



**Public Input of Virginia E. Palacios
Executive Director of Commission Shift
Railroad Commission of Texas Open Meeting
December 17, 2024**

We've reached the end of the year, and it's time for your report card. The Railroad Commission has made promising progress this year toward fulfilling Commission Shift's requests. I'm providing you with a rubric of all the requests that we've made at Open Meetings. While you haven't earned a satisfactory score in any area yet, you showed improvement in seven out of sixteen areas. Some of our requests will be easy to satisfy within the next year if you continue making consistent improvements over time.

Some of the most impactful areas where the commission has shown improvement include in providing language access, incorporating public comment into the monitoring and enforcement plan, and in preparing to address some of the commission's shortcomings in the Class II injection well program.

Language access: You provided language interpretation at one Open Meeting, and you made interpretation available for the waste pit rulemaking public hearing you held in Austin. You also translated the Plain Language Rule Summaries into Spanish as well as the monitoring and enforcement report, and there is now a widget on the website that performs automatic translation. We appreciate that there is now a civil rights email address on the commission's webpage.¹

Monitoring and Enforcement Plan: You requested comments from the public before drafting the plan for 2025, and you accepted more of our substantive requests this year than in

¹ <https://www.rrc.texas.gov/site-policies>

years prior. We look forward to seeing the commission's increased inspections for flaring compliance, as well as providing more comprehensive flaring data to the public. We encourage you to report more than simple percentages of all gas produced - which are not meaningful values for assessing the commission's performance in preventing waste of natural resources.² We are especially pleased that the commission will be demonstrating compliance activities related to waste pits,³ seeking to reduce orphaned wells greater than 20 years old,⁴ and enhancing training associated with long term carbon dioxide storage wells.⁵

Unplugged Wells and underground injection: The number of orphaned wells and inactive wells increased, but we were happy to see that the commission requested additional funds from the Texas Legislature to be able to address leaking orphaned wells that already rank high on its priority list and to hire an Underground Injection Well Inspection Team.⁶ We hope that the Groundwater Protection Council investigation returns helpful and thorough insights that will aid the commission in preventing leaks and geohazards associated with underground injection.

² 2025 Monitoring and Enforcement Plan. Goal 1, Action Item 2.

³ 2025 Monitoring and Enforcement Plan. Goal 2, Action Item 1.

⁴ 2025 Monitoring and Enforcement Plan. Goal 2, Action Item 4.

⁵ 2025 Monitoring and Enforcement Plan. Goal 2, Action Item 5.

⁶<https://www.houstonchronicle.com/news/investigations/article/texas-regulators-seek-100m-respond-oil-well-19872200.php>

2024 Railroad Commission Report Card

Overall grade: Unsatisfactory

Notes: Improvement has been demonstrated in seven out of sixteen requests. If you keep making improvements, over time some of these scores will likely change to “satisfactory.”

Request	Satisfactory?	Improving?	Notes
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.	No	Yes	Some additional information added to the monitoring and enforcement plan on administrative compliance and technical permitting, but still no easy-to-use database on oil and gas division complaints.
More robust permitting and enforcement on flaring.	No	No	The commission has no practical way to enforce venting and flaring permit limits, and has not meaningfully denied permits. The commissioners have only made statements about flaring, but have not made legitimate progress toward influencing rates of flaring with permitting or enforcement practices.
More robust permitting and enforcement on waste pits.	No	Yes	Some progress has been made at certain facilities, but those facilities continue to have periodic problems including air and water pollution. We are hoping that the new waste pit rule includes our recommendations.
More robust enforcement on well plugging.	No	No	Overall, the number of wells plugged by operators from Jan to Nov 2024 was about the same as the previous year. ⁷ The number of inactive wells has increased by about 8,000 since Dec. 2021. ⁸
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.” ...particularly for rulemakings.	No	Yes	The commission’s latest press release indicates that it has toured the state attending various events. ⁹ While having a presence is important, we would also appreciate it if the RRC did more public outreach in-district to educate the public about its proposed rulemakings and how the public can serve as more eyes and ears on the ground to prevent pollution and improve safety.
Have a more open relationship with the public, treating us as humans and helping us protect the things we love.	No	No	Reactions from commissioners toward the public at Open Meetings have been suspicious, hostile, or unwelcoming at times. We would like to see more warmth, dialogue, and

