

From: [Laura Briggs](#)
To: [Rules Coordinator](#)
Subject: Rule 8 Public Comment
Date: Monday, October 14, 2024 12:46:56 PM
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TO: Railroad Commission of Texas

Rules Coordinator : rulescoordinator@rrc.texas.gov

Comments : Rule 8 Changes

I understand that substantial work has been devoted to the proposed Rule 8 changes. I understand that after presenting a project for approval it is frustrating to have your hard work critiqued by the public and the industry. So, please understand that I appreciate the RRC opening Rule 8 proposals to public comments, and I also appreciate your consideration given to the thoughtful input that is submitted.

My submission of comment is presented with the best of intentions for landowners, mineral owners, the oil & gas industry, citizens of the State of Texas, our environment, and the mission of the RRC.

I welcome anyone to my ranch to see the issues that I present.

My name is Laura Briggs. My family and I live on our ranch in Pecos County, Texas. We are located on the Pecos River, the Imperial Reservoir, and the agricultural irrigation canal that flows from the reservoir goes through our ranch. There are two water wells on our ranch that have become unfit for use.

I am not just a landowner. I have a relationship with the TRRC which began in 2013 when the expired oil and gas leases on my land were purchased by Aegis Oil&Gas in a multi-million dollar investment fraud, and the TRRC permitted them.

The operators that used our ranch over the past decade didn't "take the money and run"; in order to try to legitimize their operations with the investors and the SEC, SSB, FBI etc, they were active on the leases, drilling several trespass wells and an additional well that have all been orphaned to the State for plugging.

The operators worked some of the shut-in wells, and made props out of the legacy wells. They set up a fake drilling rig on GLO property here and several more on neighboring leases, they have co-mingled leases, stolen oil, moved oil, illegally produced, illegally dumped, and by breaking TRRC regulations regularly, demonstrated the TRRC needs more work to enforce any regulations except in paperwork compliance with honest operators. While most operators may be honest, it's prudent to recognize that not all operators have good intentions, and the enforcement of regulations is mandatory for responsible production. This is why the TRRC exists.

With the current impact of produced water over-injection pressuring up strata pierced by legacy wells, we have endured four wells which failed catastrophically and required emergency plugging by the TRRC on our ranch.

Each of these drills, plugs, and legacy wells have one thing in common; they all had earthen pits created to handle the drilling and/or the plugging. In addition to the unnecessary pits used for the fake drilling rig (no hole ever made, just pits and props), the pits were used across our land to accommodate produced water dumping from other leases.

The TRRC allowed these operators to use these pits for illegal produced water dumping from other leases to the point that these pits were overflowing. But the rules in place (Rule 8) only allowed the pits to remain open for a matter of months, and then it was required that the pits be closed. Rule 8 is what stopped my land from being a long term produced water dump.

Now years later, the area where the pits were, the land is dead ground that is belching black plastic. The plastic is interesting to livestock and will kill them if they eat it, so we keep our equine penned, and we go out and burn or cut the plastic as it surfaces to lessen the risk to our cattle and goats. The soil at these pits is barren, unpacked, un-remediated, and un-remediable. Some of the areas where the pits were we use as firearm shooting backstops because the soil was never leveled and nothing grows on the contaminated/salty surface. Two pits were built but not used so they remain open, un-remediated and abandoned.

So after a decade of fighting for my home against bad oil and gas operators permitted by my state government, I was excited to see the outdated Rule 8 up for strengthening.

Rule 8, and the P5 plugging (or plugging extension) requirements, were literally all that I had in my favor as a landowner in this battle to save my land from bad operators.

After examining the proposed Rule 8 proposals I am devastated to see that the pits that were used to destroy acres of the land that I live on, and that I pay property tax on, are omitted from the revised Rule 8 regulations, and surface owners will be omitted from the entire process.

Studying the issue, I learn that proposed pit rules are expanded for the large pits that are necessary in the advanced drilling techniques and commercial waste storage, and the smaller pits are being omitted as small operators complain that it is not fair that they are held to the higher standards of the larger pits and larger operators, and that they can not afford to comply.

