

# Oil and Gas Monitoring and Enforcement Plan

## Public Input

### Summary

- 7 comments received via survey tool (requested process)
- 1 letter received
- 1,097 comments received at four separate RRC email addresses before the due date (100 additional comments received after the due date)
- 344 unique email addresses
- 1 comment in Spanish

### Received via Survey Mechanism

#### Mckinney, TX 75070

As a company that receives all newly released well logs from the RRC to input into a database for further use by the public. The RRC system is a total disaster from this perspective.

1. There is no enforcement of the digital well log being turned into the RRC to comply with L1 rule.
2. Hundreds of images will not open up
3. Many are scanned images from the backside of the log and are totally blank
4. Many are "rate of penetration" logs and NOT induction or porosity logs .....rate of penetration are next to useless in exploration.
5. RRC employees do not know how to recognize the difference in rate of penetration logs and real usable well logs.
6. People and companies are taking advantage of the RRC accepting anything that is submitted.
7. This lack of action from RRC HURTS exploration efforts by scientist attempting to find more oil and gas

The RRC has a lot of different areas to spend taxpayers money. People that are not involved in exploration, do not understand how valuable it is to have information to explore for new discoveries. We can't work with what we don't have!! Hiring someone to confirm and verify the well logs that are submitted are legitimate should be a top priority. For some reason the

RRC decided to not enforce this area, and spend money with education of well logs and enforcement, and assumed the public would do the right thing. This is a wrong assumption.

## Clovis, NM 88101

Currently the Commission focuses on developing information technology solutions, tools, and processes to enable easier access to records that concern various oil and gas exploration and development, determination of responsibility for the proper plugging of abandoned wells. Focus should be not just developing information determining responsibility for the proper plugging of abandoned wells, but a clearly defined, enforceable operational plan and budget for actually accomplishing this task.

Schedule meaningful hearings on a district-by-district basis with landowners, public water agencies and operators to strategically locate plugged and abandoned wells that are leaking produced water and oil. Develop a plan and budget to fix them.

Major Operators are spending billions of dollars for all kinds of carbon capture projects, but they will not spend the money it takes to fix the problem of leaking plugged and abandoned wells that threaten drinking water tables and leave soils contaminated with produced water and TPH. It is a serious problem particularly in the Permian.

## Fort Worth, TX 76134

N/A

N/A. Unfamiliar

Require Wellsite reclamation after wells are P&A'd to return the terrain back to natural terrain, similar to other state and federal agencies.

N/A

## Fort Worth, TX 76132

The commission should Monitor Wells that require plugging or may become abandon, by establishing a system of notification to operators of plugging requirements that have not reported production within the prior 60 days. The operator may then either respond the basis for shut-in conditions or provide plugging plans. If production shut-in is based on re-working or well conditions that will be remediated the operator would so state. If after 90 days from the operator response no production is reported, action should be taken for plugging enforcement or further bonding requirements established.

Provide for Landowner input on clean-up and plugging actions by having the operator on an application to plug provide the name and contact information of the Landowner who may then respond to the Commission if appropriate following a plugging operation. In many instances the operator plugging a well does so, removes any pipe or equipment that may have value and leaves the junk tanks and other debris at the well site.

See Action Item 1

See Action Item 2

## Orlando, FL 32811

Actually LOOK at or VIEW the well log images that are submitted to the Commission, whether they are Digitally submitted or SCANNED through internal processes.

Correctly select from the internal list of Well Log Categories the ACTUAL proper category based on the VIEWING of the submitted well log image.

\* no comment \*

\* no comment \*

Stop allowing companies to submit 8 1/2 x 11 or 8 1/2 x 14 segments of well logs. Only allow for a continuous document that shows a well log header, remarks, legends, body of curves with different scales, calibration and tool diagrams, and a footer for all well log images regardless of being scanned or electronically submitted.

## El Paso, TX 79912

Idle wells and actual cost of plugging and abandonment.

## Amarillo, TX 79109

The RRC Region 10 office has neglected their duties to enforce the rules and regulations in the oil field in the Texas Panhandle. This has led to catastrophic wildfires causing deaths and catastrophic damage.

