

# Texana Groundwater Conservation District Requesting a Waiver and Variance

The purpose of this document is to provide guidance to permit applicants seeking a waiver and variance of rules of the Texana Groundwater Conservation District. The applicant is responsible for providing the necessary information for the Texana Groundwater Conservation District to fully evaluate the request and make an informed decision regarding the request.

Waiver and variance requests shall be delivered to the district in the format and with the information listed below. A waiver and variance request shall be considered administratively complete if the submitted request includes each element described in this guidance document and the associated permit applications are administratively complete.

Administratively complete waiver and variance requests shall be scheduled for consideration by the Texana Groundwater Conservation District Board of Directors at the next regularly scheduled meeting of the Texana Groundwater Conservation District Board of Directors provided adequate notice is made prior to the meeting.

The public hearings and consideration of the associated permit applications shall be held only after the waiver and variance request has been considered by the Texana Groundwater Conservation District Board of Directors and proper notice has been made. The consideration of the waiver and variance request as well as the permit hearings and consideration of the permit applications may be scheduled at the same meeting.

The applicant must provide sufficient evidence to support a finding of “good cause” as part of the waiver and variance request. In instances in which the TGCD rules allow for exceptions contingent of waiver by adjoining or adjacent landowners, the applicant is responsible for attempting to obtain the waivers and identifying any required waivers that were not obtained and reason the waiver was not obtained.

The following elements must be submitted as part of the waiver and variance request:

## **Identification of the applications related to the waiver and variance request.**

The waiver and variance request shall include a description of the related application(s) to which the request applies. If the District has assigned application IDs to the related applications prior to submittal of the request, the application IDs shall be included in the waiver and variance request. If the District has not assigned application IDs or the applications are being initially submitted with the waiver and variance request, then the request shall include a

description of the types of applications being submitted, a description of the property location, and identification of the landowner.

**Identification of specific rule and requirements related to the request.**

The waiver and variance request shall identify the specific rule(s) and specific requirement(s) of the district rules from which the applicant seeks relief.

**Statement as to whether total waiver of the requirements or a partial waiver with a variance request is being sought.**

The waiver and variance request shall clearly state whether the applicant seeks a complete waiver of the identified rules and requirements or a partial waiver with a variance. If a partial waiver with a variance is requested, the request shall include a detailed description of the requested variance. In addition to the requirement variance, the duration of time the variance would be necessary shall be included in the request.

**Statement describing the basis or justification for the waiver and variance requests.**

The waiver and variance request shall include a detailed description of the basis for the waiver request. The description shall include a statement regarding why the specific requirements must be waived or varied, the impact if the request is not approved, and any performance conditions the applicant would find acceptable if the waiver and variance request were to be approved.

**List of documentation, if any, included supporting waiver and variance request.**

**Statement of Certification and Signature of Landowner or Authorized Agent.**

The waiver and variance request shall include a statement certifying under penalty of law that the waiver and variance request was prepared under my direction or supervision and that the information submitted is, to the best of my knowledge and belief, true, accurate and complete. The waiver and variance request shall also include a statement that the signee is either the landowner or is authorized to act for the landowner. The waiver and variance request shall be signed and dated by the applicant. The signee's name shall be printed below his signature.