



RAILROAD COMMISSION OF TEXAS

OIL AND GAS DIVISION

OIL FIELD CLEANUP PROGRAM ANNUAL REPORT - FISCAL YEAR 2016





RAILROAD COMMISSION OF TEXAS


OIL AND GAS DIVISION

December 6, 2016

To The Legislature:

S.B. 1103, 72nd Legislature, 1991 and S.B. 310, 77th Legislature, 2001 and S.B. 1, 82nd Legislature, 2011 (§81.069(c), Natural Resources Code) require the Railroad Commission to submit an Annual Report to the Legislature on the Oil Field Cleanup Program. The information required by S.B. 1103, as amended by S.B. 310 and S.B. 1, is contained in this report. This report covers the period from September 1, 2015 through August 31, 2016.

The Railroad Commission remains committed to the success of the Oil Field Cleanup Program and to the protection of the State's land and water resources through activities funded by the Oil and Gas Regulation and Cleanup Fund. This report is posted on the Commission's website; however, should you have any questions about the material presented, please contact Santos Gonzales, Assistant Director of the Commission's Oil & Gas Division, Field Operations Section, at (512) 463-8561; Peter Pope, Manager of the Commission's Oil and Gas Division, Site Remediation Section, at (512) 463-8202; David Cooney, Director of the Commission's Office of General Counsel, Enforcement Section, at (512) 463-6977; or Kimberly Corley, Executive Director, at (512) 936-7068.


Chairman David Porter


Commissioner Christi Craddick

Attest:


Secretary


Commissioner Ryan Sitton

RAILROAD COMMISSION OF TEXAS

OIL FIELD CLEANUP PROGRAM

ANNUAL REPORT - FISCAL YEAR 2016

INTRODUCTION:

The Oil and Gas Regulation and Cleanup (OGRC) Fund was created by the adoption of Senate Bill (S.B.) 1 (82nd Legislature, 2011). S.B. 1 replaced the previous Oil Field Cleanup Fund that was created by the adoption of S.B. 1103 (72nd Legislature, 1991) and modified by the adoption of S.B. 310 (77th Legislature, 2001). Under S.B. 1103, the State of Texas, through the Railroad Commission (hereinafter “Commission”), increased its financial ability to plug abandoned, orphaned oil and gas wells and to remediate abandoned, orphaned oil field sites throughout the State. S.B. 1103 replaced the previous Well Plugging Fund with the Oil Field Cleanup Fund and set the fund balance cap at \$10 million. S.B. 310 increased the production tax on oil and gas and several existing fees associated with oil and gas industry activity and increased the Oil Field Cleanup Fund balance cap from \$10 million to \$20 million. House Bill (H.B.) 3309 (83rd Legislature, 2013) increased the OGRC Fund balance cap from \$20 million to \$30 million.

The impact of the OGRC Fund is clearly demonstrated by the increase in the number of orphaned wells plugged and sites remediated. From fiscal year 1984 to fiscal year 1991, the Commission plugged 4,078 wells at a cost of \$16,171,406 under the previous Well Plugging Fund. From fiscal year 1992 through fiscal year 2016, the Commission plugged 31,582 wells at a cost of \$243,453,558 (35,660 wells since fiscal year 1984 at a total cost of \$259.6 million) and cleaned up, assessed, or investigated 5,961 sites at a cost of \$75,167,037 using the OGRC Fund and other state and federal sources of funds.

As of August 2016, the Commission was tracking 436,309 wells. Inactive, shut-in oil and gas wells accounted for 26.6% of the total well population or 116,067. Of the 116,067 shut-in wells, 34,512 had been shut-in less than 12 months and were compliant with the Commission’s plugging rule, Statewide Rule 14(b)(2) and 68,570 were inactive wells that were shut-in for more than 12 months, but belonged to operators with an active Organization Report (Form P-5) on file with the Commission and have filed the required financial assurance, a bond or letter of credit, and qualified for a 14(b)(2) plugging extension. The remaining 12,985 wells were inactive wells that were in violation of the Commission’s plugging rule, of which, 2,824 wells belonged to operators with an active Form P-5 on file with the Commission and 10,161 wells belonged to operators with a delinquent Form P-5. For purposes of this report, the Commission defines these 10,161 wells as orphan wells.¹ These figures are represented on a percentage basis in Figure 1 and the distribution of wells for August 2016 monitored by the Commission is shown in Figure 2.

The operators of record plug most of the compliant inactive wells and some of the non-compliant inactive wells as required by Commission rules and regulations. However, some currently compliant and many of the orphan wells eventually require plugging by the Commission with OGRC funds and/or other state and federal funds.

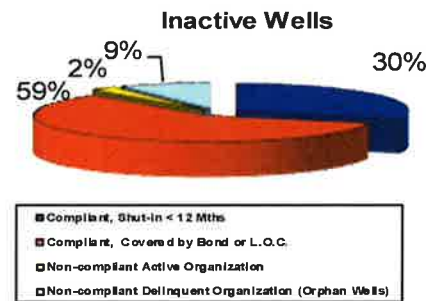


Figure 1

¹ Beginning September 2016 the Commission modified the definition of “orphaned well” to mean those inactive wells in violation of SWR 14(b)(2) that had a delinquent P-5 for longer than 12 months. As of September 1, 2016, the orphan well count under the modified definition was 6,805.