By the oil and gas industry's own admission, small operators are a substantial portion of oil and gas production in Texas so why would they be exempt from these regulations?

All industry pits need to be classified, and they all need to have enforceable regulations for each

pit classification, to protect our environment. This is after all the mission of the TRRC.

If small operators cannot afford to comply with reasonable notice to landowner, lining the pit, judicious pit management for humans, livestock and wildlife, and meaningful remediation on the land that they use to extract minerals, then they cannot afford to operate in Texas. Landowner notification is necessary for several reasons, my experience is to avoid digging pits on top of water lines, and other areas of concern. Coming home from treating my daughter at Texas Children's Hospital in Houston, to find a waste pit marked in my driveway, over my ranch animal cemetery or even on my household septic tank is my experience with cruel operators. Landowner consent does not have to be costly to be effective where populations live. Rule 8 proposals have no regard for distance to residence or structure. We do not allow eminent domain like this because private property rights exist to protect us from undue infringement. Rule 8 needs to reflect this.

Most landowners won't know about Rule 8 until they are fighting for their land. I was not keenly aware of the rule until we were fighting to stop illegal produced water dumping on my property, and again when the Pecos County deputy sheriff was at my house protecting the operators as they were staking a drilling pit to be built against my home for one of their trespass wells to be drilled, threatening to render my home uninhabitable as retaliation for reporting their poor operations to the TRRC. It is amazing this is allowed under the current and proposed Rule 8.

In no other industry can industry be allowed to do as they please on private property with state immunity. Yes, the rules say that oil and gas should be mined and explored "as is reasonably necessary", but without meaningful rules in place the landowner will be lost in law-fare against even the smallest operators defining what this means in court.

Landowners like me are not unreasonable. We are not asking for damages to be paid out, we are not demanding fancy remediation, no one demanding tax exemptions for destroyed property values, or limiting legitimate oil and gas operations. We are complying with the loss of the use of our land through exploration, operating, and even tolerating the benign orphaned O&G wells and equipment left on our property for decades. What we are advocating for is common sense rules to be enforced for basic protection of our environment and our property.

There are solutions.

Maybe small operators with a good record can apply for production scholarships to help pay for Rule 8 compliance?

Maybe earthen pits are outdated and portable tanks should be used. This would protect the groundwater, soil, and allow safe transport away from the site. The state could provide compensation amounts for small operators that qualify. Closed loop solutions also exist.

Omitting these pits from meaningful enforcement will leave Texas landowners helpless in managing their land.

Bad operators will use this huge gap in regulation for nefarious operations, no one will be able to stop them, and no one will be accountable for damages.

This will be an embarrassing disaster for Texas that the EPA, or some other agency, will be drug in to clean up. The media will have a field day bashing Texan irresponsibility. Blow-back from contamination will be painful.

Not all oil and gas operators are good, if they were, we wouldn't require the TRRC to exist. Pits will be developed on private land for illegal dumping, and they will be mismanaged without penalty. Landowners and consumers of fresh water will suffer.

Please do not omit any waste pits from Rule 8, and provide meaningful consideration for surface owners.

There are responsible ways to keep waste management compatible with industry needs, and also protect our rights, our land and our water.

