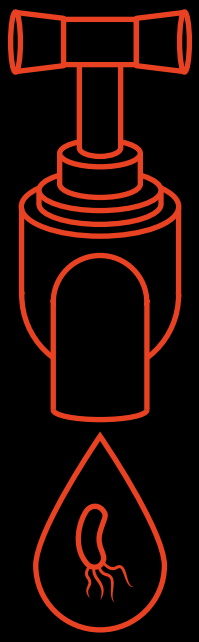

UNLOCKING SAFE WATER IN TEXAS PRISONS

TEXAS CIVIL RIGHTS PROJECT

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Acknowledgements

This report was principally authored by Ritika Kumar as part of the Manne Family Fellowship for the 2024-2025 year. It relies on publicly accessible compliance and enforcement data along with first-hand accounts from individuals incarcerated in Texas prisons. We are grateful, as always, to the resilient people who shared their stories with us.

About TCRP

We are Texas Lawyers for Texas Communities. The Texas Civil Rights Project ("TCRP") believes in a Texas where everyone can live with dignity and justice, and without fear. Since its founding in 1990, TCRP has brought thousands of strategic lawsuits and spearheaded countless advocacy campaigns to protect and expand voting rights, challenge injustices in our broken criminal legal system, and advance racial and economic justice for historically marginalized communities on the border and throughout the state. TCRP's Criminal Legal Program partners with impacted communities in an effort to challenge injustices at the front and back ends of the criminal legal system, from overcriminalization to conditions of confinement.

I. Introduction

The Texas Department of Criminal Justice ("TDCJ") is responsible for housing over 130,000 incarcerated individuals. This responsibility includes—as a moral, ethical, and legal obligation—providing those individuals with safe and clean drinking water. But despite its size and a multibillion-dollar, taxpayer-funded budget, TDCJ operates with close to no oversight over, or transparency regarding, its provision of water to the people in its facilities.

After receiving numerous complaints from incarcerated individuals about contaminated, foul-smelling, and discolored drinking water, TCRP began an investigation into water in TDCJ, including who provides it, how it is regulated, and how it is overseen. Although we were forced to narrow the scope of the investigation due to TDCJ's obstructionist tactics, we were able to uncover and verify systemic failures in the provision of water at the Coffield and Michael Units, which share a single water treatment system that serves approximately 8,000 incarcerated individuals daily. These failures include providing contaminated drinking water, inadequate testing of water quality, delays in compliance following reporting and/or testing violations, and the ignoring of repeated complaints from incarcerated people.

This report documents our findings and TDCJ's refusal to make the changes necessary to remedy its violations of both the law and basic human decency. It starts with background information about TDCJ. It then documents our investigatory methodology and findings, along with personal stories illustrating the human cost of TDCJ's failures. It finally concludes with our recommendations for improvement.

Background

Over 130,000 people—roughly the population of College Station or Abilene—are incarcerated in prisons and jails operated by TDCJ, which employs over 30,000 people.[1] TDCJ's total operating budget for ninety-nine facilities[2] in fiscal year 2024 was $4,409,626,329.[3]

TDCJ is responsible for operating many of the water systems that treat and supply water to TDCJ prison facilities, including to prison work camps.[4] Aside from their constituency, these TDCJ-operated community water systems are no different from municipal water utilities that serve people in the free world.[5]

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[1] Texas Department of Criminal Justice, Statistical Report Fiscal Year 2024 1 (2024) https://www.tdcj.texas.gov/documents/Statistical_Report_FY2024.pdf; Texas Department of Criminal Justice, Agency Strategic Plan for the Fiscal Years 2025-2029 F1-1 (2024), https://www.tdcj.texas.gov/documents/bfd/Agency_Strategic_Plan_FY2025-2029.pdf; Data USA, Abilene, TX https://datausa.io/profile/geo/abilene-tx (last visited Aug. 26, 2025); Data USA, College Station, TX https://datausa.io/profile/geo/college-station-tx (last visited Aug. 26, 2025).

[2] Email from OGC Open Records to Ritika Kumar (July 23, 2025, at 11:10 AM CT) (provided by TDCJ in response to a PIA request and on file with TCRP at https://tinyurl.com/EnviroReportRecords as "FN 2").

[3] Texas Department of Criminal Justice, *Annual Review Fiscal Year 2024* 6 (2024) https://www.tdcj.texas.gov/documents/Annual_Review_2024.pdf

[4] This information was obtained using the Texas Commission on Environmental Quality's Drinking Water Watch database, which provides publicly accessible information about specific water systems. *See* Texas Commission on Environmental Quality, *Drinking Water Watch*, https://dww2.tceq.texas.gov/DWW/ (last visited Aug. 5, 2025).

[5] *See* 30 Tex. Admin. Code § 290.38(17) (defining a community water system based on the number of residential connections or year-round residents served).

