



Temporary Housing Facilities for Oil and Gas Workers: Am I Regulated?

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Who Should Use This Guide?

This guide is intended to inform owners and operators of temporary housing facilities located on oil and gas leases that some of their activities may be regulated by the Texas Commission on Environmental Quality (TCEQ). In addition to TCEQ, local governments and other state and federal agencies, such as the Environmental Protection Agency (EPA), may also have rules that apply.

This publication is not a substitute for the rules. You can view the TCEQ rules at www.tceq.texas.gov/goto/view-30tac.

Is Temporary Housing Regulated by TCEQ?

If you own or manage a temporary housing facility in Texas, you may be regulated by TCEQ if you do any of the following:

- Supply water for drinking, hand washing, dish washing, cooking, or bathing.
- Treat or dispose of wastewater.
- Generate trash or garbage.

Am I a Public Water System?

If you supply water for drinking, hand washing, dish washing, cooking, or bathing to 15 connections or more or to 25 people or more, for at least 60 days out of the year, then you may meet TCEQ's definition of a "public water system" or "PWS" and need to comply with our public drinking water regulations. At the end of this document, there is a flowchart to help you determine whether you are a PWS.

What Types of Water Sources Are Being Used at Temporary Housing Developments?

Several sources of water are typically associated with temporary housing. These are some examples:

- Hauled water.
- Mobile water-treatment systems.
- Water wells designed for residential (domestic), irrigation, or industrial-process use.

Stationary Tanks Filled by a Water Hauler

Water haulers that distribute drinking water for human consumption by tank truck or trailer are subject to Title 30, Texas Administrative Code, Subsection 290.44(i) [30 TAC 290.44(i)], and must obtain approval from TCEQ prior to providing drinking water to the public. The requirements for water haulers include, but are not limited to, the following:

- Obtaining water from an approved source.
- Ensuring that equipment used to haul water meets certain designated standards such as American Water Works Association design criteria and labeling.
- Ensuring that tanks that have been used for purposes other than transporting potable liquids are not used for hauling drinking water.
- Disinfecting the tank monthly.
- Maintaining designated disinfection levels.

TCEQ has developed guidance for water haulers, which can be found on the agency's website, at <www.tceq.texas.gov/goto/hauler-guide>.

To ensure that the water hauler that you are using is registered with TCEQ, we post a list of approved water haulers at <www.tceq.texas.gov/goto/waterhauler>.

If a water hauler fills the water-storage tank for your temporary housing but the hauler does not own the tank, associated pipes, lines, valves, etc., or maintain the distribution system, then you might meet the definition of a PWS and must obtain approval from TCEQ.

Mobile Water-Treatment Systems

Mobile Water-Treatment Systems (or MWTSSs), typically skid- or trailer-mounted, are mobile units that treat and dispense drinking water to temporary housing facilities. An MWTSS that provides drinking water for human consumption is classified a PWS and is regulated similarly to water haulers. MWTSSs have only been considered for approval to treat groundwater sources. Groundwater exposed to the atmosphere is considered surface water and would not currently be allowed to be treated by an MWTSS. The requirements for MWTSSs include, but are not limited to, the following:

- Obtaining approval for the treatment process by demonstrating the effectiveness of the process.
- Ensuring that the treatment process has received all the necessary exception and plan approvals.
- Reporting its location to TCEQ.
- Achieving 4-log viral inactivation.

TCEQ has developed guidance for MWTs, which can be found on the agency's website, at <www.tceq.texas.gov/goto/mwts>.

To ensure that the MWTs serving your location has received TCEQ approval, please call 512-239-4691 and ask to speak to a member of the Plan and Technical Review Section, or check the "Texas Drinking Water Watch" webpage, <www.tceq.texas.gov/goto/dww>, and search for their system name.

If an MWTs is used at your site and the owner of the MWTs does not take responsibility for the source or the distribution system, you might meet the definition of a PWS and must obtain approval from TCEQ.

