

09/04/2024

Chairman Christi Craddick
Commissioner Wayne Christian
Commissioner Jim Wright

Dear Commissioners:

As a Texas landowner, I have been following with great interest the proposed updates to Statewide Rule 8. The final draft, issued on August 15, 2024, raises some important concerns about landowner rights, as well as the environmental protection of Texas lands, groundwater, and community health.

The newly proposed regulations leave landowners unprotected and the standards to protect groundwater and the environment have been significantly lowered. The previous draft issued in October 2023 included standards for authorized pits on construction, operation, and closure. Alarming, those were removed in the most recent draft, as were requirements for groundwater monitoring, sampling, and liners.

I would like to kindly request the Railroad Commission of Texas revisit its proposed updates regarding the use of authorized pits and strengthen regulations in the following two areas:

1. Require landowner notification and consent.

Operators should be required to notify and obtain a landowner's permission before permanently burying waste on their land. For the uninformed, it is believed that these pits contain only cuttings and mud, but in reality, there are trace amounts of benzene, arsenic, metals, diesel, and high levels of chlorides. When buried in place, these substances inhibit the regrowth of vegetation, risk groundwater contamination, and harm livestock and wildlife. Furthermore, landowner permission has long been required for landfarming so it stands to reason that the same standard should apply to permanent burial.

2. Establish uniform requirements for construction, operation, and closure standards of all authorized pits.

As I read it, the updated rule imposes no construction, operation, or closure requirements on these pits. While the new pit registration requirement may be helpful in identifying pit locations, it will not eliminate the inherent hazards reserve pits pose to groundwater or land. Reasonable construction standards, liner requirements, groundwater monitoring, pre-closure testing of waste, and closure standards are the best ways to protect our groundwater and preserve our land.

Reserve pits may be smaller than commercial disposal pits, but they contain the same waste and pose a similar risk to groundwater yet are almost entirely unregulated.

As a Texas landowner, it is my belief that reasonable regulations for authorized reserve pits will protect our groundwater and the environment while still allowing Texas' thriving energy industry to lead from the front. I kindly urge you to consider strengthening the regulations as outlined above.

Respectfully,

Keeli Mulloy