

TCEQ Public Hearing for 30 TAC Chapters 210 and 309-20260615_142357UTC-Meeting Recording

June 15, 2026, 2:23PM

1h 37m 15s

NB

Nathan Beels 6:50

Good morning, everybody who's joining us today. We're going to hold off just a few more minutes to let people join us due to the weather and all the rain and everything. So we're just going to hold off probably about 5 or so more minutes just to make sure everyone's here and can participate when they want to. to meet that. So thank you so much for being with us. We should start here very shortly.

Okay. Good morning and thank you for joining us today. We appreciate your participation in this working project for the land application of produced water rule project number 2026-006-3090W. My name is Guerra Ricco and I'd like to welcome you to this informal Q&A session prior to the start of the formal public hearing at 10 A.m.

The Q&A session is open for 30 minutes prior to the formal public hearing and again after the close of the formal public hearing for a few minutes. The Q&A session is an informal process and comments or questions during this time will not be considered as formal comments for this rulemaking proposal. Please mute your mic if you don't have any questions for sound.

during this session. If you do have questions, please ask them now and before 10 AM, and we ask that you be mindful of others and take turns. Remember to turn off your mics when not speaking. You can also use the Q&A chat or the live Q&A chat functions to ask your questions.

So we'll go ahead and get started. If anybody in the room, any questions? Okay, cool. We'll get started. If there's anybody online who has any questions, you can feel free to raise your hand or go ahead and unmute your microphone or use the Q&A chat to ask your questions.

Okay, so we have a question in the chat. An initial question that truck drivers and others have regarding these rules and proposed implementations is how is the state of Texas and Railroad Commission and TCEQ ignoring the science on the ground issues related to the fracking waste stream that even considering allowing it spreading on agricultural ranch land. Our labor

organization has dozens of drivers hauling produced water and all suffer adverse health conditions and work without any real training PPE.

And thank you for that informal comment. If you would like to submit it as a formal comment as well, I put that link in the chat. We can also submit formal written comments on this rule making until 1159 PM tomorrow night, June 16th. And that is tceq.commentinput.com.

And the page will be up there for this project.

And another question is, will the agency conduct A subsequent rulemaking to set standards for produced water treatment and monitoring requirements, and if so, when?

Good morning. Thank you for your informal comment. We do anticipate that's a possibility, but we do not have a firm time frame for that rulemaking to take place right now.

Oh, sorry, yeah, that will be the project manager, excuse me, project manager, Shannon Gibson, and we'll remember to announce ourselves beforehand again. Apologies on that, but thank you.

Yeah.

Another question is, is there a company currently actively trying to use this new rule? If so, who are they?

Yeah.

Good morning again, this is Shannon Gibson. Thank you for your informal comment. DCEQ has received applications to land apply produced water that has been treated for beneficial use. However, I don't have information available right now about the specifics of those applicants, and they are applying underneath the current rules. not under the proposed rules. Thank you.

Another question is, what public participation opportunities does the agency intend to create around any future rulemaking, and what kind of outreach will the agency do in areas like the Permian, Eagle Ford Shale, and East Texas communities?

Thank you for your informal comment. Again, this is Shannon Gibson. We plan to conduct stakeholder outreach. However, we do not have information available yet about what outreach activities will be conducted in the future. We do currently provide updates on rulemaking activities at our quarterly water

Quality Advisory work group meetings, and you can always join those for updates throughout the process. And for any, and just to make a note of that, this is Gwen Ricco, and to make a note of another addition, if you want to sign up for any of our

gov delivery list serves on our TCQ homepage.

page. You can also sign up for following what's new in rulemaking and any proposed public hearing plans that are coming down the pipeline. So that's another way to keep an eye out on what's happening with our rulemaking items.

Let's see, another question. Do you envision changes modifications to type one, type 2 reclaimed water standards?

Thank you for your informal comment. This is Shannon Gibson. No, we do not envision any type of revisions for those based on implementation of Senate Bill 1145. Those are with respect to domestic reuse of domestic reclaimed water as opposed to industrial reclaimed waters.

Okay, another question. We ran a produced water desalination and treatment pilot in various locations. What is the most appropriate manner to submit the water quality testing data in peer-reviewed publications?

Thank you for your informal comment. I'll have to review what the best manner to submit that information is and get back to you. Thank you. Am I in the right place? With.

Gwen, I would like to add on to that last question that if you would like, you can submit that as a formal comment. Feel free to. Thank you.

Question was, can you remind us what your guys' timeline is for this rulemaking?

Yes, so for our timeline currently, this is, we're in our formal public public participation process in this. The comment period is expected, or sorry, for any of the folks online, the question was, what is the timeline for this critical making? And so we have the

public hearing today. The public comment period will close at 11.59 P.m. tomorrow on June 16th. Yes. I know the midnight's a little confusing sometimes. And then this rulemaking is scheduled. Let's see. It's for adoption.

To meet that six month constraint date, that would be putting us in an October adoption agenda for a commissioner's adoption agenda. And that backup would be made available to the public probably around mid-September. Okay, and once that backup is made available to the public,

Is there another opportunity to comment on whatever that or finalized rule? The next opportunity to comment would be at the Commissioner's agenda meeting. You could sign up to provide comments at that. Yes. And then my second question as a non-lawyer on the Administrative Procedures Act is,

If members of the public or organizations...

For whatever reason, think that your rules don't go far enough, and we'll say some of that today in a few written comments, or I think there should be more specificity.

Are you able to change, how much are you able to change a rule that's been proposed? That's a good question. That could be a little confusing. So how much, the question was, how much are we able to change a rule that has been proposed from proposal to adoption? Is that the question? So we don't,

We do have a more limited ability to change rules from proposal to adoption just based off of the Secretary of State of Texas Register requirements. You can substantially change them with in regards to receiving public comments, but we do have some limited scope there. We can only change things that have been proposed. We can't open up new sections at that point in time or change the structure wildly that hasn't been proposed. Because at that point, once we propose something and then change it from proposal to adoption, at that point, there's not another opportunity to give that proposed language to the public.

So then if that makes sense, is that clear? Okay. And to be even more specific, if one of our comments is that we think you should have created a regulatory framework where there was a specific kind of section on land application of produced water, versus just incorporating it into other forms of treated wastewater. Is that something you're able to do in this rulemaking? Could you create, you know, within that framework and other things?

In the algefer to program on this.

So, um...

Sorry about that. Apologies. I believe that would require us to go back to start at the beginning. I think that would be too significant of a change to accommodate under this particular proposed set of rules. And I'll make another clarification on rulemakings in general and how that, how like where we are a little bit more limited is

When we propose logging and publish in the Texas Register at that point of the publication date, we have six months to submit that adoption to the Texas Register Secretary of State's office. So that is, that's kind of why we have a little bit more limited ability to do things like

extend public comment periods like wildly outside of it, just because we have to meet our own agency requirements for the agenda, getting on an agenda process and reviewing that, and then being able to meaningfully respond to the written comments. So there's just a little bit more constraint date around there that

Might be a little bit more confusing and hopefully we can clear that up with some people. And this is my final question, I promise. Oh yeah, ask as many as you need. Well, ask as many as you need. SB 1145 report.

