



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

Permitting Session 1: Pits, Notice, & Forms

Christine Peters, PG
April 30, 2025



New EPS Dedicated Webpage for Chapter 4



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Chapter 4

All About Chapter 4

**Environmental
Permits & Support**

Oil & Gas Division

Upcoming Chapter 4 Webinars

[April 30, 2025 – 9 am](#)

[\(Click the above to register\)](#)

[May 7, 2025 – 9 am](#)

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Webinar Q&A

Update Weekly

Download a pdf copy:

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

Chapter 4 Forms

Will be available soon

for public comment

New EPS Dedicated Webpage for Chapter 4



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Chapter 4 Forms

Will be available soon
for public comment

Webinar Q&A

Update Weekly

Download a pdf copy:

Chapter 4 Q&A_last update 04172025

Question

Under 4.115(g)(2)
maintain the requ

Answer

Yes, in §4.115(h)(1) Freeboard of at
contain the volume of precipitation

EPSch4@rrc.texas.gov

<https://www.rrc.texas.gov/oil-and-gas/applications-and-permits/environmental-permit-types/all-about-chapter-4/>

Webinar 3: Pits, Notice, & New Forms



Focus of webinar 3

1. Additional Pit details
2. Changes to notice
3. Permitting forms:
 - Commission prescribed
 - Fillable pdf
 - Electronic filing
 - Helpful templates

RAILROAD COMMISSION OF TEXAS Oil and Gas Division			
<input type="checkbox"/> New Application <input type="checkbox"/> Application for Renewal		Application for Permit to Maintain and Use a Pit	
1. Operator's Name (As shown on Form P-5, Organization Report)		2. RRC Operator No.	3. RRC Dist. No.
			4. County of pit site

Form H-11
May 1984
Comply with Instructions on Reverse Side



RAILROAD COMMISSION OF TEXAS Oil & Gas Division Technical Permitting Application Overview		
Organization Information		Facility ID _____
Organization Name	P-5 No.	
Primary Contact	Title	

Application Type

- | | | |
|------------------------------------|---------------------------------------|--------------------------------------|
| <input type="checkbox"/> Initial | <input type="checkbox"/> Renewal | <input type="checkbox"/> Transfer |
| <input type="checkbox"/> Amendment | <input type="checkbox"/> Modification | <input type="checkbox"/> Other _____ |

Permit Number(s) _____

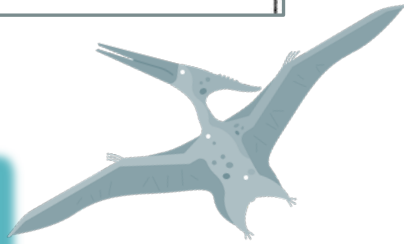
INSTRUCTIONS

Organization Information

Enter the facility ID in the blank space if known. The facility ID is assigned by the Commission and is the best reference to use when submitting applications other than the initial application.

Enter the organization name exactly as it appears on the Form P-5 Organization Report.

Enter the P-5 number assigned to the organization by the P-5 department. Under Statewide Rule §3.1, the



Pit Refresher: Types



Subchapter A:

- › Pit definitions were simplified

Pit Functions are Unchanged:

- › Storage
- › Processing
- › Collecting
- › Washout
- › Recycling
- › Disposal
- › Etc.



Why Separate Out Additional Pit Requirements? (1 of 2)



A former EPS permitted site that was turned over to State Managed Cleanup Staff in Site Remediation.

This violation has resulted in an automatic referral to the Legal Enforcement Section. The Legal Enforcement Section may assess administrative penalties in an amount of up to \$10,000 per day, per violation, in accordance with Texas Natural Resource Code §81.0531.



"The Commission will track the activities of the Environmental Permits and Support (EPS) Unit Compliance team on post-permitting matters related to various surface waste management facilities that are regulated by EPS."

