



**Public Input of Virginia E. Palacios
Executive Director of Commission Shift
Railroad Commission of Texas Open Meeting
Jan 30, 2024**

It is a new year, and we are requesting that this year you focus on improving three things: transparency, enforcement, and public engagement. There were about a dozen requests from community members made on the Fiscal Year 2024 Monitoring and Enforcement Plan that was published last year. We saw some small improvements in this plan compared to prior years, and we appreciate those, but there are still many more requests the public has consistently made that have not been addressed in the plan. We are asking you to make this year different.

First, the public has requested more transparency on complaints and investigations, including where complaints are in the process, how the agency has followed up, and what's supposed to happen next. We provided some links to the Texas Commission on Environmental Quality's complaint database in our comments, because they include more detail than the Railroad Commission. I'm aware that your complaint and inspection databases have been updated in the past year, and more information is now available than in the past, but more descriptive detail would be helpful.

Next, we need to see much more robust permitting and enforcement. It feels like no one is looking out for the people of Texas when it comes to venting and flaring, well plugging, and waste pits. If you're not an oil and gas company, you're on your own. Since 2010, the Railroad Commission has only issued penalties for flaring rule violations 11 times, out of hundreds of

violations that were detected and tens of thousands of permits that were issued.^{1,2} These data, combined with field observations that have found operators venting and flaring without permits, indicate that the commission’s inspection and compliance methods need improvement.³ Along these lines, the commission has continuously allowed plugging extensions for hundreds of thousands of inactive wells across the state despite repeated appeals from landowners to tighten plugging requirements.^{4,5} People impacted by oil and gas waste pits have noted that “enforcement seems nonexistent” for these facilities.⁶ We realize that since the Monitoring and Enforcement Plan was published, the Railroad Commission’s Environmental Permits & Support unit has onboarded four new employees who will be dedicated to compliance for these types of facilities, and we look forward to improved enforcement at waste handling and disposal facilities.

Finally, please deploy your new Office of Public Engagement as described in the monitoring and enforcement plan: “to engage with the public through direct outreach and education to facilitate greater understanding of Commission processes and solicit broader participation in matters before the Commission.”⁷ In light of the commission’s upcoming rulemaking that applies to waste pits and facilities that will spread treated salt water on soil or

¹ Open records request response dated Nov. 30, 2023. Note that the RRC Violations Database includes one additional case referred for enforcement on Jan 23, 2024.

² Unpublished independent analysis of Railroad Commission Flare/Vent Exceptions database.

³ McDonald, J. and Wilson, S. August 2021. Flaring in Texas: a comprehensive government failure. Earthworks. Retrieved from:

<https://earthworks.org/resources/flaring-in-texas-a-comprehensive-government-failure/>

⁴ Railroad Commission of Texas. Inactive Well Aging Report. Retrieved from:

<https://www.rrc.texas.gov/oil-and-gas/compliance-enforcement/hb-2259-hb-3134-inactive-well-requirements/inactive-well-aging-report-iwar/>

⁵ Comments on the RRC Monitoring Enforcement Plans for FY 2024, 2023, and 2022. Public Input made at the Railroad Commission Open Meetings on a monthly basis, more or less, since September 2021.

⁶ Comment by Geoffrey Reeder on the Railroad Commission’s Fiscal Year 2024 Monitoring and Enforcement Plan. May 14, 2023. Retrieved from:

<https://www.rrc.texas.gov/oil-and-gas/compliance-enforcement/enforcement-activities/>

⁷ Railroad Commission of Texas. June 13, 2023. Fiscal Year 2024 Monitoring and Enforcement Plan. Goal 1, Action Item 2, p. 14. Retrieved from:

<https://www.rrc.texas.gov/oil-and-gas/compliance-enforcement/enforcement-activities/>

agricultural crops, we are asking the commission again to hold meaningful public engagement sessions on this rulemaking throughout the state. Thank you for your consideration, I am available for questions.