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From: Veronica Larson
Sent: Monday, September 09, 2013 2:08 PM
To: Leslie Savage
Subject: FW: Comments on Draft Rules
Attachments: GCUWCD Comments on TRC Injection Rules.pdf

Importance: High

FYI

From: Greg Sengelmann [<mailto:greg.sengelmann@gcuwcd.org>]
Sent: Monday, September 09, 2013 2:07 PM
To: Veronica Larson
Subject: Comments on Draft Rules

Enclosed are the Gonzales County Underground Water Conservation District comments on the TRC draft rules - 6 TAC §3.9, relating to Disposal Wells.

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1 (2) Permit expiration.

2 (A) A disposal well permit with a stated term expires on the last day of that
3 term if, in the case of a new well, the operator has not spudded the well, or, in the case of the
4 conversion of an existing well, the operator has not commenced operations on the well specific to
5 the conversion of the well to injection.

6 (B) A disposal well permit that does not contain a stated term or expiration
7 date and that was issued prior to {INSERT MONTH} 1, 2014, will expire on {INSERT MONTH} 1,
8 2016, if the operator has not spudded the well, or, in the case of the conversion of an existing well,
9 the operator has not commenced operations on the well specific to the conversion of the well to
10 injection prior to that date.

11 (C) A disposal well permit issued on or after {INSERT MONTH} 1, 2014, that
12 does not contain a stated term or expiration date will expire three years after the date the permit is
13 if the operator has not spudded the well, or, in the case of the conversion of an existing well, the
14 operator has not commenced operations on the well specific to the conversion of the well to
15 injection prior to that date.

16 (3) Permit for injection of fluids containing hydrogen sulfide. The commission shall
17 not issue a permit for injection of fluids containing hydrogen sulfide unless the applicant also
18 complies with the requirements of §3.36 of this title (relating to Oil, Gas, or Geothermal Resource
19 Operation in Hydrogen Sulfide Areas).

20 (c) ~~{2}~~ Geological requirements.

21 (1) Before any intervals [such formations] are approved for disposal use, the
22 applicant shall show that the intervals [formations] are separated from usable quality water and
23 underground sources of drinking water [freshwater formations] by impervious beds which will give
24 adequate protection to such usable-quality water and underground sources of drinking water
25 [freshwater formations]. The applicant shall show that such geologic separation consists of a
26 minimum of 250 feet of impermeable strata between the base of usable-quality water and the top
27 of the injection interval and that the 250 feet of impermeable strata includes at least one zone with
28 a continuous thickness of at least 100 feet. In addition, the applicant shall show that there is a
29 minimum of 100 feet of continuous impermeable strata between the base of the deepest
30 underground source of drinking water and the top of the injection interval.

31 (2) The applicant must submit a Groundwater Protection Determination [letter] from
32 the Groundwater Advisory Unit of the Oil and Gas Division stating that the use of such formation
33 will not endanger the usable-quality water [freshwater strata] in that area and that the formations to
34 be used for disposal are not underground sources of drinking water [freshwater-bearing]. To obtain

3 or the underground sources of drinking water

1 sufficient detail to allow a person to reasonably ascertain where an owned or occupied property is
2 with respect to the proposed disposal well location; and

3 (C) the following notice, with the information relating to the specific
4 application completed.

5 16 Figure: 16 TAC §3.9(e)(1)(C)

6 NOTICE OF APPLICATION FOR A DISPOSAL WELL PERMIT

7 Attached is a copy of an application for a disposal well permit under the Railroad Commission's Statewide
8 Rule 9 (16 Texas Administrative Code §3.9), relating to Disposal Wells. [Company name and address] is
9 applying to the Railroad Commission of Texas for a permit to dispose of produced saltwater or other oil and
10 gas waste by well injection into a porous formation not productive of oil or gas. The applicant proposes to
11 dispose of oil and gas waste into the [formation name]; [lease name]; [well number(s)] and engage in surface
12 activities associated with the operation of the proposed disposal well. The proposed disposal well is located
13 at [address, or if no address, a physical description of the location (i.e., intersection of highways)];
14 approximately [direction and number of miles from nearest town] in the [field name] in [County or Counties].
15 The water will be injected into strata in the subsurface depth interval from _____ to _____
16 feet. Attached is a copy of the application form and a map identifying the location of the proposed well.

