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August 4, 2020

The Honorable Wayne Christian
The Honorable Christi Craddick
The Honorable Ryan Sitton
Railroad Commission of Texas
P.O. Box 12967
Austin, Texas 78711-2967
Submitted via email to RRCconference@rrc.texas.gov.

RE: Comments by Public Citizen on August 4, 2020 Railroad Commission meeting

Public Citizen appreciates the opportunity to provide these comments. We would welcome the opportunity to discuss our recommendations further. To do so, please contact Texas office director Adrian Shelley at ashelley@citizen.org, 713-702-8063.

Last month Public Citizen filed a [lawsuit](#) on behalf of our members Molly Rooke and Hugh Fitzsimons. Ms. Rooke and Mr. Fitzsimons are both Texas landowners and ranchers and have been for decades. Both have unplugged abandoned wells on their property. Both have experienced pollution events from abandoned wells on or near their property. They filed suit out of concern that recent actions by the Railroad Commission will delay remediation of these wells and results in further irreparable harm to their ranches.

Through this lawsuit, we will prove that the Railroad Commission's attempted rule suspensions on May 5, 2020 were in violation of the Texas Open Meetings Act, the Administrative Procedure Act, and the Texas Constitution. Rather than see this suit through to this conclusion, we would prefer to settle out of court. Here are a few things that we would ask for in a settlement agreement.

First, the rule suspensions from May 5, 2020 must be rescinded or modified. If the Railroad Commission wishes to grant exceptions to operators during the COVID-19 pandemic, it should do so on a case-by-case basis through applications and a transparent review process. The Texas Commission on Environmental Quality has such a process, and although it has flaws and we are still generally opposed to exceptions to environmental laws, TCEQ's process is an improvement on the Railroad Commission's general rule suspension.

Second, all unplugged wells on Ms. Rooke's and Mr. Fitzsimons property should be plugged. Any environmental damage caused by these wells or by other oil and gas activity should be remediated. If the Railroad Commission is able to quickly and effectively plug wells and remediate Ms. Rooke's and Mr. Fitzsimons' property, as it now claims it can, then it should be able to do the same for the other 6,200 or so abandoned wells in Texas.

The Railroad Commission has asked Ms. Rooke and Mr. Fitzsimons to submit a list of all abandoned wells on their property. While they are attempting to gather this information, it is unreasonable for the Railroad Commission to expect a landowner to have access to that information. The Railroad Commission should keep these records itself and should make them easily accessible to the public,



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enabling concerned members of the public to identify the status of any well in Texas as producing, active, inactive, abandoned, orphaned, etc.. This is our third request.

I cannot speak for each of the plaintiffs in this lawsuit and I doubt that my general outline of our requests above has covered everything that would need to be in an acceptable settlement. But this letter is a general outline of what we are seeking to accomplish, through suit or settlement.

Again, we appreciate the opportunity to provide these comments. If you wish to discuss the issues raised, please contact Adrian Shelley directly at ashelley@citizen.org, 713-702-8063.

Respectfully,

A handwritten signature in black ink, appearing to read "Adrian Shelley", written in a cursive style.

Adrian Shelley
Public Citizen, Texas Office Director