



**Public Comment of Alyssa Wallace
Field Organizer**

**Regarding Proposed Amendments to 16 Texas Administrative Code (TAC) §3.8, relating to Water Protection, (also known as Statewide Rule 8) and 16 TAC Chapter 4, Subchapter A, relating to Oil and Gas Waste Management, and Subchapter B, relating to Commercial Recycling
October 27, 2023**

My name is Alyssa Wallace, I am the field organizer for Commission Shift. The proposed amendments relating to Oil and Gas Waste Management are a topic of great concern for the public, especially for those living near oil and gas waste facilities.

Industry representatives and the Commission have been co-drafting these rules since at least 2022, but the public and community-minded groups like Commission Shift have been excluded from the process. In fact, Commission Shift's Executive Director, Virginia Palacios explicitly asked in August to be included in any follow up meetings with the industry about the rule; she was not invited to any subsequent meetings. As we now know through the Public Information Act requests, before public comment opened, dozens of conversations were had with industry members. Meetings were held both in-person and virtually, in small and large groups, and at least eight drafts had been exchanged. The public was only recently invited to participate in the rulemaking, but it has not been in a meaningful way. The only in-person hearing was held in Austin yesterday during the workday, where no oil and gas waste facilities are located. The public can only speak for 3 minutes and cannot ask questions of the staff.

Commission Shift believes that:

- These rules still do not address the public's concerns about poor public notice, poorly placed facilities, and a lack of rule enforcement. The Commission must have a more effective way to prevent bad projects, instead of relying on the public and landowners to pay hundreds of thousands of dollars to get basic safety issues addressed.
- The groundwater investigations & monitoring that's proposed is insufficient & riddled with holes. When you look at previous drafts, you can see it's been gutted. Also stripped out is surface owner notice when waste will be disposed of on their property.
- These rules might look detailed, but there are still too many loopholes and not enough opportunities for the public to be involved. Section 4.109 allows for all sorts of exceptions to the rules, including setbacks and monitoring, without guaranteeing public





involvement. Division 9 throws out the rules from Divisions 4-8 and allows the Commission to permit additional “miscellaneous” and “pilot” programs without defining how these programs will protect the public and environment.

We get that drafting rules is difficult. However, when the process is so one-sided, it is understandable that people become frustrated and angry. The Commission can still fix this by inviting everyone to the table, holding more public hearings, answering the public’s questions, and implementing the suggestions of community members. The Commission must prioritize the safety of the public and take a balanced approach that considers the long-term environmental and health impacts. — — —