17 [latitude and longitude] Listing the direction and number of miles from nearest town does
18 You are re not provide an adequate location of the proposed well.

19 government to which 16 TAC §3.9(e) requires that the applicant for a disposal well permit provide notice.

20
21 If you have objections to the issuance of a disposal well permit for this well, you may submit a letter of
22 protest. Protests to the application from local governments or persons who object and can show that they
23 may be adversely affected, or requests for further information concerning any aspect of the application,
24 should be submitted in writing to the Director, Oil and Gas Division, Railroad Commission of Texas, P. O.
25 Box 12967, 1701 North Congress Avenue, Austin, Texas 78711. Unless the Commission receives a protest
26 to the application, the director may take final administrative action on the application (e.g., may approve,
27 deny, return, or refer the application to hearing) no fewer than 15 days after the date the application is filed
28 with the commission; however, the director will consider any protest the director receives up until the time
29 that the director takes administrative action on the application.

30
31 Please be advised that the Railroad Commission of Texas does not have jurisdiction over roads, traffic,
32 property values, zoning, noise, odors, esthetics, leasing, pipeline easements, or royalty payments.

33
34 LEGAL AUTHORITY: Texas Water Code, Chapter 27, as amended; Texas Natural Resources Code, Title 3,
35 as amended; and the Railroad Commission's Oil and Gas Division Rules (Statewide Rules) at 16 Tex.
36 Admin. Code, Chapter 3.

1 stated in the published notice. Such notice shall be published no more than 30 days before the
2 applicant submits the application to the commission.

3 (B) The following notice, with the information relating to the specific
4 application completed, shall be used:

5 Figure: 16 TAC §3.9(e)(3)(B)

6
7 NOTICE OF APPLICATION FOR COMMERCIAL OIL & GAS WASTE

8 DISPOSAL WELL PERMIT

9 [Company name and address] is applying to the Railroad Commission of Texas for a permit to dispose of
10 produced saltwater or other oil and gas waste by well injection into a porous formation not productive of oil or
11 gas. The applicant proposes to dispose of oil and gas waste into the [formation name]; [lease name]; [well
12 number(s)] and engage in surface activities associated with the operation of the proposed disposal well. The
13 proposed disposal well is located at [address], or if no address, a physical description of the location (i.e.,
14 intersection of highways); approximately [direction and number of miles from nearest town] in the [field
15 name] in [County or Counties]. The water will be injected into strata in the subsurface depth interval from
16 _____ to _____ feet. [latitude and longitude]

17
18 If you have objections to the issuance of a disposal well permit for this well, you may submit a letter of
19 protest. Protests to the application from local government or persons who object and can show that they
20 may be adversely affected, or requests for further information concerning any aspect of the application,
21 should be submitted in writing to the Director, Oil and Gas Division, Railroad Commission of Texas, P. O.
22 Box 12967, 1701 North Congress Avenue, Austin, Texas 78711. Unless the commission receives a protest
23 to the application, the director may take final administrative action on the application (e.g., approve, deny,
24 return, or refer to hearing) no fewer than 15 days after the date the application is filed with the commission;
25 however, the director will consider any protest the director receives up until the time that the director takes
26 final administrative action on the application.

27
28 Please be advised that the Railroad Commission of Texas does not have jurisdiction over roads, traffic,
29 property values, zoning, noise, odors, esthetics, leasing, pipeline easements, or royalty payments.

30
31 LEGAL AUTHORITY: Texas Water Code, Chapter 27, as amended; Texas Natural Resources Code, Title 3,
32 as amended; and the Railroad Commission's Oil and Gas Division Rules (Statewide Rules) at 16 Tex.
33 Admin. Code, Chapter 3.

34
35 (C) The applicant shall file with the commission in Austin proof of publication
36 prior to the hearing or administrative approval. The following affidavit of publication format may be
37 used:

1 hearing to all local governments, groundwater [~~underground water~~] conservation districts, state
2 agencies, or other persons, who express an interest, in writing, in the application. If no protest from
3 an affected person is received by the commission, the director [~~commission's delegate~~] may
4 administratively approve the application. If the application is denied administratively, the person(s)
5 filing the application shall have a right to hearing upon written request. After hearing, the examiner
6 shall recommend a final action by the commission.

