



Title 16 Texas Administrative Code Chapter 4 Subchapters A and B Revisions to Oil and Gas Waste Management Rules

Permitting Session 2

Sandra Forbes
May 7, 2025



Compliance Activities



Field Inspections



Report Reviews



Closure
Requests



Reuse of Material
Request



Hauler Permits
Verifications



Issues RADs and
Violation Letters

Goal

To assist EPS with Statewide Rule compliance, Permit Compliance, Construction, Operating Requirements, Final Closure inspections, etc.



New EPS Dedicated Webpage for Chapter 4



Oil & Gas → Applications & Permits → Environmental Permits →
READ ALL ABOUT CHAPTER 4



Proposed Form Amendments

This page lists proposed changes to Railroad Commission of Texas forms that are currently under consideration.

Chapter 4 Forms

Available for public comments

Apr 31, 2025, to May 30, 2025

Webinar Q&A

Update Weekly

Download a pdf copy:

[Chapter 4 Q&A_last update 04172025](#)

[RRC – Forms](#) → Proposed Form Amendments →
Oil & Gas Forms-10 forms proposed

EPSch4@rrc.texas.gov

All About Chapter 4



All About Chapter 4

Environmental
Permits & Support

Oil & Gas Division

Upcoming Chapter 4 Webinars

May 7, 2025 - 9 am

(Click here to register)

Webinar Q&A

Updated Weekly

Chapter 4 Q&A_last update 04172025

Chapter 4 Forms

Public comments can be submitted on proposed new forms to implement Chapter 4 rules and amended Waste Hauler forms. Click on Oil & Gas Forms on this page:

<https://www.rrc.texas.gov/forms/proposed-form-amendments/>

Chapter 4 Timeline

December 17, 2024 - adopted by the Commission (Adopted rules)

The Commission adopted the proposed Chapter 4 rule changes on December 17, 2024.

The linked file contains the "Adoption of amendments to 16 TAC §3.8 and various other rules in Chapter 2 and new rules and amendments in 16 TAC Chapter 4."

This document contains the changes to Rules 9, 14, 22, 33, 57, 91, and 98, as well as new Chapter 4, Subchapter A, and amendments to Subchapter B.

This file also contains the comment summaries and responses to comments required by the Texas Administrative Code.

January 3, 2025 - new rules published in the Texas Register (50 TexReg 33-112)

Note that this version of Chapter 4 rules published in the Texas Register (50 TexReg 33-112) does not contain the rules proposed on August 28, 2024, issue of the Texas Register (49 TexReg 6258).

July 1, 2025 - effective date

A complete copy of the official rules will be available on the Texas Secretary of State's website on July 1, 2025. They will be available here after July 1, 2025.

Chapter 4 Webinars

April 2, 2025 - 9am:

Webinar 1 Recorded Video

Webinar 1 Presentation Slides

April 9, 2025 - 9am:

Webinar 2 Recorded Video

Webinar 2 Presentation Slides

April 30, 2025 - 9am:

Video recording coming soon

Presentation slides coming soon

Contact Us

Email your Chapter 4 questions to EPSch4@rrc.texas.gov

Subchapter A

- › §4.107 Penalty Guidelines Table
- › §4.130 Electronic Filing System
- › §4.132 Closure Requirements
- › §4.190 & 4.191 Characterization & Documentation
- › §4.192 Trans-Jurisdictional Waste

Subchapter B

- › §4.268 & 4.284 Minimum Monitoring Information
- › §4.274(e) & 4.290(e) prohibits accumulation of oil
- › Senate Bill 1541 (85th Legislative Session, 2017)
- › Criteria for Beneficial Use of Drill Cuttings
- › §4.301 Beneficial Use of Drill Cuttings

Subchapter A – Division 1: Penalty Guideline Changes



Rule	General Description	Guideline Minimum Penalty Amount or Range
DIVISION 1. GENERAL		
	§4.101 Prevention of Pollution	
16 TAC §4.101(a)	Pollution of surface or subsurface water	\$2,500 to \$10,000
	§4.102 Responsibility for Oil and Gas Wastes	
16 TAC §4.102(a)(1)(2)(3)	Failure to provide and perform field testing as required by the Commission	\$2,500
16 TAC §4.102(b)(c)(d)(f)(1)(2)	Failure to utilize the services of a carrier with a valid permit	\$2,500
16 TAC §4.102(g)	Manage oil and gas wastes in a manner that violates Commission rules.	\$2,500
	§4.103 Prohibited Waste Management Methods	
16 TAC §4.103(a)	Manage oil and gas wastes without a permit.	\$2,500

