

Figure: 16 TAC §4.211(j)

Table 1. Penalty Calculation Worksheet

	Oil & Gas Rule/Statute	General Description	Guideline Minimum Penalty Amount or Range	Penalty Tally
		§4.201 Purpose		
1	16 TAC §4.201(a)	Pollution of surface or subsurface water	\$2,500 to \$10,000	\$
		§4.203 Responsibility for Management of Waste to be Recycled		
2	16 TAC §4.203(a)(b)	Failure to utilize the services of a carrier with a valid permit	\$2,500	\$
3	16 TAC §4.203(c)	Failure to utilize the services of a commercial recycling facility that is permitted by the Commission	\$2,500	\$
		§4.209 Permit Renewal		
4	16 TAC §4.209	Failure to transfer a permit without approval of the Commission	\$2,500	\$
		§4.212 General Permit Application Requirements for On-Lease Commercial Solid Oil and Gas Waste Recycling Facilities		
5	16 TAC §4.212 (a)(b)(c)(d)	Failure to obtain a permit for on lease commercial solid oil and gas waste recycling facilities	\$2,500	\$
		§4.221 Minimum Permit Provisions for Operations		
6	16 TAC §4.221 (a)(b)(c)(d)(e)(f)	Failure to follow the operation requirements for on-lease commercial solid oil and gas waste recycling	\$2,500	\$
		§4.222 Minimum Permit Provisions for Monitoring		
7	16 TAC §4.222 (a)(b)(c)(d)(e)	Failure to follow the Monitoring requirements for on-lease commercial solid oil and gas waste recycling	\$2,500	\$
		§4.223 Minimum Permit Provisions for Closure		
8	16 TAC §4.223	Failure to follow recommended closure procedures	\$2,500	\$
		§4.224 Permit Renewal		
9	16 TAC §4.224	Failure to apply for a renewal, of the permit within Commission's time frames	\$1,000	\$
		§4.230 General Permit Application Requirements for Off-Lease or Centralized Commercial Solid Oil and Gas Waste Recycling		

10	16 TAC §4.230 (a)(b)(c)(d)(e)	Failure to obtain a permit for off-Lease or Centralized commercial solid oil and gas waste recycling facilities	\$2,500	\$
		§4.238 Notice		
11	16 TAC §4.238	Failure to follow notice requirements for off-lease or centralized commercial solid oil and gas waste recycling	\$2,500	\$
		§4.239 General Permit Provisions		
12	16 TAC §4.239(a)	Failure to renew the permit for an off-lease or centralized commercial solid oil and gas waste recycling facility	\$1,000	\$
13	16 TAC §4.239(c)	Failure to notify the surface owner of the tract upon which recycling will take place	\$1,000	\$
		§4.242 Minimum Permit Provisions for Operations		
14	16 TAC §4.242 (a)(b)(c)	Failure to follow the operation requirements for off-lease centralized commercial solid oil and gas waste recycling	\$2,500	
		§4.243 Minimum Permit Provisions for Monitoring		
15	16 TAC §4.243 (a)(b)(c)(d)	Failure to follow the Monitoring requirements for off-lease centralized commercial solid oil and gas waste recycling	\$2,500	\$
		§4.244 Minimum Permit Provisions for Closure		
16	16 TAC §4.244	Failure to follow recommended closure procedures.	\$2,500	\$
		§4.245 Permit Renewal		
17	16 TAC §4.245	Failure to apply for a renewal, of the permit within Commission's time frames	\$1,000	\$
		§4.246 General Permit Application Requirements for a Stationary Commercial Solid Oil and Gas Waste Recycling Facility		
18	16 TAC §4.246 (a)(b)(c)(d)(e)	Failure to obtain a permit for a Stationary Commercial Solid Oil and Gas Waste	\$2,500	\$
		§4.254 Notice		
19	16 TAC §4.254 (a)(b)(c)	Failure to follow notice requirements for a Stationary Commercial Solid Oil and Gas Waste	\$2,500	\$
		§4.255 General Permit Provisions		
20	16 TAC §4.255 (a)(b)(c)	Failure to renew the permit for a Stationary Commercial Solid Oil and Gas Waste	\$1,000	\$
		§4.258 Minimum Permit Provisions for Operations		
21	16 TAC §4.258 (a)(b)(c)	Failure to follow the operation requirements for a Stationary Commercial Solid Oil and Gas Waste	\$2,500	\$
		§4.259 Minimum Permit Provisions for Monitoring		
22	16 TAC §4.259 (a)(b)(c)(d)(e)	Failure to follow the Monitoring requirements for a Stationary Commercial Solid Oil and Gas Waste	\$2,500	\$
		§4.260. Minimum Permit Provisions for Closure		