Why Separate Out Additional Pit Requirements? (2 of 2)



The Preferred Alternative:

- Permit issuance
- Facility compliance
- Good relationships



RAILROAD COMMISSION OF TEXAS OIL AND GAS DIVISION

PERMIT TO MAINTAIN AND USE A GEOTHERMAL RESOURCES WATER PIT



Attached please find the Quarterly Report for October 1 through December 31, 201

Executive Summary

“The Commission will track the activities of the Environmental Permits and Support (EPS) Unit Compliance team on post-permitting matters related to various surface waste management facilities that are regulated by EPS.”

Pits: Subchapter A, Divisions 4, 5, & 6



Divisions 3, 4, & 5 – Recap:

- Authorized Pits
- Covers all permitted WMU's
- Facility-based permit
- Combined with Division 6
- Commercial facility
- Financial security

Division 6 – Framework:

- §4.150
- (a) – additive to Divisions 4 & 5
- (b) – authorized pits
- (c) – permissions & enforcement
- (d) – cessation of use
- (e) – containment
- (f) – unauthorized releases
- (g) – location restrictions
- (h) – property buffer

Ambiguity in §4.151(a)(1)

- Rule refers to Authorized Pits
 - §4.114(2)(A) through (B) – Schedule A
 - Less prescriptive
 - §4.115(g) – Schedule B
 - More prescriptive
 - Additive to §4.128 (Design & Construction)
 - Supplemental Worksheets; or
 - Supplemental engineering reports

✓ Follow §§4.128 & 4.151



<https://texashistory.unt.edu/ark:/67531/metadc2012117/>

In addition to §4.128,
§4.151 requires :

- ✓ Volumetrics;
- ✓ Liners;
- ✓ Stormwater designs;
- ✓ Drawings;
- ✓ Connecting trenches; and
- ✓ Action Leakage Rate (ALR)
- Freeboard
- Brine pits
 - Primary & secondary liners; and
 - Leak Detection System
- Additional information from the Director



Monitoring (§4.152)

- Implement a routine monitoring plan that:
 1. Completed with annual visual inspections; or
 2. Installation of a double liner with LDS; or
 3. Propose an alternative
- Liner failure
 - Permit Conditions will outline
 - Notify the District Director within 24-hours
 - Implement mitigation
 - Reduce waste below failure level
 - Disposal pits cannot have waste removed



M. Any permitted pit or cell not equipped with a leak detection system (LDS) must be emptied and visually inspected **annually** for deterioration and leaks. A record of each inspection and photographs of the interior of each pit must be maintained for the life of the pit and must be submitted to Technical Permitting in Austin as part of the **Quarterly Report** required in Permit Condition I.Y. The appropriate RRC District Office must be notified by phone or email at least **48 hours** before emptying the pit for inspection. The permittee must maintain a record of when each pit is inspected and the results of the inspection. This record must be maintained by the permittee for the life of the pit.

House Bill 2201: Flooding History



Subchapter A Division 6 address legislative requirements from:

House Bill 2201 **(87th Legislative Session, 2021)**

- › Amends Section 91.1017 of the Natural Resource Code
 - › 10-year flooding history;
 - › 4.153(a)(1)
 - › EPS Staff will evaluate 'good-faith' investigations
 - › Prior landowner inquiry (when available)
 - › Evaluation of 'flood-prone areas'

Commercial Disposal Pit Req. (§4.153)

- 10-year flooding history
 - ‘good faith’ investigation
- Builds on §4.150 for location
 - Protect (sub)surface waters
 - Prohibited locations
 - Do not increase risk to (sub)surface waters
- Include all trenches
 - Used to separate and convey stormwater
- 5-year (min) post-closure monitoring
 - Required



<https://texashistory.unt.edu/ark:/67531/metaph37208/>

Closure processes: **Dewater** | **Sampling/Analysis** | **Backfill** | **Reseed**

Changes to Notice: Timing & Duration



Notice

- Timing
 - After initial review
 - ADC letter
 - Before technical review
- Duration
 - 30 days; or
 - 1x/week for 2 weeks
- Encourages bundling



Photograph of the Lucas gusher in 1901. The Lucas gusher is a spindletop that is gushing oil out of the top of it. On the ground surrounding the spindletop are several workers, two holding a large hose.

