From:	David Doty
To:	WasteRule, EMNRD, EMNRD
Subject:	[EXT] Please strengthen the EMNRD rule before finalization
Date:	Friday, August 28, 2020 11:45:27 AM

Dear Secretary Sarah Cottrell Propst,

The rule's goal that 98% of all gas be captured is a worthy one, but there are still significant weaknesses within it that need to be addressed. 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 for the public to engage on decision-making regionally.

* The rule's current approach to enforcement is unacceptable. It says the OCD may pursue a set of general actions against any company that is not meeting the capture requirements. That's not good enough since prior administrations fail 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 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 venting and flaring reporting non-compliance, OCD should require companies to contract with independent third-party verification to ensure the integrity of venting and flaring data that is reported to the agency.

* 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.

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

New Mexico’s future is counting on your leadership. Please update these rules to more meaningfully address the very severe threat of methane pollution coming from the oil and gas industry.

Sincerely,
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