The RRC has not enforced wells to be properly plugged in a timely manner. These wells then go to the "orphan" well list where the taxpayer, not the operator has to pay for the cost to plug.

RRC has failed in its mission to protect the natural resources of Texas.

The culture of the RRC must change if they are to follow the mission of the commission to protect the natural resources of Texas

## Comment sent to email addresses (identical, with several versions of the introductory paragraph)

–Deploy the Office of Public Engagement to educate rural communities on opportunities for participation. Lack of broadband internet access in rural communities hinders community members’ ability to access and navigate the RRC’s website for information related to complaints, participating in hearings, or commenting on rulemakings and guidance development. The RRC should establish public engagement teams in district offices to respond to public complaints or to offer presentations and host town hall meetings with impacted communities or those concerned about facility permitting or re-permitting.

–Offer remote accessibility at the RRC. For example, a virtual option for comment on agenda items or to give public input at RRC Open Meetings. A person in West Texas earning minimum wage should be able to participate in RRC meetings without missing multiple days of work traveling to and from Austin, risking their ability to put food on the table or pay rent that month.

–Develop a plan to incorporate language access throughout the RRC. Other state agencies offer language access, and the RRC could begin by modeling its program on those agencies’ existing programs.

–Clarify how air quality standard violations are handled. For example, explain how reports of violations are checked, and what process the RRC follows to determine whether a facility in violation will lose or retain their operating permit.

–Prepare the public and first responders for carbon dioxide pipeline incidents. Carbon dioxide is heavier than air, and sinks when released. CO<sub>2</sub> leaks can create standing plumes that displace oxygen. A Texas-based pipeline operator was responsible for a CO<sub>2</sub> pipeline rupture in Mississippi, which sent dozens of people to the hospital with symptoms of hypoxia. Some of these individuals have chronic short-term memory loss. With the proposed construction and expansion of CCUS projects, including CO<sub>2</sub> pipelines, the people of Texas have the right to know the risks associated with this infrastructure and to participate in a coordinated emergency response strategy to help prevent unnecessary fatalities or injuries. The commission should plan to deliver in-district training and public education sessions throughout the state.

–Improve database management and compliance mechanisms for venting and flaring rule exceptions. The RRC should bring its venting and flaring tracking data into the 21st century, and develop changes to its compliance procedures to ensure legitimate, verifiable enforcement of the limits established in Statewide Rule 32 and the permits the agency issues.

–Enhance quality control within Administrative Compliance and Technical Permitting Divisions. The RRC could more strategically use its resources to improve the review process; ensure that operators are meeting their P-5 (permit to operate) renewal requirements; use new tools to scrutinize operator self-reporting for accuracy; cross-check eligibility of operators applying for drilling permits; and implement overall quality control and quality assurance procedures.

## Unique Introductions

### 1

Thank you for the opportunity this year to submit written comments in advance of your publication of the draft 2026 Oil and Gas Monitoring and Enforcement Plan (“the Plan”). It is important that all Texans have a fair and accessible opportunity to participate in Railroad Commission proceedings where they can offer input in the decisions that deeply affect their lives, health and environment. Please consider incorporating the following suggestions into the Plan.

### 2

It’s important that you consider the number of people affected by railroad commission decisions—and not just the people making money. The public health effects of railroads in Texas are deplorable, when it doesn’t have to be that way. With small and effective impact, a lot could be changed for the better,

Thank you for the opportunity this year to submit written comments in advance of your publication of the draft 2026 Oil and Gas Monitoring and Enforcement Plan (“the Plan”). It is important that all Texans have a fair and accessible opportunity to participate in Railroad Commission proceedings where they can offer input in the decisions that deeply affect their lives, health and environment. Please consider incorporating the following suggestions into the Plan.

### 3

I appreciate the opportunity this year to submit written comments in advance of your publication of the draft 2026 Oil and Gas Monitoring and Enforcement Plan (“the Plan”). It is good that all Texans have a fair and accessible opportunity to participate in Railroad Commission proceedings where they can offer input in the decisions that deeply affect their lives, health and environment. I ask that you please consider incorporating the following suggestions into the Plan.

4

Much appreciate you taking the time to make the opportunities available to our citizens in this important endeavor.