Water Wells

New water wells drilled for use at temporary-housing sites that meet the definition of a "public water system" are required to meet all the TCEQ standards for public water supply wells. These standards are more rigorous than those for a water well that is intended for residential (domestic), irrigation, or industrial-process use.

New public water supply wells are drilled by licensed well drillers in collaboration with a professional engineer and the system's operator. In order to use a new water well for a public water system, the system operator must submit to TCEQ plans and specifications sealed by a professional engineer, as well as chemical and bacteriological tests, to confirm the safety of the source water prior to use. The well must receive approval from TCEQ prior to supplying water to the temporary-housing site.

Existing wells designed to provide water for domestic, irrigation, or industrial uses are not approved for public water system use and may not be safe for use by the occupants of the temporary housing. These types of existing wells may be allowed as long as exceptions are requested and granted for all the well components that do not meet TCEQ standards. An existing well must receive approval from TCEQ prior to supplying water to a temporary-housing site.

How Can I Comply with TCEQ's Rules for Public Water Systems?

Drinking-water facilities at temporary housing may be classified as a PWS if they supply water to at least 15 connections or 25 people a day for at least 60 days of the year.

TCEQ's regulations are put in place to ensure that every water system serves a safe, adequate supply of water. Your water system must meet TCEQ's rules for water treatment, quality, source approval, disinfection, distribution, storage, and capacity. TCEQ's rules for PWSs can be found in 30 TAC 290.

For help understanding and complying with TCEQ's regulations for PWSs, visit our webpage "Public Water Supply: Compliance Resources," <www.tceq.texas.gov/goto/help4pws>. For more information on registering as a PWS, please contact the Drinking Water Special Functions section, at 512-239-4691.

Is My Wastewater Disposal System Regulated?

If you treat or dispose of wastewater that falls under TCEQ jurisdiction, your wastewater system is regulated either by TCEQ or a local authority. Additional rules may apply if you are located on the Edwards Aquifer. The TCEQ regional office can help you comply with Edwards Aquifer rules, which appear in 30 TAC 213. For more information about the Edwards Aquifer, visit TCEQ's webpage on the "Edwards Aquifer Protection Program," <www.tceq.texas.gov/goto/eapp>.

If your system generates fewer than 5,000 gallons per day, you may be able to seek authorization through our On-site Sewage Facility (OSSF) Program or your local permitting authority. If your system treats more than 5,000 gallons of wastewater per day and is at a site under TCEQ's jurisdiction, you are required to get a domestic wastewater permit from TCEQ. For information about wastewater permits, visit TCEQ's webpage on "Domestic Wastewater Permits," <www.tceq.texas.gov/goto/domww_permits>.

Do I Need Authorization for My On-Site Sewage Facility?

If your facility is regulated by the RRC, you are not required to obtain an authorization from TCEQ for an on-site sewage facility.

If your facility is regulated by TCEQ, you must obtain a permit either from TCEQ or your local permitting authority before you construct, alter, repair, extend, or install an on-site sewage facility. Contact the permitting authority for the county where the OSSF is located to begin the permitting process. You can find your local permitting authority through TCEQ's website, at <www.tceq.texas.gov/goto/aa-search>.

For more information about getting an OSSF permit, visit TCEQ's webpage on "On-Site Sewage Facilities," <www.tceq.texas.gov/goto/ossf>.

Can I Pump and Haul My Wastewater?

Facilities Regulated by the RRC

If your facility is regulated by the RRC, you are not required to obtain an authorization from TCEQ to pump and haul wastewater. Contact the RRC for further information about any permits or authorizations it may require.

Facilities Regulated by TCEQ

If your facility is regulated by TCEQ, it will fall under one of two wastewater categories, as follows.

