



## Chapter 4 Q&A

Note: all the questions related to Authorized Pits are included in a separate table.

Last Update: May 8, 2025	
<b>Will there be recordings of the webinars that we can watch after the fact?</b>	Webinars recording and presentation slides can be found here: <a href="https://www.rrc.texas.gov/oil-and-gas/applications-and-permits/environmental-permit-types/all-about-chapter-4/">https://www.rrc.texas.gov/oil-and-gas/applications-and-permits/environmental-permit-types/all-about-chapter-4/</a>
<b>How is treated produced water (vs raw produced water) defined under the new rule?</b>	DIVISION 2. DEFINITIONS 10, §4.110. Definitions, (73) Produced water--The water that was present in a subsurface formation and was brought to the surface during oil and gas exploration and production activities (raw produced water). §4.110. Definitions, (92) Treated fluid--Fluid oil and gas waste that has been treated to remove impurities such that the fluid can be reused or recycled. Treated fluid that is abandoned or disposed of is classified as an oil and gas waste. Once treated fluid is reused or recycled, it is not classified as an oil and gas waste (can be treated produced water).
<b>What are the sampling requirements for TDS and chlorides? For existing makeup water pits that have continued use for completion operations, is there an annual sampling frequency?</b>	No sampling requirements or frequency of sampling, just to distinguish if the makeup water is either above or below 6,100 mg/l chlorides.

<p><b>Has EPS determine, under the new Chapter 4 rules, if permits within an expiration date would now expire? I had an operator call in with a question in regards to the new rules for Chapter 4, subchapter A. They have a pit permit that was issued under the previous SWR 3.8 and did not previously have a permit expiration term. Under the new rules, would they be subject to a 5 year term limit as described in 4.121(a)? Or would the permit stay valid indefinitely until they needed to make a transfer or amendment to their active permit?</b></p>	<p>It depends and is based on the following information: If the company has a name change only, no change the permit will remain issued in perpetuity. If the company changes, then the transfer is subject to a 5-year term. An amendment request would also cause the permit to be subject to a 5-year term.</p>
<p><b>I was made aware of a waste disposal profile requirement for oilfield waste as of June 2025. I am curious if this is valid, and if so, what are the details of the requirements.</b></p>	<p>Yes, the adopted changes to Chapter 4 will require "A generator of any waste subject to Commission jurisdiction shall document the waste characterization by completing and retaining a Waste Profile Form that documents the characteristics of each waste stream generated.", The Waste Profile Form has not yet been finalized and additional guidance will be provided at a later date. The adopted rule includes requirements for the new Form as follows:</p> <p>(1) A Waste Profile Form shall be made available by the Commission or an operator may use its own form that includes at least the following information for each oil and gas waste stream: (A) the generator name and P-5 operator number, including the contact information of the person preparing the waste profile; (B) a generator-assigned identifier (name and/or number) specific to the generated waste; (C) a description of the waste, including physical and chemical characteristics and constituents; (D) the basis for the characterization, which shall be made in accordance with §4.102(a) of this title (relating to Responsibility for Oil and Gas Wastes); and (E) other information pertinent to characterization.</p> <p>(2) A generator may establish standard waste profiles for common types of oil and gas waste that are often found at oil and gas sites, such as spent water-based drilling mud, oil-based cuttings, oil-contaminated soil, domestic septage, and rubbish.</p> <p>(3) A generator of waste that chooses to dispose of or recycle such waste shall provide the Waste Profile Form to the waste hauler and receiver.</p> <p>(4) The receiver of the oil and gas waste shall include the waste profile information in the periodic reporting requirements as described in the facility permit conditions.</p> <p>The Chapter 4 rules adopted 12/17/2024 do not take effect until July 1, 2025; please refer to the Proposed Rules page for more information. Proposed Rule page – <a href="https://www.rrc.texas.gov/general-counsel/rules/proposed-rules/Chapter%204,%20adoption%20published%20in%20Texas%20Registra">https://www.rrc.texas.gov/general-counsel/rules/proposed-rules/Chapter 4, adoption published in Texas Registra -</a>  <a href="https://www.sos.state.tx.us/texreg/archive/January32025/Adopted%20Rules/16.ECONOMIC%20REGULATION.html#31">https://www.sos.state.tx.us/texreg/archive/January32025/Adopted%20Rules/16.ECONOMIC%20REGULATION.html#31</a></p>

<p><b>Are there going to be in-person options for attending the sessions? Or do those not start until May?</b></p>	<p>The first scheduled in person event, as it stands right now, will be the RRC Regulatory Conference in July at Kalahari. The webinars are virtual.</p>
<p><b>I'm signed up for the webinars related to rule 4. I wanted to know if there were any documents, really the guidance documents specifically, related to it that were available to view.</b></p>	<p>EPS is developing powerpoint slides for each of the four webinars and draft forms. However, we are still in process of finalization.(Update: Webinar 1 video: <a href="https://youtu.be/N5fPa4Oqr1Q">https://youtu.be/N5fPa4Oqr1Q</a>; Webinar video: (103) EPS Webinar 2 Authorized Pits 04 09 2025 - YouTube; Upcoming Webinars: <a href="https://www.rrc.texas.gov/announcements/041025-webinars-on-chapter-4-rules-and-form-revisions/">https://www.rrc.texas.gov/announcements/041025-webinars-on-chapter-4-rules-and-form-revisions/</a> At this time a guidance document is in draft but the RRC does not have a date of completion set yet. Once this document is available it will be posted online for operators to be able to utilize alongside the newly adopted rules.)</p>
<p><b>Now that the rule is approved is there a version that doesn't have all the strikes and commission notes? The 200+ page document is overwhelming that I saw in previous notifications. Thank you as I've tried looking before for the final approved rule.</b></p>	<p>I am unable to locate a clean copy without the strikeouts. The Commission will be hosting public outreach (virtually) and I have provided additional information below. I hope you find this helpful.</p>

**PLEASE SEND ANY INFORMATION OR TRAINING VIDEOS RELATED TO THE UPCOMING CHANGES TO CHAPTER 4 RULES INCLUDING THE DATE THESE CHANGES BECOME EFFECTIVE. I received the notification that we could register for Permitting Session 1 and 2 on April 30 and May 7 but when I click on the link, it does not give me an option to register. I would like to register for both sessions please.**

The Commission has posted a Notice to Operators (NTO) on our main webpage which I have linked below that will provide details for four (4) upcoming webinars on Chapter 4. These webinars will be live; however, they will be recorded and available on the Commission's website for those who are not attending live or may wish to reference the materials at a later time. The NTO states: The newly adopted Chapter 4 Rules on oil and gas waste management will take effect on July 1, 2025. The Railroad Commission of Texas invites you to participate in a series of webinars to learn more about these rules. RRC Technical Permitting Staff will host four sessions covering the following topics:

Session One, entitled Chapter 4 Overview, will be held at 9 a.m. on Wednesday, April 2, 2025. This session will highlight what's to come when the newly adopted rules go into effect. Click here to register and join the meeting: [Chapter 4 Overview - April 2, 2025](#)

Session Two, entitled Authorized Pits, will be held at 9 a.m. on Wednesday, April 9, 2025. This session will cover authorized pit registration, review of the proposed Authorized Pit Registration form, and the changes for produced water recycling pits. Click here to register and join the meeting: [Authorized Pits - April 9, 2025](#)