Thank you for the opportunity this year to submit written comments in advance of your publication of the draft 2026 Oil and Gas Monitoring and Enforcement Plan (“the Plan”). It is important that all Texans have a fair and accessible opportunity to participate in Railroad Commission proceedings where they can offer input in the decisions that deeply affect their lives, health and environment. Please consider incorporating the following suggestions into the Plan.

5

Please give your attention to the following suggestions. Though they may look like blank submission of a form email, I am keeping this wording because it is efficient and accurate and informed. I care about the sustainability of our future and I care about our environment, and I agree with every word below and want you to act by this agenda, for the sake of my children and their future.

6

You will hear from a lot of us about this issue and we will be sharing the same facts - at least those of us who deal in facts and believe in science and data. I am glad that the option to submit written comments before your publication of the draft 2026 Oil and Gas Monitoring and Enforcement Plan (“the Plan”). I expect you to incorporate the following suggestions into the Plan.

7

We can do this. I type this with my family's support to ask you to please update the plan to include ways for us to contribute to clean air, water, and future by ensuring you do the following:

8

I am grateful for your public service to my family, my neighbors, and all Texans.

Thank you for the opportunity this year to submit written comments in advance of your publication of the draft 2026 Oil and Gas Monitoring and Enforcement Plan (“the Plan”). It is important that all Texans have a fair and accessible opportunity to participate in Railroad Commission proceedings where they can offer input in the decisions that deeply affect

their lives, health and environment. Please consider incorporating the following suggestions into the Plan.

## 9

Gracias por la oportunidad este año de enviar comentarios por escrito antes de la publicación del borrador del Plan de Monitoreo y Cumplimiento de Gas y Petróleo 2026 (“el Plan”). Es importante que todos los texanos tengan la oportunidad de participar en los procedimientos de la Comisión de Ferrocarriles (RRC, por sus siglas en inglés) de manera justa y accesible, y expresar su opinión sobre las decisiones que afectan profundamente a sus vidas, su salud y su medio ambiente. Por favor, tenga en cuenta las siguientes recomendaciones a la hora de elaborar el Plan.

## 10

I am grateful for your public service to my family, my neighbors, and all Texans.

Thank you for the opportunity this year to submit written comments in advance of your publication of the draft 2026 Oil and Gas Monitoring and Enforcement Plan (“the Plan”). It is important that all Texans have a fair and accessible opportunity to participate in Railroad Commission proceedings where they can offer input in the decisions that deeply affect their lives, health and environment. Please consider incorporating the following suggestions into the Plan.

## 11

Comments have been recieved and recorded over and over at the RRC from people in this area, asking for more thorough monitoring of the Hohn Rd. Gas and Oil Waste Disposal Site. The material brought into this site is questionable and not to include tank bottom material. The berms were not made of the correct material, having already produced one large break with liquid overflowing the public ditches and running across private property.

## 12

I appreciate your service to our great state! Thank you for the opportunity this year to submit written comments in advance of your publication of the draft 2026 Oil and Gas Monitoring and Enforcement Plan (“the Plan”). It is important that all Texans have a fair and accessible opportunity to participate in Railroad Commission proceedings where they can offer input in the decisions that deeply affect their lives, health and environment. Please consider incorporating the following suggestions into the Plan.

## 13

Because of my many decades of living in rural Texas on my family's ranch, with many oil and gas wells and infrastructure including pipelines crossing it, with which we have experienced numerous problems, I know that there is a need for the Railroad Commission to improve protections, communication and transparency for our safety, health and protection of our property. Please, support the following recommendations:

## 14

I very much support public participation in the development of agency plans.

This letter constitutes written comments in advance of your publication of the draft 2026 Oil and Gas Monitoring and Enforcement Plan (“the Plan”). It is important that all Texans have a fair and accessible opportunity to participate in Railroad Commission proceedings where they can offer input in the decisions that deeply affect their lives, health and environment. Please consider incorporating the following suggestions into the Plan.