Fewer than 5,000 Gallons per Day

If your facility generates fewer than 5,000 gallons of domestic wastewater per day, and is subject to TCEQ's OSSF rules, pumping and hauling is allowable in situations where it is not feasible or practical to install a permanent OSSF—such as in the case of temporary housing—provided the duration of the activity does not exceed six months. Your holding tank must meet all the requirements in 30 TAC 285.34(e) in addition to all other aspects of the permitting, planning, construction, operation, and maintenance of OSSFs. The wastewater must be pumped and hauled by a TCEQ-registered sludge transporter.

In areas regulated by an authorized agent, the agent has the flexibility to interpret “feasible” as he or she wishes. Unauthorized discharge resulting from the storage, pumping, and hauling of domestic wastewater may be subject to administrative fines and other penalties under TCEQ rules and the Texas Water Code. City and county ordinances may be more stringent than TCEQ rules.

More than 5,000 Gallons per Day

If your facility generates more than 5,000 gallons of domestic wastewater per day, and is subject to TCEQ's Wastewater Permitting Program, contact the Small Business and Local Government Assistance Program for more information on what authorizations are required in order to pump and haul the wastewater.

What Can I Do with Chemical-Toilet Waste?

Chemical-toilet waste must be hauled by a registered sludge transporter to an appropriate disposal facility. In order to become a registered sludge transporter, refer to the TCEQ webpage on sludge transporters, at www.tceq.texas.gov/goto/sludgetrans.

To find registered sludge transporters that are authorized to transport your waste, you may refer to our webpage www.tceq.texas.gov/goto/sludgetransporter.

An approved wastewater-treatment plant that is permitted to accept chemical-toilet waste, or a landfill that is capable of handling chemical-toilet waste as a special waste, may allow your sludge transporter to dispose of your chemical-toilet waste for a fee.

What Can I Do with My Graywater?

TCEQ regulations allow for the reuse or recycling of graywater from temporary housing operations for process water or activities such as landscape maintenance, dust control, toilet flushing, and irrigation of fields, provided certain conditions are met.

Graywater includes wastewater from showers, bathtubs, hand-washing lavatories, and clothes-washing machines. Wastewater from sinks that are used for the disposal of hazardous or toxic ingredients, or for food preparation or disposal, are not considered graywater. Also, graywater does not include wastewater from the washing of material, including diapers, soiled with human excreta or wastewater that has come into contact with toilet waste.

Graywater systems must be designed so that 100% of the graywater can be diverted to an organized wastewater collection system when not in use. The discharge for the graywater system must enter the wastewater collection system through two backwater valves or backflow preventers.

An authorization for the use of a graywater system is not required if the conditions in 30 TAC 210, Subchapter F, are met, which in certain instances includes monitoring, treatment standards, or discharge limits. Additionally, graywater systems must comply with any requirements of the local authority.

What Are the Rules for Garbage?

Residential-like trash and garbage generated on an oil and gas lease may be collected and managed separately from wastes generated from activities associated with oil and gas exploration, drilling, or production. This residential-like waste can be disposed of under TCEQ's rules on municipal solid waste (MSW). This type of waste must be properly collected in a closed receptacle and transported to a TCEQ-authorized facility at least weekly, or more frequently if needed, to control nuisance conditions. Improperly managed trash and garbage can pose a threat to human health by attracting rodents, flies, and mosquitoes that carry diseases. TCEQ-authorized facilities can include transfer stations, landfills, and citizen collection stations.

Residential-like trash and garbage that is mixed with oil and gas waste falls under the jurisdiction of the Railroad Commission of Texas. This mixed waste may be disposed of at a TCEQ-authorized landfill. The waste is required to be managed as a "special waste" if disposed of at an MSW facility, which requires TCEQ approval ("special waste" authorization). For more information on managing MSW, visit TCEQ's webpage <www.tceq.texas.gov/goto/mswttopics>.

For more information about the management of waste associated with oil and gas activities, see TCEQ's publication *Disposal of Special Wastes Associated with the Development of Oil, Gas, and Geothermal Resources* (RG-003), available online at <www.tceq.texas.gov/goto/rg-003>. Further information on obtaining special-waste authorization from TCEQ is available at <www.tceq.texas.gov/goto/specialwaste>.