⁷ Railroad Commission of Texas. Monthly Drilling, Completion, and Plugging Summaries. <https://www.rrc.texas.gov/oil-and-gas/research-and-statistics/drilling-information/monthly-drilling-completion-and-plugging-summaries/>

⁸ Railroad Commission of Texas. Well Distribution Tables. <https://www.rrc.texas.gov/oil-and-gas/research-and-statistics/well-information/well-distribution-tables/>

⁹ Railroad Commission of Texas. December 16, 2024. RRC Criss-Crosses Texas for Extensive Outreach in New Fiscal Year. <https://rrc.texas.gov/news/121624-rrc-criss-crosses-texas-for-extensive-outreach-in-new-fiscal-year/>

Request	Satisfactory?	Improving?	Notes
			trust-building from the commissioners. Expressing empathy, offering knowledgeable responses during open meetings, and asking authentic curious questions would help.
Design Open Meetings to encourage public participation.	No	Yes	We thank the commission for allowing Public Input in a few cases where members of the public forgot to sign up on time before attending the meeting. We would like to encourage allowing same-day registration at all open meetings.
Offer a virtual Public Input option for the Open Meetings.	No	No	We requested this at the April and November Open Meetings. No progress has been made to date.
Develop a plan for incorporating more language accessibility into the agency's Open Meetings, rulemakings, comment periods, and permit proceedings.	No	Yes	The commission provided Spanish interpretation at one Open Meeting, but the interpreter had no formal training in interpretation. Interpreters were also provided at the waste pit rulemaking public hearings, but those were held at inconvenient times for the public. Some Spanish-language summaries have been provided for rulemakings. The website now has automatic translation into Spanish. The RRC now has a civil rights section on its webpage, along with a civil rights email address. We thank the commission for making progress, and we hope to see more in the future.
Host workshops with members of the public to explain and encourage comment on the Monitoring and Enforcement Plan.	No	Yes	<p>We thank the commission for taking many of our substantive recommendations for the Monitoring and Enforcement Plan this year. The process was greatly improved from prior years.</p> <p>We would like to see the RRC conduct meaningful outreach to explain the plan to the public with a public education session allowing for two-way communication before and after the plan is drafted.</p> <p>Tie the agency's Strategic Plan and Legislative Appropriations Request with its Monitoring and Enforcement Plan, and help the public understand what kind of budget items could help to fulfill requests made for the Monitoring and Enforcement Plan.</p>
Clarify why you have applied for Class VI primacy and consider withdrawing the state's application.	No	No	While the Texas Legislature directed the Railroad Commissioners to seek primacy, the commissioners seem to have blindly followed instruction with no resistance or comment even though they don't believe climate change is human caused. The choice to pose additional threats to Texas groundwater should be explained to the public.

Request	Satisfactory?	Improving?	Notes
Clarify what actions you will take to improve water protection under the Class II program, in the wake of Class VI CO2 injection well primacy.	No	Yes	The commission has initiated an investigation of their Class II program with the Groundwater Protection Council and has requested funds from the Texas Legislature to staff an internal investigation team. We look forward to reading the GWPC report and the potential approval of funding for an internal investigation team.
Each commissioner with a financial interest in the exchange or treatment of drill cuttings, or sale of treated drill cuttings disclose those interests in a verbal or written public statement before voting on the final rule.			Final rule considered at today's conference.
Hold public hearings in communities throughout the state that have higher numbers of commercial surface waste facilities - particularly in places where the commission has received complaints from people living near the facilities.	No	No	The commission missed its chance to hold in-district hearings, and only provided hearings that were accessible to the industry.
Require closed-loop drilling systems for waste management.			
Restrict the applicable beneficial reuse of drill cuttings to oil and gas roads that are not also public county roads and demonstrate that any legitimate commercial products are meet the engineering and environmental standards for the proposed use; and are at least as protective of public health, public safety, and the environment as the use of an equivalent product made without treated drill cuttings.			Final rule considered at today's conference. This was a recommendation we made in our comments on the waste pit rule. We alluded to this in our October public input.