



**FOR IMMEDIATE RELEASE**

**FEBRUARY 4, 2021**

**ELECTRO PURIFICATION ENDS CONTESTED CASE HEARING IN HAYS COUNTY**

On February 4, 2021, the State Office of Administrative Hearings (SOAH) approved Electro Purification's (EP) request to cancel the trial-like hearing where Hays County, the Trinity Edwards Springs Protection Association (TESPA), and 13 local landowners were set to challenge EP's application to produce a substantial amount of groundwater from the Trinity Aquifer. EP's application will now be sent back to the Barton Springs Groundwater Conservation District (BSEACD) while EP considers whether to continue pursuit of a groundwater permit, signaling the possible end to the long battle to protect the aquifer.

EP's action to cancel the hearing follows recent testimony from the BSEACD General Manager who recommended a permit for EP be reduced to 0.25 million gallons per day (MGD) with the opportunity to increase production, at most, to 0.5 MGD. After six years of public outcry and legal wrangling, the situation has been compared by some to David landing a major blow to Goliath towards victory for property owners living in the Driftwood and Wimberley communities of Hays County where groundwater wells are the primary water supply for homes, ranches and businesses.

TESPA executive director Patrick Cox, PhD, gives context to the situation, "Our organization was formed in 2015 in response to EP's permit request to pump 2.5 MGD from the Trinity Aquifer—the equivalent of 2,800 acre-feet per year. As a water speculator, EP's intention was to transport groundwater by pipeline to buyers in other parts of Hays County or beyond. TESPAs area landowners, and local governments opposed this draining of our aquifer and strongly contested the permit before BSEACD. Our science showed a five-mile radius of negative influence on existing wells, and potentially Jacob's Well, with aquifer drawdown ranging from 150 to 500 feet over the life of the project. We found this unsustainable and unacceptable."

Hays County Commissioner Lon Shell assured continued vigilance, "The protection of groundwater is extremely important to Hays County. I sincerely appreciate the efforts of TESPAs and the many Hays County residents who fought against the EP permit. Though this issue will no longer be before SOAH, we will stay engaged and work alongside our partners as we continue to protect our natural resources."

Other Hays County landowners and participants in the contested case against EP weighed in:

"Our family owns and lives on ranchland located between the two proposed EP well fields, so you can imagine our relief when the District reduced the volume on the pumping permit and when EP withdrew its hearing," said Dana and Dennis Pape. "We were also approached by EP to sell our water rights but knew the detrimental effects over-pumping the groundwater would have on the water supply of our neighbors and how the aquifer level would surely drop. Our water is safe, for now."

"As an active participant in the Wimberley and Blanco River Valley community, St. Stephen's Episcopal Church and School are committed to being good stewards of God's creation—including our community's water resources," said FR Kevin Schubert, rector. "We joined with TESPAs to challenge the Electro Purification permit because irresponsible depletion of our life-giving aquifers runs counter to our innate human identity as God's stewards. We are thankful for the recent development."

(more)

Hays County landowner Louie Bond responded to the news, “When I saw that EP had filed for a non-suit, I felt immediate relief for my family and my neighbors. We have been fighting to Save Our Wells since 2014, with nothing to gain but everything to lose. Water is life, and no one has the right to take that from us. Many thanks to TESPAs, Hays County, BSEACD and most importantly, all the good people who stood up for their rights, no matter how hard or long they had to fight.”

“We were pleased with the latest BSEACD statement that the EP groundwater permit should be significantly reduced,” added Dr. Cox. “The BSEACD staff clearly recognize that this aquifer needs protection, and everyone owes the BSEACD staff a tremendous thank you for stepping up to protect our springs and the sole source of drinking water for so many.”

While EP’s recent actions deliver a promising development for everyone trying to protect aquifers and prevent groundwater over-pumping and depletion, some uncertainty remains. EP could choose to continue pursuit of its permit, or possibly file a new permit application with BSEACD in the future. TESPAs will monitor EP’s application and act accordingly.

For a full background on EP, Rule of Capture and the Birth of TESPAs, go to <https://www.tespatexas.org/electropurification>.

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