II. Regulatory Landscape

The Texas Commission on Environmental Quality ("TCEQ") is the state agency responsible for enforcing environmental laws in Texas, including those governing public drinking water. On delegation from the United States Environmental Protection Agency ("EPA"), TCEQ is authorized under Chapter 341 of the Texas Health and Safety Code to enforce the Safe Drinking Water Act ("SDWA") through state law, implemented through rules in Title 30, Chapter 290 of the Texas Administrative Code.[6] TCEQ is authorized to regulate all public water systems in Texas and conducts both routine and responsive compliance monitoring.[7] TCEQ is required to conduct physical, on-site inspections of public water systems every three to five years, depending on the way in which the water system is classified.[8] In the interim, however, TCEQ's oversight largely consists of reviewing documents submitted by water systems operators, such as Disinfection Level Quarterly Operating Reports, microbial contaminant records, and other routine compliance paperwork including Consumer Confidence Reports.[9]

TCEQ enforces the law by issuing administrative compliance orders called "agreed orders", imposing civil penalties,[10] and, in extreme cases, petitioning courts to appoint a receiver to ensure continued service or to compel corrective actions.[11] TCEQ may also refer matters to the Texas Attorney General for civil enforcement, which could lead to injunctive relief, enhanced penalties, or contempt proceedings.[12]

While TCEQ appears to hold broad authority over public water systems, its oversight is functionally limited by structural and practical barriers. TCEQ operates with limited resources, especially in comparison to TDCJ. For example, TCEQ's annual budget for monitoring environmental issues affecting Texas and its 31 million people is only $557 million—a comparatively minor sum when compared to TDCJ's nearly $4.5 billion annual budget.[13]

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[6] *See* Texas Commission on Environmental Quality, *Public Water System Supervision Program*, https://www.tceq.texas.gov/drinkingwater/pwss.html (last visited August 26, 2025); Texas Commission on Environmental Quality RG-195, Rules and Regulations for Public Water Systems 11 (2019); *see also* Texas Commission on Environmental Quality, *The Enforcement Process: From Violations to Actions*, https://www.tceq.texas.gov/compliance/enforcement/process.html (last visited Aug. 26, 2025).

[7] *See* 30 Tex. Admin. Code § 290.

[8] Federal regulations mandate that TCEQ must conduct sanitary surveys, including an on-site inspection, of community water systems—or systems that serve year-round residents— at least once every three years, and at least once every five years for noncommunity systems. These inspections may occur sooner in response to confirmed violations, complaints, or certain emergencies. See 40 C.F.R. § 142.16(b)(3)(i); 30 Tex. Admin. Code § 290.38(17); *see also* Texas Commission on Environmental Quality, The TCEQ Has Inspected Your Business: What Does This Mean To You?, https://www.tceq.texas.gov/downloads/publications/rg/the-tceq-has-inspected-your-business-rg-344.pdf (last visited Aug. 26, 2025).

[9] *See* Tex. Admin. Code § 290.110(e)(4)(A) (Disinfection Level Quarterly Operating Reports); Tex. Admin. Code § 290.109(f) (microbial contaminant records); § 290.274(c) (Consumer Confidence Reports).

[10] TCEQ may also encourage Supplemental Environmental Projects ("SEPs") in lieu of civil penalties. SEPs allow violators to invest in beneficial local improvements as alternatives to fines. Tex. Water Code § 7.067.

[11] 30 Tex. Admin. Code § 70.10; Tex. Water Code §§ 7.051, 7.073, 13.412.

[12] Tex. Water Code §§ 7.032(e), 7.102, 7.105; Tex. R. Civ. P. 692.

[13] TDCJ, *supra* note 3, at 6; Joshua Fechter, *Texas is Now Home to 31 Million People Even As Population Growth Slows,* Tex. Tribune (Dec. 19, 2024) https://www.texastribune.org/2024/12/19/texas-population-31-million/; Texas Commission on Environmental Quality, *About the Texas Commission on Environmental Quality*, https://www.tceq.texas.gov/agency (last visited Aug. 26, 2025).

TCEQ also relies too heavily on the transparency and honesty of the water systems operators it oversees. For example, water systems operators are responsible for collecting their own water samples from designated points, and although these samples must be submitted to an independent laboratory accredited by TCEQ, the sampling process is internally controlled by staff who operate the water system.[14] There may be little external oversight of how or when samples are taken.[15] Thus, in practice, water monitoring in Texas relies on the candor and competence of the water systems operators themselves.

Table 2 in the Appendix of this report summarizes the roles and limitations of many actors involved within this complex regulatory landscape.

III. Lack of Transparency

Because TDCJ treats and supplies much of the water in its facilities, and TCEQ regulates those actions, it was necessary to seek information from both agencies in order to investigate water conditions in TDCJ facilities. Our sources for such information included public information requests pursuant to the Texas Public Information Act ("PIA") as well as consultation of publicly available information through other avenues. While TCEQ maintains generally transparent practices and was cooperative in response to our requests, TDCJ was anything but.

To start, we were able to consult TCEQ's searchable online database, the Texas Drinking Water Watch, which offers real-time access to monitoring results, violation histories, and enforcement actions.[16] TCEQ also responded to TCRP's PIA requests in a timely fashion and without excessive cost estimates. Through TCEQ records, TCRP was able to identify compliance investigations, at least some narrative detail surrounding outstanding violations, and whether those violations had been marked as resolved. However, even with TCEQ's relative openness, information was rarely available as to how a violation was resolved. Closure statements often stated only that "documents deemed adequate to resolve the violation were received," with no detail as to what corrective measures were taken, if any.[17]

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[14] TCEQ uses contractors to collect chemical samples, but microbial sampling and other operational data is collected by water systems operators. *See* Texas Commission on Environmental Quality, *Chemical Sampling, Monitoring, and Analysis of Drinking Water,* https://www.tceq.texas.gov/drinkingwater/chemicals/sample_collection (last visited Aug. 12, 2025);
Texas Commission on Environmental Quality, *Microbial Sample Collection: Example Standard Operating Procedure,* https://www.tceq.texas.gov/downloads/drinking-water/microbial/microbial-sample-collection-example-sop.pdf (last visited Aug. 26, 2025); *see also* 30 Tex. Admin. Code § 290.119.

