



## WASTE CONTROL SPECIALISTS

Railroad Commission of Texas  
Attn: Rules Coordinator  
1701 Congress Avenue  
Austin, Texas 78701

Re: Proposed Changes to 16 TAC §3.8 and §3.57, and 16 TAC Chapter 4

Commissioners,

We would like to begin by thanking you, your offices, and the Railroad Commission staff for your diligent work in developing these rule updates. As a company that has been in the oil and gas waste business for several decades in Texas, we understand how important it is to have strong, consistent rules in place that protect the health and environment of Texans while ensuring certainty for the businesses that make all aspects of this industry work so well.

As a company that provides the safest, most comprehensive, compliant, customer-friendly, and cost-effective treatment, storage and disposal of radioactive waste for the U.S. nuclear market, we have had authorization under our TCEQ license and the Memorandum of Understanding between TCEQ and the Railroad Commission, to receive, process, store and dispose of oil & gas NORM waste since 1997 and are looking forward to a long future of continuing to be the go-to for Oil and Gas NORM waste disposal services in the Texas oilfield.

We appreciate the RRC's desire to ensure there is a full understanding of the profile of wastes going to different disposal facilities around the state. Our comments today will focus on ensuring that the language related to the Special Waste Authorization found in §4.192 of the rule reflects the operational realities of how Oil and Gas NORM waste is generated and disposed of, and to ensure there are not undue regulatory burdens on the generators or receivers of the waste, while ensuring the Railroad Commission has the oversight and information that they need to fulfill their goals.

The first suggestion we will make is related to the Special Waste Authorization itself, while subsequent suggestions can be considered more "clean-up" suggestions to ensure clarity in the rule for operators.

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Suggested language is underlined and italicized.

1. Add language to the Special Waste Authorization section to ensure duplicate authorizations by the same agency are not required and to specify how an entity that already has an authorization from TCEQ shall furnish waste manifests:

§4.192 - Special Waste Authorization

- (a) Section 3.30(e) of this title (relating to Memorandum of Understanding between the Railroad Commission of Texas (RRC) and the Texas Commission on Environmental Quality (TCEQ)) provides a means by which certain oil and gas waste may be managed at an appropriate TCEQ-regulated facility and by which certain TCEQ-jurisdictional waste may be managed at an appropriate RRC-regulated facility.
- (b) A Special Waste Authorization approved by both agencies is required before oil and gas waste can be managed at a TCEQ-regulated facility or before TCEQ-jurisdictional waste can be received at an RRC-regulated facility, except in accordance with subsection (d) of this section.
- (c) The Commission shall create a Special Waste Authorization Form suitable for these purposes.
- (d) For TCEQ regulated facilities previously authorized by issuance of a permit or license authorizing oil and gas waste disposal at those facilities, the RRC shall grant a Special Waste Authorization upon written agreement by such facility to provide oil and gas related waste manifests as received from the generator or another receiver at least monthly or as otherwise agreed to.

The addition of the new subsection (d) would allow a previously authorized company to receive the Special Waste Authorization from the Railroad Commission by agreeing to furnish all oil and gas-related waste manifests, related to waste they receive at their facility, to the Railroad Commission. We believe this efficiently accomplishes the Railroad Commission's goal of ensuring they have the information they need, while not requiring duplicative approvals.

2. Clarify that receivers may receive waste from other receivers since operationally, generators typically give their oil and gas NORM waste to another receiver who aggregates that waste prior to disposing of it at the waste facility:

§ 4.110 - Definitions

(80): Receiver – A person who manages oil and gas waste that is received from a generator, another receiver, or carrier. A receiver of another operator's oil and gas wastes may be a generator of its own oil and gas waste.

As defined in § 4.110(54), someone who manages oil and gas waste includes someone who “disposes” of oil and gas waste which includes WCS, and WCS receives waste from mostly receivers, so to include all persons who “manage” oil and gas waste, receivers must be able to receive oil and gas waste from other receivers. This simple addition would clarify this point.

3. Clarify that a TCEQ waste manifest is sufficient to comply with this provision of the rule:

#### § 4.191 – Oil and Gas Waste Manifests

- (b): The Commission shall establish a standard oil and gas waste manifest that may be used in Texas, or operators may use their own forms, or waste manifests forms required by TCEQ for oil and gas NORM, provided they include at least the following information:

Allowing operators who are already following manifest requirements at the TCEQ for such authorized facilities under §3.30(e) relating to the Memorandum of Understanding between the RRC and TCEQ, to use those same forms is a reasonable way to ensure the RRC is obtaining the information regarding the waste that they need, while allowing the operators to avoid duplicative manifest forms.

4. Various clean-up provisions to ensure other provisions of the rule acknowledge the Special Waste Authorization in §4.192 and other relevant exceptions in Chapter 4:

#### § 4.102 – Responsibility for Oil & Gas Wastes

- (c) No person, operator, generator, or carrier may knowingly utilize the services of a receiver to manage oil and gas waste if the receiver is required to have a permit or is otherwise authorized provided by §4.103 or §4.192 to manage such waste, but does not have such a permit or authorization.
- (d) No receiver may knowingly utilize the services of a second receiver to manage oil and gas waste if the second receiver is required to have a permit or is otherwise authorized provided by §4.103 or §4.192 to manage such waste but does not have a valid permit or authorization.

#### § 4.103- Prohibited Waste Management Methods

- (e): Except as expressly provided by §3.30 of this title (relating to Memorandum of Understanding between the Railroad Commission of Texas (RRC) and the Texas Commission on Environmental Quality (TCEQ)), no person may dispose of oil and gas wastes at a facility not under the jurisdiction of the Commission unless the Director expressly authorizes such disposal in writing or as authorized by §4.192.

§ 4.120 – General Requirements for All Permitted Operations

- (a): A waste management activity that is not authorized by this subchapter shall require a permit unless otherwise authorized by §4.103 or §4.192.

This concludes our formal comments. Again, we would like to thank the Railroad Commission for its diligent work on this issue and we appreciate your serious consideration of the suggestions we have made. We look forward to continuing to work with the Railroad Commission to help ensure Texas remains a global leader in energy.

Sincerely,

A handwritten signature in black ink that reads "David Carlson". The signature is written in a cursive, flowing style.

David Carlson  
President