

SECTION 10. CAPPING AND PLUGGING OF WELLS

RULE 10.1 - OPEN WELLS TO BE CLOSED OR CAPPED.

Every owner or operator of any land within the District, upon which is located any open or uncovered well is, and shall be, required to close or cap the same as set forth below and in accordance with Chapter 36, Texas Water Code and subsequent changes thereto:

- (a) The District may require the owner or lessee of land on which an open or uncovered well is located to keep the well closed or capped with a covering capable of sustaining weight of not less than four hundred (400) pounds, except when said well is in actual use by the owner or operator thereof; and no such owner or operator shall permit or allow any open or uncovered well to exist in violation of this requirement.
- (b) Officers, agents and employees of the District are authorized to serve or cause to be served notice upon any owner or operator of a well in violation of this rule, thereby requesting such owner and/or operator to close or cap such well with a covering in compliance herewith.

RULE 10.2 - PLUGGING OF ABANDONED OR DETERIORATED WELLS.

It is the responsibility of the landowner to plug or have plugged a well that is deteriorated or abandoned.

- (a) If a well that does not penetrate any undesirable water zone(s) is deteriorated or abandoned, all removable casing shall be removed from the well and the entire well pressure filled with cement to the land surface. In lieu of filling the entire well with cement to the land surface, one of the following procedures may be followed:
 - (1) The well may be filled with mud, as defined herein, followed by a cement plug not less than ten (10) feet in length, extending down from the land surface;
 - (2) The cement plug may be started from a depth of three (3) feet below land surface and extended not less than ten (10) feet in length; or
 - (3) Wells in potable water formations may be filled with rock or gravel through the water bearing formation, then filled with mud to a level thirteen (13) feet below land surface, followed by a cement plug not less than ten (10) feet in length and three (3) feet below land surface. Dirt or topsoil shall be filled to the surface of the well. Hand dug wells may be filled with rock or gravel through the water bearing formation, then filled with clay soil or caliche other suitable material to a level six (6) feet below ground level, then filled with dirt to the surface of the well.
- (b) The person that plugs an abandoned or deteriorated well shall, within sixty (60) days after plugging is complete, submit a copy of the plugging report (on forms furnished by the District) to the District.
- (c) Officers, agents and employees of the District are authorized to serve or cause to be served notice upon any owner or operator of a well in violation of this rule, thereby requesting such owner and/or operator to plug such well permanently with a covering in compliance herewith.

RULE 10.3 - FAILURE TO COMPLY WITH CAPPING OR PLUGGING RULES.

- (a) In the event any owner or operator fails to comply with the request to either cap or plug a well(s) within thirty (30) days, a written notice shall be delivered to the owner of said well or wells either by certified mail or by priority mail with confirmation of delivery requesting compliance with the rule within ten (10) days of receipt of the written notice. If, after the ten (10) day period, an inspection of the well or wells reveals that the landowner has not complied with the request or refuses to plug or cap a well, any employee, person, firm, or corporation employed by the District may go upon said land and plug or cap said well in a manner complying with this rule and the Well Drillers and Water Well Pump Installers Rules and all expenditures thereby incurred shall constitute a lien upon the land where such well is located.. Any officer, agent, or employee of the District, is authorized to perfect said lien by the filing of the affidavit authorized by §36.118 of the Texas Water Code as amended. All of the powers and authority granted in such section are hereby adopted by the District, and its officers, agents, and employees are hereby bestowed with all of such powers and authority.