



TCEQ Spill Response

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Jurisdiction of Spill Oversight

Texas Water Code Chapter 26

Legal References for Spills

- Texas Water Code Chapter 26, Subchapter G**
- Texas Health and safety Code, Chapter 361 and 362**
- 30 Texas Administrative Code Chapter 327**
- 30 Texas Administrative Code Chapter 101.6**
- Code of Federal Regulations (CFR) 33, 40, 49**



Texas Water Code Chapter (TWC)

26.121 Unauthorized Discharges Prohibited

**(a) Except as authorized by the commission, no
person may:**

**(1) discharge sewage, municipal waste, recreational
waste, agricultural waste, or industrial waste into
or adjacent to any water in the state;**

TWC 26.121 Unauthorized Discharges Prohibited

(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

TWC Chapter Sec 26.127 Commission as Principal Authority

The commission is the principal authority in the state on matters relating to the quality of the water in the state. The executive director has the responsibility for establishing a water quality sampling and monitoring program for the state. All other state agencies engaged in water quality or water pollution control activities shall coordinate those activities with the commission.

TWC 26.129 Duty of Parks and Wildlife Department

The Parks and Wildlife Department (TPWD) and its authorized employees shall enforce the provisions of this chapter to the extent that any violation affects aquatic life and wildlife as provided in Section 26.124(b) of this code.

TWC 26.130 Duty of Department of Health

The Texas Department of Health (currently the Department of State Health Services DSHS) shall continue to apply the authority vested in it by Chapter 341, Health and Safety Code, in the abatement of nuisances resulting from pollution not otherwise covered by this chapter. The DSHS shall investigate and make recommendations to the TCEQ concerning the health aspects of matters related to the quality of the water in the state.

TWC 26.131 Duties of Railroad Commission

(a) The Railroad Commission of Texas (RRC) is solely responsible for the control and disposition of waste and the abatement and prevention of pollution of surface and subsurface water resulting from: (1) activities associated with the exploration, development, and production of oil or gas or geothermal resources, including: (A) activities associated with the drilling of injection water source wells which penetrate the base of useable quality water; (B) activities associated with the drilling of cathodic protection holes associated with the cathodic protection of wells and pipelines subject to the jurisdiction of the RRC; (C) activities associated with gasoline plants, natural gas or natural gas liquids processing plants, pressure maintenance plants, or repressurizing plants;

TWC 26.131 Duties of Railroad Commission Cont.

(D) activities associated with any underground natural gas storage facility, provided the terms "natural gas" and "storage facility" shall have the meanings set out in Section 91.173, Natural Resources Code; (E) activities associated with any underground hydrocarbon storage facility, provided the terms "hydrocarbons" and "underground hydrocarbon storage facility" shall have the meanings set out in Section 91.201, Natural Resources Code; and (F) activities associated with the storage, handling, reclamation, gathering, transportation, or distribution of oil or gas prior to the refining of such oil or prior to the use of such gas in any manufacturing process or as a residential or industrial fuel.

**The TCEQ and RRC have an MOU
that is Codified in 16 TAC 3.30**



Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)

40 Code of Federal Regulations (CFR) 302

40 CFR 302.3 Definitions

Environment means (1) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Fishery Conservation and Management Act of 1976, and (2) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States;





Title 30 of Texas Administrative Code

Part 1 Texas Commission on

Environmental Quality

Chapter 327 Spill Prevention and Control

Also

Texas Water Code

Chapter 26, Water Quality Control

**Sec. 26.039, Accidental Discharges and
Spills**

(a) As used in this section:

Sec. 26.039, Accidental Discharges and Spills cont.

- (1) "Accidental discharge" means an act or omission through which waste or other substances are inadvertently discharged into water in the state.**
- (2) "Spill" means an act or omission through which waste or other substances are deposited where, unless controlled or removed, they will drain, seep, run, or otherwise enter water in the state.**
- (3) "Other substances" means substances which may be useful or valuable and therefore are not ordinarily considered to be waste, but which will cause pollution if discharged into water in the state.**



Sec. 26.039, Accidental Discharges and Spills cont.

(b) Except as provided by Subsection (g), whenever an accidental discharge or spill occurs at or from any activity or facility which causes or may cause pollution, the individual operating, in charge of, or responsible for the activity or facility shall notify the commission as soon as possible and not later than 24 hours after the occurrence. The individual's notice to the commission must include the location, volume, and content of the discharge or spill.

