



Texas Independent Produced Water Association
1122 Colorado Street, Suite 103B | Austin, Texas 78701
www.txipwa.org

June 16, 2026

Laurie Gharis, Chief Clerk
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Re: Comments in Support of Proposed Rulemaking — Land Application of Treated Produced Water

Docket No. 2026-0018-RUL | Rule Project No. 2026-006-309-OW

Dear Chief Clerk Gharis and Members of the Commission:

The Texas Independent Produced Water Association (TIPWA) respectfully submits these comments in support of the Texas Commission on Environmental Quality's (TCEQ) proposed rulemaking to amend 30 Texas Administrative Code (TAC) Chapter 309, *Wastewater Effluent Limitations and Plant Siting*, and 30 TAC §210.54(a)(5), governing the land application of treated produced water. We commend the Commission for moving forward promptly to implement Senate Bill 1145 from the 89th Regular Legislative Session and for taking this important step to establish a clear, protective regulatory framework for produced water reuse in Texas.

Senate Bill 1145 amended Texas Water Code §26.131 to transfer permitting authority for land application of produced water treated for beneficial use from the Railroad Commission of Texas (RRC) to TCEQ, effective for permit applications filed on or after September 1, 2025. We strongly support this consolidation of regulatory authority. TCEQ's existing expertise in wastewater permitting, water quality protection, and compliance and enforcement makes it the appropriate agency to oversee these activities. Centralizing this authority eliminates regulatory uncertainty for applicants and strengthens the state's ability to protect water quality and public health.

The proposed amendments to Chapter 309 would, for the first time, formally codify minimum requirements for land application of treated produced water. In the past, these standards have been applied only on the basis of best professional judgment. We strongly support this change. Clear, codified standards provide predictability for the regulated community and ensure that environmental protections are consistently and equitably applied across all permit applications. The proposed inclusion of a reference to 30 TAC §217.302, *Design Criteria for Natural Treatment Systems*, further strengthens the technical framework governing these activities.

We also support the proposed clarification regarding the applicability of Chapter 309 to land application of industrial wastewater, including produced water. This eliminates ambiguity in the



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regulatory framework and provides a sound legal foundation for TCEQ's Water Quality Division to review, and process permit applications resulting from oil and gas extraction activities.

Texas faces significant water resource challenges, and the responsible, well-regulated reuse of treated produced water holds meaningful potential as a supplemental water resource. We believe TCEQ's proposed rulemaking represents a sound, protective, and statutorily required regulatory framework and we urge the Commission to proceed to adoption.

Sincerely,

A handwritten signature in black ink, appearing to read "Trace Finley", is written over a light blue horizontal line.

Trace Finley
President
Texas Independent Produced Water Association