KELLY DAVIS

Dear Gwen Ricco, I am writing to formally submit my comments on Rule Project Number 2026-006-309-OW regarding the proposed rulemaking on the land application of treated produced water. This rulemaking is critical to ensuring that robust standards are in place to protect public health and the environment. Because Texas law limits liability for operators that meet the rules the TCEQ sets, it is vital these rules be sufficient to protect our health and create a paper trail that proves companies meet this high bar. Our livelihood counts on clean water. Our communities count on it to thrive–to attract investment and to keep our children healthy as they grow. Without clean water, we can't grow our crops or feed the livestock we take to market. It is vital that our water and soils remain safe — and that the public can trust they are safe. The draft rules, as currently written, do not provide a sufficient regulatory framework to protect Texas communities and businesses. And 30 days is insufficient time to prepare comprehensive comments to point out all deficiencies–let alone review any technical basis that exists. As such, I request that the TCEQ extend the public comment period by 30 days to allow a more comprehensive analysis. This rule will affect communities across this state, especially those with significant oil and gas production. A single public hearing in Austin and virtually is insufficient to hear from those communities. Please schedule public hearings in impacted communities across the Permian Basin, the Eagle Ford Shale, and the East Texas Basin. To protect Texas communities, our agricultural industries, and environment, the final TCEQ rule must include: — Permitting Transparency: A formal permitting process that includes ample public notice and a robust protest system for affected communities. — Basic Design Safeguards: Include common-sense requirements standard in municipal treatment. This includes stricter setback distances, mandatory public testing disclosure, and a rigorous paper trail to ensure tracking and accountability throughout the supply chain. — Uniform Minimum Standards: Clear, mandatory health-protective limits based on type of land application and geography instead of flexible, case-by-case regulatory discretion. — Strict Contaminant Limits: Explicit caps on known toxins, including heavy metals, PFAS, and radionuclides, ensuring water is fully treated to safe standards. — Continuous 24/7 Testing: Mandatory, around-the-clock monitoring to ensure compliance at all times, not just rare scheduled checks. — Independent Audits: Mandatory third-party testing to verify industry self-reporting. — Open Data Access: Full public access to testing data—modeled after municipal water quality testing requirements—with no "proprietary information" loopholes used to hide chemical data. — Bioaccumulation Tracking: Required baseline soil and crop testing to track and intercept toxic buildup in our food chain. The TCEQ must ensure that these rules are based on rigorous, independent science rather than limited industry test data. As such, this rulemaking is premature because the science does not exist; therefore, the barriers to obtaining a permit should be high, and the required testing for any permits granted should ensure they help fill all scientific gaps. Please update the docket to reflect my request for an extended comment period and stronger rule enforcement. Please protect our communities.