



Commissioner Todd Staples  
Texas Oil & Gas Association  
304 West 13th Street  
Austin, TX 78701

April 12, 2015

Dear Commissioner Staples,

In light of the uncontrolled well that over the weekend forced evacuation of citizens in the heart of Arlington, Texas, I urge you to consider dropping the TXOGA lawsuit against fees needed to fund the city's firefighting efforts. The modest, \$2,400 per-well fee enables hiring and training firefighters to respond to oil and gas well emergencies of the exact sort that occurred Saturday and continued for 24 hours. I am sure many people would find continued opposition by TXOGA to this fee to be callous. It is only natural to fear that the TXOGA lawsuit puts the health, safety, and lives of Texans at risk.

This emergency, at a well about a block from Lake Arlington Baptist Church and next to a children's ball field, forced emergency evacuations from a densely populated neighborhood. The well spewed high-pressure frac flowback fluids, and, for many hours, resisted attempts of even the famed Boots and Coats to stop it. This near-tragedy, which I know you, as well as we, are thankful was contained without injury, underscores the need for top-quality training and sufficient staffing for emergency responders in communities with oil and gas development – especially when such development occurs in close proximity to homes, churches, and playgrounds.

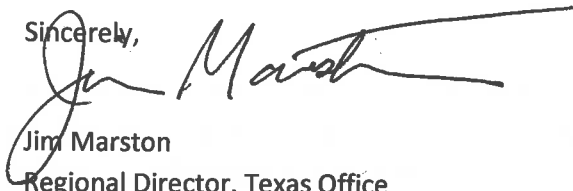
Arlington's modest fee of \$2,400 per well (less than one tenth of one percent of a well's total cost?) seems to be a reasonable attempt to safeguard the citizenry by increasing the firefighting force and properly training them to deal with oil and gas emergencies. TXOGA has argued up until now that this fee is unconstitutional and unnecessary – but surely events this weekend show that such training and staffing is *most* necessary. Arlington Fire Chief Don Crowson noted that the fire department participated in exercises with Boots and Coats two years ago to map out responses to oil and gas emergencies, saying "This has prepared our people to understand how these things go down. . . . Our preparedness efforts are paying off for us with our relationship with the industry and our understanding of the problem."

In addition to its aggressive lawsuit, TXOGA is also the driving force behind House Bill 40, which threatens to strip even *more* rights away from municipalities that need to protect the health, safety, and welfare of the citizenry. The bill preempts some aspects of Arlington's fire code and raises questions about the enforceability of other aspects.

As you may know, EDF is one of the few environmental groups that has argued that state regulation is important and that reasonable members of industry can be counted on to support appropriate regulation in the states. We have been criticized by other groups for our position on natural gas. TXOGA's advocacy of HB 40 aides our critics who say that the oil and gas industry wants to run roughshod over communities, and undermines EDF's claims that the environmental community can and should work cooperatively with industry.

So, Commissioner Staples, for the good of your members and of Texas, I encourage you to consider dropping this lawsuit and supporting reasonable amendments to HB 40 rather than insisting on keeping the bill in its current form.

Sincerely,



Jim Marston  
Regional Director, Texas Office  
Environmental Defense Fund

p.s. I note from reading about the lawsuit that TXOGA declined to give Arlington documents relating to your members' safety preparedness and emergency response capacity. I encourage you to give Arlington this information. As Arlington's Fire Chief, speaking at the fire station with elected officials on Sunday indicated, "ensuring we have the ability to keep [the community] safe and maintain the ability to partner with the industry will be in everyone's interest long term." I agree.

cc: TXOGA Board of Directors

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