



May 13, 2014

John Tintera, former executive director of Railroad Commission, begs to differ

Letter tells San Antonio newspaper, below, that oil-and-gas agency isn't 'broken'

Texas has won big in energy decade after decade. In our oil fields, state-regulated capitalism has proven to be a dramatic success and the model envied by other states and countries trying to recreate the *Texas Energy Renaissance*. The recent advancements in drilling technology have created thousands of good jobs and led to an increase in energy supplies that now may actually result in American energy independence.

Anyone who thinks this stellar performance has not attracted political opposition is naïve. One frequently employed tactic for advancing a particular political agenda, whether red, blue or purple, is to attack elected regulators that have a party affiliation. Call them broken. Infer they are not doing their jobs. Discredit them to Texas voters.

As a result, any commentary on Texas oil and gas must be viewed through a political prism. I suggest to the *San Antonio Express News* readers who may have seen your recent op-ed, "**Railroad Commission is Broken**" (May 9, 2014), to recognize that prism in your writing. (And by all means, please feel free to use this prism on my own commentary.)

But now... let's take a moment to list some of the many successes of the Railroad Commission of Texas that were negligently absent from your opinion piece:

--- Ten of thousands of orphaned wells, many from our grandfathers' generation, plugged with industry funds (778 orphaned wells plugged in the last fiscal year)

--- Thousands of abandoned orphaned sites remediated (280 cleanup activities completed, including eight major cleanups, last fiscal year)

--- New information technology systems implemented

--- Record numbers of permits issued, fully vetted, with no shortcuts in quality

--- A documented record of success in the Groundwater Protection Council annual publication, where thousands of industrial pollution sites are listed but only a small fraction comes from oil field sources

--- Updated water-recycling rules to encourage conservation and reuse at a critical time in Texas history

- Updated and strengthened well completion rules effective January 1, 2014
- Significant outreach efforts to the public (In FY 2013, the Commission hosted 14 statewide Oil and Gas Division workshops, three regulatory conferences and participated in more than 50 conferences)
- Timely response to public concerns regarding possible induced seismicity through hiring of an agency seismologist, despite scientific complexity
- Thousands of severance orders issued to producers, which halt the selling of oil from a lease until the violation is corrected without the delays of a formal administrative hearing -- an unrecognized effort that provides a tremendous incentive for industry compliance
- A new “self-funding” mechanism for the agency, with virtually all budget dollars coming from regulatory fees on the oil and gas industry, not from citizen tax dollar
- An established hydraulic fracturing fluid disclosure rule
- A mature, comprehensive regulatory framework that is the envy of the world

And there are many more.

Is there room for improvement at the Railroad Commission? Of course. And with every new Commissioner that is elected through a long-standing and cherished democratic privilege – the ballot box – new ideas, leadership and spirit comes into the agency. Some Commissioners are good, some are great, some have erred, but all are mortal and all have been chosen by the people of Texas.

A final reminder: the *Sunset Review* is a political process. Anyone who does not recognize that may need his or her political prism adjusted.

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By John Tintera

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