Session Three, entitled Permitting Session 1, will be held at 9 a.m. on Wednesday, April 16, 2025. This session will discuss additional requirements for permitted pits, changes to Notice, and the proposed form revisions for applications. Click here to register and join the meeting: [Permitting Session 1 - April 16, 2025](#)

Session Four, entitled Permitting Session 2, will be held at 9 a.m. on Wednesday, April 23, 2025. This final session will provide insight into waste transportation, compliance, and a look at the proposed new and revised forms and templates. Click here to register and join the meeting: [Permitting Session 2 - April 23, 2025](#) Each session will be 90 minutes. Operators are encouraged to email your Chapter 4 questions to [askaboutchptr4@rrc.texas.gov](mailto:askaboutchptr4@rrc.texas.gov) before the scheduled webinars. The last 30 minutes of each session will be open to answer those questions and any others. Training on guidance and forms are proposed for May and June 2025, as referenced in the Proposed Implementation Timeline on our Environmental Permits web pages. Information on the NTO can be found here: <https://www.rrc.texas.gov/announcements/031825-webinars-on-chapter-4-rules-and-form-revisions/> (Update: Webinars 3 and 4 have been postponed to April 30 and May 7: <https://www.rrc.texas.gov/announcements/041025-webinars-on-chapter-4-rules-and-form-revisions/>; The email address regarding Chapter 4 has been updated: [EPSch4@rrc.texas.gov](mailto:EPSch4@rrc.texas.gov))

**Can you please explain what the rules will be regarding "financial assurance" for produced water pits. How much is enough money? How will that be determined? Will we need to prove asset levels and/or liquidity? Will there need to be annual or other future proof points that the resources remain in place? Etc.**

Thank you for reaching out. We are working to create these processes to be in place by July 1st for Authorized Pits. I hope the information below helps provide information necessary: The operator has several choices found in the Chapter 4 rules and the determination of financial assurance will follow the 16 TAC, Chapter 4 rules adopted by the Railroad Commissioners with an effective date of July 1, 2025. The operator's financial security will be held contingent upon the operator's closing of the pit(s), RRC approval to release the operator's money, and the RRC releasing the financial security back to the operator. The Railroad Commission (RRC) webpage for the new rules for Chapter 4 rules can be found here: <https://www.rrc.texas.gov/general-counsel/rules/proposed-rules/> Some helpful hints on these rules as it relates to your inquiry: The words "produced water pits" are equivalent to a "Produced Water Recycling Pit" found in Chapter 4, Division 2, §4.110. Definitions, (75) definition of a Produced Water Recycling Pit. Note: §4.115 (d) Non-commercial fluid recycling pits that were authorized pursuant to and compliant with §3.8 of this title (relating to Water Protection) as that rule existed prior to July 1, 2025 are authorized as Produced Water Recycling pits under this section, provided the operator registers the pit and files the required financial security assurance by 25 January 1, 2026. §4.115 identifies a Produced Water Recycling Pit as a Schedule B Authorized Pit. §4.115 (c) identifies the financial security requirements of a Produced Water Recycling Pit. §4.115 (c)(1) requires the Produced Water Recycling Pit operator to maintain a performance bond or other form of financial security conditioned upon the operator closing the Produced Water Recycling Pit following Chapter 4 rules. §4.115 (c)(2) requires that for each Produced Water Recycling Pit, an operator will file either a blanket performance bond or a letter of credit or cash deposit in the same amount as required for a blanket performance bond to satisfy financial security. §4.115 (c)(3) requires an operator to file one of the following types and amounts of financial security where: (A) A person operating five or less pits may file a performance bond, letter of credit, or cash deposit in an amount equal to \$1.00 per barrel of total pit capacity or (B) A person operating more than five pits may file a performance bond, letter of credit, or cash deposit in an amount equal to: (i) the greater of \$1.00 per barrel of water for ten percent of an operator's total produced water recycling pit capacity or \$1,000,000 or (ii) \$200,000 per pit, capped at \$5,000,000.

<p><b>I received the notification that we could register for Permitting Session 1 and 2 on April 30 and May 7 but when I click on the link, it does not give me an option to register. I would like to register for both sessions please.</b></p>	<p>You should be able to register through the hyperlinks associated with Sessions three and four at the following site: <a href="https://www.rrc.texas.gov/announcements/031825-webinars-on-chapter-4-rules-and-form-revisions/">https://www.rrc.texas.gov/announcements/031825-webinars-on-chapter-4-rules-and-form-revisions/</a> Please note, as the Commission moved the dates, the actual registration date is not displaying correctly when you click to register; however, it will give you an updated calendar link as soon as the organizer of the meetings can update the Teams links. My apologies, the individual who must complete this step is currently travelling and will be doing this ASAP. I appreciate your patience with us on this process. Teams should send you an updated calendar invite for April 30th and or May 7th, depending on which webinar(s) you register for. (Update: Webinar 1 video: <a href="https://youtu.be/N5fPa4Oqr1Q">https://youtu.be/N5fPa4Oqr1Q</a>; Webinar video: (103) EPS Webinar 2 Authorized Pits 04 09 2025 - YouTube; Upcoming Webinars: <a href="https://www.rrc.texas.gov/announcements/041025-webinars-on-chapter-4-rules-and-form-revisions/">https://www.rrc.texas.gov/announcements/041025-webinars-on-chapter-4-rules-and-form-revisions/</a>)</p>
<p><b>Reaching out to request the video recording for this last webinar, Chapter 4-Authorized Pits. I take good notes, but the presenter went a bit fast on a few important topics, and I want to ensure I have not missed anything. FYI, the Ask about chpt 4 email is not working</b></p>	<p>The recording is in post-processing now and will be posted online to the same location as Webinar 1 which can be found under the O&amp;G training resources here: <a href="https://www.rrc.texas.gov/oil-and-gas/workshops-and-conferences/">https://www.rrc.texas.gov/oil-and-gas/workshops-and-conferences/</a> Thank you for the feedback on Webinar 2 and email inbox (I am working to get the inbox address corrected). (Update: Webinar 1 video: <a href="https://youtu.be/N5fPa4Oqr1Q">https://youtu.be/N5fPa4Oqr1Q</a>; Upcoming Webinars: <a href="https://www.rrc.texas.gov/announcements/041025-webinars-on-chapter-4-rules-and-form-revisions/">https://www.rrc.texas.gov/announcements/041025-webinars-on-chapter-4-rules-and-form-revisions/</a>;The email address regarding Chapter 4 has been updated: <a href="mailto:EPSch4@rrc.texas.gov">EPSch4@rrc.texas.gov</a>)</p>

**Please let me know if the slides from the April 2nd meeting will be forwarded to the attendees. Thanks. Hi, we were signed up for today's webinar and when we signed on nobody was there and we couldn't hear anything. Will today's training be posted for review? Thank you Are the pit rules webinars being recorded? We miss the one today and would like to review it. Is there anywhere this Webinar will be Archived for those of us who could not attend? Can you advise when the powerpoint slides for the 4/2/25 session will be available and which website will have these slides? Thank you. Checking to see if the slide packs and speakers notes are available on your website? From the first session, it sounded like they would be but haven't come across them online. Please advise. Thanks! I was unable to attend Session 2: Authorized Pits hosted on April 9. Will the recording and the presentation slides be uploaded to the RRC website? If they have already been uploaded, I have not been able to find them yet. Could you please send me a link to them if they've already been added? Are these slides available for the authorized pit presentation? I usually take screenshots during the presentation, but I didn't this time because I was too busy writing! Will there be recordings of the webinars that we can watch after the fact?**

