

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

Figure: 16 TAC §4.107(f)

Table 2. Calculation of Additional Guideline Penalty Amounts for Violations of 16 Tex. Admin. Code Chapter 4, relating Prevention of Pollution Cancellation of Certificate of Compliance; Severance

Length of Violation Low: < 3 mos. Medium: High: > 1 yr.	Production Value Low: < \$5,000 Medium: High: > \$100,000	Unresolved Severances Low: < 2 Medium: High: > 6	Basis of Severance N: non-pollution related Y: pollution related	Factor
low	low	low	N	1.0
low	low	medium	N	1.5
low	low	high	N	1.5
low	medium	low	N	1.5
low	medium	medium	N	3.5
low	medium	high	N	5.0
low	high	low	N	4.5
low	high	medium	N	7.0
low	high	high	N	7.5
medium	low	low	N	1.5
medium	low	medium	N	2.5
medium	low	high	N	3.5
medium	medium	low	N	3.5
medium	medium	medium	N	5.0
medium	medium	high	N	8.0
medium	high	low	N	8.5
medium	high	medium	N	9.0
medium	high	high	N	10.0
high	low	low	N	2.5
high	low	medium	N	3.5
high	low	high	N	3.5
high	medium	low	N	4.5
high	medium	medium	N	7.5
high	medium	high	N	8.0
high	high	low	N	10.0
high	high	medium	N	10.0
high	high	high	N	10.0
low	low	low	Y	1.5
low	low	medium	Y	2.0
low	low	high	Y	2.5
low	medium	low	Y	3.0
low	medium	medium	Y	5.0
low	medium	high	Y	7.5
low	high	low	Y	5.0
low	high	medium	Y	8.0
low	high	high	Y	8.5
medium	low	low	Y	2.0

medium	low	medium	Y	3.5
medium	low	high	Y	7.0
medium	medium	low	Y	7.0
medium	medium	medium	Y	7.5
medium	medium	high	Y	8.5
medium	high	low	Y	9.0
medium	high	medium	Y	9.5
medium	high	high	Y	10.0
high	low	low	Y	3.0
high	low	medium	Y	4.0
high	low	high	Y	5.0
high	medium	low	Y	5.0
high	medium	medium	Y	8.5
high	medium	high	Y	9.0
high	high	low	Y	10.0
high	high	medium	Y	10.0
high	high	high	Y	10.0

Figure 1: 16 TAC §4.107(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

Figure 2: 16 TAC §4.107(g)

Table 4. Penalty Enhancements based on total amount of prior penalties within seven years

Total administrative penalties assessed in the seven years prior to action	Enhancement amount
Less than \$10,000	\$1,000
Between \$10,000 and \$25,000	\$2,500
Between \$25,000 and \$50,000	\$5,000
Between \$50,000 and \$100,000	\$10,000
Over \$100,000	10% of total amount

Figure: 16 TAC §4.107(j)

Table 5. Penalty Calculation Worksheet

	Rule	General Description	Guideline Minimum Penalty Amount or Range	Penalty Tally
		§4.101. Prevention of Pollution		
1	16 TAC §4.101(a)	Pollution of surface or subsurface water	\$2,500 to \$10,000	\$
		§4.102. Responsibility for Oil and Gas Wastes		
2	16 TAC §4.102(a)(1)(2)(3)	Failure to provide and perform field testing as required by the Commission	\$2,500	\$
3	16 TAC §4.102(b)(c)(d)(f)(1)(2)	Failure to utilize the services of a carrier with a valid permit	\$2,500	\$
4	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		
5	16 TAC §4.103(a)	Manage oil and gas wastes without a permit.	\$2,500	\$
6	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.	\$
7	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.	\$
8	16 TAC §4.103(c)(d)(e)(f)	Use of prohibited pits: Fresh water pit area	\$2,500 base plus \$0.25/sq.ft.	\$
9	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.	\$
		§4.111. Authorized Disposal Methods for Certain Wastes		
10	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	\$
11	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		\$
12	16 TAC §4.112 (a)(1)	Improper use of the recycled treated fluid	\$2,500	\$
13	16 TAC §4.112 (a)(3)	Recycling of unauthorized oil and gas waste	\$2,500	\$

