

Compiled comments for 2023

Monitoring and Enforcement Plan

Denise Field, Texas

This report is just ridiculous. You are asking for information that does not pertain to the average oil and gas operator. How do you want an oil and gas operator to simulate event exercises?

Glenda Natalwalla, United States

I am deeply saddened by the lack of interest in Safety by the Oil and Gas division. There is a disaster waiting to happen in Harleton, Texas off of Driskell Bridge Rd. The Oil and Gas safety division is not living up to it promise of pipeline safety to the community. God help us.

[Please see

<https://rrctx.force.com/s/ietrs-complaint/a0ct0000002h4VXAAY/complaint0000002273.>]

Steve Ginnings, Texas

Regarding the Oil and Gas Monitoring and Enforcement Plan, I object to establishment of the Office of Public Engagement. The report says public complaints in 2022 amounted to about 500. This is an insignificant number compared to the number of wells in Texas. The RRC website is more than adequate as a tool for the public to interact with the RRC. Establishing this new office is wasteful and will do nothing to protect the public nor benefit the industry. I also object to use of federal funds for plugging orphan wells. First, the federal government is broke, the current national debt is in excess of \$30 TRILLION dollars. Why would Texas, who has a budget surplus, be using federal funds for anything?

Moreover, operators in Texas contribute to the orphan well plugging fund, federal dollars are not needed. This is a Texas issue, and funds from outside the State should not be used. Finally, no funding that comes from Washington DC is ever without conditions, and the RRC does not need the unreasonable burdens that accompany federal funds.

Geoffrey Reeder, Texas

May 2, 2023 comment

I have read the Monitoring and Enforcement Plan. There is minimal information relating to solid waste disposal facilities. Although these facilities pose a threat to human health and the environment the RRC has done little to ensure they are in compliance with the rules. One facility in east Texas has been cited in violation on numerous inspections yet continues to operate. Waste disposal is a complicated issue.

These disposal facilities make up a very small portion of the RRC's responsibilities. It is understandable that the RRC inspectors have little training, if any, in these type facilities. These solid waste disposal facilities would be better managed by the TCEQ.

May 14, 2023 comment

The RRC Monitoring & Enforcement of solid waste disposal facilities is embarrassing. The Texas Rules are more lax than those in Louisiana which encourages waste to be transported to Texas for disposal. The RRC staff does not have the expertise to inspect solid waste disposal facilities. Sadly, this is understandable because the staff has hundreds of production sites to monitor and only a few disposal sites. Training for these inspection likely has a very low priority. Enforcement seems nonexistent. Some of the waste disposal facilities have been inspected monthly and notices of violation issued. To date, no penalties have been issued and these facilities continue to accept waste potentially causing harm to human health and the environment. Inspection and monitoring of these solid waste disposal facilities would be better managed by the TCEQ who regulates other solid and hazardous waste facilities.

Gina Hardin, Oregon

Ladies and Gentlemen, Perhaps it will be helpful for me to re-count my experience with the RR when there were 2 different spills of produced (brine) water on my family's cotton farm in Haskell County. I filed a complaint with the Railroad Commission (RR Commission). The RR employee who was assigned to the case was very responsive in terms of looking at the spill. However, he said that such salt water spills were not protected under Texas law - even if it does destroy the productivity of the property. I had to hire an attorney to try to get the oil and gas company to remediate the property but was unsuccessful.

The oil company bought the 2 acres that were damaged from us. However, the property remains unproductive and poisoned to farming to this day.

David Todd, Texas

Thank you for entertaining comments. My remarks follow. As for inspections, I believe that there is too little transparency and community oversight, too little manpower to deal with the backlog, and too long a lag time for inspecting wells that old and/or risky. As for complaints, I think it is important the RRC have a public-facing complaint portal on its website, and that the data submitted there be available, and clearly show date of receipt, inspection scheduled and completed, and query resolved. As for the monitoring and enforcement plan, I believe that there needs to be more information shown for complaints, including historic trends, and remarks for compliance history and repeat violators. Finally, I urge the Commission to develop incentives for pipeline owner/operators to mark abandoned pipelines as out of use, since many leases are structured to return ownership of rights-of-way once pipelines go out of service. Thank you for reviewing my comments, David Todd