§4.107 (e) Minimum Penalty Amount or Range Table 4.107

Actual penalties determined by:

- › Office of General Counsel
- › (Hearings Division)
- › The Commissioners

Amount of penalty depends on:

- › Type of violation
- › Number of days in violation
- › Number of repeated violations

Subchapter A: Electronic Filing System



§4.130 (d)(4) - Electronic Filing

Reporting Requirements

The commission is developing an Electronic filing system

System in place : Reports shall be filed electronically in a digital format acceptable to the Commission.

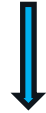
Report Types

- › Monthly
- › Quarterly
- › Semi-annual
- › Annual
- › Monthly Reclamation (R2's)

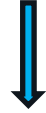
Recommended Reporting Template



Oil & Gas



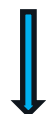
Applications & Permits



Environmental Permits



Monitoring and Reporting for Surface Waste Facilities



Quarterly Report Template

Goal

To assist Operators
with filing reports

RELATED LINKS

[Soil Boring and Groundwater Monitoring](#)

[Form R-2](#)

[Form R-2 Guidance](#)

[DWW Monthly Reporting Template](#)

[DWW Treatment Location Template](#)

[Quarterly Report Template](#)

Quarterly Report Checklist

Permit Condition*	General Facility Sections:	Included in report:	Included as attachment
I.R.	Executive Summary	<input checked="" type="checkbox"/>	<input type="checkbox"/>
III.H	• Incoming Waste	<input checked="" type="checkbox"/>	<input type="checkbox"/>
III.H	• Incoming Waste Summary	<input checked="" type="checkbox"/>	<input type="checkbox"/>
III.H	• Outgoing Waste	<input checked="" type="checkbox"/>	<input type="checkbox"/>
III.H	• Outgoing Waste Summary	<input checked="" type="checkbox"/>	<input type="checkbox"/>
IV.K	• Monthly facility inspection - Attachment	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Recommended Quarterly Reporting Template



Template Includes:

- Instructions
- Checklist
- Executive Summary
- Incoming Waste testing
- Outgoing Waste information
- LDS (Leak Detection System)
- Annual Pit Inspections
- Exceedances in Groundwater or Soil Sampling

RRC Surface Waste Facilities - Quarterly Report Template

Updated version available at: <https://www.rrc.texas.gov/oil-and-gas/applications-and-permits/environmental-permit-types/>



Instructions

Checklist

Incoming

Incoming Sum

Outgoing

Outgoing Sum

Disposal Pit

Pit LDS

Pit Insp

GW

Soil Sampling

Recycling

MR

RCRA exempt wastes

Nonexempt Wastes

Use the template to file electronically! – Let's see the template online.

Subchapter A – Divisions 4 & 5



§4.132 Closure Requirements for all Permitted Waste Management Operations

New requirements related to closure:

- › 45 days notice required
- › §4.132(b)(3) - Additional requirements may apply
- › Financial Security must remain in place through closure



Subchapter A - Division 4



§4.132 Closure Requirements for all Permitted Waste Management Operations

General Closure Requirements

- Remove all wastes
- Notify at least 45 days before commencement of any closure operations

Closure Plan

- Submit the Closure plan within 30 days to Technical Permitting before the commencement of any closure activity

Waste Removal and Disposal

- Remove all waste from the site
- Dispose of waste at an authorized disposal facility
- Follow handling procedures

Soil and Groundwater Sampling

- Soil samples must be collected for analysis
- Groundwater monitoring is also required

Backfilling and Restoration

- Backfilling and restoration of the site

Post-Closure Monitoring

- Ongoing monitoring of the site may be required after closure

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.



