

Texas Commission on Environmental Quality Oil and Gas Discharge Delegation Stakeholder Meeting

**September 17, 2020 @ 9:30 a.m.
Via MS Teams Live Event**

HANDOUT

Ch 305.541 Revisions

The rule is one of several steps necessary to implement House Bill 2771 from the 86th Legislative Session. House Bill 2771 requires the TCEQ to submit a request to the United States Environmental Protection Agency (EPA) for authority for Texas Commission on Environmental Quality (TCEQ) to issue federal permits for discharges of produced water, hydrostatic test water, and gas plant effluent into water in the state resulting from certain oil and gas activities.

The rule amends §305.541 to adopt by reference the EPA's effluent limitations guidelines for the oil and gas extraction point source category and the centralized waste treatment category which are found in 40 Code of Federal Regulations Parts 435 and 437. Additionally, the rule defines the term "produced water" which is used in HB 2771.

The rule was published in the Texas Register on January 10, 2020. A public hearing was held on February 4, 2020 and the comment period closed on February 11, 2020. Public comments were received and responses were developed.

The commission adopted the revisions to 305.541 on May 20, 2020.

TCEQ/Railroad Commission MOU

This rulemaking repealed 30 Texas Administrative Code section 7.117, which adopts by reference the Memorandum of Understanding between the Railroad Commission of Texas and the Texas Commission on Environmental Quality found at 16 TAC Section 3.30, and simultaneously adopted the full text of the MOU between the Railroad Commission and the TCEQ under new 30 TAC Section 7.117. The changes related to the transfer of responsibilities for certain oil and gas discharges from the Railroad Commission to the TCEQ, and the dual authorization of Class II and Class V injection wells.

TCEQ's proposed rules were published in the February 28, 2020 issue of the Texas Register. The public comment period on the proposed rule closed on March 30, 2020. Public comments were received and responses were developed.

The commission adopted the revisions to 7.117 on June 10, 2020.

The Railroad Commission proposed the rulemaking to implement the MOU on February 11, 2020 and is scheduled to consider adoption of the proposed amendments to the MOU at its open meeting on June 16, 2020.

NPDES Application/MOA

Starting our internal reviews, then submit it to OAG for statement of Legal Authority. Plan is to submit to EPA in Sept/Oct.

1998 MOA was revised to bring up to 2020. Non-substantive changes. Finalized June 12, 2020.

MOA Addendum for oil and gas discharges.