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Comments Form for Proposed Rulemakings

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§§3.9 and 3.46: Amend to incorporate requirements related to seismic events for disposal wells

§§3.9 and 3.46: Amend to Incorporate requirements related to seismic events for disposal wells

I am writing to comment on Proposed Amendment of 16 Tex. Admin. Code §3.9, relating to Disposal Wells, and §3.46, relating to Fluid Injection into Productive Reservoirs; Oil & Gas Docket No. 20-0290951.

This is a good proposal. Science informs us that seismic activity can be rarely triggered by injection wells, although it does not yet provide a way to predict which wells will be involved. Therefore I support the provisions for prompt reporting and for the Commission to take action if seismic activity occurs, but I believe the proposals for additional information on applications should be deferred until science provides effective predictive methods.

I completely support the provisions for §3.9(6) to permit the Commission to respond to an appearance of seismic activity, and consider it important at this point in our scientific understanding for the Commission to be able to act without conclusive evidence that the activity is triggered or induced by a particular well. We may hope that this provision may be narrowed and made more specific at some future date.

I also support the provisions for §3.9(11) to permit the Commission to require closer monitoring and reporting of injection pressure and rate. I encourage the Commission to require reporting as promptly as reasonably practicable. This single provision may do the most to increase our understanding of the phenomenon so that operations and regulations can be adjusted in the future to further mitigate the risk of induced seismic activity.

However, I believe the Commission should defer action on requirements proposed for §3.9(3)(C) and §3.46 to require submission of additional information with permit applications. The proposed rules do not have a basis in current scientific understanding. It is likely that the provisions would result in no useful information at this time, and that this information would not have indicated caution with respect to the injection wells near the seismic activity we have actually experienced.

As the Commission is aware, there are many investigations ongoing, including significant efforts within Texas. An early rule based on hypothetical science might negatively impact the process of scientific investigation followed by indicated rulemaking.

If additional application requirements were to be added, I would urge that they be tested against two important benchmarks. First, they should be applied to past situations to gather the proposed information, and determine that it would have been of some predictive value. Secondly, they should be applied to a variety of likely situations to verify that reliable and consistent collection and reporting is feasible and practical, and the actual cost of compliance should be measured.

In summary, it would seem to this commenter that the combination of comprehensive, timely information and the ability to take precautionary action through curtailment of injection are adequate for public protection, are not unfair to the operators, and will actually motivate operators to discover the best predictive methods.

It is tempting to "do something" and to make a best effort to craft a responsive regulation, and these are laudable responses. But I believe that science is not yet ready to inform the correct rules.

I present these comments as a member of the public with business and engineering background who has been following and studying events and issues relating to seismic activity in the vicinity of disposal wells. I have investigated the science and participated in and followed the discussions of public policy.

I thank the Railroad Commission for its action on this matter of such importance to the People of Texas. I believe it will provide increased safety, enhance public confidence, and not be unduly burdensome on the operators. Addressing these concerns currently appearing in the public forum regarding public policy may leave room for continued investigation and ultimately reduce the cumulative obstacles to operators while providing all the protection to the public that is possible within current knowledge.

Thank you for the opportunity to provide comments.