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To: The Honorable Charles Perry, Chair, Senate Committee on Water, Agriculture, and Rural Affairs
The Honorable Members, Senate Committee on Water, Agriculture, and Rural Affairs

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Re: Comments from the Sierra Club Lone Star Chapter Regarding Anticipated Discharges and Beneficial Reuse of Treated Produced Water in the Pecos River Basin

The Sierra Club Lone Star Chapter representing more than 21,000 members across Texas submits the following comments to the Senate Committee on Water, Agriculture, and Rural Affairs. As the state chapter of the oldest and largest conservation organization in the nation, we have long been engaged in water policy issues affecting Texas communities and the environment. We are also part of the Texas Living Waters, a coalition of conservation organizations working together to ensure that Texas has water for thriving communities and healthy ecosystems.

We appreciate the Committee's attention to the issues related to the management of the Pecos River Basin and are grateful for the opportunity to provide our recommendations to ensure its long-term reliability. Our comments below focus specifically on the anticipated discharge and beneficial reuse of treated produced water in the basin.

These recommendations reflect the Sierra Club's position on beneficial reuse of produced water. As an organization, we support ongoing research on treatment and reuse of produced water and believe that this water could potentially become a real water source for certain purposes. However, we also believe that the best available science should inform the regulations related to produced water reuse, and those regulations need to be transparent and protective of Texas

communities and the environment. One of our main recommendations is to invest in long-term water quality and water flow monitoring of the Pecos River basin.

I. The Legislature should continue funding the Texas Produced Water Consortium (TxPWC) and allow the ongoing research to inform regulatory decisions about discharges of treated produced water into the Pecos River watershed.

As a member of TxPWC, we have closely followed research on produced water treatment and reuse and contributed to the development of the most recent water quality report released by the Consortium.¹ While the results of the ongoing research look encouraging, this work isn't finished yet. In the concluding section of the water quality report, TxPWC clearly states that future work is needed on treatment optimization, understanding the relationship between water chemistry and toxicity, and ecological and hydrologic effects at the basin scale, among other currently understudied issues.

The need for continued research was also apparent at the recent TxPWC annual membership conference in August in Midland. Scientists presented updates on the ongoing pilot studies and underscored the need for more research. For example, scientists are still studying how treated produced water affects living organisms, which is directly relevant to making decisions whether and under what conditions treated produced water could be safe to discharge into the Pecos.

Meanwhile, TCEQ is currently reviewing eight permit applications for discharges of treated produced water in this watershed. To clarify, we understand the urgency of finding solutions for the Pecos River as flows decline and salinity increases, and treated produced water may ultimately be part of that solution. But permitting and reuse at a large scale shouldn't move faster than scientific understanding of how this water – which in its raw form often contains numerous constituents of concern – should be treated, monitored, and managed over the long term. The Legislature, RRC, and TCEQ should use the TxPWC research to inform decisions, including water quality standards and regulations about produced water discharges. In addition, it's important for the Legislature to continue funding this research.

¹ [Produced Water Treatment Pilot Testing: Water Quality Report](#). Texas Produced Water Consortium, April 2026.

II. The Legislature should ensure that TxPWC has access to complete information about chemicals used in oil and gas operations in Texas.

According to the current law, some information about chemicals used in hydraulic fracturing in Texas is withheld from public disclosure and protected under 'trade secret' provisions. As a result, scientists from TxPWC have been working with an incomplete picture. We recommend the Legislature to allow full disclosure to TxPWC of the chemical identities and concentrations used in hydraulic fracturing and other relevant oilfield chemical blends for research purposes. The scientists who Texas has tasked with studying beneficial reuse of produced water should have full access to the information they need to identify what may be present in produced water and determine what level of treatment is required to make the final product safe for Texans and our ecosystems.

III. Comprehensive baseline monitoring and long-term monitoring of water quality and water flows in the waterbodies that would potentially receive treated produced water discharges within the Pecos River watershed should be required.

More comprehensive baseline water quality and water flow monitoring is needed before treated produced water discharges in the watershed begin in order to allow any future changes in water quality in receiving waterbodies to be assessed against existing conditions. We raised a similar concern in our comments on the TCEQ Draft 2026 Integrated Report last year, the final version of which was approved two weeks ago. The Lower Pecos River, Segment 2310, had previously been listed as impaired for total dissolved solids (TDS). In the current Integrated Report cycle, TCEQ proposed removing that TDS impairment. In response to our concerns about the limited geographic coverage of available monitoring data on the basis of which the agency had decided to remove the impairment, TCEQ explained that TDS was assessed using data from two stations along Segment 2310 and stated that the agency "makes determination of the number of sites and sampling frequency based on the available resources," and that "it is not always possible to cover all assessment units within a segment."²

As the Legislature considers treated produced water discharges to help maintain the flows within the Pecos River watershed, the state should ensure close monitoring of water quality and water flow across the entire river basin before and after those discharges begin. This will require more monitoring stations and broader geographic coverage of water quality monitoring. We recommend the Legislature to provide TCEQ with additional resources, as needed, to establish

² [2026 Texas Integrated Report - Response to Public Comment](#). Texas Commission on Environmental Quality.

adequate baseline monitoring and maintain long-term monitoring throughout the watershed, including upstream and downstream of the potential discharge points.

In addition, because the Pecos River flows for more than 925 miles from the Sangre de Cristo mountains of New Mexico all the way into the Rio Grande near Del Rio, Texas, establishing better baseline flow and stormflow analysis of the Pecos is of utmost importance. The USGS has numerous gauges along the Pecos River, while the International Boundary and Water Commission does have gauges near Pantry and Langtry Texas, and at the Amistad Reservoir itself. With decades of dispute between Texas and Mexico over inflows into the Rio Grande and a dispute over the 1944 US-Mexico Water Treaty, Texas should work with the U.S. Geological Survey (USGS) and International Boundary and Water Commission to buttress studies and monitoring stations, and examine whether additional telemetry and water gauges are needed to better understand the flows of the Pecos River. To the extent that discharge of produced water is authorized in the future, establishing timing and volume of flows will be important.

IV. The Legislature should clarify the responsibilities of TCEQ and the Railroad Commission (RRC) related to reuse of treated produced water outside the oil and gas field.

At the recent hearing of the Senate Committee on Natural Resources on August 11, the RRC highlighted the need for clarification of its and TCEQ's authority over produced water as it relates to its treatment and reuse, including its discharges into waterways. Under the current jurisdiction, RRC regulates produced water and treatment activities, while TCEQ regulates discharges into waters of the state. But the discussion at the hearing made it obvious that the point at which responsibility moves from one agency to the other isn't clear. It's important to clarify where RRC's responsibility ends and TCEQ's begins to prevent any potential lapses in regulatory oversight as produced water is treated and moved outside the oil and gas field. The Legislature should provide additional clarity to address this concern as soon as possible.

Thank you for the opportunity to provide these comments.