Oil and Gas Waste Characterization & Documentation

Responsibilities:

Generator

- Waste Profile; and
- Manifest Forms

Hauler

- Active WHP

Disposal Facility

- Waste Profile; and
- Waste Manifest



Waste Profile Form (1 of 4)



Organization Name				
Organization P-5 No.				
Facility Permit No.				
Facility Address				
	City	State	Zip Code	County
Contact Name				
Email Address	Phone No.			
CERTIFICATION: I certify that I am authorized to make this application, that this application was prepared by me or under my supervision and direction, and that the data and facts stated herein are true, correct, and complete to the best of my knowledge.				
Click or tap to enter a date.				
Generators Signature	Generators Printed Name		Date Signed	

Operators may use: RRC forms – OR – their own forms

Waste Profile Form (2 of 4)



Waste Details			
Waste ID	NAICS (SIC) Code	U.S. EPA ID No.	
Waste Type			
<input type="checkbox"/> Spent Water-Based Drilling Mud		<input type="checkbox"/> Oil-Contaminated Soil	
<input type="checkbox"/> Oil-Based Cuttings		<input type="checkbox"/> Drilling Fluids	
Physical Characteristics			
<input type="checkbox"/> Solid		<input type="checkbox"/> Semi-Solid	
<input type="checkbox"/> Fluid		<input type="checkbox"/> Gas	
Classification			
<input type="checkbox"/> Hazardous		<input type="checkbox"/> Non-Hazardous	
Chemical Characteristics			
<input type="checkbox"/> Hydrocarbon Content		<input type="checkbox"/> TOX	
<input type="checkbox"/> pH level		<input type="checkbox"/> H2S	
<input type="checkbox"/> Salinity		<input type="checkbox"/> NORM	
<input type="checkbox"/> VOC's			
Constituents			
<input type="checkbox"/> Hydrocarbons		<input type="checkbox"/> Organic Compounds	
<input type="checkbox"/> Salts		<input type="checkbox"/> Produced Water	
<input type="checkbox"/> Metals		<input type="checkbox"/> Other Materials	

Waste Profile Form (3 of 4)



Basis of Characterization

Supporting Documentation

- ☐ Lab Reports ☐ Historical Data ☐ Acceptable Field Knowledge

Basis of Characterization - Supporting Documents

- Include evidence used to determine the nature and composition of the waste

Waste Profile Form (4 of 4)



RECEIVER	Waste Hauler Name	WHP No.	
	Email Address	Phone No.	
	Disposal Facility Name	Permit No.	
	CERTIFICATION: <i>I certify that I am authorized to make this application, that this application was prepared by me or under my supervision and direction, and that the data and facts stated herein are true, correct, and complete to the best of my knowledge.</i>		
	Click or tap to enter a date.		
	Receiver Signature	Receiver Printed Name	Date Signed

The Receiver

- Chain of custody
- Accountability
- Verification and Compliance

§4.191 Waste manifest

- › *Requirements for Waste Transport by Vehicle*
- › Accompanied by a paper manifest
- › Manifest Information
- › Record-keeping requirements
- › Waste rejection & notification

Waste Manifest (1 of 2)



GENERATOR	Organization P-5 No.						
	Organization Name						
	Mailing Address						
			City	State	Zip Code		
	Contact Name						
	Email Address		Phone No.				
	Hauler Organization Name		WHP No.				
	Designated Facility Name						
	Facility Permit No.						
	Facility Physical Address						
			City	State	Zip Code		
	NORM Yes	No	Waste Type	Container Type	Total Quantity	Unit Wt./Vol.	Commercial Non-Commercial
	<input type="checkbox"/>	<input type="checkbox"/>				Choose an item.	Choose an item.
	<input type="checkbox"/>	<input type="checkbox"/>				Choose an item.	Choose an item.
	<input type="checkbox"/>	<input type="checkbox"/>				Choose an item.	Choose an item.
<input type="checkbox"/>	<input type="checkbox"/>				Choose an item.	Choose an item.	
<input type="checkbox"/>	<input type="checkbox"/>				Choose an item.	Choose an item.	
<input type="checkbox"/>	<input type="checkbox"/>				Choose an item.	Choose an item.	
<input type="checkbox"/>	<input type="checkbox"/>				Choose an item.	Choose an item.	
Description							
Out of State		<input type="checkbox"/> Y	<input type="checkbox"/> N	State			
CERTIFICATION: I certify that I am authorized to make this application, that this application was prepared by me or under my supervision and direction, and that the data and facts stated herein are true, correct, and complete to the best of my knowledge.							
Click or tap to enter a date.							
Generators Signature		Generators Printed Name		Date Signed			

**Operators may
use:**

RRC forms

– OR –

their own forms

Waste Manifest (2 of 2)