23	16 TAC §4.260	Failure to follow recommended closure procedures	\$2,500	\$
		§4.261 Permit Renewal		
24	16 TAC §4.261	Failure to apply for a renewal, of the permit within Commission's time frames	\$1,000	\$
		§4.262 General Permit Application Requirements for Off-Lease Commercial Recycling of Fluid		
25	16 TAC §4.262 (a)(b)(c)(d)(e)(f)	Failure to obtain a permit for Off-Lease Commercial Recycling of Fluid	\$2,500	\$
		§4.270 Notice		
26	16 TAC §4.270(a)(b)	Failure to follow notice requirements for Off-Lease Commercial Recycling of Fluid	\$2,500	\$
		§4.271 General Permit Provisions		
27	16 TAC §4.271 (a)(b)(c)	Failure to renew the permit Off-Lease Commercial Recycling of Fluid	\$1,000	\$
		§4.274 Minimum Permit Provisions for Operations		
28	16 TAC §4.274 (a)(b)(c)(d)(e)(f)	Failure to follow the operation requirements for Off-Lease Commercial Recycling of Fluid	\$2,500	\$
		§4.275 Minimum Permit Provisions for Monitoring		
29	16 TAC §4.275 (a)(b)(c)	Failure to follow the Monitoring requirements for Off-Lease Commercial Recycling of Fluid	\$2,500	\$
		§4.276 Minimum Permit Provisions for Closure		
30	16 TAC §4.276 (a)(b)(c)(d)(e)(f)(g)(h)	Failure to follow recommended closure procedures	\$2,500	\$
		§4.277 Permit Renewal		
31	16 TAC §4.277	Failure to apply for a renewal, of the permit within Commission's time frames	\$1,000	\$
		§4.278 General Permit Application Requirements for a Stationary Commercial Fluid Recycling Facility		
32	16 TAC §4.278 (a)(b)(c)(d)(e)(f)	Failure to obtain a permit for Off-Lease Commercial Recycling of Fluid	\$2,500	\$
		§4.286 Notice		
33	16 TAC §4.286 (a)(b)(c)	Failure to follow notice requirements for Off-Lease Commercial Recycling of Fluid	\$2,500	\$
		§4.287 General Permit Provisions		
34	16 TAC §4.287	Failure to renew the permit Off-Lease Commercial Recycling of Fluid	\$1,000	\$

	(a)(b)(c)			
		§4.290 Minimum Permit Provisions for Operations		
35	16 TAC §4.290 (a)(b)(c)(d)(e)(f)	Failure to follow the operation requirements for Off-Lease Commercial Recycling of Fluid	\$2,500	\$
		§4.291 Minimum Permit Provisions for Monitoring		
36	16 TAC §4.291(a)(b)(c)	Failure to follow the Monitoring requirements for Off-Lease Commercial Recycling of Fluid	\$2,500	\$
		§4.292 Minimum Permit Provisions for Closure		
37	16 TAC §4.292 (a)(b)(c)(d)(e)(f)(g)(h)	Failure to follow recommended closure procedures	\$2,500	\$
		§4.293 Permit Renewal		
38	16 TAC §4.293	Failure to apply for a renewal, of the permit within Commission's time frames	\$1,000	\$
39	Subtotal of guideline penalty amounts from Table 1 (lines 1-38, inclusive)			\$
40	Reduction for settlement before hearing: up to 50% of line 39 amt.		_____ %	\$
41	Subtotal: amount shown on line 39 less applicable settlement reduction on line 40			\$
Penalty enhancement amounts for threatened or actual pollution from Table 3				
42	Agricultural land or sensitive wildlife habitat		\$1,000 to \$5,000	\$
43	Endangered or threatened species		\$2,000 to \$10,000	\$
44	Bay, estuary or marine habitat		\$5,000 to \$25,000	\$
45	Minor freshwater source (minor aquifer, seasonal watercourse)		\$2,500 to \$7,500	\$
46	Major freshwater source (major aquifer, creeks, rivers, lakes and reservoirs)		\$5,000 to \$25,000	\$
Penalty enhancement amounts for safety hazard from Table 3				
47	Impacted residential/public areas		\$1,000 to \$15,000	\$
48	Hazardous material release		\$2,000 to \$25,000	\$
49	Reportable incident/accident		\$5,000 to \$25,000	\$
50	Well in H2S field		up to \$10,000	\$
Penalty enhancement amounts for severity of violation from Table 3				
51	Time out of compliance		\$100 to \$2,000 each month	\$
52	Subtotal: amount shown on line 41 plus all amounts on lines 32 through 51, inclusive			\$
Penalty enhancements for culpability of person charged from Table 3				

53	Reckless conduct of operator	double line 108 amount	\$
54	Intentional conduct of operator	triple line 108 amount	\$
Penalty enhancements for number of prior violations within past seven years from Table 4			
55	One	\$1,000	\$
56	Two	\$2,000	\$
57	Three	\$3,000	\$
58	Four	\$4,000	\$
59	Five or more	\$5,000	\$
Penalty enhancements for amount of penalties within past seven years from Table 4			
60	Less than \$10,000	\$1,000	\$
61	Between \$10,000 and \$25,000	\$2,500	\$
62	Between \$25, 000 and \$50,000	\$5,000	\$
63	Between \$50,000 and \$100,00	\$10,000	\$
64	Over \$100,000	10% of total amt.	\$
65	Subtotal: Line 41 amt. plus amts. on line 53 and/or 54 plus the amt. shown on any line from 55 through 64, inclusive		\$
66	Reduction for demonstrated good faith of person charged		\$
67	TOTAL PENALTY AMOUNT: amount on line 65 less any amount shown on line 66		\$