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EDWARDS AQUIFER AUTHORITY ADOPTS EMERGENCY RULES, RESCINDS 'JUNIOR/SENIOR' SYSTEM

SAN ANTONIO (March 13, 2007) – An opinion issued by the Attorney General of the State of Texas earlier this year has prompted the Edwards Aquifer Authority to adopt emergency rules that significantly change how the agency will manage annual and seasonal pumping restrictions in 2007.

An Attorney General's opinion issued in January stated the Authority could not legally continue the "junior/senior" method of authorizing and restricting groundwater rights. The Authority's board of directors, at its regular meeting on Tuesday, March 13, approved "emergency" rules to comply with the Attorney General's opinion. The new rules change the trigger mechanisms used for activating pumping reductions during drought and they also eliminate the "junior/senior" permit structure the Authority had used since 2003 to manage groundwater rights. The "junior/senior" rules were implemented as a temporary solution to conflicting provisions in the Edwards Aquifer Authority Act and were due to expire at the end of 2007.

Previously, the rate of springflow at Comal or San Marcos springs could trigger the onset of pumping cutbacks in addition to aquifer level readings at the J-17 Index Well in Bexar County. Now, only the J-17 Index Well can trigger the onset of restrictions, and springflow can only be used to activate subsequent stages of cutbacks when the aquifer level is below 650 feet above mean sea level at J-17.

The Edwards Aquifer Authority Act allows the board to adopt emergency rules such as these in anticipation of imminent harm to human health, safety, or welfare, or if following normal rulemaking procedures would prevent an effective response to emergency aquifer or springflow conditions. The emergency rules adopted by the board become effective immediately for a period of up to 120 days and can be extended an additional 60 days, if needed. The Authority will consider permanent rules under its normal rulemaking procedures, which is a lengthier process that could take up to a year to complete.

The Edwards Aquifer Authority manages, enhances, and protects the Edwards Aquifer, one of the major groundwater systems in Texas serving approximately 1.7 million people. More information on the Edwards Aquifer Authority is available on line at www.edwardsaquifer.org or by calling (210) 222-2204 or (800) 292-1047.

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