No, it didn't. It was, it's applicable to applications filed on or after September 1st, 2025, but it did not set a deadline for completing or conducting the rulemaking. Yes.

I can't say off the top of my head, I apologize, less than a dozen.

You bet.

Okay, we got some more questions in the chat, or yes. And let me, yeah. I kind of come into this a little on the later side. I'm A producer, full guest producer, and I'm really kind of concerned about how you guys are. I mean, I am also a landowner. Ohh, I've lived, grew up in South Texas. I've been in South Texas all the time, lived on a ranch, and I'm concerned about the land.

Quality.

But as an oil and gas producer.

Ohh, I produce out of the Carrizo aquifer. Actually looked up on Chat GPT. How many oil and gas, how many oil wells are in the upper Carrizo aquifer? You know what it says? It says there's none.

Thousands.

Out of the trees of aquifer in my county, those that water is very pristine.

I have with the railroad commission, these wheels were drilled in the 50s by Exxon and I'm still by far 40 years ago and I'm still producing them. I own the ranch around them. And we actually raised 40 head of cattle on 20 acres of coastal by irrigating off of this produced water that everybody thinks is so bad.

Our chlorides run around 200 PPM. We get water testing all the time. And I understand this is a blanket field because it's produced that we're dealing with. I really think that we did the way we could.

We could look at the Carrizo Aquifer, which is a pristine aquifer in the state of Texas. It covers 26,000 square miles from Marina all the way to Louisiana and Arkansas. It has 11,000 square miles of recharge zone, all up and down parallel to the coast of Texas.

Ohh.

For 50 years, this water ran down the creek.

all these produced wells, no environmental problems were ever caused, ever, in the history of the production of the free zone oil wells. Now we are lumped in with

everybody else. We have to follow the same rules that everybody else does. And even if their chlorides are high or chemicals or whatever. We do extensive testing. I'm just telling you, we've done this for years. I have actually owned these wheels for 40 years myself. And we've never had a fall, ever. I mean, we jump through every hoop everybody asks us to. But now the hoop, I'll be honest with you, we used to deal with the EPA and TECQ hoops. So the EPA hoops were down here, y'all's hoops are up there. I mean, do y'all want to know exactly how much

I trade that grass uses that I'm growing. You want to know when I'm going to start putting cattle on it. You don't want to know when I take the cattle off of it. What does that have to do with the water that I'm putting on the ground? I've been doing dirt tests for the last six years. I've been turning me in quarterly water tests.

I'm doing everything by the book.

But yet now, it's just going crazy with the test. When we were at the EPA, we had to do minnow tests. We had to send the water in, and these perfect minnows had to survive, even though we had fish running in 40 miles of creeks and tanks downstream that fed water and cattle and actually produced marshes.

In.

Because of all the rules and regulations, we have a lot of people have plugged their wells, but they don't want to deal with it.

And I'm a small operator. And here I am having to deal with these crazy, I already spent close to \$3,000. I'm in the process. Right now I'm in the process. I've done everything at the district level. I thought I was done. Now I'm at the state level. I asked the lady, when do I?

Oh, where's this? I didn't even know there was a state level I was going to have to go through. I've already done all the, put it in the paper, learned all the tests, everything you can think of. And now we get to the state level, and that's when they started saying, we want to know what kind of crop you're going to plant, when you're going to plant it, all that kind of sound like, what does that have to do with it?

water. And the thing is, this water is used by every municipality in South Texas as drinking water. And it's used by thousands of farmers irrigating of the same aquifer. So, you know, pardon me for being a little frustrating.

But I mean, it's gonna be, this same water's been put on the ground for hundreds of years. My grandfather came to Texas, it's a big wells Texas, and they built a water well in a carizo, and they irrigated all kinds of little farms out of it. We're talking forever

this water has been put on the ground.

And now I'm lumped in because I make oil out of it. Even though we do an excellent job of separating the oil, we run through separators.

lakes to get to their lakes so they can water their people. And I'm just, I'm like amazed that I'm lumped in with, and I actually, I couldn't believe it. I Googled it, and it said there's no oil wells in the upper Carrizo. I Googled it like 15 different ways, and it said the same thing. So I don't know

Why I'm locked in with all these other things that are going on. I'm locked in with people dispersing water out of cities, sewer systems and everything else on the side. Not even with pristine water.

And I apologize again. I said, I'm kind of, I've been dealing with it for four years. I mean, Region 6 shut us down. Carroll Keaton, Ron Lindner stepped in and said, you guys need to go back to Washington. We're going to have freshwater discharges. Everything E to the west of the 98th Meridian.

we could surface discharge. And it just, we've done nothing wrong and there's been no environmental problems, none whatsoever. But we're still locked in with everybody else and have to run all these crazy tests. And Sierra, I understand these guys. They're dealing with other things where there's a lot of problems. We're not. And that's why I don't understand why I'm dumped in with everybody else. I think the problem is, you, we've got the Carrizal Aquifer, which is one of the largest actors in Texas, and it runs from like 300 feet deep to a 10,000 feet. And the thicknesses are anywhere from 1000 to

That was a big.

More deeper, you know, you get into practice waters like 3000 PPM.

you know, deeper wells. But down there, my brother has a ranch, he got a till that drilled A Carrizo water wells right next to Carrizo wool wells.

and they're producing that water and putting it on the Brisco Ranch. I'm just telling you, there's so many things going on. It's incredible. We produce the best oil made. I get \$3 a barrel higher than the highest price in the oil.

And I'm just, we're getting smaller and smaller and smaller. There's no in the whole. No, yeah, we appreciate your comments and we would love for to if you would like to submit those as formal comments as well. Okay. Yes, that would be that would be helpful. Thank you. Okay.

We got a few more questions we will get through until we will get to the formal comments of the morning. Let me go back, make sure we didn't miss any.

All right, so our next question is, is TCQ aware of issues that have been raised in Johnson County related to biosolids spreading and mud farming?

And we, if you would like to leave that as a follow-up, then that would be helpful. Thank you.

When will TCEQ modify its MOU with the Railroad Commission, and what public notice participation will the agencies create for that opportunity?

Thank you for your informal comment. This is Shannon Gibson. I'll say that the rulemaking to amend the MOU between the Railroad Commission of Texas and the TCEQ is currently under development, or the amendment is under development, but we are hoping to take it to proposal soon. We are making updates at the Water Quality Advisory Work Group.

that I previously mentioned, and you can also sign up for outreach at the, and I'm sorry, Gwen, could you help me with that email? Yeah, yeah, so you can also sign up for those notices at our TCQ public web pages, and that would be including the what's new in TCQ rules, and also the

Upcoming proposed hearings, and then we will notice them in...

our normal public participation and noticing requirements that we will be able to assess at that time. Sorry, I don't want to get through that. Yes, so we'll be able to assess the needs of that at that time as well.