## 15

I am a 4th Generation owner family ranch land in the Northern tier of the Eagle Ford Shale. As a landowner I have experienced the complaint process at the Commission when drilling mud, from a pad site adjacent to my ranch, polluted our ephemeral creek that provides water for the cattle that graze upon my land. It was not a transparent process and seemed to side with the oil & gas industry with no meaningful penalties. I hope you will provide more transparency and roles for impacted landowners when you finalize your 2026 Oil and Gas Monitoring and Enforcement Plan (“the Plan”).

It is important that all Texans have a fair and accessible opportunity to participate in Railroad Commission proceedings where they can offer input in the decisions that deeply affect their lives, health and environment. Please consider incorporating the following suggestions into the Plan.

## 16

It is important that all Texans have a fair and accessible opportunity to participate in Railroad Commission proceedings where they can offer input in the decisions that deeply affect their lives, health and environment. Incorporate the following suggestions into the Plan.

## Unique Comment sent via email

1

What a disappointment to see this message addressed to Danny Sorrells. Mr. Sorrells' name and position are prominent on every piece of RRC correspondence addressed to us since our efforts to corral the activities of the small, poorly funded operators in our neighborhood began in 2016. I would suggest an independent replacement for Mr. Sorrells be named as soon as possible. Having said that, independent review of every aspect of every RRC department is desperately needed. The RRC likes to hide behind legislation does not allow that. But, RRC is interpreting legislation as the RRC sees fit.

In addition to the suggestions already presented in this message, my message to both the RRC and the Legislators - schedule local open meetings. Open the doors to input from every citizen of Texas. Listen to the people.

2

Thanks for nothing!

Do what you were hired for and paid to do. Serve the public, not the corporate interest. Because of your inaction, we are losing our home due to venting flaring and dumping. We can't even drink our water or use a clothesline. Friends of ours who don't have AC are forced to sleep with windows closed during South Texas summer.

Y'all should be ashamed of yourselves.

### 3 (Text is many emails, but was modified so it is not identical)

Thank you for the opportunity this year to submit written comments in advance of your publication of the draft 2026 Oil and Gas Monitoring and Enforcement Plan (“the Plan”).

The RRC should work to plug more wells before they become problems. Reacting to plug wells that are flowing to the surface is expensive. It also allows for contamination of freshwater zones while the well is leaking. The RRC needs to study its data to find the wells that are most at risk of turning into headline making disasters and plug those wells ASAP. By getting ahead of the curve on problem wells, the RRC could make better use of its limited funds for well plugging.

If there is increased pressure in an area, especially if that pressure is causing old wells to start leaking, the RRC should investigate the cause of that pressure and work to stop the increase. In no circumstance should they continue to allow SWD's to operate in an area that already has increased pressure and leaking wells. Shut down the injection wells before multiple wells start leaking. Plug old and abandoned wells in that area. Figure out a way to become proactive instead of reactive.

After the RRC or an operator plugs a problem well, the RRC should step up monitoring activity in that area. Whatever caused that well to start leaking didn't go away when that well was plugged. Another one will soon follow. Multiple problem wells in the same area should be an alert to the RRC that they need to focus on that area.

When there is a problem well that the RRC is plugging, they should allow the landowner onsite to observe the operation and provide him with updates on the process and progress.

After the RRC plugs a well, they should do whatever is practical to clean up the area. They shouldn't just drive off and leave their mess without any effort at cleanup.

Texans have a fair and accessible opportunity to participate in Railroad Commission proceedings.

Deploy the Office of Public Engagement to educate rural communities on opportunities for participation in RRC Open Meetings.

The RRC should respond to public complaints.

It should offer presentations and host town hall meetings with impacted communities or those concerned about facility permitting or re-permitting.

It should offer a virtual option to participate in RRC Open Meetings, to comment on agenda items or to give public input. It is expensive for a person in West Texas to miss multiple days of work traveling to and from Austin in order to participate in RRC meetings.

It should develop a plan to incorporate language access throughout the RRC. Other state agencies offer language access.

It should clarify how air quality standard violations are handled. For example, explain how reports of violations are checked, and what process the RRC follows to determine whether a facility in violation will lose or retain their operating permit.