<https://texashistory.unt.edu/ark:/67531/metapth41398/>



Photograph of a page from the Daily Enterprise newspaper, highlighting an article entitled "A Geyser of Oil," which announces the spouting of oil from Spindletop oil well.

<https://texashistory.unt.edu/ark:/67531/metapth587504/>

Effective for applications filed on or after 7/1/2025

Changes to Direct Notice: Delivery Method



Direct

- Mailed
- Distance
 - Within 500-ft of fence line or boundary
 - Does not have to be contiguous
- Duration
 - 30-days required
- 30-day protest period
 - **Begins** when mailed at the USPS to last known address
- Full application
- Letter
 - Straightforward information
 - Assist in an understanding of the app

Subchapter A (§4.125)

- Division 4
- Applicable to Divisions 4 through 8
 - *May* be applied in Division 9

Subchapter B

(§§4.238, 4.254, 4.270, & 4.286)

- Division's 3, 4, 5, and 6
- Divisions 3 & 5: **direct only**
 - §4.238: mailed/direct notice for Division 3 contains *minor errors*; should be the same as
 - §4.270: mailed/direct notice for Division 5
- Divisions 4 & 6: **direct and indirect**

Changes to Indirect Notice: Delivery Method



Indirect

- Published
- Additive to §4.125 (***direct*** notice)
- Duration
 - 1x/week for 2 consecutive weeks (**published**)
 - 30-days (**mailed**)
- 30-day protest period (2-weeks)
 - Aligns with mailed notice requirement
- *Requirements for direct notice*
 - §4.125(d)(2) Full application & §4.125(d)(3) Letter
 - No specified filing location identified

Subchapter A (§4.141)

- Division 5
- Applicable to Divisions 5 through 8
 - May be applied in Division 9

Subchapter B (§§4.254 & 4.286)

- Division's 4 & 6: direct and indirect
 - Divisions 3 & 5: direct only

Notice, Protest(s), and Final Timing



Once ADC, EPS **must** complete a final action within 90-days

1. Coordination of ADC letter and Operator's notice date(s)
2. Notice is **completed**: 30-day protest window
 - a. Mailed: when mailed to *last known* address
 - b. Published: last date of publication
3. Inform protestants and Operator
 - a. No hearing requested; app withdrawn (§4.125)
4. Completes technical review
 - a. Draft permit & refer to Hearings; or
 - b. Deny application



A pen and ink drawing of the Bee County Courthouse, contributed by the Latchum family. Lady Justice sits atop the clock dome. She was designed by local architect W.C. Stephenson, who also built the courthouse. Four Corinthian columns grace its north entrance. A south annex was added in 1942. The courthouse was completely remodeled in 1949-1950, when an elevator, air-conditioning and eleven rooms were added with Robert Beasley as the architect. In 2006 during another large scale restoration, features original to the courthouse, such as the rotunda and district court balcony, as well as the details of the tile and marble, were carefully restored. Recorded as a Texas Historic Landmark in 2000, the courthouse is part of the Texas Historical Courthouse Preservation Program.

