

OIL AND GAS DIVISION

May 19, 2000

Christina Sames
US Department of Transportation
Office of Pipeline Safety
400 7th Street SW Room 7128
Washington, DC 20590

Re: Comments to Project to Define
Unusually Sensitive Areas for Texas

Dear Ms. Sames:

Thank you for the opportunity to participate in the Technical/Peer Review Workshop to review the model that can be used for the definition of unusually sensitive environmental areas (USAs), as mandated by the Accountable Pipeline Safety and Partnership Act of 1996. We understand that the areas under consideration are those where a pipeline rupture would likely cause permanent and long-term environmental damage. We also understand that USA definition specifically identifies drinking water resources that are critical to the uninterrupted delivery of consumable water to public water systems and areas critical to the survival and viability of threatened, endangered, and imperiled biological species. The following comments are directed only towards drinking water USAs, not ecological USAs:

- We are concerned that the model may not accurately identify adequate alternative sources of drinking water. The method is important because it appears that many USAs have been filtered out due to the determination that alternative sources of drinking water exist. Texas has dealt with the issues of drought and water availability for many years and is located in a region where limited rainfall is coupled with population growth. As of May 15, 2000, 111 community water systems in Texas are currently limiting water use to avoid shortages.

You indicate that the existence of adequate alternative sources must be determined on a case-by-case basis, either through the appropriate state agencies or individual public water systems. It was understood from the workshop that the existence of alternative water resources were determined by telephoning operators of public supply wells and questioning them as to whether alternative resources exist. We question the validity of obtaining this important information through telephone calls. In addition, information has not been provided to us concerning the parameters that were used to determine whether or not there was an alternative source of drinking water, i.e. quantity of water available during non-drought and drought conditions, length of time water would be available for public consumption, quality of water, and feasibility studies.

The last water plan developed at the state level, Water for Texas, was produced by the Texas Water Development Board in cooperation with the Texas Parks and Wildlife Department, Texas Natural Resource Conservation Commission, and numerous stakeholder groups in 1997. The 1997 State Water Plan outlines current and future needs for water and wastewater treatment projects in Texas. In 1996, a severe drought in Texas left several communities nearly out of water. In the spring of 1997, the 75th Texas Legislature passed Senate Bill 1, which completely rewrote water planning for Texas. The 1997 water plan is due to be updated on January 5, 2002, and will be based on approved regional water plans, pursuant to requirements of Senate Bill 1. The plan will present population and water demand information, evaluate adequacy of current water supplies, identify water surpluses or needs by region, and develop plans to meet identified water needs under three dry weather scenarios. Unique stream segments and reservoir sites will be identified, and policy recommendations also will be included in the 2002 State Water Plan. We suggest that the State Water Plan be considered for Texas. Information concerning this plan can be found at the Texas Water Development Board's website at www.twdb.state.tx.us.

- The Edwards Aquifer is the only sole source aquifer in Texas and has been classified as Pettyjohn Class Ib because the limestone is highly faulted and fractured. For these reasons, we recommend that the filtering criteria not be used for the Edwards Aquifer Recharge and Transition Zones and that these areas be considered USAs. The Edwards

Aquifer Protection Program is administered by the Texas Natural Resource Conservation Commission (TNRCC). This agency is only one of several entities that regulate this aquifer. Information concerning the delineation of zone boundaries in Geographic Information System (GIS) format can be found on the TNRCC website at www.tnrcc.state.tx.us/EAPP.

- It is unclear why, for sole source aquifers, the USA is determined to be twice the area of the wellhead protection area (WHPA). The WHPA uses delineation methods that include scientific analytical equations to determine the size of protection areas for groundwater sources. As noted above, we recommend that the recharge and transition zones of the Edwards Aquifer be considered USAs. It may not be necessary for the SWPA outside these zones to be twice the size for this sole source aquifer.
- As discussed at the workshop, the term wellhead protection areas (WHPAs) should be replaced with the term source water protection areas (SWPAs). The Safe Drinking Water Act Amendments of 1996, expanded the Wellhead Protection Program to include public surface water systems. The program subsequently became known as the Source Water Protection Program (SWPA). Information concerning this program can be found on the TNRCC website at www.tnrcc.state.tx.us/water/wu/swpa.
- We would like to be notified of the risk assessments prepared by pipeline operators for pipelines in Texas.

If you have any questions you may contact me by e-mail at peter.fisher@rrc.state.tx.us or by phone at (512) 463-6799.

Sincerely,

Peter Fisher, C.P.G.
Environmental Services