		§4.113. Authorized Pits		
14	16 TAC §4.113(a)	Failure to maintain authorized pits in compliance with the Commission	\$5,000	\$
15	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	16 TAC §4.114(1)(A)	Reserve pits: Fresh water pit area	\$2,500 base plus \$0.25/sq. ft.	\$
17	16 TAC §4.114(1)(A)	Reserve pits: Salt water or other fluid area	\$2,500 base plus \$0.75/sq. ft.	\$
18	16 TAC §4.114(1)(B)(2)(A)(B)(i)(ii)	Workover and other pits: Dry	\$2,500	\$
19	16 TAC §4.114(1)(B)(2)(A)(B)(i)(ii)	Workover and other pits: wet	\$5,000	\$
		§4.115. Schedule B Authorized Pits		
20	16 TAC §4.115	Produced water pit: Fresh water pit area	\$2,500 base plus \$0.25/sq.ft.	
21	16 TAC §4.115	Produced water pit: Salt water or other fluid area	\$2,500 base plus \$0.75/sq.ft	
		§4.122. Permit Renewals, Transfers, and Amendments		
22	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		
23	16 TAC §4.123(b)(4)	The permittee has violated the terms and conditions of the permit or Commission rules	\$5,000	\$
24	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		
25	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		
26	16 TAC §4.129(b)(1)	Failure to receive only authorized waste	\$2,500	\$
27	16 TAC §4.129(b)(2)	Treated or untreated, waste placed directly on the ground	\$2,500	\$

28	16 TAC §4.129(b)(3)	Failure to maintained storage tanks, equipment, and on-site containment in a leak-free condition	\$2,500	\$
29	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		
30	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		\$
31	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		\$
32	16 TAC §4.132 (a)(b)(1)(2)(A)(B)(C)(D)(E) (F)	Failure to follow recommended closure procedures	\$2,500	\$
		§4.142. Operating Requirements Applicable to Commercial Facilities		
33	16 TAC §4.142(c)	Failure to develop and maintain a stormwater management plan to prevent stormwater from running onto the facility	\$2,500	\$
		§4.150. Additional Requirements Applicable to Permitted Pits		
34	16 TAC §4.150(e)	Failure to comply with containment requirements to prevent pollution of surface or subsurface water	\$2,500	\$
35	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		
36	16 TAC §4.151(b)(1)	Failure to comply with sign requirements.	\$1,000	\$
37	16 TAC §4.151(b)(2)	Failure to comply with freeboard requirements	\$2,500	\$
38	16 TAC §4.151(b)(3)	Failure to comply with liner requirements	\$2,500	\$
39	16 TAC §4.151(b)(3)(A)	Failure to maintain the integrity of the liner.	\$2,500	\$
40	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		
41	16 TAC §4.152(a)(2)	Failure to install appropriate leak detection system	\$2,500	\$
42	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		\$
43	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		
44	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.	\$
45	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.	\$
46	16 TAC §4.154(3)	Failure to reseeded with vegetation natural to the region after closure	\$1,000	\$
		§4.161. Design and Construction Requirements for Landfarming and Landtreating Permits		
47	16 TAC §4.161(a)	Failure to obtain a Landfarm permit	\$5,000	\$
		§4.162. Operating Requirements for Landfarming and Landtreating Permits		
48	16 TAC §4.162(a) (b)	Failure comply and follow the operating requirements for Landfarm permit	\$5,000	\$
		§4.163. Monitoring		\$
49	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		
50	16 TAC §4.164(a)	Failure to notify the Commission at least 45 days prior to commencing closure activities	\$1,000	\$
		§4.170. Additional Requirements for Reclamation Plants		
51	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		
52	16 TAC §4.171(b)	Failure to renew, transfer, or amend reclamation plant permits	\$2,500	\$
53	16 TAC §4.171(g)	Improper monitoring of a reclamation plant	\$2,500	\$
54	16 TAC §4.171(h)	Use of a satellite facility which is prohibited	\$2,500	\$
55	16 TAC §4.171(i)	Unpermitted reclamation using tanks	\$2,500	\$
		§4.172. Minimum Permit Provisions for Operations		
56	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		

