

Proposed Rule Reviews

Texas Groundwater Protection Committee

Title 31, Part 18

The Texas Groundwater Protection Committee (TGPC or committee) files this notice of intention to review and proposes the readoption of Chapter 601, Groundwater Contamination Report.

This review of Chapter 601 is proposed in accordance with the requirements of Texas Government Code (TGC), §2001.039, which requires state agencies to review and consider for readoption each of their rules every four years. The review must include an assessment of whether the reasons for the rules continue to exist.

CHAPTER SUMMARY

The TGPC was created by the 71st Texas Legislature in 1989 to bridge gaps between existing state groundwater programs and to optimize water quality protection by improving coordination among agencies involved in groundwater activities. The committee's rules in Chapter 601 define the conditions that constitute groundwater contamination for purposes of inclusion of cases in the public files for each state agency having responsibilities related to the protection of groundwater. These rules also describe the contents of the committee's Joint Groundwater Monitoring and Contamination Report ("Joint Report") required under Texas Water Code (TWC), §26.406(c), which must be published no later than June 1st of each year and document the activities and findings of the committee made during the previous calendar year. The Joint Report must describe the current status of groundwater monitoring activities conducted by or required by each agency at regulated facilities or associated with regulated activities; contain a description of each case of groundwater contamination documented during the previous calendar year; describe each case of contamination for which enforcement action was incomplete at the time of issuance of the preceding Joint Report; and indicate the status of enforcement actions for each case of contamination listed in the Joint Report. The rules also specify the form and content of notices of groundwater contamination required under TWC §26.408(c) that must be provided under TWC, §26.408(b).

PRELIMINARY ASSESSMENT OF WHETHER THE REASONS FOR THE RULES CONTINUE TO EXIST

The committee conducted a preliminary review and determined that the reasons for the rules in Chapter 601 continue to exist. Chapter 601 is necessary because TWC, §26.406(d) specifically provides that the committee must adopt rules defining the conditions that constitute groundwater contamination for purposes of inclusion of cases in the public files and the Joint Report required by TWC, §26.406(c), while TWC, §26.408(c) specifically directs the committee to designate the form and content of the notice of groundwater contamination provided under TWC, §26.408(b). To meet these statutory requirements, the rules provide the definitions and applicability for maintaining public files on groundwater contamination cases and contents of the annual Joint Report required by TWC, §26.406(d) and the form and content of the notices required by TWC, §26.408(c).

PUBLIC COMMENT

This proposal is limited to the review in accordance with the requirements of TGC, §2001.039. The committee invites public comment on whether the reasons for the rules in Chapter 601 continue to exist. Comments may be submitted to Gwen Ricco, MC-205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087 or faxed to fax4808@tceq.texas.gov. Electronic comments may be submitted at <https://tceq.commentinput.com/comment/search>. File size restrictions may apply to comments being submitted via the Texas Commission on Environmental Quality (TCEQ) Public Comments system. All comments should reference TGPC - Groundwater Contamination Report Quadrennial Rule Review. The comment period closes on August 24, 2026. Please choose one of

the methods provided to submit your written comments. Copies of the proposed rulemaking can be obtained from the committee's website at <https://www.tgpc.texas.gov>. For further information, please contact Michael Parr, TCEQ Environmental Law Division, 512-239-0611, or Kathy McCormack, TCEQ Water Availability Division, 512-239-3975.