



RESOLUTION: 2019 - 2

A RESOLUTION AUTHORIZING EXERCISE OF ENFORCEMENT POWER PURSUANT TO CHAPTER 7, TEXAS WATER CODE

WHEREAS, Section 7.351 of the Texas Water Code, authorizes a local government, such as the Colorado County Groundwater Conservation District (also called "District"), to institute civil suits in a district court by its own attorney under Subchapter D of Chapter 7 of the Texas Water Code in the same manner as the Texas Commission on Environmental Quality, for violations or threats of violations of various provisions of the Texas Water Code and the Texas Health and Safety Code, or rules adopted or order or permits issued under those chapters or provisions, that have occurred or are occurring in the jurisdiction of a local government; and,

WHEREAS, Section 7.352 of the Texas Water Code provides that a local government may not exercise the enforcement power described in Section 7.351 of the Texas Water Code, in the case of a violation of Chapter 26 of the Texas Water Code or Chapter 382 of the Texas Health and Safety Code unless the governing body of the local government has adopted a resolution authorizing the exercise of the enforcement power; and,

WHEREAS, Chapter 26 of the Texas Water Code contains laws designed to maintain and improve water quality, including laws governing waste discharges; and,

WHEREAS, the Colorado County Groundwater Conservation District Board of Directors finds it is in the public interest to adopt a resolution authorizing the District General Manager to use all statutory enforcement authority for water quality protection pursuant to Sections 7.351 and 7.352 of the Texas Water Code for violations of Chapter 26 of the Texas Water Code or Chapter 382 of the Texas Health and Safety Code within the statutory boundaries of the District as deemed necessary by the Board of the District;

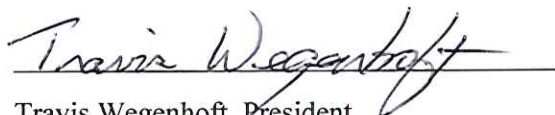
NOW THEREFORE, BE IT RESOLVED that the Board of the Colorado County Groundwater Conservation District hereby authorizes the exercise of the enforcement power provided to local governments under Subchapter D of Chapter 7 of the Texas Water Code, as specifically authorized by Sections 7.351 and 7.352 of the Texas Water Code; and,

BE IT FURTHER RESOLVED that these enforcement powers shall authorize actions respecting past, existing, and future violations, in addition to the local government's other enforcement powers to protect the groundwater; and,

BE IT FURTHER RESOLVED that the District General Manager is hereby authorized to take all actions necessary to exercise the enforcement power provided in Subchapter D of Chapter 7 of the Texas Water Code, including to pursue and institute civil suits for violations or threatened violations of Chapter 26, Texas Water Code and Chapter 382, Texas Health and Safety Code, and to seek injunctive relief, or civil penalty, or both, as authorized by Chapter 7 against the person who committed, is committing, or is threatening to commit the violations; and,

BE IT FURTHER RESOLVED that this resolution shall take effect immediately from and after its passage, and it is accordingly so resolved,

CONSIDERED, PASSED AND APPROVED this 18th day of April 2019.


Travis Wegenhoft, President


Sam Parks, Secretary