

Effective: October 16, 2008

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Permanent Rule Change

Rule Project No. 2007-034-218-PR
Senate Bill 1037: Evaporation Pits

Chapter 37
Financial Assurance
Subchapter X

Chapter 218
Brine Evaporation Pits

1. Purpose. This change transmittal provides the page(s) that reflect changes and additions to the Texas Commission on Environmental Quality (commission) Volume of Permanent Rules.
2. Explanation of Change. On September 24, 2008, the commission adopted new §§37.9245, 37.9250, 37.9255, 37.9260, and 37.9265 *without changes* to the text as proposed in the June 6, 2008 issue of the *Texas Register* (33 TexReg 4484) and were not republished.

The commission also adopted new §§218.1, 218.5, 218.10, 218.15, 218.20, 218.25, 218.30, 218.35, and 218.40 *without changes* to the text as proposed in the June 6, 2008 issue of the *Texas Register* (33 TexReg 4484) and were not republished.

3. Effects of Change. Senate Bill 1037 requires the commission to develop standards to prevent the contamination of ground and surface water resources from brine evaporation pit operations. The rulemaking requires an owner or operator of an existing or new brine evaporation pit to obtain a permit to operate the facility. The rulemaking includes specific criteria for the design and construction of a brine evaporation pit and establishes specific location, operation, and maintenance criteria. The rulemaking also requires that the owner or operator of a brine evaporation pit provide financial assurance to ensure satisfactory facility closure and obtain pollution liability insurance covering bodily injury and property damage to third parties. The rulemaking imposes fees necessary to recover the cost of administration and enforcement of the regulations.

The rulemaking adds new 30 TAC Chapter 37, Financial Assurance, Subchapter X and 30 TAC Chapter 218, Brine Evaporation Pits.