

EARTHWORKS

October 8, 2020

From: Sharon Wilson, Senior Field Advocate  
Earthworks  
P.O. Box 10455 N. Central Expwy. #109-256  
Dallas, TX 75231

To (via post & email): Toby Baker, Executive Director  
Texas Commission on Environmental Quality (TCEQ)  
12100 Park 35 Circle  
Austin, Texas 78753

Christi Craddick, Chairman  
Railroad Commission of Texas  
P.O. Box 12967  
Austin, Texas 78711-2967

Re: Pick Pocket 21

Dear Executive Director Baker and Chairman Craddick:

We write to urge you to reject, and if necessary, rescind any applications or Permits-by-Rule (PBR) issued by Texas Commission on Environmental Quality (TCEQ) to MDC Texas Operator LLC (MDC) for the Pick Pocket 21 (RN110681970) well site in Reeves County, Pecos, Texas. We also ask the Texas Railroad Commission (RRC) to rescind any and all flaring permits or exceptions for this facility.

Since December 17, 2019, Earthworks has filed five different complaints on this facility (Complaint Numbers: [328006](#), [328730](#), [330136](#), [332049](#) and [new complaint 342905 submitted 09-26-2020](#)) with (TCEQ). These complaints included documented FLIR Systems, Incorporated GF320 optical gas imaging (OGI) camera footage (see below) recorded by Earthworks' certified thermographer Sharon Wilson (Infrared Training Center [ITC] Certification #79568).

Field documentation collected on multiple visits to the site from November 24, 2019, through September 10, 2020, show continuous intense and significant storage tank battery pressure release valve and tank hatch emissions. Earthworks' staff noted on September 10 that multiple separate pressure relief valves had been replumbed, but emissions remained prevalent and intense. In addition, this site, along with several other similar MDC sites near this geographic location, also release egregious flare emissions.

Chronically unlit flares serve as vent stacks continuously releasing uncombusted emissions evident to the OGI camera's internal 3.2 - 3.4 micrometer filter that can detect hydrocarbons. The Pick Pocket 21 operation contravenes 30 TAC (Texas Administrative Codes) §106.4(a), §106.4(c), §116.110(a) and the Texas Clean Air Act at 5C THSC (Texas Health and Safety Codes) § 382.0518(a) and § 382.085(b). We believe, in good faith, the operation may also contravene 16 TAC § 3.32 (Statewide Rule 32). TCEQ and RRC must properly address these intense emissions including, but not limited to, volatile organic compounds (VOCs), methane, and hydrogen sulfide (H<sub>2</sub>S).

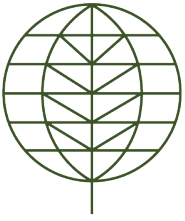
*Dedicated to protecting communities and the environment from the adverse impacts of mineral and energy development while promoting sustainable solutions.*

1612 K St. NW, Suite 904  
Washington, DC 20006  
202.887.1872

EARTHWORKSACTION.ORG

earthworksaction

@earthworks



EARTHWORKS

When TCEQ finally investigated the site at the end of April 2020 -- four months following our first complaint-- the investigation report revealed numerous inconsistencies and questionable aspects with the investigation (Investigation number [1645681](#)):

- There are no field assessment references, nor ambient air monitoring, nor use of instantaneous survey instruments, nor collection of quantitative passivated stainless steel canister samples.
- Though digital photographs clearly document H2S warning signs at the site, the report does not mention whether TCEQ conducted H2S monitoring to determine compliance with 30 TAC Chapter 112 regulations.
- The cover letter refers to a “water rights issue” when these complaints regard air quality.

Nonetheless, at the conclusion of the investigation TCEQ issued 6 notices of alleged violations:

- Three for operating without air permits
- Two for equipment failures
- One for exceeding 25 tons of VOC emissions for the year (in April 2020)

MDC received these notices on May 26, 2020. TCEQ gave MDC until August 10th to comply. Neither the TCEQ public database nor the investigation report give any indication that inspectors conducted any follow up after August 10th. On September 7th and September 10th, 2020, ITC certified thermographer Sharon Wilson again [recorded emissions at the site](#).

These ongoing emissions from the Pick Pocket 21 facility show a clear pattern of neglect by MDC. Significantly, this pattern also reveals TCEQ’s failure to do its job to ensure that operators control emissions. Uncontrolled emissions continued for nearly ten months following the first complaint; and four months after TCEQ notified MDC of the alleged violations. This behavior illustrates both MDC’s blatant disregard for the law and TCEQ’s complicity with it.

We therefore request:

- The RRC rescind any and all flaring permits or exceptions pertaining to APIs: 38937312, 38937314, 38937313 and 38936654.
- The TCEQ reject and oppose any MDC attempt (reference number: 373571) to approve Pick Pocket 21 under any authorized Permit By Rule.

Neither the RRC’s nor the TCEQ’s missions are fulfilled by rewarding alleged egregious violations with new and continued permits. RRC and TCEQ have the obligation to prevent operators from polluting from the same operation for at least ten months. The only reliable way to do so is for the TCEQ and RRC to reject, oppose, and rescind Pick Pocket 21’s applicable permits.