It should prepare the public and first responders for carbon dioxide incidents. With the proposed construction and expansion of CCUS projects, including CO2 pipelines, the people of Texas need to know the risks associated with this infrastructure. There needs to be a coordinated emergency response strategy to help prevent unnecessary fatalities or injuries. The commission should deliver in-district training and public education sessions throughout the state.

It should improve its database management and compliance mechanisms for venting and flaring rule exceptions.

It should enhance quality control within Administrative Compliance and Technical Permitting Divisions.

The RRC needs to ensure that operators are meeting their P-5 (permit to operate) renewal requirements. It needs to use new tools to scrutinize operator self-reporting for accuracy.

It needs to cross-check eligibility of operators applying for drilling permits.

Thank you for considering these suggestions.

## Received via letter

The letter is appended to this PDF. Please note page numbering will not continue.



212 Flores Ave.  
Laredo, Texas 78040

April 16, 2025

Danny Sorrells  
Oil and Gas Division Director  
Railroad Commission of Texas  
P.O. Box 12967  
Austin, Texas 78711-2967

Dear Mr. Sorrells,

Enclosed are Commission Shift's suggestions for the FY 2026 Oil and Gas Monitoring and Enforcement Plan. We appreciate the opportunity to provide our feedback in advance of the plan being drafted, and we thank the commission for translating the plan into Spanish and accepting Spanish-language feedback on the plan.

We would appreciate a conversation with the appropriate staff members at the Railroad Commission to discuss the rollout of the annual Monitoring and Enforcement Plan survey and suggestions we have for improving the public's ability to provide suggestions of the Plan. Please let me know who the best person to speak to would be.

Please reach out to me for any clarifying questions or feedback.

Thank you for your consideration,

Virginia E. Palacios  
Executive Director  
Commission Shift

# **Goal 1: to accurately demonstrate the Commission's oil and gas monitoring and enforcement activities.**

## **Deploy the Office of Public Engagement to educate rural communities on opportunities for participation**

Many communities don't have broadband internet access, laptops, or comfort using email accounts. Maintaining phone systems and text-message services are important ways for these communities to access state agencies.

In our work with rural communities, Commission Shift has found that the lack of broadband internet access hinders community members' ability to access and navigate the Railroad Commission's website for information related to complaints, participating in hearings, or commenting on rulemakings and guidance development. We encourage the Commission to develop a strategic plan to enhance accessibility for these communities. This can be accomplished by establishing public engagement teams in district offices to respond swiftly to public complaints or to offer presentations and host town hall meetings with communities affected by broader issues or those concerned about facility permitting or re-permitting.

Past Monitoring and Enforcement Plans promised that the Office would "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." Commission Shift and members of the public requested in-district public hearings on the carbon dioxide rulemakings and the waste pits rulemaking. Hearings for both rulemaking were held in Austin and online during working hours, at times that are difficult for the public to engage, particularly those in rural communities with limited broadband access. The commission has not utilized the Office of Public Engagement to enable the public to participate meaningfully in matters before the commission.

## **Offer remote access to Railroad Commission Open Meetings**

Offer a virtual option for the public to comment on agenda items or give public input. For example, a person in West Texas earning minimum wage should be able to participate in your meetings without missing multiple days of work traveling to and from Austin, risking their ability to put food on the table or pay rent that month. Planning and troubleshooting audio-visual components of running an in-person Open Meeting while allowing virtual public input may require some advance planning and procedures. Although the commission may experience an increase in community members who will sign up for Public Input, it is important to recognize that the Open Meeting is intended to be a transparent forum for public governance. The Public Input item in the Open Meeting allows for all three commissioners to efficiently learn about issues faced by the public.

## **Develop a plan to incorporate language access throughout the commission**

Provide language access for Open Meetings, rulemakings, comment periods, and permit proceedings. Publish open meeting and public hearing notices in Spanish and offer language interpretation during the meetings. Other state agencies offer language access, and the commission could begin by modeling its program on those agencies' existing programs.