<https://www.rrc.texas.gov/oil-and-gas/workshops-and-conferences/> The third and fourth webinars in the series will be presented on April 30th and May 7th, respectively. Please note that the email has updated for Chapter 4 questions EPSch4@rrc.texas.gov. (Update: Webinar 1 video: <https://youtu.be/N5fPa4Oqr1Q>; Webinar video: (103) EPS Webinar 2 Authorized Pits 04 09 2025 - YouTube; Upcoming Webinars: <https://www.rrc.texas.gov/announcements/041025-webinars-on-chapter-4-rules-and-form-revisions/>)

**Will previously permitted Div 6 commercial recycle facilities be allowed to transfer to registered pit(s) - assuming the facility has no other waste mgmt units permitted under Div 4?**

You are correct, a division 6 permit, without any other permitted activities, can be a Schedule B authorized pit. The webinar overview is posted here and the authorized pits will follow once post-processing is complete: <https://www.rrc.texas.gov/oil-and-gas/workshops-and-conferences/> The third and fourth webinars in the series will be presented on April 30th and May 7th, respectively. Please note that the email has updated for Chapter 4 questions EPSch4@rrc.texas.gov.

<p><b>It is my understanding that a profile is needed for “non haz nonexempt waste” but exempt waste streams will not need a profile. Will this still be the case?</b></p>	<p>Simple answer.....nonexempt waste and exempt oil &amp; gas waste will need a profile. Fun fact.....Exempt Oil and Gas Waste is exempt from the RCRA rules and is the Oil and Gas Waste that EPS permits.§4.191. Oil and Gas Waste Manifests.(a) Oil and gas waste that is transported by vehicle from the lease, unit, or other oil or gas property or facility where it is generated to an off-lease facility that manages oil and gas waste shall:(1) be accompanied by a paper manifest that meets the requirements of this section; or(2) be documented and tracked by an electronic manifest system that meets the requirements of this section and is accessible to the Commission and all parties involved in the management of the waste.</p>
<p><b>When profiling waste streams into our facility, we use the attached Profile. Does this suffice for what y’all are wanting?</b></p>	<p>The simple answer.....Chapter 4, §4.191 (b) provides that operators may use the (upcoming) standard oil and gas manifest established by the Commission or operators may use their own forms provided they meet at least the requirements found in §4.191 (b)(1)(2A-D)&amp;(3-9). To the EPS email group-Chip’s waste profile form was not attached but here is the §4.191 (b)(1)(2A-D)&amp;(3-9) rule he needs to follow for his own form from the simple answer to his 2nd question: §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 provided they include at least the following information:(1) identity of the waste generator, including operator name, Commission-issued operator number, and detailed contact information;(2) identity of the property or facility where the oil and gas waste was generated, using Commission-issued identifiers including:(A) operator name and Commission-assigned operator number of the generator;(B) lease name and Commission-assigned lease number;(C) facility name and Commission-assigned number, or the latitude and longitude of the waste origin if a Commission-assigned identifier is not available; and(D) county name;(3) the corresponding waste profile identifier prepared by the generator as required in §4.190 of this title (relating to Oil and Gas Waste Characterization and Documentation);(4) identity of the facility to which the oil and gas waste is delivered including the identifier issued by the appropriate regulatory agency and detailed contact information for the facility;(5) transporter name and waste hauler permit number with driver signature;(6) type and volume of oil and gas waste transported;(7) date of shipment;(8) name and signature of generator; and(9) date of acceptance with waste receiver signature.</p>

<p><b>Where can we pull the data for 25 year 24 hour rainfall events in our local area?</b></p>	<p>The National Oceanic and Atmospheric Administration (NOAA) website has a data chart for the 25-year/24-hour rainfall events and is located here: <a href="https://hdsc.nws.noaa.gov/pfds/?bkmrk=tx">https://hdsc.nws.noaa.gov/pfds/?bkmrk=tx</a> .....follow this website and select Texas on the US interactive map. This will take you to a map of Texas with a red cross hair. Click and drag the red crosshair to a point in Texas you wish to view the various rainfall events. Click the crosshair again and the table below the Texas map will reset to that location.</p>
<p><b>How will setbacks in the new rule affect re-permitting for existing facilities?</b></p>	<p>Rule 4.150(g) calls for a minimum of a 50-foot buffer zone to be maintained between the toe of the pit walls/berm. Existing facilities that currently do not</p>
<p><b>Where can we access the slide notes? I don't see that option.</b></p>	<p>Slide notes are available here: <a href="https://www.rrc.texas.gov/oil-and-gas/applications-and-permits/environmental-permit-types/all-about-chapter-4/">https://www.rrc.texas.gov/oil-and-gas/applications-and-permits/environmental-permit-types/all-about-chapter-4/</a></p>
<p><b>Will 3rd party consultants be able to submit on behalf of operators in the Lonestar system?</b></p>	<p>Yes, the organization will assign a Designated Administrator who will assign security roles for users to submit waste hauler applications in LoneSTAR on behalf of operators.</p>
<p><b>When questions submitted to the RRC in writing are not specifically answered in this month's webinars, will the RRC be responding in writing to the questions?</b></p>	<p>Yes, submit those questions to <a href="mailto:EPSch4@rrc.texas.gov">EPSch4@rrc.texas.gov</a></p>
<p><b>Question regarding record retention for oil and gas waste:</b></p> <p><b>4.191 (a)(2) - Oil and Gas Waste Manifests states "... is accessible to the Commission and all parties involved in the management of waste" while 4.194 - Recordkeeping states "...make the records available to the Commission upon request".</b></p> <p><b>"accessible" and "available upon request" read as conflicting guidance.</b></p> <p><b>What guidance can be provided to deconflict these two terms?</b></p> <p><b>Thanks!</b></p>	<p>Thank you for the discussion - sounds like more information to come in the 4th webinar.</p> <p>Accesible means per rule keep the documentation in the facility.</p> <p>Avilabe Upon Request means if our inspectors are visiting facilities they can ask for the documentation while onsite.</p>