57	16 TAC §4.173(d)	Failure to obtain a minor permit and provide an analysis of the disposable material to be performed	\$1,000	\$
§4.181. Emergency Permits				
58	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				
59	16 TAC §4.184(b)	Failure to recycle in accordance with Subchapter B of this title (relating to Commercial Recycling)	\$1,000	\$
§4.190. Oil and Gas Waste Characterization and Documentation				
60	16 TAC §4.190(a)	Failure to characterizing and documenting the waste prior to transportation	\$1,000	\$
§4.193. Oil and Gas Waste Haulers				
61	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	\$
62	16 TAC §4.193(b)(1)(2)	Failure to hold necessary permits for wastes excluded from this section	\$1,000	\$
63	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	\$
64	Subtotal of guideline penalty amounts from Table 1 (lines 1-63, inclusive)			\$
65	Reduction for settlement before hearing: up to 50% of line 64 amt.		%	\$
66	Subtotal: amount shown on line 64 less applicable settlement reduction on line 65			\$
Penalty enhancement amounts for threatened or actual pollution from Table 3				
67	Agricultural land or sensitive wildlife habitat		\$1,000 to \$5,000	\$
68	Endangered or threatened species		\$2,000 to \$10,000	\$
69	Bay, estuary or marine habitat		\$5,000 to \$25,000	\$
70	Minor freshwater source (minor aquifer, seasonal watercourse)		\$2,500 to \$7,500	\$
71	Major freshwater source (major aquifer, creeks, rivers, lakes and reservoirs)		\$5,000 to \$25,000	\$
Penalty enhancement amounts for safety hazard from Table 3				
72	Impacted residential/public areas		\$1,000 to \$15,000	\$
73	Hazardous material release		\$2,000 to \$25,000	\$
74	Reportable incident/accident		\$5,000 to \$25,000	\$
75	Well in H2S field		up to \$10,000	\$
Penalty enhancement amounts for severity of violation from Table 3				
76	Time out of compliance		\$100 to \$2,000 each month	\$
77	Subtotal: amount shown on line 66 plus all amounts on lines 67 through 76, inclusive			\$

Penalty enhancements for culpability of person charged from Table 3			
78	Reckless conduct of operator	double line 75 amount	\$
79	Intentional conduct of operator	triple line 75 amount	\$
Penalty enhancements for number of prior violations within past seven years from Table 4			
80	One	\$1,000	\$
81	Two	\$2,000	\$
82	Three	\$3,000	\$
83	Four	\$4,000	\$
84	Five or more	\$5,000	\$
Penalty enhancements for amount of penalties within past seven years from Table 4			
85	Less than \$10,000	\$1,000	\$
86	Between \$10,000 and \$25,000	\$2,500	\$
87	Between \$25, 000 and \$50,000	\$5,000	\$
88	Between \$50,000 and \$100,00	\$10,000	\$
89	Over \$100,000	10% of total amt.	\$
90	Subtotal: Line 66 amt. plus amts. on line 78 and/or 97 plus the amt. shown on any line from 80 through 89, inclusive		\$
91	Reduction for demonstrated good faith of person charged		\$
92	TOTAL PENALTY AMOUNT: amount on line 90 less any amount shown on line 91		\$

Figure: 16 TAC §4.111(a)