<https://texashistory.unt.edu/ark:/67531/metapath78871/>

Modernized forms, registrations, and applications

- No wet ink signature required
- Presented at Conference April 29, 2025
 - Public comment period is open
 - Adoption will not happen by July 1st
- Public Outreach
 - Would periodic Q&A drop-in webinars be beneficial?
 - Regulatory Conference
 - Weekly Q&A updates to Chapter 4 website

New Draft Forms – New Names



Roadmap for EPS Form Names:

- Form EP-1 - Authorized Pit Registration
- Form EP-2 - Schedule B Authorized Pit Financial Security Worksheet
- Form EP-3 - Schedule B Authorized Pit Bond
- Form EP-4 - Schedule B Authorized Pit Letter of Credit
- Form EP-5 - Application Overview
- Form EP-9 - Waste Profile
- Form EP-10 - Waste Manifest

Updated to match LoneSTAR :

- Form WH-1
- Form WH-2
- Form WH-3

A screenshot of the LoneSTAR web portal. At the top is the "RRC LONESTAR" logo with the tagline "RAILROAD COMMISSION OF TEXAS - STATE TRACKING AND REPORTING". Below the logo is a navigation bar with a user greeting: "Hello Christine Peters, Railroad Commission of Texas". The main content area features three large, rounded rectangular buttons. The first button is labeled "ORG" and "Organization Registration Gateway" with subtext "Manage P5 Organizational Information and Financial Assurance". The second button is labeled "FFIS" and "Facility Electronic Information System" with subtext "Manage Waste Hauler Submit Monthly Reports (P-18)". The third button is labeled "WEIS" and "Well Electronic Information System" with subtext "Manage Production Wells, Injection Wells, and Reporting".

Form EP-1: Authorized Pit Registration/Change Form (1 of 3)



RAILROAD COMMISSION OF TEXAS

Oil & Gas Division | Technical Permitting
Authorized Pit Registration/Change Form

Form EP - 1
(Rev. 04/29/25)

Organization Information

Organization Name: |

P-5 No. |

Purpose for Filing

☐ New Registration

☐ Change Registration

☐ Terminate Registration

Effective Date | Click or tap to enter a date.

Pit Type

Schedule A – Authorized Pit

☐ Reserve

☐ Mud Circulation

☐ Completion/Workover

☐ Makeup Water

☐ Fresh Mining Water

☐ Water Condensate

Schedule B – Authorized Pit

☐ Produced Water Recycling

Pit Information

Pit Name or ID used by Operator |

Pit Capacity |

bbl

Form EP-1: Authorized Pit Registration/Change Form (2 of 3)



Pit Dimensions			
length	ft	depth avg.	ft
width	ft		
Expected depth to groundwater from the bottom of the pit			ft
Location (NAD 83, decimal degrees)			
Latitude			
Longitude			
Pit Location			
District	County		
Associated RRC Facility No			
API No.			
Lease No.	Lease Name		
Gas Plant Serial No.			
No RRC Identifier <input type="checkbox"/>			
Certification: <i>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>			
Name	Title		
Signature	Date	Click or tap to enter a date.	
Email	Phone No.		

Form EP-1: Authorized Pit Registration/Change Form (3 of 3)



Authorized Pit Registration/Change Form

INSTRUCTIONS

Organization Information

Organization Name – Enter the name of the organization as it appears on the Form P-5 Organization Report.

P-5 Number – Enter the P-5 number assigned to the Organization.

Purpose for Filing

Select the reason for submitting the authorized pit registration and select the effective date that the pit went into service, or the effective date of the service change, or the effective date that the service is terminated.

Pit Type

NOTE: Operators are required to complete one form for each pit specified on their permit. Each pit registration must be submitted as a separate PDF. Do not combine multiple registration forms into a single PDF.

Check the appropriate box.

For Schedule A – Select the appropriate pit by checking the box.

For Schedule B – Produced Water Recycling pits, **Form EP-2 must be completed and accompany Form EP-1, Authorized Pit Registration/Change Form.**

Schedule B Produced Water Recycling pits require financial security to be submitted in addition to the registration form and worksheet.

Form EP-2: Authorized Pit Schedule B Worksheet (1 of 4)



RAILROAD COMMISSION OF TEXAS

Oil & Gas Division | Technical Permitting
Authorized Pit Schedule B Worksheet

Form EP - 2
(Rev. 04/29/25)

Organization Name: _____ P-5 No. _____

Schedule B Authorized Pit Financial Security §4.115(c)(3)

(A) A person operating **five or fewer 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.

