



SIERRA CLUB

LONE STAR CHAPTER

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Comments from the Sierra Club Lone Star Chapter to the Texas Senate Committee on Water, Agriculture, and Rural Affairs regarding Interim Charges

The Sierra Club is the nation's oldest conservation organization. The Lone Star Chapter was incorporated in 1965 and has been actively engaged in Texas water issues since its inception, and appreciates the opportunity to offer comments on these interim charges.

On the charge of monitoring the implementation of SB 601, the Sierra Club Lone Star Chapter has additional feedback in response to the report published by the Texas Produced Water Consortium. The Sierra Club Lone Star Chapter is a current member of the consortium and fully appreciates the opportunity to be engaged on this issue.

The conclusions of the report are clear in establishing that more research is needed regarding the development of standards that will sufficiently protect human health and the environment. Additionally, it's clear that produced water treatment technologies are not presently fit to for the purpose of treatment for beneficial reuse outside of the oil and gas field.

The Lone Star Chapter has two major concerns regarding next steps and the consortium's policy recommendations.

(1) Eligibility for use of SWIFT funds is inappropriate at this time.

Inclusion of produced water treatment in regional water planning would make those projects eligible for SWIFT funding. At this time, prior to risk assessment of constituent chemicals and treatment technologies, it would be imprudent to use SWIFT funding for this purpose when the program currently does not meet its conservation and reuse goals. Moreover, treatment of produced water should not be considered as being related to either conservation or reuse because there's no clarity on the safety and efficacy of treatment. It is also unclear what the goal of establishing more widespread standards ought to be. While it may be worthwhile to discuss treatment standards regarding specific beneficial reuses — there's a high likelihood that treatment to a strict discharge standard would be most beneficial for producers, as there can be certainty of discharge in the event that a buyer for treated produced water cannot be located.

(2) There is a clear need for pilot projects to occur in distinct phases, rather than simultaneously.

The report notes that the primary goal of phase 1 pilot projects would be risk assessment and constituent chemical characterization. The goals of phase 2 pilot projects include "testing of treated produced water on native rangeland, cotton, and/or regional edible crops". It would be wholly irresponsible to attempt to conduct the two phases of projects at once, including any operating of field-scale application that would put produced water into the environment. At this point, produced water should be treated, studied, and recycled in-field as much as possible.

Regarding phase 2 pilot projects specifically, it is unclear what the effects of constituent chemicals may be on human health and the environment; therefore the use on regional edible

crops and native rangeland (which often serve as important habitat to native Texas species) would not be appropriate at this time.

State support is still needed for study and risk assessment.

A final important component of this report is the ongoing need for additional state resources to regulatory agencies, including the Texas Railroad Commission, Texas Commission on Environmental Quality, and potentially (depending on pilot project establishment) to the Texas Water Development Board and Texas Department of Parks and Wildlife. The most important function that the state and legislature can play in protecting its waters, people, and wildlife, is additional capacity at state agencies to support risk assessment processes.

The Sierra Club Lone Star Chapter sincerely appreciates the opportunity to make these comments, and looks forward to continuing to work with the consortium and legislators over the coming months.