

**THE PURPOSE OF THIS DOCUMENT IS TO PROVIDE STRUCTURE FOR TOPICS  
TO BE CONSIDERATIONS AND DISCUSSED AT RULES COMMITTEE MEETING  
FEBRUARY 1, 2022**

**RULE 15.3. RULE ENFORCEMENT.**

1. If a person has violated, is violating, or is threatening to violate any provision of the rules, the Board may institute and conduct a suit in the name of the District for enforcement of these rules and the provisions of Chapter 36, Texas Water Code. When used in this Section 15, the word "rules" includes and refers to the rules in which this Section 15 is included and all other written rules adopted by the District, applicable state law, and the terms, conditions and provisions of any relevant permit granted by the District. [Amended December 8, 2009] [Amended June 12, 2012]

2. The rules may be further enforced by injunction and other judicial proceedings, either at law or in equity, and, in lieu of or in addition to any other authorized enforcement action, any person who violates any term or provision of these rules will be subject to civil fine and penalties as provided herein.

3. Any person violating any of the provisions of these rules or failing to comply therewith or with any of the requirements thereof, or who drills or operates any well, or transports water outside of the District in violation of these rules, or in violation of any written statement or plan submitted and approved hereunder, will be subject to a civil penalty of not less than the minimum penalty provided in Rule 15.4 and not more than ten thousand dollars (\$10,000.00) per day, and each day the violation continues constitutes a separate offense. The Board has established the penalties set forth in Rule 15.4 as the minimum penalty for violation of the rules. The Board may at a hearing on a violation, assess the minimum or a greater civil penalty for breach of any rule of the District, and the penalty assessed by the Board shall be in addition to all the other remedies provided herein. At such hearing, the Board may in addition to any civil penalty set out herein, take up review of the permit(s) which may result in modification or suspension of such permit(s). Modification or Suspension, as used herein, may include revoking a permit in part or in whole or it may include filing suit to modify a permit up to and including revocation of the entire permit [Amended December 8, 2009] [Amended June 12, 2012]

4. If the Board finds a violation of these rules and determines it necessary and directs that a lawsuit be filed to enforce these rules in a court of competent jurisdiction, or to enforce any other applicable law the Board and the District has the authority to enforce, in addition to any fine or penalty imposed by the court, the District shall be entitled recover reasonable attorney fees, costs of expert witnesses, costs of court, and any other costs incurred by the District. [Amended December 9, 2009]

**RULE 15.4. PENALTIES FOR NON-COMPLIANCE.** The penalties provided in this Rule shall be the minimum penalty for the respective violation. These penalties shall be the minimum penalty applicable to the first two offenses of the rules by a person. The Board may, on hearing, set a higher penalty which shall, if accepted by the person or entity responsible, be in lieu of the District filing a complaint in district court, and, in addition to the penalty, also assess against and collect from a person that violates the rules all costs incurred by the District to enforce the rules. [Amended June 12, 2012]

1. The District shall give written notice to any person that is in violation of the rules.
  2. The general manager of the District has the authority, subject to the right of appeal to the Board, to set and collect the minimum penalties set forth in this Rule, subject to acceptance by the responsible person or entity in lieu of the District proceeding judicially. [Amended June 12, 2012] [Amended July 2, 2019]
  3. The written notice shall include notice of the specific violation and, if an investigation has been made, a copy of the investigation report. The notice may assess an administrative penalty as provided in this Rule; require immediate remedial action; and advise that a penalty will be assessed for each additional day of violation if remedial action is not taken promptly. The notice shall advise the person of the right to request and obtain a hearing at a public meeting of the Board. All administrative penalties shall be subject to acceptance and payment by the responsible person or entity in lieu of the District filing complaints in the district court. If not proposed penalty is not accepted and paid as a settlement and resolution of the alleged violation, the District will file a complaint in district court that requests the court to set the penalties and grant the District attorney fees. [Amended June 12, 2012] [Amended July 2, 2019]
3. The following minimum penalties are assessed for the first and the second violation of a District rule, state law over which the District has jurisdiction, or a permit or order issued by the District; all penalties beyond such minimum amounts are assessed by the Board:

<b>Schedule of Administrative Penalties</b>		
<b>Non-Compliant Action</b>	<b>Minimum Penalty</b>	<b>Maximum Penalty</b>
Failure to obtain a drilling permit, or drilling a well without a drilling permit	\$1,000.00	\$10,000.00
Drilling a well without a license other than on property owned and for personal use by driller	\$1,500.00	\$10,000.00
Exceeding permitted production rate or volume	\$1,000.00	\$10,000.00
Altering production capacity of an existing well without a permit or permit amendment	\$500.00	\$10,000.00
Equipping an exempt well to enable production of more than 25,000 gallons per day prior to obtaining the required permits	\$1,000.00	\$10,000.00
Using water from a well for a purpose other than the purpose indicated in the well registration or well permit	\$1,000.00	\$10,000.00

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Failure to report production as required by Rules or special permit requirements [Added July 13, 2021]	\$500.00	<u>\$10,000.00</u>
Violation of District Rule or Permit (other than the above listed violations	\$250.00	<u>\$10,000.00</u>
[Rule 15.4 added December 9, 2009]		