

RAILROAD COMMISSION OF TEXAS

Oil and Gas Division



NOTICE TO OIL AND GAS OPERATORS

Jurisdiction at Oil and Gas Sites Where Infrastructure and Activities Subject to Railroad Commission of Texas Jurisdiction Are Part of a TPDES “Treatment Unit”

House Bill 2771 (86R) amended Section 26.131 of the Water Code so that the Texas Commission of Environmental Quality (TCEQ) “may issue permits for the discharge into waters in this state of produced water, hydrostatic test water, and gas plant effluent resulting from the activities described [in 26.131(a)].” The activities described in Section 26.131(a) of the Water Code are otherwise subject to the “sole responsibility” of the Railroad Commission of Texas (RRC).

HB 2771 also specifically reserves to the RRC authority over discharges to land and spill response in the management of oil and gas waste generated by activities subject to RRC jurisdiction. The RRC is also “solely responsible” for groundwater protection from all activities subject to its jurisdiction.

RRC authority over the oil and gas activities and infrastructure has not changed, even though such activities and infrastructure might also be identified in a “facility boundary,” or as part of a “treatment unit” in a discharge permit application filed at TCEQ.

Please be notified that the inclusion of a pit or impoundment in a Texas Pollutant Discharge Elimination System (TPDES) facility boundary or as part of a treatment unit does not relieve the operator from securing permits or other authorities from the RRC in the same manner as was required prior to implementation of HB 2771.

Please Forward to the Appropriate Section of Your Company