



845 15th ST, SUITE 103 #49216, SAN DIEGO, CA 92101

619.255.9361 WWW.OBERONFUELS.COM

January 9, 2026

Ms. Kelly Keel, Executive Director
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78753

RECEIVED

JAN 12 2026

EXECUTIVE OFFICE

Re: Petition for Rulemaking
30 TAC §321.39(g)(3)
Carcass Disposal

Dear Executive Director Keel:

Oberon Fuels, Inc. (Oberon) is a renewable fuels manufacturing company developing facilities in Texas. Oberon's Vice President of Project Engineering, located in Houston, Texas, has been leading our efforts to develop Texas-based projects to transform environmental challenges into renewable fuels. As we have developed projects to convert CAFO wastes into renewable fuels, we have identified a regulatory barrier to a more environmentally sound solution to CAFO mortality processing. This petition seeks to remove that barrier through proposed modifications to the existing regulations.

In accordance with Title 30 Texas Administrative Code (TAC) Chapter 20, Rule §20.15 Petition for Adoption of Rules, Oberon Fuels respectfully petitions for an addition to Texas Commission on Environmental Quality (TCEQ) Rules, 30 TAC Chapter 321 – Control of Certain Activities by Rule, Subchapter B: Concentrated Animal Feeding Operations §321.39 Operational Requirements Applicable to Concentrated Animal Feeding Operations (CAFOs), (g) Maintenance of animals, (3) Carcass Disposal.

According to §321.39(g)(3), animals must not be disposed of in any liquid manure or process wastewater system. Federal regulation at 40 CFR 412.37(a)(4) allows disposal of mortalities in liquid manure or process wastewater system utilizing alternative technologies that have been vetted pursuant to 40 CFR 412.31(a)(2).

There are numerous advantages to allowing mortalities to be processed through a manure digester at the CAFO. These benefits include:

- reduce potential for nuisance odor through enclosed digester compared to composting,
- eliminate potential scavenging of carcasses by vultures and vermin.
- reduce potential for disease spread and contamination of CAFO wash water due to scavenging of carcasses from compost, and
- recovery and beneficial use of nutrients.

We would expect to utilize the digester for processing daily mortalities and routine culling, not mass die-offs or outbreaks.



845 15th ST, SUITE 103 #49216, SAN DIEGO, CA 92101

619.255.9361 WWW.OBERONFUELS.COM

Per 30 TAC §20.15, Title 10 Texas Government Code Chapter 2001, §2001.021 establishes the procedure by which an interested party may petition a state agency for the adoption of a rule and 30 TAC §20.15 provides such procedures specific to TCEQ.


Rule §20.15 also requires, “each petition shall include an allegation of injury or inequity that could result from the failure to adopt the proposed rule.” The injury here results from the fact that CAFO operators are not allowed to avail themselves of technologies that provide reduced potential for disease spread within the CAFO, improved odor control, more consistent pathogen destruction, and improved water quality protection through the disposal of mortalities through a digester, compared to composting.

For the reasons indicated above, Oberon Fuels, Inc. is respectfully requesting amendment of 30 TAC Chapter 321 – Control of Certain Activities by Rule, Subchapter B: Concentrated Animal Feeding Operations §321.39 Operational Requirements Applicable to Concentrated Animal Feeding Operations (CAFOs), (g) Maintenance of animals, (3) Carcass Disposal to read as follows:

(3) Carcass disposal. Carcasses shall be collected within 24 hours of death and properly disposed of within three days of death in accordance with Texas Water Code, Chapter 26; Texas Health and Safety Code, Chapter 361; and Chapter 335 of this title (relating to Industrial Solid Waste and Municipal Hazardous Waste), unless otherwise provided for by the commission. **Animals must not be disposed of in any liquid manure or process wastewater system unless it is adequately designed to contain and treat carcasses and the facility has been approved by the Executive Director for that use.** Disposal of diseased animals shall also be conducted in a manner that prevents a public health hazard in accordance with Texas Agriculture Code, §161.004, and 4 TAC §§31.3, 58.31(b), and 59.12 (relating to Disposal, Disposal of Diseased or Exposed Livestock, and Carcass Disposal Requirements, respectively). Carcass disposal shall be addressed in the potential pollutant sources section of the pollution prevention plan with management practices to prevent contamination of surface or groundwater, control access, and minimize odors.

Should you have any questions or require any additional information, please do not hesitate to contact me at derek.winkel@oberonfuels.com or 712.790.0408.

Sincerely,

DocuSigned by:

782386AE0D7D44A...

Derek Winkel

Chief Operating Officer

Cc: Bryan Shaw (bryan.shaw@shawengineering.us),
Karan Dawra (karan.dawra@oberonfuels.com),
Wendy Merkin (wendy.merkin@oberonfuels.com),
Cristin Reno (cristin.reno@oberonfuels.com)