7 (6) [(F)] An areal variance granted under the provisions of this subsection
8 [~~paragraph~~] may be modified, terminated, or suspended by the commission after notice and
9 opportunity for hearing is provided to each person shown on commission records to operate an oil
10 or gas lease in the area in which the proposed modification, termination, or suspension would
11 apply. If a hearing on a proposal to modify, terminate, or suspend an areal variance is held, any
12 applications filed subsequent to the date notice of hearing is given must include the area of review
13 [~~area of review~~] information required under paragraph (1) of this subsection [~~subparagraph (A) of~~
14 ~~this paragraph pending issuance of a final order~~].

15 (h) [(8)] Casing.

16 (1) Disposal wells shall be cased and the casing cemented in compliance with §3.13
17 of this title [~~(relating to Casing, Cementing, Drilling, and Completion Requirements)~~] in such a
18 manner that the injected fluids will not endanger oil, gas, geothermal resources or underground
19 sources of drinking water [~~freshwater resources~~].

20 (2) The director shall not approve an application for a disposal well permit under this
21 section for any well in which the surface casing is not set and cemented from the ground surface to
22 the base of usable-quality water as determined by the Groundwater Advisory Unit.

23 (3) The director shall not approve an application for a disposal well under this
24 section for any well in which the casing is not cemented across and extending above the base of
25 the deepest underground source of drinking water, as follows:

26 (A) if the top of cement is determined through calculation, at least 600 feet
27 (measured depth) above the permitted formations;

28 (B) if the top of cement is determined through the performance of a
29 temperature survey conducted immediately after cementing, 250 feet (measured depth) above the
30 permitted formations;

31 (C) if the top of cement is determined through the performance of a cement
32 evaluation log, 100 feet (measured depth) above the permitted formations;

33 (D) at least 200 feet into the previous casing shoe (or to surface if the shoe
34 is less than 200 feet from the surface); or

← To ensure the external mechanical integrity of the injection well, a triple combination cement bond log shall be run on the long string casing to ensure the cement is emplaced at the appropriate location and that channelization has not occurred.

1 three years from the date of issuance of the permit unless the permittee has commenced
2 operations to drill or convert the well.

3 (K) If the well is a commercial disposal well, the operator shall be
4 responsible for complying with the following requirements prior to beginning operations so as to
5 ensure that discharges of oil and gas waste will not occur:

6 (i) All collecting pits, skimming pits, or washout pits must be permitted
7 under the requirements of §3.8 of this title (relating to Water Protection).

8 (ii) A catch basin constructed of concrete, steel, or fiberglass must be
9 installed to catch oil and gas waste which may spill as a result of connecting and disconnecting
10 hoses or other apparatus while transferring oil and gas waste from tank trucks to the disposal
11 facility.

12 (iii) All fabricated waste storage and pretreatment facilities (tanks,
13 separators, or flow lines) shall be constructed of steel, concrete, fiberglass, or other materials
14 approved by the director.

15 (I) These facilities must be maintained so as to prevent
16 discharges of oil and gas waste.

17 (II) Each storage tank shall be equipped with a device (visual
18 gauge or alarm) to alert drivers when each tank is within 130 barrels from being full.

19 (iv) Dikes shall be placed around all tanks, waste storage,
20 pretreatment, or disposal facilities. The dikes shall be designed so as to be able to contain a
21 volume equal to the maximum holding capacity of all such facilities. Any liquids or wastes that
22 accumulate in the containment area shall be removed within 24 hours and disposed of in an
23 authorized disposal facility. The dikes must be made of impermeable material, floor and walls, capable
of retaining any liquids or wastes that accumulate in the containment area.

24 (v) All storage tanks at commercial disposal wells shall be placed on
25 a liner that is designed, constructed, and installed to prevent any migration of materials from the
26 storage tank into adjacent subsurface soils, ground water, or surface water at any time during the
27 life of the tank.

28 (-a-) The liner shall be made of concrete or doubled-lined with
29 synthetic plastic. The liner system shall be installed according to standard industry practices and
30 shall be constructed of materials that have sufficient chemical and physical properties, including
31 thickness, to prevent failure during the expected life of the tank. All liners shall have a hydraulic
32 conductivity that is 1.0×10^{-7} cm/sec or less.

33 (-b-) The permittee shall establish procedures to monitor the
34 integrity of the liner on which the tank(s) is placed. If the liner is constructed of concrete, the