Next question is, do you anticipate different standards for produced water treatment than type 1 and type 2 standards? And do you anticipate different produced water treatment standards based on end use?

Thank you. We would request that you would do that as a formal comment.

And just an update, so I know we are approaching 10 AM. I'm going to finish the questions that are currently here and then we'll do the formal comment time and then we can get back to some more questions at the end of this just to make sure we are leaving time for everyone to provide their formal testimony today. But I will get through all the ones that were

Already in the chat, and.

Will there be any consideration guidance for managing data center cooling water reuse or land application?

Thank you for your informal comment. This is Shannon Gibson. None is proposed under the concurrent rule, but please, if you would like, you can leave that as a formal comment.

Yes. Hi there. Yeah, this is Hannah Mitchell with Earthworks. I was just wondering if

you could explain, given the change of jurisdiction of produced water from the railroad commission to the Texas Commission on Environmental Quality, why the commission decided not to have a formal, sorry, an informal comment period and stakeholder.

comment period for this rule, just like given the broad changes that are being suggested here.

Sure, thank you for your informal comment. I don't know why one wasn't granted. I imagine that an informal stakeholder comment period was not officially requested or sought. Those type of requests usually get reviewed by executive management and approved through them through that chain.

Thank you.

Okay, a couple more. What evidence demonstrates that a 100 foot setback from water sources is sufficient distance to mitigate water contamination from produced water? And when will TCQ make that documentation available?

Yes, definitely. When you read the questions off online, can you, if it's available, say who it is asking or what organization or whatever? Yes, I can. I can do that. Yeah.

Thanks. I know you probably back down too, but.

I apologize for the delay.

Thank you for your informal comment. We would request that you would leave that as a formal comment during the comment period. Thank you.

And that was asked by.

Wait, which question? Sorry, which question was I just talking? That was in response to the 100 foot setback question. Yes, by Kathryn Guerra. Thank you.

And I think everybody we have one more question and then we'll get to the formal comments and then we will go back to some questions if folks still have questions they would like to ask. So Julie Range asked, could produced water treatment include using data centers for cooling as part of the treatment process?

or for mineral, this is a couple of questions so I can read it all at once and then repeat them for you all if you need. So could produced water treatment include using data centers for cooling as part of the treatment process or for mineral extractions? Will standards be different for the land application for effluent from these processes?

Do you anticipate allowing these processes to be considered part of treatment, or will other permits be required for these operations necessitating alternate permits?

And will TCQ consider treatment technologies part of their permitting process? And if you need me to repeat anything, I can.

Fix.

That was a question asked by Julie Range.

I believe those questions are pretty specific and would need to be submitted as formal comments.

Yeah.

And then just one more informal comment made by Rita Beving is just want all to know that a data center is to be placed on land contaminated by produced water right now in Johnson County. That should not happen. So that is

B.

And let's make sure there's nothing in this other chat. Cool. Okay. So that is going to conclude the first informal question and answer period today. And next we are going to start the formal oral testimony process. So I'll read it out just so everyone knows I'll read out a little script. And then we will go through the registered commenters in order of registration, and then we can also have a second informal Q&A session after that. So I will get started on that.

It.

 **+17*****00** 41:09
But.

 **Nathan Beels** 41:12

We are here this morning to receive oral testimony on the rulemaking project to implement late application of produced water rulemaking rule project number 2260063090W. If you intend to present oral testimony and have it already signed in, if you're in person, we we'll have, you can be able to come up to the mic. If you would like us to bring a microphone to your seat, we have the abilities to do that as well. And if you're online and haven't already signed in to provide oral testimony, you can either put your name in the chat or email at rules at tceq.texas.gov and I'll get you in line for providing oral testimony. We will continue to accept written comments on this proposed rule until 1159 P.m. on June 16th, 2026. This hybrid virtual and in-person meeting is structured strictly for the receipt of oral comments. Open discussion during the formal session of the meeting is not allowed. However, if anyone has additional questions or informal comments regarding this rulemaking package,

AA **Alan Abraham** 41:54

Steave.

Okay.

NB **Nathan Beels** 42:15

There will be another opportunity after the meeting to have your informal questions answered.

Due to the number of people who have signed up to speak this morning, we're going to, we'll be limiting comments to about 3 minutes per person. And by the timer, once that timer beeps, we would ask that you wrap up your comments. If 3 minutes is not enough time, please feel free to supplement your oral comments in written form, which we will continue to accept, as I mentioned, until 1159 P.m.

tomorrow night, June 16th, 2026. And at the end of this,

A presentation, I'll add the other forms that you can submit in written comments to, as well as just our smart comments, public comments page.

We'd like to be sure that everyone is given an opportunity to speak this morning. If someone before you has addressed your concerns, it is not necessary to repeat previous comments word for word. You can simply endorse those comments and we'll be sure to acknowledge that those were your concerns as well. We will now begin receiving testimony in the order in which you registered. Once I call your name,

If you're virtual, please unmute your mic. And if you're in person, you can either come up to the mic or we can bring a microphone to you. And please state your name and who you represent, and then present your testimony. Upon conclusion of your testimony, please mute your mic to allow the next participant the opportunity to comment. So first we had several

virtual registered commenters. We'll go ahead and get started with John Brimer.

Yeah, yeah.

And you at the podium, you'll just press here. I can help actually.

+17***00** 43:56

Yeah.

NB **Nathan Beels** 43:58

Okay.

Yes, yep, yep.

I just want to thank you all for this opportunity to talk to you guys about it. Like I said before, I've been in the business for over 40 years. I've actually owned Carrizo Wells on my own property for 3 / 3 decades. What was interesting is I studied this, I looked it up and it actually says

I asked how many Carrizo wells or how many oil wells are in a Carrizo aquifer? It says zero.

So...

We're producing oil out of the top of the Carrizo and we bring fresh water with it when we do. And we can either haul it off or we can put it on the ground. And it's been being put on the ground since 1950. And when we took it over, it was that way. We did a permit every five years. We tested the quality of the water.

and never had any problems. Compliance come from downstream landowners if you're going to have any, and we have none. A company actually looking at, they're looking at buying me out because of my age. I just turned 70. And I asked them, why'd you pick me? They want my company name.

And I've operated wells all these years. And they said, because you have 0 complaints with the Texas Railroad Commission, we want your name. And I was like, wow, that kind of surprised me, you know? But the thing is, with this aquifer, we've actually done everything everybody's required us to do. EPA, Railroad Commission, We started doing land applying because they decided there was a lady that from TECQ had talked to a friend of him that called in and asked. He wrote her a letter and said that TECQ has no authority as long as it does not run off the property. It can go in a pond or it can be irrigated. And

So he had lived by that process. So we took that process that he was talking about and went to the rural commission and said, can we do land, land apply? So we applied for it. We had to do all kind of construction to make sure it didn't run off the property and turn it all in. We had to turn in our diagrams for where the water was, how we

+17*****00 46:09

What?

