



# Title 16 Texas Administrative Code Chapter 4 Overview

Revisions to Oil and Gas Waste Management Rules

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# 16 TAC Chapter 4



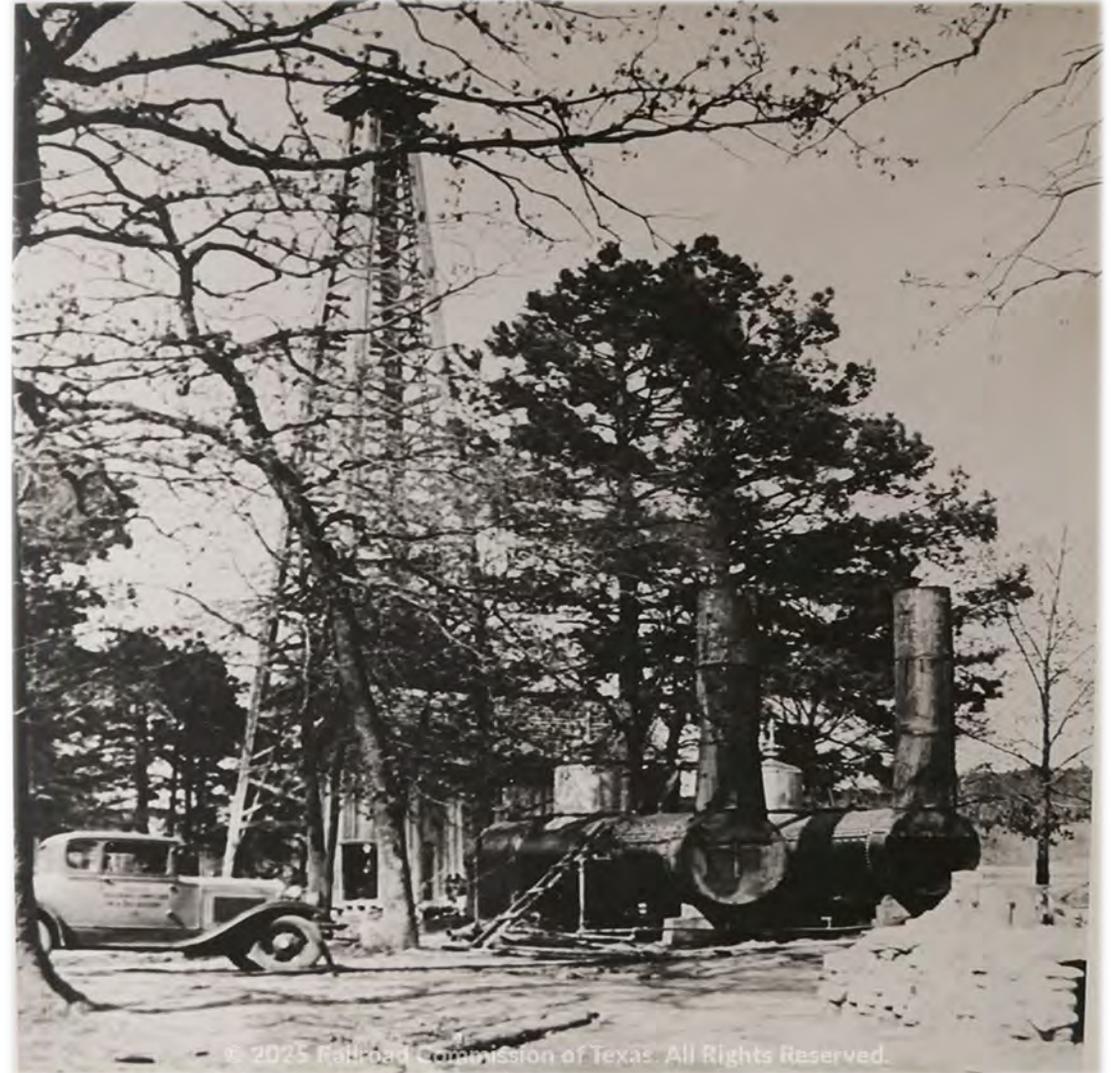
## Subchapter A

New (§3.8 and §3.57)

## Subchapter B

- › Adds legislative requirements; and
- › Consistency with Subchapter A.

