



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

Authorized Pits

Adrian Charles
April 9, 2025



Division 3 - §4.111



Chapter 4 rules are effective July 1, 2025

Permits issued on/or after July 1 will be issued under Chapter 4

Permits in process before July 1 may need to be considered under Chapter 4

Contested permits pending Hearings will be issued under Chapter 4

Division 3 Authorized Pits

- ☐ Schedule A – lower volume & operate short term
- ☐ Schedule B – larger volume & operate long term
- ☐ Pit Registration

§4.113 & §4.115 Authorized Pits



Two Types of Authorized Pits

Schedule A

Can be maintained and used without a permit

Reserve Pit Mud Circulation **Completion/Workover** Makeup Water **Condensate**

Schedule B

Must register with the Commission

Produced Water Recycling

§4.113 Authorized Pits



General Requirements:

Must be constructed, used, operated, and maintained outside of a 100-year floodplain

If constructed before July 1, 2025, and compliant with §3.8 continued operations are authorized and contingent upon:

- Pits causing pollution are required to comply or close.
- If unauthorized oil & gas waste, treated fluid, or other substances are released from any pit authorized in this section, all efforts shall be taken to stop or control the release and be reported to the District office within 24 hours.
- Effective July 1, 2026, all non-commercial fluid recycling pits must be registered as produced water recycling pits.

§4.114 Schedule A Design & Construction



Construction Requirements:

Materials in the pit must not enter adjacent subsurface soils, groundwater, or surface water.

Liner Requirements:

(For any Authorized Pit)

1. Over 3,000 mg/L total dissolved solids (TDS)
2. Located where groundwater is within 50' of the bottom of the pit.


Schedule A Closure




Pit Type	Special Condition	Closure 1	Closure 2
<ul style="list-style-type: none"> › Reserve › Mud Circulation › Makeup Water 	<ul style="list-style-type: none"> – Chloride $\leq 6,100\text{mg/L}$ (1) – Chloride $> 6,100\text{mg/L}$(2) 	<ul style="list-style-type: none"> › Dewater, backfill, and compact within 1 year of cessation of drilling operations. 	<ul style="list-style-type: none"> › Dewater within 30 days – the rest as before.
<ul style="list-style-type: none"> › Completion › Workover 	<ul style="list-style-type: none"> – Completing (1) – Working Over (2) 	<ul style="list-style-type: none"> › Dewater within 30 days Backfill and compact within 120 days of well completion 	<ul style="list-style-type: none"> › Dewater within 30 days – backfill and compact within 120 days of workover operations.
<ul style="list-style-type: none"> › Fresh Mining › Water Condensate 	<ul style="list-style-type: none"> – None 	<ul style="list-style-type: none"> › Dewater, backfill, and compact within 120 days of final cessation of pit use 	




Produced Water Recycling Pits



(b) No longer authorized if it is located at a facility where other waste management activities require a permit.



(d) Before July 1, 2025, referred to as non-commercial fluid recycling pits (NCFR)



New Pits - Financial Security is Due Upon Registration
Existing Pit – Financial Security is Due by January 1, 2026

General Location Requirements:

Shall not be located:

- › On a barrier island or beach
- › Within
 - 100' of a 100-year floodplain
 - 300' of surface water
 - 300' of any domestic water well or irrigation water well
 - 500' of public water system well or intake
 - 500' of a public area

§4.115 Schedule B (2 of 2)



Operation Requirements:

- Freeboard of 2' plus 25 year 24-hour rainfall event
- Double lined with leak detection system (LDS)
- Normal pit record maintenance & no free oil

Closure Requirements:

- Pit contents (including liner) removed for disposal at an authorized facility
- Soil sampling of native soils beneath and around pits
- Notify District Office for exceedances in testing parameters
- Non-exceedances – backfill the pit

Authorized Disposal for Certain Wastes

› Water condensate:

- Disposal by land application of water condensed from natural gas and collected at gas pipeline drip stations or gas compressor stations
- No application may reach surface waters, must meet parameters, and remain on-site
- Must be at least 500 feet from a public water supply system well or intake and 300 feet from any surface water, residential well, or irrigation water supply well

› Inert oil & gas wastes:

- May be disposed of on the property where generated
- May not go into surface water
- May not be burned


Low chloride water-based drilling fluids: **Landfarming**

- › Landfarming must occur on the same lease/unit/ROW where generated and have written permission from the surface owner;
- › Slope of the land must be 3% or less;
- › pH range is 6-9 standard units, and all hydrocarbons are removed before spreading;
- › Depth of wastes must not exceed six inches of solids or six inches of fluids;
- › No pooling/ponding/runoff occurs, and waste is disked into soils for distribution;
- › EC does not exceed background level for undisturbed soils (*established before authorized landfarming begins*) immediately after landfarming the waste or 4 millimhos/centimeter (whichever is greater); and
- › Immediately after landfarming, TPH does not exceed 1% by weight when sampled (*EPA SW-846 418.1 or equivalent method*)

Authorized Pit Registration Form



Authorized Pit Registration forms get emailed to
AuthPits@rrc.Texas.gov



RAILROAD COMMISSION OF TEXAS
Oil & Gas Division | Technical Permitting
Authorized Pit Registration/Change Form

EPS – AR-1
(Rev. 04/02/25)

P-5 No.: _____
Drilling Permit No.: _____

Request for: ☐ Authorized Pit Registration Date Pit Operations Start: Click or tap to enter a date.
☐ Change Pit Registration Date of Change: Click or tap to enter a date.
☐ Terminate Pit Registration Date Pit Closed: Click or tap to enter a date.