<p><b>What are the errors in the rules, other than the landfarming error you mentioned?</b></p>	<p>EPS is working on publishing a document to gather all the potential errors in the current version of the Chapter 4 rules on the landing page.</p>
<p><b>Is the RRC's Hazardous Waste Management Manual (Chapter 2 in particular), a reliable compliance reference for generators and commercial receivers seeking to develop and implement RRC acceptable waste acceptance programs?</b></p>	<p>The Interim Guidance for Statewide Rule 98 Standards for Management of Hazardous Oil and Gas Waste (revised 2004) was not changed during the adoption of the new Chapter 4 rules. The new Chapter 4 rules supports this interim guidance document, including Chapter 2 regarding waste categorization and determination. Following the interim guidance, Chapter 2-“Hazardous Oil and Gas Waste Determination”, the company will be considered compliant in regard to the determinization of whether a substance can be identified as a hazardous oil and gas waste or an exempt waste which is only the first of many steps in proper disposal of the O&amp;G waste.</p>
<p><b>Are we required to register each waste generating facility like TCEQ does- TCEQ ID and EPA ID?</b></p>	<p>All Surface Waste Management Facilities must be permitted with the RRC. Seek a permit with Technical Permitting in the Austin Office if you are seeking to operate this type of facility. If you are a Waste Hauler you will need a form WH-3 for every disposal facility you are utilizing. If this does not adequately answer your question, could you provide more information so we can better answer you?</p>
<p><b>When can we expect to have a new "Guidelines for Processing Minor Permits Associated With Statewide Rule 8" with the new rules?</b></p>	<p>Dana Lewis will helping all the RRC Districts implement the new Chapter 4 rules, including the Division 9 Miscellaneous Permits that include §4.181. Emergency Permits and §4.182. Minor Permits.</p>
<p><b>What type of fluids for disposal/transport will require both TCEQ and RRC approval?</b></p>	<p>One senerio could be when a waste produced on a RRC permitted site is identified as a non-exempt non-hazardous waste following the Interim Guidance for Statewide Rule 98 Standards for Management of Hazardous Oil and Gas Waste (revised 2004).The non-exempt non-hazardous waste would come under under the TCEQ/EPA jurisdiction. Through the permitting process at TCEQ/EPA, the non-exempt non-hazardous waste could be approved to be disposed at a RRC permitted disposal facility.</p>
<p><b>It seems to be a gray area as both TCEQ and RRC require such different criteria. It seems pretty black and white.</b></p>	<p>The Texas Administrative Code, Title 16, Part 1, Chapter 3, §3.30 Memorandum of Understanding (MOU) between the RRC and the TCEQ allows these two agencies to work together on those grey areas.</p>

<p><b>Can you further explain how permit renewals will work surround the July 1, 2025 deadline? If a permit expiration date is prior to the July 1st deadline and the permit renewal is submitted 60 days prior as per regulations, is this based upon the old Rule 8 rules? What I am getting at is if the renewal is submitted on time but isn't approved by the RRC until PAST the July 1st date, does it then have to follow the new regulations even though our submission was prior to the deadline?</b></p>	<p>Permit renewals approved before July 1, 2025 will be under the rules in place prior to July 1, 2025.</p>
<p><b>Will you make the/your presentation available?</b></p>	<p>Yes, the presentation and notes will be posted on the RRC website very soon. Update: presentation slides are available here: <a href="https://www.rrc.texas.gov/oil-and-gas/applications-and-permits/environmental-permit-types/all-about-chapter-4/">https://www.rrc.texas.gov/oil-and-gas/applications-and-permits/environmental-permit-types/all-about-chapter-4/</a></p>
<p><b>For permits that were previously issued under 3.8 and do not have an expiration date, would they be now be subject to a 5 year term limit as described in 4.121(a)? Or would the permit stay valid indefinitely until they needed to make a transfer or amendment to their active permit?</b></p>	<p>Subject to 4.121(b) Any permit issued by the Commission under §3.8 of this title (relating to Water Protection) prior to July 1, 2025 shall remain in effect until it expires on its own terms, is renewed pursuant to the requirements of this subchapter, or is modified, suspended, or terminated by the Commission pursuant to §4.123 of this title (relating to Permit Modification, Suspension, and Termination)</p>
<p><b>On the RRC implementation timeline online it shows that guidance and forms will be posted for public comment between March-April 2025. Where can we find the forms, specifically the manifest forms?</b></p>	<p>Forms and guidance are being worked on and in draft status. The forms will be presented at April conference for approval and be available for public comment after that. Update: forms are available for public comments here: <a href="https://www.rrc.texas.gov/forms/proposed-form-amendments/">https://www.rrc.texas.gov/forms/proposed-form-amendments/</a></p>
<p><b>When approximately do you expect the guidance being developed will be final for the rules that go into effect on July 1st?</b></p>	<p>Guidance and web pages will be updated and available July 1</p>

<p><b>4.248 (b) States that GCL must be used in pits with groundwater within 100' and that this GCL must be lab tested to demonstrate that the hydraulic conductivity meets the <math>1.0 \times 10^{-7}</math> cm/s requirement using "fluids likely to be encountered during operations". Given the fact that almost all labs refuse to use anything except water in their testing equipment because of worries of contamination and ruining their equipment, how would you recommend we go about this requirement?</b></p>	<p>If you don't use "fluids likely to be encountered during operations" in testing your GCL for permeability, then you will not have met the requirements found in 4.248.</p> <p>The Chapter 4 rules and the RRC do not recommend, nor endorse, specific laboratories for permeability testing and has left the demonstration that the GCL can sustain a hydraulic conductivity of <math>1.0 \times 10^{-7}</math> cm/sec or less to the operator to confirm. You may ask the manufacture if the chemistry of the water you propose holding with a GCL is appropriate to sustain a hydraulic conductivity of <math>1.0 \times 10^{-7}</math> cm/sec or less.</p> <p>Thank you for your question.</p>
<p><b>The new rule mentions that the manifest and profile forms MAY be used. Is that still the RRC's position? May receivers implement manifests other than the RRC's as long as the RRC's required information is included?</b></p>	<p>4.191 (b) states that the Commission shall establish a standard oil and gas waste manifest that may be used in Texas, <b>or operators may use their own forms provided they include at least the following information:</b> following 4.191 (b) (1)&amp;(2)(A-D) and (3-9) for information required on a manifest and corresponding waste profile.</p>
<p><b>Are you now stating the manifest and profile forms have to be submitted individually?</b></p> <p>Thank you Christine</p>	<p>The submitted information does not have to be submitted individually.</p>
<p><b>At some point could you all please provide the link to sign up for the next two session? TY</b></p>	<p>RRC will be providing information on webinars 3 &amp; 4 soon, thank you! Update: sign up link can be found here: <a href="https://www.rrc.texas.gov/oil-and-gas/applications-and-permits/environmental-permit-types/all-about-chapter-4/">https://www.rrc.texas.gov/oil-and-gas/applications-and-permits/environmental-permit-types/all-about-chapter-4/</a></p>
<p><b>Can you please share the link where this presentation and last weeks presentation are located? I was unable to find after last webinar.</b></p>	<p>Chapter 4 webinars and presentations can be found here: <a href="https://www.rrc.texas.gov/oil-and-gas/applications-and-permits/environmental-permit-types/all-about-chapter-4/">https://www.rrc.texas.gov/oil-and-gas/applications-and-permits/environmental-permit-types/all-about-chapter-4/</a></p>
<p><b>Will these be online or paper ?</b></p>	<p>EPS is working for electronic filing through an email inbox. There will be a slide at the end with the email address for Authorized Pits, Chapter 4, WHPs, EPS, and Compliance.</p>