NB Nathan Beels 46:20

the sediments work and everything else. And we've done it all over and over and over over the years. But what I'm looking at, what I'm seeing, and talking to a couple of people here in the audience, y'all, we're lumped into every single produced water organization in Texas.

And that was kind of bothering me because, like I said before, South, actually I got it wrong. I said 26,000 square miles of, it's 36,700 square miles, covers 23.5 million acres, this aquifer does.

There's 11,000 foot, 11,000 square miles of recharge zone. Because I began to study this, I was like, wow, we use a lot of gun barrels, what we call gun barrels, they're separation systems. And I'm talking about not small gun barrels, I'm talking like 500 barrel gun barrels and they separate.

continuously and we steam the oil off the top. And when we get through, we have a good product we put on the ground. And right now, we're doing it through irrigation.

CC **Caroline Crow** 47:28

Anthropic ***** shot themselves in the foot. They, you know, they...

NB **Nathan Beels** 47:33

What's that?

+17***00** 47:37

Okay.

NB **Nathan Beels** 47:38

Oh, okay. Anyway.

I could say it again, we've done all the environmental testing. We've done everything we're supposed to do. We've done all the documentation. We've done all the work we've always done. And I'm going to always do that.

But the extreme of it is, is why are we being lumped in with every single aquifer? And Chat PTT doesn't even recognize us that we have oil wells in that aquifer. And it just amazes me that we have some of the purest water in South Texas.

But yet we are Rick, we have to, I mean, the crazy part is, is that they even sent, like I said before, one of the rulings is, I'm going through the process right now. And everybody I talked to says, you're the first. You're the first. We're going to use you as

a, you're the magnet. You're the one we're going to brand off of.

And it kind of scares me as I get along, how extreme it is. And I keep telling them, I said, we're freshwater. We're not, our PPMs on the saline solutions are 200, maybe 300, you know, in certain areas. And it's kind of weird that everybody in South Texas uses this water.

 **+17*****00** 48:47
Okay.

 **Nathan Beels** 49:00

and we're going to be prohibited from using it. We can't, I've got neighbors that are mad at me because I don't let it run off the ranch anymore because they used it all during the drought. I'm west of the 98th Meridian. The drought was extreme. People sold their cattle. They got tired of hauling water to their ranches.

They be hauling so much hay they can afford it. Our cattle numbers are down. I mean also a cattle raiser. And a lot of my friends are in the county. And we're getting at 3 minutes if you, yeah. But you can wrap up. Definitely. Yeah. Anyway, that's pretty much it. But I just would like.

My consideration would be like, is there any way that you consider, could consider the Carrizo aquifer under a different floor mat? And in that, even though we're produced water, I understand that, but is there any way we could consider a different floor mat for the producers out of the Carrizo?

aquifer. That's my main question today. And the reason I brought all that other stuff up. Yep. Thank you for your comment. And if there was anything that you weren't able to get to, you can always submit it on our public comment page as well. Thank you very much.

Okay, next we have Cyrus Reid.

I'm here in person, not online, so I guess I registered online. Yeah, Cyrus Reed, I'm here representing Lone Star Chapter of the Sierra Club. I'll be fairly brief. We have some other people from Sierra Club. We'll get more into the details. We will be submitting written comments, both from ourselves, but also some comments we've gathered from

concerned citizens around the state. And my first comment would be, we do need to get this right, right? This is, it's important that if we're going to deal with produced water and we're going to use it for land application, that we do it in a way that is safe

for the public and for the critters and for the groundwater and the surface water. So that's the first comment. Let's get it right. The second comment is the Sierra Club is a member of the Texas Produced Water Consortium. Science is important to us. Making sure that we have the water quality reports and the water quality data is important to us.

We did support during the 89th legislative session, the SB 1145 and its intent. We supported transferring permitting authority from the railroad commission to the TCEQ. It makes sense. You guys are in charge of water quality. You should be the folks outside the oil and gas field.

that are permitting that authority to use produced water on land and as well as the potential to discharge it to surface waters. And we were encouraged to see that the final version of SB 1145 did direct TCQ to adopt those standards. Our issue with this particular rulemaking

is that you are proposing to incorporate produced water into an existing land application program developed for other wastewater streams, and therefore you're treating this more complex and potentially more toxic effluent as typical industrial wastewater or even domestic effluent.

We think the research is ongoing. And I don't know if you can do this given my previous question, but we think there should be a different framework for these produced wastewaters. The other reason we're concerned is there was a bill that we didn't support the past HB, which was HB 49, which is about liability protections. And those liability protections basically say, if you guys permit someone to apply wastewater and land, and that person does follow the rules, they can't be liable for any problems that arise, basically is what it says. And so that, again, I go back to my first point is,

Getting this right is really important, and that's why we believe you should develop a separate regulatory framework designed for produced water rather than forcing it into the existing program.

I think I made this point already, but these rules that are proposed don't have TCQ developing specific standards for produced water. It's really put into the existing regulatory framework. And

NB **Nathan Beels** 53:51

Again, make 3 quick points. Produced water is different from many other wastewater streams regulated under Chapter 309. It can contain high levels of salts, heavy metals, organic and inorganic compounds, norms, other constituents associated with oil and gas production. That's why it's so important to get it right.

+17***00** 54:11

No.

NB **Nathan Beels** 54:12

We do believe that different land applications uses may warrant different standards. So for example, if you're using produced water to grow cotton, that may be less concerning than if you're using it to produce crops that either livestock eat or we may ultimately eat, right? There could be different standards.

+17***00** 54:29

But.

NB **Nathan Beels** 54:33

And we're worried that the rules' reliance on a case-by-case permit evaluations and your professional judgment raises transparency and consistency concerns. So I think Afghania will speak a little later today, and she'll get into some more specifics, but those are my comments for now, and we will be doing written comments. Thank you. Thank you for that comment. Our next registered commenter is Adrian. Oh, yeah.

Let's see. I signed up.

And maybe if they're not online, we can come back to them at different time. Adrian Figueroa.

And we'll come back. Becky Smith next. And you can go ahead and unmute your microphone.

BS **Becky Smith** 55:39

Good morning, can you hear me okay?

NB **Nathan Beels** 55:41

Yes, we can.

BS **Becky Smith** 55:42

Wonderful. Thank you. My name is Becky Smith. I'm the Texas Director for Clean Water Action, representing our several thousand members in this state. We're a member organization. So thank you for the opportunity to comment. I'll also submit written comments. I'll be brief. We would like to request a 30 or 60 day extension on public comment.

on this rule making. We know that, you know, folks around the state are concerned, issues are different depending on what region you're in, as we as we know what the end uses are going to be for this treated effluent or treated wastewater product are also different.