Lucas C Jasso, Texas

Before I submit my experience with all the fill-ins of the data for the deadline, I ask, what I have prepared does it meet with anyone's approval from the Commissionshift organization?. Please advise if there should be any editing which would be most welcomed I have a go-ahead or . Lucas I will try as best as I can to share my personal experience with the oil and gas industry. In 2004 I purchased 21 acres on FM 792 in Karnes County before the oil boom in the Eagleford Shale. During the boom's infancy I was hounded by a young land manager to allow drilling on my property. I was adamant that I did not want any wells on my property. The pressure to allow drilling continued to the point of my getting stressed. One day the young man offered Twenty thousand dollars to drill. My comments were, "No, give those twenty thousand dollars to your wife send her to Walmart and see how long that money will last." During that period the area was experiencing a drought. Most ranchers were feeling its effects. Naturally any amount sounded good due to the financial need. Drilling started shortly after; some property owners were penniless again. I finally relented and allowed drilling. During the drilling there was much litter, beer cans, food wrappers etc. One afternoon I carried two tractor loader full of beer cans. When I brought it up to the foreman, his first request was, "If you see someone drinking beer, report them to me." If the incident happened during my sleep time, how was I to catch them? The oil and gas should have had fireside chats. First problem in 2015 while I was in Corpus Christi, I got a call from a neighbor about a drilling well explosion which happened within walking distance from my property across the highway FM 792. I was out for 48 days due to the evacuation, consequently, I had a bull die while in the custody of the land manager father's farm in Bayside. I believe all total from then on, 6 or 8 animals die on my property. Later in the back of my property close to the wells, a piggy-back (two containers) on wheels with a black liquid, someone stated it was emulsion. One of the valves broke off and the fluid spilled all over my property. It appeared they were using my property, outside the pad, as a staging area. The above experience is passé. The biggest problem I encountered on numerous occasions were sinkholes. Trying to get someone to come and fill in the holes was troublesome. Some oil field workers seemed to lack English comprehension skills. I am not privy to how oil and gas operates. But it sure seems there should be frequent training for these individuals regarding safety, and property cleanliness. Kenedy Texas had one ambulance. I hardly heard any kind of siren blaring. The progression of time two more ambulances, were added for a total of three. Frequently, as I worked outside, I heard sirens way more than before. Oil field workers are trashy. I had soiled cloths and other rubbish between FM 792 and my fenceline. Daily, I had to police outside my fence line and pick up all kinds of trash. My headaches got worse. I have had cancer of the tongue two biopsies, and a third to be scheduled soon. I smelled sweet scene in the air often. At times other unbearable smells. As I understand, flares are not to burn black smoke. You would be surprised to see how much black smoke appears frequently. Since I could not take it anymore, a couple of months ago I had enough and sold my property. It sure would help ranchers and the environment if you had unannounced visits, fireside chats or training, do's and don't, conduct surveys with human beings that can't afford to move, who live near wells. Do we think land owners receiving royalty payments are going to complain? Now I understand there is a bill HB4119, related to permitting a resumption of uranium mining in Texas. Across FM 792 in Karnes there was a widow, (who has since passed away) lived in front

of what used to be my house. I understood that the widow's husband died of cancer. He worked in the uranium mines around the area. Lastly, Twice I have heard during the penultimate RRC meeting a Mr. Wright, **[RRC Note: This reference is not to Commissioner Jim Wright, but rather to Mr. Schuyler Wight]** shared his frustration with wells in his property. His comments regarding the capping of wells was alarming. I.A.W. his views the capping is not being conducted all the way to the bottom of the wells. I was also able to listen to a lady named Laura Briggs from Pecos County. She has exhausted all means possible with oil/gas wells on her property. Just to listen to the headaches and stress she has experienced left me speechless. Can someone work with that lady to ease her stress with the well problems?

Margaret Ann Lister Bridges, United States

RRC needs to consider the landowner, not O & G companies. They should not be taking donations from O & G companies. O & G expects something in return. The only chance you have to win is with a high power atty, which costs you a lot of money. Anyone can protest, but it takes money & time to fight. RRC needs to consider wetlands that surround a site, residents, water wells, and traffic. They also need to consider traffic when trucks are going to have to cross major highways. Once an application is considered complete, there should be no changes. You should not be able to change it or be able to rebuild it during the hearing. If the O & G company is denied their permit, they should not be allowed to come back under a different name. If RRC rules in favor of the O & G company, the landowner should be given a reason as to why they lost.

Shelly Botkin-Marsh, United States

The draft put together by the railroad commissio and I use little letters because thee is no respect for this commission. There is only disdain from not a handful of oil producers but most of the producers in Texas unless they are getting their pockets lined by the commissioners themselves or vice versa.

#1. The commissioners and Christi Craddick whatever she is, care nothing about the oil producers and their families anymore than they care about the safety of the producers. All they care about is the way the government sees them and we all know what that looks like.

#2. We actually had one of their "legal" counsel on purpose make our case go longer so we had to wait on producing oil. We almost have went bankrupt becasue of these peopel because they have spiteful, arrogant, (I believe they called her a bulldog) supposed judges in their "courts" that will make your life a living hell if you don't go by her "rules" doesn't matter what the rule book says.

#3 The field people might know what they are doing but the office people are clueless. First, most of them don't even know how to spell drill or pulling unit, or even know what they are talking about. Secondly when you try to show them on paper and on the computer and by the

"SOP" information they either won't listen, they won't respond, or they try to severe you for no reason.

Recently we dealt with all of these and the commissioners were useless as flat tires. They do not listen, they do not respond back, they do not care, they stole our oil, stole our tanks, stole our production and then made up wait. What we need it people that are honest and know what they are doing. We need to get the bureacrats out of the oilfield becasue they are stupid and they have no clue. As far as safety, they don't give a rat's patute about safety as long as they are getting money in their back pockets. The reason why no one will take these orphan wells is because the RRC puts so much stipulation and so much money on them as far as getting them fixed that no one can afford it. If they had any common sense about them, which they don't, they would do it by the amount the producers are making. So if you have a big oil producer such as Exxon, Chevron, Shell let them pay those high prices for fixing up those wells, they are making the money to do it. Let the small producers have their own rate. The small oilfield producers are just trying to make a living we know we are not going to get rich but we have done this all our lives, we just want to make a decent living like most people (except for the commissioners who live off our backs) It would also be beneficial if the commissioners and the "general counsel" whoever the heck they are would do as they say they are going to do.