Limitation for Authorized Land Application of Water Condensate

Parameter	Method	Limitation
Benzene	EPA 8260 or 8021B	0.005 mg/L
Toluene	EPA 8260 or 8021B	1 mg/L
Ethylbenzene	EPA 8260 or 8021B	0.7 mg/L
Xylene	EPA 8260 or 8021B	10 mg/L

Figure: 16 TAC §4.115(j)(3)(E)

Standard Soil Sampling Closure Parameters		
If Waste is Removed from the Pit in Accordance with 16 TAC Chapter 4		
Constituent	Method (or equivalent)	Limit
pH	EPA Method 9045C	6 to 10 standard units
Chloride	SW-846 9056A	≤ 3,000 mg/kg
Total Petroleum Hydrocarbons	EPA SW-846 418.1	≤ 10,000 mg/kg or 1% by weight
BTEX	EPA Method 5035A/8021/8260B	≤ 30 mg/kg
Metals	EPA Method 6010/6020/7471A	
Arsenic		≤ 10 mg/kg
Barium		≤ 10,000 mg/kg
Cadmium		≤ 10 mg/kg
Chromium		≤ 100 mg/kg
Lead		≤ 200 mg/kg
Mercury		≤ 10 mg/kg
Selenium		≤ 10 mg/kg
Silver		≤ 200 mg/kg

Figure: 16 TAC §4.115(k)(8)

Standard Waste Sampling Closure Parameters		
If Waste is Treated and Buried in the Pit in Accordance with 16 TAC Chapter 4		
Constituent	Method (or equivalent)	Limit
pH	EPA Method 9045C	6 to 10 standard units
Chloride <ul style="list-style-type: none"> • if the depth below the bottom of the pit to groundwater is \leq 50 feet • if the depth below the bottom of the pit to groundwater is 51 feet to 100 feet • if the depth below the bottom of the pit to groundwater is $>$ 100 feet 	SW-846 9056A	\leq 20,000 mg/kg \leq 40,000 mg/kg \leq 80,000 mg/kg
Total Petroleum Hydrocarbons	EPA SW-846 418.1	\leq 10,000 mg/kg or 1% by weight
BTEX	EPA Method 5035A/8021/8260B	\leq 30 mg/kg
Metals <ul style="list-style-type: none"> Arsenic Barium Cadmium Chromium Lead Mercury Selenium Silver 	EPA Method 6010/6020/7471A	\leq 10 mg/kg \leq 10,000 mg/kg \leq 10 mg/kg \leq 100 mg/kg \leq 200 mg/kg \leq 10 mg/kg \leq 10 mg/kg \leq 200 mg/kg

Figure: 16 TAC §4.163(d)

Landfarming, Landtreating, and Land Application Permits: Standard Soil Sampling Closure Parameters		
Parameter	Method (or equivalent)	Limitation
pH	EPA Method 9045C	6 to 10 standard units
Electrical Conductivity (EC)	LDNR Lab Procedures for Extraction and Analysis of E&P Waste	≤ 4.0 mmhos/cm
Sodium Adsorption Ratio (SAR)	Saturated Paste Method using EPA Method 300, 6010, or 6020	≤ 12
Cation-Exchange Capacity (CEC)	EPA Method 9080/9081	Site-specific based on background analytical data
TPH	EPA Method 5035A/TX1005	≤ 10,000 mg/kg or 1% by weight
Total Benzene, Toluene, Ethylbenzene, Xylenes (BTEX) ¹	EPA Method 5035A/8021/8260B	≤ 30 mg/kg
Metals (Total)		
Arsenic	EPA Method 6010/6020/7471A	≤ 10 mg/kg
Barium	EPA Method 6010/6020/7471A	≤ 10,000 mg/kg
Cadmium	EPA Method 6010/6020/7471A	≤ 10 mg/kg
Chromium	EPA Method 6010/6020/7471A	≤ 100 mg/kg
Lead	EPA Method 6010/6020/7471A	≤ 200 mg/kg
Mercury	EPA Method 6010/6020/7471A	≤ 10 mg/kg
Selenium	EPA Method 6010/6020/7471A	≤ 10 mg/kg
Silver	EPA Method 6010/6020/7471A	≤ 200 mg/kg

¹ BTEX testing is only required for landtreating facilities.

