

RAILROAD COMMISSION OF TEXAS  
Oil and Gas Division

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NOTICE TO OPERATORS

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**Clarification for Filing Application to Maintain and Use a Pit  
(Form H-11)**

Due to new technology much larger pits are now needed for the storage and mixing of fresh water and fracture flow-back water. Many of these pits are constructed to store wastewater above ground level. The design of these large pits where waste is stored above ground level is considered the practice of engineering and must be prepared under seal of a registered engineer as required by the Occupations Code Chapter 1001.

Many pits used for the storage of fresh water are converted for the use of mixing fresh water and fracture flow-back water. While the use of a pit to store fresh water does not require a permit, an application for a permit to maintain and use a pit (Form H-11) must be submitted for the converted use. A proposal to store waste above ground level within dikes must be prepared under seal of an engineer registered in Texas.

It is recommended that if it is known that a fresh water pit will be eventually converted for use as a fracture flow-back pit, an engineer be involved in the design and construction of the pit.

Austin, Texas

November 2010

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Please Forward to the Appropriate Section of Your Company

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