

PROPOSED RULE FOR “LIMITATIONS AND PROHIBITIONS ON WATER PUMPING”

Description:

Adds Chapter 13 of Part V of Title 56 by adding LAC 56:V §1301-1305 to govern limitations and prohibitions on water pumping to adopt the prohibition of particular water production at certain depths, the establishment of a procedure for the issuance of water well permits, and a policy of subjecting any existing pumping limits to an annual review by the Board of Commissioners.

Full Text of Current Rule or Fee

No current rule. This proposed rule adds Chapter 13 of Part V of Title 56.

Copy of Proposed rule or statement of the proposed fees

Chapter 13. Limitations and Prohibitions on Pumping

§1301. Purpose

A. The purpose of this Chapter is to specify any pumping limits and prohibitions.

§1303. Prohibition of Pumping in Certain Sands

A. Except for those wells already approved by the Board of Commissioners of the Capital Area Ground Water Conservation Commission that are currently producing in the “1,000-foot”, “1,500-foot” and “1,700-foot” sands subject to the jurisdiction of the Capital Area Ground Water Conservation Commission, no water production or pumping shall be permitted to occur in the “1,000-foot”, “1,500-foot” and “1,700-foot” sands of the area subject to the jurisdiction of the Capital Area Ground Water Conservation Commission, except for those wells devoted exclusively to public supply.

§1305. Annual Review of Pumping Limits

A. Any pumping limits that are in place by the Capital Area Ground Water Conservation Commission shall be subject to annual review and re-adoption at the last Commission meeting each calendar year.

B. Any pumping limits in place by the Capital Area Ground Water Conservation Commission shall be included in the Capital Area Ground Water Conservation Commission’s policies and procedures.

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 Ground Water Conservation Commission

Limitations and Prohibitions on Water Pumping
(LAC 56:V.Chapter 13)

The Capital Area Ground Water Conservation Commission (also known as the Capital Area Groundwater Conservation District) proposes to adopt LAC 56.V.1301-1305 as authorized by R.S. 38:3071 et. seq. This proposed Rule is being promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Board of Commissioners of the Capital Area Ground Water Conservation Commission approved the necessary additions and amendments to the provisions governing limitations and prohibitions on water pumping to adopt the prohibition of particular water production at certain depths, the establishment of a procedure for the issuance of water well permits, and a policy of subjecting any existing pumping limits to an annual review by the Board of Commissioners.

Title 56
PUBLIC WORKS
Part V. Capital Area Ground Water Conservation Commission

Chapter 13. Limitations and Prohibitions on Pumping

§1301. Purpose

- A. The purpose of this Chapter is to specify any pumping limits and prohibitions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3071, et seq., R.S. 38:3076(A)(19) and 3078.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 1:386 (September 1975), effective October 1, 1975, repromulgated LR 33:2644 (December 2007).

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§1305. Annual Review of Pumping Limits

A. Any pumping limits that are in place by the Capital Area Ground Water Conservation Commission shall be subject to annual review and re-adoption at the last Commission meeting each calendar year.

B. Any pumping limits in place by the Capital Area Ground Water Conservation Commission shall be included in the Capital Area Ground Water Conservation Commission’s policies and procedures.

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Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed rule on family formation, stability, and autonomy has been considered. The proposed Rule should not have any known or foreseeable impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973.B. In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits; or
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule. This proposed Rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

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)

There are no costs anticipated for implementing these proposed rule changes. These rule changes provides for as follows: (1) prohibition of pumping in certain sands to occur in 1,000-foot, 1,500-foot and 1,700-foot sands of the area subject to the jurisdiction of the Capital Area Ground Water Conservation Commission (CAGWCC), except for those wells devoted exclusively to public supply and (2) any pumping limits that are in place by the CAGWCC shall be subject to annual review and re-adoption at the Commission meeting each calendar year.

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

There are no anticipated effects on revenue collections of state or local governmental units by this rule.

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

There are no estimated costs and/or economic benefits to directly affected persons, small business, or non-governmental groups anticipated from this rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule would have no effect on competition and/or employment.

Gary Beard
Executive Director
Capital Area Groundwater Conservation District