Total Number of Pits _____
Total Capacity of All Pits _____ bbls
Total Financial Security \$ _____



Form EP-2: Authorized Pit Schedule B Worksheet (2 of 4)



Authorized Pit Schedule B Worksheet

Instructions

Organization information

Organization Name: Enter the name of your organization in the designated field.

P-5 No.: Write your organization's P-5 number (this is likely a registration number issued by the regulating body).

Financial Security

Part A: Financial Security for Operators with 5 or Fewer Pits

1. In this section, you'll report data if you operate five or fewer pits:

Total Number of Pits: Enter the total number of pits you operate (ensure the count is 5 or fewer).

Total Capacity of All Pits: Calculate the total capacity of your pits in barrels (bbls) and fill in this value.

Total Financial Security: Multiply the total pit capacity by \$1.00 per barrel and enter the calculated amount. This is your required financial security.

Form EP-2: Authorized Pit Schedule B Worksheet (3 of 4)



(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

Total Number of Pits _____

Total Capacity of All Pits _____ bbls

Total Financial Security \$ _____

- ☐ (ii) \$200,000 per pit, capped at \$5,000,000

Total Number of Pits _____

Total Capacity of All Pits _____ bbls

Total Financial Security \$ _____

	Pit ID by Operator	Total Pit Volume (barrels)	RRC Tracking/Registration No.
1.			
2.			
3.			
4.			
5.			

Form EP-2: Authorized Pit Schedule B Worksheet (4 of 4)



Part B: Financial Security for Operators with **More than 5 Pits**

1. If you operate more than five pits, choose **one option** (either (i) or (ii)) for determining your financial security.

Option (i): Check the box (i)

- Calculate financial security and indicate the greater amount of:
 - \$1.00 per barrel for ten percent of your total produced water recycling pit capacity.
 - Or a minimum of \$1,000,000.
- Enter the **Total Number of Pits** you operate, the **Total Capacity of All Pits** in barrels (bbls), and the calculated **Total Financial Security**.

Option (ii): [If the total volume of all pits exceeds option (i), you are required to register under option (ii)].

- Check the box (ii)
- Calculate the financial security amount as \$200,000 per pit, capped at \$5,000,000.
- Enter the **Total Number of Pits**, the **Total Capacity of All Pits** in barrels (bbls), and the **Total Financial Security**.

Pit Registration Information

Form EP-3: Authorized Pit Schedule B Bond



RAILROAD COMMISSION OF TEXAS

Oil & Gas Division | Technical Permitting
Authorized Pit Schedule B Bond

Form EP - 3
(Rev. 04/29/25)

Date: [Click or tap to enter a date.](#) PRODUCED WATER RECYCLING BOND NO. _____
Organization Name: _____ P-5 No. (if assigned) _____

Background

- 1.1 _____ (Operator name as shown on P-5 Organization Report), "Principal," 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 §4.115 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 §4.115, Principal has retained _____, ("Surety"), a State of Texas authorized Surety, to secure this promise to pay.
- 1.3 This bond covers the following Produced Water Recycling Pit(s) *(If additional space is needed, attach any additional Produced Water Recycling Pits as Exhibit A, entitled "Exhibit A of RRC EP-3 Bond No. _____")*:

	Pit ID by Operator	Pit Volume	RRC Tracking/ Registration No.
1.			

