

TCEQ Land Application Permit Checklist

Proposed Chapter 309/210 framework · May 2026 draft · Public comment open through June 16, 2026

IMPORTANT: These requirements reflect the **proposed** Chapter 309/210 framework currently in public comment through June 16, 2026. Rules are not yet final. Rule adoption is targeted for August 2026. Verify all requirements against final TCEQ rules before submitting a permit application. Consult a licensed engineer or attorney.

BACKGROUND

Texas SB 1145 transferred authority for land application of treated produced water from the Railroad Commission (RRC) to TCEQ, effective September 1, 2025. Under the proposed Chapter 309/210 framework, a TCEQ permit is anticipated to be required for any operator who applies treated produced water to land — including road dust suppression, irrigation, industrial use, or other land application purposes. Confirm applicability with TCEQ or qualified counsel once final rules are adopted.

PRE-APPLICATION STEPS

1

Determine if your activity is expected to require a permit

Review your current produced water land application activities against the proposed Chapter 309/210 definitions. Dust control on oilfield roads, irrigation, and industrial reuse are all anticipated to require authorization under the proposed framework. If uncertain, consult a licensed environmental engineer or attorney.

2

Characterize your produced water

Commission a water quality analysis from a certified laboratory. Anticipated required parameters include: Total Dissolved Solids (TDS), Sodium Adsorption Ratio (SAR), major ions (calcium, magnesium, sodium, potassium, chloride, sulfate, bicarbonate), trace metals (arsenic, barium, boron, cadmium, chromium, lead, mercury, selenium), total organic carbon, and bacteria. Retain the lab report — it is expected to be required for the application.

3

Assess the application site

Engage a licensed professional geoscientist (LPG) or licensed professional engineer (PE) to conduct a site assessment. The assessment is anticipated to address: soil type and permeability, topographic slope, proximity to surface water bodies and wetlands, depth to groundwater, land use classification, and distance to public water supply wells.

4

Evaluate treatment requirements

Compare your water quality data against the proposed effluent limits (see the Effluent Limits Quick Reference card). Identify treatment upgrades that may be needed to meet anticipated limits. Solids removal and bacteria treatment are expected minimums under the proposed framework. High TDS or sodium may require dilution or desalination.

5

Develop a monitoring plan

Prepare a groundwater monitoring plan identifying: monitoring well locations and depths, sampling frequency (quarterly minimum anticipated), parameters to be tested, and baseline groundwater quality data. Monitoring requirements are expected to depend on site-specific conditions under the final rules.

6

Prepare the permit application

Once TCEQ publishes application forms (anticipated post-August 2026 adoption), compile: water quality analysis, site assessment report, treatment system description, monitoring plan, land application rate calculations, financial assurance documentation, and landowner agreement if applicable.

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Submit and respond to TCEQ
 Submit the completed application with required fees to TCEQ. TCEQ is expected to review for completeness and may issue a request for additional information (RFAI). Respond promptly — clock is anticipated to stop during RFAI periods. Public notice is expected to be required for most permit applications.
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Obtain permit and begin operations
 Once TCEQ issues the permit, review all conditions carefully before beginning land application. Maintain records of all applications — volume applied, date, location, water quality — as anticipated to be required by permit conditions. Prepare for annual reporting.

PRE-APPLICATION CHECKLIST

Use this checklist to track progress toward permit readiness:

- Water quality analysis completed by certified laboratory
- Laboratory report retained and reviewed against proposed effluent limits
- Site assessment conducted by licensed PE or LPG
- Treatment system evaluated and any anticipated upgrades identified
- Groundwater monitoring plan drafted
- Financial assurance documentation prepared
- Landowner agreement obtained (if applicable)
- TCEQ application form downloaded (anticipated post-August 2026)
- All required attachments compiled
- Public notice process understood and planned for

KEY DATES

| Date | Event |
|---------------|--|
| Sept 1, 2025 | SB 1145 effective — TCEQ assumes jurisdiction for land application permitting |
| May 15, 2026 | Chapter 309/210 proposed rules — public comment period opens |
| June 15, 2026 | Public hearing at TCEQ Austin offices (hybrid in-person and virtual) |
| June 16, 2026 | Public comment deadline — 5:00 PM Central |
| August 2026 | Target rule adoption — final requirements anticipated to be published |
| Post-adoption | TCEQ application forms anticipated — permit applications expected to be accepted |

File a public comment before June 16. If the proposed effluent limits or monitoring requirements would be operationally infeasible for your operations, the comment period is your opportunity to influence the final rules. Technical comments with operational data carry the most weight. See permianproducedwater.com/regulatory.html for a step-by-step comment guide and to find TCEQ-experienced consultants in the Permian Basin.