Figure: 16 TAC §4.211(e)

Table 1. Penalty Guideline

Oil & Gas Rule/Statute	General Description	Guideline Minimum Penalty Amount or Range
	DIVISION 1. GENERAL; DEFINITIONS	
	§4.201 Purpose	
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	
16 TAC §4.203(a)(b)	Failure to utilize the services of a carrier with a valid permit	\$2,500
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	
16 TAC §4.209	Failure to transfer a permit without approval of the Commission	\$2,500
	DIVISION 2. REQUIREMENTS FOR ON-LEASE COMMERCIAL SOLID OIL AND GAS WASTE RECYCLING	
	§4.212 General Permit Application Requirements for On-Lease Commercial Solid Oil and Gas Waste Recycling Facilities	
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	
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	
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	
16 TAC §4.223	Failure to follow recommended closure procedures	\$2,500

	§4.224 Permit Renewal	
16 TAC §4.224	Failure to apply for a renewal, of the permit within Commission's time frames	\$1,000
	DIVISION 3. REQUIREMENTS FOR OFF-LEASE OR CENTRALIZED COMMERCIAL SOLID OIL AND GAS WASTE RECYCLING.	
	§4.230 General Permit Application Requirements for Off-Lease or Centralized Commercial Solid Oil and Gas Waste Recycling	
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	
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	
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
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	
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	
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 TAC §4.244	Failure to follow recommended closure procedures	2,500
	§4.245 Permit Renewal	
16 TAC §4.245	Failure to apply for a renewal, of the permit within Commission's time frames	1,000

	DIVISION 4. REQUIREMENTS FOR STATIONARY COMMERCIAL SOLID OIL AND GAS WASTE RECYCLING FACILITIES.	
	§4.246 General Permit Application Requirements for a Stationary Commercial Solid Oil and Gas Waste Recycling Facility	
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	
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	
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	
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	
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	
16 TAC §4.2.60	Failure to follow recommended closure procedures	\$2,500
	§4.261 Permit Renewal	
16 TAC §4.2.61	Failure to apply for a renewal, of the permit within Commission's time frames	\$1,000
	DIVISION 5. REQUIREMENTS FOR OFF-LEASE COMMERCIAL RECYCLING OF FLUID.	
	§4.262 General Permit Application Requirements for Off-Lease Commercial Recycling of Fluid	
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	
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	
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	
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	
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	
16 TAC §4.276(a)(b)(c)(d)(e)(f)(g)(h)	Failure to follow recommended closure procedures	\$2,500
	§4.277 Permit Renewal	
16 TAC §4.277	Failure to apply for a renewal, of the permit within Commission's time frames	\$1,000
	DIVISION 6 REQUIREMENTS FOR STATIONARY COMMERCIAL RECYCLING OF FLUID	
	§4.278 General Permit Application Requirements for a Stationary Commercial Fluid Recycling Facility	
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	
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	
16 TAC §4.287(a)(b)(c)	Failure to renew the permit Off-Lease Commercial Recycling of Fluid	\$1,000
	§4.290 Minimum Permit Provisions for Operations	
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	
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	

16 TAC §4.292(a)(b)(c)(d)(e)(f) (g)(h)	Failure to follow recommended closure procedures	\$2,500
§4.293 Permit Renewal		
16 TAC §4.293	Failure to apply for a renewal, of the permit within Commission's time frames	\$1,000

Figure: 16 TAC §4.211(f)

Table 2. Calculation of Additional Guideline Penalty Amounts for Violations of 16 Tex. Admin. Code Chapter 4, relating Prevention of Pollution Cancellation of Certificate of Compliance; Severance