We dealt with a P-4 for a year because we had to get a single P-4 because the person who originally owned it would not sign the P-4 over even though he lost his P-5 in 2020 and owed the RRC over \$450,000 and they still made us go to court and they still stole oil from us and they stole time and many other things like Tank Batteries. You need to have someone watching the people at the RRC in Austin and make sure they are doing their job correctly. Especially the "Judges" and the court clerk and paralegals if they are actually that. Everything that has been written in this draft is a bunch of hogwash and it will not be brought to light, it is for the RRC to show the government that they are trying to do the right thing but in the reality they don't really give a crap about the oil, the producer, the gatherer, the small town, the community, none of this. If any of them were real men and women they would get out and get their hands dirty and see what was really going on but they won't.

So what is the point in going over every individual part when Greg Abbott, Christi Craddock, Jim Wright or that Christianson guy don't give a rat's butt about anything except money going in to their pockets and not having to really deal with the public. I have been a mud engineer, I push this paper, I know what they are doing I see it everyday and it is mind numbing how much these people get a way with and no one in Austin give a rip. God help your souls and how you treat the common people in the oilfield.

Don McCown, Virginia

As a mineral owner in the Permian Basin, I am writing in support of Commission Shift's previously submitted recommendations: ensure that inspections are following a consistent and thorough checklist; conduct more frequent inspections; use a penalty and enforcement structure that deters noncompliance; improve response times after complaints are made; provide more

transparency on complaints on the commission's website; and address the fact that barred operators seem to still be responsible for plugging their inactive wells (which could cause further problems for people impacted by those operators' violations). Thank you.

Tim Doty, Texas

To Whom It May Concern, Thank you for the opportunity to provide technical comments on the proposed Fiscal Year 2024 (FY24) Railroad Commission of Texas (RRC) Oil and Gas Strategic Plan.

TCHD Consulting LLC provides technical, environmental, safety, and thermography consulting services to a variety of customers in the United States, Canada, South America, and Europe. TCHD conducts technical, air monitoring, environmental assessments and provides optical gas imaging (OGI) and general thermography consulting services, including instruction, to both students and relevant parties. After spending +28 years with the Texas Commission on Environmental Quality (TCEQ) and serving as the Agency's Mobile Air Monitoring Manager, OGI Program Manager, and a technical advisor to the Director of the Compliance and Enforcement, I have relevant technical knowledge and experience in evaluating oil and natural gas-related plans and protocols.

The proposed RRC FY24 Oil and Gas Strategic Plan (the Plan) is severally lacking in its specificity, and thus, it is a weak guidance document without substantial revisions. The Plan's title is quite misleading because there seems to be little substance in the document. Though I am aware that the RRC owns a small number of OGI cameras, there is no mention of their use nor of any other monitoring instruments or sampling protocols. The proposed Plan appears to be a loose general guideline of what the RRC is responsible for and what it does, rather than a strategic document that details RRC declarations and processes that provide a glimpse into how RRC is fulfilling its statutory responsibilities. Without this detail, it does not appear that the RRC is achieving its basic goal of accurately demonstrating the Commission's oil and gas monitoring and enforcement activities.

The Plan provides no detail on what an RRC inspector actually does during his/her site assessments. Where are standard operating procedure details, field assessment forms, detailed specifications or even Inspection, Compliance, and Enforcement (ICE) system screenshots to provide transparency to what inspectors are looking for when the site assessments are conducted? These kinds of details were not provided in the draft Plan, though the Appendix G detailed mention of Well Plugging Prioritization Methodology certainly is in the ballpark on what is needed.

This proposed document seems to glaze over details and just provides a general overview of anticipated RRC activities. Moreover, there appears to be no specific details on RRC activities regarding oil and natural gas flaring, which the general public knows to be a problem. The seriousness of the topic deserves to be addressed in more detail with a more relevant crossover discussion on Statewide Rule 32 and releases of hydrogen sulfide.

Additionally, the proposed FY24 Plan gives little detail on the RRC's relationship with the TCEQ. It would be quite approximate to describe the relationship and general relevant statutory responsibilities in regulating oil and natural gas in Texas. There is some mention of TCEQ in Appendix E: Public Complaint Procedures, but it appears to be insufficient to fully describe the working relationship that knowingly includes formalized memos of understanding. Consequently, those details should be added to this proposed Plan to make it more relevant and useful.

On Page 11 under the Public Complaints header, the Plan states "The complainant receives written updates on the progress of the investigation and any related enforcement action. The complainant is also notified when the complaint is closed. A complaint is closed when the District Office determines that the well or other facility is operating in compliance with the rules, or any violations have been corrected. In the event that the matter is referred to the Office of General Counsel-Legal Enforcement Section (Legal Enforcement), the District Office notifies the complainant to contact that section for further information." Admittedly, in general, the RRC is more responsive than the TCEQ in addressing public complaints. However, the intent of this paragraph does not reflect the reality.

