

**RULES OF HARRIS COUNTY  
FOR THE  
PLACEMENT OF WATERWELLS**



**EFFECTIVE: 1 JULY 2006**

**HARRIS COUNTY PUBLIC INFRASTRUCTURE  
ENGINEERING DIVISION - PERMIT GROUP**

**ARTHUR L. STOREY, JR., P.E.  
COUNTY ENGINEER**

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ENGINEERING DIVISION DIRECTOR**

THE STATE OF TEXAS §  
§  
COUNTY OF HARRIS §

The Commissioners Court of Harris County, Texas, convened at a meeting of said Court at the Harris County Administration Building in the City of Houston, Texas, on the \_\_\_ day of MAY 16 2006, 2006, with the following members present, to-wit:

Robert Eckels	County Judge
El Franco Lee	Commissioner, Precinct No. 1
Sylvia R. Garcia	Commissioner, Precinct No. 2
Steve Radack	Commissioner, Precinct No. 3
Jerry Eversole	Commissioner, Precinct No. 4

and the following members absent, to-wit: NONE, constituting a quorum, when among other business, the following was transacted:

ORDER ADOPTING RULES OF HARRIS COUNTY FOR  
PLACEMENT OF WATER WELLS

Commissioner Eversole introduced an order and made a motion that the same be adopted. Commissioner Garcia seconded the motion for adoption of the order. The motion, carrying with it the adoption of the order, prevailed by the following vote:

	Yes	No	Abstain
Judge Eckels	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Garcia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Radack	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Eversole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The County Judge thereupon announced that the motion had duly and lawfully carried and that the order had been duly and law-fully adopted. The order thus adopted follows:

IT IS ORDERED that, pursuant to Texas Local Government Code § 240.041 *et seq.* and other applicable law the Rules of Harris County for Placement of Water Wells, a copy of which are attached hereto and incorporated herein for all purposes, are adopted, to become effective on July 1, 2006 and after publication of notice in accordance with Texas Local Government Code § 240.043.

Presented to Commissioner's Court

MAY 16 2006

APPROVE \_\_\_\_\_  
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**RULES OF HARRIS COUNTY  
FOR THE  
PLACEMENT OF WATERWELLS**

**SECTION 1    AUTHORITY**

These Rules are adopted by the Commissioners' Court of Harris County, Texas pursuant to the authority granted to it by Subchapter C, Chapter 240 of the Local Governmental Code and other applicable law.

**SECTION 2    JURISDICTION**

These Rules apply to the construction and installation of private waterwells within the unincorporated area of Harris County.

**SECTION 3    PURPOSE**

The purpose of these Rules is to prevent:

1.     the contamination of a well from an on-site disposal system;
2.     rendering an on-site sewage disposal system that was in place before the well was drilled out of compliance with applicable law because of the placement of the well; and
3.     drilling of a domestic well into a contaminated groundwater plume or aquifer.

#### SECTION 4 CONSTRUCTION OF RULES

The Code Construction Act of Texas (Chapter 311 of the Texas Government Code) applies for the purpose of construing these Rules unless an alternative instruction, definition, or application is contained herein. These Rules must be liberally construed to give effect to their purpose.

#### SECTION 5 DEFINITIONS

As used in these Rules, the following words and phrases have the following meanings:

- A. “**County Engineer**” means the County Engineer of Harris County, Texas or any employee authorized by said County Engineer to act on his or her behalf.
- B. “**Waterwell**” means any device used for extraction of water from an underground aquifer to be used for any purpose. Not within this definition are temporary well points for construction, nor wells used as part of a groundwater cleanup or monitoring process.
- C. “**Utility District**” means any Municipal Utility District, Water Control and Improvement District, Freshwater Water Supply District or other political subdivision of the State.
- D. “**Person**” means any individual, corporation, partnership, limited partnership, joint venture or other legal entity.

- E. **“Contaminated Groundwater Plume or Aquifer”** means any aquifer or portion of aquifer that has been confirmed as contaminated by the Texas Commission on Environmental Quality or the United States Environmental Protection Agency. Once an area is defined, it shall be mapped, and the map shall be available from the County Engineer.

