

From: [rcwebcontact](#)
To: [Rules Coordinator](#)
Subject: The Form "Rules Comment Form" was submitted
Date: Monday, September 9, 2024 3:09:31 PM



General Comment

Here is a new comment from the Web.

Comment

Choose Form

Amend §3.8 and new/amended Chapter 4, waste management

Name

Elizabeth R. Hartson

Address

840 Gessner Rd Suite 600

City

Houston

State

TX

Zip

77024

Business Phone, Fax

Email Confidentiality Preference

No, I request my e-mail address to remain confidential

Email Address

[REDACTED]

Comments concerning proposed rulemakings

Dear Commissioners: I have been following the proposed updates to Statewide Rule 8 as both a concerned Texan and as an environmental scientist who has dedicated my career to hazardous and non-hazardous waste management and remediation. The final draft that the Texas Railroad Commission (the "Commission") issued on August 15, 2024 raises some concerns from me about the environmental protection of Texas lands, groundwater, and community health. I was dismayed to see that in the newly proposed regulations, the necessary updated standards to protect groundwater and the environment that were previously outlined in the draft Rule 8 released in October 2023 have been significantly curtailed and weakened in the final version. This will leave groundwater unprotected from reserve pit waste for communities across Texas and leave landowners unprotected from contamination of their land without their knowledge or consent. The previous draft from October 2023 included standards for authorized pits on construction, operation, and closure. However, those were removed in the most recent draft, as were requirements for groundwater monitoring, sampling, and liners. I have worked as a field scientist in Superfund site assessment and remediation, as well as in industrial settings as a waste coordinator responsible for management of hazardous and non-hazardous waste streams. As a scientist and a lifelong Texan, I am disheartened by Commission's proposed regulations that allow for exceptions to the regulatory framework designed to safeguard Texas soil and groundwater. I would like to recommend that the Railroad Commission of Texas revisit its proposed updates regarding the use of authorized pits and strengthen regulations in the following two areas: 1. Establish uniform requirements for construction, operation, and closure standards of all authorized pits, particularly with regards to reserve

pits. The updated rule currently imposes no construction, operation, or closure requirements for pits which the rule has categorized as "Schedule A" pits. This stands in stark contrast to any other type of commercial disposal pit operation, where minimum construction standards, groundwater monitoring, periodic inspections, and pre-operational and post-closure soil sampling are enforceable requirements. Notably, under the current enforcement structure, for commercial pits that manage RCRA-exempt oil and gas exploration and production (E&P) waste, impervious liners are always required, and groundwater monitoring is required where groundwater is found within 100 feet of the surface. For Schedule A pits, no liners are required at all if groundwater depth is greater than 50 feet below the bottom of the pit, and there are no requirements at all for groundwater monitoring. There is no reason that reserve pits, which are currently listed as Schedule A pits and which contain similar E&P wastes, should not be held to the same standard. Reserve pits may be smaller than commercial landfills or commercial disposal pits, but they contain the same waste and pose a similar risk to groundwater. Although the new pit registration requirement is a step forward that will allow Texan residents, regulators, and landowners to identify pit locations, it will not eliminate the potential hazards that reserve pits can pose to our groundwater or land. Reasonable construction standards, liner requirements, groundwater monitoring, pre-closure testing of waste, and closure standards are the best ways to protect our groundwater and preserve our land for future generations. For those unaware, it is widely believed that reserve pits contain only cuttings and mud. However, there are also trace amounts of arsenic, barium, chromium, diesel, benzene, and high levels of chlorides. When buried in place, these substances inhibit the regrowth of vegetation, present a risk of groundwater contamination, and have the potential to harm livestock and wildlife.

2. Require landowner notification and consent. Operators should be required to notify and obtain a landowner's permission before permanently burying industrial waste on their land. It is a landowner's right to know what permanent waste disposal measures are being undertaken on their land, and it is also their right to be assured that appropriate

regulatory standards are in place to enforce safe disposal practices. As a concerned Texan, it is my belief that reasonable regulations for authorized reserve pits will safeguard our groundwater and the environment for future generations, while still allowing for Texas' continued leadership in the energy industry. Those two interests are not mutually exclusive, and I kindly urge you to consider strengthening the proposed regulations as outlined above.
Respectfully, Elizabeth R. Hartson, MEM

check

Origin

74.213.9.122