From: Allen Olson (allen@olsonaglaw.com) Sent You a Personal Message
To: WasteRule, EMNRD, EMNRD
Subject: [EXT] Comment on NMED and EMNRD methane rules
Date: Wednesday, September 16, 2020 9:58:30 AM

Dear Secretary Sarah Cottrell Propst,

Thank you for your efforts to protect us from COVID-19 and to address ozone and methane pollution.

New Mexico must strengthen both its Environment Department and Oil Conservation Division proposed rules to cut ozone-forming volatile organic compounds and methane from the oil and gas industry. The current drafts fail to protect our health, air, and climate.

More than 300,000 metric tons of volatile organic compounds (VOCs) are emitted annually from oil and gas sites across the state. Ozone or smog can worsen respiratory diseases and cause heart disease, posing particular threats to children and the elderly.

The five New Mexico counties home to 97% of New Mexico?s oil and gas wells ? including San Juan, Eddy, Lea and Rio Arriba ? are either already violating federal ozone standards or at risk of doing so in the near future. Methane is a powerful greenhouse gas responsible for a quarter of the climate change we are experiencing today. It will also have a direct effect on addressing ozone in New Mexico.

That is why it is critical that exemptions for stripper wells and the 15-ton-per-year pollution threshold for volatile organic compounds be removed from the NMED rule. These two exemptions combined would exempt 95% of all wells in New Mexico. This is unacceptable and falls far below Gov. Michelle Lujan Grisham?s goal of establishing nation-leading methane rules.

In addition, please extend leak detection and repair requirements to include pneumatic devices, consider requirements for zero-emission pneumatics and consider monthly inspections for high producing well sites just as Colorado has adopted.

The EMNRD rule?s goal that 98% of all gas be captured is a worthy one, but please take the following issues into consideration before strengthening and finalizing this rule:

-- If the capture requirement is not set by locality, for companies with operations in both the San Juan and Permian Basins, all of the reductions could occur in the Permian. This would disproportionately affect Navajo and Latino communities in the San Juan Basin.

-- We need an open and transparent process for involving the public, including annual reporting requirements on progress and more opportunities to engage on decision-making regionally.

-- The rule says the OCD may pursue a set of general actions against any company that is not meeting the capture requirements. But prior administrations failed to enforce rules for decades. The rule must create automatic triggers for OCD to take meaningful action to motivate companies to comply.

-- OCD should deny drilling permits for applications without firm agreements for pipeline capacity and impose sanctions like revoking a permit or forcing a well to shut in if a company doesn?t follow through and down the road seeks permission to flare.

-- Given the well-documented history of widespread non-compliance with venting and flaring reporting, OCD should require companies to contract with independent third-party verification to ensure the integrity of venting and flaring data that is reported.

-- The draft rule carves out too many exemptions for venting, which is far more damaging to the climate than flaring. OCD should ban all venting except for emergencies and require gas to be put into pipelines. Flaring should

only occur when absolutely necessary to protect health and safety. OCD should include provisions to ensure that flares combust nearly all of the gas and that flares stay lit.

-- The rule allows those companies to vent or flare methane during routine operations like maintenance, blowdowns, and pigging (cleaning the pipeline). This is unacceptable, and the rule needs to require gas to be routed around the work and reinjected into the pipeline.

Please update both rules to more meaningfully address the severe threat of methane pollution and ozone precursors coming from the oil and gas industry. Thank you for your time.

Sincerely,

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