Organization Name: _____

Pit Type: (select all that apply)

☐ **Schedule A – Authorized Pit**
☐ Reserve
☐ Mud Circulation
☐ Completion/Workover

☐ Makeup Water
☐ Fresh Mining Water
☐ Water Condensate

☐ **Schedule B – Authorized Pit**
☐ Produced Water Recycling

Pit Details: (complete for each pit – use **worksheet AR-1** for additional pit details)
Pit Location (Use the 1983 North American Datum (NAD) in decimal degrees)

Lease Name: _____ Lease No.: _____
Longitude: _____ Latitude: _____
Pit Capacity: _____ bbl (Barrels)
Depth of Groundwater from the Bottom of the Pit: _____ ft

Lease Name: _____ Lease No.: _____
Longitude: _____ Latitude: _____
Pit Capacity: _____ Bbl (Barrels)
Depth of Groundwater from the Bottom of the Pit: _____ ft

For pits that require financial security, submit the receipt with the registration/change form.
Enter financial security receipt information.

Register No.: _____ Amount Paid: \$ _____ Date Paid: Click or tap to enter a date.

I certify that I am authorized to complete this registration/change form, that this form was prepared by me or under my supervision and direction, and that the data and facts are true, correct, and complete to the best of my knowledge. I certify that the specifications correspond to the requirements of §4.113, §4.114, and §4.115.

Name: _____ Title: _____
Signature: _____ Date: Click or tap to enter a date.

Authorized Pit Registration Form (2 of 2)



RAILROAD COMMISSION OF TEXAS Oil & Gas Division | Technical Permitting Produced Water Recycling Bond Form

EPS - AR-B
(Rev. 04/02/25)
TDI Reg. No. TDI-08-08155-RCT-BF

Date: Click or tap to enter a date. **PRODUCED WATER RECYCLING BOND NO.** _____

Organization Name: _____ P-5 No. (if assigned) _____

INITIAL BOND INFORMATION

Number of pits:

☐ Five or less ☐ More than five

CHANGE TO BOND INFORMATION

The number of pits changed from:

☐ Five or less to more than five ☐ More than five to less than five

Background

- 1.1 _____ operates or is applying for the Railroad Commission approval to operate Produced Water Recycling Pit(s) subject to Texas laws. Texas Natural Resources Code §91.109 and Texas Administrative Code Vol. 16, §3.78, provide that the owner and operator of a Produced Water Recycling Pit(s) must maintain a bond or letter of credit that satisfies the Railroad Commission.
- 1.2 As specified in §3.78, Principal has retained _____, a State of Texas authorized Surety, to secure this promise to pay.
- 1.3 This bond covers pit(s):

Pit Identification No.	Pit Type	Pit Volume	Pit Registration No.

Terms

- 2.1 Principal and Surety must pay the Railroad Commission of Texas, in Austin, Travis County, Texas, the sum of \$_____ U.S., according to the following paragraphs.
- 2.2 The Railroad Commission will notify the Surety after the Principal fails to operate or close a Produced Water Recycling Pit(s) as required by Texas law and the Railroad Commission rules. Notice will be mailed by registered or certified U.S. mail to the address shown below. After the Surety receives the notice of Principal's default, the Surety may either:
- Pay up to the face amount of this bond to bring into compliance or close the Produced Water Recycling Pit(s) according to Texas law and the Railroad Commission rules; or
 - Pay the face amount of this bond to the Railroad Commission to be used by the Railroad Commission to bring into compliance or close the Produced Water Recycling Pit(s). The Railroad Commission will return unexpended funds to the Surety after the Produced Water Recycling Pit(s) are brought into compliance or closed.

Bond No. _____

Railroad Commission of Texas Oil & Gas Division | Environmental Permits | P.O. Box 12967, Austin, Texas 78711-2967



RAILROAD COMMISSION OF TEXAS Oil & Gas Division | Technical Permitting Produced Water Recycling Letter of Credit Form

EPS - AR-3
(Rev. 04/02/25)

Date: Click or tap to enter a date. **IRREVOCABLE STANDBY LETTER OF CREDIT NO.:** _____

Organization Name: _____ P-5 No. (if assigned) _____

INITIAL LETTER OF CREDIT INFORMATION

Number of pits:

☐ Five or less ☐ More than five

CHANGE TO LETTER OF CREDIT INFORMATION

The number of pits changed from:

☐ Five or less to more than five ☐ More than five to less than five

Name of Issuing Bank: _____

Address of Issuing Bank: _____

To: RAILROAD COMMISSION OF TEXAS
Attention: Oil and Gas Division
Technical Permitting
P.O. Box 12967
Austin, Texas 78711-2967

This Letter of Credit covers pit(s):

Pit Identification No.	Pit Type	Pit Volume	Pit Registration No.

We _____ hereby establish our Irrevocable Standby Letter of Credit No. _____, in favor of the Railroad Commission of Texas, Austin, Texas _____, for the account of _____, for the amount or amounts not to exceed the aggregate \$_____ U.S., available by your drafts at sight on the bank, effective _____ and expiring on _____, but such expiration shall be automatically extended for a period of _____ year(s) beginning on the initial expiration date and each successive expiration date, unless at least 120 days before the expiration date applicable to the current term, we notify both the Director of Oil & Gas Division of the Railroad Commission of Texas signs the return receipt card, you may draw on us hereunder upon presentation of your sight draft. This letter of credit may be terminated during its term only if we are provided with a letter from you stating that each of the above-referenced Produced Water Recycling Pit(s) has been closed in a manner that meets your requirements or on such date as you authorize the release of this Letter of Credit.

LOC No. _____

EPS Emails



Chapter 4 Questions: AskAboutChpt4@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