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To: [Rules Coordinator](#)
Subject: Draft Rules Informal Comment
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General Comment

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3.8, 3.57 and Chapter 4

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Comments concerning draft rulemakings

With the proposed amendments to Statewide Rule (SWR) 8 and in particular changes in authorized pits, the results will demand the need for more commercial waste management facilities due to waste needing to now be processed off-lease. The increased need of commercial facilities comes the need for The Railroad Commission to provide a greater degree of oversight. The proposed rule changes should not only take into consideration the needs, wants, and desires of industry operators, the concerns and ideas of the general public and affected persons should hold just as much weight. I appreciate the opportunity given by the Commission to provide comment on changes to the rule; please see my suggestions and comments below.

1) Notifications: As a non-adjacent property owner deemed an "affected person" by a Railroad Commission ALJ, I believe notifications need to be expanded in many areas.

A) Distance: With commercial facilities being constructed in more densely populated areas and on smaller and smaller tracts of land, notification to nearing property owners should be based on a set distance, not simply a fence line. For example, all adjoining property owners are notified if they are within a half mile of a facility, yet a property owner of closer distance, but not adjoining, is excluded from notification. There should be no prejudices based on fence lines. A notification based on distance would also force the owners of a facility to be more cognizant of the number of property owners in their proposed location area. Most importantly, a notification based on distance keeps facility operators from surveying out a tract of land to avoid having to send out notifications since they would then only be surrounded by themselves. This loophole must be closed.

B) Timing: After receipt of notification from an applicant, an

affected person protest has to be received by the Commission within 15 days, while an applicant is given 30 days to respond to the protest. To level the playing field, the same 30-day timing should be extended to both the applicant and affected person. The abbreviated timing required of the affected person is inadequate for one to reasonably determine if a protest is necessary. C) Exemption Notification: Any and all operator requested exemptions and or deviations from current rules and or permit requirements should trigger the need to notify all protestants of record, if any exist, of the request of the operator. If protestants oppose the operators request for exception/exemption, the protestants should have the opportunity to present testimony, facts, or evidence related to said request. Deviations should not be left to the sole discretion of a director. 2) Reporting: With the increased volume of waste going into commercial facilities, waste streams and accuracy of waste reporting must be enhanced to assure operators are kept in check and bad actors are eliminated from the process. Better waste tracking systems from wellsite to final disposal must be utilized to assure there are no discrepancies and waste being disposed is only waste within the jurisdiction of The Railroad Commission and is an approved waste per the operators permit. Such an electronic system would assist Commission staff to efficiently assure complete permit compliance and would notify staff of violations immediately. A long overdue, new age, electronic tracking and reporting system would assist Commission staff, the generator, and the disposer alike by conveying all inspections, required reporting, and recordkeeping (i.e. manifests/run tickets) real time to assure complete and accurate information conveyance, as well as checks and balances between generator and disposer. Electronic submissions would put the obligation on the operator/generator/disposer to be complete and timely with electronic submissions instead of operators accusing Commission staff of losing their submitted data. The electronic system could also be used to flag wastes that fall out of norms, thus requiring independent 3rd party testing to assure waste is acceptable for final disposal at a Railroad Commission permitted facility. All reporting should be made available to the public via an

easy to navigate link within the Railroad Commission website without having to request via an open records request. 3) Cost Closure Estimates: During the permit renewal process, closure cost estimates MUST be updated. If a cost closure estimate on a renewal shows no change, the renewal should be flagged, and an updated value should then be requested with updated accurate cost breakdowns to represent current economic trends. These values tie back to the financial security required and if these values are deflated, taxpayers end up footing the bill for any shortfalls between actual closure costs and financial security held. 4) Penalties: The enforcement of violations resulting in monetary penalties needs to be appropriately applied evenly across the board. The application of policy needs to be wrangled in to allow less wiggle room for bad actors. According to the rule itself, the purpose behind enforcement action and penalties is to deter violations, but if bad actors are continually allowed to violate rules without penalty, violations will continue to occur resulting in failed safety and environmental protections. Please consider the above comments and ideas relating to notifications based on distance, equal timing for all parties, exemption request notifications to protestants, real time electronic reporting and data submission, updating cost closure estimate values based on current economic trends, and being more rigorous with imposing monetary penalties. All of these ideas will give equal rights to operators and property owners, provide better oversight, close loopholes, increase efficiencies of Commission staff, and be more transparent with the public. Thank you for your consideration, Tara Jones

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