

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

Confusion abounds when talking about abandoned and/or deteriorated water wells. The Texas Department of Licensing and Regulation (TDLR) has defined terms regarding what can be considered an abandoned water well and a water well that can be considered deteriorated. Additionally, many groundwater conservation districts (GCDs) incorporate these terms in their district rules. Both the TDLR and GCDs have regulatory authority regarding abandoned and deteriorated water wells in the State of Texas.

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

An abandoned water well is defined:

Abandoned well -- A well that is not in use. A well is considered to be in use if:

- (A) The well is not a deteriorated well and contains the casing, pump, and pump column in good condition;
- (B) The well is not a deteriorated well and has been capped;
- (C) The water from the well has been put to an authorized beneficial use, as defined by the Water Code;
- (D) The well is used in the normal course and scope and with the intensity and frequency of other similar users in the general community; or,
- (E) 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. In addition, as confusing as this might be, sometimes the word “deteriorated” is also used to mean the same thing as abandoned.

Abandoned wells can be capped. Capping a water well is defined:

Capped well -- 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.

As confusing as this might be, sometimes the word “sealed” is also used to mean the same thing as capped.

Deteriorated water wells are defined and handled much differently. A deteriorated water well is defined:

Deteriorated well -- A well that, because of its condition, will cause or is likely to 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. Unless 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, §1901.255.

Deteriorated wells must be plugged. Plugging a water well is defined:

Plugging -- An absolute sealing of the well bore.

Additional terms sometimes used to describe “plugging” include sealing, decommissioning, closing, and destroying. In addition, as confusing as this might be, sometimes the word “abandoning” is also used to mean the same thing as plugging.

As a landowner and/or water well owner with an abandoned or deteriorated well on your property, taking proactive steps to comply with the law is very important. 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:

- *Administrative Rules of the Texas Department of Licensing and Regulation, 16 Texas Administrative Code, Chapter 76,*
<http://www.tdlr.texas.gov/wwd/wwdrules.htm#7672>
- *What Do I Need to Know About Capping A Water Well for Future Use ?,*
<http://tGPC.state.tx.us/frequently-asked-questions-faqs/#waterwells>
- *What Do I Need to Know About Plugging An Abandoned Water Well ?,*
<http://tGPC.state.tx.us/frequently-asked-questions-faqs/#waterwells>
- *Abandoned or Deteriorated Wells,* <http://www.tdlr.texas.gov/wwd/wwdfaq.htm#adw>

For additional Frequently Asked Questions (FAQs) related to groundwater quantity and quality, septic systems, water wells, administrative entities, and publications, visit the Texas Groundwater Protection Committee webpage at <http://tGPC.state.tx.us/frequently-asked-questions-faqs/>.