I have submitted multiple well-founded environmental complaints documented by oil and gas site observations, digital photos, and OGI videos covering FY21-23. After phone calls and emails, inspector communication was not proactive, and it took follow-up on my part. Though it was confirmed by the RRC that the complaints were confirmed and resulted in violations, there still have been no further communications regarding the matters to even know if the violations have been corrected to date.

On Page 12, there is a mention that cancelling a certificate of compliance is the most effective tool available to the Commission. On face value, this statement makes it appear that the RRC is a powerful regulatory agency, though that is quickly dispelled in following sentence. It states, "As a result, the operator suffers an immediate revenue impact and may not resume operations until the lease is returned to compliance and operator pay a \$750 reconnection fee." Yes, the loss of revenue is real, but since the well is not capped, the continuing pressure at the site is being actively released through real-time venting and flaring resulting in significant hydrocarbon and hydrogen sulfide emissions being released into the atmosphere. Moreover, it is also troubling that the site only has to pay \$750 to reconnect, as the negative environmental and safety implications far outweigh the benefit of this small dollar amount. Violators should be more substantially punished through increased monetary deterrents to fund future state cleanups at abandoned oil and natural gas sites.

On Page 14 under the Action Item 3: Strengthen the knowledge base of inspectors heading, it seems plainly clear that RRC are lacking in training opportunities and/or monies. It is troubling to learn that only 50 field inspectors have completed the TOPCORP training program since 2013. This equates to an average of five inspectors per year that have been given opportunities to learn advanced technical skills over three workshops. This lack of opportunity is further emphasized a few sentences later as an estimated 37 RRC staff members per year have had in-house Boots on the Ground training since 2018. Since RRC holds each of the programs in

high regard, it might be useful to provide more detail on what advanced skills that the inspectors are being exposed to. Are there RRC statistics over the last 5 years that provide more credence to the success of the training program?

On Page 14 and at the top of Page 15, the Plan talks about strategically using oil and gas monitoring and enforcement resources to protect public safety and protect the environment, though there is no mention of using technology to advance the RRC's goals. Why is there no mention of OGI resources that the RRC owns, as it would be appropriate here. How are OGI cameras used, how many OGI cameras are owned and shared, and what are the protocols? There is mention of using drones to respond to spills/leaks and emergency situations, but there are no details on what the situations entail. What kind of drones are used, and are they equipped with digital cameras, real-time videos, and/or OGI cameras? This paragraph also states that the Commission does not have legal authority to otherwise use drones for inspections, though it does not provide specific statutory limitations and/or regulations/statutes that prevent such inspections. That language would be appropriate here, especially since regulated entities regularly use drones to conduct surveillance assessment to minimize leakage within the facilities and the state regulatory agency does not.

On Page 15 under the Action Item 3: State-Managed Well Plugging Program header, detail is provided on anticipated state monies that will be needed to plug wells in FY24. This paragraph states "The increase of orphan wells can be attributed to the unprecedented volatility experienced by the energy industry in the 2020 to 2022 period." It is obvious from the detail provided that Texas needs more money to ensure that all the orphan wellheads are properly capped. RRC needs to address this issue by providing more detail within this proposed technical document.

In looking at RRC data on Page 17, it is plainly clear that the Commission is industry friendly. Data suggests that the alleged oil and gas violations sent to the Office of General Counsel Legal Enforcement resulted in an average penalty of \$2,744 in FY21. This appeared to decrease in FY22 when 3,428 alleged violations resulted in an average penalty of \$1,078. The Plan describes on Page 12 that "The Commission may also assess penalties for \$1,000 per day for non-safety or pollution related violations and up to \$10,000 per day for more egregious violations. Without an increase in application of penalty fees, violators of the law are not deterred from compliance infractions.

Review of Appendix B: Definition of a Major Violation on Page 26 was more than a bit troubling. In reading, it outwardly appears that an unauthorized discharge of oil or gas not related to a sensitive area and/or a significant release of hydrocarbon and hydrogen sulfide that result in receptor, airshed, and environmental impacts appears to not have standing under this definition beyond needing a hydrogen sulfide contingency plan. All of this seems to be an uneven application of this compliance declaration.

Though it may be well intended, the narrative under the Appendix E: Public Complaint Procedures' Next Step header on Page 38 does not ring true in my experience with the RRC in FY22 and FY23. It states, "The assigned inspector should contact the complainant and invite

them to participate in the inspection provided their presence would not constitute trespassing or require the use of personal protective equipment." This opportunity has never been offered on complaints that I have made in the Permian Basin, Eagle Ford, and Luling, Texas even those where infrastructure was easily viewable along public roadways.

Moreover, on Page 38, though complaints were submitted that included various communication avenues, in my experience the RRC does not send out hard copy letters providing details on RRC discoveries during complaint inspections. Though it is doubtful that it has been purposeful, the narrative within this proposed Plan does not reflect the reality on the ground.

