Marlene Plua

To: Gwen Ricco
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From: Marlene G. Plua, Community Advocate
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Re: **Public Comments Regarding Rule Project Number 2026-006-309-OW**

I, Marlene Guerrero Plua, a community advocate dedicated to promoting responsible water and energy policies in South Texas, submit the following comments to the Texas Commission on Environment Quality (TCQE) in response to the public comment period Rule Project Number 2026-006-309-OW.

I recognize the urgent water challenges facing Texas, but produced water is not a suitable solution. Produced water is a byproduct of oil and gas extraction, containing a complex and highly variable mixture of contaminants, including oil residues, chemicals from frac fluids, bacteria, and naturally occurring radioactive materials. Current research shows that produced water can be more than 10 times as saline as seawater.

Therefore, the proposed rules for produced water disposal do not adequately protect environmental and human health. This raises significant concerns regarding land viability, water quality, and public health.

The Rio Grande/Rio Bravo Basin is Getting Saltier

More than 15 million people rely on the Rio Grande/Rio Bravo for drinking water, including my home region, the Rio Grande Valley (RGV). The soil in the Rio Grande Basin is inherently saline due to its geological formation. However, the Rio Grande/Rio Bravo is currently under unprecedented stress from prolonged drought and declining streamflow. In 2025, the Lower Rio Grande was listed as one of the Top 10 Most Endangered Rivers in the United States by American Rivers. As the river becomes drier due to increasing temperatures caused by climate change, evaporation rates increase and its salinity rises. Research from the Bureau of Reclamation indicates that ongoing drought and reduced river flows are elevating salinity levels throughout the Rio Grande Basin. Additionally, researchers have documented that certain sections of the Rio Grande have experienced reduced flows and periods of complete drying during severe droughts. Current projections by the National Weather Service suggest that this year will likely bring another period of drought, characterized by low precipitation and severe dry conditions.

Applying oil and gas produced water to land is not a viable solution in this context. Instead of benefiting communities such as the RGV, this practice may worsen salinity in the Rio Grande watershed. Higher salt levels can reduce crop yields, degrade farmland, threaten wildlife, and

increase the cost of safe drinking water. Texas families and ecosystems that depend on the Rio Grande require stronger regulations to protect soil, water resources, and public health, rather than practices that further stress the river system.

Salinity Monitoring and Hazardous Waste Management
Without baseline data and long-term monitoring, regulators cannot accurately determine whether the discharge of produced water will worsen environmental problems. Because produced water is a complex waste stream that often contains high concentrations of dissolved salts, effective monitoring is crucial. Therefore, operators must properly manage this waste to minimize environmental impacts and prevent further increases in salinity.

An effective monitoring framework should measure soil salinity, groundwater quality, surface-water salinity, and the cumulative effects of repeated applications. Implementing this system is essential for identifying vulnerable areas, setting protective thresholds, and ensuring management decisions are based on scientific evidence.

Furthermore, production, transportation, storage, reuse, and disposal of produced water involves high environmental risks. Due to its high saline content and other hazardous constituents, produced water that is exposed to native soils, nearby water bodies, native wildlife, and surrounding ecosystems (via spills, leaks, or residual accumulation) can have devastating environmental impacts. The environmental challenges of handling this hazardous waste require the minimization and proper remediation of spills, leaks, residual accumulation, and exercising proper waste management strategies to protect environmentally sensitive areas.

Allowing the use of produced water on land before the TCEQ fully understands current salinity levels across lands and watersheds, including impaired areas, poses significant risks to agriculture, human health, and the long-term sustainability of freshwater resources. Effective monitoring and management of this waste are essential to limit additional salt loading and prevent further salinization in already affected areas.

Classification of Produced Water
Current wastewater classifications focus on effluent from human consumption, sanitation, and industrial processing. Applying these standards to produced water leads to regulatory misalignment because they fail to account for its chemical variability, treatability, and potential for reuse. Uniform wastewater standards may also overlook site-specific conditions, differences in water composition, cumulative impacts, and intended beneficial uses. Classification should be revised to reflect these differences and enable more appropriate oversight.

Public Notification and Language Access
TCEQ should require robust public notification procedures for any future proposed land application of treated produced water to affected landowners, nearby residents, and other entities. Given the significant uncertainty about the long-term environmental and public health impacts of these projects, communities have a right to timely, transparent, and accessible information.

TCEQ should identify Spanish-speaking areas, like South Texas, where future land application of treated produced water projects may be proposed, and require all public notices, technical

summaries, and outreach materials be translated into Spanish. Providing information in the languages spoken by affected communities ensures all residents have equal access to clear, reliable details about proposed projects that may impact their land, water resources, or public health.

Conclusion
I appreciate the opportunity the Commission has given me to submit public comments on Rule Project Number 2026-006-309-OW of the Texas Commission on Environmental Quality. However, the Commission needs to consider more before proceeding. This includes pausing the rulemaking process and focusing on holding public regional meetings in the State to ensure greater outreach and public input on a critical matter that affects all Texans.

Thank you for your consideration.

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