

Figure: 16 TAC §4.107(e)

Table 1. Penalty Guideline

Rule	General Description	Guideline Minimum Penalty Amount or Range
DIVISION 1. GENERAL		
§4.101 Prevention of Pollution		
16 TAC §4.101(a)	Pollution of surface or subsurface water	\$2,500 to \$10,000
§4.102 Responsibility for Oil and Gas Wastes		
16 TAC §4.102(a)(1)(2)(3)	Failure to provide and perform field testing as required by the Commission	\$2,500
16 TAC §4.102(b)(c)(d)(f)(1)(2)	Failure to utilize the services of a carrier with a valid permit	\$2,500
16 TAC §4.102(g)	Manage oil and gas wastes in a manner that violates Commission rules.	\$2,500
§4.103 Prohibited Waste Management Methods		
16 TAC §4.103(a)	Manage oil and gas wastes without a permit.	\$2,500
16 TAC §4.103(b)	Improper disposal of oil and gas waste; enhance for actual or threatened pollution: Dry pit area	\$500 base penalty plus \$0.30/sq.ft.
16 TAC §4.103(b)	Improper disposal of oil and gas waste; enhance for actual or threatened pollution: Wet pit area	\$500 base penalty plus \$0.50/sq.ft.
16 TAC §4.103(c)(d)(e)(f)	Use of prohibited pits: Fresh water pit area	\$2,500 base plus \$0.25/sq.ft.
16 TAC §4.103(c)(d)(e)(f)	Use of prohibited pits: Salt water or other fluid area	\$2,500 base plus \$0.75/sq.ft.
DIVISION 3. OPERATIONS AUTHORIZED BY RULE		
§4.111 Authorized Disposal Methods for Certain Wastes		
16 TAC §4.111(a)(b)(c)(d)	Improper waste disposal method for water condensate, inert oil and gas, low chloride water-based drilling fluid, and other oil and gas wastes that pertain land apply and landfarming	\$2,500
16 TAC §4.111(d)(4)	Failure to maintains documentation for 3 years demonstrating closure requirements have been met	\$1,000
§4.112 Authorized Recycling		
16 TAC §4.112 (a)(1)	Improper use of the recycled treated fluid	\$2,500

16 TAC §4.112 (a)(3)	Recycling of unauthorized oil and gas waste	\$2,500
	§4.113 Authorized Pits	
16 TAC §4.113(a)	Failure to maintain authorized pits in compliance with the Commission	\$5,000
16 TAC §4.113 (e)(5)	Improper use of pits other than what they are designated for	\$2,500
	§4.114 Schedule A Authorized Pits	
16 TAC §4.114(1)(A)	Reserve pits: Fresh water pit area	\$2,500 base plus \$0.25/sq.ft.
16 TAC §4.114(1)(A)	Reserve pits: Salt water or other fluid area	\$2,500 base plus \$0.75/sq.ft.
16 TAC §4.114(1)(B)(2)(A)(B)(i)(ii)	Workover and other pits: Dry	\$2,500
16 TAC §4.114(1)(B)(2)(A)(B)(i)(ii)	Workover and other pits: Wet	\$5,000
	§4.115 Schedule B Authorized Pits	
16 TAC §4.115	Produced water pit: Fresh water pit area	\$2,500 base plus \$0.25/sq.ft.
16 TAC §4.115	Produced water pit: Salt water or other fluid area	\$2,500 base plus \$0.75/sq.ft.
DIVISION 4. REQUIREMENTS FOR ALL PERMITTED WASTE MANAGEMENT OPERATIONS		
	§4.122 Permit Renewals, Transfers, and Amendments	
16 TAC §4.122(b)(1)	Failure to apply for a renewal, transfer or amendments permits within Commission's time frames.	\$1,000
	§4.123 Permit Modification, Suspension, and Termination	
16 TAC §4.123(b)(4)	The permittee has violated the terms and conditions of the permit or Commission rules	\$5,000
16 TAC §4.123(b)(9)	The permittee failed to give the notice required by the Commission during the permit issuance, amendment, or renewal process	\$1,000
	§4.128 Design and Construction	
16 TAC §4.128(b)(1)	Failure to only accept waste transported and delivered by a Commission-permitted waste hauler	\$2,500
	§4.129 Operation	

16 TAC §4.129(b)(1)	Failure to receive only authorized waste	\$2,500
16 TAC §4.129(b)(2)	Treated or untreated, waste placed directly on the ground	\$2,500
16 TAC §4.129(b)(3)	Failure to maintained storage tanks, equipment, and on-site containment in a leak-free condition	\$2,500
16 TAC §4.129(b)(4)	Failure to dispose spill of waste, chemical, or any other material within 24 hours in an authorized manner	\$2,500
	§4.130 Reporting	
16 TAC §4.130 (d)	Failure to submit of monthly, quarterly, semi-annual, or annual reports, containing all requested information within the Commission's timeframe	\$1,000
	§4.131 Monitoring	
16 TAC §4.131 (b)(4)(D)	Failure to report or indicate potential pollution, or the potential failure of the liner system to the Commission	\$2,500
	§4.132 Closure	
16 TAC §4.132 (a)(b)(1)(2)(A)(B)(C)(D)(E) (F)	Failure to follow recommended closure procedures	\$2,500
DIVISION 5. ADDITIONAL REQUIREMENTS FOR COMMERCIAL FACILITIES		
	§4.142 Operating Requirements Applicable to Commercial Facilities	
16 TAC §4.142(c)	Failure to develop and maintain a stormwater management plan to prevent stormwater from running onto the facility	\$2,500
DIVISION 6. ADDITIONAL REQUIREMENTS FOR PERMITTED PITS		
	§4.150 Additional Requirements Applicable to Permitted Pits	
16 TAC §4.150(e)	Failure to comply with containment requirements to prevent pollution of surface or subsurface water	\$2,500
16 TAC §4.150(f)	Failure to report unauthorized release of oil and gas waste, treated fluid, or other substances from any pit	\$2,500
	§4.151 Design and Construction of Permitted Pits	
16 TAC §4.151(b)(1)	Failure to comply with sign requirements.	\$1,000
16 TAC §4.151(b)(2)	Failure to comply with freeboard requirements	\$2,500
16 TAC §4.151(b)(3)	Failure to comply with liner requirements	\$2,500
16 TAC §4.151(b)(3)(A)	Failure to maintain the integrity of the liner	\$2,500