Distribution of Wells Monitored by the Railroad Commission

As of August 31, 2016

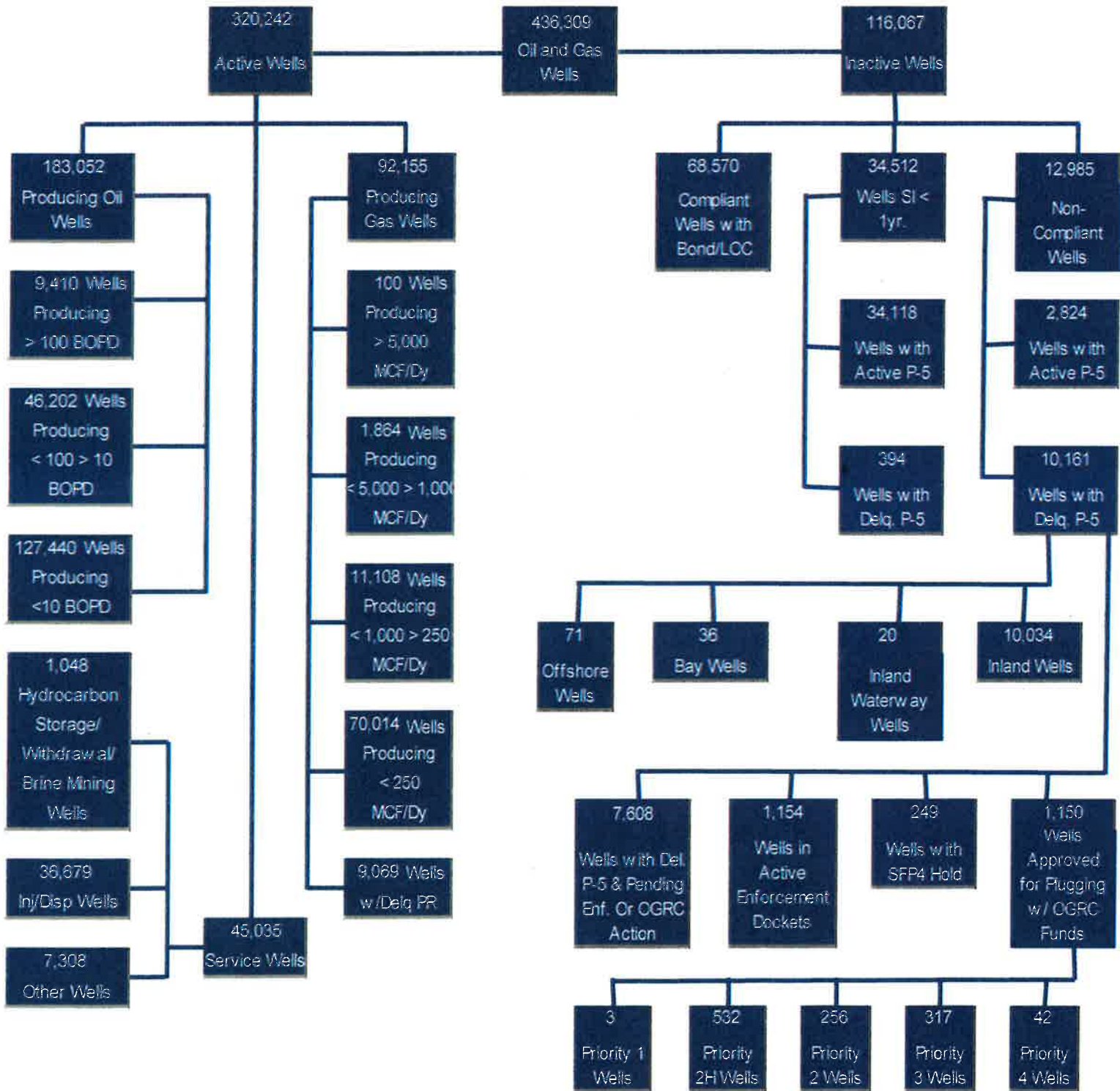


Figure 2

It is important to understand that the number of orphan wells is a dynamic number that changes daily, as wells are placed into and out of compliance. The Commission attempts to capture the dynamics occurring within the orphan well population on a monthly basis and depicts these changes during fiscal year 2016 in Table 1. Table 2 depicts the yearly dynamics beginning with fiscal year 2003 (September 1, 2002). The data in Table 1 illustrates that the number of orphan wells increased by 446 in fiscal year 2016 and has decreased by 7,810 wells since September 2002 (Table 2). However, the make-up of the orphan wells has changed. A total of 7,260 wells (Plugged, Returned to Active Status, Operator Change, P-5 renewal, Other) were removed from the fiscal year 2016 beginning inventory, but 7,706 new wells were added to the population of orphan wells throughout the fiscal year (Table 1). Since the beginning of fiscal year 2003, 132,786 orphan wells have been removed from the inventory and 124,976 new orphan wells have been added to the inventory (Table 2). The Commission's regulatory goals are to eliminate the threat of pollution posed by orphaned unplugged wells and to minimize the number of orphan wells requiring plugging with Oil and Gas Regulation and Cleanup funds, or other state and federal funds. Figure 3 illustrates the decline in the orphan well count thru fiscal year 2010. Since that time, the orphan well count has shown a slight increase.

Month of Activity	Sep-15	Oct-15	Nov-15	Dec-15	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Totals
Beginning Population (from previous month)	9,715	9,902	9,930	9,595	9,498	9,886	9,451	9,757	9,372	9,521	9,225	9,312	9,715
Plugged	(37)	(52)	(459)	(37)	(70)	(376)	(445)	(33)	(121)	(79)	(97)	(247)	(2,053)
Returned to Active Status	(15)	(4)	(3)	(15)	(1)	(5)	(5)	(6)	(2)	(11)	(3)	(1)	(71)
Operator Change	(57)	(69)	(19)	(72)	(85)	(17)	(45)	(73)	(83)	(106)	(56)	(157)	(839)
P-5 Renewal	(256)	(341)	(277)	(298)	(321)	(538)	(224)	(768)	(325)	(452)	(311)	(183)	(4,294)
Other Reasons	0	0	0	0	(1)	0	0	0	(1)	0	0	(1)	(3)
Wells Added to Population	552	494	423	325	866	501	1,025	495	681	352	554	1,438	7,706
Ending Population	9,902	9,930	9,595	9,498	9,886	9,451	9,757	9,372	9,521	9,225	9,312	10,161	10,161

Definitions:

Plugged	Plugged and abandoned
Returned to Active Status	Active producing or service well
Operator Change	P-4 Operator Change was filed and approved. An operator change will not be approved unless the new operator has sufficient bond amount on file to cover the new wells and has an active P-5.
P-5 Renewal	The operator of record renews their P-5.
Other Reasons	Supporting documentation filed to correct shut-in date, well activity, etc.
Wells Added to Population	Wells not considered orphaned at the end of the previous month but are considered orphaned at the close of this month.

Table 1

Revenue into the Oil and Gas Regulation and Cleanup Fund is derived primarily from production taxes and permitting fees paid by the oil and gas industry; but significant revenue is also contributed from enforcement penalties, reimbursements, proceeds from the sale of equipment and hydrocarbons salvaged from well plugging and site remediation operations, and interest on fund balances. Additionally, the Commission seeks other funding sources from state and federal agencies to supplement the activities of the Oil Field Cleanup Program. Although the Oil and Gas Regulation and Cleanup Fund finances the majority of the Oil Field Cleanup Program activities, the wells plugged and sites remediated contained in this report were partially funded with federal monies received from Subtitle C Brownfield Grant Funds, and Section 319 Non-Point Source Grant Funds.

The following information on the Oil Field Cleanup Program is reported annually as required by S.B. 1.

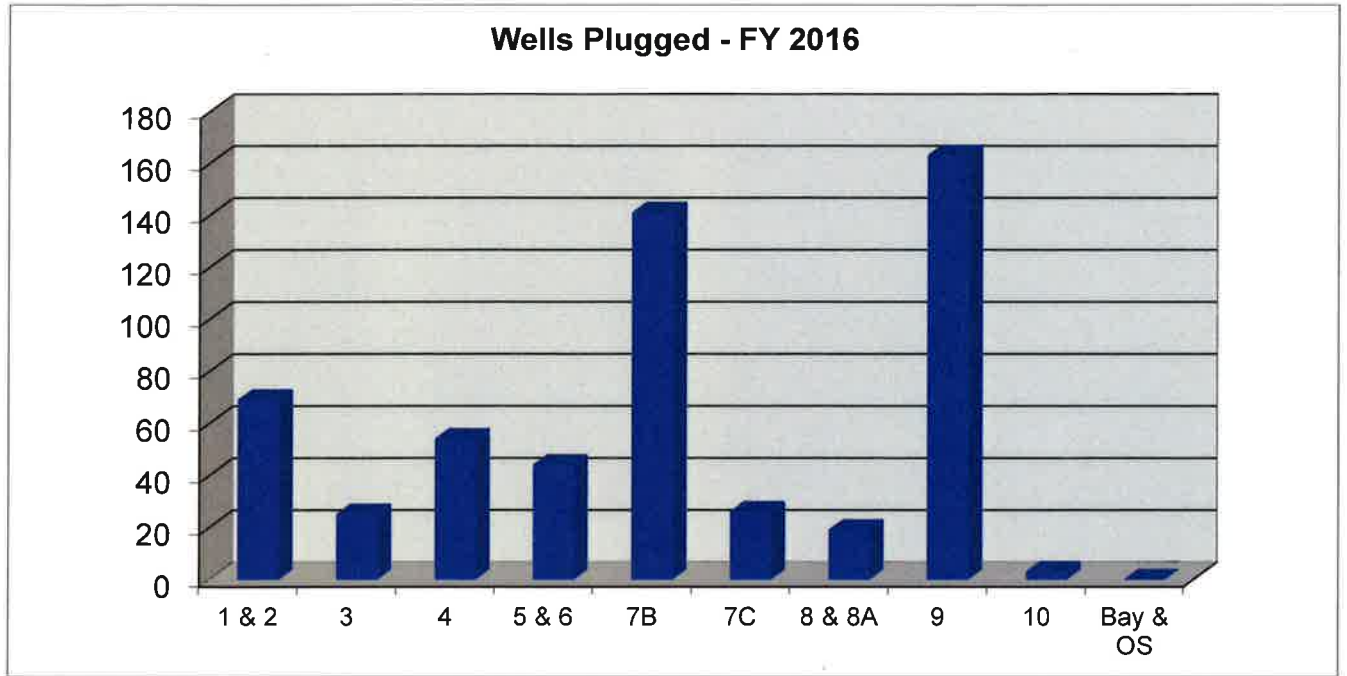
I. NUMBER OF WELLS PLUGGED BY DISTRICT:

In fiscal year 2016, the Commission plugged 544 wells with Oil and Gas Regulation and Cleanup funds. The total number of wells plugged represents those wells that are physically plugged and invoiced by the plugging contractors and files closed through August 31, 2016. Figure 4 illustrates the numbers of wells plugged by district during fiscal year 2016 and Figure 5 shows the number of wells plugged by fiscal year since the inception of the current Oil Field Cleanup Program, September 1, 1991.

During fiscal year 2016, the Commission's well plugging expenditures totaled \$8,546,937. The average cost per well was \$15,711, which was \$204 more than the fiscal year 2015 average cost per well of \$15,507.