Burning Trash

TCEQ, as well as many local and county governments, has very strict rules regarding outdoor burning. Although TCEQ allows residents of private homes to burn their domestic waste under certain circumstances, the regulations prohibit burning trash or garbage from temporary oil and gas housing units, because these are considered commercial properties.

For more information about outdoor burning, see TCEQ's booklet *Outdoor Burning in Texas* (RG-049), available online at <www.tceq.texas.gov/goto/rg-049>, or the actual outdoor-burning rules, 30 TAC 111B (see <www.tceq.texas.gov/goto/view-30tac>).

For More Information

Small Business and Local Government Assistance

For confidential assistance with TCEQ's regulations for drinking water, garbage disposal, outdoor burning, or wastewater treatment, or for assistance with any other environmental concern, call TCEQ's Small Business and Local Government Assistance hotline at 800-447-2827, or go online to <www.TexasEnviroHelp.org>.

- *RV parks*: TCEQ has rules related to RV-park operations on its website, at <www.tceq.texas.gov/goto/rvparks>.

Additional Resources

The TCEQ Water Supply Division may be reached at 512-239-4691. Additional resources are available online.

- PWSs are regulated by TCEQ. Principles for operating a PWS are available at <www.tceq.texas.gov/drinkingwater>.
- To view TCEQ's rules for PWSs, 30 TAC 290, see <www.tceq.texas.gov/goto/view-30tac>.
- To find out if your groundwater well will be subject to the rules of a local groundwater conservation district, visit the Texas Water Development Board's website, at <www.twdb.texas.gov/groundwater/rules_statutes/index.asp>. Contact your district early in the development of your temporary housing development to learn the requirements you must follow and which applications and fees you may need to submit.