[15] Sampling methods can impact the quality of the sample itself. See Olympian Water Testing, *Development of Water Sampling Techniques and Their Impact on Testing Accuracy,* https://olympianwatertesting.com/development-of-water-sampling-techniques-and-their-impact-on-testing-accuracy/ (last visited Aug. 26, 2025). Although water systems operators are required to follow an approved monitoring plan, they may sometimes choose favorable times to conduct sampling that do not capture existing variations in water quality or the actual conditions people face daily. For example, after a coliform detection in 2023, the Coffield/Michael Water System violated state rules by collecting its required monthly coliform samples on a single day instead of at different times throughout the month. See Texas Commission on Environmental Quality, PWS_0010031_CP_20231214_INVESTIGATION at 2 (provided by TCEQ in response to a PIA request and on file with TCRP at https://tinyurl.com/EnviroReportRecords as "FN 15").

[16] *See* Texas Commission on Environmental Quality, *Texas Drinking Water Watch*, https://dww2.tceq.texas.gov/DWW/ (last visited Aug. 25, 2025); see also Texas Commission on Environmental Quality, *Instructions for Using Texas Drinking Water Watch,* https://www.tceq.texas.gov/drinkingwater/instructions-for-texas-drinking-water-watch (last visited Aug. 26, 2025).

[17] *See* Texas Commission on Environmental Quality, PWS_0010031_CP_20221116_INVESTIGATION at 3 (provided by TCEQ in response to a PIA request and on file with TCRP at https://tinyurl.com/EnviroReportRecords as "FN 17").

Crucially, the only entity capable of documenting what repairs were made, the steps taken to resolve an issue, and whether contamination sources were actually addressed is TDCJ itself, but TDCJ obfuscates relevant information and is disorganized and inconsistent. During TCRP's investigation, TDCJ took months to meaningfully respond to TCRP's PIA requests and quoted exorbitantly high labor costs. In some cases, the agency failed to produce records at all. For example, after receiving multiple independent reports that a water filtration system had been installed and restricted to staff use, TCRP requested information regarding this system. TDCJ produced no responsive records.[18]

TDCJ also limits access to information through its research policy, which restricts external researchers from conducting surveys or interviews with incarcerated people, and prevents independent health assessments or environmental monitoring inside facilities.[19] TDCJ only permits studies that it deems "mutually beneficial" to both the research and TDCJ[20]. In contrast, other large state systems, such as the California Department of Corrections and Rehabilitation, the New York Department of Corrections and Community Supervision, and the Georgia Department of Corrections routinely allow and even encourage researchers to survey and monitor prison conditions without a strict "mutually beneficial" requirement.[21] TDCJ's policy gives the agency broad discretion to reject any research it does not see as serving its interests. Such a policy hinders meaningful oversight and external inquiry into prison conditions.

IV. Methodology

Our initial goal with this report was to comprehensively document water issues across TDCJ. However, TDCJ's obfuscation and lack of transparency around this issue rendered that goal impossible. We therefore recalibrated the report to focus only on water systems at two specific prison units: the Coffield and Michael Units, located in Tennessee Colony, Anderson County. We chose to hone in on these two units for four reasons.

First, these two units share a single water treatment system and, in our review of publicly available data, the issues in these units exemplified systemic water-related issues found across TDCJ facilities. **Second,** the water system serving these two prisons treats its own raw water. Unlike systems that purchase and distribute pre-treated water, these systems are subject to a broader and more intensive regulatory framework because they are directly responsible for making source water potable, maintaining disinfection levels, and monitoring for a wide range of contaminants and operational failures. **Third**, water issues are extremely difficult to investigate across units due to the limited transparency around prison water conditions in TDCJ, so we chose to focus narrowly where at least some data was publicly available. **Lastly**, we received a higher volume of complaints about the water in these facilities than in other units.

Notably, because of the lack of transparency around water quality in TDCJ, much of what is known about water issues in TDCJ facilities comes from either publicly available data or firsthand insights and observations through letters and conversations with incarcerated individuals. This report relies heavily on both.

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[18] *It is unclear whether responsive records exist.*

[19] *See* Texas Department of Criminal Justice, *TDCJ AD-02.28 (rev. 2)*, at 2 (Jul. 30, 2012), https://www.tdcj.texas.gov/documents/policy/AD0228.pdf.

[20] *Id.*

[21] *See* California Department of Corrections and Rehabilitation, *Research Application and Approval Guidelines*, at 7, https://www.cdcr.ca.gov/research/wp-content/uploads/sites/174/2025/02/Research-Application-and-Approval-Guidelines-1.pdf; New York State Department of Corrections and Community Supervision, *Directive No. 0403*, at 2 (Mar. 19, 2024), https://doccs.ny.gov/system/files/documents/2024/11/0403_0.pdf; Georgia Department of Corrections, *Research Guidelines, Policy Number: 104.75*, at 1-2 (Oct. 25, 2017), https://public.powerdms.com/GADOC/documents/196536#:~:text=Experimental%20medical%20research%2C%20including%20pharmaceutical,jurisdiction%20of%20GDC%20is%20prohibited.

