

Figure 1: 16 TAC §4.211(g)

Table 3. Penalty Enhancements

Evidentiary Factors	Threatened or Actual Pollution	Safety Hazard	Severity of Violation
Agricultural land or sensitive wildlife habitat	\$1,000 to \$5,000		
Endangered or threatened species	\$2,000 to \$10,000		
Bay, estuary or marine habitat	\$5,000 to \$25,000		
Minor surface and subsurface water source (minor aquifers designated by the Texas Water Development Board, intermittent or dry watercourses, navigable or non-navigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state)	\$2,500 to \$7,500		
Major surface and subsurface water source (major aquifers designated by the Texas Water Development Board, lakes, ponds, impounding reservoirs, springs, rivers, streams, creeks, marshes, wetlands, inlets, canals, the Gulf of Mexico inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, inland or coastal, fresh, saline, or salt, navigable or non-navigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state)	\$5,000 to \$25,000		
Impacted residential/public areas		\$1,000 to \$15,000	
Hazardous material release		\$2,000 to \$25,000	
Reportable incident/accident		\$5,000 to \$25,000	
Well in H ₂ S field		up to \$10,000	
Time out of compliance			\$100 to \$2,000 / month
Reckless conduct of operator			double total penalty
Intentional conduct of operator			triple total penalty