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Rules Coordinator
Railroad Commission of Texas
P. O. Drawer 12967
Austin, Texas 78711
rulescoordinator@rrc.texas.gov

United Environmental Services, LLC (P5# 877245) operates a Railroad Commission of Texas permitted reclamation facility that has been serving the midstream sector along the Gulf Coast for over 24 years. Throughout the years we have maintained a clean regulatory compliance record and have operated with the upmost respect towards the environment.

During this time, we have made substantial investments in the facility, equipment, real estate and other costs associated with operating the facility. We have also made substantial investments in the community. We currently employ approximately 15 longstanding employees whose families rely on this company for their livelihood.

We applaud and appreciate the Commission's efforts in updating Statewide Rule 8 and Chapter 4. However, certain aspects of these proposed rules jeopardize our ability to successfully operate our business. In particular, the proposed requirements of Chapter 4.170(a)(7) will cause existing R-9 reclamation facility permits to expire and therefore, force operators to renew their permits every five years. This will serve no purpose other than to increase the regulatory burden on good operators.

We believe in the core purpose of these proposed rules, which is to prevent bad actors from endangering minerals and from polluting surface and subsurface water. We also believe that a regulatory framework should address the underlying issues rather than impose strict paperwork requirements that will only increase costs. Furthermore, forcing operators to file new applications every five years to renew their permits will open operators to the risks and uncertainties associated with contested proceedings.

The proposed requirements of Chapter 4.170(a)(7) do not directly address concerns with waste or pollution. Furthermore, the Commission has not made clear the reasoning for the proposed changes to R-9 reclamation facility permits. Therefore, we can only speculate to the purpose of these proposed changes.

If the intent of the Commission is for operators to provide updated information regarding the changing landscape of the surrounding geology, ecology or community, then there are alternative solutions available. For instance, the proposed rule may be revised to require operators to provide updated information every five years to the Commission without being forced through an application process.

If the intent of the Commission is to force operators to establish a history of regulatory compliance during a contested proceeding, then a renewal application is not the proper mechanism. Operators already have the ability to request hearings in the face of legitimate complaints from affected persons. More importantly, the Commission has the authority to require operators to appear at show cause hearings and enforcement hearings. Instead of implementing new requirements, the Commission should seek to strengthen and utilize its existing tools.



United Environmental Services, LLC is a good operator with a good history of compliance. As part of our permit requirements, we are required to file documentation with the Commission every month and every quarter. The additional filing requirement of a five-year renewal application will not force operators to become more or less compliant with Commission rules. Good operators will remain good operators and bad operators will remain bad operators. The simplest solution is for the Commission to enforce existing rules against operators with a history of noncompliance.

Finally, the Commission has been striving to promote beneficial reuse and recycling. The facility of United Environmental Services, LLC is unique in that it is located in Baytown, Texas and its operations are not comparable to a reclamation plant in the oilfield that services drill sites. Our entire operational purpose is to reclaim and recycle what others would deem waste. These new proposed requirements of Chapter 4.170(a)(7) will stifle rather than encourage those seeking to operate similar recycling facilities. In fact, generators of waste currently have cheaper disposal options that are contradictory to this recycling effort. If a max hydrocarbon % was implemented for disposal into injection and disposal wells, along with land farms and landfills, this would deter generators from disposing of this material with hazardous characteristics and encourage recycling.

Therefore, United Environmental Services, LLC respectfully requests that the Railroad Commission of Texas revise the proposed requirements of Chapter 4.170(a)(7) and seek alternative solutions that are less burdensome to existing operators.

Thank you for the opportunity to provide public comment.

Respectfully,

Mason Stevens
C.E.O.
United Environmental Services, LLC
8010 Needlepoint Rd.
Baytown, TX 77521