V. Systemic Failures in Prison Water Infrastructure: Coffield & Michael Units

Located in Tennessee Colony, the H.H. Coffield Unit—Texas's largest prison housing over 4,000 incarcerated individuals—shares a single water system ("the Water System") with the neighboring Michael Unit, which houses nearly 3,000 individuals.[22] Together, these units operate a single groundwater system that consists of six wells, elevated storage, ground storage, and several service pumps.[23] The Michael Unit also operates a meat processing and rendering plant where hogs and cattle are slaughtered and processed for human consumption.[24]

The Coffield/Michael Water System serves approximately 8,000 people every day.[25] **Since 2020, the Water System has racked up twenty-two distinct drinking water violations,[26] including microbial contamination,[27] exceedances of cancer-linked disinfection byproducts,[28] prolonged infrastructure failures,[29] and repeated breakdowns in basic monitoring and reporting obligations.[30]** Two of the twenty-two violations were health-based violations.[31] **For comparison, in 2024, 95 percent of water systems in Texas functioned without violating a single health-based standard.[32]** Although more study is needed to definitively attribute negative health consequences to these violations, each violation is classified under federal and state law as indicative of potential health risk and cause for mandatory corrective action and public notification.[33]

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[22] Texas Department of Criminal Justice, TDCJ On-Hand Prison Populations by Facility as of Dec. 31 2023 (Mar. 26, 2024), (provided by TDCJ in response to a PIA request and on file with TCRP at https://tinyurl.com/EnviroReportRecords as "FN 22"); *see also* Texas Water Development Board, *Anderson County Water Supply Planning Information & Resources* 2 (2024), http://www.twdb.texas.gov/waterplanning/rwp/outreach/doc/anderson.pdf.

[23] *See* Texas Commission on Environmental Quality, *supra* note 17, at 2.

[24] Texas Commission on Environmental Quality, IWD_02072_CP_20250415_COMPLIANCE at 2 (provided by TCEQ in response to a PIA request and on file with TCRP at https://tinyurl.com/EnviroReportRecords as "FN 24").

[25] U.S. Environmental Protection Agency, *Detailed Facility Report: TDCJ Coffield Unit (TX0111017),* ECHO Database, https://echo.epa.gov/detailed-facility-report?fid=110012840079 (last visited Aug. 28, 2025).

[26] For the purposes of this report, "violation" refers to any documented instance of environmental noncompliance, including some individual exceedances of Maximum Contaminant Levels ("MCLs") under Texas drinking water regulations. These exceedances may not always correspond to formal regulatory violations, since compliance is sometimes determined by results aggregated over time or by follow-up sampling and assessments. *E.g.*, 30 Tex. Admin. Code §§ 290.113(f)(3), 290.109(g).

[27] Although coliforms can grow naturally in water and soils, coliform bacteria can be used as indicators of system integrity—their presence "may forewarn of potential system problems," which may allow disease-causing pathogens into a water system. See World Health Organization, Water Safety in Distribution Systems 69 (2014), https://www.who.int/publications/i/item/9789241548892. Their presence suggests that disease-causing organisms like *E. coli* could enter the water system through cracks or leaks, or as a result of treatment failures. *Id.*; *see also* Texas Commission on Environmental Quality RG-421, Coliform Monitoring, Analyzing, and Reporting 3 (2021), https://www.tceq.texas.gov/downloads/drinking-water/microbial/rg-421.pdf ("[C]oliform monitoring is conducted as a relatively quick, easy, and cost-effective way to determine if drinking water is meeting federal and state standards. Coliforms are the preferred indicator bacteria used to identify the presence of microbial contamination.").

[28] Disinfection byproducts like trihalomethanes (TTHMs) can form when chlorine used to disinfect water reacts with organic matter. Texas Commission on Environmental Quality, *Disinfection Byproducts in Public Water Systems*, https://www.tceq.texas.gov/drinkingwater/chemicals/dbp (last visited Aug. 28, 2025). Long-term exposure to elevated levels of TTHMs has been linked to an increased risk of cancer. *Id.*

[29] These infrastructure failures include reduced water capacity, which is an indicator of low or inconsistent water pressure. Low water pressure may allow contaminants to backflow into a water system, increasing the risk of widespread bacterial contamination. Texas Commission on Environmental Quality, *Cross-Connection Control and Backflow Prevention*, https://www.tceq.texas.gov/drinkingwater/cross-connection/cc_control.html (last visited Aug. 28, 2025).

[30] Disinfectant residuals, particularly chlorine, must be maintained at safe levels throughout a distribution system to ensure that microbial contaminants do not regrow or persist. Texas Commission on Environmental Quality, *Disinfectant Residual Reporting for Public Water Systems*, https://www.tceq.texas.gov/drinkingwater/disinfection/dl_qor/index.html (last visited Aug. 28, 2025). Water system operators are required to regularly monitor disinfectant levels and report this information to TCEQ. Id.

[31] *See* Appendix, Table 3: Coffield/Michael Water System Environmental Noncompliance and Exceedances (2020-2024). Health-based violations are characterized by exceedances of established MCLs, exceedances of maximum disinfectant levels, and violations of treatment techniques. U.S. Environmental Protection Agency, *Safe Drinking Water Act (SDWA) Resources and FAQs,* https://echo.epa.gov/help/sdwa-faqs (last visited Aug. 28, 2025).

Table 1: Drinking Water Violations in the Coffield/Michael Water System, by Type (2020-2024) [34]

Violation Type	Count	Risk Type
Level 1 Assessment Trigger	1	Immediate public health risk
Treatment Technique Violations	2	Failure to follow required treatment methods to control contaminants
Infrastructure Failures	4	Indicator of compromised system integrity
Operational Failures	4	Impedes system's ability to function
Monitoring/Reporting Violations	6	Obstructs detection and oversight
Public Notification Violations	2	Violate public right to know
Enforcement/Compliance Failures	1	Failure to comply with TCEQ agreed order

This table summarizes drinking water violations and documented instances of environmental noncompliance at the Coffield and Michael Units from 2020 to 2024, categorized by type and associated risk.