30 TAC 327.1 Applicability

(a) This chapter applies to discharges or spills that result in a release to the environment within the territorial limits of the State of Texas, including the coastal waters of this state. (except spills under the jurisdiction of other state agencies, GLO, RRC, DSHS, TDA)

30 TAC 327.2 Definitions

Discharge of spill--An act or omission by which oil, hazardous substances, waste, or other substances are spilled, leaked, pumped, poured, emitted, entered, or dumped onto or into waters in the State of Texas or by which those substances are deposited where, unless controlled or removed, they may drain, seep, run, or otherwise enter water in the State of Texas.



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30 TAC 327.2 Definitions



Hazardous substance--Any substance designated as such by the administrator of the United States Environmental Protection Agency under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 USC 9601-9675, regulated under the Clean Water Act, §311, 33 USC 1321, or designated by the commission.



30 TAC 327.2 Definitions

Responsible Person--A person who is: the owner, operator, or demise charterer of a vessel from which a discharge or spill emanates; or the owner or operator of a facility from which a discharge or spill emanates; or any other person who causes, suffers, allows, or permits a discharge or spill.



30 TAC 327.2 Definitions

Water or water in the state--Groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, 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 non-navigable, and including the beds and banks of all watercourses and bodies of surface waters, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.



30 TAC 327.3 Notification Requirements

(b) Upon the determination that a reportable discharge or spill has occurred, the responsible person shall notify the TCEQ as soon as possible but not later than 24 hours after the discovery of the spill or discharge.

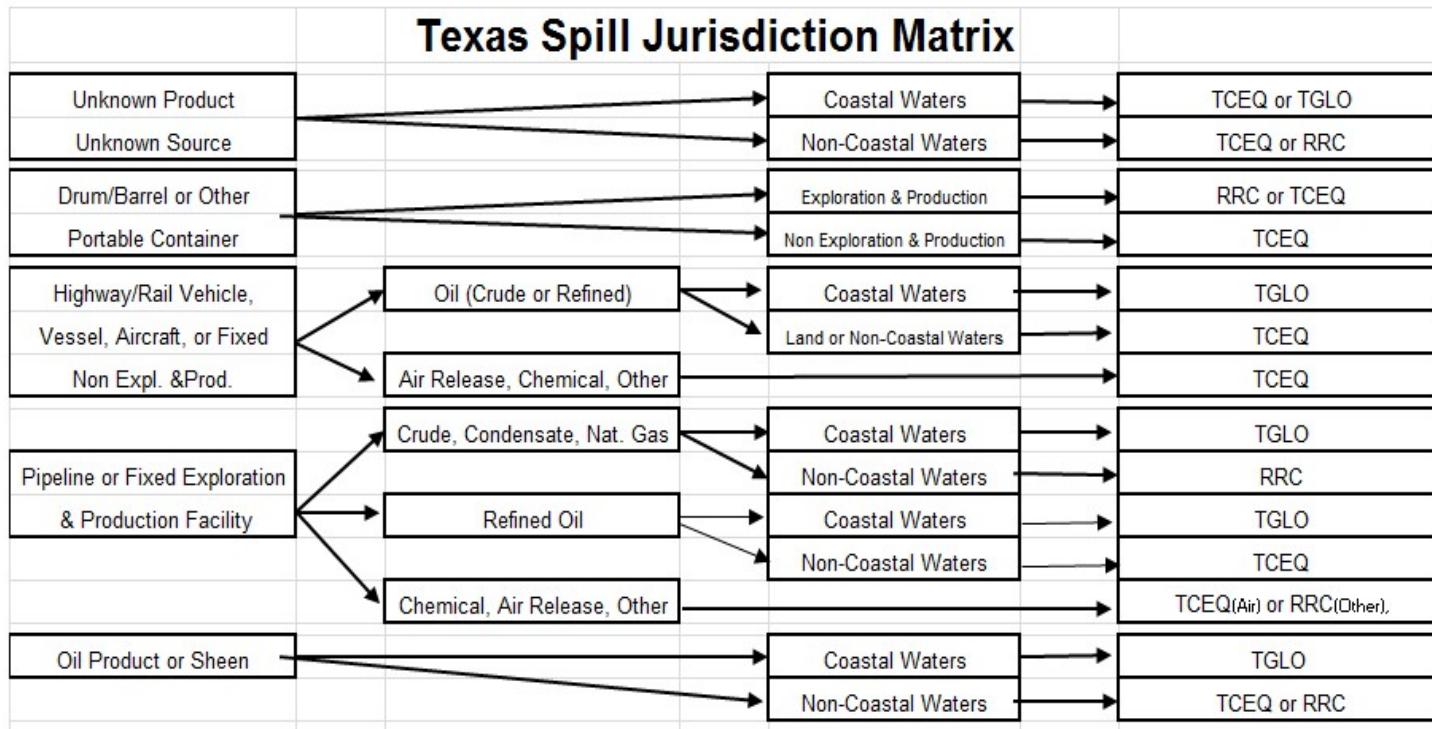
(c) The responsible person shall notify one of the following:

- 1. State Emergency Response Center at 1-800-832-8224.**
- 2. During normal business hours only, the regional office for the TCEQ Region in which the discharge or spill occurred (M-F 8am-5pm)**

Note: Reporting to the NRC does not constitute notification to the TCEQ (see 40 CFR 302 for Federal Notification Requirements).

Texas Spill Matrix

ChemTel Inc. 1-800-832-8224



**Note: TPWD is notified of impacts
to wildlife**



30 TAC 327.4 Reportable Quantities

The reportable quantities for hazardous substances :

- for spills onto land--the quantity designated as the Final Reportable Quantity (RQ) in Table 302.4 in 40 CFR §302.4; or
- for spills into waters in the state--the quantity designated as the Final RQ in Table 302.4 in 40 CFR §302.4, except where the Final RQ is greater than 100 pounds in which case the RQ shall be 100 pounds.

RQ Table: http://www.ecfr.gov/cgi-bin/text-idx?SID=acd589d60594561b3459ff39533a8128&node=se40.28.302_14&rgn=div8

The RQ for crude oil and oil other than that defined as petroleum product or used oil shall be:

- for spills onto land--210 gallons (five barrels); or
- for spills directly into water in the state--quantity sufficient to create a sheen.

30 TAC 327.4

Reportable Quantities Cont.

The RQ for petroleum product and used oil shall be:

- for spills to land--25 gallons;**
- for spills to land from PST exempted facilities-- 210 gallons (five barrels); or**
- for spills directly into water in the state-- quantity sufficient to create a sheen.**

Industrial solid waste or other substances. The RQ for spills into water in the state shall be 100 pounds.

30 TAC 327.5(a)

Response Actions By RP

The responsible person shall also begin reasonable response actions which may include, but are not limited to, the following actions:

- (1) arrival of the responsible person or response personnel hired by the responsible person at the site of the discharge or spill;**
- (2) initiating efforts to stop the discharge or spill**
- (3) minimizing the impact to the public health and the environment**
- (4) neutralizing the effects of the incident**
- (5) removing the discharged or spilled substances**
- (6) managing the wastes.**

(Abate, Contain, and Remove, Manage)



Texas Water Code

Chapter 26, Water Quality Control

Sec. 26.266, Removal of Spill or Discharge



26.266 (a) Any owner, operator, demise charterer, or person in charge of a vessel or of any on-shore facility or off-shore facility shall immediately undertake all reasonable actions to abate and remove the discharge or spill subject to applicable federal and state requirements, and subject to the control of the federal on-scene coordinator.



26.266 (b) In the event that the responsible person is unwilling or in the opinion of the executive director is unable to remove the discharge or spill, or the removal operation of the responsible person is inadequate, the commission may undertake the removal of the discharge or spill and may retain agents for these purposes who shall operate under the direction of the executive director.



26.266 (c) Any discharge or spill of a hazardous substance, the source of which is unknown, occurring in or having a potentially harmful effect on waters in this state or in waters beyond the jurisdiction of this state and which may reasonably be expected to enter waters in this state may be removed by or under the direction of the executive director. Any expense involved in the removal of an unexplained discharge pursuant to this subsection shall be paid, on the commission's approval, from the account, subject to the authority of the commission to seek reimbursement from an agency of the federal government, and from the responsible person if the identity of that person is discovered.

