

Elizabeth Riebschlaeger

SR. ELIZABETH RIEBSCHLAEGER, CCVI

Sister of Charity of the Incarnate Word of San Antonio, TX/citizens' environmental advocate

Native of Cuero in Dewitt County, currently resident of Victoria, TX

TESTIMONY: Texas Sunset Review Public Hearing/TRC Performance Evaluation, Texas State

Capitol

DATE: Monday, August 22, 2016

(Complete Version of Comments will be submitted on line, including resources and references).

Good morning, Commissioners. I am here today as an individual mineral rights owner, and as a citizen with a moral responsibility of concern for my fellow Texans. As we all know, each free citizen in a democracy has a civic responsibility to participate in evaluating the performance of elected and appointed public servants on behalf of the citizenry whom they impact by their performance. As the TRC Mission Statement includes support for energy development by the business communities they impact. But too often, business interests make it a point to make sure the Railroad Commission hears their lobbyists' voices and appeals. Citizen voices are often not heard or, if heard, not heeded.

I fully support my fellow citizens from Dewitt County as they have stated simply and clearly their observations and recommendations with regard to permitting, choice of sites close to homes and towns, public health risk, devaluation of land values, and need for better regulation of these factors. I will be submitting further comments and examples on-line, including documentation from various sources.

Although the Sunset Review Commission has stated through its Chair, Rep. Larry Gonzales that it will address only technical matters in its review and not policy, I am officially and publicly stating that I believe that in doing so, the Commission is failing in its legal responsibility. Citizens have an inherent, unrestricted right to testify to their experiences of TRC performance in the Sunset Review, without limitations. What is the rationale for deciding not to address policy??

Setting policy is the by far the most important aspect of the TRC's power, for all regulations flow from policies that are set. Policy sets the framework for evaluating both technology and how it is practiced in the public arena. In my experience, many of the TRC's current operating policies are the very root of their failure to regulate and enforce, to act for justice for land owners, and to protect the public health from the dangers inherent in unconventional drilling, storage and waste treatment—all part of their mission assignment. You are hearing many testify to the examples of this failure. These failures are supported by professional, peer-reviewed, published studies from highly competent scientists. Yet, the TRC often prefers industry self studies over third-party, objective studies evidence. This is like the DA whose policy leads to instructing the burglar to return to the site of the crime to gather the evidence prosecutors will use to convict him. Both situations defy common sense. So, the TRC's seriousness of purpose has lost credibility for many.

One example of this failure is the story of the Lara Family who have been forced out of their home by the toxic emissions from a plant that shares their fence line, even though it was too close to have been permitted. FLIR Infra Red camera video posted by Earthworks clearly illustrates these emissions. Such actions defy common sense, so the public is disinclined to trust the TRC's

standard rationalization that their "common sense" will guide them in currently deregulating the oil and gas industry.

There is no doubt that the Texas Railroad Commission bears a heavy moral as well as a legal responsibility to regulate dangerous and hazardous industrial development in the field of energy in Texas. For this, they are accountable to the citizens of Texas and their elected members of the Legislature.

I ask you to place my remarks in the context of the moral values that all major world religions represent in their common belief, that they rest on our obligation to love one another and treat our neighbor as we would want to be treated. This mutual respect and love should be the foundation of every law and regulation administered by any government. The Texas Railroad Commission has work to do to live up to this standard.

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Here are some I have observed;

- The Lara family outside Kenedy, who can no longer live in a home they are still paying mortgage on, because of FLIR documented emissions coming from both the flare and the compressors on the site behind their home, which should never have been permitted in the first place because it is too close to their property. Studies show water and BTEX air contamination.
- A community (Altair) and an entire school complex (Rice Consolidated Independent School District) now having to endure toxic emissions from a solid waste facility in Colorado County.
- A couple south of Falls City in Karnes County who had to move out their house and rent a home for three years because a compressor station's toxic emissions made the man so ill he had to be hospitalized.
- A well pad and three wells flooded by the Guadalupe River in May of 2015 because they were permitted in a known Flood Zone, even though the owner warned them of floods on that site in 1972 and 1998.
- Permitting of a solid waste treatment facility on a hill where known runoff frequently occurs when it rains, and drains into nearby creeks, which then empty into the San Antonio and Guadalupe Rivers