Form EP-4: Authorized Pit Schedule B LOC



RAILROAD COMMISSION OF TEXAS

Oil & Gas Division | Technical Permitting
Authorized Pit Schedule B Letter of Credit

Form EP - 4

(Rev. 04/29/25)

water

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

Organization Name P-5 No. (if assigned)

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 the following Produced Water Recycling Pit(s) (*Attach information for additional Produced Water Recycling Pits as Exhibit A entitled "Exhibit A of RRC EP-4 Letter of Credit No. _____"*):

	Pit ID by Operator	Pit Volume	RRC Tracking/Registration No.
1.			
2			

Form EP-5: Application Overview (1 of 2)



RAILROAD COMMISSION OF TEXAS Oil & Gas Division | Technical Permitting Application Overview

Form EP - 5
(Rev. 04/29/25)

Organization Information

Facility ID _____

Organization Name	P-5 No.	
Primary Contact	Title	

Application Type

- ☐ Initial ☐ Renewal ☐ Transfer
☐ Amendment ☐ Modification ☐ Other _____

Permit Number(s) _____

INSTRUCTIONS

Organization Information

Enter the facility ID in the blank space if known. The **facility ID** is assigned by the Commission and is the best reference to use when submitting applications other than the initial application.

Enter the **organization name** exactly as it appears on the Form P-5 Organization Report.

Enter the **P-5 number** assigned to the organization by the P-5 department. Under Statewide Rule §3.1, the

- One main application form:
- ✓ Quickly identifies requests
 - ✓ Streamlines initial processing
 - ✓ Accompanied by technical info



Form EP-5: Application Overview (2 of 2)



Facility Waste Management Operations *(select all that apply)*

- ☐ On-Lease
- ☐ Off-Lease
- ☐ Commercial
- ☐ Non-Commercial

Waste Management (WM) Details

	Type of WM Unit	WM Activity	Construction Material	Material
1.				

Waste Management Details

In the first column, enter the **waste management unit(s)** for which the application is being filed. Use the abbreviations indicated below.

LA = Land Apply
LF = Landfarming
LT = Land Treatment

P = Pit
STF = Stationary Treatment Facility
T = Tank
O = Other

Enter the **waste management activity** for each waste management unit in the second column. Use the abbreviations below.

S = Store
TP = Treat/Process

RCLM = Reclaim
D = Dispose
O = Other

Enter the **construction material** used for each waste management unit in the third column. Use the abbreviations below.

HDPE =
C = Concrete
F = Fiberglass
S = Steel

Enter the **material** that will be in the waste management unit.

F = Fluid
S = Solid
B = Both

Waste Management Overview:


- ✓ Birdseye perspective
- ✓ Details in technical packet
- ✓ Existing or new permit number



© Sam Flarity

Forms WH-1, WH-2, & WH-3



 **RAILROAD COMMISSION OF TEXAS**
Oil & Gas Division | Technical Permitting
Application For Waste Hauler's Permit

Form WH - 1
(Rev. 04/29/25)

Purpose for Filing ☐ Initial Permit ☐ Renewal ☐ Amendment

Organization Name	P-5 No.
Contact Name	Title
Email Address	Phone No.

OUT OF STATE / INTERSTATE COMMERCE

Waste entering Texas is generated in what state?	
Waste exiting Texas	If the hauler is disposing out of state ONLY, a Form WH-3 is not required.

Apply through LoneSTAR:


- ✓ Minor updates
- ✓ Aims to simplify paper
- ✓ Aligns with LoneSTAR

Disposal/Injection Wells: Identify exactly as shown on H-10 Annual Disposal/Injection Wells Report

Lease Name	Lease No.	UIC Permit No.	County

Surface Disposal Systems: Identify exactly as shown on the Commission-granted permit

Facility Name	RRC Permit No.	County

 **Waste Hauler List of Vehicles**

Purpose for Filing ☐ Initial Permit ☐ Amendment

Organization Name

INSTRUCTIONS: To be completed by the oil & gas waste hauler and filed with the

- File with the Form WH-1 for an initial permit application.
- File by itself to add vehicles to an existing permit.
- Include a copy of a current vehicle (hauler) registration if the hauler is registered.

NOTE: For this form, "vehicle" means any truck, tank, trailer tank, vacuum tank, or other container in which oil & gas waste will be hauled by the oil & gas waste hauler.

A = Add R = Remove	Make/Model	Year	Serial/Vin No.	License Plate No.

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