

Navigating the intersection between TCEQ and Railroad Commission authority

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Memorandum of Understanding RRC & TCEQ

Title 30, Tex. Admin. Code §7.117

Title 16, Tex. Admin. Code §3.30

- Each agency's jurisdiction is established in state law.
- The MOU outlines the agencies' agreed understanding of each agency's jurisdiction.



RRC & TCEQ MOU

- a) Need for Agreement
- b) General Agency Jurisdictions
- c) Definition of Hazardous Waste
- d) Jurisdiction Over Waste From Specific Activities
- e) Interagency Activities
- f) Radioactive Material
- g) Effective Date



(a) Need for agreement

- Restates legislative mandates to promulgate a memorandum of understanding



(b) General Agency Jurisdictions

TCEQ

- Solid waste
- Water quality
- Injection wells

RRC

- Oil and gas waste
- * Water quality
- Injection wells



Solid Waste or Oil and Gas Waste?

Jurisdiction is determined by the
activity
that produced the waste



Domestic Wastewater

RRC Notice to Operators Dec. 2014

Requires oil and gas operators transporting domestic sewage off-site to use a TCEQ registered sludge hauler and deliver to a facility permitted by TCEQ.



TCEQ Issues TPDES Permits for the Discharge of Oil and Gas Waste

Produced Water, Hydrostatic Test Water,
& Gas Plant Effluent

“Produced water”

Wastewater associated with oil and gas exploration, development, and production activities, except hydrostatic test water and gas plant effluent, that is discharged into water in the state, including waste streams regulated by 40 CFR Part 435.

30 TAC §7.117(b)(1)(B)(i) & 16 TAC §3.30(b)(1)(B)(i)



Stormwater Discharges

TCEQ has Jurisdiction over stormwater discharges that are required to be permitted

TCEQ's Construction General Permit (CGP) was amended January 2022 to apply to certain non-exempt oil and gas construction activities



Enforcement of Oil and Gas Waste Discharges

TCEQ & RRC

Unauthorized discharges of oil and gas waste to waters of the state

RRC

Unauthorized discharges of oil and gas waste that do not reach waters of the state



Injection Well TCEQ

Class I

Class III

Class IV

Class V that are not under RRC jurisdiction

30 TAC §7.117(B)(1)(C) 16 TAC §3.30(B)(1)(C)



Injection Wells RRC

Class II Disposal wells

Class II Enhanced recovery wells

Class II Hydrocarbon storage

Class V

Class VI Geologic storage of carbon dioxide

Brine Mining

Geothermal energy including closed-loop

In situ tar sands

30 TAC §7.117(B)(2)(C) 16 TAC §3.30(B)(2)(C)



(c) Definition of Hazardous Waste

TCEQ

Solid waste listed or identified as hazardous waste by EPA

Tex. Health & Safety Code § 361.003(12)

RRC

Oil and gas waste listed or identified as hazardous waste by EPA

Tex. Nat. Res. Code § 91.601(1)



(d) Jurisdiction Over Waste From Specific Activities

RRC

Underground hydrocarbon storage

Underground natural gas storage

Reclamation Plants

Natural gas processing

30 TAC §7.117(d) 16 TAC §3.30(d)



(d) Jurisdiction Over Waste From Specific Activities

TCEQ

- Refining of crude oil
- Transportation of crude oil by truck, barge & railcar
- Manufacturing processes that use products refined from crude or processed natural gas
- Biofuel manufacturing

30 TAC §7.117(d) 16 TAC §3.30(d)



(d) Jurisdiction Over Waste From Specific Activities

It Depends

Storage of crude oil

Transportation of crude oil

Transportation of natural gas

Commercial Service Company Facilities



Jurisdiction Over Waste From Transportation of Crude Oil, Natural Gas, & Natural Gas Liquids

TCEQ

Waste and Spills during transportation by

- Railcar
- Tank Truck
- Barge
- Tanker



Jurisdiction Over Wastes From Transportation by Pipeline

RRC Jurisdiction

- Transportation of crude oil from production to the 'refinery gate'
- Transportation of natural gas and natural gas liquids from production to end user

TCEQ Jurisdiction

- Transportation of refined products

30 TAC §7.117(d)(6)(A) 16 TAC §3.30(d)(6)(A)



Commercial Service Company Facilities

General Rule TCEQ Jurisdiction

Waste generated at facilities that support upstream oil and gas operators with services, equipment, or materials



Commercial Service Company Facilities

Exceptions under RRC Jurisdiction

- Exclusive Use by and for a Field Operator
- Facilities Operated by Permitted Waste Hauler
- Management of Oil and Gas Waste
- Training at Exploration and Production Sites

30 TAC §7.117(D)(11) 16 TAC §3.30(D)(11)



(e) Interagency Activities

- Coordination of actions and cooperative sharing of information
- Emergency and spill response
- Management of oil and gas waste at TCEQ facilities
- Management of solid waste at RRC facilities
- Drilling in landfills
- Notice of groundwater contamination
- Groundwater protection letters



Emergency and Spill Response

- The agency with jurisdiction over the activity that resulted in the spill is responsible for monitoring, documentation, and remediation measures.
- Contaminated soil & spill wastes are managed under statutes and rules of agency responsible for the activity that resulted in the spill.
- TCEQ responds to spills of hazardous materials.



Determining whether a Spill or release is under TCEQ or RRC Jurisdiction

- Who are you?
- What is the Activity you are conducting?
- Where is the activity taking place?
- Do you have a RRC P-5 or a TCEQ Core Data Form?
- Do you have a RRC Permit?
- Do you have a TCEQ authorization or permit?
- What is spilled?
- Is the spilled material product or waste? Is it a hazardous substance?
- Do you have documentation, a bill of lading or a manifest?
- Do you have or a transporter or sludge hauler registration?
- Are you a permitted hauler?
- Are you a registered transporter?



**RRC has Jurisdiction over Waste
from Transportation of Oil and Gas Waste**

**TCEQ has Jurisdiction over Waste
from Transportation of Solid Waste**

The agency with jurisdiction over the waste has
jurisdiction over spills during transportation



(f) Radioactive Material

(g) Effective Date

July 15, 2022



QUESTIONS ?



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