As a result of all the details described within, I respectfully request that the RRC re-evaluate its proposed FY24 Oil and Gas Monitoring and Enforcement Plan and revise it to be a more substantial document with fully characterized details to educate the general public on oil and natural gas transparency in Texas. Please feel free to contact me if you have further questions. A hardcopy of this communication has also been sent by USPS to the RRC Oil and Gas Division. Sincerely, Tim Doty TCHD Consulting President 512.644.4830



May 26, 2023

Railroad Commission of Texas
Oil and Gas Division
1701 N. Congress
Austin, Texas 78701

Dear Railroad Commission Staff,

Commission Shift is a statewide nonpartisan nonprofit aiming to reform oil and gas oversight in Texas through public engagement and outreach. Since its founding in March 2021, Commission Shift has commented on the Railroad Commission's (RRC) Draft Monitoring and Enforcement Strategic Plan. Each year, we have held virtual events for community members to provide feedback on the Draft Plan.

We appreciate that the commission has incorporated some of our recommendations from prior years into this year's draft. First, we were pleased to see that the Railroad Commission presented a Spanish-language plan at the start of the 30-day comment period for the first time. Next, we agree with the new goals to review the scope of the Monitoring and Enforcement Plan, and to develop an Office of Public Engagement. And we found the new appendix on the Field Operations Enforcement Process to be helpful. Below, we are providing a list of comments on the Spanish version of the draft first, followed by a list of comments on the English version.

Some of the suggestions we made in prior years are reiterated in our comments this year, as we feel the importance of making these changes remains. Some of the recurring feedback we hear from community members includes: ensure that inspections are following a consistent and thorough checklist; conduct more frequent inspections; use a penalty and enforcement structure that deters noncompliance; improve response times after complaints are made; and provide more transparency on complaints on the commission's website. Finally, an issue that has come up this year is that barred operators seem to still be responsible for plugging their inactive wells, which could cause further problems for people impacted by those operators' violations.

This plan is a tool that the commission can use to adapt to modern expectations of monitoring and enforcement, and better fulfill its mission in a shifting energy landscape. We hope that our comments are considered constructively in order to support the goals and implementation of the plan.

Sincerely,

Virginia E. Palacios

Executive Director, Commission Shift

Comentarios de la version en Español del Plan

1. En lo general quisiéramos invitar a la Comisión a una atención más detallada en la traducción de los documentos. Por ejemplo, en la sección de “Actividades de Monitoreo” la frase “de ambas personal en Austin” no es entendible. (página 6) En la sección de “Mecanismos claves para el acatamiento normativo” la palabra “incumpla” es incorrecta. (página 7). En el Apéndice D no debe de decir “Fallos de rebeldía” si no “Juicio Predeterminado.” En el Apéndice E no debe ser “Propietarios mineros” si no “Propietarios de minerales.” En el Apéndice E también dice “Taponamiento con gestión estatal” y debe decir “Taponamiento administrado por el estado.”
2. En Prioridades estratégicas para el año fiscal 2024:
 - a. En las prioridades no se menciona un alcance intencional de comunicación con personas que tienen un dominio limitado del inglés. (página 5)
3. En Inspecciones:
 - a. Los números reportados de inspecciones no son claros. El reporte dice que en un año (2022) se hicieron 359,278 inspecciones. (página 9) Esto quiere decir que cada uno de los 185 inspectores hizo por mucho 2000 inspecciones o por lo menos 7 al día. Eso es si ninguno faltó a trabajar en todo el año, si se mantuvieron 185 inspectores dentro de la Comisión todo el año, y si el clima lo permitió.
 - b. Recomendamos que se incremente el número de inspectores para que los pozos se inspeccionen de 1.5 a 2 años y no cada 5 años.
4. En Privilegio de auditoría:
 - a. La guía de privilegio de auditoría está solo disponible en Inglés. Es importante considerar todas las personas con limitación de dominación del Inglés en Texas especialmente aquellos que formamos parte de la industria petrolera y gas. (página 13)
5. En Reclamos públicos
 - a. Los procesos formales de reclamos públicos se encuentran solamente en Inglés. Esto incluye los portales disponibles al público en su página web. Sería de mucho beneficio tener esta información disponible para las personas con un dominio limitado del Inglés.
6. En Actividades de fiscalización
 - a. En organización en el tercer párrafo no se llega a distinguir si las palabras “Fiscalización Legal” es una oficina o algún proceso o derecho. (página 14-15)
7. En Meta 1: Medida 2
 - a. No se menciona si la oficina de participación pública también ofrecerá servicios a personas con un dominio limitado del Inglés.
 - b. Dentro de esta meta se pudiera añadir una intención de hacer la página web mucho más fácil de utilizar, especialmente aquellos registros en los que se ofrece información pública como los casos en los que la Comisión toma decisión en sus juntas públicas.
8. En Meta 1: Medida 2
 - a. No es claro el número de inspectores que hoy en día están certificados con el entrenamiento TOPCORP “BOOTS on the Ground.” Invitamos a que la Comisión considere entrenar a todos los inspectores por lo menos cada 2 años ya que existe la posibilidad de prácticas profesionales

- desarrolladas que no sigan la aplicación de la ley correcta.
9. En Meta 2: Medida 1
 - a. Commission Shift recomienda tener una meta de inspecciones cada año y no cada 5 años.
 10. En Meta 2: Medida 2
 - a. Por ley federal todas las organizaciones que reciben fondos federales deben proveer servicios a personas con un dominio limitado del inglés.
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Comments on the English Draft