**Subchapter F – NORM** (*no changes*)



# Subchapters A & B – Definitions



## Subchapter A:

- › Simplified pit definitions
  - Division 3 Authorized Pits; or
  - Pit permit required
- › Redefined
  - › Commercial facility
  - › Non-commercial facility

## Subchapter B:

- › Changes for consistency



# Subchapter A



Division 1 - General

Division 2 - Definitions

Division 3 - Operations Authorized by Rule

Division 4 - Requirements for all Permitted Waste Management Operations

Division 5 - Additional Requirements for Commercial Facilities

Division 6 - Additional Requirements for Permitted Pits

Division 7 - Additional Requirements for Landfarming & Landtreating

Division 8 - Additional Requirements for Reclamation Facilities

Division 9 - Miscellaneous Permits

Division 10 - Waste Transportation

Division 11 - Surface Water Protection



## Chapter 4 Rules are Effective on July 1, 2025

- › Permits issued:
  - › *on or after* July 1 will be issued under Chapter 4
  - › *before* July 1 *may* need to be considered under Chapter 4

# Subchapter A – Division 1



**§4.102** – requires oil & gas waste generator to characterize the waste.

**§4.103** – updated language specifying discharge authority.

**§4.108** – allows for electronic filing when available by the Commission.

**§4.109** – explains the process for exceptions relating to the requirements of Subchapter A.

# §4.109 Exception



## Exception

- › Written request
- › Equivalent in protection

## 1-year Special Exception

- › Available for *previously* authorized pits under §3.8
- › Pit does not meet Division 3 requirements

# Subchapter A - Division 4



## §4.127 Engineering & Geological Information

(a) Necessary elements

- › *Soils;*
- › *Geology;*
- › *Groundwater; and*
- › *Other information deemed necessary.*

(b) Site investigation if the information is not available for subsection

PG and/or PE seal is required per Texas Occupation Code, Chapters 1002 or 1001





### §4.128 - Design & Construction

Applications must contain:

- › Clear *facility outline*
- › All tanks and equipment

Stormwater management plan

- › Control and manage *all* stormwater

Updated fencing requirements

- › Fence exceptions

### §4.129 – Operation

Applications must demonstrate how freeboard and the 25-year, 24-hour rainfall event will be contained.



## §4.131 Groundwater Monitoring

- › Factors used in a determination:
  - Presence or absence of natural clays
  - Depths to groundwater

### Prior to Operating

- › Groundwater monitoring wells must be in place.



*Divisions 5-9 are in addition to Division 4.*

## §4.140 Commercial Facilities

The revised *Commercial* definition may have an impact.

*Financial Security* is required.

- Post-closure activities





## §4.142

### Commercial Facility Operating Requirements

Detailed *waste acceptance plan*

Site-specific *spill control plan*

*Stormwater management plan*



## §4.143

### Commercial Facility

# Design & Construction Requirements

- › Provide as-built drawings *before commencement of operations*
  - Include all equipment and waste management units.

#### 2. Construction Information

New Construction:  Y  N

Total Phases of Construction Expected:

Construction of an Existing Pit:  Y  N

If yes, provide the following:

Existing Permit Number:

Date Changes Were Made: Click or tap to enter a date.

Description of the change(s):

#### Phase I

Projected Start Date: Click or tap to enter a date.

Projected End Date: Click or tap to enter a date.

Actual Start: Click or tap to enter a date.

Actual Finish: Click or tap to enter a date.

#### Phase II

Projected Start Date: Click or tap to enter a date.

Projected End Date: Click or tap to enter a date.

Actual Start: Click or tap to enter a date.

Actual Finish: Click or tap to enter a date.

#### Phase III

Projected Start Date: Click or tap to enter a date.

Actual Start: Click or tap to enter a date.

## §4.160

Applications also include requirements in Division 4.

## §4.161 Design & Construction

- › §4.110(51)
  - › Landfarming cells *include* landtreating cells
- › §4.161(c)

The rule provides clear reasons for a *denial* of a site



## §4.162 Operations

- › Estimated duration of activities
- › Total cumulative volumes of waste
- › Prohibits land application of contact stormwater *outside* of a cell

# Subchapter A - Division 8



## Reclamation Plants R-9

### New

- › Current R-9 permits will expire on July 1, 2030.
  - › 5-year term
  - › Transferrable under §4.122
  
- › Renewal applications due at least 60 days before July 1, 2030.
  