Further, over the last few years, the Water System has been repeatedly cited for its failure to maintain critical components of its physical infrastructure. TCRP's public information requests to TCEQ exposed a series of persistent problems with equipment degradation, unaddressed leaks, and missing safety signage. One of the most serious and longstanding deficiencies concerns the facility's elevated storage capacity.

Elevated storage tanks provide the pressure necessary to ensure that treated water flows reliably through distribution lines.[35] They also provide reserve capacity during periods of increased demand and emergencies such as power failures or fires.[36] When storage volume is insufficient, a water system is vulnerable to numerous potential issues.[37] Generally, a minimum operating pressure of twenty pounds per square inch (psi) is suggested, as anything below increases the risk of backpressure.[38] Additionally, a drop in pressure may indicate backflow, which also causes problems, including the potential for contamination in the water supply.[39]

The Coffield/Michael Water System has been out of compliance with the state-mandated requirement of 100 gallons of elevated storage capacity per connection since at least 2012, when TCEQ first conducted a compliance investigation into this issue.[40] Since that initial citation, the violation has carried over into four subsequent investigations, spanning ten years and, as of October 2024, which is the most recent record TCRP was able to obtain, was still considered outstanding.[41]

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[32] Texas Commission on Environmental Quality, Public Drinking Water Program 2024 Annual Compliance Report 11 (2025), https://www.tceq.texas.gov/downloads/drinking-water/epa-acr-2024.pdf.

[33] *See* Appendix, Table 3: Coffield/Michael Water S ystem Environmental Noncompliance and Exceedances (2020-2024).

[34] *See id.* To access the PIA documents used to create Appendix, Table 3, visit https://tinyurl.com/EnviroReportRecords.

[35] World Health Organization, *supra* note 27, at 28.

[36] See *Id.*

[37] *See id.* at 7, 25, 26.

[38] *See* 30 Tex. Admin. Code § 290.44(d); *see also* U.S. Environmental Protection Agency, Potential Contamination Due to Cross-Connections and Backflow and the Associated Health Risks 5 (2001), https://www.epa.gov/sites/default/files/2015-09/documents/2007_05_18_disinfection_tcr_issuepaper_tcr_crossconnection-backflow.pdf.

[39] U.S. Environmental Protection Agency, *supra* note 38, at 22, 34.

[40] Texas Commission on Environmental Quality, PWS CP_102317070_CP_20241009_Investigation_2022745 at 3 (provided by TCEQ in response to a PIA request and on file with TCRP at https://tinyurl.com/EnviroReportRecords as "FN 40").

[41] *Id.*

In 2022, the Water System was also cited for an unrepaired backflow preventer at the food service building, a critical threat to water safety. **A compliance investigation conducted in April 2022 confirmed that the Reduced Pressure Backflow Assembly (RPBA) protecting the food service administration building had failed testing in October 2021 and was left unrepaired for over six months.**[42] The RPBA is a device that aims to prevent contaminated water from flowing backwards into a drinking water system.[43] Contaminated water can cause health problems, including digestive issues and cancer. Leaving this device unrepaired, particularly in a high-risk setting like a kitchen where food waste and chemically treated water may be present, is a contamination hazard and a regulatory violation.[44] TCEQ reviewed documentation in July 2022 deemed adequate to resolve the violation, but the investigation records do not contain details about any corrective actions.[45]

It is beyond the scope of this report to provide a truly comprehensive analysis of the Water System's many failures and violations, but at the very least, the ones TCRP uncovered—along with the difficulty of uncovering them—show that a more fulsome investigation is necessary. The necessity for continued investigation is only underscored by the stories TCRP obtained from incarcerated people about their lived experiences with the Water System.

[42] Texas Commission on Environmental Quality, *supra* note 17.

[43] U.S. Environmental Protection Agency, *supra* note 38, at 24.

[44] 30 Tex. Admin. Code § 290.44(h)(1); *see* Texas Commission on Environmental Quality, How to Sample Drinking Water and Understand the Results 2 (2023), https://www.tceq.texas.gov/downloads/drinking-water/preparedness-resources/gi-433.pdf.

[45] Texas Commission on Environmental Quality, *supra* note 17.

VI. Experiences from the Inside

TCRP was able to obtain and analyze nearly fifty narrative accounts from incarcerated people regarding water quality in TDCJ, many of whom reported issues with the water at the Coffield Unit in particular. These individuals repeatedly described in detail the physical, mental, and financial toll caused by not knowing whether their drinking water is safe to consume. Many directly attributed stomach infections, skin conditions, and even cancer diagnoses to their long-term reliance on discolored tap water that is over-chlorinated, foul-smelling, and slimy. Some said that staff, including certain doctors, have cautioned them to avoid the tap water and to drink bottled water whenever possible—but that solution is of no help to indigent individuals, who cannot afford the high price of bottled water in prison commissaries.[46] Some noted that they purposefully limit their water intake because of concerns about the water, which becomes increasingly dangerous as temperatures rise during hot Texas summers. Still others described their attempts to use clothes or sheets to filter the water, which stained the fabric brown within minutes.