Guidance For Spills to Surface Water

Most removal actions for spills to waters include but are not limited to:

- Vacuum trucks
- Oil skimmers
- Containment boom
- Sorbent boom and pads
- Underflow dams

For Spills to Ground Water

- Extraction Wells
- Monitor Wells

Guidance For Spills to Soil

**Most removal actions for spills to soil include
but are not limited to:**

- **Excavators**
- **Back Hoes**
- **Roll-off Boxes**
- **Clean fill soil**
- **Confirmation Samples**
- **Call before you dig notifications (811)**



30 TAC 327.5(c) Cleanup Report Requirements

(c) The responsible person shall submit written information, such as a letter, describing the details of the discharge or spill and supporting the adequacy of the response action, to the appropriate TCEQ regional manager within 30 working days of the discovery of the reportable discharge or spill. The regional manager has the discretion to extend the deadline.

Spill Report Guidance

Examples of what to include in the 30-Day Report

- **Background Information (Who, What, When, Where, How, and Media affected (water, land, air))**
- **Response Chronology**
- **Meteorology**
- **Reported Injuries**
- **Remediation of Contamination**
- **Sampling and Analysis with Site map**
- **Waste Classification and Disposal**



Spill Scenarios



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Example #1 – Spill of Diesel to Soil





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Example #1 Cleanup

Priorities

- 1. Notify the TCEQ (1-800-832-8224)**
- 2. Stop (abate) the spill**
- 3. Minimize the impacts**
- 4. Neutralizing the effects**
- 5. Remove the spilled substances**
- 6. Manage the wastes (correctly)**
- 7. Submit final report to the TCEQ**

Example #1 Cleanup

- **Vehicle was removed**
- **TX DOT notified of accident on right of way**
- **Road shoulder marked with caution flags**
- **Free standing product (diesel) removed (total spilled 85 gallons)**
- **Used back-hoe to mechanically remove contaminated soils**
- **Sampled at the bottom of the excavation**
- **Backfilled the excavation with clean fill dirt**
- **Hauled contaminated soil to a TCEQ permitted disposal site (approximately 32 cubic yards)**
- **Final Spill Report to TCEQ within 30 days**

Example #2 - Spill to Water



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Example #2 Cleanup

- Transfer of petroleum coke ceased
- Cleanup contractor hired
- Spilled coke boomed with containment boom
- Coke removed from the water using vacuum trucks and shovels
- Water body not sampled due to product properties
- Most of recovered material recycled back into the product after testing
- Equipment used in response decontaminated
- Final Spill Report to TCEQ within 30 days



Large Spills and Natural Disaster Response





TCEQ Emergency Management Support Team



The Emergency Management Support Team supports the state's capability to prepare for, respond to, and recover from disasters either natural or manmade. As part of this function, the team supports the TCEQ's regional offices by training staff on enhanced disaster preparedness and coordinating state-level preparation for, response to, and recovery from large-scale or statewide disasters.

TCEQ Emergency Management Support Team Functions

- Highly Trained Auxiliary Personal**
- Coordinate with other State and Federal Agencies**
- Provide Logistical support for regions**
- TCEQ Emergency Response Contractor oversight**
- Integrate in the National Incident Management Incident Command Structure (NIMS/ICS) and assume ICS positions as assigned by the Incident Commander**
- Ensure that the TCEQ Disaster Response Strike Teams (DRSTs) have training and skills to respond natural and manmade disasters across the state**

Disaster Response Strike Teams (DRSTs)

- **16 DRSTs, one in each TCEQ region**
- **Approximately 129 members**
- **Team size is dependent on the Region size**
- **NIMS/ICS trained (ICS-100, 200, 300, 400, 700, 800 courses)**
- **Each team is comprised of regional staff from various disciplines (air, waste, water)**
- **Provides the agency adequate staff to conduct extended responses and on multiple fronts if needed**

Natural Disasters



Hurricane Ike



Matagorda Island Drum Recovery



Bastrop Wildfires



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Man-Made Disasters and Large Spills



West Fertilizer Explosion



Helotes Mulch Fire



Texas City Y, Oil Spill w/ GLO



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Spill Resources

TCEQ Spill Guidance Web Link:

- <https://www.tceq.texas.gov/response/spills>

Determining Which Releases are Subject to TRRP link:

- <https://www.tceq.texas.gov/remediation/trrp/trrp>

Spill Rules and Laws link:

- http://www.tceq.state.tx.us/response/spill_rules

RG-366 APAR Requirements under TRRP

RG-022 Guidelines for the Classification and Coding of Industrial and Hazardous Waste



Questions?

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