

Barton Springs/ Edwards Aquifer Conservation District Instructions for Public Notice

How to publish Public Notice:

1. Within 10 days of receiving an administratively complete letter you must publish public notice in the major newspaper that the District identifies for the region (*e.g. Austin American Statesmen, San Marcos Daily Record, The Wimberley View*):
 - Austin American Statesman
legals@statesman.com
Deadline: 4 p.m. – 3 Business days before publication date
512-445-3832

 - San Marcos Daily Record
Ronda Young – Legal Ads
ryoung@sanmarcosrecord.com
Deadline: 10 am for posting next day
512-392-2458

 - The Wimberley View
Taffy Barker
wimberleyview@gmail.com
Deadline: Friday at 5 pm to post next week – Go to press on Tuesdays
512-847-2202

2. Prior to publication, you must draft the language for the public notice and the notice letter and **submit the drafts to District staff for review and approval.** (*see attached samples*)

3. Once the notice language is approved by District staff, you should immediately contact the newspaper to arrange a publication date. When arranging the notice publication you can also request that a publisher’s affidavit be mailed or emailed to the District:
 - Barton Spring/ Aquifer District
1124 Regal Row
Austin, TX 78748
vescobar@bseacd.org

4. Once you have paid for and scheduled a publish date you should immediately contact District staff to provide the target date that the notice is expected to be printed. District staff can then move forward with publishing notice in a secondary local paper (Hays Free Press, Wimberley View, or Austin Chronicle).

5. Soon after you have arranged a publish date you should finalize the wording in your notice letter and mail them to the appropriate property owners and retail water suppliers. **Be sure to reference the major newspaper publication date in the letters.**

6. The 20-day public comment period is in effect and begins the day after the date that the notice is actually published in the major newspaper.

Frequently Asked Questions

What types of applications have to provide notice?

The following types of authorization/permit applications must provide notice:

- Well Drilling Authorizations for which a Hydrogeological Report is required.
- Production Permit applications/ Modification applications authorized by a District individual production permit.
- Transport permit applications
- Major Permit amendments

Which newspaper should the public notice be published in?

Publication of public notice shall be the responsibility of the applicant. Notice shall be published in the major local newspaper in a format approved by the District. In addition, the District will be responsible for publication of the same notice in a “local” secondary paper with targeted distribution in the county that the subject well(s) is located.

Who must be sent a notice by mail?

Applicants must provide notice by certified mail to the following:

- All retail water providers within a half (1/2) mile radius of the specific proposed well site location. [A larger radius may be necessary as required by Rule].
- All registered well owners within a half (1/2) mile radius of the specific proposed well site location (regardless if they are or are not served by a retail water provider). [A larger distance radius may be necessary as required by Rule].

What must be included in the notice?

All public notices must contain the minimum information listed below: *(See Attached Sample)*

- The name and address of the applicant;
- The date the application was filed;
- The location and a description of the well that is the subject of the application; and
- A brief summary of the information in the application.

The applicant shall provide copy of the proposed notice language to the District for review and approval prior to publication. The notice language shall be consistent with the District’s format.

When do I have to publish and send the notices by mail?

Applicants may not publish notice or provide notice by mail until the application has been determined to be administratively complete. The applicant will be notified in writing once District staff has completed the application review and made the administratively complete determination. District staff will be proactive in coordinating with the applicant to ensure that the notice will be ready to be published and sent within the mandatory timeframes prior to providing the administrative complete determination. Upon receiving the determination, the applicant will be required to publish the public notice and provide notice by publication and mail within ten (10) business days.

How long is the public response period?

Public notice initiates a twenty (20) calendar day public response period that begins the day after the notice is published. Under no circumstances will a public hearing be held or action taken on the application by the Board prior to the termination of the twenty (20) day public response period.

Sample – Austin American Statesmen

Printed on September 1, 2013

Acme Inc, 102005 FM 1625 Austin, TX 78669, filed a well drilling authorization application and a production permit application on June 26, 2013 with the Barton Springs/Edwards Aquifer Conservation District (District) for a new nonexempt well and a Historical Trinity Production Permit to withdraw an annual permitted volume of approximately 2,000,000 gallons per year of groundwater from the Middle Trinity aquifer management zone. Acme Inc, will operate the proposed well for commercial use to supply water for their manufacturing operations. The volume of pumpage requested was commensurate with an estimate of reasonable demand for the intended use and upon approval, would be required to comply with the provisions of a Historical Trinity Production Permit.

The well is located at 102005 FM 1625 Austin, TX 78669. Publication of this notice begins a 20-day public response period for which comments, written formal protests and requests for a public hearing will be accepted by the District. Parties interested in formally participating in a hearing on a contested application should refer to District Rule 4-9.13. For further information, please contact the District, 1124 Regal Row, Austin, Texas 78748, (512) 282-8441, bseacd@bseacd.org. You may also contact the applicant, Acme Inc at (512)-585-8744.

Sample – Letter to Property Owners

September 3, 2013

Mike Adams
1234 FM 1625
Austin, TX 78669

Re: Public Notification of Well Drilling and Production Application by Acme Inc

Mr. Mike Adams,

Acme Inc, 102005 FM 1625 Austin, TX 78669, filed a well drilling authorization application and a production permit application on June 26, 2013 with the Barton Springs/Edwards Aquifer Conservation District (District) for a new nonexempt well and a Historical Trinity Production Permit to withdraw an annual permitted volume of approximately 2,000,000 gallons per year of groundwater from the Middle Trinity aquifer management zone. Acme Inc, will operate the proposed well for commercial use to supply water for their manufacturing operations. The volume of pumpage requested was commensurate with an estimate of reasonable demand for the intended use and upon approval, would be required to comply with the provisions of a Historical Trinity Production Permit.

The well is located at 102005 FM 1625 Austin, TX 78669. Publication of this notice was published on September 1, 2013 in the Austin American Statesmen newspaper which began a 20-day public response period for which comments, written formal protests and requests for a public hearing will be accepted by the District until September 21, 2013. Parties interested in formally participating in a hearing on a contested application should refer to District Rule 4-9.13. For further information, please contact the District, 1124 Regal Row, Austin, Texas 78748, (512) 282-8441, bseacd@bseacd.org. You may also contact the applicant, Acme Inc at (512)-585-8744.

Cordially,
John Smith
General Operations Manager