



October 15, 2024

Texas Railroad Commission
P.O. Box 12967
Austin, TX 78711

RE: Comments on Rules to Revise 16 Texas Administrative Code (TAC) §§3.8 and 3.57 and 16 TAC Chapter 4 (Statewide Rule 8)

Dear Commissioners:

Thank you for the opportunity to comment on the rules amending 16 Texas Administrative Code (TAC) §§3.8 and 3.57 and 16 TAC Chapter 4 (Collectively known as Statewide Rule 8).

Texas & Southwestern Cattle Raisers Association (TSCRA) is the state's oldest and largest livestock and landowner association, with over 28,000 members representing more than 4 million head of cattle and 76 million acres of land. The mission of TSCRA is to protect and advance the stewards of land and livestock in the Southwest. Our membership and our mission serve as the basis for our comments today.

TSCRA appreciates the Texas Railroad Commission's (RRC) acknowledgment that the management practices for oil and gas waste need to be updated and appreciate the work that went into crafting these rules. While some of the proposed changes provide welcome revisions, there are opportunities to further improve the manner in which oil and gas waste is managed in the State of Texas.

Meaningful and comprehensive notice provisions for landowners and surface owners must be part of any rule. Those kinds of notice provisions are largely absent in these rules. Landowners and surface owners need adequate notice about all actions that will impact their interests in the land since their interests in the land will continue after oil and gas production has ceased. Specific and detailed notice for all waste management actions is necessary.

Also, in order for notice to be meaningful, surface owners must be informed about any waste management practice or procedure that results in materials being stored in, transported from, or produced as a result of oil and gas production. This notice must be provided well in advance of any action and provide adequate details about the specific procedures and materials at issue.

In addition to adequate notice, there must be adequate opportunities and time for surface owners to object to waste management and disposal practices and prevent such practices on their land. Similarly, penalties must be sufficient to deter bad actors in the industry from violating RRC rules and rules established by the Texas Commission on Environmental Quality.

Water, including groundwater, surface water and produced water, must be handled with more specific and detailed regulations that fully recognize the surface owner's interest in this resource and protect the water's safety and quality. The current regulations provide some guidance and protections but are inadequate to preserve water quality and safety both now and for the future.

Storage of any oil and gas waste on private property should be rare. Authorized pits should be rare, and when utilized, the pits should be closed safely and as soon as possible to minimize damage to the land. Some of the current timelines for closure need to be revised to require more timely closure. Continued monitoring and oversight for safety can also be strengthened.

Overall, the current rules fail to adequately protect the safety of the land and water. This failure directly harms our members, who rely on the safety and quality of the land and water for their livelihood. The beef industry and cattle, like oil and gas, are woven into the fabric of Texas and continue to be one of the top economic engines for the state. The rules need to be further revised to account for these facts.

Thank you for your time and consideration, as well as your service to the State of Texas. TSCRA looks forward to continuing a meaningful dialogue with the RRC on both these rules and other issues affecting landowners and ranchers throughout the state.

Sincerely,

A handwritten signature in black ink, appearing to read "Carl Ray Polk, Jr.", written in a cursive style.

Carl Ray Polk, Jr.
President
Texas & Southwestern Cattle Raisers Association