Length of Violation Low: < 3 mos. Medium: High: > 1 yr.	Production Value Low: < \$5,000 Medium: High: > \$100,000	Unresolved Severances Low: < 2 Medium: High: > 6	Basis of Severance N: non-pollution related Y: pollution related	Factor
low	low	low	N	1.0
low	low	medium	N	1.5
low	low	high	N	1.5
low	medium	low	N	1.5
low	medium	medium	N	3.5
low	medium	high	N	5.0
low	high	low	N	4.5
low	high	medium	N	7.0
low	high	high	N	7.5
medium	low	low	N	1.5
medium	low	medium	N	2.5
medium	low	high	N	3.5
medium	medium	low	N	3.5
medium	medium	medium	N	5.0
medium	medium	high	N	8.0
medium	high	low	N	8.5
medium	high	medium	N	9.0
medium	high	high	N	10.0
high	low	low	N	2.5
high	low	medium	N	3.5
high	low	high	N	3.5
high	medium	low	N	4.5
high	medium	medium	N	7.5
high	medium	high	N	8.0
high	high	low	N	10.0
high	high	medium	N	10.0
high	high	high	N	10.0
low	low	low	Y	1.5
low	low	medium	Y	2.0
low	low	high	Y	2.5
low	medium	low	Y	3.0
low	medium	medium	Y	5.0
low	medium	high	Y	7.5
low	high	low	Y	5.0
low	high	medium	Y	8.0
low	high	high	Y	8.5
medium	low	low	Y	2.0
medium	low	medium	Y	3.5
medium	low	high	Y	7.0
medium	medium	low	Y	7.0
medium	medium	medium	Y	7.5

medium	medium	high	Y	8.5
medium	high	low	Y	9.0
medium	high	medium	Y	9.5
medium	high	high	Y	10.0
high	low	low	Y	3.0
high	low	medium	Y	4.0
high	low	high	Y	5.0
high	medium	low	Y	5.0
high	medium	medium	Y	8.5
high	medium	high	Y	9.0
high	high	low	Y	10.0
high	high	medium	Y	10.0
high	high	high	Y	10.0

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

Figure 2: 16 TAC §4.211(g)

Table 4. Penalty Enhancements based on total amount of prior penalties within seven years

Total administrative penalties assessed in the seven years prior to action	Enhancement amount
Less than \$10,000	\$1,000
Between \$10,000 and \$25,000	\$2,500
Between \$25,000 and \$50,000	\$5,000
Between \$50,000 and \$100,000	\$10,000
Over \$100,000	10% of total amount

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		\$

Figure: 16 TAC §4.275(a)(6)

FIGURE 1: PARAMETERS AND UNITS FOR GROUNDWATER MONITORING	
PARAMETER	UNITS
Static Water Level	Feet (ft)
Total Depth	ft
pH EPA Method 150.1, 150.2, or equivalent	s.u
Total Dissolved Solids (TDS) EPA Method 2540C or equivalent	mg/L
Total Petroleum Hydrocarbon (TPH) Method TX1005	mg/L
Benzene EPA Method 602 or equivalent	mg/L
Soluble Cations: Calcium, Magnesium, Potassium, and Sodium EPA Method 6010/6020 or equivalent	mg/L
Soluble Anions: Bromides, Carbonates, Chlorides, Nitrates, and Sulfates EPA Method 300/9056 or equivalent	mg/L

Figure: 16 TAC §4.276(d)(1)

FIGURE 1: STANDARD SOIL SAMPLING CLOSURE PARAMETERS	
PARAMETER	LIMITATION
pH <i>EPA Method 9045C or equivalent</i>	6 to 10 standard units
Chlorides	≤ 3,000 mg/kg
Total Petroleum Hydrocarbons (TPH) <i>EPA Method 5035A/TX1005</i>	≤ 10,000 mg/kg or 1% by weight
Total benzyne, Toluene, Ethylbenzene, Xylenes (BTEX) <i>EPA Method 5035A/8021/8260B or equivalent</i>	≤ 30 mg/kg
Metals (Total) <i>EPA Method 6010/6020/7471A or equivalent</i>	
Arsenic	≤ 10.00 mg/kg
Barium	≤ 10,000 mg/kg
Cadmium	≤ 10 mg/kg
Chromium	≤ 100 mg/kg
Lead	≤ 200 mg/kg
Mercury	≤ 10 mg/kg
Selenium	≤ 10 mg/kg
Silver	≤ 200 mg/kg

