

Comments of Environmental Defense Fund at EPA's Public Hearing on Proposal to Reduce Methane Emissions from the Oil and Natural Gas Industry

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Good afternoon, my name is Grace Smith and I'm an attorney at Environmental Defense Fund. This proposal builds upon and strengthens last year's proposed action and represents a critical step forward to reducing methane pollution, tackling the climate crisis, and protecting frontline communities from harmful and toxic pollution. It is also an important reflection of the administration's commitment to cut methane and is complemented by Congress's recent directive in the Inflation Reduction Act to reduce methane emissions and associated air pollution under the Methane Emissions Reduction Program. Today, we would like to highlight improvements in EPA's supplemental proposal, and additional opportunities to enhance the protectiveness of the standards and cut pollution, particularly by reducing flaring of associated gas at oil wells. We would also like to urge EPA to act quickly to meet the urgency of the climate crisis and avoid delaying this critical rulemaking.

We support improvements to EPA's fugitive monitoring program that ensure all sites are subject to regular inspections, with heightened requirements for sites with failure-prone equipment. Recent studies have shown that half of production site methane emissions are from smaller well sites -- finding and fixing leaks at these sites is therefore critical to driving down emissions. And by ensuring all sites are regularly inspected until properly closed, EPA can help prevent the orphaned well epidemic.

EPA's proposal also helps catalyze the use of effective and low-cost advanced methane monitoring technologies by creating a framework for their deployment centered on equivalent emission reductions. The proposed framework is based on reasonable, nationally applicable assumptions and will create flexibility for operators while fostering innovation and delivering significant reductions at low cost.

Further, we strongly support EPA creating a super-emitter response program. Super-emitter events are the largest emissions events (defined as 100 kg/hr in EPA's proposal), and yet they are some of the toughest to identify and fix. As EPA notes, periodic fugitive emission surveys may not immediately detect super-emitter events. Creating a program focused on these events is therefore critical to supplementing regular site surveys and ensuring equipment standards are met. We urge EPA to ensure this program is accessible by providing clear parameters, guidance, and funding to enable participation.

Next, we commend EPA's decision to retain its strong standards to phase out pollution from emitting pneumatic controllers and to extend that requirement to pneumatic pumps. We support EPA's proposed timelines, and affected facility, modification, and reconstruction definitions. EPA's proposal allows operators to use an array of widely available, cost-effective technologies to comply. And operators are already taking initiative on their own to acquire these commonsense technologies. EQT, for example, recently announced it has replaced 100% of its controllers with zero-emitting devices.¹

¹ PR Newswire, EQT eliminates nearly 9,000 natural-gas driven pneumatic controllers (January 4, 2023), <https://www.prnewswire.com/news-releases/eqt-eliminates-nearly-9-000-natural-gas-powered-pneumatic-devices-301713418.html>

We also acknowledge the positive changes made to EPA's flaring framework, including the requirement that operators capture associated gas from oil wells using one of several available, and cost-effective, abatement methods, and the requirement that operators certify that those options are technically infeasible before being permitted to flare. Still, there are opportunities for EPA to further strengthen its flaring requirements by ensuring any narrow exceptions are clearly delineated and requiring that operators provide rigorous and recurring documentation in any instance in which flaring is pursued. EPA should also require more frequent certifications to ensure operators are making efforts to utilize one of the abatement methods and that requests to flare for technical reasons remain relevant.

Finally, we respectfully urge EPA to swiftly finalize protective standards. EPA has fostered extensive public engagement on this proposed rule, with multiple hearings and a 90-day public comment period preceding both the 2021 and 2022 proposals and EPA should move forward with final standards by August 2023, consistent with the timeline in the latest regulatory agenda.

Thank you again for your work on this critically important issue and for considering our views. We look forward to submitting more detailed written comments.