Clean Water Action is concerned and don't believe that including produced water from oil and gas operations into the existing regulations for domestic and conventional non-oil and gas wastewater products is an appropriate place to regulate this particular product. We request

development of a separate rule making and separate standards for perhaps specific to the end use as some of my previous, some of the previous commenters have stated, specific to the end use intended for the oil and gas wastewater product.

Again, I'll put these comments also in writing and request an extension for at least 30 or up to 60 days for additional public engagement and input on this rulemaking. Thank you again for the opportunity to comment.

+17***00** 57:15

Okay.

NB **Nathan Beels** 57:22

Thank you for your comment. Our next...

One moment, please. Let me pull up that list again.

+17***00** 57:32

Okay.

NB **Nathan Beels** 57:32

Next registered speaker is Rachel Haynes.

RH **Rachel Hanes** 57:39

Yes, good morning. Are you able to hear me?

NB **Nathan Beels** 57:41

Yep, you're loud and clear.

RH **Rachel Hanes** 57:43

Wonderful, thank you. My name is Rachel Haynes. I'm the policy director at the Greater Edwards Aquifer Alliance. We are a nonprofit dedicated to the protection and preservation of the Edwards and Trinity Aquifers, their springs, watersheds, and the Texas Hill Country. We have 59 member groups across 21 counties in the Texas Hill Country.

+17***00** 57:47

It.

RH **Rachel Hanes** 58:02

and appreciate the opportunity to submit the following comments and questions on this rulemaking. Our first comment is that Senate Bill 1145 directed the TCQ to adopt TLOP standards specifically for produced water. The legislation made no mention of general industrial wastewater streams, yet the Chapter 309 section of the produced rule refers repeatedly

+17***00** 58:17

The.

RH **Rachel Hanes** 58:23

to establishing standards for land application of industrial water, including produced water. So our question is, why has the rulemaking been extended beyond the scope of the enabling legislation?

 **+17*****00** 58:25
Okay.
Yeah.

 **Rachel Hanes** 58:35
Our next comment is that the produced new waste streams are extremely different than the domestic sewage waste streams currently included in the rules. Current established design guidance, application limits, etc. are entirely insufficient for the new sources of waste. Why do the limits and specifications proposed remain relevant only to domestic sewage waste streams and do not take into account the different constituents present in the industrial

 **+17*****00** 58:48
Yeah.

 **Alan Abraham** 58:51
But.

 **+17*****00** 58:53
Stop.
Thank you.

 **Rachel Hanes** 58:59
and produce streams.
Our third comment is that produced and industrial wastewater streams will have specific pre-treatment requirements, yet there is no mention of these requirements in the context of this rulemaking. TLAP application of produced water should not be considered without specific pre-treatment requirements, verification of the incoming waste stream contents,
and significant revisions of the acceptance criteria for water quality of the applied waste onto the land surface. So our question is, why are these specific requirements and revisions not included in the proposed rule?

 **+17*****00** 59:32
Yeah.

 **Rachel Hanes** 59:32
There is also no current effective remediation of produced water and industrial waste components by applying them to the soil. The existing criteria for safe disposal are inadequate and highly unlikely to be protective of surface or groundwater supplies. So why does the produced rulemaking rely on soil application for the remediation of the produced and industrial waste components?
We are also concerned because TCEQ is not currently able to adequately monitor existing wastewater TLAP sites, much less new and non-domestic sewage TLAP sites. Most sites are self-regulated, and the rulemaking indicates no cost burden to the transition to TCEQ from the RRC or for the rulemaking.

 **+17*****00** 59:56
Yes.
Yeah.
Yeah.

 **Rachel Hanes** 1:00:12
How can TCQ accommodate the extra burden of this rulemaking without additional funds or personnel?
And finally, we have significant concerns about the potential for land application of produced water over the Edwards Aquifer recharge and contributing zones. The Edwards Aquifer is incredibly sensitive and prolific karst limestone aquifer, highly susceptible to pollution and contamination. Regardless of the standards established, and we do hope that stricter standards are established,
We request that TCQ prohibit the land application and produced water over the Edwards Aquifer Recharge and contributing zones. And we will also be submitting some lengthier and more detailed written comments as well. Thank you.

 **Nathan Beels** 1:00:52
Thank you for your comment. Our next commenter is Anna Elissa Peace.

 **+17*****00** 1:01:02
Hello.

 **Rachel Hanes** 1:01:07
I don't believe she's able to make it this morning. Apologies.

 **Nathan Beels** 1:01:09
Okay, thank you for letting us know. We will go on to...
Billy Randall.

 **Billy J. Randel, Truckers Movement For Justice** 1:01:20
Good morning and thank you all for the opportunity to participate in this public hearing slash meeting.
I'm Billy J Randall. I'm a representative of Truckers moving for justice, which is largely consists as a membership labor organization of truck drivers who haul. In the fracking industry, both in West, in the Permian Basin, Eagle Ford share shell area. Formerly the Barnett Shell area.
As well as other areas in the United States.
Our concerns are we know what's in this water.

 **+17*****00** 1:01:54
Okay.

 **Billy J. Randel, Truckers Movement For Justice** 1:01:56
We haul it every day.
I can bring you testimony.
From truck drivers who are dying right now.

 **+17*****00** 1:02:05
Okay.

 **Billy J. Randel, Truckers Movement For Justice** 1:02:07
from handling and coming in contact with produced water.
and hauling into sites that quote...

Preet, unquote, the produced water.

To even consider.

Using this on agricultural land.

is a catastrophe.

for the past 30 years plus that I can remember.

I've worked with farmers across the Northeast who have spread biosolids on their farms.

Thinking it was good fertilizer.

and now find out the land is contaminated. We're working with folks in the Johnson County area of Texas.

where biosolids, and now we find mud farming took place during the boom in cracking.

In the in the Barnett Shale area.

Children are getting sick. They built a housing development on a mud farm.

AA **Alan Abraham** 1:03:22

Hello.

B **Billy J. Randel, Truckers Movement For Justice** 1:03:23

There's a school on that same mud farm now, residential development.

AA **Alan Abraham** 1:03:29

Not available.

B **Billy J. Randel, Truckers Movement For Justice** 1:03:30

The science exists to show everyone in government and the communities what's in this stuff.

+17***00** 1:03:38

Ann.

B **Billy J. Randel, Truckers Movement For Justice** 1:03:39

It's one thing to endanger a worker's life, it's another thing to endanger children which end school on this property.

AA Alan Abraham 1:03:47

Yes.

B Billy J. Randel, Truckers Movement For Justice 1:03:50

Where?

We will attempt to submit a formal written comment by the deadline.

which all need to take a step back.

Children are our future.

Don't allow this to be spread into the food supply chain. PFAS was enough.

You won't see the effects of this for years. None of us will be around.

In the words of my brother.

Tom McKnight.

They never told us what was in this stuff.

They know why, but they don't tell you.

Thank you very much for

NB Nathan Beels 1:04:49

Thank you for your comment. Our next registered commenter is Tulsi Oberbeck.