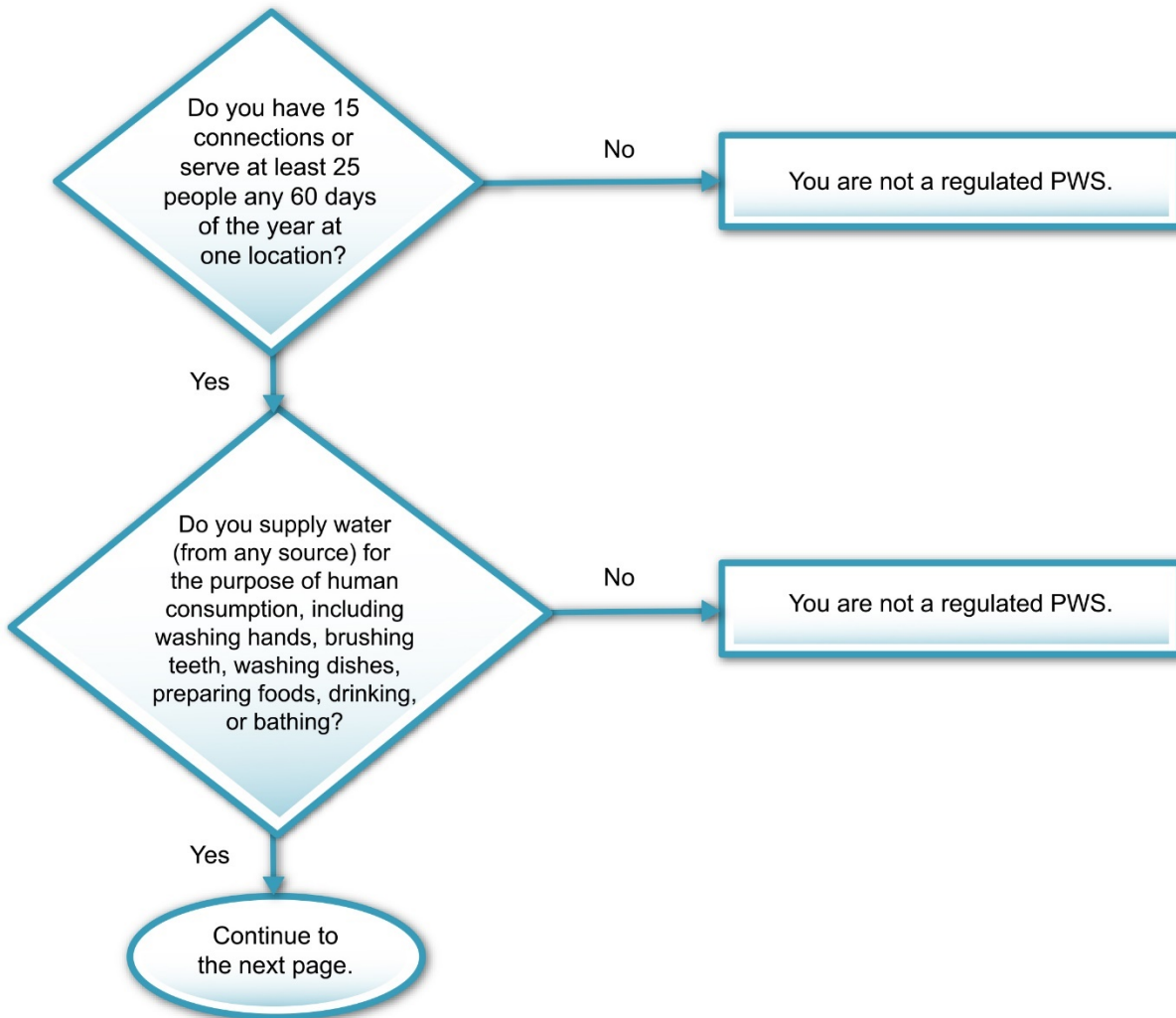
To Report a Complaint

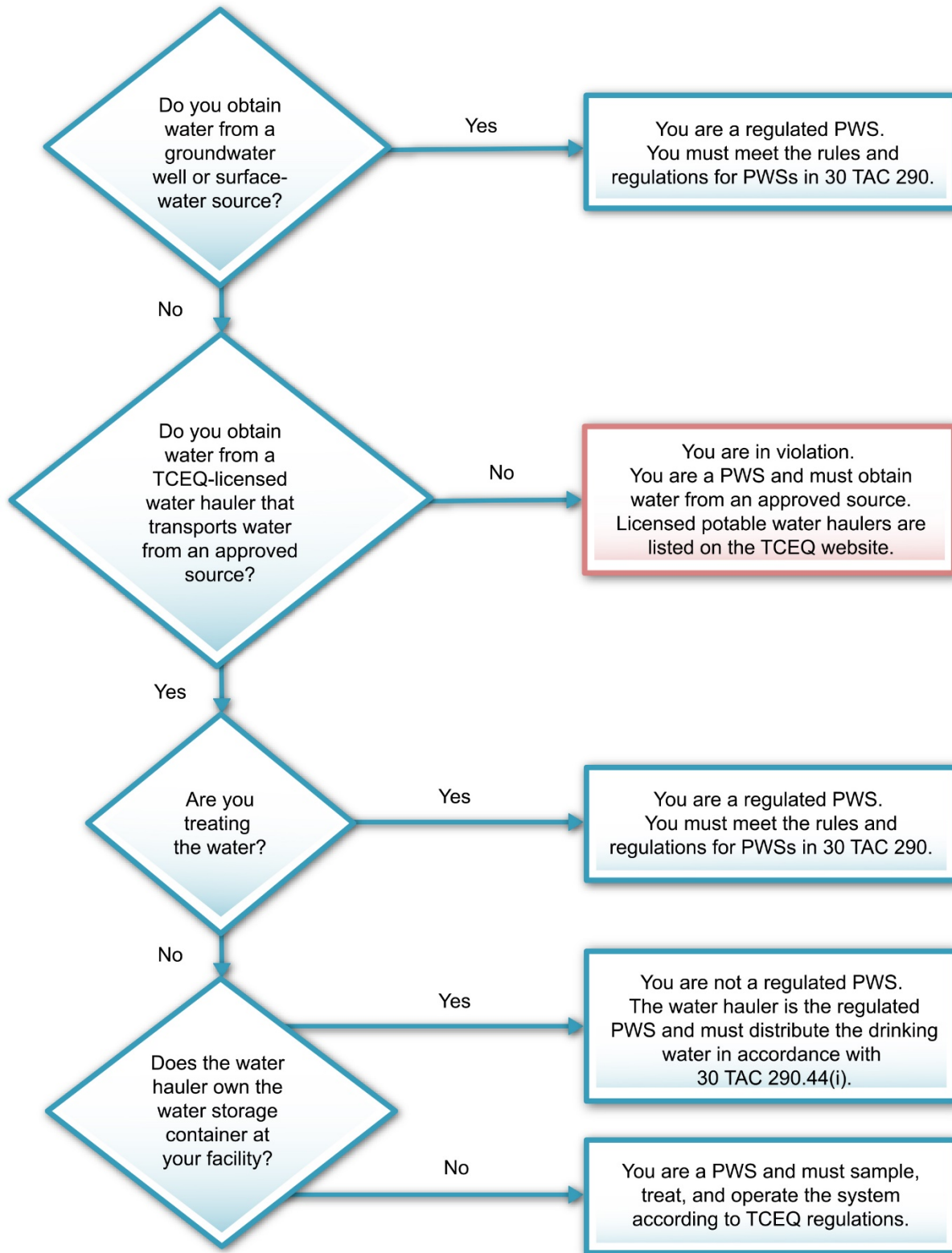
To report an environmental complaint, you can contact your local law-enforcement office or call TCEQ's Environmental Complaints reporting line, 888-777-3186. You can also submit a complaint electronically, at <www.tceq.texas.gov/goto/report_problem>.