## **SECTION 6 ADMINISTRATION**

The County Engineer shall be responsible for enforcing these rules. Additionally, the County Engineer shall maintain a map of all areas deemed contaminated as defined by Section 5E.

- (1) a person desiring to drill a private water well, or the owner of the land on which the well is to be located, shall:
  - (A) notify the County Engineer of the intent to drill the well; and
  - (B) include with the notice a diagram showing the proposed location of the well and its distance from any on-site sewage disposal system that is located within 100 feet of the well in a form acceptable to the County Engineer; and
- (2) the County Engineer shall:
  - (A) review the notice and diagram;
  - (B) not later than the 10th business day after the date the notice is received:
    - (i) approve the drilling of the well if the well will not be drilled into or through an aquifer or groundwater plume that has been confirmed as contaminated by the Texas Commission on Environmental Quality or the

United States Environmental Protection Agency and placement of the well will not violate the rules adopted by the Texas Commission of Licensing and Regulation under Chapters 1901 and 1902, Occupations Code; or

- (ii) disapprove the drilling of the well; and
- (C) provide a written acknowledgment to the person desiring to drill the well and to the owner of the land on which the well is to be located that states:
  - (i) that the requirements of the rules adopted under Subdivision (1) have been satisfied; and
  - (ii) whether the drilling of the well has been approved or disapproved.

**SECTION 7      EXCEPTIONS:**

These regulations do not apply to:

- (1) a private water well drilled:
  - (A) on a parcel of land that:
    - (i) is 10 acres or more in size; or
    - (ii) is qualified open-space land, as defined by Section 23.51, Tax Code;
  - (B) within the boundaries of a groundwater conservation district;
  - (C) within the boundaries of a subsidence district other than the Harris-Galveston Coastal Subsidence District; or
  - (D) incident to the exploration, development, or production of oil, gas, or other minerals; or
- (2) a public water system that has been permitted under rules adopted by the Texas Commission on Environmental Quality.

**SECTION 8            ENFORCEMENT**

Tex. Loc. Gov't Code §240.046 provides that a person may not drill a private water well unless the placement of the well complies with Subchapter C of Chapter 240 of that Code or these regulations and applicable rules and has been approved by the County Engineer. Pursuant to Tex. Loc. Gov't Code §240.047, it is a Class C misdemeanor for a person to drill a private water well in the unincorporated area of Harris County without possessing a written acknowledgment, or a copy of a written acknowledgment by the County Engineer as provided for above. The County Engineer may seek to obtain prosecution of such violation and/or enforcement of said Rules in the appropriate Court. Additionally, the County Engineer may refer violations of these Rules to the County Attorney for injunctive relief and/or a civil penalty.

**SECTION 9            CONTEMPT OF COMMISSIONERS' COURT**

Any person found violating these Rules commits contempt of Commissioners' Court. Commissioners' Court may punish contempt by fine or imprisonment in accord with the provisions of Section 81.024 of the Texas Local Government Code, as amended. Any person authorized by the County Engineer to lay, construct, maintain, or repair facilities within Harris County does so on the representation to Commissioners' Court that he will comply with these Rules and other County Regulations. Violations of such representations constitute

contempt of Commissioners' Court. If Commissioners' Court finds the defendant guilty of contempt, it will enter such Orders consistent with general law necessary to enforce and protect its jurisdiction over the matter, and to uphold the integrity of these Rules. Such Orders are enforceable by civil or criminal contempt. Procedures for contempt proceedings before Commissioners' Court will be consistent with procedures in actions before other courts in this State for enforcement of Court Orders, and for the protection of the jurisdiction of Courts by the process of contempt.

#### **SECTION 10 SEVERABILITY**

If any provision, section, subsection, sentence, clause or phrase of these Rules might otherwise be invalid, illegal, or unenforceable in any respect, it shall be construed as being limited in scope and apply to only those circumstances to which it can legally apply. To the extent that any provision or part thereof is still found to be invalid, illegal, or unenforceable in any respect it shall not affect any other provision.