Good morning. Thank you for the opportunity to testify. Again, my name is Tulsi

Oberbeck. I'm with the Texas Oil and Gas Association. We're A statewide trade

association that represents every facet of the Texas oil and gas industry. We

commend TCQ for promptly proposing A realistic framework to implement Senate Bill.

that transferred permitting authority for land application of produced water that's

treated for beneficial reuse from rural commission to TCEQ. Overall, we are

supportive of the proposed changes to chapter 210. TCEQ has a long history of safe wastewater regulation, and we think this proposed rule falls in line with that.

We also recommend that Chapter 309 scope be modified to prevent unanticipated

consequences for industrial wastewater treatment operations. Chapter 309 was

drafted to apply specifically to direct discharge of land application for treated

domestic wastewater and clearly includes provisions and references to other sections of TCEQ regulations that only apply to

to domestic wastewater. Conversely, industrial wastewater and produced water are

regulated in a very different manner than domestic wastewater than domestic

wastewater and already have different existing TCEQ regulations that are applicable to them. We plan to provide written comments that go into greater detail. Thank you for the opportunity to provide comments.

That concludes my comments. Thanks.

Thank you for your comments. Next up, we have Eugenia Spears.

Good morning. I'm Evgenias Pierce with the Sierra Club Lone Star Chapter. We just heard from Cyrus a few minutes ago. And not to repeat what Cyrus said, I am just going to provide more specifics on a few points that he touched in his comments. I also wanted to mention that we are members of the Texas Living Waters Coalition and support their comments as well.

Anne, thank you so much for the opportunity to provide this feedback today. One of the comments I want to mention specifically is that the rulemaking doesn't clearly define key terms like treated produced water or land application. For example, the term treated is left to interpretation. Does it mean that

salts were removed, or does it also include the removal of heavy metals and toxics that are usually found in produced water? So as written, the meaning of these terms like treated produced water and land application remains ambiguous, and the regulatory boundaries for land application of treated

produced water also remain unclear. My second comment is about the proposed setback requirements. The rule would allow treated produced water to be applied as close as 100 feet from waters of the state and 150 feet from private water wells.

but there is no clear explanation how these distances were determined and whether there are sufficient to protect nearby communities and landowners specifically from risks associated with produced water. So we believe that TCEQ should provide the technical basis some explanation for the proposed distances and demonstrate why they are protective

or otherwise should consider much larger setback requirements. My next comment is about monitoring requirements for land application of treated produced water. The proposed rule, as written, requires groundwater assessments and baseline

groundwater monitoring for total dissolved solids, nitrate, nitrogen, chloride, sulfides, pH, and E. coli. However, it doesn't establish monitoring requirements for constituents that are commonly found in produced water, including naturally occurring radioactive materials, PFAS, hydrocarbons, heavy metals, and so on. So

And another, an additional point here is that the proposed rule doesn't seem to be

addressed accumulation of constituents of concern. So even when individual applications meet permit requirements, contaminants can build up over time after multiple applications to the same area. So we believe that TCQ should explain how they

Agency would monitor for accumulation.

A couple of other things. The draft rulemaking also doesn't require to provide a public notice for land application projects, public input, or the opportunity to formally oppose projects. At a minimum, we believe that TCQ should consider notice requirements for entities responsible for managing and protecting local water resources, and for Texans who may be directly affected by future land applications. location projects. And there should also be an opportunity for public comment and response, and depending upon the size of the project, the opportunity for a contested case hearing. And finally, the rulemaking should also include compliance and enforcement provisions.

Because combined with the lack of specific discharge standards and monitoring requirements, it seems like TCQ is creating a regulatory framework that would rely on addressing problems after permits have been issued, rather than preventing such problems in the 1st place. So

FE **Fred Ehler** 1:10:45

The.

NB **Nathan Beels** 1:10:49

It's really important that we do it right. So in the ideal world, we encourage TCEQ to slow down and take the time necessary to develop a comprehensive program that is designed specifically for produced water.

and then reopen the public comment period once a revised proposal is ready. Thank you.

Thank you for your comments. Our next commenter is Craig Nazer.

Hello, my name is Craig Nazer and I'm the Conservation Chair of the Lone Star Chapter of the Sierra Club. I'm kind of the volunteer coordinator who listens to our members from all over this huge state of Texas. I was not born in Texas. I was born on the shores of Lake Erie in a little town called Ashtabulo.

And way back in the early 60s, we had a lot of industry there. One company you might have heard of called Union Carbide.

And we were told the lake was turning pretty dirty as a kid, but we were told the solution to pollution was dilution. But still, I like to go down to the lake and fish, and I would catch fish and bring dioxin-laced fish home for my family to eat. Three people in my family, unrelated people, Got cancer.

My father died of it at the age of 51.

Now, at that time, dioxin wasn't known as a pollution, but now there's a beach in Ashtabu, Ohio. It's where the 10 most toxic beaches in the United States has so much dioxin in the beach, they can't clean it up. Union Carbide dumped tons of toxin down Fields Brook. It was a super fun cleanup site. Well, they didn't know at the time. Well, you know, we don't know. Well, let's just stick in there. I mean, you know, just, okay. So the most important thing about produced water is you got to know what's in it. And people put stuff in it before they pump it into the ground and they know what they put in it, and you don't.

And that's wrong. They need to tell us what they put in it if we are going to dispose of it properly. So the first thing I think, I mean, we can test, but as you know, testing is expensive. And does it go up to the landowner to test this water that they didn't pump down there, that's kind of a big lift, you know, because all this stuff gets expensive.

So the first thing to do would be find out what's in the produced water. There's 2 things you got to know. What was put in it when it was pumped down? Maybe some of the salt or water, they didn't put anything in it. Maybe there's very little in it and it's coming up with just oil and water. But then the other thing is what's underground that gets into the water when you pump it up?

Now, that's something that the state's going to have to test for. And it's different from each area of the state. But you need to test to know, is it radioactive? Do we have arsenic in it? Do we have some things that could be very toxic? OK, now the third, the other thing is, where are we

what kind of land are we putting it on? Soils are very different. We have a wide range of pH and soils. I don't know if you've done any gardening, you know, and gardening here in the hill country as opposed to when I lived in Louisiana. Very different. These soils react differently to chemicals you put on them. So

It seems to me you would have different regulations depending on what's in the soil where you're going to put it if you're going to do it well. Karst soils, some on the Edwards Aquifer, that stuff runs right down into the Edwards Aquifer with very little

stuff taken out of it. We know that TCEQ has gotten in trouble with you know, spraying just the sewage on land in different places, causing algae blooms because of phosphorus and nitrogen. So these are all things that you need to look into, and you need to figure this out. Otherwise, we're going to end up with a little another problem like
Putting PFAS on, you know, cattle land in East Texas. Big problem.
People die.
So please do a good job. Thank you very much.
Thank you for your comments. We have Joseph Alexander next.

M **Martha Pskowski/Inside Climate New** 1:15:26
Yeah.