Flowchart: Is My Temporary Housing System a PWS?

Use this flowchart to determine whether your temporary housing water system constitutes a PWS, and consequently whether it is regulated and what your requirements are. This is for guidance only and not a substitute for federal or state rules.

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Note: The information contained in this flowchart is subject to change. Always consult the most current rules in 30 TAC 290.

Flowchart Description: Is My Temporary Housing System a PWS?

This page describes the flowchart that's on the previous two pages.

Flowchart Starts

Question No. 1. Do you have 15 connections or serve at least 25 people any 60 days of the year at one location?

If the answer is "No": You are not a regulated PWS.

If the answer is "Yes": Go to:

Question No. 2. Do you supply water (from any source) for the purpose of human consumption, including washing hands, brushing teeth, washing dishes, preparing foods, drinking, or bathing?

If the answer is "No": You are not a regulated PWS.

If the answer is "Yes": Go to:

Question No. 3. Do you obtain water from a groundwater well or surface-water source?

If the answer is "Yes": You are a regulated PWS. You must meet the rules and regulations for PWSs in 30 TAC 290.

If the answer is "No": Go to:

Question No. 4. Do you obtain water from a TCEQ-licensed water hauler that transports water from an approved source?

If the answer is "No": You are in violation. You are a PWS and must obtain water from an approved source. Licensed potable water haulers are listed on the TCEQ website.

If the answer is "Yes": Go to:

Question No. 5. Are you treating the water?

If the answer is "Yes": You are a regulated PWS. You must meet the rules and regulations for PWSs in 30 TAC 290.

If the answer is "No": Go to:

Question No. 6. Does the water hauler own the water storage container at your facility?

If the answer is "Yes": You are not a regulated PWS. The water hauler is the regulated PWS and must distribute the drinking water in accordance with 30 TAC 290.44(i).

If the answer is "No": You are a PWS and must sample, treat, and operate the system according to TCEQ regulations.

Flowchart Ends

***Note:** The information contained in this flowchart is subject to change. Always consult the most current rules in 30 TAC 290.*