- › Form changes will be discussed on:
  - April 16, 2025 (application processes)
  - April 23, 2025 (Form R-2)



## Misc. Permits

**§4.185** allows the approval of Pilot projects for *certain* activities.

- › recycling of treated produced water; or
- › Any recycling activities not otherwise authorized by rule or permit

All other permit applications submitted to the District or Austin remain the same except *Authorized activities under Division 3.*



## Waste Transportation

### Electronic Filing of Waste Hauler Permit Applications

- › The RRC Access Management Process ([RAMP](#)) is the method for managing online filing accounts.
- › For assistance with your RAMP account, contact [HelpDesk@rrc.texas.gov](mailto:HelpDesk@rrc.texas.gov).



## §4.192 Trans-Jurisdictional Waste Transfers

- › *Effective December 31, 2026*
- › Designed for
  - Management of certain O&G waste to be managed at appropriate TCEQ facilities; and
  - Certain TCEQ jurisdictional waste to be managed at certain RRC-regulated facilities.
- › Requires approval from **both** agencies
  - › Special Waste Authorization form.

# Subchapter B – Commercial Recycling



Division 1 - General & Definitions

Division 2 - On-Lease Commercial Solid Recycling

Division 3 - Off-Lease or Centralized Solid Recycling

Division 4 - Stationery Commercial Solid Recycling

Division 5 - Off-Lease Commercial Fluid Recycling

Division 6 - Stationery Commercial Fluid Recycling

Division 7 - Beneficial Use of Drill Cuttings

# Subchapter B – Divisions 5 & 6



*New rules and amendments to Subchapter B Divisions 5 & 6 address legislative requirements from:*

## **House Bill 3516**

**(87<sup>th</sup> Legislative Session, 2021)**

- › Encourage fluid recycling;
- › Establish standards for commercial recycling of fluids considering previously adopted rules;
- › Establish rule parameters; and
- › A method to evaluate a variance from adopted standards

## **Senate Bill 1541**

**(85<sup>th</sup> Legislative Session, 2017)**

Amended Natural Resource Code:

- › Section 123.001, to add Subdivision 4 (treatment).
- › Chapter 123 Section 123.0015 addresses beneficial uses for drill cuttings.
  - Required the Commission to incorporate criteria for 'beneficial uses' of recycled drill cuttings; and
  - Defined 'legitimate commercial product'.



# §4.262 (Div 5) and §4.278 (Div 6)

## *Commercial Fluid Recycling*

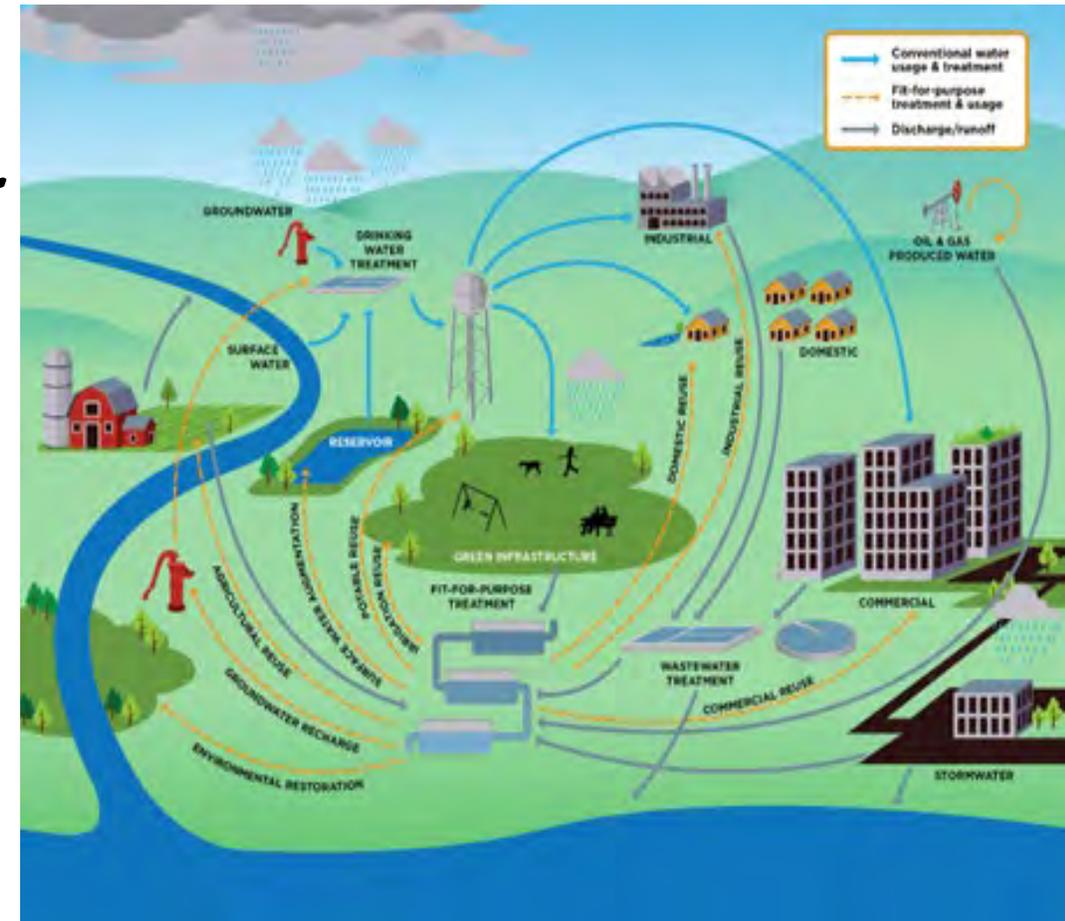
### Filing requirements:

