

## Cecelia Hartley

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**From:** Sunset  
**Sent:** Monday, December 20, 2010 1:39 PM  
**To:** Cecelia Hartley  
**Subject:** FW: Staff Report Feedback

-----Original Message-----

From: Sunset  
Sent: Monday, December 20, 2010 1:37 PM  
To: Sunset  
Subject: Staff Report Feedback

Agency name: Environmental Quality, Texas Commission on

Response to staff report: Mr. Ken Levine Sunset Advisory Commission PO Box 13066 Austin, TX 78711

December 15, 2010

The Texas Section of the Association of Environmental and Engineering Geologists (AEG) has reviewed the Sunset Advisory Commission Hearing Material dated December 2010 for the Texas Commission on Environmental Quality and the On-site Wastewater Treatment Research Council and offers the following comments. AEG represents the interests of nearly 3,000 geologists and contributes to its members professional success and the public welfare by providing leadership, advocacy, and applied research in environmental and engineering geology.

As stated in the Hearing Material, TCEQ provides recommendations to RRC [Railroad Commission] regarding the depth and thickness of surface casings needed to protect groundwater for drilling and disposal wells under its purview. TCEQ is also responsible for air quality associated with oil and gas activities. The Sunset Advisory Commission recommends transferring authority for groundwater protection recommendations regarding oil and gas activities from TCEQ to the Railroad Commission.

AEG believes that TCEQ's Surface Casings Team provides the necessary level of checks and balances for the protection of the state's groundwater resources. The Hearing Material reports, TCEQ's role in making groundwater protection recommendations for oil and gas drilling activities confuses the Railroad Commission's ultimate oversight responsibility. However, this level of separation of power provides for the proper balance by guaranteeing that no government agency becomes too powerful.

AEG recommends that the Sunset Advisory Commission reconsider its recommendation that authority be transferred from TCEQ to the Railroad Commission for groundwater protection related to oil and gas activities.

Thank you for your consideration of our comments on the Sunset Advisory Commission's report on TCEQ. Please contact me at 512-912-5127 if you have any questions about AEG's comments.

Sincerely,

Paula Jo Lemonds  
AEG Texas Section Chair