1. Vision
 - a. An explanation of how the Commission is ensuring “future environmental protection and minimal harmful effects” would be helpful to demonstrate how the methods discussed in the plan correlate with measured environmental protection and pollution mitigation. For example, expanding on the environmental impacts caused by unplugged wells and violations.
2. About the Railroad Commission
 - a. We support the Commission’s use of “science-based rule-making,” and request that the commission shares the science it relies on with the public. If this will be addressed through the Public Engagement Office then it would be helpful for the commission to explain that process somewhere in the plan.
3. Monitoring Activities: Key Regulatory Compliance Mechanisms
 - a. Please clarify whether inactive wells owned by barred operators are supposed to be included on the orphaned wells list.
 - b. It is unclear whether barred operators are expected to plug their inactive wells. Allowing barred operators to re-enter properties that they have active violations on could result in additional pollution or liabilities, including a bad plug.
 - c. “The organization report and associated financial assurance must be renewed annually.” Does a renewal also include or require an inspection? Do these leases on the list need to be inspected?
 - d. “Once compliance is achieved, the organization report can be renewed.” What is the process for operators who were previously barred from renewing after seven years? Are there further financial penalties or higher financial assurances required from previously barred or delinquent renewals?
 - e. “Beyond the organization report, Commission rules establish additional permitting, testing, monitoring, and reporting requirements for different types and stages of oil and gas operations.” It would be helpful to see some examples of what these requirements might include in the plan.
4. Monitoring Activities: Inspections
 - a. The ratio of inspectors compared to the inventory of wells is unbalanced. The commission has not demonstrated how inspections can be thorough and consistent considering the space between sites, the number of work hours in a year and the amount of time given to inspect.
 - b. The plan references “Standard Operating Guidelines: Job Priorities for Field Inspectors.” We’ve asked for this document to be linked within the

plan the past two years. Is this document more detailed than “Appendix A: Standard Operating Guidelines: Inspection Priorities” or is the Appendix the entirety of the guidelines? It would be helpful to reference the Appendix in this section of the plan.

- c. “All wells across Texas are inspected at least once every five years.” While we acknowledge that the Commission is working with the resources appropriated to the agency we propose the inspection rate to be at least once per year, with an adaptive prioritization framework based on age and risk.
 - d. Community members have remarked that inspections do not appear to follow a consistent, systematic, or thorough approach. Aside from the prioritization guidelines for inspectors, there should be a checklist that inspectors follow for each facility inspection.
5. Monitoring Activities: Audit Privilege
- a. “An operator subject to the Commission’s jurisdiction may choose to conduct a voluntary self-audit of its regulated facilities and can claim immunity from administrative penalties for violations discovered, disclosed, and corrected within a reasonable amount of time.”
 - i. What constitutes a “reasonable” amount of time? What is the average time an operator takes to come into compliance after exercising Audit Privilege?
 - ii. Are ALL penalties/violations waived no matter the severity of infraction?
 - 1. Should this be changed to *reduce* penalties rather than eliminate them?
 - iii. How many operators have taken advantage of the self-audit each year?
 - 1. What percentage is this of the total number of operators?
 - iv. How many violations have been waived because immunity was granted?
 - b. How often are self-audits expected to be completed? Is there any physical follow-up on these audits by the commission?
6. Monitoring Activities: Public Complaints
- a. Provide a link to the Commission’s website where information on how to file a complaint can be easily found.
 - b. The Commission’s webpage <https://www.rrc.state.tx.us/oil-and-gas/o-g-complaints/> regarding complaints related to the oil and gas division still needs improvement. First, the page explains what the Railroad Commission does not have jurisdiction over, but not what areas it does have jurisdiction over. Areas under the Railroad Commission’s authority, including groundwater contamination from oil and gas exploration and production, should be clearly described on the page without having to go to another link.
 - c. The Oil and Gas Division should provide an online customer complaint form, as does the Gas Services Division <https://rrc.texas.gov/gas-services/complaint-filing/customer-complaint/>.
 - d. Information on how to file a complaint should be provided in Spanish, and language accommodation information should be made available on the RRC website in multiple languages.
 - e. Table 1 is missing critical data points:
 - i. Total number of complaints received in prior years that are still unresolved
 - ii. Number of unresolved complaints by the year the complaint was made

1. Do the unresolved complaints get added to the following year's number of complaints received?
 - iii. Average length of time between complaint receipt and resolution
 - iv. Maximum length of time between complaint receipt and resolution
 - v. Oldest complaint still unresolved
- f. How are complaints taken into account when following the Standard Operating Guidelines? For example, if a complaint is submitted regarding a well in close proximity to the public, is it moved up based on the risk-factor prioritization?
- g. Does each district have a group of inspectors that handle complaints vs. those who handle routine well inspections?
- h. As we have requested in prior years, the RRC should consider making a complaint database publicly available on its website, similar to the [TCEQ](#). This database should include a means for staff to indicate whether the complaint presented an imminent threat, was pollution-related, or did not involve pollution. The database should include the cause of the complaint, any related activity in response to the complaint, and the resolution to the complaint. The current complaint database available in the RRC's CASES app appears to only include pipeline cases, and is not easily searchable.
 - i. This information should also be made available in languages other than English.
 - i. What constitutes complaint resolution? For example, are there different categories of action that the commission would consider as having resolved a complaint, such as explaining a potential condition, changing a noncompliant condition, or executing full cleanup activities?
7. Enforcement Activities: Organization
 - a. "All but a small percentage of violations are effectively resolved at the district level." It would be helpful to know the specific percentage that isn't addressed at the district level.
8. Enforcement Activities: Enforcement Mechanisms
 - a. Notices of violation:
 - i. "Except for certain violations that may be resolved quickly through a phone call..." This indicates that there is no tracking. Are there back checks on violations where notice was given via phone?
 - ii. The timeline for compliance and back-checks is explained in Appendix C. However, it may be more helpful to refer to Appendix C or include the timelines in the Enforcement Activities section of the plan.
 - iii. Is there a limit to how many times an inspector checks for compliance before using another enforcement remedy such as NOI, NOPA, referral to the office of general counsel, or automatic referral?
 - b. Seals/severances:
 - i. The amount of \$750 does not seem sufficient in deterring violations and non-compliance. Please explain in the plan how the amount of the fee was determined.
 - c. Administrative penalties:
 - i. The range of \$1,000 to \$10,000 that the Commission can assess penalties per day is wide-ranging. How common is a \$10,000 operator fine?

