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To:

Wayne Christian
Christi Craddick
Jim Wright, and
The Rules Coordinator re: comments on rule 8 changes

First of all, I want to thank the Railroad Commission and the staff for their attempts to strengthen the rules on waste pits in Texas. While the rules are a step in the right direction, they fall far short of what is needed to protect the soil, groundwater, and environment in Texas. Specific to this is the decision to exempt reserve/mud pits from the rules. These pits account for the majority of the waste from drilling and completing activities. This waste is high in chlorides, salts, and contains heavy metals, benzenes, radiation, diesel, and all other sorts of contaminants that do not belong in our groundwater and soil.

On the ranch where I live near Goldsmith, my great-grandmother sold the minerals in 1928. Our family owns the surface, but not the minerals. Our family has to balance managing the surface to respect and preserve the environment with the oil companies operations. With the split mineral/surface estate, the surface is servient to the mineral estate, meaning that the oil companies that own the minerals can pretty much operate as they please. This split is typical of most land in the state where there is oil and gas production.

The Ogallalla Aquifer underlies this ranch and furnishes water for our family and cattle. Through 140 years and 6 generations, this resource has made a living for our family while growing cattle to feed many people. Our goal is to be able to pass the ranch down to succeeding generations and have a viable, clean ecosystem that can continue to raise cattle.

Over the preceeding 96 years, there have been hundreds of wells drilled on the ranch, with each well having its very own pit used in the drilling and completion operations. These pits have left scars on the land with dead areas that allow virtually no growth of vegetation and drill cuttings that continue to contribute to groundwater contamination. Many of these pits are in the playa lakes. Playa lakes are the primary recharge zones of the Ogallalla Aquifer: <https://pliv.org/playas-recharge-the-aquifer/>. During rainfall events, the runoff carries the waste from the pits directly into the aquifer. Because of the split mineral/surface estate, we have no control over these pits and the oil companies have taken advantage of this with poor lining and closure practices. The current rule updates proposed by the Railroad Commission would leave the rules in place that have led to the ongoing pollution of the Ogallalla. Over time, the groundwater on the ranch has become higher in total dissolved salts, including chlorides, salts, and sulfur. A major factor in that increase has to be due to poor practices in building and closure of pits.

The pits constructed on the ranch at Goldsmith are from the legacy, vertical wells. Advances in drilling technology have led to the proliferation of horizontal wells being the primary method of drilling and completion activity today. These horizontal wells produce far more waste and cuttings for each well and ergo, more pollution left on site. The rules, as proposed would place no restrictions on the construction and closure of those pits. The majority of oilfield waste currently is from drilling and completion waste.

My family also ranches in the sandhills of Winkler county. The soil there is composed of 100% sand down to the red bed of the fresh water aquifer. There are no confining layers to slow down any flow of pollution. Depth to groundwater is 100 feet, with only sand on top. Pits

constructed on this type of soil have a direct conduit to the fresh water. Any and all contaminants placed on the surface make their way to the fresh water.

Energy companies are the largest contributors to the commissioner's campaign funds and their donations have paid off in a big way. Ranchers are the stewards of the majority of the lands in the state, but don't have the resources to buy that level of protection for the land that we depend on for food, water, and game to hunt. Obviously, this is why the Railroad Commission only wanted input from the oil companies in the informal comment period. The industry is whining about the cost of increased regulation, but the Railroad Commission needs to consider the cost of polluted groundwater. Which is more precious? The groundwater that the people in this state depend on, or the profits of the few?

Most farmers and ranchers have intimate, generational knowledge of the water, soil types, and resources of the land that they manage. They should be informed of the plans and have input when an oil company plans to drill on their land. Exempting the pits that dump the most waste on the land by volume does not advance the Railroad Commission's stated mission of protecting the environment.

From the Railroad Commission mission statement:

“Our mission is to serve Texas by our stewardship of natural resources and the environment, our concern for personal and community safety, and our support of enhanced development and economic vitality for the benefit of Texans.”

Private property rights are a hallmark of Texas' heritage and future. When an oil company drills a well, as owner of the mineral estate, they have the right to reasonable use of the surface estate to drill the well and produce the minerals. What they don't have the right to do is pollute the surface and groundwater permanently. Unfortunately, there is no safeguard in the current rules or the proposed rules to prevent the drillers from leaving waste on the land to prevent pollution of the soil and groundwater. Since most land in Texas has the split mineral/surface estate, the surface owners have no recourse to negotiate protection of their property. All three of the current commissioners should be in line with protection and respect for private property rights. Leaving the rule as is does not protect the surface owner's property rights from pollution and the damage is permanent.



North Cowden Unit well #797W drilled during the Nixon administration. The pit site is over 50 years old, with heavy accumulation of salts prohibiting vegetation growth and the ensuing runoff directly into the playa lake named James Lake in the background. Water in the lake is from a recent rain. Note the near total absence of vegetation.



East Goldsmith San Andres Unit well #3101 drilled in 1964. Plugged in 2017. Pit is 60 years old with virtually no vegetation re-growth and is located on the edge of a playa called the Northwest Lake. Runoff from the pit flows into the lake.



North Cowden Unit Well drilled during the Nixon years. Well is on a slope that drains into a playa lake. No vegetation to hold the rainfall causes the salts and other bad stuff to run into the playa. Under the proposed rules, this pit would be exempt from any regulation.



Well drilled in Winkler county sandhills by Maralo in late 1970's. No vegetation on pit, liner is buried on site, and contaminants are still leaching into the groundwater. Note pieces of liner visible at surface. Cattle chew on these pieces and it causes hardware disease.



Well drilled by Anshutz in Winkler county in 1980, plugged in 1984. 40 years and no vegetation regrowth. All contaminants from the drilling and completion are still on site and actively leaching into the groundwater.

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