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**NOTICE TO WASTE HAULERS AND OTHER OPERATORS  
UNDER THE JURISDICTION  
OF THE  
RAILROAD COMMISSION OF TEXAS**

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**Duty to Use Appropriate Vehicles  
and  
to Operate and Maintain Such Vehicles  
to  
Prevent the Escape of Oil and Gas Waste**

The Railroad Commission has received reports of incidences in which drilling mud and other oil and gas waste has escaped from open vehicles that are being used for transportation for disposal. The Railroad Commission is providing this notice to waste haulers and other operators under Railroad Commission jurisdiction to remind them of their duty to use the appropriate vehicles for such transport and to operate and maintain their vehicles in such a manner as to prevent spillage, leakage, or other escape of oil and gas waste during transportation so as not to cause or allow pollution.

Railroad Commission Rule 8 (16 Texas Administrative Code §3.8, relating to Water Protection) and the waste hauler permit language require vehicles be designed and operated and maintained so that they will not leak during transportation. Rule 8 also states that no generator or carrier or any other person may improperly dispose of oil and gas waste or cause or allow the improper disposal of oil and gas wastes. A generator causes or allows the improper disposal of oil and gas wastes if the generator uses the services of a carrier who improperly disposes of the wastes, and the generator knew or reasonably should have known that the carrier was likely to improperly dispose of the wastes and failed to take reasonable steps to prevent the improper disposal.

In addition, Rule 8(b) states that “[N]o person conducting activities subject to regulation by the commission may cause or allow pollution of surface or subsurface water in the state.” Transport of waste in open-top vehicles such that the waste is not secured may be interpreted as causing or allowing pollution should that waste escape.

Chapter 29 of the Texas Water Code, under which the Commission’s oil and gas waste hauler rules were adopted, include both civil and criminal penalties for violation of the chapter, or of the Commission’s rules or permits.