- ii. Why is pollution deemed the same as a “non-safety related” violation, making it so that the daily penalty is \$1,000?
 - d. Loss of authority to operate:
 - i. “Rejection of an organization report under this authority precludes an organization from conducting oil and gas operations within the State of Texas **except** as necessary to ensure public safety and protect the environment.” Does this mean that an organization that is not allowed to operate must plug their inactive wells or remove their property from a specific site in order to ensure that no pollution will occur?
 - 1. Under this section, we believe it would be valuable to have an explanation of what happens to the inactive or orphaned well inventories if an operator is barred from operating.
- 9. Enforcement Activities: Procedures
 - a. This would be a good place to reference the new Appendix C “Field Operations Enforcement Process,” which is not referenced anywhere else in the text.
 - b. Overall, the procedures section alludes to the inspectors having a lot of discretion in how they carry out enforcement mechanisms, which can lead to bias and unfair application of the rules.
- 10. Goals
 - a. Goal 1: Accurately demonstrate the Commission’s oil and gas monitoring and enforcement activities
 - i. Action Item 1: Review the scope of the Oil and Gas Monitoring and Enforcement Plan
 - 1. The commission has generally not followed the structure required by Texas Statute for the monitoring and enforcement plan. See our comments on the “Data” section of the plan.
 - 2. Please include a section that discusses lessons learned from the past or regulatory impediments.
 - 3. RRC should explore developing a joint database with TCEQ to monitor violations at facilities that are regulated by both agencies, especially where RRC permits are contingent upon compliance with TCEQ rules.
 - 4. The commission should revisit its definition of major violations, with the goal of making this definition less subjective.
 - 5. Rather than simply reporting data over time, it would be helpful to see insights from the RRC assessing trends in compliance over time, and identifying areas where improvement is needed. For example, several rules were violated thousands of times in the past year; some rules hundreds of times. An assessment of what the RRC could do to improve compliance in these areas would make a great addition to this plan.
 - ii. Action Item 2: Establish an Office of Public Engagement
 - 1. We are delighted that the Commission is seeking to expand the agency and establish an Office of Public Engagement. We hope this will address the Commission’s statement in Appendix E, “[s]ome complaints may involve the complainant’s lack of understanding of oil and gas operations or may be made with

malicious intent.” Ideally, educating the public on the RRC’s process, evaluation and enforcement would create more trust between the agency and the public, leading to more effective enforcement, permitting, and rulemakings.

2. It’s important that this office not be merely a public relations office designed to enhance the agency’s, or its elected officials’, images. The office should approach its work with a legitimate purpose of helping the public navigate the RRC’s systems, permitting activities, hearings and complaint processes, and reach resolution.
- iii. Action Item 3: Strengthen the knowledge base of inspectors
1. We are happy to see this kind of investment in training provided to inspectors. We are curious to know how often inspectors are expected to get trained.
 2. Despite this training, some community members affected by orphaned wells have expressed that RRC well plugging inspections are insufficient and inspections made in response to complaints are superficial. It may be time to review the rigor of the TOPCORP training program.
 3. What is the requirement for inspectors to stay up to speed with the latest industry processes, procedures, and technologies? Do inspectors have a professional development component they must maintain, much like other state/governmental agencies do with their employees?
- b. Goal 2: Strategically use the oil and gas monitoring and enforcement resources of the Commission to ensure public safety and protect the environment
- i. Action Item 1: Inspect Well Population
 1. Community members have expressed concern that there are not enough inspectors to conduct thorough and consistent inspections at every well being inspected on a five-year rotation. Please explain how it is possible for the RRC to fulfill its mission with such a high workload per inspector.
 - ii. Action Item 2: Orphaned Well Site Plugging, Remediation, and Restoration Federal Funding
 1. This section should include an explanation of the federal Performance Grant program as well.
 - iii. Action Item 3: State-Managed Well Plugging Program
 1. This section would benefit from a chart summarizing the following by year for the past five years:
 - a. number of wells plugged by the railroad commission
 - b. number of wells plugged by operators
 - c. number of orphaned wells
 - d. number of inactive unplugged wells
 2. As the commission reviews the scope of the Oil and Gas Monitoring and Enforcement Plan, it would be wise to consider how the plan can communicate to the public how the commission

will speed the pace of well plugging for inactive and orphaned wells.

