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Oil and Gas Division,  
Railroad Commission of Texas  
Austin, Texas 78701**

**December 5, 2012**

**Comments from the Lone Star Chapter of the Sierra Club on Proposed Rules on Disposal Wells, Injection Wells into Zones with Hydrogen Sulfides and Injection Wells into Productive Zones**

The Lone Star Chapter of the Sierra Club appreciates the opportunity to comment on the "Draft for Informal Comment" produced by the Railroad Commission of Texas to better regulate – and notice – the process for approval of various kinds of wells, including disposal and injection wells into various underground formations. As the Railroad Commission is well aware, there has been substantial concern about the increase in injection wells – and in particular commercial injection wells of wastes – related to the hydrofracturing process – and the potential that such injection wells could lead to contamination of underground water sources.

The Sierra Club is generally supportive of the proposed changes, which we believe will be more protective of public health and the environment, and provide more opportunity for notice and public participation. At the same time, we do believe there are several changes that would improve the proposed rule. These changes are outlined below.

**1. Definition of Affected Persons.**

In the proposed rules, "affected person" is defined as "a person who has suffered or will suffer actual injury or economic damage other than a member of the general public..."

The problem with this definition is it is of course impossible to state that a person will suffer actual injury or economic damage before it has even happened. The definition also doesn't match the description in the notice provisions. Instead, the word "will" should be changed to "could" or "can show there is reasonable evidence that they will" or other words to make it apparent that a person does not have to prove they will be hurt to be considered an affected person but only that they could be hurt.

## **2. Letter from Groundwater Advisory Unit.**

In 3.9 (3) (C), on line 5 of page 5, the word "or" should be changed to "and" to make it clear that the letter from the GAU should demonstrate both that the waste would not damage usable-quality water and that the formations or strata themselves do not constitute underground water.

In what seems to be a mistake the proposed rules state "The date of issuance of the letter from the GAU shall be within five years of the date of the disposal well permit application is filed with the Commission;"

Clearly, getting a letter from GAU five years after a permit is authorized for disposal is not acceptable.

## **3. Providing Notice**

Sierra Club believes that it is in the interest of Texans that notice be widely available to the general public. While we support the notice provisions for surface owners and adjacent properties in the case of commercial disposal wells, we would support this notice provision be extended to all the permits and authorizations discussed in these draft rules, rather or not the disposal or injection well was for commercial purposes, contained hydrogen sulfide in the fluids or was injected into a productive formation.

In the notice provisions for injection of fluids containing hydrogen sulfide, we would suggest that again landowners, adjacent landowners and any groundwater conservation district also be noticed.

In addition, we think 15 days is too short a time to assume that the public will have the opportunity to make comments, request a meeting or protest the permit. We would suggest either extending it to 30 days, or at least make it clear that it is 15 business days.

## **Mechanical Integrity Testing**

We would suggest that the disposal and injection wells covered in these proposed rules be tested at least once every three years, rather than five, for mechanical integrity. Five years is too long to be testing the integrity of surface casing and cementing sets.

## **Storage Tank Provisions for Hydrogen Sulfide**

We would make it clear that storage tanks used should have floating roofs and equipment to prevent the release of hydrogen sulfide.

The Lone Star Chapter appreciates the opportunity to offer these brief, supportive comments on the proposed rules to improve safety and notice on disposal and injection wells.

Sincerely,

Cyrus Reed  
Acting Chapter Director  
Lone Star Chapter, Sierra Club