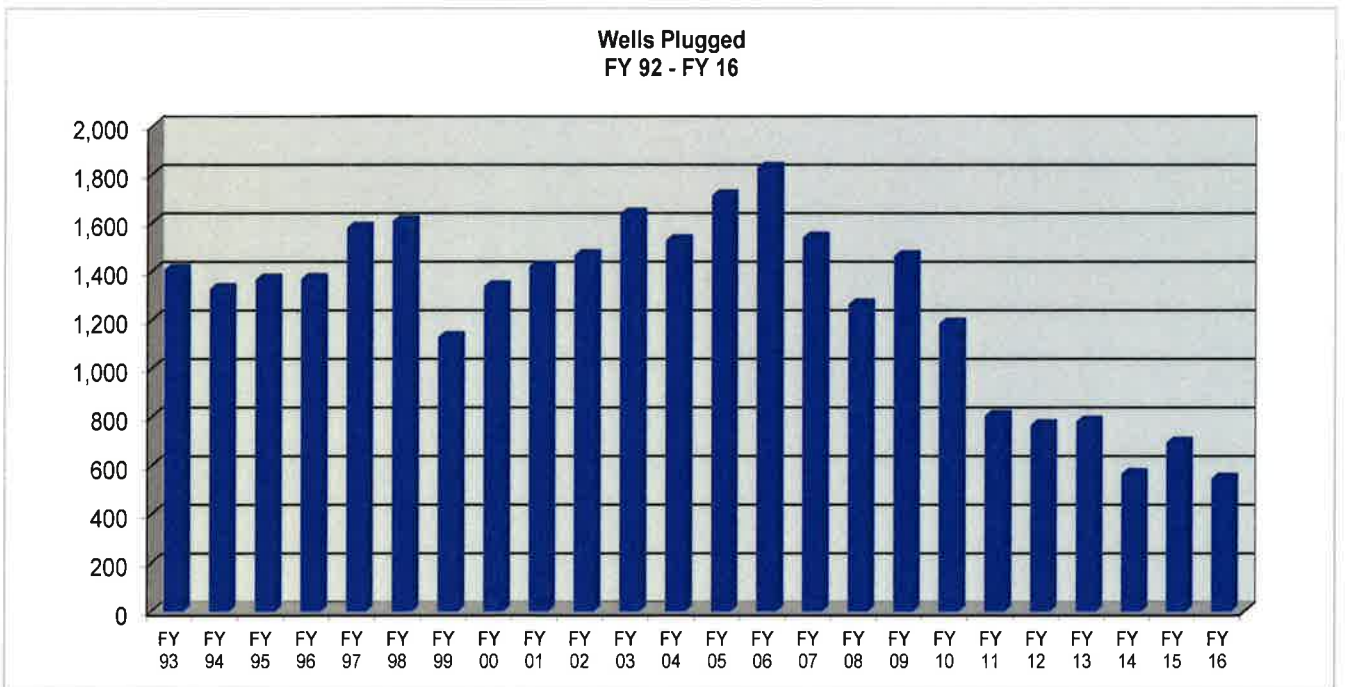
The Commission has approximately 187 well servicing companies with a P-5 Organization Report identified as an "Approved Plugger" and are authorized to plug wells in Texas. However, due to the level of plugging activity in the oil and gas industry, competition for well plugging contractors is severely limiting the number of plugging contractors that bid on Commission contracts. As a result, fewer orphaned wells are being plugged by the Commission. During fiscal year 2016, the Commission awarded sixty-nine (69) contracts to twenty-eight (28) well plugging contractors, of which, twelve (12) had multiple bid awards.





District Office	1 & 2	3	4	5 & 6	7B	7C	8 & 8A	9	10	Bay & OS	Total
Wells Plugged	69	25	54	44	141	26	19	163	3	0	544

Figure 4

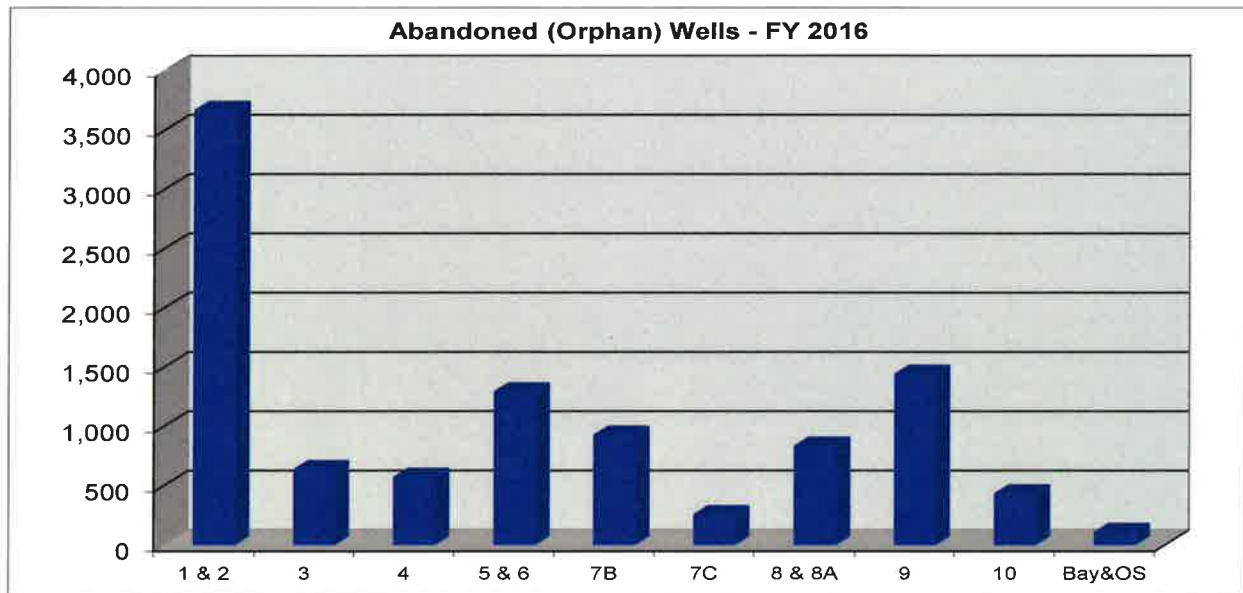


Fiscal Year	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05	FY 06	FY 07
Wells Plugged	1,324	1,404	1,325	1,364	1,366	1,577	1,604	1,126	1,335	1,417	1,464	1,635	1,525	1,710	1,824	1,536
Fiscal Year	FY 08	FY 09	FY 10	FY 11	FY 12	FY 13	FY 14	FY 15	FY 16	Total						
Wells Plugged	1261	1,460	1,182	802	764	778	563	692	544	31,582						

Figure 5

II. NUMBER OF ABANDONED WELLS BY DISTRICT:

As of August 2016, the number of abandoned, orphaned wells was 10,161. The Commission defines these wells as orphan wells because they have been inactive for at least 12 months or more and the responsible operator’s Organization Report is delinquent. The number of orphan wells is a subset of the number of known inactive wells not currently in compliance with the Commission's plugging rule that is referenced in Section III of this report and illustrated in Figure 2. Figure 6, below, illustrates the number of orphan wells by district at the end of August 2016.



District Office	1 & 2	3	4	5 & 6	7B	7C	8 & 8A	9	10	Bay&OS	Total
Orphaned Wells	3,665	636	571	1,291	927	256	834	1,441	433	107	10,161

Figure 6

In addition to the 10,161 orphan wells, there are also an unknown number of old, unidentified wells in Texas, which have no records. As these wells are located, the Commission initiates plugging operations in accordance with the well plugging priority system, which is based on the threat the well poses to the environment and public safety. In fiscal year 2016, seventy-three (73) unidentified abandoned wells were plugged with OGRC funds, which accounted for 13% of all wells plugged by the Commission in fiscal year 2016.

III. NUMBER OF NON-COMPLIANT INACTIVE WELLS BY DISTRICT:

The number of known inactive wells not in compliance with Commission rules as of August 2016 totals 12,985. The number of known inactive wells not currently in compliance with the Commission's plugging rule is determined from the Commission’s computerized records. The number represents wells that remain shut-in beyond the initial 12-month shut-in period authorized by Commission Statewide Rule 14 and do not have a plugging extension, regardless of whether the operator’s Organization Report is active or delinquent. Wells that are shut-in for less than 12 months are deemed compliant inactive wells. Wells may remain inactive beyond the initial 12-month period and are eligible for plugging extensions if the operator has the required financial

assurance on file with the Commission, and the wells are in compliance with all Commission rules and regulations. Figure 7 shows the number of non-compliant wells by district at the end of August 2016. Figure 8 shows the number of non-compliant wells in August, at the end of each fiscal year since 1992. Like orphan wells (subset of the inactive non-compliant wells), the number of inactive non-compliant wells is a dynamic number that changes daily, as wells are placed into and out of compliance.

