



**A RESOLUTION OF THE
BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT
JOINING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE TEXAS
DEPARTMENT OF LICENSING AND REGULATION, THE TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY, AND GROUNDWATER CONSERVATION DISTRICTS
REGARDING ABANDONED AND DETERIORATED WELLS
No. 12-5-19.7**

WHEREAS, the Brazos Valley Groundwater Conservation District (“District”) is charged by the Texas Legislature with providing for the conservation, preservation, protection, recharging, and prevention of waste of groundwater, and of groundwater resources in Brazos and Robertson counties, Texas, under §36.0015 of the Texas Water Code;

WHEREAS, pursuant to §1901.257 of the Texas Occupations Code, the Texas Commission on Environmental Quality (“TCEQ”), the Texas Department of Licensing and Regulation (“TDLR”), and groundwater conservation districts shall adopt or revise a joint memorandum of understanding to coordinate the efforts relating to investigative procedures for referrals of complaints regarding abandoned and deteriorated wells;

WHEREAS, pursuant to Chapter 791 of the Texas Government Code, local governments, including groundwater conservation districts, are authorized to contract with one another and with agencies of the state to increase efficiency and effectiveness;

WHEREAS, pursuant to §§36.057(a) and 36.067(a), the District may contract with all persons, firms, partnerships, corporations, or other entities, public or private, deemed necessary by the board for the conduct of the affairs of the District, in the name of the District;

WHEREAS, pursuant to §§36.123 and 36.102, the District may investigate and enforce its rules, including District Rule 12.3 that adopts the well completion standards of 31 Texas Administrative Code Chapter 290 (TNRCC Water Hygiene Rules for Public Water Supply Systems) and 16 Texas Administrative Code Chapter 76 (Rules for Water Well Drillers and Water Well Pump Installers), including as they address abandoned and deteriorated wells;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT THAT

The District joins the attached Memorandum of Understanding between the Texas Department of Licensing and Regulation and the Texas Commission on Environmental Quality regarding abandon and deteriorated wells, which lists the following responsibilities of the District:

- A. When the District receives a referral from the TDLR of an abandoned and/or deteriorated well, the District shall respond within 14 calendar days informing the TDLR as to whether the District will investigate the referral.
- B. After the District has been notified by the TDLR or becomes aware of an abandoned and/or deteriorated well, the District may:
 - 1. investigate the complaint of an abandoned and/or deteriorated well within the boundaries of the District; and
 - 2. enforce compliance with Texas Occupations Code, §1901.255 related to landowners that have an abandoned and/or deteriorated well located on their property.
- C. When the District performs an investigation related to an abandoned and/or deteriorated well referred to the District by TDLR, the District shall notify the TDLR regarding the disposition of the investigation.
- D. Any District enforcement under its Rules and the Texas Occupations Code, §§1901.255 and 1901.256, may be coordinated with the TDLR.
- E. The District may communicate with the TDLR regarding any phase of the investigation or enforcement action.

PASSED AND APPROVED this the 5th day of December, 2019

BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT

Jan A. Roe, President

Linda Pecina, Secretary