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U.S. Department of the Interior
Director (630)
Bureau of Land Management
Mail Stop 2134 LM
1849 C St., NW
Washington, DC 20240
Attention: 1004-AE14

April 20, 2016

Dear Director Jewell,

Founded in 1967, the Wyoming Outdoor Council is the state's oldest independent conservation organization. We work to protect Wyoming's environment and quality of life for future generations. Our goal is to develop productive and lasting solutions for managing natural resources through collaborative engagement with stakeholders and decision makers. We believe responsible environmental stewardship is fundamental to safeguarding public health and Wyoming's quality of life.

We support the Bureau of Land Management's goal of reducing waste of natural gas from venting, flaring and leaks during oil and natural gas production activities. We believe that the proposed rule would be a strong step toward that goal. We especially support the BLM's proposed presumptive ban on venting and the effort to address both new and existing sources of methane. This is appropriate because regulating only new sources in this case would not adequately address the acute methane waste problem occurring on public lands today.

While we generally support the proposal, we have a few suggestions for improving the rule to more effectively achieve the goal of waste reduction.

First, we strongly support quarterly LDAR inspections. The proposed rule would only require semi-annual LDAR inspections, with the inspection rate reduced to annual inspections if an operator's inspector finds no more than two leaks at a site in two consecutive inspections. If an operator's inspector finds three or more leaks in two consecutive inspections, the LDAR inspection rate would increase to quarterly inspections and remain there until the inspector finds no more than two leaks in two sequential inspections, at which point, the inspection rate could return to semi-annual. This method seems reasonable on its

face, however, a company's history of little to no leaks is not necessarily indicative of the probability that a leak might occur—and it fails to address the reality that the magnitude of given leaks can vary greatly. A single, large leak can do more damage than multiple small leaks. Some studies suggest that leaks are often a result of a malfunction that is possible at any facility, such as a stuck valve, as opposed to a design flaw that is consistently present at a few specific facilities.¹ Any facility, regardless of design or history of leaks could develop a malfunctioning piece of equipment at any time and therefore it is not logical to assume that an absence of leaks is evidence that there will not be leaks in the future. The best way to effectively address leakage problems is to require regular frequent leak inspections for all operators so that leaks can be promptly found and repaired. Even if this results in a net cost for the operators, it is the clearest way to ensure that the BLM is achieving the goal of methane waste reduction set forth in this rule proposal.

Secondly, gas capture plans should be a mandatory and binding part of an operator's APD and there should be time limits placed on an operator's ability to flare. The BLM's proposal to require waste minimization plans as a condition for receiving APD approval, but then not to make the plan an enforceable part of the APD itself, is inadequate. The BLM states that the reason for not making the plan enforceable is the worry that operators would then understate or overgeneralize their anticipated capture capabilities in order to set the bar lower for themselves when the BLM holds them to those expectations. BLM states that requiring the operators to simply take the procedural steps is more likely to lead to actual construction of gas capture infrastructure. We urge the BLM to rethink this position. Local and regional BLM staff will quickly gain an understanding of what is feasible and practical. And while we contend that some operators would indeed follow-through in good faith under the proposed unenforced system, we also understand that regulations are intended for those that would not. And most operators will not implement gas capture plans unless they are required to do so. If everyone has the same requirements then there will be a level playing field. Our concern with simply requiring a waste minimization plan and not enforcing that plan is that this could become a simple paper-pushing exercise for operators where they submit a plan to get the APD and then later fail to implement it because they were not required to do so. An enforceable waste minimization plan is key to a rule that will actually reduce venting and flaring from oil wells.

Thank you for considering these comments. We look forward to a final rule that achieves our shared goal of waste minimization from flared, vented, and leaked natural gas in oil and gas operations.

Sincerely,



Amber Wilson
Environmental Quality Advocate

¹ Zavala-Araiza, Daniel et. al. *Reconciling divergent estimates of oil and gas methane emissions*. Proceedings of the National Academy of Sciences. Vol. 112. No. 51. at 15600. (December 2015)