## **Clarify how air quality standard violations are handled**

Please describe the communication between the commission and the Texas Commission on Environmental Quality regarding facilities permitted by the RRC that fail to meet air quality standards. If a facility violates air quality standards, please explain the following:

- What process the RRC follows to determine whether the facility will lose or retain their operating permit;
- How reports of violations are checked by RRC, considering that TCEQ is the agency that investigates air quality complaints on RRC facilities;
- How the RRC catches violations that are observed by complainants overnight, as some operators may evade investigation by committing violations outside of RRC and TCEQ normal business hours.
- How TCEQ violations are considered by RRC when assessing an operator's annual P-5 Organization Report and P-4 Certificate of Compliance and Transportation Authority.

## **Rebuild trust with the public through meaningful public engagement**

Commission Shift applauds the efforts made by the Office of Public Engagement to hold public presentations and take RRC staff to table at conferences, but there remains work to be done. Meaningful public engagement requires a two-way dialogue. The commission should educate, listen, clarify, and ultimately incorporate the feedback it receives from the public into its rules, internal procedures, and decision-making. We appreciate the commission's commitment in the 2025 plan to seek new methods to enhance public engagement through API Recommended Practice 1185 Pipeline Public Engagement (RP 1185), and we hope the 2026 plan outlines the methods the RRC will commit to utilizing.

At the March open meeting, Commission Shift discussed a rural community that has faced serious municipal water problems, cracking foundations, and developing sinkholes since oil and gas development increased in the area. These communities have open questions that the Railroad Commission has not answered. The RRC should serve as a resource that can connect communities to water or air quality testing, even if it's just guiding them to the right contacts at other agencies. Local government bodies like city councils and county commissioners don't have the training to know how to guide their constituents who wish to participate in permit applications. They want the RRC to provide more education to community members about the rules, procedures, and the types of facilities that are requesting permits.

### **Improve online public access to information.**

The commission's website is difficult for the general public to navigate. Searches like "help," "how to navigate the website," and "how to file a complaint" do not yield useful information. The commission provides educational opportunities focusing on forums, presentations, industry events, videos, and user guides for industry professionals. However, these resources focus on industry audiences, and there are virtually no equivalent resources available to the general public. Essential tools, such as the oil and gas data query system, are buried several levels deep within the website, making them hard to find for infrequent users.

The commission should develop online tools to expand and simplify public access to records. It could also create a subscription service for permit application notifications for specific types of permits, such as saltwater disposal wells or commercial waste pit applications. Allowing subscriptions to be limited to specific zip codes, counties, or regions would also be a valuable feature. Furthermore, offering a subscription service for the public to receive notifications about updates related to specific leases and operators would help interested members of the public easily stay informed about P-5 status changes, test results for mechanical integrity tests, or resolutions of violations.

The commission could create focus groups with impacted communities affected by oil and gas development and provide publicly accessible instructional materials that describe how to report a leaking well, file a complaint, or participate in a permitting process. We recommend creating a similar focus group with Spanish-preferred communities.

The FY 2025 Plan acknowledged that it removed the Public Assistance email address [publicassist@rrc.texas.gov](mailto:publicassist@rrc.texas.gov) from its website to encourage the use of online forms for reporting, but the public could still utilize the email address. Commission Shift encourages the RRC to provide a form, an email address, and a phone number as options for contacting them, along with links to Spanish instructions, to foster public engagement in the format most comfortable for those attempting to reach the RRC.

### **Define and categorize inspection metrics and enforcement actions**

The Commission regularly touts that it exceeds its target for inspections. However, it is unclear what specifically qualifies as an inspection. Commission Shift recommends that the Commission develop and publish clear metrics and provide a public checklist detailing what qualifies as an inspection and what items are examined during one. We would like to see the Commission categorize the various types of inspections.

Are they paper inspections or in-person on-site inspections? Was the inspection focused on a single issue, or was a comprehensive site inspection conducted? The commission could provide more detailed reporting on the number and types of inspections, both at a macro level and a micro-site level. It could make that data available by individual lease, operator, region, and statewide.

Additionally, the commission should provide an analysis of the statistical breakdown of enforcement actions. The analysis should examine the types of violations that occur, how often penalties are utilized, and the amounts of penalties imposed. This information should be published to provide transparency and facilitate easier assessment of the statistical breakdown of enforcement actions. This can inform the agency and the industry on where to focus resources, such as additional education to help improve compliance. It can also indicate a need for added clarity in rulemaking or assess whether punishments are sufficient to deter bad behavior.

