ensure that contaminants do not reach the subsurface environment and that undesirable groundwater has been confined to the zone(s) of origin (§230.8(c)(5) of this title)?	Yes	No
23. Has an aquifer test been conducted which meets the requirements of §230.8(c)(1) and (6) of this title?	Yes	No
24. Were existing wells or previous aquifer test data used?	Yes	No
25. If yes, did they meet the requirements of §230.8(c)(7) of this title?	Yes	No

26. Were additional observation wells or aquifer testing utilized?	Yes	No
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Note: If expansion of an existing public water supply system or a new public water supply system is the anticipated method of water distribution for the proposed subdivision, site-specific groundwater data shall be developed under the requirements of 30 TAC, Chapter 290, Subchapter D of this title (relating to Rules and Regulations for Public Water Systems) and the applicable information and correspondence developed in meeting those requirements shall be attached to this form pursuant to §230.8(a) of this title.

Determination of Groundwater Quality (30 TAC §230.9)		
27. Have water quality samples been collected as required by §230.9 of this title?	Yes	No
28. Has a water quality analysis been performed which meets the requirements of §230.9 of this title?	Yes	No

Determination of Groundwater Availability (30 TAC §230.10)		
29. Have the aquifer parameters required by §230.10(c) of this title been determined?	Yes	No
30. If so, provide the aquifer parameters as determined.		
Rate of yield and drawdown:		
Specific capacity:		
Efficiency of the pumped well:		
Transmissivity:		
Coefficient of storage:		
Hydraulic conductivity:		
Were any recharge or barrier boundaries detected?	Yes	No
If yes, please describe:		
Thickness of aquifer(s):		
31. Have time-drawdown determinations been calculated as required under §230.10(d)(1) of this title?	Yes	No
32. Have distance-drawdown determinations been calculated	Yes	No

as required under §230.10(d)(2) of this title?		
33. Have well interference determinations been made as required under §230.10(d)(3) of this title?	Yes	No
34. Has the anticipated method of water delivery, the annual groundwater demand estimates at full build out, and geologic and groundwater information been taken into account in making these determinations?	Yes	No
35. Has the water quality analysis required under §230.9 of this title been compared to primary and secondary public drinking water standards as required under §230.10(e) of this title?	Yes	No
Does the concentration of any analyzed constituent exceed the standards?	Yes	No
If yes, please list the constituent(s) and concentration measure(s) which exceed standards:		

<b>Groundwater Availability and Usability Statements (30 TAC §230.11(a) and (b))</b>
36. Drawdown of the aquifer at the pumped well(s) is estimated to be _____ feet over a 10-year period and _____ feet over a 30-year period.
37. Drawdown of the aquifer at the property boundary is estimated to be _____ feet over a 10-year period and _____ feet over a 30-year period.
38. The distance from the pumped well(s) to the outer edges of the cone(s)-of-depression is estimated to be _____ feet over a 10-year period and _____ feet over a 30-year period.
39. The recommended minimum spacing limit between wells is _____ feet with a recommended well yield of _____ gallons per minute per well.
40. Available groundwater is / is not (circle one) of sufficient quality to meet the intended use of the platted subdivision.
41. The groundwater availability determination does not consider the following conditions (identify any assumptions or uncertainties that are inherent in the groundwater availability determination):

**Certification of Groundwater Availability (30 TAC §230.11(c))**  
 Must be signed by a Texas Licensed Professional Engineer or a Texas Licensed Professional Geoscientist.

42. I, \_\_\_\_\_, Texas Licensed Professional Engineer or Texas Licensed Professional Geoscientist (circle which applies), certificate number \_\_\_\_\_, based on best professional judgment, current groundwater conditions, and the information developed and presented in this form, certify that adequate groundwater is available from the underlying aquifer(s) to supply the anticipated use of the proposed subdivision.

Date: \_\_\_\_\_ (affix seal)

**§230.9. Determination of Groundwater Quality.**

(a) Water quality analysis. Water samples shall be collected near the end of the aquifer test for chemical analysis. Samples shall be collected from each aquifer being considered for water supply for the proposed subdivision and reported as specified in §230.3(c) of this title (relating to Certification of Groundwater Availability for Platting).

(1) For proposed subdivisions where the anticipated method of water delivery is from an expansion of an existing public water supply system or a new public water supply system, the samples shall be submitted for bacterial and chemical analysis as required by Chapter 290, Subchapter F of this title (relating to Drinking Water Standards Governing Drinking Water Quality and Reporting Requirements For Public Water Systems).

(2) For proposed subdivisions where the anticipated method of water delivery is from individual water supply wells on individual lots, samples shall be analyzed for the following:

(A) chloride;

(B) conductivity;

(C) fluoride;

(D) iron;

(E) nitrate (as nitrogen);

(F) manganese;

(G) pH;

(H) sulfate;

(I) total hardness;

(J) total dissolved solids; and

(K) presence/absence of total coliform bacteria.

(3) Conductivity and pH values may be measured in the field, and the other constituents shall be analyzed in a laboratory accredited by the agency according to 30 TAC Chapter 25, Subchapters A and B of this title (relating to General Provisions and Environmental Testing Laboratory Accreditation, respectively) or certified by the agency according to 30 TAC Chapter 25, Subchapters A and C of this title (relating to General Provisions and Environmental Testing Laboratory Certification, respectively) [Texas Department of Health approved laboratory using methods approved by the commission].

(b) Submission of information. The information, data, and calculations required by this section shall be made available to the municipal or county authority, if requested, to document the requirements of this section as part of the plat application.