<p><b>Will the operator send the forms to Austin or the District office?</b></p>	<p>All authorized pit registration forms will be submitted to EPS in Austin.</p> <p>At the end of the slide deck, there will be an email for submitting the form electronically.</p>
<p><b>If a Produced Water Recycling pit is operated for profit by a non-producer (i.e., unaffiliated midstream company), would it require a permit?</b></p>	<p>An authorized pit will require a permit if they are located at a facility with other waste management units requiring a permit (4.120(b)) under Division 4.</p>
<p><b>Assuming the draft registration form will not be published by 7/1/25, how do operators register pits during that gap?</b></p>	<p>EPS staff are working to have the registration form available with a reasonable time for Operators to file.</p> <p>No halting of operations are intended due to the new rules being implemented.</p>
<p><b>What if an existing well is in a 100 year flood plain. They can't use a workover pit?</b></p>	<p>The rule for siting a pit is found here regarding a 10-year floodplane: §4.113. Authorized Pits, (b) Unless otherwise approved by the District Director after a showing that the contents of the pit will be confined in the pit at all times, all authorized pits shall be constructed, used, operated, and maintained at all times outside of a 100-year flood plain as that term is defined in §4.110 of this title (relating to Definitions). The operator may request a hearing if the District Director denies approval of the request to construct an authorized pit within a 100-year flood plain.</p>
<p><b>The existing pits slide stated that non-commercial fluid recycling pits must be registered by July 1, 2026. The rule says must be registered by January 1, 2026.</b></p>	<p>Thank you. That is correct. We will update the slide to read that "The existing non-commercial fluid recycling pits must be registered by January 1, 2026....as per §4.113. (c)(3).</p>
<p><b>Under what circumstances, if any, is the transfer of oil and gas waste from a reserve pit to a pit located outside of the unit allowed under the current or proposed rules? I see the explicit requirement for waste to stay on lease or within unit for land application but not for reserve pit waste.</b></p>	<p>If the pit waste is a minimal amount, the District Director has the authority to make a determination. You can also transfer the waste in a more standardized way by a RRC licensed hauler and transport the waste to a permitted commercial waste disposal facility, whether landfill, landfarm, or land treatment facility.</p>

<p><b>When utilizing groundwater wells and/or soil borings to determine depth to groundwater(below the bottom of the pit), are there are distance or age requirements on that well information where it is no longer relevant? (water well being drilled in 1960 ~1.5 miles from the site)</b></p>	<p>Generally, EPS staff have used a 1-mile radius. No, there is not a firm timeline. Public data has constraints and the Commission is not requiring site-specific evaluations.</p> <p>If site-specific data exists, that can be used to better define subsurface conditions</p>
<p><b>If a synthetic liner is used outside its technical limitations, does that constitute a violation of §4.101's prohibition against increasing the potential for pollution?</b></p>	<p>If any violation of the rules or application of a liner with technical limitations occurs, permitted or authorized, it is subject to a violation from the RRC.</p>
<p><b>Does any physical breach or cutting into the sidewall of a reserve pit—whether for dewatering, regrading, transfer, or drainage—trigger enforcement or require prior authorization due to increased pollution risk?</b></p>	<p>That would be an unauthorized release of waste and considered an 8(d)(1) violation.</p> <p>Dewatering of oil and gas waste fluid in a pit is usually hauled off site and disposed of properly by a licensed hauler and disposed in a RRC permitted facility (landfill, landfarm, or land treatment facility). The operator may be able to get an approval from the District Director for a landfarm for a small amount of waste</p>
<p><b>are the financial security procedures the same as the P-5 process - i.e. annual renewal?</b></p>	<p>Division 5, §4.140. Additional Requirements for Commercial Facilities, (c) requires that A facility that meets the definition of a commercial facility in §4.110 of this title is considered a commercial facility under §3.78 of this title (relating to Fees and Financial Security Requirements), and therefore, an applicant for a commercial facility permit shall submit the financial security required by Texas Natural Resources Code §91.109 and §3.78 of this title for each <b>permit renewal, amendment, and/or transfer</b></p>
<p><b>I'm confused with compliance date for Existing NCFRs. NCFRs need to be registered by July 1, 2026 but Financial Assurance is Jan 1st 2026, Is financial assurance and registration due in different dates?</b></p>	<p>The presentation, at the time you asked your question, was for existing non-commercial fluid recycling (NCFR) facilities, prior to July 1, 2025, but that now meet the §4.110 definition for a commercial facility after July 1, 2025, shall comply with the requirements of Division 5, §4.140 or request an exemption before July 1, 2026 as to financial security.</p>
<p><b>Is this financial security different from the closure cost financial security you have to have on pits or is this replacing the closure cost financial security?</b> tleewright@nexoiltx.com</p>	<p>§4.140 (e) financial security is the maximum dollar amount necessary to close the facility. §4.140 (g) provides a closure-cost estimate (CCE) to determine the maximum dollar amount (financial security) to close the facility.</p>

<b>Where can we pull the data for 25 year 24 hour rainfall events in our local area?</b>	NOAA website. <a href="https://hdsc.nws.noaa.gov/pfds/pfds_map_cont.html?bkmrk=tx">https://hdsc.nws.noaa.gov/pfds/pfds_map_cont.html?bkmrk=tx</a>
<b>Are industrial-grade surfactants permitted for use in soil-lined reserve pits to aid in the dewatering process?</b>	The operator may need to consult the appropriate District Director before industrial-grade surfactants are added to fluids contained in soil liner reserve pits.
<b>Will you please publish the Q&amp;A for these webinars, along with the presentation materials?</b>	Yes, it can be found here: <a href="https://www.rrc.texas.gov/oil-and-gas/applications-and-permits/environmental-permit-types/all-about-chapter-4/">https://www.rrc.texas.gov/oil-and-gas/applications-and-permits/environmental-permit-types/all-about-chapter-4/</a>
<b>If an operator breaches the sidewall of a reserve pit to release water or semi-liquid waste onto adjacent soil—whether intentionally or as part of dewatering—does this action trigger the requirements applicable to land application under Chapter 4, such as obtaining the surface owner's written consent or a separate land application authorization?</b>	That would be an unauthorized release and considered 8(d)(1) violation. Dewatering of oil and gas waste fluid in a pit is usually hauled off site and disposed of properly by a licensed hauler and disposed in a RRC permitted facility (landfill, landfarm, or land treatment facility).  The operator may be able to get an approval from the District Director for a small amount of waste to be landfarmed or land treated.
<b>If Multiple Sources Show Different Groundwater Depths, Which Should Be Used? If TWDB, USGS, or private hydrologist data differ, should operators default to the shallowest depth, or will the Commission specify a preferred source or verification method?</b>	The operator would want to be protective and go with the shallowest depth. Shallow groundwater can vary in depth to first occurrence depending on rainfall. If the pit is located for a longer period of time, rainfall may raise the shallow groundwater level that would be impacted by the depth of an unlined pit.
<b>Where do we find the Subchapter A rules located? What are the soil sampling requirements?</b>	Soil sampling occurs in §4.132(b) Closure requirements and §4.163. Monitoring. RRC website has current and proposed rules, as well as the comment history.  Proposed Rules< <a href="https://www.rrc.texas.gov/general-counsel/rules/proposed-rules/">https://www.rrc.texas.gov/general-counsel/rules/proposed-rules/</a> >
<b>Concerning minor permits, will the guidelines for processing minor permits be updated?</b>	I'll be covering this in our district training. (Dana McClendon)