- › Use a Commission prescribed form;
- › Two supplemental filings
- › Incomplete after a second filing;
  - › administratively denied
- › Final action within 90 days (complete application)
  - › protested

## §4.264 (Div 5) and §4.280 (Div 6)

New *minimum siting standards*:

- prohibited pit locations
- Topo map



# §4.266 (Div 5) and §4.282 (Div 6)

## *Minimum Design & Construction*

### Fluid Recycling Pit Updates:

- › Max depth below the natural surface elevation is 22'
- › Liner requirements (after July 1, 2025)
- › Prevent run-on of non-contact stormwater,
- › Freeboard
- › Tank storage (secondary containment)

# Subchapter B



## §4.269 (Div 5) and §4.285 (Div 6)

### *Bonding and Financial Security*

Uniform standards for closure costs were adopted to be consistent with commercial facilities under Subchapter A.



**RAILROAD COMMISSION OF TEXAS**  
Oil & Gas Division | Technical Permitting  
Financial Assurance Restrictive Covenant

EPS -Form #

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

§  
§  
§

This Restrictive Covenant is filed pursuant to the Railroad Commission of Texas rule requiring financial assurance for commercial facilities found at 16 Texas Administrative Code (TAC) Section 3.78(l), and affects the real property (Property) described as follows:

## §4.301

Activities permitted in Subchapter B Divisions 3 and 4 require operators to comply with the requirements under Division 7 *Beneficial Use of Drill Cuttings* relating to treatment and recycling.



- › Updated online guidance is being created to replace the current “Surface Waste Management Manual.”
- › Subchapter A = 4.1x and Subchapter B = 4.2x or 4.3x
- › Chapter 4 provides some transition instruction, including:
  - §4.113(c) – Rule 8 authorized pits
  - §4.115(d) – Rule 8 non-commercial fluid recycling pits
  - §4.121(b) – Rule 8 permits
  - §4.170(a)(7) – Rule 8 reclamation plant permits

# Additional Webinars



## **Session 2: Authorized Pits – April 9, 2025, 9 a.m.**

- › Authorized disposal and pits
- › Produced water recycling pits
- › New forms

Use the link to register: [Authorized Pits – April 9, 2025](#)

## **Session 3: Permitting 1 – April 16, 2025, 9 a.m.**

- › Applications – proposed new and revised forms
- › Permitted pits
- › Notice

Use the link to register: [Permitting Session 1 – April 16, 2025](#)

## **Session 4: Permitting 2 – April 23, 2025, 9 a.m.**

- › Waste transportation
- › Reporting
- › Proposed new and revised forms

Use the link to register: [Permitting Session 2 – April 2025](#)

# EPS Emails



Chapter 4 Questions: [AskAboutChpt4@rrc.texas.gov](mailto:AskAboutChpt4@rrc.texas.gov)

EPS Permitting: [enviro.permits@rrc.texas.gov](mailto:enviro.permits@rrc.texas.gov)

EPS Waste Haulers: [whp@rrc.texas.gov](mailto:whp@rrc.texas.gov)

EPS Compliance: [EPSCompl@rrc.texas.gov](mailto:EPSCompl@rrc.texas.gov)

Authorized Pit Registration: [AuthPits@rrc.texas.gov](mailto:AuthPits@rrc.texas.gov)