



Post Oak Savannah Groundwater Conservation District

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July 28, 2020

Hon. Chairman Niermann
Hon. Commissioners Lindley and Janecka
Hon. Executive Director Baker
Texas Commission on Environmental Quality

Re: Submission of Comments on the proposed Texas Pollutant Discharge Elimination System (TPDES) General Permit No. TXG670000 to discharge hydrostatic test water into or adjacent to water in the state.

Honorable Chairman Niermann, Commissioners Lindley and Janecka and Executive Director Baker:


I am the Chairman of the Board of Directors ("Board") for and on behalf of the Post Oak Savannah Groundwater Conservation District ("District"). In that role, the Board certainly understands that there are few areas where the District finds itself concerned enough on the myriad of matters that TCEQ handles to pause and give notice of comment. However, in light of a matter that only recently occurred among others, the District is moved to respectfully submit a comment to the TCEQ in relation to this above-referenced permit amendment.

The District understands from the public notice the intent of this permit amendment is primarily to address discharges of hydrostatic test water from new and existing vessels into water in the state from crude oil and natural gas exploration, development, and production operations to be eligible for authorization under the general permit upon the TCEQ receiving approval from the U.S. Environmental Protection Agency (EPA) to regulate these activities under the Texas Pollutant Discharge Elimination System. The District would ask Executive Director Baker and the Commission to consider clarification in Part II, Section B as to limitations on such authorization for discharge, unless you feel it may already be addressed elsewhere. If not, one method of addressing may be to add a paragraph 12 under Section B stating:

12. This general permit does not authorize raw or potable water that was unused for hydrostatic testing or the cleaning/rinsing of the vessels associated thereto, to be discharged, either alone or comingled with hydrostatic testing water in any amounts other than de minimis amounts. Should an unforeseen event or emergency arise that may call for discharge of unused water, either alone or comingled, the Executive Director may authorize such discharge after documentation of such event or emergency is presented by the discharger, together with establishing the duration and maximum amounts of such discharge allowed.

The concern of the District is that some entities have assertedly used this permit to discharge “unused” water in with used water and then discharged as otherwise allowed under this permit or, if other information is accurate, even not mixed “unused” water but simply discharged such water into adjacent creeks and then stated it was under this permit. As the Executive Director and the Commission well know, one of our charges as a GCD is for conservation and to attempt to ensure that water produced from wells in our District is put to beneficial use and not wasted, per various Texas Water Code provisions,¹ especially if such water has not been actually used in hydrostatic testing. To facilitate the Executive Director’s and this Commission’s understanding of the basis for this concern, the District is providing some of the information provided to it which, after careful consideration, the District has and is following up on. Concerns of waste of water have also risen in the development of the oil and gas industry in the Districts’ counties, and have been raised to us from time to time when wells are drilled and/or water piped into the area to facilitate the development of a well. The District would be happy to discuss further if desired.

Respectfully,



Sidney Youngblood
Chairman, Board of Directors
Post Oak Savannah Groundwater Conservation District

¹ Texas Water Code, Sec. 36.001, Definitions, specifically subsection (8), (9) and (29); additionally, Texas Water Code, Secs. 36.1071, Management Plan, subsection (f), 36.113, Permits for Wells; Permit Amendments, subsection (d)(3); and 36.1131, Element of Permits, subsection (5).