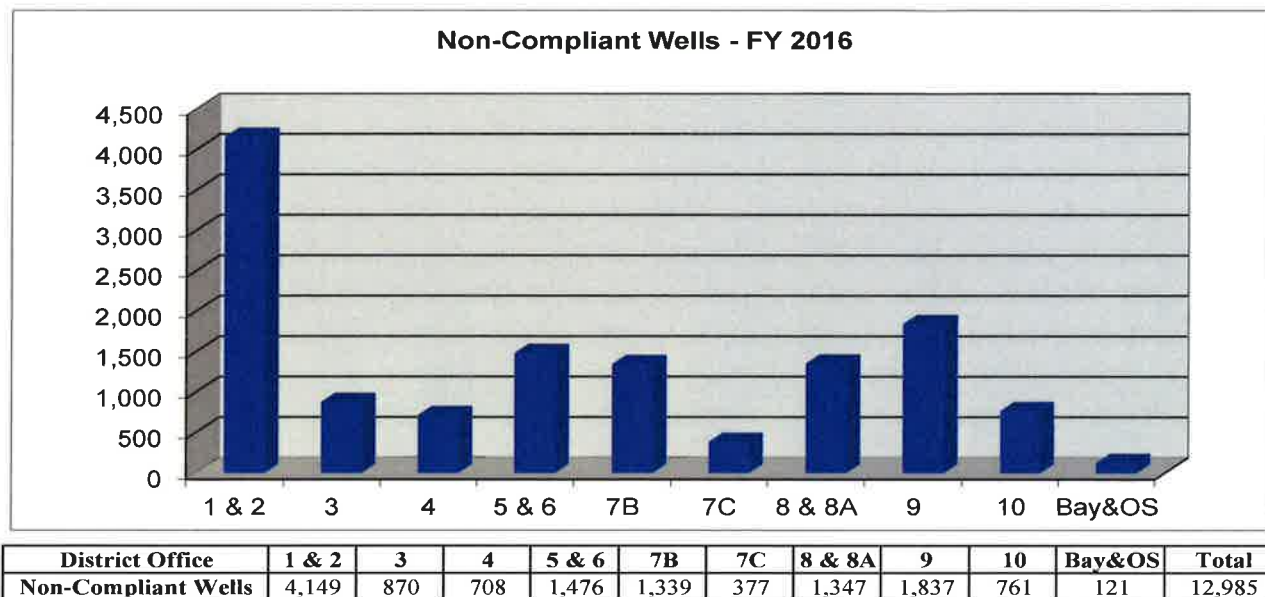


Figure 7

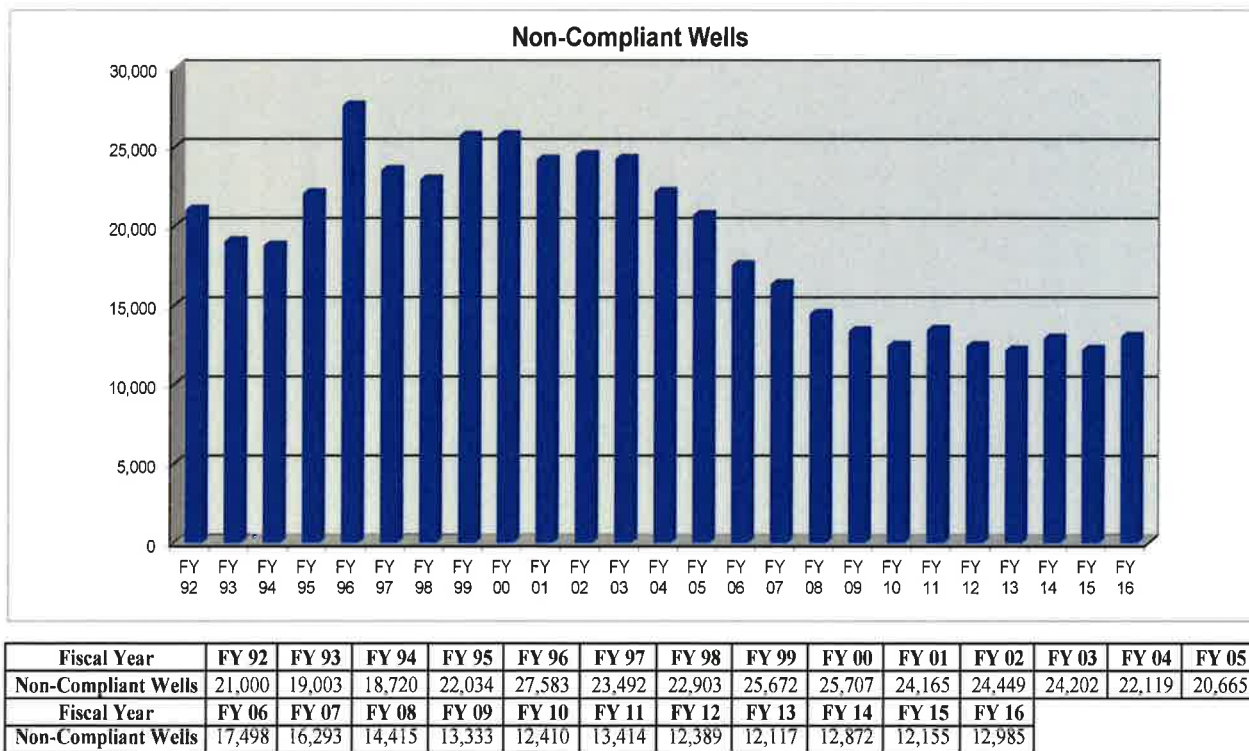


Figure 8

The operators of these wells are required by Commission rules to plug wells at their expense upon cessation of production but may be eligible for plugging extensions if they have the required financial assurance on file with the Commission and the wells are in compliance with all other rules and regulations. The operators may also be subject to enforcement action if violations are not corrected and the wells are not brought into compliance with Commission rules and regulations in a timely manner. If the Commission plugs these wells with monies from the OGRC Fund or from other state or federal funds, the Office of the Attorney General may initiate legal action against the responsible operator for collection of the plugging costs and may assess civil penalties.

Operators plug the majority of all wells plugged each year. In fiscal year 2016, 9,296 wells (94% of all wells plugged) were plugged by the operators of record, without the use of OGRC funds. Figure 9 depicts the number of wells plugged by operators since fiscal year 1992.

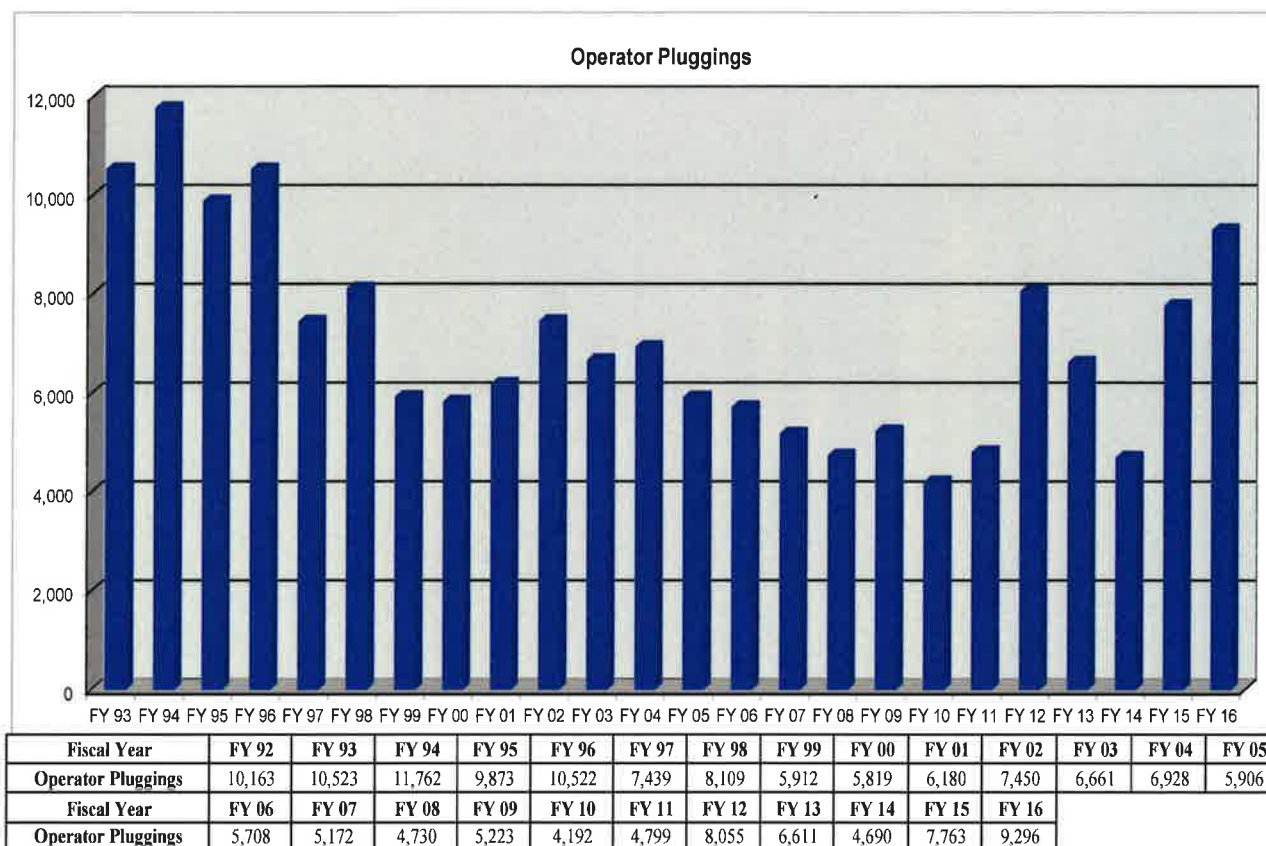


Figure 9

The Commission and industry have plugged between 4,000 and 12,000 wells per year since fiscal year 1992 (Figures 5 and 9). The number of non-compliant wells has decreased over the last five years (Figure 8). In fiscal year 2006, the number of known non-compliant inactive wells dropped below 18,000 for the first time since fiscal year 1994. Since a peak of 25,707 wells in fiscal year 2000, the number has declined to 12,985 in fiscal year 2016, a drop of 49%. It is important to note that the orphan well count is a subset of the non-compliant well count.