JA **Joseph Victor Alexander** 1:15:28
Hey, could you all hear me? This is Joseph. Thank you. Hey, I really appreciate the opportunity to participate. So I founded a company called Circle Verde about five years ago, and we were basically bringing to market a technology that treats produced water, and our goal was to make it as clean as absolutely possible. And to that end, we were pretty successful.

NB **Nathan Beels** 1:15:30
Yes, we can.

JA **Joseph Victor Alexander** 1:15:52
So we've already submitted public comments that include the test data from third parties for the New Mexico Produced Water Consortium, where they tested our 200 barrel per day pilot system that was run in a closed loop fashion outside Big Springs, Texas. And when they tested the water,
It was actually flow back. So it was the nastiest possible water. It was water that was coming directly out of the oil wells immediately after fracking. So it had all the chemicals in it. And we were delighted to say that we removed basically all the contaminants. You're welcome to look at the data as well as the videos yourself. This data was analyzed or this
These water samples were analyzed at New Mexico State at Las Cruces. The principal investigator was Dr. Pei Sue and her graduate student was at Mauricio, Terizona.

After Mauricio completed his doctorate, which was mainly based on the work from our water, he was immediately hired by New Mexico's Environmental Department. And I know he left there after, you know, six months from here, but he was an environmental scientist there. Since that time, we relocated our 200 barrel a pilot system to a different location that processed water produced water that was actually too nasty to put down a typical disposal well. And then we had an Israeli firm that wants to partner with us, come out and test the water, mainly for their own use, because they needed to know if this water was clean enough for them to use. So videos of them taking those samples are available. public comments through a YouTube link, and then we will submit the data that they produced as well as their comments from their water specialists in Tel Aviv. But anyway, we're more than happy to discuss how our technology works. We're more than happy to discuss

FE Fred Ehler 1:17:44
Stop.

JA Joseph Victor Alexander 1:17:51
put water quality in and out of the machine, what we can do. And our goal, again, was, you know, we don't want to have the argument of, you know, a certain constituent is toxic or it's not toxic below this level. We're trying to get everything out of the water, like all of the, and we did. We got all of the radium out, we got all the the warm, all the dissolved solids, all of the organics. And, you know, on our plans and what we'd like to do is set up these systems on a large scale with multiple redundant safeguards, you know, at least 4 levels so that, you know, if some system, it's not, you know, it won't break. but if something leaks, whatever, we catch it and there's three or four different barriers before it gets out. Again, I'm more than happy to provide this data or in-person testimony to the commission. Thank you.

NB Nathan Beels 1:18:49
Thank you for your comment. And our last registered commenter is Marlene Fuller.

JA **Joseph Victor Alexander** 1:18:49
Yeah.

MP **Marlene Plua** 1:18:56
Yes, can you all hear me?

NB **Nathan Beels** 1:18:58
Yep, we sure can.

MP **Marlene Plua** 1:18:59
Okay, great. Thank you. Good morning, TCK Commissioners. My name is Merlin Guerrero-Plua and I am a community member advocating for responsible water and energy policies in South Texas. I recognize the urgent water challenges facing our region. Prolonged drought, declining river flows, and growing demand have made the Rio Grande an increasingly unreliable source for water for communities and agriculture.

JA **Joseph Victor Alexander** 1:19:08
You don't say that.
You never supposed to be doing it.

MP **Marlene Plua** 1:19:22
Scientists at Texas A&M and many others have been documenting the rising salinity levels in our river with reduced flows and high evaporation, concentrating salts in both the water and agricultural soils. And they have found out that this salt buildup can reduce crop yields, and once soils become very salient, the damage may persist for generations.

JA **Joseph Victor Alexander** 1:19:24
Yes.
No.
This, like, they're always the same.
You.
I'm going to.

MP **Marlene Plua** 1:19:43

So although we understand the need for new water supplies is needed, the produce from oil and gas operations is not yet a viable solution for our lens. Texas oil and gas operations generated an estimate 20 million barrels of produced water each day, but this wastewater contains a complex and high variable mixture of contaminants, including salts.

JA **Joseph Victor Alexander** 1:19:45

Thank you.

MP **Marlene Plua** 1:20:05

which we're very concerned down in the South Texas region. Heavy metals, hydrocarbons, and natural occurring radioactive materials. Researchers have repeatedly emphasized that more scientific study is needed to understand the long-term effects on soil crops, livestock, groundwater, and human health. In addition, produce water can contain more than 350,000 milligrams per liter of total dissolved solids.

which is far saltier than seawater. These extreme salient rises bring serious concerns about the irreversible damage that it can cause to our lands, our agricultural soil, and our groundwater resources. So until we are able to better understand all this, produce water should not be considered a safe or sustainable source for land use. and as well as for agriculture use, if that is where you all are wanting to use this water for. While alternative water supplies are increasingly important, the long-term impacts of introducing produce and water into our lands, you know, remain inadequately understood. So, it's highly important that we continue to have more peer review research, that we have a better understanding of what this water is, how is it being treated. And most importantly, one thing that I continuously see is that a lot of this information is not being provided to communities. And it's important to engage communities and Texans, you know, in general, to really understand what these plants are. So we can all be engaged and we can have greater engagement from residents and the public to engage in these conversations. Because at the end of the day, the ones that are going to feel the detrimental impacts, it's going to be our community. It's going to be us Texans. So again, I understand that we need to protect our food systems, that we are in a rush right now

trying to find new water supplies.

But at the end of the day, we need to make sure that we don't leave with urgency, because at the end of the day, we don't want to have any more lasting consequences for us and future generations to come. Thank you.

NB **Nathan Beels** 1:22:10

Thank you for your comment.

At this time, let's see, is there anybody else in the audience that did not get to provide oral testimony today that would like to?

Does not look like it. And then I'll give another opportunity. Is there anybody else online? If you wanted to write formal comments and didn't, just go ahead and raise your hand to put your name in the chat. I'll give a minute, a little bit of time for that.

Does not look like it. So we will be online for a little bit longer to be able to answer any further questions from folks on the screen. I did want to point out that I

There's the other avenues of providing written public comments. You can mail them to our offices at the address on the screen. You can fax them, or you can submit them electronically at tceq.commentinput.com. And that will be available until 1159 P.m. on June 16th, 2026.

So let's open it up for make sure that we got everybody's questions earlier. It looks like it.

Another question in the chat from Peter Fife, will there be any consideration guidance for managing data center cooling water reuse or land application?

And I will probably note to, if you would like to provide that as a formal comment, that would be appreciated as well.

