

TCEQ DOCKET NO. 2025-0753-MIS

PETITION OF PIPKIN RANCH HOLDINGS, LP TO REVOKE INJECTION WELL PERMITS WDW344-WDW350 ISSUED TO US ECOLOGY WINNIE LLC	§ § § §	BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
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THE EXECUTIVE DIRECTOR'S RESPONSE TO PETITION TO REVOKE PERMITS

The Executive Director recommends that the petition to revoke injection well permits Nos. WDW344, WDW345, WDW346, WDW347, WDW348, WDW349, and WDW350 be denied. Pipkin Ranch Holdings LP (Pipkin) petitions the commission to revoke injection well permits issued to US Ecology Winnie LLC because it did not file duplicate copies of its application to renew and amend the permits with the Office of the Chief Clerk within 10 days of the mailing of the commission's interim order granting Pipkin's request for contested case hearing on the application under TCEQ Docket No. 2023-1590-WDW.

Texas statute and commission rule establish the grounds for revocation of a permit. Texas Water Code § 7.302 and commission rule in 30 Texas Administrative Code (TAC) § 305.66(f) and (g) require specific findings that the commission must make before revoking a permit. Because Pipkin establishes no applicable provisions of these laws to support the revocation of the permits issued to US Ecology Winnie, the petition to revoke the permits should be denied.

I. Status of contested case hearing on TCEQ Docket No. 2023-1590-WDW

Pipkin complains about a delay by US Ecology Winnie in filing duplicate copies of its application with the Chief Clerk to start the hearing process at the State Office of Administrative Hearings (SOAH). The Executive Director understood that there were intermittent settlement discussions between Pipkin and US Ecology Winnie in an attempt to settle the issues in dispute arising from the contested permit application as well as a related matter in civil litigation. Because of the limited and related Pipkin parties requesting the hearing and the single issue of dispute that was referred, the Executive Director supported efforts to settle the matter without a contested case proceeding. Under 30 TAC § 40.1, it is the commission's policy to encourage the

resolution and early settlement of all contested matters through voluntary settlement procedures. It is the affirmative duty of each commission employee to effectuate this policy.

On April 16, 2025, Pipkin submitted a notice to the Executive Director and US Ecology Winnie pursuant to 30 TAC § 305.66(e) of its intent to file a petition to revoke the permits. Pipkin's notice complains that US Ecology Winnie failed to submit the duplicate copies of its application to the Chief Clerk delaying the contested case proceeding in TCEQ Docket No. 2023-1590-WDW and claims the delay to be a violation of 30 TAC § 80.118(d)(1). On April 28, 2025, US Ecology Winnie submitted the duplicate copies to the Chief Clerk. After the filing of the copies, the preliminary hearing was scheduled by SOAH for September 23, 2025, a date that was agreed to by Pipkin. Therefore, the issue concerning delay of the contested case hearing appears to be moot.

II. No grounds for revocation of permits

Pipkin asserts that the delay in the contested case hearing caused by the late provision of the duplicate copies of the application warrants the revocation of the injection well permits issued to US Ecology Winnie. Pipkin notes that US Ecology Winnie exceeded the 10-day timeframe for providing duplicate copies of its application under 30 TAC § 80.118(d)(1). Notably, this cited rule does not provide a consequence for providing duplicate copies of the application after the 10-day timeframe.

The requirements for the commission's revocation of a valid injection well permit, without the consent of the permittee, are established in Texas Water Code § 7.302 and 30 TAC § 305.66(f) and (g). These requirements establish the grounds or required findings for the commission to revoke a permit. None of the enumerated grounds for revocation include the late submission of duplicate copies of an application under 30 TAC § 80.118(d)(1). The identified grounds for revoking a permit generally include violations by the permittee that cause pollution or harm to human health and the environment, a record of violations for failure to comply with the requirements of the permits and applicable laws, failure to implement required pollution controls, misrepresentation of relevant facts in obtaining the permit, or abandonment of permitted operations. Pipkin cites only to 30 TAC § 305.66(f)(5) which

applies to hazardous waste management facilities. However, the injection wells authorized under injection well permit Nos. WDW344-WDW350 are not hazardous waste management facilities because the injection well permits do not authorize management or injection of hazardous waste. The latest compliance history report on the US Ecology Winnie facility provided to the commission on TCEQ Docket No. 2023-1590-WDW indicates a rating classification of high and no indication of repeat violations. Pipkin's dissatisfaction with US Ecology Winnie's late submission of the duplicate copies of the renewal and amendment application needed to proceed with the contested case hearing does not establish the required grounds for revoking the permits under Texas statute or commission rule. The Executive Director cannot identify a basis in Texas Water Code § 7.302 or 30 TAC § 305.66 to support revocation of the permits.

III. Conclusion

Any concern about US Ecology Winnie's untimely submission of the duplicate copies of the application needed to proceed with the contested case hearing has been rectified by the submission of the duplicates and the scheduling of the preliminary hearing for September 23. The delay in submitting the copies of the application does not provide a requisite justification for the commission's revocation of the injection well permits under Texas Water Code § 7.302 or 30 TAC § 305.66. Accordingly, the petition to revoke the permits should be denied.


Respectfully submitted,

Texas Commission on Environmental Quality

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REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I certify that on July 11, 2025, "The Executive Director's Response to Petition to Revoke Permits" was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk, and a complete copy was transmitted by mail, electronic mail or hand-delivery to all persons on the mailing list.

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TCEQ Docket No. 2025-0753-MIS
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