

PROPOSED RULE AND FEE CHANGE FOR “INDEPENDENT REMOTE MONITORING SYSTEM AND PUMPAGE FEES”

Description:

•Adds LAC 56:707A3 - provides commission authority to install an independent remote monitoring system on well owner’s property

And

•Amends LAC 56:V §1107 - to increase pumpage charges for ground water users to \$65 per million gallons, paid quarterly.

Full Text of Current Rule or Fee

§707. Measuring Well Yield

A.1. The well owner shall be required to:

- a. install a metering device that records and “totals” the yield of the well; or
- b. measure well yield or rate under normal pressure to permit the calculation of the “total” yield of the well for a given period of time; or
- c. design and construct into the discharge line of water well a bypass line that can be used to periodically measure the flow of the well as the well discharges to the atmosphere, using a measuring device such as a portable or permanently installed orifice plate and manometer.

2. If method b or c is used, an hour meter or exact records shall be used and/or maintained to record the number of hours the well is pumped for a stated period of time.

§1107. Pumpage Fee

A. The pumping charges for ground water users shall be \$20 per million gallons and is to be paid quarterly.

Copy of Proposed rule or statement of the proposed fees

§707. Measuring Well Yield

A.1. The well owner shall be required to:

- a. install a metering device that records and “totals” the yield of the well; or
- b. measure well yield or rate under normal pressure to permit the calculation of the “total” yield of the well for a given period of time; or
- c. design and construct into the discharge line of water well a bypass line that

can be used to periodically measure the flow of the well as the well discharges to the atmosphere, using a measuring device such as a portable or permanently installed orifice plate and manometer.

2. If method b or c is used, an hour meter or exact records shall be used and/or maintained to record the number of hours the well is pumped for a stated period of time.

3. The Commission shall have the authority to install an independent remote monitoring system on well owner's property for the purpose of ensuring an accurate measurement of the total yield of each well and monitor the extent of chlorides in the aquifer to prevent waste of groundwater resources, and to prevent or alleviate damaging or potentially damaging subsidence of the land surface caused by withdrawal of groundwater within the district.

a. If there is a discrepancy or inconsistency between the owner's meter and the Commission's meter, the owner may require the Commission to hire an independent contractor to verify the accuracy of the Commission's meter at the owner's expense.

§1107. Pumpage Fee

A. The pumping charges for ground water users shall be ~~\$20~~\$65 per million gallons and is to be paid quarterly.

Agency contact person for responding to inquiries

Gary Beard, Executive Director, Capital Area Groundwater Conservation District, 3535 South Sherwood Forest Blvd., Ste. 137, Baton Rouge, LA 70816

Time and place when, the place where and the manner in which interested parties may present their views concerning the intended action.

Interested persons may submit written comments to Gary Beard, Executive Director, Capital Area Groundwater Conservation District, 3535 South Sherwood Forest Blvd., Ste. 137, Baton Rouge, LA 70816, either by mail or hand delivery. Comments may also be sent by email to gary@cagwcc.com. All written comments must be received no later than 4 p.m., on March 24, 2022.

A public hearing will be held on March 28, 2022 at 1 :30 p.m. at The Office of Conservation, LaSalle Building, 617 N Third Street, LaBelle Room, first floor, Baton Rouge, LA 70802. Oral comments will be accepted at that meeting.

Anticipated effective date for proposed rule or fee: May 20, 2022

Notice of intent published in State Register on February 20, 2022

Notice of Intent
Office of the Governor
Capital Area Groundwater Conservation Commission

Independent Remote Monitoring System (LAC 56:V.707)

The Board of Commissioners of the Capital Area Groundwater Conservation District, which consists of the Parishes of Ascension, East and West Baton Rouge, East and West Feliciana, and Pointe Coupee, has determined that the users of the Southern Hills Aquifer System must be adequately metered to allow The Capital Area Groundwater Conservation District the ability to prevent waste of groundwater resources, and to prevent or alleviate damaging or potentially damaging subsidence of the land surface caused by withdrawal of groundwater within the district. The Capital Area Groundwater Conservation District plans to install an independent remote monitoring system to meter and monitor the groundwater users to ensure a precise understanding of how much groundwater is being removed to ensure the conservation of the aquifer. Additionally, the independent remote monitoring system will determine the extent of chlorides within the aquifer. This rule change will adopt a rule as part of LAC 56:V.707A.2. This action is in accordance with Louisiana Revised Statutes 38:3076.A.(7), (8), (9), (10), (13), (14)(a)(b),(17),(18).

Pumpage Fees (LAC 56:V.1107)

The Board of Commissioners of the Capital Area Ground Water Conservation District, which consists of the Parishes of Ascension, East and West Baton Rouge, East and West Feliciana, and Pointe Coupee, has increased the pumping charges for non-exempt ground water users from \$20 per million gallons of water pumped to \$65 per million gallons of water pumped. The Board has determined that this increase is necessary to fund the monitoring and metering of groundwater users in the Capital Area. The Capital Area Groundwater Conservation District plans to install an independent remote monitoring system to meter the groundwater users to ensure a precise understanding of how much groundwater is being consumed to ensure the conservation of the aquifer and monitor the extent of chlorides in the aquifer. This rule change will amend the rule in LAC 56:V.1007. This action is in accordance with Louisiana Revised Statutes 38:3076(14) and 38:3079.