### **Explain how alternate proposals voted on at an Open Meeting are reviewed**

The Commissioners sometimes disagree with the examiner's recommendations for decisions and will propose an alternative that is often drafted by companies. This proposal is then voted on by the Commissioners at the same open meeting. An explanation of how this process takes place, how ex parte communications are avoided, and who reviews the legality of alternate proposals before they are voted on would improve transparency and help build trust with the public.

## **Goal 2: to strategically use the oil and gas monitoring and enforcement resources of the Commission to ensure public safety and protect the environment.**

### **Prepare the public and first responders for carbon dioxide pipeline incidents**

Carbon dioxide is heavier than air, and sinks when released. CO<sub>2</sub> leaks can create standing plumes that displace oxygen. A Texas-based pipeline operator was responsible for a CO<sub>2</sub> pipeline rupture in Mississippi, which sent dozens of people to the hospital with symptoms of hypoxia. Some of these individuals have chronic short-term memory loss. With the proposed construction and expansion of CCUS projects, including CO<sub>2</sub> pipelines, the people of Texas have the right to know the risks associated with this infrastructure and to participate in a coordinated emergency response strategy to help prevent unnecessary fatalities or injuries. The commission should plan to deliver in-district training and public education sessions throughout the state.

## **Improve database management and compliance mechanisms for Statewide Rule 32 venting and flaring rule exceptions**

Commission Shift recently analyzed RRC venting and flaring rule exceptions (“flaring permits”),<sup>1</sup> and found that many flaring permits are missing a lease number or other identifying information. This makes a comparison between operator-reported venting and flaring volumes and limits defined in the permit application difficult in too many cases. The commission should set up flaring permits in a database that automatically compares Production Report venting and flaring volumes to the permit’s allowed volume and duration. Discrepancies should be automatically flagged for review of potential violations. This database connection should also include a page that straightforwardly records the permit’s inception date, all amendment dates, as well as the total number of flaring days and the total volume of releases authorized from inception to present day.

Another analysis by Commission Shift revealed that the RRC has never issued an enforcement action related to an operator’s noncompliance with venting and flaring permit durations or volume limits. Furthermore, venting and flaring permits are issued so generously as to make the rule moot. The RRC should develop changes to its compliance procedures to ensure legitimate, verifiable enforcement of the limits established in Statewide Rule 32 and the permits the agency issues.<sup>2</sup>

## **Enhance quality control within Administrative Compliance and Technical Permitting Divisions**

It is appropriate that the Commission finally included an Administrative Compliance Section and a Technical Permitting Section in the FY 2025 Monitoring & Enforcement Plan. Beyond just describing the organizational units in each section, the commission could more strategically use its resources to ensure public safety and protect the environment by developing:

- Ways to improve the review process to ensure that operators are meeting their P-5 renewal requirements,
- New tools to scrutinize operator self-reporting for accuracy,
- Methods to cross-check eligibility of operators applying for drilling permits, and
- Implement overall quality control and quality assurance procedures.

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<sup>1</sup> Andrew Wheat, “Comparing Railroad Commission of Texas Flaring Permit Volumes with Satellite Observations and Company-Reported Data,” March 2025, <https://commissionshift.org/news/new-texas-flaring-website-and-report-flags-regulatory-lapses-th-at-hurt-texans-health-and-wealth/>.

<sup>2</sup> Andrew Wheat, “Permission Granted: Texas Oil and Gas Regulators on Track to Allow More Flaring Waste Than Ever” (Commission Shift, September 2024), <https://commissionshift.org/news/permission-granted-new-report-on-flaring-reveals-texas-oil-and-gas-regulators-on-track-to-allow-more-flaring-waste-than-ever/>.

## **Modernize required tests that safeguard our groundwater**

Commission Shift has held multiple discussions with surface owners monitoring the leases on their properties. They have noted that operators maintain their P-5 despite not conducting an H-5 mechanical integrity test on the wells or being allowed to shut in wells with failing tests. Others have examined tests and found evidence of cheating, such as a well that passed its test while valves were rusted shut. Additionally, they have reviewed operational logs and observed that annulus pressures drop when no injection occurs, indicating that the annulus isn't maintaining pressure and may be leaking.

