

Bryan W. Shaw, Ph.D, *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

NOTICE

September 29, 2009

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 the Hill Country Priority Groundwater Management Area (PGMA) in Comal and Travis counties.

NOTICE OF REPORT AVAILABILITY AND REQUEST FOR COMMENTS

The Executive Director of the Texas Commission on Environmental Quality (TCEQ) has completed a draft report (*Groundwater Conservation District Recommendation for Hill Country Priority Groundwater Management Area—Western Comal County and Southwestern Travis County*) to address groundwater management in the Hill Country 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 PGMA webpage at: http://www.tceq.state.tx.us/permitting/water_supply/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 November 12, 2009, and the report will be finalized after all written comments have been considered. Written comments regarding the draft report may be directed to Mr. Leon Byrd at TCEQ, MC-147, P.O. Box 13087, Austin, Texas 78711-3087, or via email at cbyrd@tceq.state.tx.us. All written comments received will be placed in the TCEQ's official files.

The purpose of this report is to identify and evaluate the areas in the Hill Country PGMA not included in a GCD and evaluate and recommend whether one or more GCDs be created, whether the identified areas be added to an existing GCD, or whether a combination of these actions be taken. The TCEQ **draft** report identifies two areas in the Hill Country PGMA that are not currently part of a groundwater conservation district (GCD). The two areas are the western Comal and southwestern Travis territories. The Executive Director concludes and recommends that the western Comal County territory be added to the Trinity Glen Rose GCD and the southwestern Travis County territory be added to the BS/EACD in accordance with 30 TAC Chapters 293 and 294. The Executive Director concludes that this recommended action will provide for effective boundaries for the management of the groundwater resources under the authorities of the Trinity Glen Rose GCD and the BS/EACD, and adequate funding to finance

required or authorized groundwater management planning, regulatory, and district operation functions under the authorities of the Trinity Glen Rose GCD and the BS/EACD.

Subsequent Actions. When the final report is completed, 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 homepage. 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 the Hill Country PGMA. 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 areas in the Hill Country PGMA that are not in a GCD be added to the Trinity Glen Rose GCD and the BS/EACD, respectively, it will issue an Order and provide the Order to the Commissioners Courts of Comal and Travis counties, the Trinity Glen Rose GCD, and the BS/EACD 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 Supply Division, Water Rights Permitting and Availability Section. The TCEQ staff contacts for this report are Kelly Mills, P.G., Leader, Groundwater Planning and Assessment Team at 512.239.5412 or kmills@tceq.state.tx.us, and C. Leon Byrd, P.G., Senior Staff Geologist, Groundwater Planning and Assessment Team at 512.239.0540 or cbyrd@tceq.state.tx.us.