<p><b>Who Determines When Pollution Potential Has Increased?</b>  <b>Is there a clear technical or legal threshold the Commission uses to determine when we have “increased the potential for pollution”? Will this be defined in guidance?</b></p>	<p>District inspector, Austin EPS inspector, EPS technical personell.</p>
<p><b>i was late for the webinar, where can I find the recording?</b></p>	<p>It can be found here: <a href="https://www.rrc.texas.gov/oil-and-gas/applications-and-permits/environmental-permit-types/all-about-chapter-4/">https://www.rrc.texas.gov/oil-and-gas/applications-and-permits/environmental-permit-types/all-about-chapter-4/</a></p>
<p><b>Can you please explain what the rules will be regarding "financial assurance" for produced water pits. How much is enough money? How will that be determined? Will we need to prove asset levels and/or liquidity? Will there need to be annual or other future proof points that the resources remain in place? Etc.</b></p>	<p>Thank you for reaching out. We are working to create these processes to be in place by July 1<sup>st</sup> for Authorized Pits. I hope the information below helps provide information necessary: The operator has several choices found in the Chapter 4 rules and the determination of financial assurance will follow the 16 TAC, Chapter 4 rules adopted by the Railroad Commissioners with an effective date of July 1, 2025. The operators financial security will be held contingent upon the operators closing of the pit(s), RRC approval to release the operator’s money, and the RRC releasing the financial security back to the operator.</p>
<p><b>PLEASE SEND ANY INFORMATION OR TRAINING VIDEOS RELATED TO THE UPCOMING CHANGES TO CHAPTER 4 RULES INCLUDING THE DATE THESE CHANGES BECOME EFFECTIVE.</b></p>	<p>Good evening, Judge Bradshaw – The Commission has posted a Notice to Operators (NTO) on our main webpage which I have linked below that will provide details for four (4) upcoming webinars on Chapter 4.</p> <p>These webinars will be live; however, they will be recorded and available on the Commissions website for those who are not attending live or may wish to reference the materials at a later time. Training on guidance and forms are proposed for May and June 2025, as referenced in the Proposed Implementation Timeline on our Environmental Permits web pages.</p> <p>Information on the NTO can be found here:  <a href="https://www.rrc.texas.gov/announcements/031825-webinars-on-chapter-4-rules-and-form-revisions/">https://www.rrc.texas.gov/announcements/031825-webinars-on-chapter-4-rules-and-form-revisions/</a></p>

<p><b>webinar session 3 permitting, not sure if i have a dead link or has this been rescheduled?</b></p> <p><b>Are we still doing the webinar on Chapter 4 today?</b></p>	<ul style="list-style-type: none"> <li>•Link to the updated NTO: <a href="https://www.rrc.texas.gov/announcements/041025-webinars-on-chapter-4-rules-and-form-revisions/">https://www.rrc.texas.gov/announcements/041025-webinars-on-chapter-4-rules-and-form-revisions/</a></li> </ul> <p>Additionally, I would like to let you know that:</p> <ul style="list-style-type: none"> <li>•The Communications Division is working on the post processing of the second webinar for Authorized Pits. When they have completed their processing, it will be posted to the O&amp;G training site here along with the first webinar which is an overview: <a href="https://www.rrc.texas.gov/oil-and-gas/workshops-and-conferences/">https://www.rrc.texas.gov/oil-and-gas/workshops-and-conferences/</a></li> <li>•Please note that the email has updated for Chapter 4 questions <a href="mailto:EPSch4@rrc.texas.gov">EPSch4@rrc.texas.gov</a>.</li> </ul> <p>(RE: webinar session 3 permitting, not sure if i have a dead link or has this been rescheduled?)</p> <p>Thank you for your patience,</p>
<p><b>Is there a place where I can watch session one - Chapter 4 Overview? If so could you please direct me to the location.</b></p> <p><b>Thanks so much,</b></p>	<p>The O&amp;G training site has the first and second webinar posted:</p> <p><a href="https://www.rrc.texas.gov/oil-and-gas/workshops-and-conferences/">https://www.rrc.texas.gov/oil-and-gas/workshops-and-conferences/</a></p> <p>The third and fourth webinars in the series will be presented on April 30th and May 7th, respectively. Please note that the email has updated for Chapter 4 questions <a href="mailto:EPSch4@rrc.texas.gov">EPSch4@rrc.texas.gov</a>.</p>

**Questions regarding Chapter 4 Rules and Form Revisions**

- 1. Does Chapter 2 align with the RRC's current requirements regarding waste categorization?**
- 2. If a company implements waste categorization consistent with Chapter 2, will the company be considered compliant?**
- 3. Will the RRC be promulgating additional written guidance on these topics?**
- 4. If additional written guidance is provided, which document will have precedence in the event they are not 100% consistent?**

1. The Interim Guidance for Statewide Rule 98 Standards for Management of Hazardous Oil and Gas Waste (revised 2004) was not changed during the adoption of the new Chapter 4 rules. The new Chapter 4 rules support this interim guidance document, including Chapter 2 regarding waste categorization and determination.

2. Following the interim guidance, Chapter 2-“Hazardous Oil and Gas Waste Determination”, the company will be considered compliant in regard to the determination of whether a substance can be identified as a hazardous oil and gas waste or an exempt waste which is only the first of many steps in proper disposal of the O&G waste.

3. Depending on legislative action or discussions and cooperative agreements between inter-agency jurisdiction over wastes allowed under §4.104, any resulting additional guidance will be made available to the regulated community and the public for comment, questions and recommendations before the Commission adopts the guidance or new regulations.

Comment: Please note that the new rule's §4.102 reference to waste laboratory analysis is strictly limited to wastes generated at or between commercial facilities. In practice, laboratory analysis is a critical and frequent tool for waste categorization compliance. We request care with any future guidance documents so that they align with the hazardous waste management manual, EPA guidance, and legal-technical standards of practice and so they do not propagate an inappropriate confined use.

4. If additional written guidance is provided, the comment period allows different perspectives to present and discuss consistency and the RRC to align information between rules and guidance documents before adoption by the Commission.

**Questions regarding Chapter 4 Rules and Form Revisions**

**5. Will the RRC require the use of the upcoming forms or is industry allowed to use alternative forms (to meet characterization needs) given the alternative forms include all the items expressly required by the RRC?**

**6. Are commercial receivers required to validate/verify the waste category the generator assigns to the waste via the profile and manifest?**

5. Chapter 4, §4.191 (b) provides that operators may use the (upcoming) standard oil and gas manifest established by the Commission or operators may use their own forms provided they meet at least the requirements found in §4.191 (b)(1)(2A-D)&(3-9).

Comment: Chapter 4 states the RRC's upcoming waste profile and waste manifest forms 'may' be used by generators. During the 4/2/2025 webinar the RRC highly recommended using the RRC's form, however. Please note that the basic elements of these forms identified in the new rule will not be sufficient for commercial receivers to verify the waste category presented by the generator. While most oil and gas wastes, on a volumetric basis, are 'exempt', a significant number of wastes may be either exempt or non-exempt, such as oily water, wash water, run off water, ring levee water, and others. In practice, 20% - 30% of the loads commercially received can be either exempt or non-exempt. In these instances, it is necessary for the receiver to know how and from where the waste was generated. In the instance of oily water, knowing whether it came from a production tank battery, pit water, spill water, or a pump or engine room is necessary along with the generating activity itself (spill, leak, settling, etc.). The physical and chemical characteristics and constituents will be useful, however, those attributes will vary depending on the exact source of the waste (pump room, tank battery, spill waters, pit waters, etc.). With this in mind, we request RRC versions of these forms include a "Description" or "Other Information" data field. ....Noted.

6. Chapter 4 rules do not require this validation. However, §4.191(e) provides that a commercial facility receiver that refuses to accept a load of waste that is not correctly characterized (e.g. waste profile missing or questionable) .....shall notify Technical Permitting (RRC) immediately. The notification shall include information necessary to identify the waste hauler and generator, if available, describing the discrepancy as noted in §4.194 (b).

