

SUBCHAPTER A: GENERAL PROVISIONS

§§222.1, 222.3, 222.5

Effective July 5, 2006

§222.1. Purpose and Scope.

The purpose of this chapter is to:

- (1) maintain the quality of fresh water in the state to the extent consistent with the public health and welfare and the operation of existing industries;
- (2) promote the beneficial reuse of commercial, industrial, and municipal waste for the economic development of the state, thereby reducing the demand on the state's supply of fresh water;
- (3) prevent underground injection that may pollute fresh water; and
- (4) require the use of all reasonable methods to implement this policy.

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§222.3. Applicability.

(a) This chapter applies to any person who operates a waste dispersal system that:

- (1) injects processed commercial, industrial, or municipal wastewater effluent into the ground at a depth of not more than 48 inches; and
- (2) spreads the waste over the area so that the soil hydrologic absorption rate and crop/plant root absorption rate are not exceeded.

(b) This chapter does not apply to:

- (1) wastewater disposal systems authorized under Chapter 285 of this title (relating to On-Site Sewage Facilities) and Texas Health and Safety Code (THSC), Chapter 366;
- (2) disposal systems for oil and gas waste, tar sands, sulfur, brine from desalination plants, and hazardous waste as defined by THSC, §361.003;
- (3) drainfields, leaching chambers, or other gravity trench systems;
- (4) subsurface drip irrigation systems that do not meet the definition of subsurface area drip dispersal systems, as defined in §222.5 of this title (relating to Definitions); or

(5) systems regulated in §331.8 of this title (relating to Prohibition of Motor Vehicle Waste Disposal Wells and Large Capacity Cesspools).

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§222.5. Definitions.

The definitions contained in Texas Water Code, §§26.001, 27.002, 28.001, and 32.003 apply to this chapter. The following words and terms, when used in this chapter, have the following meanings.

(1) **Aquifer**--As defined or amended under Chapter 331 of this title (relating to Underground Injection Control).

(2) **Buffer zone**--The area between a subsurface area drip dispersal system boundary and surface waters in the state, public and domestic water well, and springs.

(3) **Crop requirement**--The amount of nutrients that must be present in order to ensure that the crop nutrient needs are met, while accounting for nutrients that may become unavailable to the crop due to absorption to soil particles or other natural causes.

(4) **Domestic waste**--Waste and wastewater from humans and household operations that are discharged to a wastewater collection system or otherwise enters a treatment facility. This includes waterborne human waste and waste from domestic activities such as washing, bathing, and food preparation, including graywater and blackwater.

(5) **Emitter**--A device designed to discharge into the soil, a small uniform flow of water at a constant rate.

(6) **Evapotranspiration**--The water lost from an area through the combined effects of evaporation from the ground surface and transpiration from the vegetation.

(7) **Facility**--All land and fixtures, structures, or appurtenances used for storing, processing, treating, or disposing of waste, or for injection activities. A facility may consist of several storage, processing, treatment, disposal, or injection operational units.

(8) **Floodway**--A channel of a river or watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the surface elevation more than one foot. Federal Emergency Management Agency (FEMA) maps are prima facie evidence of floodway locations.

(9) **Fresh water**--As defined or amended under Texas Water Code, §27.002.

(10) **Groundwater**--Subsurface water occurring in soils and geologic formations that are fully saturated year-round, seasonally, or intermittently.

(11) **Hazardous waste**--Any solid waste identified or listed as a hazardous waste by the administrator of the United States Environmental Protection Agency in accordance with the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §§6901 *et seq.*, as amended.

(12) **Hydrologic connection**--The connection and exchange between surface water and groundwater.

(13) **Industrial waste**--Any non-domestic wastewater.

(14) **Infiltration**--The passage of water through the soil surface into the soil profile.

(15) **Licensed professional engineer**--An individual licensed by the Texas Board of Professional Engineers to engage in the practice of engineering in the State of Texas.

(16) **Licensed professional geoscientist**--An individual licensed by the Texas Board of Professional Geoscientists in accordance with its requirement for professional practice in the State of Texas.

(17) **Local government**--An incorporated city, county, river authority, groundwater conservation district, or a water district or authority acting under Texas Constitution, Article III, §52 or Article XVI, §59.

(18) **Owner**--The person, corporation, partnership, or other legal entity that owns or partially owns a facility or part of a facility, or that owns or partially owns the land on which a facility or part of a facility is located.

(19) **Public contact**--Significant dermal contact with soil.

(20) **Recharge feature**--Those natural or artificial features either on or beneath the ground surface at the site that provide or create a significant hydrologic connection between the ground surface and the underlying groundwater within an aquifer. Significant artificial features include, but are not limited to, wells and excavation or material pits. Significant natural hydrologic connections include, but are not limited to: faults, fractures, karst features, or other macro pores that allow direct surface infiltration; a permeable or shallow soil material that overlies an aquifer; exposed geologic formations that are identified as an aquifer; or a water course bisecting an aquifer.

(21) **Soil**--The upper layer of the surface of the earth that serves as a natural medium for the growth of plants.

(22) **Subsurface area drip dispersal systems**--A waste disposal system that injects processed commercial, industrial, or municipal waste into the ground at a depth of not more than 48 inches and spreads the waste over a large enough area that the soil hydrologic absorption rate and crop/plant root absorption rate are not exceeded.

(23) **Surface water in the state**--Water in the state as defined in Texas Water Code, §26.001(5), except that “groundwater, percolating or otherwise,” is specifically excluded.

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