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Chairman's Office
Railroad Commission of Texas

MABEE RANCH

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September 18, 2024

Chairman Christi Craddick
Railroad Commission of Texas
P.O. Box 12967
Austin, Texas 78711-2967

Dear Chairman Craddick,

I ask you to consider the scope of land owner protections in Chapter 4/Statewide Rule 8 amendments. For decades, the Mabee Ranch has been *diligently* working toward facilitating oil and gas development while protecting our surface assets – in particular our underground water supply. Water is an increasingly scarce and valuable resource and we do as much as we can to protect and preserve the fresh water sources on our ranch. We have been providing recycled water for well completions, resulting in approximately 200 million barrels of fresh water preserved for other uses, and hope that the industry will adopt similar practices throughout the Permian Basin. It is very important to me, therefore, that new Commission rules do not negatively impact the local fresh water.

There is a balance required to steward our natural resources—land, water, and energy. Too often, in my experience, oil and gas operators have only provided lip service regarding true stewardship. To hold them accountable, landowners like myself rely on the rules and regulations adopted by the Commission. Because the newly revised Chapter 4/Rule 8 affects surface and fresh water protections, I have followed the process closely.

I am disappointed to see that significant changes have been introduced into the final, published, version of the rule at the last minute, given that an earlier version offered greater surface and fresh water protections. According to rule comments, these changes were implemented specifically to not burden small operators with additional regulations and financial obligations. But in doing so, Commission passed the burden onto the surface owners and endangers groundwater – an essential natural resource.



The current mission of the Railroad Commission, stated prominently on its website, is to “serve Texas by our stewardship of natural resources and the environment, our concern for personal and community safety, and our support of enhanced development and economic vitality for the benefit of Texans.” To be able to say that the new rule revisions fulfill that mission, additional action is necessary. More protective measures need to be added to Chapter 4/Rule 8.

While the Mabee Ranch has specific contracts which require removal of plastic liners, for instance, rather than deep burial, and a thorough definition of required remediation, most land owners do not enjoy such protections and rely upon regulatory enforcement of basic best practices.

In my opinion, there should be consistent standards for construction, operation and closure of all pits. Currently, any permitted land-farming or a solid waste facility requires land owner consent. The practice of deep burying oil and gas service pits is essentially a small land-farm, and therefore land owner consent should likewise be required. Not only have some of those service pits been constructed without the surface owner’s permission in the first place (to service production of minerals under an oil and gas lease), but for large portions of Texas without a substantial clay barrier between surface and groundwater leaving the pits in place at closure will put our water resources at risk.

For these and other reasons, I ask the Commission to reconsider rushing to get something on the books simply because it is convenient for a few smaller oil and gas operators, and to carefully consider the longer term ramifications of such, along with whether the original draft’s more protective measures should be adopted instead.

Respectfully,

John W. Mabee
Mabee Ranch