The decrease in the number of non-compliant wells can be attributed to several factors including the following: (1) the provisions of S.B. 310 (72nd Legislature, 1991) required universal bonding for all oil and gas operators effective September 1, 2004; and (2) H.B. 2259 (81st Legislature, 2009), as amended by H.B. 3134 (82nd Legislature, 2011), established new requirements for surface cleanup operations and well plugging extensions related to an operator’s inactive well inventory.

IV. STATUS OF ENFORCEMENT PROCEEDINGS BY DISTRICT:

The following information represents wells, in violation of the Commission's plugging rule, which have been referred to the Office of General Counsel--Enforcement Section and/or the Office of the Attorney General (AG) and currently are in various stages of enforcement. Table 3 displays the information by district and Table 4 by fiscal year from fiscal year 11 to 16.

ENFORCEMENT PROCEEDINGS	1/2	3	4	5/6	7B	7C	8/8A	9	10	Total
STATUS										
<i>1. Awaiting RRC review</i>	34	4	18	26	73	31	5	43	0	234
<i>2. Awaiting Hearing</i>	22	12	36	232	146	30	11	206	39	734
<i>3. Awaiting Final Order</i>	9	30	7	6	27	7	17	72	11	186
<i>4. Final Order Served/Awaiting AG referral</i>	0	0	0	0	0	0	0	0	0	0
<i>5. Wells Referred to AG</i>	11	24	13	59	65	15	23	83	29	322
<i>Total Wells Still in Violation</i>	76	70	74	323	311	83	56	404	79	1476
TIME PERIOD										
<i>6. In Enforcement < 2yrs</i>	46	43	47	189	217	54	18	253	49	916
<i>7. In Enforcement > 2yrs & < 5yrs</i>	15	3	13	75	29	14	15	34	1	199
<i>8. In Enforcement > 5yrs</i>	4	0	1	0	0	0	0	34	0	39
<i>Total Wells Still in Enforcement</i>	65	46	61	264	246	68	33	321	50	1154

Table 3

ENFORCEMENT PROCEEDINGS	FY 11	FY 12	FY 13	FY 14	FY 15	FY 16
STATUS						
<i>1. Awaiting RRC review</i>	568	715	600	335	554	234
<i>2. Awaiting Hearing</i>	496	120	461	647	235	734
<i>3. Awaiting Final Order</i>	153	88	166	155	348	186
<i>4. Final Order Served/Awaiting AG referral</i>	0	0	0	0	0	0
<i>5. Wells Referred to AG</i>	250	145	16	155	236	322
<i>Total Wells Still in Violation</i>	1,467	1,068	1,373	1,292	1,373	1476
TIME PERIOD						
<i>6. In Enforcement < 2yrs</i>	916	553	915	812	767	916
<i>7. In Enforcement > 2yrs & < 5yrs</i>	464	323	286	259	285	199
<i>8. In Enforcement > 5yrs</i>	87	47	26	66	85	39
<i>Total Wells Still in Enforcement</i>	1,467	923	1,227	1,137	1,137	1154
PENALTIES & REIMBURSEMENTS						
<i>9. Administrative Penalties Assessed by RRC</i>	\$1,317,326	\$1,965,020	\$1,287,699	\$2,364,805	\$3,250,243	\$3,190,119
TOTAL PENALTIES AND REIM. PAID TO RRC & AG	\$3,812,740	\$3,124,623	\$3,173,698	\$4,907,028	\$3,586,384	\$3,538,099

Table 4

V. NUMBER OF SURFACE LOCATIONS REMEDIATED BY DISTRICT:

During the year, 2,017 abandoned oilfield sites were identified as candidates for state-managed remediation. Additional abandoned sites are identified each year through routine activities such as lease inspections, complaint investigations, state-managed plugging operations, or spill responses.

During fiscal year 2016, the Commission conducted 241 cleanup activities (Figure 10). This total includes all remediation activities invoiced by contractors that were approved and processed by the Commission before August 31, 2016. State-managed remediation activities included the following:

1. 138 routine remediation operations,
2. 44 emergency operations,
3. 52 site assessment investigations,
4. 6 pollution abatement activity
5. 1 miscellaneous activity

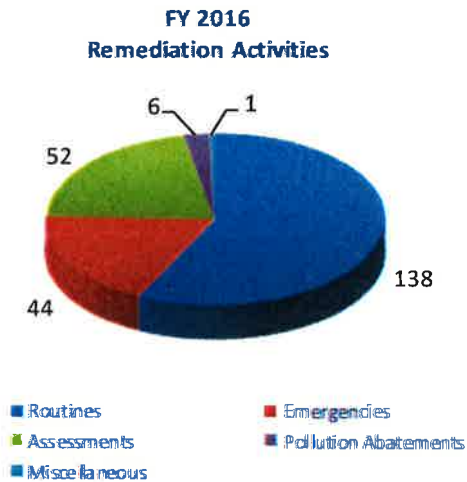


Figure 10

Figure 11 depicts these 241 activities by district for fiscal year 2016 and Figure 12 shows the sites cleaned up, assessed, or investigated by fiscal year since the inception of the program in September 1991.

