



Implementation of HB 3030



Relating to notice of
groundwater
contamination
that may affect a
drinking water well

What the Bill Did

- ▶ Adds new §26.408 to Texas Water Code
- ▶ Effective date was September 1, 2003
- ▶ Required rule making by TGWPC
- ▶ Sets out new duties for TCEQ



Requirements of §26.408

Responsibility of other agencies

- ▶ TDA, RRCT, and TSSWCB must all notify TCEQ when the agency documents a case of groundwater contamination that may affect a drinking water well



Requirements of §26.408

Responsibility of TCEQ

- ▶ TCEQ must make every effort to give notice of groundwater contamination by first class mail to each owner of a private drinking water well who may be affected by the contamination.



Requirements of §26.408

TCEQ Response Time



- ▶ Notice cannot be later than the 30th day after:
 - ▷ one of the other agencies notifies TCEQ of the contamination case
 - ▷ TCEQ obtains independent knowledge of groundwater contamination
- ▶ Notice must also go to a GCD



Requirements of §26.408

Responsibility of TGWPC

- ▶ The committee must prescribe the form and content of the notice by rule



- ▶ Committee's rule effective November 12, 2003



Form & Content

TGPC Rule



- ▶ Information required for the Notification Letter
- ▶ Name of the contaminant or contaminants



Form & Content

TGPC Rule, Continued

- ▶ The range of analytical results for each of the contaminants
- ▶ Possible health effects of the each of the contaminants



Form & Content

TGPC Rule, Continued

- ▶ Possible sources of the contaminants
- ▶ Suggested actions and precautions potentially impacted well owners could take; and
- ▶ Who to contact for more information



Related Statutory Requirements

Texas Water Code §5.236

- ▶ Enacted in 1987
- ▶ Requires TCEQ to provide notice of groundwater contamination to certain public officials
- ▶ Notice to county judge, health officer



Related Statutory Requirements

Texas Water Code §5.236

- ▶ Notice to a person who contributed to the contamination or another agency with jurisdiction
- ▶ Notice required not later than the 30th day



Related Statutory Requirements

Texas Water Code §5.236

- ▶ Notice required when the ED *acquires information that confirms a potential health hazard exists because usable groundwater has been or is being contaminated*



Implementation Activities

- ▶ Impact Evaluation Team
- ▶ Cross Program Representation
- ▶ Analysis of information relating to groundwater monitoring results



Implementation Activities

What is contamination?

- ▶ Using definition adopted previously by TGWPC
- ▶ Alteration of quality
- ▶ Reasonably expected to be caused by activities under agency(s) jurisdiction



Implementation Activities

What is contamination?

- ▶ Groundwater has TDS concentration $<10,000$ mg/l
- ▶ Or, is $>10,000$ mg/l TDS and being used or connected to a surface water with a lesser TDS concentration



Implementation Activities

Additional Factor



- ▶ Is the yield of groundwater from the zone or formation adequate for beneficial uses — domestic, industrial, agricultural supply?



Information from Other Agencies

- ▶ Letters sent from TCEQ on December 23, 2003
- ▶ Need to set up reliable procedures to frequently obtain information from other agencies



Decision Making

When is notification triggered?

- ▶ Many factors to consider ...
- ▶ Extent of contamination?
- ▶ How elevated in concentration it is?



Decision Making

When is notification triggered?

- ▶ Are we satisfied with data quality or need further confirmation of a result?
- ▶ Do we need to sample additional wells nearby?
- ▶ Date contamination was discovered?



Decision Making

Do We Know of a Contaminant Source?

- ▶ Responsible Party Lead
- ▶ Letter Requesting Cooperation
- ▶ Statutory Authority to Demand Actions
- ▶ Plume Delineation



Decision Making

Do We Know of a Contaminant Source?

- ▶ No Known Source
- ▶ Un-delineated Contaminant Plume
- ▶ Unknown Agency Jurisdiction



Decision Making

If notification is required

- ▶ Need to identify private drinking water well owners who may be affected
- ▶ Desktop activities
- ▶ Field activities



Decision Making

Types of review

- ▶ Water well driller records
- ▶ Tax appraisal district records
- ▶ PDW utility service area/customers
- ▶ Door-to-door surveys
- ▶ Internet Address Services



Issues

- ▶ Unduly alarming public
- ▶ Investigating groundwater problem may not be high priority relative to TCEQ resources
- ▶ Finding the responsible party



Issues (cont'd)

- ▶ Raising public expectations of action
- ▶ Expending field resources in rapid response mode
- ▶ Expending emergency contractor funds
- ▶ Texas Risk Reduction Program (TRRP) Procedures



Future Actions

- ▶ Developed alternatives for implementation for mgmt review
- ▶ Consistent procedures developed in agency protocol
- ▶ Reinvigorating efforts to comply with TWC §5.236



Future Actions (cont'd)

- ▶ Cross-agency procedures and cooperation
- ▶ Consider additional permit and rule provisions requiring RP cooperation