We are not suggesting that all operators cheat; we merely observe that the incentive to cheat is strong, the ability to cheat is easy, and evidence of cheating exists. Mechanical Integrity Tests, referred to as H-5 tests, utilize outdated paper technology that isn't linked to a specific location. There are no certification or bonding requirements for those performing the test. Commission Shift recommends that the commission explore new methods and/or technologies beyond the one-pen pressure recorder required by rule, and consider mandating certified and licensed testers to ensure testing integrity. Upgrading testing requirements could provide tangible benefits to facilitate easier test reporting.

Besides automating test reporting, the Commission could create tools to identify facilities out of compliance with test requirements or operating under conditions that suggest non-compliance, such as the facility whose annulus pressure indicated a potential leak.

## **Develop a plan to eliminate orphaned wells and sites that are older than 20 years.**

Commission Shift appreciates the commission's FY 2025 commitment to evaluate and prioritize plugging orphaned wells that are older than 20 years. Please communicate the plan to address these aging wells in the FY 2026 Monitoring and Enforcement Plan.

Inactive wells contribute to the aging orphaned well population. We encourage the commission to develop a plan that analyzes the annual rate of change in the number of inactive wells over a ten-year period and projects the number of wells that operators can plug each year with specific interventions from the commission. One action the commission can take is to scrutinize inactive well transfers more carefully and prevent the transfer of wells that are noncompliant with statewide rule 15. Along these lines, the commission should utilize its resources to hire additional staff or reprioritize the enforcement of inactive well plugging requirements. As of March 2025, the number of inactive unplugged wells that have been inactive for more than 12 months is 116,000.

Finally, the commission should assess its current rate of well orphaning and project the total funds for well-plugging needed over the next 10 years in order to reduce the orphaned well count to 1,000. This assessment should consider projected rates of new

orphaned wells with a goal of ensuring that no wells more than 20 years inactive will remain on the orphaned wells list longer than one year.

### **Improve guidance on reporting and preventing oil theft**

Oil theft has become a significant issue in the oil patch, prompting the legislature to consider new laws to tackle the problem. However, the Railroad Commission does not provide guidance for the community on reporting suspicious activity or for operators on best practices to prevent oil theft. Even if reporting should be directed to law enforcement, the commission could still offer information on its website about prevention methods and how to properly report oil theft.

### **Update Class II permitting standards to prevent risks to public safety and groundwater resources**

The commission has made an emergency funding request to the Texas Legislature for \$102.7 million to plug emergency wells and secure funding for the establishment of an underground injection well investigation team. During this biennium (2024 - 2025), the legislature appropriated funds to the Railroad Commission for Underground Injection Control (UIC) modeling. These funds also enable the commission to “quickly implement statutory and regulatory requirements associated with seismic events.”

With the recent IRS 45Q tax credits, the federal government is unleashing widespread commercial development of carbon capture, utilization, and sequestration (CCUS) in Texas. Much of this new development will occur in Class II wells used for enhanced oil recovery (EOR), as it is more profitable than potential Class VI injection. Due to these federal incentives, we anticipate significant growth in Class II injection, surpassing the limited carbon dioxide injection that has already occurred in Texas. The combination of unplugged wells and increased carbon dioxide (CO<sub>2</sub>) injection poses heightened risks to groundwater supplies in Texas. When carbon dioxide mixes with water, it creates a potent acid called carbonic acid. The commission should assess these new risks and consider planning for potential rulemaking on Class II injection in 2026.

In public meetings about the Class VI UIC program, the commission has discussed the fail safes being incorporated into Class VI applications. We remain skeptical of the robustness of the Class VI UIC program due to the risks we have observed with the Class II program, but we recognize that the Class VI program has better standards in place. The Class II program would benefit from updated standards that mirror some of the Class VI safeguards.

The commission should initiate a rulemaking to update its Class II injection well permitting standards. It is evident that the numerous incidents throughout Texas related to Class II wells are happening because the Class II regulations are insufficient and do not account for the intensity of dynamic subsurface activities in Texas, including hydraulic fracturing and various types of underground injection wells.