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I submit this comment in strong opposition to the proposed rulemaking under Rule Project No. 2026-006-309-OW, which would authorize the land application of treated produced water in Texas.

The science is not ready. TCEQ has indicated that it is still in the early stages of compiling a database of the toxic constituents found in produced water — meaning the agency does not yet have a complete understanding of what it is dealing with. Yet TCEQ continues to advance this rulemaking while openly acknowledging that important scientific and regulatory questions remain unanswered, with no clear water quality standards on the horizon. (Sierra Club) Adopting land application rules before these standards are established is premature and reckless.

The composition of produced water is unknown. Produced water is a complex mixture that includes injected chemicals, salts and minerals from deep geological formations, oil residues, and heavy metals. Because Texas does not require oil and gas companies to disclose the chemicals used in fracking, scientists are essentially working with incomplete information — trying to understand the treatment of produced water without fully knowing what is in it. (sierraclub) Permitting land application under these conditions is not protective of public health or the environment.

The scale of the risk is enormous. Texas generates roughly 20–25 million barrels of produced water each day, mostly in the Permian Basin. (sierraclub) Allowing this volume of inadequately characterized waste to be applied to land — potentially contaminating soil and groundwater — poses an unacceptable threat to Texas communities, farmers, and ecosystems.

Treatment technology is unproven at scale. Treatment of produced water is costly and energy-intensive, and it remains unclear who would bear those costs or whether large-scale reuse is economically viable. (sierraclub) The proposed rules should not outpace the technological and economic realities of treatment.

TCEQ should not get ahead of the science. As one environmental expert noted regarding produced water reuse: the agency must implement its new authority wisely and not move so quickly that it creates more problems than it solves. (Houston Public Media) (The Texas Tribune)

I urge TCEQ to withdraw or substantially revise this rulemaking to: (1) establish comprehensive water quality standards before authorizing any land application; (2) require full public disclosure of all constituents in produced water; (3) conduct a complete environmental and public health risk assessment; and (4) ensure robust, independent monitoring requirements. The burden of proof must rest on demonstrating safety — not on communities to prove harm after