16 TAC §4.151(b)(3)(C)	Brine pit permitted not constructed with a primary and secondary liner and a leakage detection system	\$2,500
§4.152 Monitoring of Permitted Pits		
16 TAC §4.152(a)(2)	Failure to install appropriate leak detection system	\$2,500
16 TAC §4.152(b)(3)(A)(B)	Failure to monitor and report and repair all pits for liner failure	\$2,500
§4.153 Commercial Disposal Pits		
16 TAC §4.153(c)	Failure to monitor the pits after a post-closure period of no less than five years	\$2,500
§4.154 Closure of Permitted Pits		
16 TAC §4.154(1)	Failure to dewater and empty the pit within 120 days of cessation of use	Dry: \$2,500 base plus \$0.25 sq. ft.; wet: \$2,500 base plus \$0.75 sq. ft.
16 TAC §4.154(2)	Failure to backfill and compacted the pit in a timely manner	Dry: \$2,500 base plus \$0.25 sq. ft.; wet: \$2,500 base plus \$0.75 sq. ft.
16 TAC §4.154(3)	Failure to reseeded with vegetation natural to the region after closure	\$1,000
DIVISION 7. ADDITIONAL REQUIREMENTS FOR LANDFARMING		
§4.161 Design and Construction Requirements for Landfarming and Landtreating Permits		
16 TAC §4.161(a)	Failure to obtain a Landfarm permit	\$5,000
§4.162 Operating Requirements for Landfarming and Landtreating Permits		
16 TAC §4.162(a) (b)	Failure comply and follow the operating requirements for Landfarm permit	\$5,000
§4.163 Monitoring		
16 TAC §4.163(a)(b)(c)(d)(e)	Failure to collect, test, monitor, analyze, remediate according to the requirements in the permit.	\$1,000
§4.164 Closure		
16 TAC §4.164(a)	Failure to notify the Commission at least 45 days prior to commencing closure activities	\$1,000
DIVISION 8. ADDITIONAL REQUIREMENTS FOR RECLAMATION PLANTS		

	§4.170 Additional Requirements for Reclamation Plants	
16 TAC §4.170(a) (9)	Failure to obtain a permit to reclaim unrefined hydrocarbons recovered from drilling mud	\$5,000
	§4.171 Standard Permit Provisions	
16 TAC §4.171(b)	Failure to renew, transfer, or amend reclamation plant permits	\$2,500
16 TAC §4.171(g)	Improper monitoring of a reclamation plant	\$2,500
16 TAC §4.171(h)	Use of a satellite facility which is prohibited	\$2,500
16 TAC §4.171(i)	Unpermitted reclamation using tanks	\$2,500
	§4.172. Minimum Permit Provisions for Operations	
16 TAC §4.172(a)(1)	Failure to use authorized permit methods to reclaim tank bottoms and other oil and gas wastes	\$2,500
	§4.173 Minimum Permit Provisions for Reporting	
16 TAC §4.173(d)	Failure to obtain a minor permit and provide an analysis of the disposable material to be performed	\$1,000
DIVISION 9. MISCELLANEOUS PERMITS		
	§4.181 Emergency Permits	
16 TAC §4.181(a)	Failure to apply for emergency permit to prevent the waste of oil, gas, or geothermal resources and/or pollution	\$1,000
	§4.184 Permitted Recycling	
16 TAC §4.184(b)	Failure to recycle in accordance with Subchapter B of this title (relating to Commercial Recycling)	\$1,000
DIVISION 10. REQUIREMENTS FOR OIL AND GAS WASTE TRANSPORTATION		
	§4.190 Oil and Gas Waste Characterization and Documentation	
16 TAC §4.190(a)	Failure to characterizing and documenting the waste prior to transportation	\$1,000
	§4.193 Oil and Gas Waste Haulers	
16 TAC §4.193(a)	Hauling oil and gas waste without a valid waste hauler permit, and/or commingling other oil and gas wastes via vehicle	\$2,500

16 TAC §4.193(b)(1)(2)	Failure to hold necessary permits for wastes excluded from this section	\$1,000
16 TAC §4.193(e) (1)(2)(3)(4)(5)(6)(7)(8) (9)(10)(11)	Failure to operate in strict compliance with the instructions and conditions stated in the oil and gas waste hauler permit	\$2,500