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Rescinding BLM gas waste reduction rule before Senate

by Mike McKibbin on February 20, 2017

Natural gas is flared at a gas plant. Colorado's two U.S. Senators are split over repealing an Obama administration rule to rein in flaring on public lands. (Courtesy NOAA.gov)

One of Colorado's U.S. Senators is strongly opposed to a measure that would roll back an Obama administration rule to prevent the flaring and wasting of methane and natural gas developed on public and tribal lands, while the second is undecided.

The rule was among several environmental regulations issued in the last days of the Obama administration. The U.S. House invoked the rarely used Congressional Review Act to reverse the rule.

Colorado Republican U.S. Reps. Scott Tipton, Ken Buck, Doug Lamborn and Mike Coffman voted for House Joint Resolution 36 to repeal the rule on Feb. 3, while Democratic U.S. Reps. Diana DeGette, Ed Perlmutter and Jared Polis voted to keep the rule in place. The measure passed by a 221-191 tally. It had yet to have its first Senate committee hearing.

The methane release and flaring rule required operators to reduce venting, flaring and leaks during production activities on Bureau of Land Management-controlled land. Methane is a greenhouse gas considered to be 25 times more potent than carbon dioxide. The BLM said the regulations were in line with the Obama administration's Clean Power Plan goal to cut 2012 methane emission levels by 40 to 45 percent by 2025.

When the rule was announced, the BLM estimated that due to outdated rules, taxpayers lost $23 million a year between 2009 and 2015 in royalties from leaked natural gas, enough to power 6 million homes. Representatives of the oil and gas industry have said the new regulations would place undue burdens on the industry, and pointed to their own steps to reduce waste.

Bennet to oppose repeal, Gardner could be key vote

Laurie Cipriano, press secretary for U.S. Sen. Michael Bennet, D-Denver, wrote in an email statement sent to The Colorado Statesman that Bennet believes "reducing methane emissions is critical to protect our air quality and address climate change" and noted Colorado's solution has reduced harmful emissions while supporting new economic growth in the methane mitigation and leak detection industries.

"The BLM followed Colorado's lead and developed a federal rule that is based on our state's groundbreaking work," Cipriano added. "This rule will allow taxpayers to receive a fair return on public resources and ensure that natural gas production continues to grow in a way that benefits Colorado communities and our environment."

Cipriano said Bennet will oppose any effort to use the Congressional Review Act to overturn the BLM methane rule.

Meanwhile, U.S. Sen. Cory Gardner, R-Yuma, was undecided at press time about his stance on the measure to repeal the rule.

"Colorado has a history of working out unique solutions tailor-made to meet the needs of our state," he said in a statement emailed to the Statesman. "That includes a solution to methane emissions; a solution that was the product of the energy industry coming together with stakeholder groups."

Gardner described Colorado's methane rule, Regulation 7, as regulating methane on federal, state and private lands, "so the state has moved to regulate emissions from more areas within our border than the BLM venting and flaring rules. If Congress passes the (House-passed resolution) on the BLM's rule, the state's solution would remain in effect and serve as an example to other states of what can be achieved when states work to find answers that best fit the needs of local interests."

Gardner added he would continue to meet with constituents until the vote and appreciated the outreach his office had received on the issue.

In a Durango Herald column, Dan Olson, executive director of the San Juan Citizens Alliance, a watchdog group in the Four Corners area, noted a survey found 70 percent of industry representatives felt the operational benefits of Colorado's methane rules outweighed their implementation costs.

Olson added that while Gardner had not yet clarified which way he will vote, "his language — his framing of the issue — is disappointing," and wrote that Gardner may cast the deciding vote on the issue.

"Aside from attempting to throw shade on his constituents' vocal support for the rule, much of his rhetoric reflects a single focus on business interest, apparently to the detriment of his non-corporate constituents," Olson wrote.

Tipton, R-Cortez, co-sponsored the resolution in the House and noted at a news conference before the House vote that the authority to regulate air quality under the Clean Air Act rests with the Environmental Protection Agency and cooperating state agencies; the BLM does not have that authority.

Jessica Goad, communications director of Conservation Colorado, told Public News Service in Boulder the rules are a cost-effective way to prevent the loss of nearly $330 million worth of gas each year.

"Oil and natural gas that is on public lands belong to all of us as taxpayers," she said. "And when that natural gas is vented or flared into the atmosphere, that is essentially money — taxpayer money — going up into flames."

Goad noted federal rules are important because methane pollution doesn't stay inside state lines, and pointed to a methane hot spot generated by oil and gas production in Utah and New Mexico so big it can be seen from space.

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About Mike McKibbin

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