From: Steve C
To: Rules Coordinator
Subject: SB 1150 Rulemaking
Date: Thursday, November 19, 2026 6:51:45 PM

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Dear Railroad Commissioners,

As a North Texas cattle rancher my family and I have been directly impacted by inactive wells on our land. There are more than 10 wells that qualify as 15/25 inactive wells and more than 20 other wells which will qualify for that classification in a few years. In addition, there are several other wells which are not listed as inactive but that have no actual production. These wells and their access roads and facilities occupy land which otherwise would be productive agricultural land. These inactive wells and their facilities are a source of oil and gas leaks which contaminate our pastures. As these wells age they are transferred from one operator to another, with each successive operator less financially able to plug and decommission these wells.

The Texas Legislature, in passing SB 1150, recognized that inactive wells represent a clear, present and growing danger to the health, safety and wellbeing of the citizens of Texas. However, the rule changes designed to implement this legislation as proposed by the Railroad Commission fail to achieve the goals of that legislation.

Please incorporate the following recommendations to strengthen rules for inactive, unplugged wells and fulfill the RRC's mission of stewarding natural resources & the environment and protecting personal & community safety.

The final rules should reduce Texas's inventory of inactive wells, prevent new orphans, and prevent inactive wells from remaining unplugged indefinitely. To accomplish this, please make these changes to the rules:

-As statute requires, before granting any extension, specify how the RRC is fully considering "risk to public safety, health, and the environment; wellbore and wellhead integrity, including the ability to monitor casing pressure; and regional risk considerations, including penetration of corrosive or over-pressured formations and completion in zones containing hydrogen sulfide."

-Set tougher well integrity standards & monitoring of casing pressure; ban extensions in high-risk zones. Require annual mechanical integrity testing of these wells. Require the operator to give advance notice to the surface owner prior to testing so that the surface owner can observe the tests. Require that the testing be conducted by an independent licensed professional. Require the operator to submit a written report of such tests with any application for a plugging extension.

-Set clear metrics based on statutory criteria to ensure operators applying for “financial hardship” still plug wells & that they have a path out of hardship. As is, the proposal allows business-as-usual practices of indefinite plugging extensions that lead to well orphaning.

-Update the definition of “active operation” to require meaningful, economic production. At least 30 MCF or 10 BOE per month for three consecutive months.

Require well-specific reports for each 15-year inactive/25-year-old well, certified by professionals, confirming the well has economic value and future beneficial use.

-Regardless of the extension option requested, require a well-specific plugging-or-restoration plan and schedule for all 15/25 wells, and deny extensions if the operator deviates without good cause so wells with no benefit are eventually plugged.

-Only 15/25 wells, not younger wells, should count toward qualifying for a plugging extension based on a history of “returning inactive wells to operation.” The definition of “active operation” must prevent gaming by temporarily shutting wells on and off.

-Say the RRC “shall,” not “may,” deny applications that remain incomplete and do not meet the rule’s criteria.

Ensure that an operator’s compliance history is fully considered before granting extensions, and more clearly specify what types of violations will result in denial of extensions.

- Establish administrative penalties for rule violations and false affirmations for transfers as required by SB 1150, with bigger penalties for falsification and repeat offenses.

-Set clear metrics for a good-faith transfer & make operators submit evidence to substantiate their claim.

-Give notice and standing to surface & mineral owners for observing well tests and participating in transfer & extension proceedings. Give landowners the opportunity to protest, and operators the opportunity to prove their good-faith claim to operate and maintain 15/25 wells, or make them plug the wells.

- Maintain public, searchable information on applications, compliance plans, why and which wells are granted extensions, and whether the operator is complying with its declared plan.

-Limit the number of extensions for any particular well to three extensions regardless of the basis of the extension request.

I urge the Commissioners to step up to their duty to protect the people of Texas against the growing plague on the land constituted by the vast number of inactive wells.

Respectfully,
Steve Collins