

9 states, Chicago file motion defending EPA methane rule

Anne C. Mulkern, Environment & Energy Publishing, 8-16-16

California, eight other states and the city of Chicago yesterday filed a court motion to intervene in support of a U.S. EPA rule to limit the oil and gas industry's methane emissions.

The California Air Resources Board (ARB) and state Attorney General Kamala Harris (D) jointly filed the petition in the U.S. Court of Appeals for the District of Columbia Circuit. It was made on behalf of California, Connecticut, Illinois, Massachusetts, New Mexico, New York, Oregon, Rhode Island, Vermont and the city of Chicago.

EPA's New Source Performance Standards limit greenhouse gases, specifically methane, from oil and natural gas operations. They also tighten existing limits on emissions of volatile organic compounds (VOCs) from petroleum production.

"Those limits will help prevent and mitigate harms that climate change poses to human health and the environment, including increased heat-related deaths, damaged coastal areas, disrupted ecosystems, more severe weather events, significant reduction in water storage in winter snowpack in mountainous regions, and longer and more frequent droughts," the filing said.

EPA's action, it added, "is an important first step towards reducing emissions from existing sources of methane in the oil and gas sector under the Clean Air Act. ... Regulation of emissions from existing sources is crucial because existing sources comprise the vast majority of the sector's emissions."

The petition came after 14 states and several trade groups lodged litigation challenging the Obama administration's rule. Led by West Virginia, the coalition asked the U.S. Court of Appeals for the District of Columbia Circuit to review EPA's regulation, which covers new and modified sources of emissions in the industry.

Twenty oil and gas organizations, led by the Independent Petroleum Association of America, filed a separate petition for review of the rule in the D.C. Circuit. Published in June, EPA's Clean Air Act New Source Performance Standards require oil and gas companies to check and repair for leaks of methane, a greenhouse gas that is more than 25 times as potent as carbon dioxide.

"Climate change is a real and direct threat to the health and well-being of our communities," California Attorney General Harris said in a statement. "We must do everything in our power to limit greenhouse gas emissions and preserve our planet for future generations. These new federal standards are based on scientific evidence, and will curb the emission of harmful greenhouse gas pollutants into our environment and help mitigate the devastating effects of climate change."

EPA's rule complements state regulation to control methane emissions from the oil and gas sector, the new filing said. It noted that California has proposed a rule that will require new and existing oil and gas extraction and storage facilities to test for and control methane leaks and to restrict the flaring of natural gas.

"The Final Rule will support controls at many California oil and gas sector sources, including by reflecting control requirements in federally enforceable permits, thereby supplementing and reinforcing the proposed state rule for those sources," the states' petition said.

New York Attorney General Eric Schneiderman (D) in a statement said that the oil and gas industry "is the country's largest source of emissions of methane."

"Controlling these emissions is essential to combatting climate change," Schneiderman said. "The regulations adopted by EPA in May reflect the ready-availability of proven, effective, and affordable measures for reducing methane emissions from new and modified sources in the oil and gas industry.

"They also fulfill EPA's legal responsibility under the Clean Air Act to limit the industry's methane emissions from these sources," he added. "We can no longer afford to disregard the overwhelming evidence of climate change, and the threat that it poses to our families, communities, and economy."

The Western States Petroleum Association, an oil trade group based in California, did not immediately respond to a request for comment.