Sincerely,

*Sharon Wilson*

Sharon Wilson  
Senior Field Advocate and Certified Optical Gas Imaging Thermographer

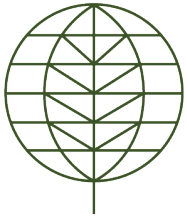
*Dedicated to protecting communities and the environment from the adverse impacts of mineral and energy development while promoting sustainable solutions.*

1612 K St. NW, Suite 904  
Washington, DC 20006  
202.887.1872

EARTHWORKSACTION.ORG

 earthworksaction

 @earthworks



**EARTHWORKS**

*Dedicated to protecting communities and the environment from the adverse impacts of mineral and energy development while promoting sustainable solutions.*

1612 K St. NW, Suite 904  
Washington, DC 20006  
202.887.1872

**EARTHWORKSACTION.ORG**

 earthworksaction

 @earthworks

CC:

Jon Niermann, TCEQ Chairman  
Emily Lindley, TCEQ Commissioner  
Bobby Janecka, TCEQ Commissioner  
L'Oreal Stepney P.E., Deputy Executive Director, Department of Water, TCEQ  
Craig Pritzlaff, Office of Compliance and Enforcement Deputy, TCEQ  
Samuel Short, Air Permits Director TCEQ  
Lorinda Gardner Region 7 Midland Director, TCEQ  
Ryan Slocum, Region 7 Air/Waste/Water Section Manager, TCEQ  
Bryan H. Sinclair, TCEQ Director, Enforcement Division  
David A. Ramirez TCEQ Area Director, Field Operations Border and Permian Basin  
Ramiro Garcia, Jr., TCEQ Deputy Director, Office of Compliance and Enforcement

Ryan Sitton, RRC Commissioner  
Wayne Christian, RRC Commissioner  
Wei Wang, Executive Director, RRC  
Danny Sorrells, Deputy Director/Director of Oil and Gas, RRC

Chris Paddie, Texas House Representative, House Energy Resources Committee  
Abel Herrero, Texas House Representative, House Energy Resources Committee  
Rafael Anchia, Texas House Representative, House Energy Resources Committee  
Ernest Bailes, Texas House Representative, House Energy Resources Committee  
Tom Craddick, Texas House Representative, House Energy Resources Committee  
Drew Darby, Texas House Representative, House Energy Resources Committee  
Charlie Geren, Texas House Representative, House Energy Resources Committee  
Roland Gutierrez, Texas House Representative, House Energy Resources Committee  
Cody Harris, Texas House Representative, House Energy Resources Committee  
Mary Ann Perez, Texas House Representative, House Energy Resources Committee  
Jon E. Rosenthal, Texas House Representative, House Energy Resources Committee

JM Lozano, Texas House Representative, Environmental Regulation Committee  
Ed Thompson, Texas House Representative, Environmental Regulation Committee  
Cesar Blanco, Texas House Representative, Environmental Regulation Committee  
Kyle J Kacal, Texas House Representative, Environmental Regulation Committee  
John Kuempel, Texas House Representative, Environmental Regulation Committee  
Geanie W. Morrison, Texas House Representative, Environmental Regulation Committee  
Ron Reynolds, Texas House Representative, Environmental Regulation Committee  
John Turner, Texas House Representative, Environmental Regulation Committee  
Erin Zwiener, Texas House Representative, Environmental Regulation Committee

Brian Birdwell, Texas State Senator, Senate Committee on Natural Resources and Development  
Judith Zaffirini, Texas State Senator, Senate Committee on Natural Resources and Development  
Pat Fallon, Texas State Senator, Senate Committee on Natural Resources and Development  
Pete Flores, Texas State Senator, Senate Committee on Natural Resources and Development  
Kelly Hancock, Texas State Senator, Senate Committee on Natural Resources and Development  
Juan "Chuy" Hinojosa, Texas State Senator, Senate Committee on Natural Resources and Development  
Bryan Hughes, Texas State Senator, Senate Committee on Natural Resources and Development  
Borris L. Miles, Texas State Senator, Senate Committee on Natural Resources and Development  
Angela Paxton, Texas State Senator, Senate Committee on Natural Resources and Development  
Beverly Powell, Texas State Senator, Senate Committee on Natural Resources and Development  
Jose Rodriguez, Texas State Senator, Senate Committee on Natural Resources and Development

Lina Ortega, Texas House Representative  
Sarah Eckhardt, Texas House Representative  
Julie Johnson, Texas House Representative  
Vikki Goodwin, Texas House Representative  
Eddie Lucio Jr., Texas State Senator  
Nathan Johnson, Texas State Senator  
Ina Minijarez, Texas House Representative  
Michele Beckley, Texas House Representative  
Royce West, Texas State Senator  
Jose Menendez, Texas State Senator  
Gina Hinojosa, Texas House Representative  
Chris Turner, Texas House Representative  
Ana Maria Ramos, Texas House Representative  
Joe Moody, Texas House Representative  
Mary Gonzalez, Texas House Representative