

# Railroad Commission of Texas answers to GCD questions

November 2019

Recently, the District communicated with staff from the Railroad Commission of Texas (Commission) to schedule a meeting between neighboring GCDs and the City of Austin with those divisions of the Commission that oversee oil and gas pipelines. In lieu of the meeting, the Commission provided written responses to questions relating to the protection of groundwater resources from pipeline construction, operations, and maintenance. While receiving these responses was much appreciated, the Commission's responses do not address the concerns as to how sensitive karst aquifers are specifically and proactively to be protected.

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**The implementation of Chapter 26, Section 131 of the Texas Water Code - "the Railroad Commission of Texas is solely responsible for the control and disposition of waste and the abatement and prevention of pollution of surface and subsurface water resulting from activities associated with the exploration, development, and production of oil or gas or geothermal resources, including 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".**

**Specifically, what information does the Commission you obtain or what processes do you have in place in reviewing proposed pipelines with respect to the protection of groundwater resources?**

*Commission Response: "The Commission's Application to Operate a Pipeline (known as a T-4 permit) must be on file with the Commission only before the applicant begins operating the pipeline. However, the pipelines operators are required to submit a pre-construction notice to the Commission. Furthermore, the pipelines must be constructed prior to operation in accordance with applicable Pipeline and Hazardous Safety Materials Administration (PHMSA) regulations, which the Commission has the authority to enforce. Those regulations are in place to require that the pipeline is constructed with integrity and that the pipeline will be maintained by the operator to prevent leaks or spills. If there is a leak or spill on a pipeline then the Commission has the authority to investigate and require remediation, including remediation of any surface and subsurface water."*

**What are the specific PHMSA regulations that the RRC has the authority to enforce?**

*Commission Response: "TAC Chapter 8 Rule 8.1(b) Minimum safety standards. The Commission adopts by reference the following provisions, as modified in this chapter, effective as of October 30, 2017.*

*(1) Natural gas pipelines, including LPG distribution systems and master metered systems, shall be designed, constructed, maintained, and operated in accordance with 49 U.S.C. §§60101, et seq.; 49 Code of Federal Regulations (CFR) Part 191, Transportation of Natural and Other Gas by Pipeline; Annual Reports, Incident Reports, and Safety-Related Condition Reports; 49*

- CFR Part 192, Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards; and 49 CFR Part 193, Liquefied Natural Gas Facilities: Federal Safety Standards.*
- (2) Hazardous liquids or carbon dioxide pipelines shall comply with 49 U.S.C. §§60101, et seq.; and 49 CFR Part 195, Transportation of Hazardous Liquids by Pipeline.*
  - (3) All operators of pipelines and/or pipeline facilities shall comply with 49 CFR Part 199, Drug and Alcohol Testing, and 49 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs.*
  - (4) All operators of pipelines and/or pipeline facilities, other than master metered systems and distribution systems, shall comply with §3.70 of this title (relating to Pipeline Permits Required)."*

**Does the RRC have regulatory oversight of the operational procedures of a pipeline?**

*Commission Response: "Yes."*

**Does the RRC require pipeline integrity management plans that ensure operational and safety procedures are adequate?**

*Commission Response: "As incorporated by reference, integrity plans are required per 49 CFR 192 Subpart O - Gas Transmission Pipeline Integrity Management. Applicable state and federal rules may be found through these links: TAC Chapter 8:*

[https://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac\\_view=4&ti=16&pt=1&ch=8](https://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=4&ti=16&pt=1&ch=8)  
49 CFR 192:

<https://www.ecfr.gov/cgi-bin/text?id?SID=fb86b1f72d7e15df38d9a77c4d1fb551&mc=true&node=pt49.3.192&rqn=div5>"

**Do you require pipeline companies to provide any environmental impacts analysis?**

*Commission Response "No. The Commission does not have any statutory authority to require pipeline operators to conduct and/or provide environmental impacts analyses."*

**Could groundwater conservation districts be consulted during your review process?**

*Commission Response: "As per the applicable statutes, the Commission does not consult any party except for the pipeline operator when reviewing a T-4 application. The T-4 application is reviewed for completeness and compliance with Commission regulations. The Commission does not have jurisdiction or authority to review concerns raised by third parties with proposed rights-of-way, easements, or location of the pipeline. A person who wants to contest the Commission's issuance of a pipeline permit may file a formal complaint with the Commission's Hearings Division."*

**Has the RRC ever denied a permit? and if so, what were the factors involved in your decision?**

*Commission Response: "Assuming this question means a T-4 permit: Yes, the Commission often rejects T-4 permit applications if the applicant has not provided all the required information to the Commission. Additionally, all pipeline operators are required to have a valid, current P-5 Organization Report on file with the Commission and must be in good standing with the Commission. If not, the Commission will reject the application for the T-4 permit."*