

NOTICE OF INTENT
Office of the Governor
Capital Area Groundwater Conservation Commission

Measuring Well Yield (LAC 56:V.707)

Notice is hereby given in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted to the Capital Area Groundwater Conservation Commission (R.S. 38:3072-3084) under the authority granted by R.S. 38:3076.A.(7), (8), (9), (10), (13), (14)(a), (14)(b),(17), (18), and 38:3076.E. that the Capital Area Groundwater Conservation Commission proposes to amend §707 of Chapter 7 of Part V of Title 56 to clarify that the commission is authorized to enter a well owners property for the purpose of installing, monitoring, recalibrating and/or maintaining systems and technologies of remote monitoring of flow volumes, and to provide with respect to monitoring systems which may be used until the remote monitoring systems and technologies are installed and to provide for the use of a manual meter in lieu of remote monitoring system at the commission's sole discretion; and to provide that permits to wells will not be issued until the appropriate metering system is installed. This rule change will amend and adopt LAC 56:V.707 by amending Subsections A and B, and by adopting Subsections C, D and E.

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. The Commission is authorized to monitor, by installing or causing to be installed on each well in the District, systems and technologies to allow for remote monitoring of flow volumes:

1. the Capital Area Groundwater Conservation Commission is authorized to enter the well owner's property for the purpose of installing, monitoring, recalibrating, and/or maintaining the specific systems and technologies;

2. the system shall record the yield of each well, and report flow volumes remotely to a data management system maintained by the Commission;

3. the Capital Area Groundwater Conservation Commission shall control the powering and maintenance of the system; and is authorized to recalibrate the meters periodically as required by affiliates or subcontractors of the Commission; and

Public Hearing

A public hearing will be held if a sufficient number of request for a hearing are received. Oral comments will be accepted at any public hearing held.

Gary Beard
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Measuring Well Yield**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
There will be no increase in costs, the increases are contained in the pumpage fee increase which was achieved by board action on April 22, 2022 and by amendment to this rule June 2022. They are included in the current pumpage fee as calculated. The increases are further reflected in the fiscal and economic impact statement submitted January 3, 2022.
- 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 NONGOVERNMENTAL GROUPS (Summary)
The proposed rule change will have no impact on small business analysis as described in R.S. 974.5.
- 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 J. Beard
Executive Director
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Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

4. the costs associated with the specific systems and technologies which allow for remote monitoring of flows will be included in the pumping fee assessed to users.

B.1. Owners of existing wells shall continue to report flow volumes utilizing methods indicated below until the systems and technologies referenced in subsection A or D are installed and the flow volumes are provided through the new system:

- 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 discharges to the atmosphere, using a measuring device such as a portable or permanently installed orifice plate and manometer.

2. If a method in Subparagraphs 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.

C. 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.

D. At the commission’s sole discretion, the commission may install a manual meter in lieu of remote monitoring system.

E. New wells completed after the remote monitoring system is fully implemented will not be issued a permit to operate the well until the metering system is installed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3076(14) and 38:3079. Amended in accordance with R.S. 38:3076.A.(7), (8), (9), (10), (13), (14)(a), (14)(b),(17), (18), and 38:3076.E.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LA 3:307 (July 1977), promulgated LR 33:2647 (December 2007), amended LR 48:1502 (June 2022), amended LR 49:

Family Impact Statement

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

Poverty Impact Statement

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

Small Business Analysis

The proposed rulemaking will have no impact on small business analysis as described in R.S. 974.5.

Provider Impact Statement

The proposed rulemaking will 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 Commission, 3074 Westfork Dr. Baton Rouge, Louisiana, 70816, either by mail or hand delivery. Comments may also be sent by email to gary.beard@la.gov. All written comments must be received no later than 4 p.m., on August 10, 2023.