For the many individuals who have chronic medical conditions, their concerns about the water feel inescapable. One man, who developed gastrointestinal symptoms and a stomach infection caused by the bacterium Helicobacter pylori ("H. pylori") shortly after arriving at the Coffield Unit, recounted how a doctor told him "not to worry" because his diagnosis was "no big deal." In a letter to TCRP, this man stated, "Who wouldn't be worried about testing positive for something that could be harmful . . . ?"[47]

Another individual reported testing positive for H. pylori twice while in TDCJ custody. He connects these infections to persistent acid reflux and ulcers. He later developed a hiatal hernia—a condition whereby the stomach protrudes through the diaphragm. He stated, "I had been suffering greatly [for years]. The acid reflux caused me to [vomit] in my sleep, through my nose, and it burned a hole in the bottom of my esophagus . . . ."

Our findings include the following:

- Of the approximately 50 people we corresponded with or spoke to, 26 people reported they had tested positive for *H. pylori*. Many had been diagnosed with *H. pylori* infections multiple times, requiring additional treatment.
- 19 people described gastrointestinal issues, such as stomach pain, bloating, diarrhea, ulcers, acid reflux, polyps, and abdominal hernias.
- 8 people described skin issues, including persistent rashes, lumps, and sores which they link to water used for bathing or drinking.
- 21 noted other health concerns including burning sensations while eating, drastic and unexplained weight loss, and thyroid disease.
- 10 people said staff themselves warned them not to drink the water.
- 10 people described foul-smelling, discolored water, or water that felt greasy.
- 21 people described feelings of hopelessness.
- 24 stated that they live in fear for their health every day.
- 13 individuals filed grievances about the water; 6 mentioned that they fear retaliation from TDCJ in response to their grievances.

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[46] Bottled water in prisons is expensive compared to bottled water in the free world. As of July 2025, a 24-pack case of bottled water can be purchased from H-E-B for $3.40. See H-E-B, https://www.heb.com/product-detail/hill-country-fare-purified-drinking-water-24-pk-bottles-16-9-oz/1042431 (last visited Jul. 17, 2025). In contrast, in 2023, a case of 24 bottles of water in TDCJ was $4.80. In June of 2023 during a hot Texas summer, the price was raised to $7.20 per case. *See* Flahive, Paul, *Texas charges prisoners 50% more for water as heat wave continues*, Texas Public Radio, (Jul. 20, 2023), https://www.tpr.org/criminal-justice/2023-07-20/texas-charges-prisoners-50-more-for-water-for-as-heat-wave-continues.

[47] *H. pylori* is a bacterial pathogen that has been detected in drinking water biofilms—microbial communities that can sometimes resist standard disinfectants. According to EPA guidance, *h. pylori* has been associated with gastrointestinal illnesses, including peptic ulcers. U.S. Environmental Protection Agency, *Health Risks from Microbial Growth and Biofilms in Drinking Water Distribution Systems*, at 1,4 (Jun. 2002), https://www.epa.gov/sites/default/files/2015-09/documents/2007_05_18_disinfection_tcr_whitepaper_tcr_biofilms.pdf.

VII. A Path Forward

The findings in this report show that, at the very least, TDCJ operates with limited transparency and minimal oversight as to the quality of the water it provides to those incarcerated in its facilities. TCRP recommends the below changes to address the issues outlined in this report.

Recommendation 1:

TCEQ should conduct regular, unannounced reviews of prison water systems and test the water at representative sample sites. Water quality data that is normally accessible to consumers in the free world, such as violation histories, consumer confidence reports, and boil water notices, should be made public and accessible to incarcerated individuals—on their tablets, where applicable— including to individuals in restricted housing.

Recommendation 2:

TDCJ should face real and escalating consequences to ensure agency-wide accountability for repeated water safety violations across the multiple water systems it operates. TCEQ should escalate penalties against TDCJ when a facility remains out of compliance for months or years. For water systems that remain chronically out of compliance with environmental statutes or prior Agreed Orders, TCEQ should refer cases to the Attorney General for civil enforcement, a step already used for persistent industrial polluters.[48]

Recommendation 3:

Where safe water cannot be guaranteed, TDCJ should provide incarcerated people with alternatives. When contamination or boil water notices occur, bottled water should be provided to all incarcerated individuals, at no cost and without restrictions on quantity, just as it is reportedly provided to corrections staff.[49] This policy would be in line with TDCJ's preexisting policy of providing essential items such as soap, toilet paper, and razors to incarcerated individuals regardless of their ability to pay.[50]

Recommendation 4:

The prison population in Texas should be reduced. As the population in TDCJ custody grows, so does the agency's obligation to provide clean drinking water. Reducing the prison population in Texas would reduce the cost and strain of providing quality drinking water to people forced to live in aging and deteriorating facilities where the provision of clean drinking water may be difficult.

Recommendation 5:

TDCJ should close facilities with repeated and long-term violations of drinking water standards rather than continuing to pour resources into systems that it cannot feasibly fix. For facilities that can be improved at a reasonable cost, the Legislature should ensure that TDCJ invests in long-overdue improvements and updates to its water infrastructure.

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[48] Texas Commission on Environmental Quality, *Annual Enforcement Report Fiscal Year 2024*, at 15 (Nov. 2024), https://www.tceq.texas.gov/downloads/compliance/enforcement/actions-reports/aer/fy2024/2024-enforcement-report.pdf.

[49] TCRP received multiple reports from incarcerated individuals at various prisons indicating that corrections staff at those units are provided ample bottled water.