**Questions regarding Chapter 4 Rules and Form Revisions**

**6. Are commercial receivers required to validate/verify the waste category the generator assigns to the waste via the profile and manifest?**

**7. Is the RRC requiring that a Waste Profile ID be used for a single waste category when that waste can either (1) exempt, (2) non-exempt non-hazardous via process knowledge, or (3), non-exempt non-hazardous via laboratory analysis, such as with the oily water example above.**

**8. If a waste load arrives at a waste receiver and does not have a waste profile, must the receiver report to the RRC?**

**9. If a waste load arrives at a waste receiver and does not have a waste manifest, must the receiver report to the RRC?**

7. The RRC believe that flexibility is needed for all operators to determine a wastes profile identification, whether the wastes are exempt, non-exempt non-hazardous via process knowledge, or non-exempt non-hazardous via laboratory analysis.

Comment: Understanding part of the intent with the Waste Profile ID is to track waste volumes, having separate waste profile IDs for the same waste type but with 2 or more categories would be counter productive. We therefore recommend that commercial receivers and generators be allowed to implement a waste profile ID for statewide use but that the receiver and generator implement the profile with a supplemental form which lists the various waste sources and categories that are make up that waste profile. This will allow the commercial receiver to use and report the profile ID volumes but also allow the necessary characterization on a site and source level so they can meet their waste acceptance criterion and permit conditions.

8. 4.191(e) provides that a commercial facility receiver that refuses to accept a load of waste that is not correctly characterized (e.g. waste profile missing/not identified/misidentified) or manifested shall notify Technical Permitting (RRC) immediately. The notification shall include information necessary to identify the waste hauler and generator, if available.

9. 4.191(e) provides that a commercial facility receiver that refuses to accept a load of waste that is not correctly characterized or manifested (e.g. no manifest) shall notify Technical Permitting (RRC) immediately. The notification shall include information necessary to identify the waste hauler and generator, if available.

**10. If the receiver is required to notify the RRC for the absence of a manifest or profile (as asked above), is that notification required immediately or in writing as mentioned in §4.194, recordkeeping. If so, is there a submittal timeline such as within 30 days?**

**11. Section §4.194, recordkeeping, mentions ‘significant discrepancy’. What exactly does this mean? Is a simple error considered a significant discrepancy?**

**12. What information is the RRC seeking on the waste profile with “physical and chemical character and constituents”? Basic description of oil, water, solid content? Chemicals? How much specificity is needed?**

**13. If the generator utilizes laboratory analysis as proof the (non-exempt) wastes are not characteristically hazardous, is the receiver required to review and validate the laboratory results?**

**14. If the generator utilizes process knowledge as proof the (non-exempt) wastes are not characteristically hazardous, is the receiver required to review and validate the generator’s information and review process?**

10. By rule §4.194, no timeframe is identified, only that the receiver send a letter to the RRC, generator, and waste hauler, describing the discrepancy as noted in §4.194 (b) “Upon discovering any significant discrepancy in waste descriptions, volumes, place of origin, disposal locations or destinations, or other information based on personal observation or information contained in the manifest or electronic system, the receiver shall submit to the Commission, the generator, and the waste hauler a letter describing the discrepancy and a copy of the manifest or electronic system documentation” .

11. §4.194 (b) lists discrepancy in 1). waste descriptions, 2). volumes, 3). place of origin, 4). disposal locations or destinations, or 5). other information based on personal observation or information contained in the manifest or electronic system. These are at least the qualifiers that should trigger the letter notification to the RRC, operator, and hauler. The last #5 discrepancy of “other information based on personal observation or information contained in the manifest or electronic system” should allow the receiver latitude in determining any outliers of discrepancy.

12. The Interim Guidance for Statewide Rule 98 Standards for Management of Hazardous Oil and Gas Waste (revised 2004), regarding waste categorization, has a listing example or “form codes” and a description of the materials in those codes, p. 225 of 251 pages. An example of an oil-water emulsion or mixture, Code 205, is found on page 225 of 251. As much additional detail as the generator wishes to make as a description that may be helpful to the operator, hauler, or receiver may need. If the receiver does not believe the generators waste profile is adequate, the receiver may reject the load and report the discrepancy to the RRC, hauler, and generator.

13. Chapter 4 rules and the Interim Guidance for Statewide Rule 98 Standards for Management of Hazardous Oil and Gas Waste (revised 2004) do not require laboratory validation by the receiver. However, if the receiver were to doubt the generator’s laboratory results or assessment, the receiver can send a letter to the RRC, operator, and hauler if the receiver feels that the laboratory results or report has a discrepancy.

14. Chapter 4 rules and the Interim Guidance for Statewide Rule 98 Standards for Management of Hazardous Oil and Gas Waste (revised 2004) do not require this validation. However, if the receiver were to doubt the generator’s assessment, the receiver can send a letter to the RRC, operator, and hauler if the receiver feels that this is a discrepancy: such as a discrepancy in waste descriptions or other information based on personal observation or information contained in the manifest.

<p>15. Will the RRC be communicating more written detail regarding what is required for using process knowledge to categorize (non-exempt) wastes as non-hazardous?</p> <p>16. Does the RRC require the laboratory to be NELAP or equivalently certified?</p> <p>17. Does the RRC require that the specific laboratory methods (toxicity, ignitability, corrosivity) be those established by the EPA or equivalent.</p> <p>18. Will the RRC require that all load profiles and manifests be submitted to the RRC electronically?</p> <p>19. The new rule establishes reporting requirements, both immediate and otherwise as part of recordkeeping. Please clarify with as much detail as possible the exact conditions that require reporting and when they must be reported.</p> <p>20. Commercial disposal receivers must differentiate what is a waste from what is a recycled material, by product material, or commercial product. Regulations and the RRC's hazardous waste management manual both provide that generators may classify those materials as 'discarded material' which a commercial receiver can then accept as a waste, presuming all other conditions are met (oil and gas waste, not hazardous). Is this acceptable to the RRC?</p>	<p>15. <input type="checkbox"/> No, unless directed by the Commission or through legislation.</p> <p>Specific requirements are established for laboratories in other portions of Rule 4, however, the certification requirements are not mentioned for laboratory analysis used in establishing the waste category. When laboratory analysis is used to establish a (non-exempt) waste is non-hazardous:</p> <p>16. <input type="checkbox"/> Certification requirements are not mentioned in Chapter 4 rules or the Interim Guidance for Statewide Rule 98 Standards for Management of Hazardous Oil and Gas Waste (revised 2004) for laboratory analysis specifically used in establishing the waste category. NELAP certified laboratories may not want to introduce an unknown waste into the lab and the RRC allows operator discretion as to laboratory certification in establishing the waste category.</p> <p>17. <input type="checkbox"/> Chapter 4 rules do not identify the specific laboratory methods (toxicity, ignitability, corrosivity) for those established by the EPA or equivalent. However, the Interim Guidance for Statewide Rule 98 Standards for Management of Hazardous Oil and Gas Waste (revised 2004), page 25 of 251, under Test Methods, list these federal test methods.</p> <p>18. <input type="checkbox"/> The Commission is moving toward electronic filing. Is the RRC planning a form reading system (such as ATS or zone OCR) which will reject the form if the RRC system cannot not read the form? Are methods allowed, such as manual entry or CSV upload? The method to submit load profiles and manifests has not been determined at this point. Various methods such as CVS or other methods that are compatible with transmitting data files will be evaluated. The submittal timeframes will correspond with the quarterly reporting unless monthly or other timeframes are determined from complying with a notice of violation (NOV). Comment: Commercial receivers can manage &gt;&gt; 50 loads per day. The ability to upload a basic CSV file would greatly enhance the process.</p> <p>19. <input type="checkbox"/> The Chapter 4 rules for reporting will also be cited as permit conditions and will cite reporting intervals for various data to be submitted to the RRC unless an operator is complying with a NOV that requires a different reporting time.</p> <p>20. <input checked="" type="checkbox"/> Yes. Receivers can differentiate what is a waste from what is a recycled material, by product material, or commercial product by remembering that these recycled products or materials started as an oil and gas waste. If there is no market for the recycled material or commercial product, it still remains an oil and gas waste that a</p>
<p>21. Do small sumps, such as for rainwater retrieval, require permitting or registration? If so, please provide details.</p>	<p>21. <input type="checkbox"/> Permitting small sumps would probably be evaluated on a case-by-case basis and determine whether the sump contains stormwater that may come in contact with waste and recommend the operator provide protection from uncontained pollution impacting the environment, surface water, or groundwater: as contemplated by §4.196 (b)(2) where a sump might be permitted.</p>

