



Instructions and FAQ's for Public Notice

What types of applications have to provide notice?

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

- all new non-exempt wells not authorized by a District general permit;
- modification of existing wells to increase production capacity when the well will be completed with an inside casing diameter greater than six (6) inches or a pump size equal to or greater than one horse power and will be used for public water supply, commercial, industrial, agricultural, irrigation, or injection purposes;
- notice of intent to transport any groundwater out of the District; or
- all major Permit amendments, as defined in Section 3-1.9 of these Rules.

Which newspaper should the public notice be published in?

The primary notice shall be the responsibility of the applicant and shall be published in the *Austin American-Statesman* in a form approved by the District. For further information, contact the *Austin American-Statesman* at (800) 444-4382, (512) 445-4000, or on-line at <https://placeanad.statesman.com/webentry/url/consumer>.

In addition, the District will be responsible for publication of the same notice in a more "local" secondary paper with targeted distribution in the county that the subject well(s) is located. The District will use the Austin Chronicle for wells located in Travis County and the Hays Free Press for wells located in Hays County.

Who must be sent a notice by mail?

All required permit applications must provide notice by certified mail, return receipt requested, to all property owners within a half (1/2) mile radius of the specific well site location that is the subject of the application. Notification of any property owner served by a retail water utility is not required of any applicant if notice is provided to the retail water utility.

What must be included in the notice?

All public notices must contain the minimum information listed below: (See attached template)

- 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 in the attached format subject to District review and approval prior to publication. The notice language published shall be consistent with the approved notice format and language.

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 have 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 mail within ten (10) business days.

Note: The *Austin-American Statesmen* will generally need 2-3 days of lead-time prior to the target publication date. After notice information has been submitted to the newspaper, contact the District with the target date of publication. Deadline information is also available online at: <https://placeanad.statesman.com/webentry/url/consumer>

How long is the public response period?

Public notice shall include a twenty (20) 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.

What information must be provided to the District to demonstrate that the notice requirements have been met?

The District must be provided with:

- Proof of publication of public notice. The applicant shall submit an original newspaper clipping which shows the date of publication and the name of the newspaper to the District office within 10 business days after the date of publication. Photocopies will not be accepted.
- Proof of public notice to property owners by certified mail. The applicant shall submit copies of all U.S. Postal Service Certified Mail Receipt (PS Forms 3800, June 2002, or a successor form as issued by the U.S. Postal Service). To facilitate verification of mailed notice, arrange the photocopied forms to correspond with the mail out information provided with the application.

Note: if you fail to publish notice or submit the required proof of publication in a timely manner, the District may suspend further processing of the application or take other action. Send the above documentation to:

BSEACD
1124 Regal Row
Austin, Texas 78748

Notice Template

PUBLIC NOTICE

_____ **Insert Name and Address** _____ filed a **Insert Application Type** application on **Insert date filed** _____, to the Barton Springs/Edwards Aquifer Conservation District for a groundwater well for **Insert Type of Use** use *(for production permit applications add: “and to withdraw an annual permitted volume of approximately **Insert Volume of Water** gallons per year”)*. **Insert Applicant Name** will operate the well as a **Insert Well Type**, providing water **Insert Brief Description of Intended Purpose**. The request is for the following address:
_____ **Insert legal description** _____.

Publication of this notice begins a 20-day public response period for comments, protests, or requests for a public hearing from interested parties. For further information, please contact Barton Springs/Edwards Aquifer Conservation District, 1124 Regal Row, Austin, TX 78748, (512) 282-8441.