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Rules Coordinator
Railroad Commission of Texas
Office of General Counsel
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DOCKET SERVICES
RAILROAD COMMISSION
OF TEXAS

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Re: Comments on Proposal to amend 16 Tex. Admin. Code § 3.13 – “Casing, Cementing, Drilling, and Completion Requirements”

To The Honorable Railroad Commission of Texas and Staff:

We appreciate the opportunity to provide comments on proposed changes to Rule 3.13, regarding “Casing, Cementing, Drilling, and Completion Requirements.” I am the General Manager of the Upper Trinity Groundwater Conservation District (the “District”), and I submit the enclosed comments for your review and consideration on behalf of the District. The statutory function of the District is to protect the groundwater resources underlying the District’s boundaries.

Providing underground sources of drinking water, which are also referred to as USDWs, the same protection that the Commission provides to “usable-quality water” is consistent with other regulatory requirements for groundwater quality protection. As demand for fresh groundwater increases, demands for brackish groundwater will increase as well. In fact, it already is. Protection of groundwater-bearing formations containing up to 10,000 mg/l of total dissolved solids, which is the definition of USDW adopted and recognized by your sister agency, TCEQ, is especially important in light of potential desalination facilities and advancements in brackish water treatment capabilities.

The District requests that the Commission amend the proposed changes so that the second sentence of Section 3.13(a)(1) reads “It is the intent of all provisions of this section that casing be securely anchored in the hole in order to effectively control the well at all times, all usable-quality water zones and underground sources of drinking water be isolated and sealed off to effectively prevent contamination or harm.

The use of “underground sources of drinking water” would require the Commission to promulgate a definition of that term. The District requests that the Commission consider adopting the definition of USDW that has been promulgated by TCEQ at Title 30, Section 331.2(110) of the Texas Administrative Code.



In addition, the Commission should define “usable-quality water” as well. Including these definitions will provide clarification and certainty as to the water quality that the Commission intends to protect through enforcement of these rules.

It would be appropriate for the changes to also be reflected in Title 16, Section 3.13(a)(2)(C) of the Texas Administrative Code. The Commission should accordingly modify the rule so that it reads “Protection Depth—Depth to which usable-quality water and underground sources of drinking water must be protected, as determined by the Groundwater Advisory Unit of the Oil and Gas Division, which may include zones that contain brackish or saltwater if such zones are correlative and/or hydrologically connected to zones that contain underground sources of drinking water.”

Finally, the District suggests modifying Title 16, Section 3.13(b)(1)(B)(i) of the Texas Administrative Code to read “An operator shall set and cement sufficient surface casing to protect all usable-quality water strata and underground sources of drinking water, as defined by the Groundwater Advisory Unit of the Oil and Gas Division.”

We thank you again for the opportunity to take part in the rulemaking process.

Sincerely,



Bob Patterson
General Manager