

CHRISTI CRADDICK, *CHAIRMAN*
RYAN SITTON, *COMMISSIONER*
WAYNE CHRISTIAN, *COMMISSIONER*



RANDALL D. COLLINS, *DIRECTOR*

RAILROAD COMMISSION OF TEXAS

HEARINGS DIVISION

DATE: February 15, 2017

RE: O&G 7C-0299500

To the Parties:

The Railroad Commission of Texas has acted upon the above-referenced case. Please refer to the attached Final Order for the terms and date of such action. The Final Order will not be final and effective until at least 25 days after the Commission's order is signed. If a Motion for Rehearing is timely filed, the Final Order will not be final and effective until such Motion is overruled. A Motion for Rehearing should state the reasons you believe a rehearing should be granted, including any errors that you believe exist in the Commission's Final Order. If the Motion is granted, the Final Order will be set aside and the case will be subject to further action by the Commission at that time or at a later date.

To be timely, a Motion for Rehearing must be received by the Commission's Docket Services (see letterhead address) no later than 5:00 p.m. on the 25th day after the date the decision or order that is the subject of the motion was signed. **Fax or Email transmissions will not be accepted without prior approval from the Administrative Law Judge ("ALJ").** ORIGINAL PLUS TEN copies of the Motion for Rehearing shall be submitted to the ALJ. **PLEASE DO NOT STAPLE COPIES.** In addition, if practical, parties are requested to provide the ALJ with a copy of the Motion for Rehearing in digital format. The digital format should be labeled with the docket number, the title of the document, and the format of the document.

Every pleading, plea, motion, or request filed with the Hearings Division must be served on all other parties in person, by mail or courier, by fax, by e-mail with consent from the ALJ or the Hearings Division Director, or in another manner directed by the ALJ or the Hearings Division Director. Proof of such service must be evidenced by a certificate of service signed by a party or the party's attorney of record, or signed and verified if the service is made by any other person, and attached to the document filed with the Hearings Division.

Every pleading, plea, motion, or request filed with the Hearings Division shall conform to the requirements of 16 Tex. Admin. Code § 1.25. A pleading, plea, motion, or request filed with the Hearings Division which does not conform to the requirements set forth herein will not be accepted for filing by the Hearings Division.

The parties are reminded that pursuant to §91.114 of the Texas Natural Resources Code, the Railroad Commission may not accept applications for certain permits or issue a certificate of compliance and may revoke organization reports and permits of operators who fail to correct a violation or pay a penalty pursuant to a final or agreed order of the Commission.

Contact for Additional Information – In accordance with Tex. Gov't Code § 2001.061 and 16 Tex. Admin. Code § 1.6, ex parte communications with the Administrative Law Judges, Examiners, and Commissioners are prohibited. Any persons or entities desiring additional information may contact the Commission by writing to the Director, Hearings Division, Railroad Commission of Texas, 1701 North Congress Avenue, P. O. Box 12967, Capitol Station, Austin, Texas 78711-2967. Any persons or entities having clerical questions, such as questions regarding the number of copies of filings, the service list or reviewing the record, may contact **Joseph Menefe** at (512) 463-9298.

SERVICE LIST
O&G 7C-0299500

MARK D. AUGUSTINE, MANAGER
CLEAN TECH WASTE SOLUTIONS, LLC
11605 SHOREVIEW OVERLOOK
AUSTIN, TX 78732-2274

MELISSA GLAZE
RRC-AUSTIN
STAFF ATTORNEY
Via Inter-Agency Email

DAVID F. RANDLE
RRC-AUSTIN
ENGINEERING SPECIALIST
Via Inter-Agency Email

**RAILROAD COMMISSION OF TEXAS
HEARINGS DIVISION**

OIL AND GAS DOCKET NO. 7C-0299500

ENFORCEMENT ACTION AGAINST CLEAN TECH WASTE SOLUTIONS, LLC (OPERATOR NO. 159378) FOR VIOLATIONS OF STATEWIDE RULE 8(d)(1) ON THE BIG LAKE WASH EXPRESS FACILITY, REAGAN COUNTY, TEXAS

FINAL ORDER

The Commission finds that after statutory notice the captioned proceedings were heard by an Administrative Law Judge on October 27, 2016. The Administrative Law Judge has circulated a Proposal for Decision containing Findings of Fact and Conclusions of Law. Having been duly submitted to the Railroad Commission of Texas at conference held in its offices in Austin, Texas, the Findings of Fact and Conclusions of Law are hereby adopted and made a part hereof by reference.

IT IS HEREBY ORDERED that not later than the thirtieth day following the date on which this order becomes final under law Clean Tech Waste Solutions, LLC, Operator No. 159378, shall pay to the Railroad Commission of Texas an administrative penalty in the amount of FIVE THOUSAND FORTY FIVE DOLLARS (\$5,045).

It is further **ORDERED** that Clean Tech Waste Solutions, LLC shall bring the Big Lake Wash Express Facility, located in Reagan County, Texas, into compliance with all rules of the Commission, within 30 days of the date this order becomes final.

It is further **ORDERED** that Clean Tech Waste Solutions, LLC, Clean20 Holding, LLC, Jeremy Dickens, Mark D. Augustine, and each person who holds a position of ownership or control in Clean Tech Waste Solutions, LLC, shall be subject to the restrictions of TEX. NAT. RES. CODE §91.114(a)(2) for a period of no more than seven years from the date the order entered in this matter becomes final, or sooner, if the conditions that constituted the violations herein are corrected or are being corrected in accordance with a schedule to which the Commission and the organization have agreed; and all administrative, civil and criminal penalties and cleanup costs and plugging costs incurred by the State relating to those conditions are paid or are being paid in accordance with a schedule to which the Commission and the organization have agreed.

It is further **ORDERED** by the Commission that this order shall not be final and effective until 25 days after the Commission's order is signed, unless the time for filing a motion for

rehearing has been extended under TEX. GOV'T CODE § 2001.142, by agreement under TEX. GOV'T CODE § 2001.147, or by written Commission Order issued pursuant to TEX. GOV'T CODE § 2001.146(e). If a timely motion for rehearing of an application is filed by any party at interest, this order shall not become final and effective until such motion is overruled, or if such motion is granted, this order shall be subject to further action by the Commission. Pursuant to TEX. GOV'T CODE § 2001.146(e), the time allotted for Commission action on a motion for rehearing in this case prior to its being overruled by operation of law is hereby extended until 90 days from the date Commission Order is signed. Each exception to the Administrative Law Judge's proposal for decision not expressly granted herein is overruled. All requested findings of fact and conclusions of law which are not expressly adopted herein are denied. All pending motions and requests for relief not previously granted or granted herein are denied.

Noncompliance with the provisions of this order is subject to enforcement by the Attorney General and subject to civil penalties of up to \$10,000 per day per violation.

ENTERED in Austin, Texas on this 14th day of February, 2017.

RAILROAD COMMISSION OF TEXAS

Christi Craddick
CHAIRMAN CHRISTI CRADDICK

Ryan Sitton
COMMISSIONER RYAN SITTON

Wayne Christian
COMMISSIONER WAYNE CHRISTIAN

ATTEST

SECRETARY

