

**RAILROAD COMMISSION OF TEXAS**  
**Oil and Gas Division**

Notice To Operators

**TEXAS COASTAL MANAGEMENT PROGRAM**

On January 10, 1997, the Texas Coastal Management Program (CMP) went into effect. The CMP was developed at the direction of the Texas Legislature by the Coastal Coordination Council, whose members consist of representatives of various State agencies, including the Railroad Commission (Commission), and the public. The purpose of the CMP is to more effectively and efficiently manage Texas' coastal resources. To accomplish this goal, the Coastal Coordination Council developed rules for the Cmp (31 TAC Chapters 501, 503, 505, and 506) which require that certain state and federal actions be consistent with the goals and policies of the CMP.

**Railroad commission actions Subject to the CMP:** The following Commission actions are subject to the CMP if they relate to an activity within the CMP boundary (see the attached map):

- ▼ Issuance of permits to store or dispose of oil and gas waste in a pit:
- ▼ Issuance of permits to discharge oil and gas wastes to surface waters; and
- ▼ Issuance of certifications of compliance with applicable water quality requirements for federal permits for development in critical areas (a critical area is a coastal wetland, oyster reef, hard substrate reef, submerged aquatic vegetation, or tidal sand or mud flat) or dredging and dredged material disposal and placement.

**Consistency Review:**

Before the Commission takes any of these actions for activities within the CMP boundary, it must make sure that the action is consistent with the CMP goals and policies. The Commission has adopted Statewide Rules 8 (j) and 93 to implement the portions of the CMP applicable to such actions. Rules 8(j) and 93 took effect on January 10, 1997. The following briefly summarizes the consistency review process of the CMP as it relates to Commission actions.

**Determination of Direct and Significant Impacts.** The substantive requirements of the CMP apply only to actions that will have a direct and significant impact on any coastal natural resource area (CNRA). (A CNRA is a coastal barrier, coastal historic area, coastal preserve, coastal shore area, coastal wetland, critical dune area, gulf beach, hard substrate reef, oyster reef, submerged land, special hazard area, submerged aquatic vegetation, tidal sand or mud flat, water in the open Gulf of Mexico, or water under tidal influence, as these terms are defined in §33.203 of the Texas Natural Resources Code.) If the Commission determines that the proposed action will not have a direct and significant impact on any CNRA, then the Commission must issue a written determination to that effect.

**Compliance with Applicable Policies.** If the Commission determines that the proposed action is likely to result in direct and significant adverse effects to a CNRA, the Commission must determine whether the proposed action would comply with the applicable policies of the CMP. The policies applicable to Commission actions, and additional application requirements for Commission actions subject to the CMP are summarized below.

▶ **Pit Permits.** No commercial oil and gas waste disposal pit may be located in any CNRA. All oil and gas waste disposal pits must be designed to prevent releases of pollutants that adversely affect coastal waters or critical areas. The applicant will be required to submit with an application for a disposal pit in the CMP boundary information indicating the location of the proposed pit in relation to any CNRA.

▶ **Discharge Permits.** No discharge of oil and gas waste to surface waters may cause a violation of the Texas Surface Water Quality Standards.

For discharges commencing after January 10, 1997, the outfall shall not be located where the discharge will adversely affect a critical area. The applicant will be required to submit with an application for a discharge permit in the CMP boundary information indicating the location of the proposed outfall in relation to any critical area.

For discharges permitted prior to January 10, 1997, that adversely affect any critical area, the discharge must either be discontinued or relocated within two years. For a discharge that was permitted prior to January 10, 1997, the permittee will be required to submit information indicating the location of the outfall in relation to critical areas. Permittees will be advised of this requirement by letter.

▶ **Water Quality Certification.** When issuing a certification under §401 of the Clean Water Act, as provided for under Rule 93, the Commission shall confirm compliance with the CMP requirements for development in critical areas and the CMP requirements for dredging and dredged material disposal and placement. The Commission must also coordinate its efforts with those of other appropriate state and federal agencies.

### Consistency Determinations

If the Commission determines that the proposed action complies with the applicable policies, the Commission must issue a written consistency determination and may take the action.

If the Commission determines that the proposed action does not meet the requirements of the applicable policies, the Commission cannot take the action (i.e., issue the permit or grant §401 certification).

In some cases, after the Commission proposes to take an action subject to the CMP, that action may be referred to the Coastal Coordination Council for review to determine consistency with the CMP goals and policies. Procedures for Council review of a proposed agency action are set out in the CMP.

*For Additional Information, Please Call (512) 463-7542*