HAULER	Hauler's Acknowledgment of Receipt of Materials			
	<i>CERTIFICATION: I certify that I am authorized to make this application, that this application was prepared by me or under my supervision and direction, and that the data and facts stated herein are true, correct, and complete to the best of my knowledge.</i>			
	<i>Click or tap to enter a date.</i>			
	<i>Hauler Signature</i>	<i>Hauler Printed Name</i>	<i>Date Signed</i>	
	Discrepancy <input type="checkbox"/>	Quantity <input type="checkbox"/>	Type <input type="checkbox"/>	Other <input type="checkbox"/>

DISPOSAL	Disposal's Acknowledgment of Receipt of Materials			
	<i>CERTIFICATION: I certify that I am authorized to make this application, that this application was prepared by me or under my supervision and direction, and that the data and facts stated herein are true, correct, and complete to the best of my knowledge.</i>			
	<i>Click or tap to enter a date.</i>			
	<i>Disposal Signature</i>	<i>Disposal Printed Name</i>	<i>Date Signed</i>	
	Discrepancy <input type="checkbox"/>	Quantity <input type="checkbox"/>	Type <input type="checkbox"/>	Other <input type="checkbox"/>

Reminder – Don't forget the WH-3!

Trans-Jurisdictional Waste Transfers



Designed for:

- MOU is SWR 30
- Movement of O&G waste
 - TCEQ & RRC facilities

Chapter 4 implements §4.192:

- December 31, 2026
- Requires approval from **both** agencies
- Special Waste Authorization form



Subchapter B – Divisions 5 & 6



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

House Bill 3516 **(87th Legislative Session, 2021)**

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



Standards for Sampling Analysis § 4.268 (Div 5) and § 4.284 (Div 6)

- › **Compliance with Reuse Requirements**
- › **Groundwater Monitoring Plan**
- › **Fluid Waste Containment Verification**
- › **Inspection Schedule Clarifications**



§4.274 and §4.290

- › No accumulation of oil
 - › Pits
 - › Tanks
- › Document oil:
 - › Skimmed
 - › Recovered

§4.275 and §4.291

- › Inspect, log, and monitor;
- › Liner failures and reporting;
- › No waste before **new** groundwater monitoring wells are:
 - Completed
 - Developed
 - Sampled (if required)

Subchapter B – Divisions 7



New rules and amendments to Subchapter B Divisions 7 address legislative requirements from:

Senate Bill 1541 **(85th Legislative Session, 2017)**

Amended Natural Resource Code:

- › Chapter 123 Section 123.0015 addresses beneficial uses for drill cuttings.
 - Construction of lease pads/roads; or
 - Part of a legitimate commercial product.
 - This legislation provided the direction for how Chapter 4 defines 'beneficial use' and 'legitimate commercial product' and adopted criteria in Division 7 of Subchapter B.

Subchapter B – Divisions 7: HB 1541



Criteria for Beneficial Use of Drill Cuttings

Legitimate commercial use:

- Effective substitute
 - commercial product,
- Manufacturing uses;
- Replaces a product;
- Not disposal.



Legitimate commercial product:

- Sold for a specific use;
- Demonstrated commercial market.

§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.



Subchapter B – Divisions 7



Permitting Conditions (§4.301(b))

The Commission may approve a permit for recycling drill cuttings if:

Used in a legitimate commercial product, such as:

- Construction of oil and gas lease pads
- Construction of oil and gas lease roads

Or used in another product, if the applicant proves:

- It meets engineering and environmental standards (confirmed by a licensed Texas engineer)
- It is at least as protective of public health, safety, and the environment as non-recycled alternatives
- It does not pollute surface or subsurface water

§4.302 – Additional Permit Requirements for Beneficial Use of Drill Cuttings

Commercial Market

- Common use
 - Similar products
- Customer commitments
 - Annual volume details
- Other methods
 - Credible and verifiable.

Trial Run Requirements

- Notification
- Process
- Sampling
- Reporting
- Summary



During Trial Run:

- No activity until approved;
- Notify Commission; and
- Need written approval.

Testing Requirements

Road and pad construction:

- ASTM 559-96;
- Analytical testing (800 cubic yards);
- Non-compliant material
 - reprocessed or
 - disposed per Commission rules.

EPS Emails



Chapter 4 Questions: EPSch4@rrc.texas.gov

EPS Permitting: enviro.permits@rrc.texas.gov

EPS Waste Haulers: whp@rrc.texas.gov

EPS Compliance: EPSCompl@rrc.texas.gov

Authorized Pit Registration: AuthPits@rrc.texas.gov