Title 56

PUBLIC WORKS

Part V. Capital Area Ground Water Conservation Commission

Chapter 7. Rules and Regulations for Metering and/or recording the Yield of Water Wells

§707. Measuring Well Yield

A.1. - A.1.c. ...

A.2. The Commission shall have the authority to install an independent remote monitoring system on well owner's property for the purpose of ensuring an accurate measurement of the total yield of each well and monitor the extent of chlorides in the aquifer to prevent waste of groundwater resources, and to prevent or alleviate damaging or potentially damaging subsidence of the land surface caused by withdrawal of groundwater within the district.

a. If there is a discrepancy or inconsistency between the owner's meter and the Commission's meter, the owner may require the Commission to hire an independent contractor to verify the accuracy of the Commission's meter at the owner's expense.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 3:307 (July 1977), repromulgated LR 33:2647 (December 2007).

Title 56

PUBLIC WORKS

Part V. Capital Area Ground Water Conservation Commission

Chapter 11. Determination of and Payment of Accounts

§1107. Pumpage Fee

A. The pumping charges for ground water users shall be \$65 per million gallons and is to be paid quarterly.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 1:291 (July 1975), amended LR 10:592 (August 1984) effective January 1, 1985, repromulgated LR 33:2649 (December 2007), amended LR 34:435 (March 2008), effective April 1, 2008, LR 39:486 (March 2013), LR 42:403 (March 2016), LR 45:1580 (November 2019).

Family Impact Statement

The proposed rule changes will have no impact on family formation, stability or autonomy, as described in R.S. 49.972.

Poverty Impact Statement

The proposed rule changes will have no impact on poverty as described in R.S. 49:973.

Small Business Analysis

The proposed rule changes will have no impact on small business analysis as described in R.S. 49:978.5

Provider Impact Statement

The proposed rule changes should have no provider impact as described in HCR 170 of 2014.

Public Comments

Interested persons may submit written comments to Gary Beard, Executive Director, Capital Area Groundwater Conservation District, 3535 South Sherwood Forest Blvd., Ste. 137, Baton Rouge, Louisiana, 70816, either by mail or hand delivery. Comments may also be sent by email to gary@cagwcc.com. All written comments must be received no later than 4 p.m., on March 24th.

Public Hearing

A public hearing will be held on March 28th at 1:30 p.m. at The Office of Conservation, LaSalle Building, 617 N Third Street, LaBelle Room, 1st Floor, Baton Rouge, LA 70802. Oral comments will be accepted at that meeting.

Fiscal and Economic Impact Statement

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that implementation of this proposed pumpage fee increase rule will result in increased programmatic costs of approximately \$1,492,327 from FY 22 to FY 23 and \$100,505 from FY 23 to FY 24. It is anticipated that implementation of this proposed independent remote monitoring system rule will result in increased programmatic costs of approximately \$1.5 million per year. The proposed pumpage fee increase rule raises the Capital Area Groundwater Conservation District's pumpage fee from \$20 per million gallons of groundwater pumped to \$65 per million gallons of groundwater pumped. The increased revenue is necessary to fund the independent remote monitoring system on groundwater users in the Capital Area. The Capital Area Groundwater Conservation District plans to install an independent remote monitoring system of the groundwater users to ensure a precise understanding of how much groundwater is being consumed to ensure the conservation of the aquifer. Additionally, the system will monitor the extent of chlorides within the aquifer. There are no estimated implementation costs or savings to state or local governmental units as a result of the proposed independent remote monitoring system

rule change.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The Capital Area Groundwater Conservation District received \$1,144,778 during fiscal year 2021, from pumping fees. The District estimates an increase of \$2,575,571 of which results in an annual pumpage income of \$3,720,529. The Capital Area Groundwater Conservation District estimates a 5% increase in revenue from the implementation of the independent remote monitoring system.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The 58 users, including municipalities and industries in Ascension, East Baton Rouge, East Feliciana, Pointe Coupee, West Baton Rouge and West Feliciana parishes, which are subject to the current \$20 per million gallons of groundwater pumped, will be charged an additional \$45 per million gallons of groundwater pumped with the proposed pumpage fee increase. Users may experience an increase or decrease of monthly payment to the Capital Area Groundwater Conservation District based on the data received from the Commission's independent remote monitoring system.

It is estimated that the average household's water bill would be slightly increased. If the current monthly bill to the average household is approximately 8 cents, then the increase would be approximately 18 cents per month. This cost reflects the actual cost of the water as charged by the District. Thus, the local governments would not be affected by the increase since it could be a "pass-through" to the consumers.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment as a result of these rule changes.

Gary Beard
Executive Director
Capital Area Groundwater Conservation District