



October 15, 2024

Comments Submitted via email  
[rulescoordinator@rrc.texas.gov](mailto:rulescoordinator@rrc.texas.gov)  
Office of General Counsel  
Railroad Commission of Texas (RRCT)  
P.O. Box 12967  
Austin, Texas 78711-2967

Re: Proposed amendments to 16 TAC §3.8 and various other rules in Chapter 3 and proposed new rules and amendments in 16 TAC Chapter 4

To whom it may concern:

Dow is a diversified materials science company that harnesses the power of innovation, science and technology to constantly improve what is essential to human progress and sustainability. Dow owns and operates sources that will be impacted by these proposed changes.

We appreciate the opportunity to comment on the Railroad Commission's proposed amendments to 16 TAC §3.8 and various other rules in Chapter 3 and proposed new rules and amendments in 16 TAC Chapter §4.

The proposed amendments contain several significant changes from its current form found in 16 TAC §3.8 which "has existed in its current form since 1984 with only minor modifications since then." We have reviewed RRCT's August 30, RRCT's proposal.

Dow is a member of the Texas Industry Project, and we support their comments. If you have questions concerning the attached, please contact Maria Valdez at (979) 238-2079 or email: [mivaldez@dow.com](mailto:mivaldez@dow.com).

Sincerely,

***Maria Valdez***

Maria Valdez  
EH&S Operations Regulatory Services  
Dow

**1. Dow would like to emphasize the need for a comprehensive analysis of the expected compliance costs for operators in particular small businesses.**

“The Commission has determined that the amendments do not meet the statutory definition of a major environmental rule as set forth in Texas Government Code, §2001.0225(a); therefore, a regulatory analysis conducted pursuant to that section is not required.” The proposed rule has various requirements which include design, monitoring, reporting, substantive waste management requirements, etc. which have not been properly assessed due to the proposal deemed not to meet the statutory definition of a major environmental rule. Dow recommends that RRCT complete a comprehensive analysis of the expected compliance costs for operators in particular impact to small businesses. Based on the assessment, RRCT should determine if the implementation timeline should be extended to ensure adequate time for facilities to upgrade their systems as applicable and comply with the new standards.

**2. Dow recommends that RRCT clarify the authorized waste management methods to include landfills and wastewater treatment facilities if regulated and/or permitted by the TCEQ.**

Non-hazardous waste can be managed in off-site wastewater treatment facilities and/or landfills which are regulated and/or permitted by the TCEQ. Dow respectfully requests that RRCT clarify that these waste management methods are authorized facilities. The proposed language is as follows:

4.103. Prohibited Waste Management Methods (a) Unless authorized by this subchapter, no person may manage oil and gas wastes without obtaining a permit to manage such wastes, except for the following methods: (1) as authorized by §4.111 of this title (relating to Authorized Disposal Methods for Certain Wastes); (2) as authorized by §3.98 of this title (relating to Standards for Management of Hazardous Oil and Gas Waste); ~~or~~ (3) by underground injection for disposal permitted pursuant to §3.9 of this title (relating to Disposal Wells) or §3.46 of this title (relating to Fluid Injection into Productive Reservoirs); (4) treatment in a landfill regulated and/or permitted by the respective state agency or (5) treatment in a wastewater treatment facility permitted by the respective state agency.

**3. Dow recommends that RRCT evaluate adding a minor permit exception that was put in practice since 1998.**

Currently, minor disposal permits are required for disposal of wastes regulated by rule §3.8. In 1998, RRCT issued a document titled “Environmental Regulatory Cost-Cutting Measures” which adopted several measures to provide regulatory relief to the oil and gas industry.

In this document, the agency stated that a “minor permit would not be required for disposal of oil and gas waste at a facility licensed by another state agency, another state, or the federal government. If the waste generator submits to the Commission district office in the district in which the waste was generated documentation regarding the shipment of waste to such facility within 30 days after shipment. Such documentation may be in the form of a run ticket, manifest, or receipt and that it must contain the following information: generator name, site of waste (lease name or other facility name as appropriate), county, waste hauler permit number if applicable, date of shipment, type and volume of waste, and name and location of disposal facility. “

Dow recommends that RRCT evaluate adding this minor permit exception into the regulation.