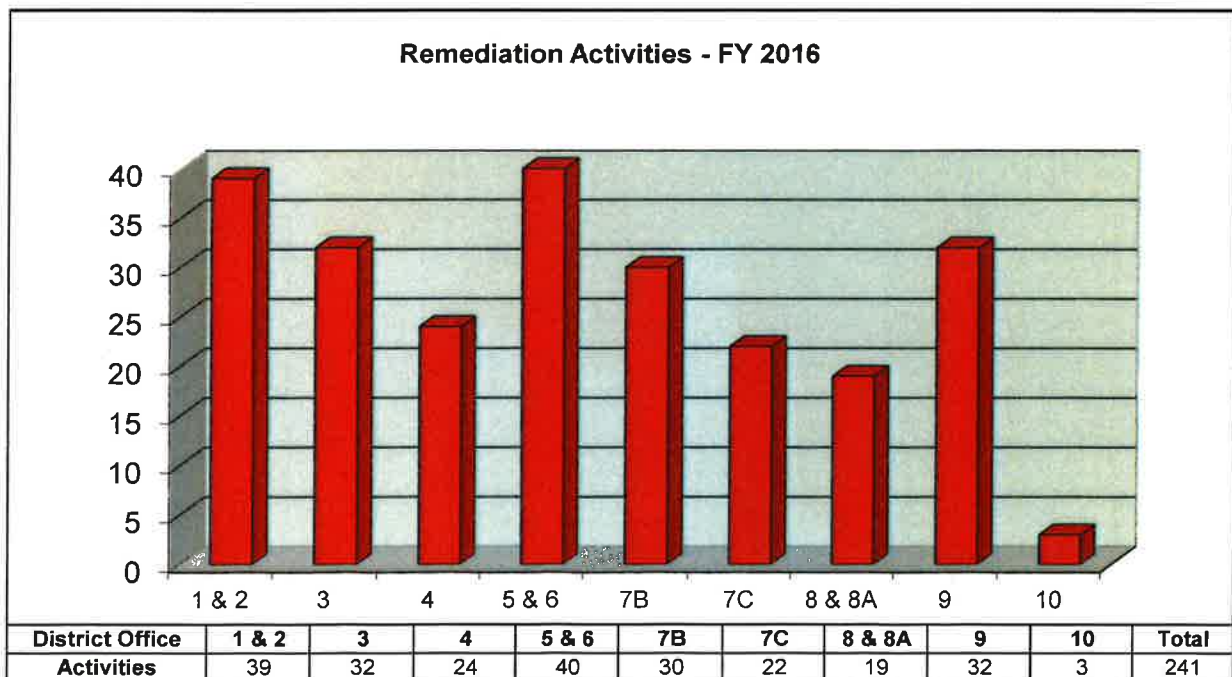


Figure 11

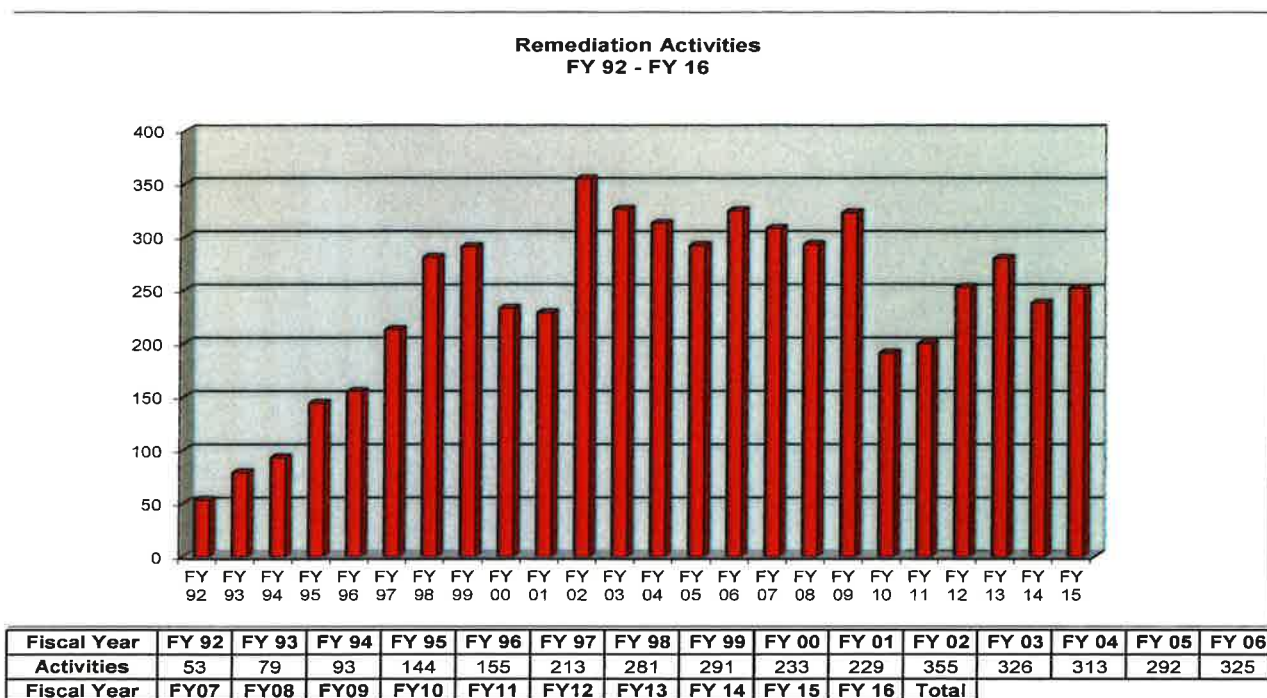


Figure 12

Similar to the well plugging priority system, the abandoned oilfield sites are prioritized based on the present or possible future impact to the environment and public safety. With larger sites, the challenge is often determining if the source of pollution is natural or man-made, which potential operator is responsible, how to evaluate the site, and which remedial method is appropriate for the situation.

The Commission utilizes environmental engineering contracts to help address complex sites. In addition to producing detailed assessment reports, the environmental contractors develop alternative remedial recommendations and anticipated costs.

Abandoned Pit in East Texas

Before



After



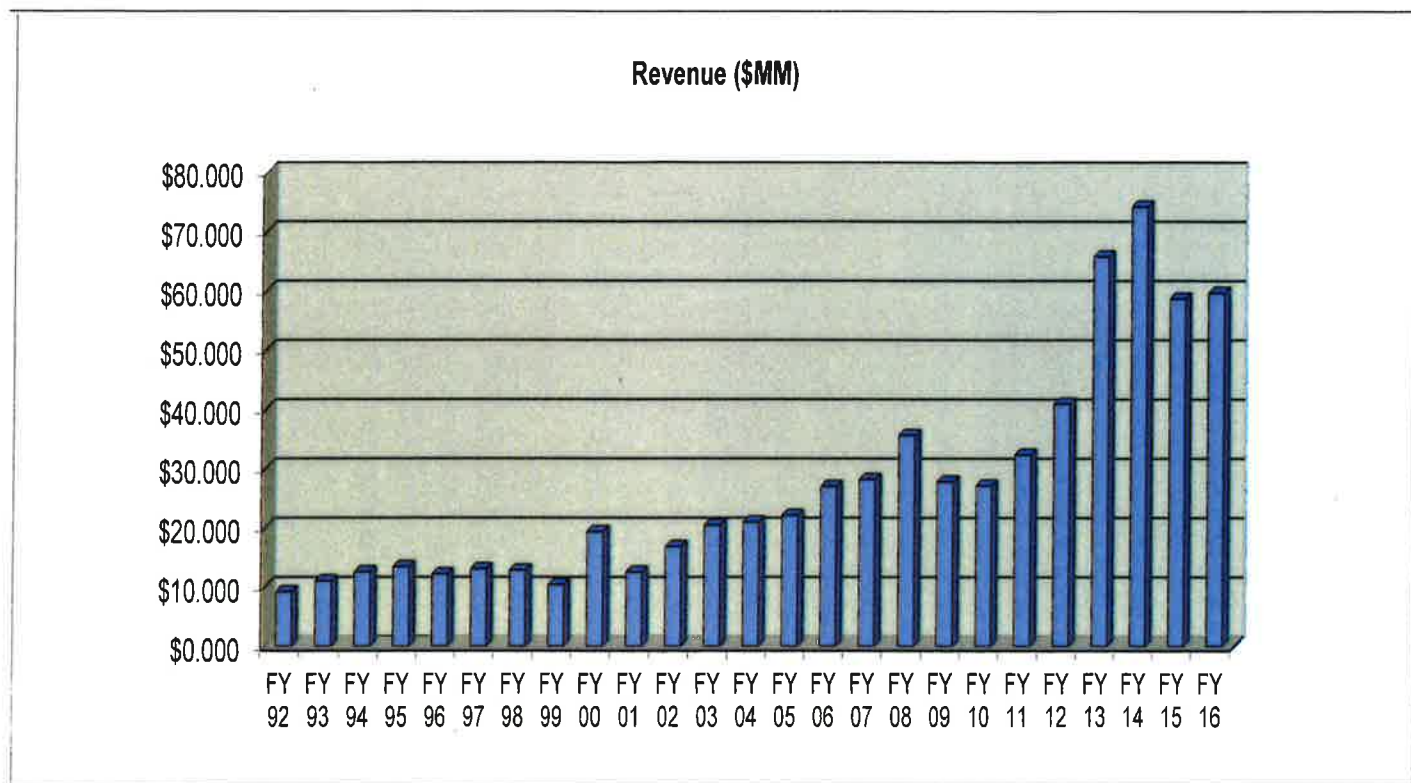
VI. OIL AND GAS REGULATION AND CLEANUP FUND EXPENDITURES:

The Commission began fiscal year 2016 with a beginning fund balance in the Oil and Gas Regulation and Cleanup Fund of \$12,880,452 and ended with a fund balance of \$9,083,119. Total revenues for the fiscal year were \$60,571,905 and total expenditures and encumbrances were \$64,369,238.

Prior Year Cash Balance as of August 31, 2015					\$ 12,880,452
Revenues:					\$ 60,571,905
Expenditures & Encumbrances:	Budget	Expenditures	Encumbrances	Total Exp & Enc	
Salaries & Wages	28,708,254.71	\$ 28,670,240		\$ 28,670,240	
Payroll-Related Costs-Self	41,870.09	8,655,529		8,655,530	
Payroll-Related Costs	464,756.23	488,883		488,884	
Professional Fees	5,902,191.48	5,357,939	1,564,292	6,922,230	
Motor Vehicle	918,385.97	851,935	130,314	982,250	
Well Plugging	16,584,855.00	10,694,299	3,871,743	14,566,042	
Training	40,264.00	29,194		29,194	
Travel	346,801.49	282,173		282,173	
Other	3,583,088.93	3,435,955		3,435,955	
Capital Outlay	302,597.29	8,246		8,246	
Grants	167,311.00	328,494		328,494	
Total	\$ 57,060,376	\$ 58,802,888	\$ 5,566,350	\$ 64,369,238	
Unobligated Oil and Gas Regulation and Cleanup Fund Balance - August 31, 2016					\$ 9,083,119
Personnel:	Budgeted	Actual			
FTEs	587.95	494.13			

Table 5

Figure 14 illustrates the actual revenues received into the Oil and Gas Regulation and Cleanup Fund. Neither the revenue projections nor the actual revenue receipts reflect revenues from federal sources.



Fiscal Year	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05	FY 06
Revenue (\$MM)	\$9.220	\$11.045	\$12.591	\$13.449	\$12.214	\$13.073	\$12.858	\$10.405	\$19.335	\$12.535	\$16.837	\$20.433	\$20.976	\$22.078	\$26.980
Fiscal Year	FY 07	FY 08	FY 09	FY 10	FY 11	FY 12	FY 13	FY 14	FY 15	FY 16					
Revenue (\$MM)	\$28,165	\$35.608	\$27.766	\$27.105	\$32.302	\$40.922	\$65.771	\$74.199	\$58.650	\$60.570					

Figure 14

VII. WELL PLUGGING PRIORITY SYSTEM:

The Commission uses a priority methodology to rank wells for plugging to insure that those posing the greatest threat to public safety and the environment are plugged first. The priority system includes four factors relating to the threat a wellbore poses to public safety and the environment. The factors are titled “Well Completion”, “Wellbore Conditions”, “Well Location with respect to sensitive areas”, and “Unique Environmental, Safety, or Economic Concern.” The “**Well Completion**” factor has seven subcategories relating to the completion information on the well; type of formations penetrated, type of well, and age of the well, and has a maximum of forty (40) points. The “**Wellbore Conditions**” factor has seven subcategories relating to downhole conditions such as pressures on the well, fluid level in the well, and the mechanical integrity of the wellbore, and has a maximum of seventy-five (75) points. The “**Well Location**” factor has seven subcategories relating to the proximity to sensitive areas, and has a maximum of twenty (20) points. The remaining factor, “**Unique Environmental, Safety, or Economic Concern**” has five subcategories relating to proximity to active water floods or disposal wells, logistical concerns, wellbores with reentry problems, and the length of delinquency of the operator’s Organization Report, and has a maximum of twenty (20) points.

