

COMMENTS OF CMV CONSULTING LLC

Rule Project No. 2026-006-309-OW

Land Application of Produced Water

CMV Consulting LLC respectfully submits these comments to provide the Texas Commission on Environmental Quality with the perspective of a small but important group of independent oil producers operating in Atascosa County and surrounding areas.

Much of the current discussion regarding produced water appears to focus on Permian Basin operations involving deep unconventional wells, hydraulic fracturing, highly saline water, concentrated minerals, and chemicals associated with modern completion methods.

Those concerns may be appropriate for those operations, but they do not accurately describe all water produced in association with oil.

A group of South Texas independent producers operates conventional water-drive wells completed in freshwater-bearing portions of the Carrizo formation. These wells are not hydraulically fractured. The water is naturally present in the formation and is produced as part of recovering a relatively small amount of oil.

The Carrizo is also a recognized regional groundwater aquifer used by farmers, ranchers, landowners, livestock, and wildlife. Texas Water Development Board-supported geological studies recognize freshwater within deeper and confined portions of the Carrizo-Wilcox system in Atascosa County and surrounding areas.

The fact that this water is produced through an oil well does not automatically mean it is brine or highly saline wastewater. It is classified as “produced water” or “industrial wastewater” because it is recovered along with oil, not because its actual water quality is necessarily similar to the highly saline waste streams commonly associated with other oilfield operations.

Historical laboratory records from Carrizo-area operations demonstrate this difference. Chloride concentrations in the water have generally tested at approximately 100 parts per million (ppm) or less. By comparison, the Texas Produced Water Consortium reports chloride concentrations in Delaware and Midland Basin produced water ranging from approximately 30,000 to 86,500 ppm. Using 100 ppm as a representative Carrizo value, the Permian Basin water contains approximately 300 to 865 times more chloride. This substantial numerical difference shows that these are fundamentally different water sources and should not be treated as though they have the same salinity or risk profile.

Historical monitoring results also met the applicable limitations established in prior Railroad Commission permits. Required testing included chloride, oil and grease, suspended solids, and other water and soil quality parameters. Broader laboratory analyses also examined metals,

organic compounds, and other constituents, many of which were reported at low concentrations or as not detected.

The Texas Produced Water Consortium's research illustrates the contrast. Much of its work addresses Permian Basin water with extremely high salinity that requires advanced desalination and treatment. That water is fundamentally different from naturally occurring freshwater produced from conventional Carrizo water-drive wells.

For decades, the Railroad Commission permitted the discharge or land application of water from these Carrizo operations. The water was tested, monitored, and beneficially used under permit conditions. This is not a new or unknown water source, and the existing regulatory and laboratory history should not be disregarded simply because permitting authority has transferred to TCEQ.

Small independent operators should not be required to repeatedly prove facts already established through many years of testing, permit compliance, and actual use. They also should not be subjected to treatment and testing requirements designed primarily for highly saline water, hydraulic-fracturing chemicals, concentrated metals, or other conditions not characteristic of these Carrizo operations.

These conventional reservoirs yield large volumes of freshwater-range water relative to the small amount of oil produced. Producing that water is necessary to continue recovering the oil. Trucking the water away for disposal would generally be economically impractical and would create additional truck traffic, road damage, fuel consumption, emissions, spill exposure, and disposal demands.

For rural landowners, the water is not simply waste. It provides a dependable source of water for pasture, vegetation, livestock-related activities, wildlife habitat, and agricultural needs in an area that regularly experiences drought and limited rainfall. It originates from the same regional Carrizo aquifer system that has long been relied upon for agricultural and rural water supplies.

CMV respectfully asks TCEQ not to bundle these conventional Carrizo producers together with hydraulically fractured operations producing highly saline or chemically complex water.

The geology, production method, absence of hydraulic fracturing, historical water quality, prior RRC permitting record, and beneficial use of the water should all be considered when TCEQ develops its future permitting process.

Established Carrizo operations with a documented history of freshwater-quality production and compliance with prior RRC permits should have a straightforward and practical transition process. Existing permits, certified laboratory analyses, monitoring records, and years of operational experience should be accepted rather than requiring repetitive and increasingly costly demonstrations of facts already known.

CMV recognizes that TCEQ has been given the difficult task of developing a program that applies across a large and geologically diverse state. We appreciate the opportunity to provide the perspective of small South Texas producers whose operations differ substantially from the larger unconventional operations receiving most of the public attention.

TCEQ, the Railroad Commission, independent producers, landowners, agricultural interests, and technical experts share many of the same goals. We all want to protect Texas groundwater, surface water, soil, wildlife, and public health while supporting responsible energy production and meeting the critical water needs of Texas.

By working together and recognizing that not all produced water is the same, Texas can protect its environment without unnecessarily discarding valuable freshwater or making responsible conventional production economically impossible.

CMV Consulting LLC respectfully requests that TCEQ preserve a simple, reasonable, and low-burden permitting path for this distinct group of Carrizo producers and build upon the substantial scientific, regulatory, and operational knowledge already developed under the Railroad Commission's permitting program.

Respectfully submitted,

CMV CONSULTING LLC
South Texas