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To: Scott Pruitt, Administrator, Environmental Protection Agency

From: Sophie Shemas, Public Lands Fellow, New Mexico Wildlife Federation

Todd Leahy, Deputy Director, New Mexico Wildlife Federation

Date: August 2, 2017

Re: Docket ID No. EPA-HQ-OAR-2010-0505, Public Comment on Proposed Two-Year Stay of Oil and Gas Standards

Thank you for this opportunity to submit comments regarding the Environmental Protection Agency's consideration of a two-year stay of the Oil and Gas New Source Performance Standards (NSPS). The New Mexico Wildlife Federation is the Southwest's oldest sportsmen-led conservation organization, founded in 1914 by Aldo Leopold. Today we represent over 80,000 licensed hunters, anglers, and outdoor enthusiasts with the mission of protecting New Mexico's public land, water and wildlife. It is with this mission in mind that we submit the following comments for your review.

New Mexico would be particularly impacted by any enacted stay of the Oil and Gas NSPS. The San Juan Basin in the Four Corners area of our state is responsible for 14.5 percent of total methane emissions in the United States, according to the EPA

Greenhouse Gas Reporting Program.¹ Methane leaks are so prevalent in the Four Corners region that in 2014, NASA satellite imaging revealed a Delaware-sized methane “hot spot” hovering over the area, accounting for the highest concentration of airborne methane in the United States².

The EPA’s reluctance towards implementing natural gas waste regulation and investing in leak detection and repair (LDAR) is a disservice to New Mexico’s taxpayers. ICF International—an independent consulting firm—found that on its federal and tribal lands, New Mexico loses roughly \$100 million in natural gas revenue annually due to leaks and other infrastructure issues.³ Recently, large companies including Exxon Mobil have poured billions of dollars into the development of new wells on public lands in southern New Mexico.⁴ For the first time in years, our state economy is showing signs of growth.⁵ Methane capture regulation has certainly not deterred the exploration and development of new resources. Investment in LDAR is an affordable route through which these industry giants can support local economic growth and diversification while maximizing their return on investment. For New Mexico, the LDAR industry, which is predominantly

¹ <https://www.abqjournal.com/962367/nm-plays-key-role-in-methane-rule-conflict.html>

² https://science.nasa.gov/science-news/science-at-nasa/2014/09oct_methanehotspot

³ ICF International, “Onshore Petroleum and Natural Gas Operations on Federal and Tribal Lands in the United States: Analysis of Emissions and Abatement Opportunities,” September 16, 2015, available at https://www.edf.org/sites/default/files/content/federal_and_tribal_land_analysis_presentation_091615.pdf

⁴ <http://news.exxonmobil.com/press-release/exxonmobil-acquire-companies-doubling-permian-basin-resource-6-billion-barrels>

⁵ <https://www.abqjournal.com/1041821/nm-posts-nations-third-highest-recent-gdp-growth.html>

rooted in small businesses, is set to continue growing with these regulations in place.⁶ Implementation of the Oil and Gas NSPS will ensure that New Mexicans reap the full benefits of this recent oil and gas development boom.

As oil and gas development is primarily conducted on New Mexico's public lands, our citizens can no longer afford to accept the magnitude of methane leaks in our state. Methane leaks cost the American people not only in wasted resources and lost revenue, but in impacts to the integrity of our public lands as well. The Department of the Interior found that between 2009 and 2015, enough natural gas was lost on public lands to power 6.2 million households for a year.⁷ The oil and gas industry has made some recent strides in methane capture on their own, but American citizens are still enduring the fiscal and ecological impacts of this waste. Continuing to allow the level of methane waste seen in New Mexico despite the public's calls for the investment in methane capture and LDAR technology seems to conflict with the principles that guide the management of our public lands.

Oil and gas development can hardly be siloed from other uses of public land—it has already been shown to negatively affect populations of game species, including mule deer and pronghorn.⁸ The infrastructure that accompanies this development often fragments

⁶ <https://www.bizjournals.com/albuquerque/news/2017/04/12/new-data-shows-nm-is-part-of-this-growing-industry.html>

⁷ https://www.doi.gov/sites/doi.gov/files/uploads/methane_waste_prevention_rule_factsheet_final.pdf

⁸ Dorning, M. A., Garman, S. L., Diffendorfer, J. E., Semmens, D. J., Hawbaker, T. J. and Bagstad, K. J. (2017), Oil and gas development influences big-game hunting in Wyoming. *Jour. Wild. Mgmt.*, 81: 379–392. doi:10.1002/jwmg.21205

game species habitat, spurring avoidance behavior, range modifications, and, in some cases, significant population decline. Subsequent adjustments in game management often include measures that impede the ability of sportsmen to enjoy and recreate on their public lands, including access restrictions, limits on tag distribution, and hunting season reductions. While this is part of the balance of public land uses necessary to secure American energy resources, it is unfair to expect our citizens to accept this cost to their public land without substantial, consistent efforts on the part of the oil and gas industry to mitigate the levels and effects of methane waste.

Methane leaks also pose a risk to public health and safety, and continued enforcement of the Oil and Gas NSPS rule is crucial for the mitigation of these risks. The safeguards outlined within the NSPS support the EPA's obligation under the Clean Air Act to protect the public from harmful air pollution. When released, methane interacts with sunlight to produce tropospheric ozone, a strong respiratory irritant that has been associated with increased respiratory morbidity and mortality. Flaring also often releases toxic and cancer-causing chemicals along such as benzene, toluene, and methyl chloride along with methane.⁹ Regulations like the Oil and Gas NSPS ensure that the release of these chemicals is limited to levels that protect the health of our citizens. Without these safeguards, we are knowingly placing the health of our communities, especially that of children and the elderly, under threat.

⁹ Madelon L. Finkel, Jake Hays, and Adam Law, "Modern Natural Gas Development and Harm to Health: The Need for Proactive Public Health Policies," *ISRN Public Health*, vol. 2013, Article ID 408658, 5 pages, 2013. doi:10.1155/2013/408658

These commonsense regulations were built upon successful rules in states like Colorado, Ohio, and Wyoming. Colorado's model in particular saw a 75 percent decrease in leaking oil and gas sites with a simultaneous increase in oil and gas development throughout the state.¹⁰ A February 2017 poll conducted by Mason-Dixon found that a majority of voters from both parties support federal regulations like the Oil and Gas NSPS, with 61 percent supporting laws that minimize wasteful practices like the venting and flaring of natural gas.¹¹ These regulations encourage the modernization of oil and gas technology and incentivize innovation in the industry, something that will benefit our nation as we seek to solidify American energy dominance.

For the above stated reasons, the New Mexico Wildlife Federation advocates against the proposed two-year stay of the Environmental Protection Agency's Oil and Gas New Source Performance Standards. These standards not only protect public health and public lands, they help maximize natural gas production and encourage economic growth in the methane leak detection and repair industry. The New Mexico Wildlife Federation supports the continued implementation of these rules and strongly believe that as written, they represent the best practices available for the mitigation of methane pollution and modernization of natural gas infrastructure.

¹⁰ Wheeler, Audrey, "The Future of Methane in Colorado," July 29, 2016, Blog Post, Dirty Fuels, Latest News, available at <https://conservationco.org/2016/07/future-methane-colorado/>

¹¹ http://www.edfaction.org/sites/edactionfund.org/files/edf_uspollsummary117.pdf