Figure: 16 TAC §4.291(a)(6)

FIGURE 1: PARAMETERS AND UNITS FOR GROUNDWATER MONITORING	
PARAMETER	UNITS
Static Water Level	Feet (ft)
Total Depth	ft
pH EPA Method 150.1, 150.2, or equivalent	s.u
Total Dissolved Solids (TDS) EPA Method 2540C or equivalent	mg/L
Total Petroleum Hydrocarbon (TPH) Method TX1005	mg/L
Benzene EPA Method 602 or equivalent	mg/L
Soluble Cations: Calcium, Magnesium, Potassium, and Sodium EPA Method 6010/6020 or equivalent	mg/L
Soluble Anions: Bromides, Carbonates, Chlorides, Nitrates, and Sulfates EPA Method 300/9056 or equivalent	mg/L

Figure: 16 TAC §4.292(d)(1)

FIGURE 1: STANDARD SOIL SAMPLING CLOSURE PARAMETERS	
PARAMETER	LIMITATION
pH <i>EPA Method 9045C or equivalent</i>	6 to 10 standard units
Chlorides	≤ 3,000 mg/kg
Total Petroleum Hydrocarbons (TPH) <i>EPA Method 5035A/TX1005</i>	≤ 10,000 mg/kg or 1% by weight
Total benzyne, Toluene, Ethylbenzene, Xylenes (BTEX) <i>EPA Method 5035A/8021/8260B or equivalent</i>	≤ 30 mg/kg
Metals (Total) <i>EPA Method 6010/6020/7471A or equivalent</i>	
Arsenic	≤ 10.00 mg/kg
Barium	≤ 10,000 mg/kg
Cadmium	≤ 10 mg/kg
Chromium	≤ 100 mg/kg
Lead	≤ 200 mg/kg
Mercury	≤ 10 mg/kg
Selenium	≤ 10 mg/kg
Silver	≤ 200 mg/kg

Figure: 16 TAC §4.302(c)(1)

FIGURE 1: PARAMETERS AND LIMITATIONS FOR ROADBASE	
PARAMETER	LIMITATION
Minimum Compressive Strength by <i>ASTM D 698</i> , <i>ASTM D 1557</i> , or <i>TxDOT Methods Tex-113-E</i> , <i>Tex-120-E</i> , <i>Tex-121-E</i> , <i>Tex-117-E</i> or equivalent	35 psi
Synthetic Precipitation Leaching Procedure (SPLP) <i>EPA Method 1312</i> Metals <i>EPA Method 6010</i> , <i>6020</i> , or <i>7471A</i> Arsenic Barium Cadmium Chromium Lead Mercury Selenium Silver Zinc	≤ 5.00 mg/L ≤ 100.0 mg/L ≤ 1.00 mg/L ≤ 5.00 mg/L ≤ 5.00 mg/L ≤ 0.20 mg/L ≤ 1.00 mg/L ≤ 5.00 mg/L ≤ 5.00 mg/L
Benzene <i>EPA Method 1312</i> , <i>8021</i> , or <i>8260B</i>	≤ 0.50 mg/L
Leachate Test ¹ Total Chlorides Total Petroleum Hydrocarbons (TPH) pH	≤ 700 mg/L ≤ 100 mg/L 6-12.49 s.u.

¹Use the methodology described in "Laboratory Procedures for Analysis of Exploration and Production Waste," Louisiana Department of Natural Resources, Office of Conservation, Injection and Mining Division, May 2005, or similar.