<p><b>Please clarify Pipeline/Transmission/Gathering Line RCRA C Exemption</b></p>	<p>The Chapter 4 new rules do not speak to pipelines other than our EPS group does not permit them. Our environmental permitting section are also not familiar with pipelines. We believe that you will need to re-submit your letter to the RRC Pipeline Safety as they support the pipeline permitting and mapping. From looking at the Pipeline Safety website, <a href="https://www.rrc.texas.gov/about-us/faqs/pipeline-safety-faq/pipeline-permitting-and-mapping/">https://www.rrc.texas.gov/about-us/faqs/pipeline-safety-faq/pipeline-permitting-and-mapping/</a> I do not know if a T-4 would provide the specific description of the product that flows through the pipeline.</p> <p>The email to submit your attached letter to Pipeline Safety is: <a href="mailto:safety@rrc.texas.gov">safety@rrc.texas.gov</a></p> <p>We hope that Pipeline Safety can meet your needs concerning the pipeline questions.</p> <p>Thank you for your questions and your letter.</p>
<p><b>is the webinar still On?</b></p>	<p>webinar 4 has moved to May 7th. The calendar link should have updated, I apologize for the technical difficulty.</p> <p>Here is the link to the NTO with new dates for webinars 3 and 4, on April 30th and May 7th, respectively:</p> <p><a href="https://www.rrc.texas.gov/announcements/041025-webinars-on-chapter-4-rules-and-form-revisions/">https://www.rrc.texas.gov/announcements/041025-webinars-on-chapter-4-rules-and-form-revisions/</a></p>

**For the rules that go into effect on 7/1/2025 related to waste hauling, I just want to verify the below as accurate (exempt vs nonexempt). Please confirm.**

The short answer is, the Table 1 Exempt wastes and Table 2 Non-Exempt wastes you provided below are accurate.

For the audience in questions/answers posted on the RRC website: Table 1 Exempt Wastes are found on page 2-5 and Table 2, Non-Exempt wastes are found on page 2-6 of the Interim Guidance for Statewide Rule 98 “Standards for Management of Hazardous Oil and Gas Waste” document <https://www.rrc.texas.gov/oil-and-gas/publications-and-notice/manuals/hazardous-waste-management-manual/>

The Interim Guidance for Statewide Rule 98 was not changed during the new Chapter 4 adoption.

The Interim Guidance for Statewide Rule 98 was last revised in November 2004.

The new Chapter 4 rules did not change, nor contradict, the Interim Guidance for Statewide Rule 98 content.

The new Chapter 4 rules support the content of the Interim Guidance for Statewide Rule 98.

Thank you for your question,

**Chp4 questions re: pre-drafts, "errors" & guidance scope**

Regarding your questions, please see answers below:

1. In your webinar of April 2nd, it was mentioned that there were errors in the final rule that RRC would be correcting through guidance.

a. What are the errors that you have identified thus far?

b. How have you identified these errors?

c. What third parties have been involved in identifying and/or addressing these errors?

Commission staff have noticed errors when reading the rules to develop implementation of Chapter 4. Third parties have not brought errors to the Commission; however, I anticipate as the rules get fully implemented, discussions may identify areas that may need clarifying in future rule making. Staff's focus has been on implementation and not on identification of errors thus far. However, I wanted to be transparent that we are aware of errors such as the total cumulative volume of waste for a landfarm cell is intended to be both solid and liquid. This is in Division 3 but is not clear in Division 7 of Subchapter A.

**Chp4 questions re: pre-drafts, "errors" & guidance scope**

Another example are the Minimum Real Property Information sections in Subchapter B are missing. These are referenced in the notice requirements and the proposed rules from 8.15.24 included these sections with no changes.

2. In the webinars of April 2nd & 9th, it was mentioned that the RRC would see if it has an avenue to share pre-drafts of forms and/or guidance directly with industry stakeholders for input, before posting on the website for informal or formal comment. Screenshots of a few pre-drafts were shared in the powerpoints.

1. Have pre-drafts of forms or guidance already been shared, if not, when do you expect sharing to happen?

2. On behalf of Commission Shift, I request that if sharing of such pre-drafts occurs, that Commission Shift be sent those drafts at the same time. (Please send to me & Virginia Palacios, executive director of Commission Shift (vpalacios@commissionshift.org)).

I did inquire on this after the April 2nd webinar and I was not able to share the draft forms yet. However, the proposed forms will be presented at Commissioners Conference Tuesday April 29th and discussed in the webinar on the following day. On the new EPS webpage for Chapter 4, there is a placeholder for sharing these forms, if approved for proposal, after Conference next week.

3. What sections of the rule will have guidance developed for this year? Will guidance for Subchapter B, Division 7 be developed by July 1, 2025 or by the end of the year?

We are working to provide a complete SWWM.

<p><b>Thank you Christine. And thank you &amp; staff again for the hard work you are doing with such a large rule change.</b></p> <p><b>I do have a follow-up question about the Q&amp;As posted on the new website, which I hadn't seen before --- where do these come from? Are these all of the questions &amp; answers staff has received (by email?), or just a subset (how do you choose)? They don't appear to include many of the questions asked during both webinars --- will webinar Q&amp;A's be posted somewhere as well?</b></p> <p><b>Finally, I want to reiterate that if pre-drafts of forms or guidance do get shared with third parties in the future before being published for open public comment, Commission Shift requests that it be included in that group of reviewers.</b></p>	<p>– the Q&amp;A should have all questions received. We will have to look into what may have been missed, it would be an unintentional oversight.</p> <p>Thank you for letting us know.</p> <p>Draft forms will be at Commissioners Conference tomorrow and if approved, they will be shared online for public comment. I will be discussing the proposed drafts in Wednesday’s webinar, pending the decision from tomorrow’s conference. Update, forms for public comments:  <a href="https://www.rrc.texas.gov/forms/proposed-form-amendments/">https://www.rrc.texas.gov/forms/proposed-form-amendments/</a></p>
<p><b>Will the PowerPoints from all 4 webinars be accessible?</b></p>	<p>Yes, Webinars 1 (4.2.2025), 2 (4.9.2025), and Webinar 3 (4.30.2025) can be found through the website below.</p> <p>Webinar 4 today will be posted as soon as the Commission has completed post-processing of the material for accessibility. <a href="https://www.rrc.texas.gov/oil-and-gas/applications-and-permits/environmental-permit-types/all-about-chapter-4/">https://www.rrc.texas.gov/oil-and-gas/applications-and-permits/environmental-permit-types/all-about-chapter-4/</a></p>