Only those factors, which apply, are considered. Each factor has been assigned a weight dependent on its potential to affect human health and the environment. The weights of the factors are summed to obtain a total weight. The total weight determines the priority a well receives. Wells receive a priority of 1, 2H, 2, 3, or 4, where 1 is the highest priority. The greater the total weight summed from all of the applicable factors, the higher the priority assigned. The priority system assigns leaking wells the highest priority (an automatic priority 1) and assigns an automatic priority 2 if the well fails a fluid level test. The current priority system is outlined on the following page.

WELL PLUGGING PRIORITY SYSTEM

	FACTOR	Weight
1.	Well Completion	
A.	Unknown (no well records)	15
B.	No surface casing or set above base of deepest usable quality water	10
C.	Additional casing string not adequately cemented to isolate usable quality water	5
D.	Injection or Disposal Well	10
E.	Well penetrates salt/corrosive water bearing formation or abnormally pressured formation	5
F.	Well in H2S Field	5
G.	Age: Well drilled > 25 years ago	5
	Total: (40 points max)	
2.	Wellbore Conditions	
A.	Well is pressured up at the surface (tubing or prod casing)	10
B.	Bradenhead pressure exists *	5
	Auto 2H if UQW not protected and fluid at BH is not UQW	
C.	Measured fluid level	
D.	Fluid level at or above the base of deepest usable quality water.	50
E.	Fluid level less than 250' below base of deepest usable quality water (NA if 2D applies)	15
F.	MIT Failure	5
G.	H-15 (MIT) never performed or test > 5 years old (NA if F applies)	3
H.	Inadequate wellhead control/integrity	5
	Total: (75 points max)	
3.	Well location with respect to sensitive areas:	
A.	H2S well with Public area ROE** Automatic Priority 2H	
B.	In Marine Environment	10
C.	Within 100' of river, lake, creek, or domestic use fresh water well (NA if B applies)	5
D.	Between 100' and 1/4 mile of river, lake, creek, or domestic use fresh water well (NA if C applies)	3
E.	Located within agricultural area.	2
F.	Well located in known sensitive wildlife area.	3
G.	Well located within city or town site limits.	10
	Total (20 points max)	
4.	Unique environmental, Safety, or Economic Concern	
A.	Adjacent to active water flood or disposal well at or above completion interval.	5
B.	Logistics (poor roads, encroaching public, etc.)	5
C.	Well contains junk.	5
D.	P-5 Delinquent > 5 years	5
E.	Other (attach explanation)	1-20
	Total: (20 points max)	

**Total Weight
Priority**

Priority 1 = Leaking Well [based upon definition]
Priority 2H = Higher Risk well [based on definition and/or total weight of 75+]
Priority 2 = Total Weight of 50-75
Priority 3 = Total Weight of 25-49
Priority 4 = Total Weight < 25

*BH pressure is sustained.

**2H if public areas could be impacted based on SWR 36 definition. Undetected/continuous leak possible.

Figures 15 and 16 and Table 6 below show the number of wells plugged with Oil and Gas Regulation and Cleanup funds by priority during fiscal year 2016 and between fiscal years 1992 and 2016. In September 2001, the Commission began concentrating its well plugging efforts on priority 1 and 2 wells as a result of implementation of the High Risk Well Testing Program established by S.B. 310 (77th Legislature, 2001). This continued through fiscal year 2016.

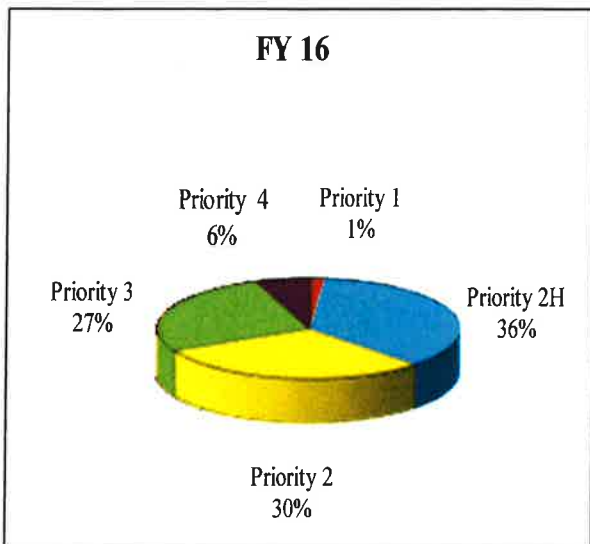


Figure 15

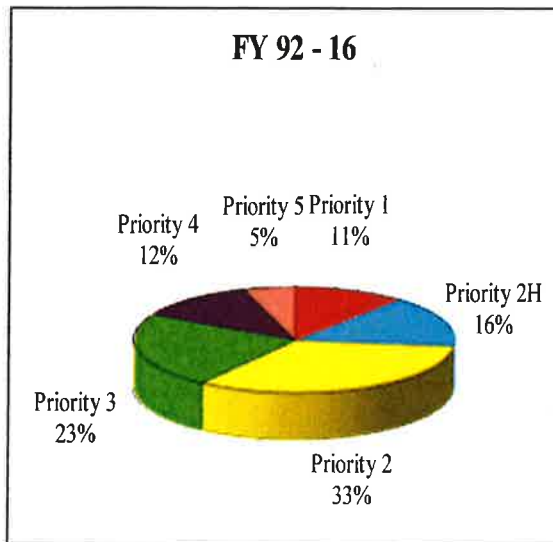


Figure 16

	Fiscal Year 2015	Fiscal Years 1992 – 2015
Priority 1	8	3,501
Priority 2H	197	4,932
Priority 2	163	10,489
Priority 3	145	7,237
Priority 4	31	3,772
Priority 5*	0	1,651
Total	544	31,582

Table 6

*No longer used (Priority 5 category eliminated in fiscal year 2001)

VIII. STATUS OF SALVAGE OPERATIONS:

The Commission continues to benefit from the sale of salvageable equipment and hydrocarbons recovered from wells/leases plugged and sites remediated with Oil and Gas Regulation and Cleanup funds. In fiscal year 2016, the Commission derived \$305,560 from the sale of salvageable equipment and hydrocarbons on 156 salvage operations and deposited these proceeds in the Oil and Gas Regulation and Cleanup Fund. The record for the sale of salvage was set in fiscal year 2006 with proceeds of \$1,637,051.

H.B. 2705 (73rd Legislature, 1993), which became effective January 1, 1994, streamlined the requirements and facilitated the process by which the Commission is able to sell salvageable equipment and hydrocarbons from wells plugged or sites remediated with Oil and Gas Regulation and Cleanup funds. While the bill eased the requirements to sell salvage, it continued to provide due process protection for interested or affected parties. Potential claimants of salvage proceeds have an indefinite period of time in which to file a claim against the Oil and Gas Regulation and Cleanup Fund for the proceeds from the sale of salvageable equipment and/or hydrocarbons. Additionally, H.B. 2613 (78th Legislature, 2003) clearly established the Commission’s ability to also sell stored hydrocarbons from abandoned sites remediated by the Commission.

Since the inception of the salvage program, the proceeds from the sale of salvageable equipment and hydrocarbons have totaled \$18,217,687 from 4,863 salvage operations. Figure 18 illustrates the salvage proceeds from the sale of equipment and hydrocarbons from fiscal year 1994 to the present.

