

## What are the Different Terms Used to Describe Abandoned and Deteriorated Water Wells?

The Texas Department of Licensing and Regulation (TDLR) has defined terms regarding what is an abandoned water well and a water well that is deteriorated. Many groundwater conservation districts (GCDs) use these terms in their district rules. Both TDLR and GCDs have regulatory authority over abandoned and deteriorated water wells in the State of Texas.

It is very important that a landowner or water well owner understand the differences between these two types of water wells and what the law requires regarding each type.

An abandoned water well is defined as a well that is **not** in use.

A well is in use if:

1. The well is not a deteriorated well and contains the casing, pump, and pump column in good condition.
2. The well is not a deteriorated well and has been capped.
3. The water from the well has been put to an authorized beneficial use, as defined by the Texas Water Code.
4. The well is used in the normal course and scope and with the intensity and frequency of other similar users in the general community.
5. The owner is participating in the Conservation Reserve Program authorized by Sections 1231-1236, Food Security Act of 1985 (16 U.S.C. Sections 3831- 3836), or a similar governmental program.

Additional terms sometimes used to describe “abandoned” include “unused,” “out-of-service,” and “discontinued.” The word “deteriorated” is sometimes used to mean the same thing as abandoned.

Abandoned wells can be capped. Capping a water well is defined as a well that is closed or capped with a covering capable of preventing surface pollutants from entering the well and sustaining weight of at least 400 pounds and constructed in such a way that the covering cannot be easily removed by hand (requires a tool).

Deteriorated water wells are defined and handled much differently. A deteriorated water well is defined as a well that, because of its condition, can cause pollution of any water in this state, including groundwater.

TDLR regulations state that:

A deteriorated well must be plugged or brought into compliance with Chapter 76.100 of the rules. If the well was drilled prior to June 1, 1983, then the well shall be completed in accordance with Chapter 76.105 of the rules. An abandoned well must be either

capped or plugged. If a landowner or person who possesses an abandoned or deteriorated well fails to have the well plugged or capped under standards and procedures adopted by the commission within 180 days from learning of its condition, the department shall notify the local groundwater conservation district and the department may initiate a contested case against the landowner or person for a violation of Texas Occupations Code, Chapter 1901.255.

Deteriorated wells must be plugged. Plugging a water well is defined as an absolute sealing of the well bore.

Other terms sometimes used to describe “plugging” include “sealing,” “decommissioning,” “closing,” and “destroying.” In addition, the word “abandoning” is sometimes used to mean the same thing as “plugging.”

As a landowner or water well owner with an abandoned or deteriorated well on your property, you must follow the law. You may contact a licensed water well driller or pump installer in your area, your local GCD, or the TDLR for assistance in determining whether you should cap or plug your water well.

## Resources and Useful Links

- TDLR Water Well Drillers and Pump Installers Administrative Rules, 16 Texas Administrative Code, Chapter 76, as well as other laws and rules related to the WWDPI program, <https://www.tdlr.texas.gov/wwd/laws-rules.htm>.
- TDLR Technical Guidance on Abandoned or Deteriorated Water Wells, <https://www.tdlr.texas.gov/wwd/abandonedwells.htm>.
- TGPC FAQs related to capping a water well for future use, plugging and abandoned water well, <https://tgpc.texas.gov/frequently-asked-questions-faqs/#waterwells>.

## Other Frequently Asked Questions (FAQs)

To find additional FAQs visit the Texas Groundwater Protection Committee’s FAQ webpage at <https://tgpc.texas.gov/frequently-asked-questions-faqs>.