



October 11, 2024

Submitted via email: rulescoordinator@rrc.texas.gov

Rules Coordinator

Railroad Commission of Texas

Office of General Counsel

P.O. Drawer 12967

Austin, TX 78711-2967

Re: Proposed amendments to 16 TAC §3.8 and various other rules in Chapter 3 and proposed new rules and amendments in 16 TAC Chapter 4

To Whom It May Concern:

Plains All American Pipeline, L.P. (“**Plains**”) respectfully submits the following comments in response to the Railroad Commission of Texas (“**RRC**”) proposed rule entitled “Amend §3.8 and other rules in Chapter 3, and new and amended rules in Chapter 4 to update oil and gas waste management procedures and incorporate recent legislation.” 49 Tex. Reg. 6545 (August 30, 2024).

About Plains

As one of the largest midstream service providers in North America, Plains owns an extensive network of pipeline transportation, terminaling, storage and gathering assets in key crude oil and natural gas liquids producing basins and transportation corridors and at major market hubs in the United States and Canada. Plains owns over 19,000 miles of liquids pipelines in the United States and Canada, and on average, Plains handles more than 6 million barrels per day of crude oil and natural gas liquids. Plains’ network and operations include a number of assets that are located in Texas and are regulated by the RRC.

Comments on Proposed Rulemaking

Plains values its relationship with the RRC and appreciates the opportunity to comment on this proposed rulemaking. We are committed to compliance with the waste management requirements found in the RRC’s regulations. For the reasons outlined below, however, Plains would highlight a point that we believe needs clarification in the proposed rulemaking.

Namely, Plains recommends the definition of “Disposal” in the proposed rulemaking explicitly exclude crude oil spills or releases remediated in accordance with 16 TAC §3.91. Plains believes that such events in active remediation are appropriately regulated by strict adherence to the provisions of 16 TAC §3.91 and should not be additionally governed by the waste disposal prohibitions in 16 TAC §3.8(d)(1) (now modified and moved to §4.103 in the proposed rulemaking). With the recommended definition clarification, the prohibitions now found in §4.103 would not be applicable to a site in active remediation, provided the requirements of 16 TAC §3.91 are followed. This minor clarification further promotes good public policy as it encourages the

timely cleanup and remediation of crude oil spill or releases, instead of subjecting operators to untenable notices of violation for contained spills or releases when the operator did not intend to dispose of crude oil and is, in fact, working to remediate the release under 16 TAC §3.91.

Clarification Language for Proposed Rulemaking

Plains believes the following minor addition to the proposed rulemaking would clarify the intent of the regulation:

§4.110. Definitions

...

(30) Disposal – The act of conducting, draining, discharging, emitting, throwing, releasing, depositing, burying, dumping, placing, abandoning, landfarming, allowing seepage, or causing or allowing any such act of disposal of any oil field fluid, oil and gas waste, or other substance or material subject to regulation by the Commission. **Disposal, however, does not include a spill or release that is addressed in accordance with the requirements of §3.91 (relating to Cleanup of Soil Contaminated by a Crude Oil Spill).**

Also, Plains would propose a corresponding change to the following modified section in the new rulemaking:

§4.103. Prohibited Waste Management Methods.

(a) Unless authorized by this subchapter, no person may manage oil and gas wastes without obtaining a permit to manage such wastes, except for the following methods:

(1) as authorized by §4.111 of this title (relating to Authorized Disposal Methods for Certain Wastes);

(2) as authorized by §3.91 of this title (relating to Cleanup of Soil Contaminated by a Crude Oil Spill);

(3) as authorized by §3.98 of this title (relating to Standards for Management of Hazardous Oil and Gas Waste); or

(4) by underground injection for disposal permitted pursuant to §3.9 of this title (relating to Disposal Wells) or §3.46 of this title (relating to Fluid Injection into Productive Reservoirs).

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Plains appreciates the RRC's consideration of these specific comments. We welcome the opportunity to further discuss these comments with the RRC staff.

Sincerely,

PLAINS ALL AMERICAN PIPELINE, L.P.

By: PAA GP LLC, its general partner

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

Karen Rugaard Ward
Director, Government & Public Affairs
Plains All American Pipeline, L.P.