Thank you,

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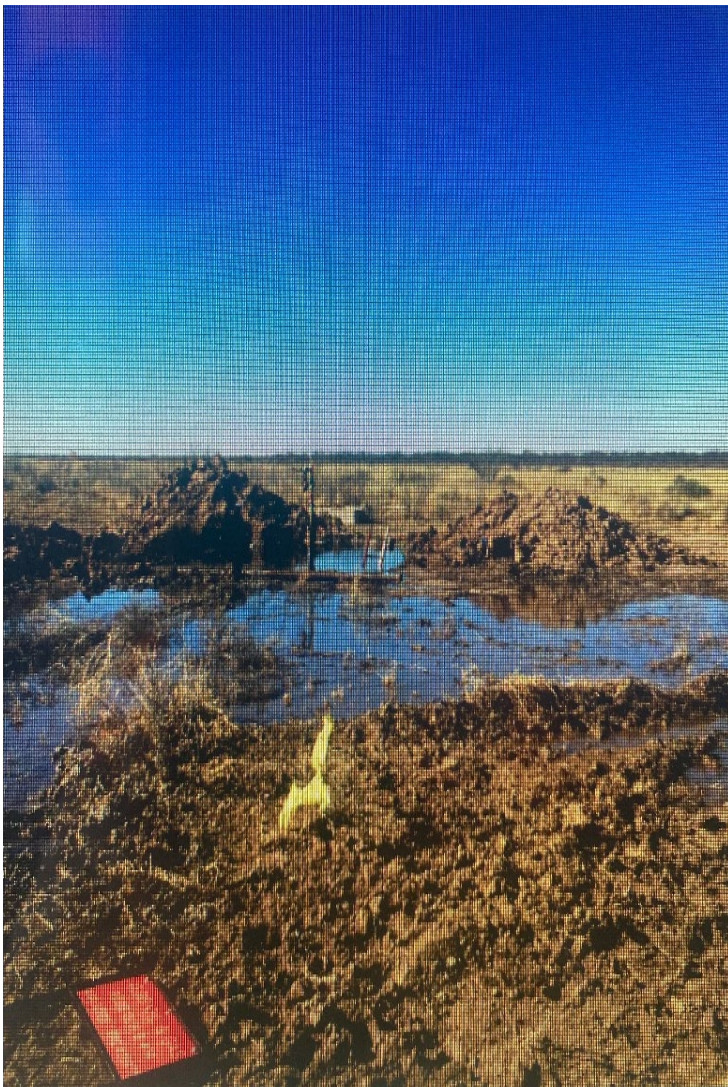
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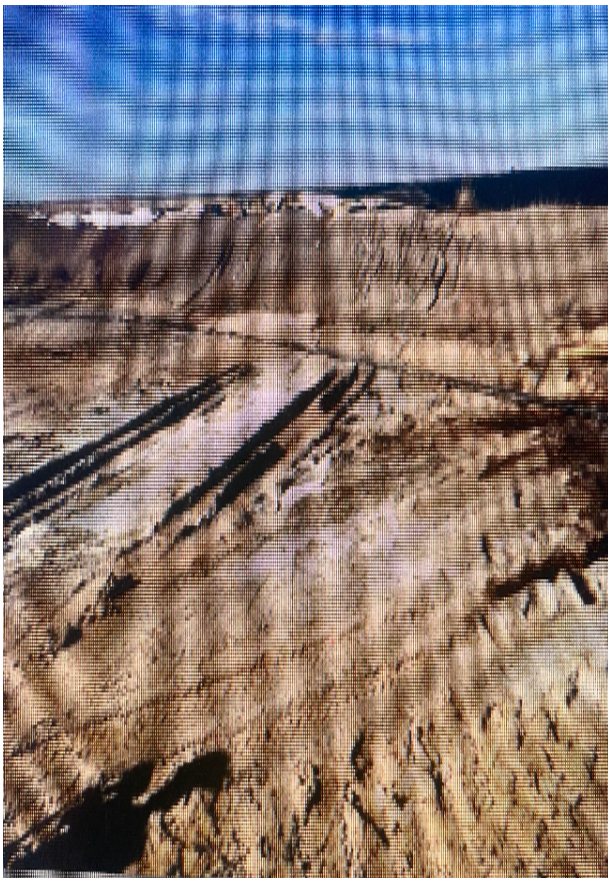
This is one of dozens of pits that our ranch has hosted without notice. These must be regulated.



This well required a pit, this pit was formed with a ladder sticking out of it overflowing for weeks. This was on our ranch.



This is one of the old drilling pits on our ranch that was used for dumping produced water from other leases. It is overflowing.



Plastic liner coming to surface. This liner is deadly to livestock and must be removed by landowner.



Washing our livestock guardian dog after she fell into an open pit behind our home. We used cooking oil to break up the fluids that were burning her skin and Blue Dawn to wash off the cooking oil. I have experience with the physical effects of the contents of these pits. They must be regulated.

