



Reporting Groundwater Contamination, “Who's on first?”

Texas Groundwater Protection Committee

Texas Alliance of Groundwater Districts
2019 Texas Groundwater Summit
August 21, 2019

Non-Degradation Policy

The Texas Legislature established a policy of non-degradation of the state's groundwater resources as the goal for all state groundwater protection programs. The state's groundwater protection policy recognizes:

- Texas' aquifers vary in their potential for beneficial use and susceptibility to contamination
- It is valuable to protect and maintain present and potentially usable groundwater supplies
- There is a need to keep present and potential groundwater supplies reasonably free of contaminants for the protection of the environment and public health and welfare
- Existing and potential uses of groundwater supplies are important to the economic health of the state

The policy requires discharges of pollutants, disposal of wastes, and other regulated activities be conducted in a manner that will maintain current uses and will not impair potential future uses of groundwater, and will not pose a public health hazard

Texas Groundwater Protection Committee

- Created by the Texas Legislature in 1989, the Texas Groundwater Protection Committee (TGPC) bridges the gap in coordination between state agencies and organizations involved in groundwater-related activities
- The TGPC is recognized as a state agency, but has no staff or funding
- TCEQ receives funding from the USEPA to provide the bulk of the administrative support for the TGPC

TGPC Membership

- Texas Commission on Environmental Quality (TCEQ, Chair)
- Texas Water Development Board (TWDB, Vice Chair)
- Railroad Commission of Texas (RRC)
- Texas Department of State Health Services
- Texas Department of Agriculture
- Texas State Soil and Water Conservation Board
- Texas Alliance of Groundwater Districts
- Texas A&M AgriLife Research
- Bureau of Economic Geology of The University of Texas at Austin
- Texas Department of Licensing and Regulation

TGPC Responsibilities

- Coordinate groundwater protection activities of the agencies represented on the committee;
- Develop and update a comprehensive groundwater protection strategy for the state;
- Study and recommend to the legislature groundwater protection programs for each area in which groundwater is not protected by current regulation;
- File a report of the committee's activities and any recommendations for legislation for groundwater protection before the date that each regular legislative session; and
- Publish the joint groundwater monitoring and contamination report.

Joint Report

- The TGPC prepares an annual *Joint Groundwater Monitoring and Contamination Report*, which includes a list of all active groundwater contamination in Texas, as well as a historical database of closed cases where contamination may still be present, but regulatory actions have been completed.
- The majority of cases include contamination from leaking petroleum storage tank sites reported by the TCEQ Remediation Division and oil field contamination sites reported by RRC Oil and Gas Division.

TGPC Definitions

- Groundwater – water existing below the land surface in a zone of saturation; that is, the water which completely fills the interconnected pore spaces of the rock or sediment
- Groundwater contamination – any detrimental alteration of the naturally-occurring quality of groundwater; it is limited, however, to contamination suspected of being associated with activities under the jurisdiction of the TGPC's contributing agencies and affecting usable quality groundwater

Groundwater Contamination – Who Responds?

- TCEQ is the state's lead agency in responding to spills or discharges of all hazardous substances, including refined petroleum products from pipelines, releases of crude oil being transported over the roadway, and discharges of any other substances that may cause pollution
 - The Texas General Land Office is the lead state agency for responding to oil spills that enter, or threaten to enter, coastal waters

Groundwater Contamination – Who Responds?

- The RRC serves as the lead agency for spills or discharges from all activities associated with the exploration, development, or production, including storage or pipeline transportation (excluding highway transport and refined product spills), of oil, gas, and geothermal resources
- The jurisdiction of specific oil and gas activities are discussed in a Memorandum of Understanding between the RRC and TCEQ, 16 TAC §3.30

Who Do I Call?

- If you become aware of a spill or discharge under TCEQ's jurisdiction, contact TCEQ:
 - State of Texas Spill-Reporting Hotline and the State Emergency Response Commission (SERC): 800-832-8224, 24 hours a day
 - Contact the appropriate TCEQ Regional Office
 - File an environmental complaint with TCEQ online or by calling 888-777-3186, 24 hours a day (speak with a person or follow the information in the recording)

Who Do I Call? (cont.)

- For RRC-regulated activities:
 - RRC 24-hour emergency number: 844-773-0305
 - Must immediately call the appropriate RRC regional office

Private Wells and Groundwater Contamination

- Agency Record-Keeping
 - Texas Water Code, §26.406(a) , from HB 3030 of the 78th Texas Legislature, requires agencies with groundwater protection responsibilities to maintain a public file of all documented cases of groundwater contamination that were likely caused by activities regulated by that agency.
 - These agencies include TCEQ, TDA, RRC, and TSSWCB

Private Wells and Groundwater Contamination (cont.)

- Agency Reporting:
 - Agencies must notify TCEQ of all contamination cases that may impact a private drinking water well.
 - The TCEQ must, within 30 days of becoming aware of the contamination, send written notice to any owner of a private drinking water well that may be affected by the contamination.
 - In 2018 TCEQ mailed 336 letters for 26 contamination cases that may have impacted private drinking water wells.

Notice to Local Officials

- Texas Water Code §26.236 requires TCEQ to provide notice to local officials of groundwater contamination that may affect drinking water supplies in their area
 - County judges
 - Public health officials
 - GCD if applicable
- In 2018 there were 36 such cases
- Notification of publication of the annual *Joint Report* provides secondary notification of possible groundwater contamination in an area

TCEQ Groundwater Contamination Viewer

- This Viewer has been developed as an interactive, online map of the groundwater contamination cases in Texas that are documented in the *Joint Report*
 - Currently contains the active cases found in the 2015, 2016, and 2017 *Joint Reports*
 - Historic/inactive cases from the *Joint Report* will be added to this application in the future
 - <https://www.tceq.texas.gov/gis/tceq-geographic-data-viewers>

TCEQ Groundwater Contamination Viewer (cont.)

- This Viewer gives users the ability to query the database and obtain spatial relationship information about the cases
- It is for informational purposes only, and represents only the approximate relative location of property boundaries
- It works best in a Google Chrome browser
- A [User Guide](#) is available which provides an overview of the Viewer's layout and tools

HB 2771 Oil and Gas Wastewater Discharges

- Transfers authority to issue permits for the discharge of produced water, hydrostatic test water, and gas plant effluent resulting from certain oil and gas activities into waters of this state from the Railroad Commission to TCEQ.
 - Discharge must meet Texas Surface Water Quality Standards
 - Requires TCEQ to request amendment of its federal NPDES delegation authority by September 1, 2021 for these discharges
 - EPA must concur with the request and grant the amendment
 - The Railroad Commission will retain their current authority until TCEQ receives delegation from the EPA
 - In the meantime, report any suspected groundwater impacts from these types of discharges to the Railroad Commission.

References

- TGPC, <https://tgpc.texas.gov/>
- *Strategy*, TCEQ publication AS-188, https://www.tceq.texas.gov/assets/public/comm_exec/pubs/as/188.pdf
- Joint Groundwater Monitoring and Contamination Report, <https://www.tceq.texas.gov/publications/sfr/056>
- Title 16, Texas Administrative Code, Section 3.30 (16 TAC §3.30), *Memorandum of Understanding between the RRC and the TCEQ*, <https://www.sos.texas.gov/tac/index.shtml>

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