

Responding to Discharges of Potable Water

Water Resources Council



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Doug Anthony

What are my responsibilities to TCEQ if my utility discharges potable water due to a line break, line flushing, or other activity?

The local TCEQ office recommended 3 documents to refer to:

- **TCEQ Regulatory Guidance RG 395** (handout)
Unauthorized Discharges and Sanitary Sewer Overflows,
(<http://www.statutes.legis.state.tx.us/Docs/WA/htm/WA.26.html>)
- **Texas Water Code – Section 26.121** (handout)
Unauthorized Discharges Prohibited
(<http://www.statutes.legis.state.tx.us/Docs/WA/htm/WA.26.html>)
- **TCEQ Enforcement Initiation Criteria (EIC)** (handout)
(<http://www.tceq.state.tx.us/enforcement/policy/eic.html>)



TCEQ Regulatory Guidance RG 395



TCEQ REGULATORY GUIDANCE

Field Operations Support Division

RG-395 • Revised April 2011

References:

Sec. 26.001 DEFINITIONS

Sec. 26.001. (6) "Waste" means sewage, industrial waste, municipal waste, recreational waste, agricultural waste, or other waste, as defined in this section.

Sec. 26.001. (12) "Other waste" means garbage, refuse, decayed wood, sawdust, shavings, bark, sand, lime, cinders, ashes, offal, oil, tar, dyestuffs, acids, chemicals, salt water, or any other substance, other than sewage, industrial waste, municipal waste, recreational waste, or agricultural waste.

Sec. 26.001. (14) "Pollution" means the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property or to public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.



TCEQ Regulatory Guidance RG 395



Emphasizes:

- There is no minimum quantity!
- Report – Any unauthorized discharge (TWC Sec. 26.039)
- Report as soon as possible, but no later than 24 hours after discharge
- There is a form available for reporting (on table with handouts)
- Notify the public in certain circumstances (see guidance copy)



Other Relevant Citations

Texas Water Code – Section 26.121

Sec. 26.121. UNAUTHORIZED DISCHARGES PROHIBITED

Sec. 26.121.(a) Except as authorized by the commission, no person may:

(2) discharge other waste into or adjacent to any water in the state which in itself or in conjunction with any other discharge or activity causes, continues to cause, or will cause pollution of any of the water in the state, unless the discharge complies with a person's:

(A) certified water quality management plan approved by the State Soil and Water Conservation Board as provided by Section [201.026](#), Agriculture Code; or

(B) water pollution and abatement plan approved by the commission;

(3) commit any other act or engage in any other activity which in itself or in conjunction with any other discharge or activity causes, continues to cause, or will cause pollution of any of the water in the state, unless the activity is under the jurisdiction of the Parks and Wildlife Department, the General Land Office, the Department of Agriculture, or the Railroad Commission of Texas, in which case this subdivision does not apply.

Sec. 26.121. (e) No person may cause, suffer, allow, or permit the discharge from a point source of any waste or of any pollutant, or the performance or failure of any activity other than a discharge, in violation of this chapter or of any rule, regulation, permit, or other order of the commission.



TCEQ Regional Contacts

Brent Candler 817.588.5897

Dominic Lucio 817.588.5857

NCTCOG Environment and Development Contacts

Doug Anthony 817.695.9135

Tamara Cook 817.695.9221