[50] Texas Department of Criminal Justice, *Correctional Managed Health Care Policy Manual: Personal Hygiene, F-49.01,* at 1 (Rev. Jul. 2024), https://www.tdcj.texas.gov/divisions/cmhc/docs/cmhc_policy_manual/F-49.01.pdf.

Appendix

Table 2: The Environmental Regulatory Landscape in Texas

Texas Department of Criminal Justice (TDCJ)
Responsibility: Owns and operates some prison water systems.[51] **Powers:** Conducts microbiological sampling, handles day-to-day maintenance and monitoring, responsible for public notification. **Limits:** Primarily self-policing; transparency and accountability are limited. **Statutory Authority:** *See* 30 Tex. Admin. Code § 290.109(d) (monitoring requirements for microbial contaminants); 30 Tex. Admin. Code § 290.46(a), (d), (f) (water systems must be operated in accordance with minimum operating practices, operators must maintain disinfectant residuals, operators must retain operation and maintenance records); 30 Tex. Admin. Code § 290.122(a)–(c), (f) (public notification tiers and certification of delivery).
Texas Commission on Environmental Quality (TCEQ)
Responsibility: Primary state regulator of public water systems. **Powers:** Can issue agreed orders and seek civil penalties; can negotiate agreements to perform Supplemental Environmental Projects (SEPs); can make referrals to the Texas Attorney General (AG); can petition AG for receivership. **Limits:** Relies on TDCJ data and limited to slow, non-escalating enforcement in the form of administrative penalties. **Statutory Authority:** *See* 30 Tex. Admin. Code § 290 (rules for public water systems); 42 U.S.C. § 300g-2 (federal delegation of state primary enforcement responsibility over the SDWA); Tex. Health & Safety Code § 341.031 (empowers Texas to implement the SDWA); 30 Tex. Admin. Code § 70.10 (agreed orders); Tex. Water Code §§ 7.051, 7.073(1) (administrative penalties); Tex. Water Code §§ 7.067, 7.105, 13.412 (SEPs, referrals to the AG, receivership).
Texas Attorney General
Responsibility: Prosecutes environmental enforcement cases referred by TCEQ. **Powers:** Can seek injunctive relief, civil penalties, and court orders (e.g., contempt, receivership). **Limits:** Enforcement is typically discretionary **Statutory Authority:** Tex. Water Code §§ 7.105(a), 7.106 (enforcement actions).
Environmental Protection Agency (EPA)
Responsibility: Sets national standards for regulation and delegates authority to states. **Powers:** Can enforce environmental laws and regulations via citizen suits or direct action. **Limits:** Deference to state enforcement; enforcement varies widely depending on shifting executive branch priorities; no practical role in prison oversight. **Statutory Authority:** 42 U.S.C. § 300f et seq. (Safe Drinking Water Act); 42 U.S.C. § 300g-2 (state primary enforcement responsibility); 42 U.S.C. § 300g-1(b)(4)(B) (establishment of MCLs); 42 U.S.C. § 300j-8 (citizen suits); 42 U.S.C. 300i(a) (EPA emergency powers).

Table 2: This table summarizes many of the roles, powers, and limitations of the primary actors responsible for regulating public water systems within Texas.

[51] *Supra* note 4.

Appendix

Table 3: Coffield/Michael Water System Environmental Noncompliance and Exceedances

#	Date	Description	Violation Type	Statutory Authority
1	6/15/20	TTHM level of 95.0 µg/L exceeded EPA limit of 80 µg/L.	MCL Exceedance*	"The MCL for TTHM is 0.080 mg/L." 30 Tex. Admin. Code § 290.104(i)(1).
2	1/28/21	TTHM level of 84.9 µg/L exceeded EPA limit of 80 µg/L at the same sampling site as before.	MCL Exceedance	"The MCL for TTHM is 0.080 mg/L." 30 Tex. Admin. Code § 290.104(i)(1).
3	1/19/21	Failure to submit lead consumer notice for the period of June 1, 2020 to September 30, 2020. Public notification and continuation of monitoring required.	Monitoring/Reporting Violation	A public water system is required to monitor for lead and copper and report any sample results. 30 Tex. Admin. Code § 290.117(c)(2), (i)(1)(B).
4	4/19/22	Failure to replace an RPBA (backflow preventer) at the Food Service Administration Building for over six months. This violation was considered resolved on July 22, 2022, although it's not clear how it was resolved from the records TCRP was able to obtain	Infrastructure Violation	"No water connection from any public drinking water supply system shall be allowed to any residence or establishment where an actual or potential contamination hazard exists unless the public water facilities are protected from contamination." 30 Tex. Admin. Code § 290.44(h)(1).
5	4/19/22	An inspection revealed the foot gauge on the elevated tank was leaking, one of the vertical turbine pumps on top of the underground storage tank was leaking, the well meter at Well 5A was not working, and the ground storage tank was considered to be in "poor condition." This violation was considered resolved on July 22, 2022, although it is not clear how it was resolved from the records TCRP was able to obtain.	Infrastructure Violation	"The maintenance and housekeeping practices used by the public water system shall ensure the good working condition and general appearance of the system's facilities and equipment." 30 Tex. Admin. Code § 290.46(m).
6	4/19/22	The Coffield/Michael unit failed to provide flushing logs from September until December 2021, calibration records for the handheld disinfectant residual analyzer, and Disinfection Level Quarterly Operating Reports ("DLQOR") for 2021. This violation was considered resolved on July 22, 2022, although it's not clear how it was resolved from the records TCRP was able to obtain.	Monitoring/Reporting Violation	"The public water system's operating records must be accessible for review during inspections and be available to the executive director upon request." 30 Tex.

