

**SUBCHAPTER C: PUBLIC NOTICE OF SPILLS OR ACCIDENTAL DISCHARGES
FROM WASTEWATER FACILITIES OWNED OR
OPERATED BY LOCAL GOVERNMENTS**

**§§319.301 - 319.303
Effective March 31, 2011**

§319.301. Definitions.

The following definitions apply to this subchapter.

- (1) Alluvial well - A well completed in sedimentary deposits resulting from modern rivers.
- (2) Appropriate local government officials -
 - (A) The county judge of a county in which a spill occurs requiring notification under §319.302 of this title (relating to Notification Requirements).
 - (B) The county judge of a county within 1/2-mile of a spill requiring notification under §319.302 of this title.
 - (C) The mayor and city manager of a city whose drinking water supply intake is within 1/2-mile of a spill requiring notification under §319.302 of this title.
 - (D) The director of a water district or authority, acting under the Texas Constitution, Article III, §52, or Article XVI, §59, whose drinking water supply intake is within 1/2-mile of a spill requiring notification under §319.302 of this title.
- (3) **Drinking water** - All water:
 - (A) distributed by any agency or individual, public or private, for the purpose of human consumption;
 - (B) which may be used in the preparation of foods or beverages;
 - (C) which may be used for the cleaning of any utensil or article used in the course of preparation or consumption of food or beverages for human beings;
 - (D) supplied for human consumption; or
 - (E) used by any institution catering to the public.
- (4) **Facility** - A wastewater treatment plant, collection facility, pumping station, or sewer pipeline owned or operated by a local government.
- (5) **Groundwater recharge area** - An area where there is direct and rapid communication of flow from the surface downward to the drinking-water aquifer.

(6) **Karst** - A type of topography that is formed over limestone, dolomite, or gypsum by dissolving or solution, and that is characterized by closed depressions or sinkholes, caves, and underground drainage.

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

(8) **Local media** - The daily newspapers and the radio and television media serving the counties and cities served by a facility or the aquifer area in which a spill or accidental discharge occurs, as well as these news organizations in the nearest metropolitan area.

(9) **Private source of drinking water** - A drinking water supply that is not a public source of drinking water.

(10) **Public source of drinking water** - A public water system which provides the public piped water for human consumption, which includes all uses described under the definition of drinking water in paragraph (3) of this section. Such a system must have a potential for at least 15 service connections or serve at least 25 individuals at least 60 days out of the year.

(11) **Responsible individual** - The individual designated by the owner of a facility to give the notices required by §319.302 of this title.

(12) **Spill** - An act or omission through which waste or other substances:

(A) are inadvertently discharged into water in the state; or

(B) will enter water in the state, unless controlled or removed.

(13) **Water in the state** - Groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or nonnavigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.

Adopted November 17, 1999

Effective December 30, 1999

§319.302. Notification Requirements.

(a) The owner of a facility must designate a responsible individual to comply with this subchapter.

(b) In addition to the noncompliance notification to the commission required by §305.125(9) of this title (relating to Standard Permit Conditions) and any notification required under Chapter 327 of this title (relating to Spill Prevention and Control), the owner of a facility, through its responsible individual, must notify appropriate local government officials and the local media (see §319.301 of this title (relating to Definitions)) whenever one of the following types of spills occurs from the facility:

(1) a spill, regardless of volume, that the facility owner knows or has reason to know, will adversely affect a public or private source of drinking water;

(2) a spill with a volume of 50,000 gallons or more where one or more of the following conditions also exists:

(A) the spill occurs within 1/2-mile of a public or private source of drinking water;

(B) the spill occurs within 1/2-mile of a private drinking water well which is located within 1/2-mile of a public water supply well;

(C) the spill occurs within 1/2-mile up-gradient of a surface water intake of a public or private source of drinking water;

(D) the spill occurs in an active groundwater recharge area;

(E) the spill occurs up-gradient and within 1/2-mile of a karst terrain or shallow alluvial well that is a source of drinking water;

(3) a spill of 100,000 gallons or more.

(c) The responsible individual must issue the notice as quickly as possible, but not later than 24 hours after the facility becomes aware of the spill. The notice may be hand-delivered, sent by facsimile, e-mail, or by phone with follow-up written notice. The contents of the notice must comply with §319.303 of this title (relating to Notice to Local Officials and Local Media.)

(d) Within 48 hours of providing notice to appropriate local government officials and local media, the responsible individual must provide to the commission regional office in whose region the spill occurred a copy of the notice, the date notice was provided to local officials and local media, and a list of notice recipients.

Adopted March 9, 2011

Effect March 31, 2011

§319.303. Notice to Local Officials and Local Media.

(a) Persons responsible for a wastewater spill must ensure notice complies with subsections (b) and (c) of this section. Responsible persons may contact the commission to obtain a template which may be used in the event of a wastewater spill.

(b) For all wastewater spills as referenced in §319.302(b) of this title (relating to Notification Requirements) the notice must contain the following:

(1) one of the following statements:

(A) a spill from a wastewater treatment facility has occurred; or

- (B) a spill from a collection facility has occurred;
 - (2) the facility name;
 - (3) person to contact for further information;
 - (4) the location of the spill;
 - (5) the estimated date and time of the spill;
 - (6) the estimated volume of the spill (number of gallons);
 - (7) the type of the spill (domestic, industrial, etc.);
 - (8) a description of the area potentially affected, including a down-gradient and lateral distance from the spill site;
 - (9) the suspected cause of the spill; and
 - (10) a list of actions that have been taken including, but not limited to:
 - (A) notification of:
 - (i) appropriate local government officials; and
 - (ii) the TCEQ regional office;
 - (B) containment of the spill;
 - (C) increased monitoring of water supply systems; and
 - (D) initiation or completion of clean up activities.
- (c) If the wastewater spill meets the conditions of §319.302(b)(2) and/or (b)(3) of this title then the notice must also contain the following precautionary statements:
 - (1) Persons using private drinking water supply wells located within 1/2-mile of the spill site or within the potentially affected area should use only water that has been distilled or boiled at a rolling boil for at least one minute for all personal uses including drinking, cooking, bathing, and tooth brushing. Individuals with private water wells should have their well water tested and disinfected, if necessary, prior to discontinuing distillation or boiling.
 - (2) Persons who purchase water from a public water supply may contact their water supply distributor to determine if the water is safe for personal use.
 - (3) The public should avoid contact with waste material, soil, or water in the area potentially affected by the spill.

(4) If the public comes into contact with waste material, soil, or water potentially affected by the spill, they should bathe and wash clothes thoroughly as soon as possible.

Adopted March 9, 2011

Effective March 31, 2011