And we'll stay online till 11 A.m. So I'll just let people know we'll be on here till 11 A.m. to answer any questions or if there's anybody in the room that has any further questions. Yes. All right, I had a question. Great, yeah. This isn't about the proposed rule. This is about current rules. Under current rules, if somebody wants to land apply either domestic effluent or industrial effluent. Are there any notice provisions for landowners or groundwater districts? What's the current rule? Yes, they are subject to the same notice requirements as a regular TEPDES direct discharge permit. So they would undergo the two 30-day public notice periods, one when the application was declared administratively complete, and a second when the draft permit was available. And then just like any other application, there would be a response to public comment.

document developed and if hearing requests were submitted or public meeting requests, they would review those. Any hearing requests would also go before the commissioner's agenda for determination if it should be referred for a contested case hearing. So to be clear, our comment that your proposed rule

Doesn't contemplate that is not correct, because it.

It would it would have to follow the same notice provision. Correct, and we'll clarify that in the response in the written response to comments. Not at all.

That 1145 is triggering an updated memorandum of understanding between TC.

Could you provide any information?

if there will be

Sure. We are currently working on the revisions to amend the MOU. So those are in development. They will go before the commission and get published for a 30-day public comment period, and a hearing will be held on it as well. We are providing updates on the timeline. I don't

remember the timeline off the top of my head, but it is a bit of a moving target as we are negotiating or working on that draft language with the railroad commission. We are providing updates on that timeline at the quarterly water quality advisory work groups.

In.

Yes.

And a follow-up question. Is that MOU, the change to the MOU, is it contemplated to only deal in this area of produced water, or are you looking at the, I know there's a larger MOU with railroad commission? We're amending the entire MOU. We're amending the entire MOU. So

Does that mean that the public may have the opportunity to comment on anything within the MOU or? It is still a strict legislative implementation in that we are implementing SB 1145 and several other prior pieces of legislation. I'm sure the comments will welcome any public comments that are

offered. However, the nature of our response to those comments may be restricted to the legislative updates. I'm really concerned about it.

wasting methane gas and flaring. I can comment on it, but your MOU is probably not going to deal with that issue. Well, I mean, it actually is. That's a piece of legislation we are implementing with this one. Okay. So it will, you will get the opportunity to comment there.

We welcome your comments.

Okay.

And we do have another question in the chat that I'm also kind of working on a written response for as I'm speaking out loud. So sorry about this. The question in the chat was, hi, I'm A reporter. This is Mike Lee. I'm a reporter for Politico and EE News. Can you help with two questions? Is there a good synopsis of the proposal available somewhere? And I'm putting in the chat right now.

We have on our TCQ web pages, on our rulemaking page, rule proposals, there'll be an executive summary that'll give you a good synopsis of what this proposed rule covers. We also have the proposed rule language and the preamble explaining what this rulemaking covers on that page as well that I'm about to put into the chat for you.

Um...

Let me just write that to you and the proposal preamble.

And then when will the rule be finalized? So currently at this point of the process, we are wrapping up the written comments, oh sorry, the comment period at 1159 P.m. tomorrow on June 16th. And

Then at that point in time, our teams will be working on finalizing the rule language and going over all the written comments. And then the proposal, sorry, the adoption of the rulemaking should be happening sometime in October. That hasn't been finalized yet. We will be

If you want to subscribe to our listservs at gov delivery at the what's new in rulemaking or the, yeah, so the what's new in rulemaking, whenever those get on the backup date for the formal commissioner's agenda for adoption, that'll be updated there. Right now, currently it's slated for a mid-October adoption date due to the Let me pull that up real quick for you all. The constraint date, I just want to give you the correct timelines on that. When it, so that was published in the Texas Register on May 15th, 2026. So the constraint, six month constraint date for adoption is November 15th, 2026. So we'll be going for adoption before then. So probably somewhere around mid-October.

which will be made available in mid-September.

And one moment, let me get back to the chat.

No, and apologies about the link that...

Ohh, not OK, great. OK, so then...

One more question from Becky Smith. Will you please confirm that written comments will be recognized on the formal record of email to rules at TCQ at

Texas.gov? Yes, if you email those to us, I will. I can personally submit those to our public comment pages as well. And yes, you can email that to rules at TCQ at Texas.gov.

OK, I was just wondering, we don't know the stuff we have to do.

Let me repeat the question. The question was, if you have an existing application in process under the current rules, whether or not you would need to start over once the proposed rules were adopted? And the answer is no. TCQ has the ability to issue these authorizations under our existing rules.

One second, just correcting a typo that I had put in.

The chat. I want to make sure that's accurate. Okay, great. So, yes, to go back a little bit for Christine years. Yes, if you want to provide your comment now, please unmute your microphone and provide that comment.

CM **Christy Muse** 1:32:36

Okay, great. Thank you. Can you hear me?

NB **Nathan Beels** 1:32:38

Yes, we can.

CM **Christy Muse** 1:32:40

Thank you. So my name is Christine Muse. I work for an organization called Friends of the Pecos River. I spend a lot of time in West Texas and I do want to support the comments of the more technical speakers and the environmental community urging that we get this right.

I want to comment that I feel like there's a real lack of awareness of this out in West Texas. There's a lot of degradation along the river. And in this whole region of the Permian, we do have a lot of environmental issues that currently are not monitored and are not followed up on.

I'm concerned about monitoring and enforcement, but specifically I wanted to suggest that TCEQ take a little bit of time to do some deeper education and information for the communities in West Texas, the soil boards, the irrigation districts, the landowner groups, the people that would actually be affected by this rule, take a little time to inform them. I don't, it doesn't seem to me like they really understand what's happening.

Thank you.

NB

Nathan Beels 1:33:53

Thank you for that comment. And we do have another, it looks like one more question in the chat right now. Is there any consideration given to slope with respect to application of water? Right now there are setbacks, but for example, 100 foot from a creek is all downhill.

I would just clarify. This is Shannon Gibson. Thank you for your question. I would just clarify that the proposed rules are establishing the minimum requirements for land application of produced water.

And again, to note, if you would like, you can also provide all these comments as written comments at those avenues provided on the screen. Any other questions?

Sorry, to follow up. So when you made that statement, meaning in an individual permit, you could put additional conditions on if they were warranted. Correct. All of our permits are developed with site-specific requirements based on the analytical data that's submitted with the application.

Thank you.

Any other questions in the Roome?

does not look like it. It looks like no more questions online either. And to note,

Yes, so there is one more question. Is there a way to sign up for email notifications with developments on this rulemaking? I will put that in the chat as well. We do have that on our web pages. Sign up for updates. You can actually look on here and sign up for email updates from quite a few different listservs that you would like if you would like to have access to that. So I'm going to put that in the chat here for, and I'll put in for rulemaking specifically, it's what's new in rulemaking.

TCQ rules and any proposed public hearings for other rule makings. This is the final public hearing for this one, but for other, if you want to be up to date on other TCQ proposal rule makings, then you can sign up for this as well.

Okay.

Great. Looks like with that, and also I wanted to note, you can also follow up with us email at that rules at tceq.texas.gov. If you have any questions that you were unable to ask today, we can direct those to the right folks. And we just thank everyone for participating today, and we look forward to working with you in the future. So hope you have a good rest of your day and stay.

Stay safe on the roads. Thank you.

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