#	Date	Description	Violation Type	Statutory Authority
7	4/19/22	TDCJ failed to verify the manual disinfectant residual analyzers with chlorine solutions that were within the expiration date. This violation was resolved on July 22, 2022, although it's not clear how it was resolved from the records TCRP was able to obtain.	Operational Failure	"Chemical disinfectant residual analyzers shall be properly calibrated." 30 Tex. Admin. Code § 290.46(s)(2)(C).
8	4/19/22	Wells at the Coffield/Michael unit had not been calibrated since 2015.	Operational Failure	"Well meters shall be calibrated at least once every three years." 30 Tex. Admin. Code § 290.46(s)(1).
9	9/1/22	Failure to submit DLQOR from April 1, 2022, until June 30, 2022; required public notice and corrective action.	Monitoring/Reporting Violation	A public water system that uses groundwater must complete a DLQOR each quarter. The failure to conduct required monitoring or to submit monitoring results constitutes a reporting violation. 30 Tex. Admin. Code § 290.110(e)(4)(A), (f)(2)—(3).
10	7/13/23	Recommending corrective actions and/or best management practices after conducting assessment.	Non-violation Trigger	No violations associated to this investigation.
11	9/15/23	Failure to conduct or complete required Level 1 assessment. Public notice and further corrective action mandated.	Treatment Technique Violation	The Level 1 Assessment must be completed "no later than 30 days after the public water system learns that it has exceeded a trigger . . . or 30 days after all routine and repeat monitoring was required to be completed." 30 Tex. Admin. Code § 290.109(c)(3), (g)(14).
12	9/26/23	Failure to issue or certify delivery of public notice for violations issued to the system regarding the water supplied to its customers. TCEQ issued this notice of violation over a year after the original public notification deadline.	Public Notification Violation	Failure to notify customers of a drinking water violation results in a reporting violation. *See* Tex. Admin. Code § 290.122.
13	10/30/23	Failure to issue or certify delivery of public notice for violations issued to the system regarding the water supplied to its customers.	Public Notification Violation	Failure to notify customers of a drinking water violation results in a reporting violation. *See* Tex. Admin. Code § 290.122.

#	Date	Description	Violation Type	Statutory Authority
14	11/30/23	Failure to complete all required lead and copper tap monitoring.	Monitoring/Reporting Violation	A public water system is required to monitor for lead and copper and report any sample results. 30 Tex. Admin. Code § 290.117(c)(2), (i).
15	5/28/24	Failure to collect required coliform samples in April 2024 under the RTCR.	Monitoring/Reporting Violation	"A public water system that fails to collect every required routine sample in a compliance period and/or to submit the analytical results to the executive director commits a monitoring violation." 30 Tex. Admin. Code § 290.109(g)(4).
16	8/22/24	Failure to complete all required lead and copper tap monitoring.	Monitoring/Reporting Violation	A public water system is required to monitor for lead and copper and report any sample results. 30 Tex. Admin. Code § 290.117(c)(2), (i).
17	10/9/24	Violation of Agreed Order for failure to provide an elevated storage capacity of 100 gallons per connection. As of October 2024, the most recent record TCRP was able to obtain, this violation was still outstanding.	Enforcement/ Compliance Violation	"An elevated storage capacity of 100 gallons per connection is required for systems with more than 2,500 connections." 30 Tex. Admin. Code § 290.45(b)(1)(D)(iv).
18	10/9/24	Failure to maintain the 0.150 MG elevated tank in watertight condition.	Infrastructure Violation	"All water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances shall be maintained in a watertight condition and be free of excessive solids." 30 Tex. Admin. Code § 290.46(m)(4).
19	10/9/24	Failure to have a working liquid level indicator on the 0.35 MG underground storage tank.	Infrastructure Violation	"All clearwells and water storage tanks shall have a liquid level indicator located at the tank site." 30 Tex. Admin. Code § 290.43(c)(4).
20	10/9/24	Failure to post signage on the fence at Well 4 identifying the name of the facility and the required emergency contact information.	Treatment Technique	"All community water systems shall post a legible sign at each of its production, treatment, and storage facilities. The sign shall be located in plan view of the public and shall provide the name of the water supply and an emergency telephone number where a responsible official can be contacted." 30 Tex. Admin. Code § 290.46(t).

#	Date	Description	Violation Type	Statutory Authority
21	4/19/22	Failure to notify TCEQ prior to decreasing chemical treatment. As of October 2024, the most recent record TCRP was able to obtain, this violation was still outstanding.	Operational Failure	Public water systems are required to provide notice "in writing of the addition of treatment chemicals, including long-term treatment changes, that will impact the corrosivity of the water. Examples of long-term treatment changes that could impact the corrosivity of the water include the addition of new treatment process or modification of an existing treatment process." 30 Tex. Admin. Code 290.39(j)(2)(A).

Table 3: This table summarizes documented instances of regulatory noncompliance associated with the Coffield/Michael Water System. This information was identified through TCEQ inspection records, laboratory reports, and Notices of Violation obtained via PIA requests. These entries reflect what was documented in those sources and may not correspond in all cases to formal enforcement violations. The statutory authority column reflects the specific Texas Administrative Code provision applicable to each instance.

* Single-sample exceedances of TTHMs have been included because they indicate short-term risk. Formal compliance for TTHMs is based on a locational running annual average, which may remain below 0.080 mg/L even when individual results exceed this level. See 30 Tex. Admin. Code § 290.113(f)(4).

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