3. Please explain why the commission anticipates that fewer wells will be plugged by operators in FY 2024.
4. Can the RRC conduct a study to further examine the “volatile nature of the oil and gas market” and its consequences relating to orphaned wells or find possible solutions within their prescribed regulations?
5. Please correct the FY 2022 end of year estimate for the number of orphaned wells. On p. 5 of the Annual Oilfield Cleanup Program Report, the total number of wells plugged in the summary table is 1,137. Elsewhere in the report the totals 1,114 and 1,068 are used. The total 1,137 is not explained. In an open records request response, we learned that the commission counted orphaned wells transferred to operators in its total number of plugged wells, even though these should be accounted for in a different line item in the table, as has been done in years past.
6. We would like to understand what the standard of plugging is, how the Commission plans to ensure public safety with respect to unplugged wells.
 - a. One of the main concerns we heard from landowners was that their property was not, in some cases, preserved or protected during the state-managed well plugging process.
 - b. Another point of concern comes from the expectation that barred operators may be meant to plug these wells after they’ve been issued with a loss of authority to operate or no good faith claim to the lease. Therefore, we would like clarity on whether or not these leases or wells fall under the state-managed well plugging program and what priority these wells are given. Assuming that operators have lost the right to operate due to numerous violations, the commission should not assume that these operators can be trusted with plugging wells to a safe standard.

11. Educational Opportunities

- a. We are glad to see how the RRC does the work of ensuring compliance through educational opportunities for industry operators. We would like to see these efforts expand into educational opportunities for the public as well.

12. Stakeholder Participation Process

- a. We are pleased to see that the commission is considering ways to make information available to communities with limited English proficiency.
- b. HB 1818 (85th legislation) outlines there must be a stakeholder participation process that leads with promoting the draft plan for Texans to engage with. Now having the plan drafted in Spanish and stating the intent to provide language accommodations as well, will there be social media & marketing efforts in dual languages too?
- c. The commission needs to consider enhanced public outreach activities for communities affected by existing development, not just new initiatives.

- d. Siting public meetings near public transportation is an important consideration, and we applaud the commission's efforts make public meetings more accessible.

13. Data

- a. Texas Natural Resources Code 81.066 requires the commission to include specific data regarding violations of statutes or commission rules that relate to oil and gas. The commission has generally not complied with the statute in the past two years it has published the Monitoring and Enforcement Plan.
- b. Thank you for fulfilling your statutory obligation to provide information about the commission's activities over time. It is helpful to see multiple years of data presented together in Tables 2 and 3.
- c. While the commission has provided the number of violations by type (rule), it has not provided any information on the severity of these violations by type.
- d. The commission listed the number of alleged oil and gas violations sent to the Office of General Counsel Legal Enforcement, but did not list the number of these violations by type or severity.
- e. The number of violations for which the commission imposed a penalty or took other enforcement action is only listed as a total and not by type or severity. Additionally, the plan presents this number as the same number as the total number of violations. It would be more meaningful if the commission reported separately: (1) the number of violations for which the commission imposed a penalty, and (2) the number of violations for which the commission took other enforcement action. Please also clarify what the commission considers as "other enforcement action" for the purposes of calculating this total.
- f. The commission reported one repeat major violation in FY 2022, but this was not categorized by individual oil or gas lease. Please report the oil or gas lease where this repeat major violation took place.
- g. We are still disturbed to see that the commission's definition of major violations is subjective, and the public has no way of knowing how the commission went from over 17,000 violations of rules that are considered in the definition of major violations, to only 16 violations that were considered bad enough to be classified as "major." The public deserves more detail about the commission's process in determining how to classify the severity of violations.
- h. Please include the number of unique facilities inspected by year in this table.
- i. It would be helpful to see some explanation from the commission about why large variations in the number of violations can be seen from one year to the next for specific rule violations. For example, the number of violations of 16 TAC § 3.21(l) doubled from FY 2021 to FY 2022, and more than tripled from FY 2020 to FY 2022.

14. Appendix C: Field Operations Enforcement Process

- a. Thank you for adding this new appendix. This is very informative and helpful.
- b. Administrative Penalty Referral: are these only issued after leases have been severed more than 90 days, or could they be issued earlier in the enforcement process?

- c. “If an operator fails to respond to the written NOV for a well with an approved 14(b)(2) plugging extension, District Office staff should cancel 14(b)(2) plugging extensions and initiate a plug-hearing recommendation.” The meaning of the phrase “plug-hearing recommendation” is not immediately obvious. Please describe this more fully for the general public.
 - d. Is “automatic referral” implying “automatic referral to Office of General Counsel—Legal Enforcement?” Please clarify in the text.
15. Appendix G: Well Plugging Prioritization Methodology
- a. Table 6: It might be helpful to see the average number of wells plugged per year from FY 92 to FY 22, or at least over the past five years.
 - b. Would it be possible to include the new environmental justice prioritization methodology in the well plugging priority system, or is this prioritization conducted after an overall score is established? Please explain when and how the EJ screening data is used.
 - c. How does the commission prioritize orphaned wells that it has no latitude and longitude data for?