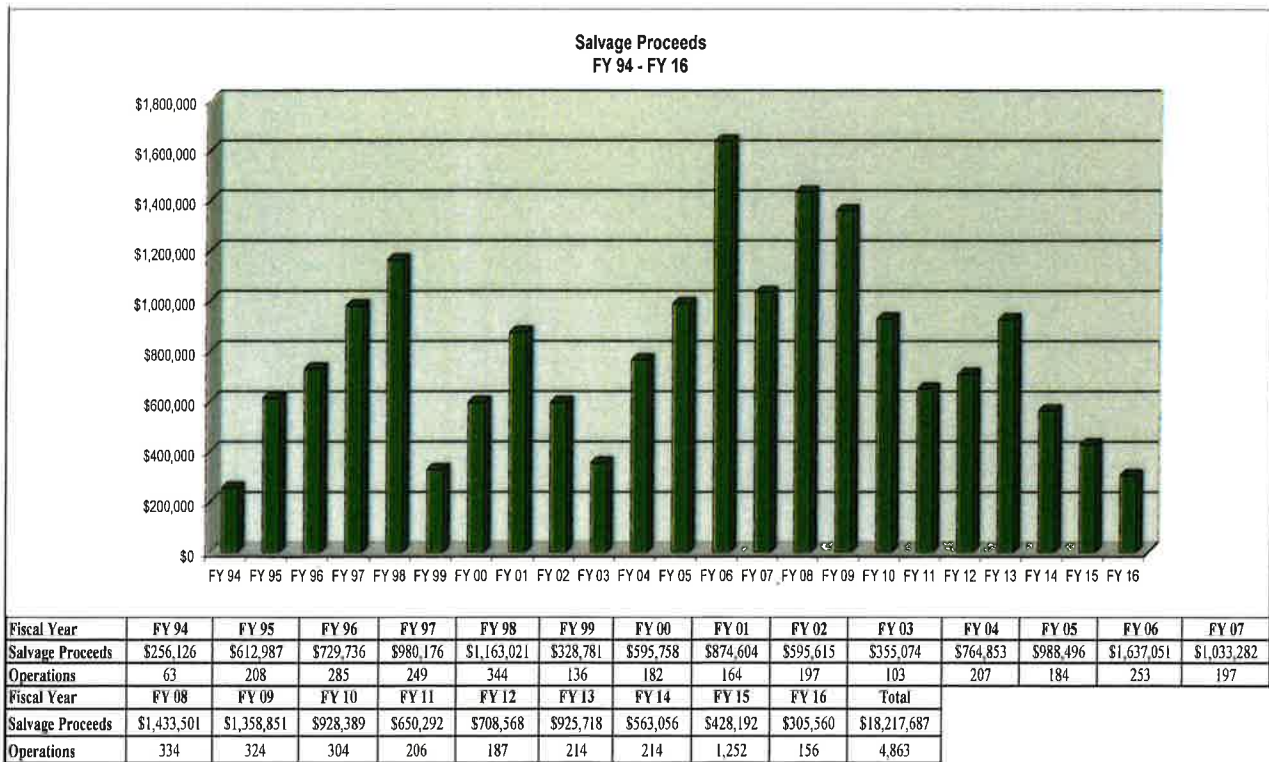


Figure 18

IX. NUMBER OF SITES REMEDIATED UNDER THE VOLUNTARY CLEANUP PROGRAM BY DISTRICT:

S.B. 310 (77th Legislature, 2001) amended Texas Natural Resources Code, Chapter 91, by adding new Subchapter O, specifically authorizing the Commission to establish a Voluntary Cleanup Program (VCP) that is self-funded through the collection of application and oversight fees and that these fees be deposited to the Oil and Gas Regulation and Cleanup fund. Railroad Commission rules regarding the VCP were adopted in June 2002 (16 TAC, Chapter 4, Subchapter D). The purpose of the VCP is to provide an incentive to lenders, developers, owners, and operators to remediate soil and water that have been environmentally impacted by activities over which the Commission exercises jurisdiction. The program removes the liability to the lenders, developers, owners, and operators who did not cause or contribute to contamination by offering a release of liability. In return for the release of liability, the State offsets oversight costs through the collection of fees, reduces the need for state-managed cleanup activities, and expedites the return of contaminated properties into productive use.

S.B. 310 structured the VCP in a sequential fashion: 1) an application (with application fee of \$1,000) and acceptance process, 2) agreement execution process, 3) cleanup with Commission oversight process, and finally 4) issuance of a VCP Certificate of Completion. The Commission oversight includes review of work plans and reports to ensure the protection of human health and the environment.

S.B. 1 (82nd Legislature, 2011) amended Statewide Rule 78 as it applies to certain fees charged by the commission's Oil & Gas Division. Under Rule 78 amended, a \$1,500 surcharge is required with VCP applications submitted as of May 1, 2012.

In fiscal year 2016 there were 7 new VCP applications. As of August 31, 2016, there were 48 active VCP sites. Since program inception in the summer of FY02, 58 sites have been cleaned up and certificates of completion issued.

X. OPERATOR CLEANUP PROGRAM:

Another important function of the Commission's Oil Field Cleanup Program is the management of the Operator Cleanup Program (OCP). Operator cleanups are complex assessment and remediation activities conducted by a responsible operator, usually at environmentally sensitive sites. The OCP program ensures that pollution in sensitive areas as defined in SWR 91 is addressed promptly and adequately. Oversight of OCP activities is managed by the Site Remediation section staff in Austin headquarters and District Office (DO) staff. The majority of the projects are long-term remediation projects that require specialized skills to review and manage.

Importantly, environmental cleanups in this program are funded by the responsible operator. As a result, prompt review and action by the Commission may keep some of these projects from becoming state-managed projects that would need Oil and Gas Regulation and Cleanup funding. While these projects do not impose actual cleanup costs to the Oil and Gas Regulation and Cleanup Fund, they do require considerable staff resources, from the time they are discovered through the issuance of a "no-further-action" letter of employees who are paid out of the fund.

These projects involve frequent sampling, reporting, and evaluation to ensure final cleanup is protective of the public health, safety and the environment.

Mergers, divestitures and acquisitions existing of oil field properties, involving environmental assessments for asset valuation, have also contributed to the increasing number of projects for the Operator Cleanup Program.

As of August 31, 2016 the Commission was overseeing approximately 534 complex operator cleanups.

Figure 19 illustrates the number of sites in the Operator Cleanup program since 1998 as of the close of each fiscal year.

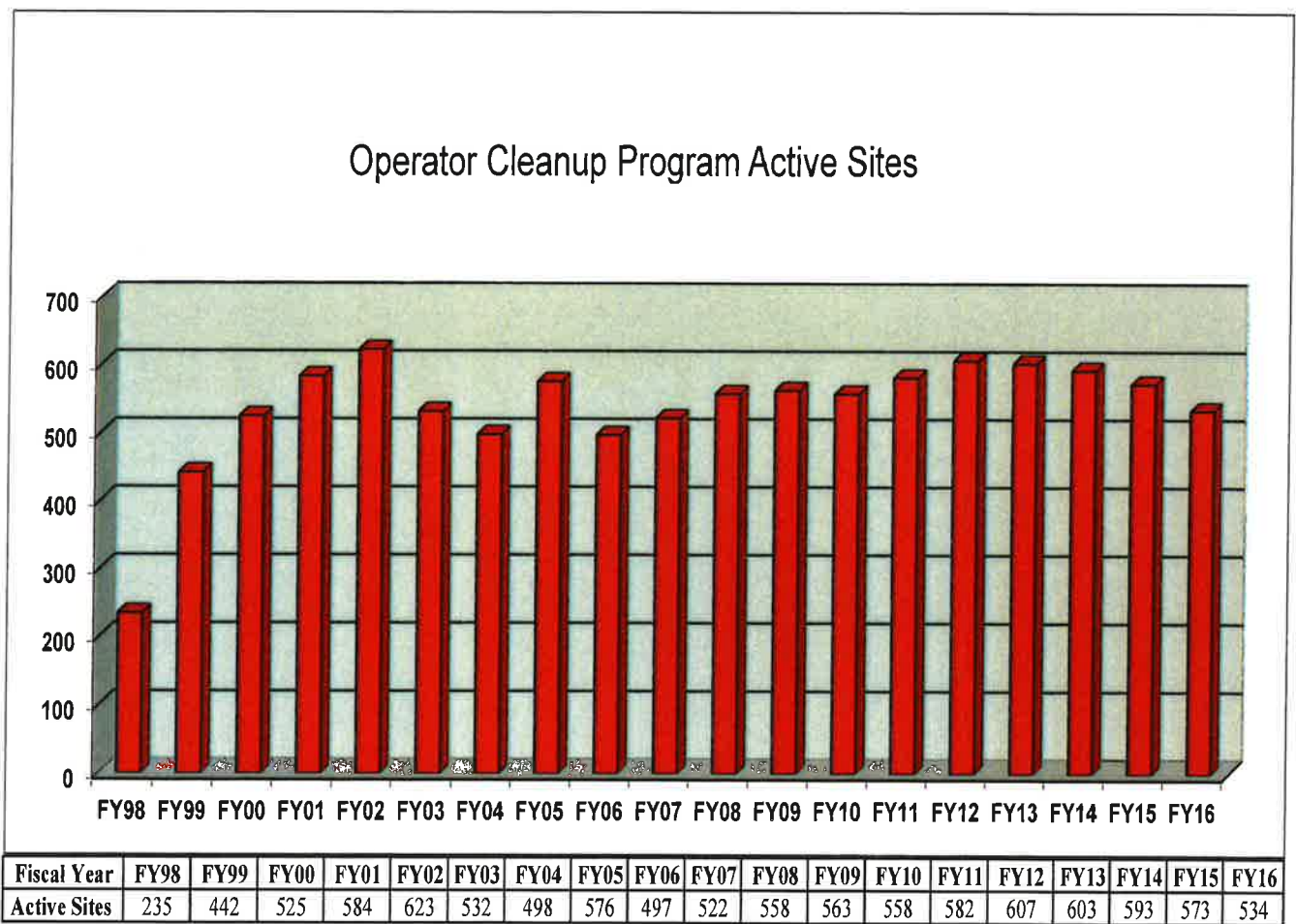


Figure 19