

## Valentine, Velvet, EMNRD

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**From:** Davidson, Florene, EMNRD  
**Sent:** Friday, January 8, 2021 3:02 PM  
**To:** Valentine, Velvet, EMNRD  
**Subject:** FW: [EXT] Douglas Meiklejohn written statement  
**Attachments:** Meiklejohn Written Statement.pdf

Case 21528

-----Original Message-----

From: Doug Meiklejohn <dmeiklejohn@nmelc.org>  
Sent: Friday, January 8, 2021 2:35 PM  
To: Davidson, Florene, EMNRD <florene.davidson@state.nm.us>  
Cc: cdesaillan@nmelc.org; kpalmer@nmelc.org  
Subject: [EXT] Douglas Meiklejohn written statement

Good afternoon Ms. Davidson,

I write to follow up on the oral statement that I made on January 4, 2021 to the Oil Conservation Commission concerning the proposed rules on venting and flaring of natural gas. I have attached my more complete written statement, and I would appreciate it if you would include it in the hearing record.

Please do not hesitate to contact me if you have problems with the file or any questions about my statement.

Thank you. Have a nice weekend and stay safe.

Doug

Douglas Meiklejohn  
Attorney  
NM Environmental Law Center

**Statement of Douglas Meiklejohn**  
**Attorney, New Mexico Environmental Law Center**  
**Oil Conservation Commission**  
**Hearing on Proposed Rules on Venting and Flaring of Natural Gas at**  
**Oil and Gas Production Facilities: Part 19.15.27 NMAC**  
**January 4, 2021**

Good morning members of the Commission, and Madam Hearing Officer. I am Douglas Meiklejohn, and I am an attorney with the New Mexico Environmental Law Center. The Law Center is a non-profit environmental law firm that provides free or low-cost legal services to New Mexico communities and local environmental organizations on environmental and environmental justice matters. I appreciate the opportunity to provide my comments this morning on the proposed regulations limiting methane emissions from oil and gas production facilities, proposed part 19.15.27 N.M. Administrative Code.

As you know, methane is a powerful greenhouse gas. In the short term, it is approximately 86 times more potent in trapping solar radiation than carbon dioxide. And the short term may be all we have. In 2018, the Intergovernmental Panel on Climate Change issued a report warning us that if we are to avoid the most disastrous effects of climate change, we need to cut our greenhouse gas emissions in half within twelve years. That twelve-year window has already been whittled down to nine years.<sup>1</sup>

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<sup>1</sup> Valérie Masson-Delmotte et al., eds., *Intergovernmental on Climate Change, Global Warming of 1.5° C: Special Report on the Impacts of Global Warming of 1.5°C above Pre-Industrial Levels and Related Global Greenhouse Gas Emission Pathways, in the Context of Strengthening the Global Response to the Threat of Climate Change, Sustainable Development, and Efforts to Eradicate Poverty* (2018).

Methane emissions from oil and gas production are the biggest source of greenhouse gas emissions in New Mexico. A 2020 New Mexico Climate Strategy Report found that the oil and gas industry was responsible for 53% of greenhouse gas emissions in the State. These emissions must be reduced.<sup>2</sup>

Methane from oil and gas production is emitted with several co-pollutants, including oxides of nitrogen (NO<sub>x</sub>) and volatile organic compounds (VOCs). In addition to the greenhouse effects of methane, both NO<sub>x</sub> and VOCs are harmful to human health. For example, one of the many VOCs emitted from oil and gas production is benzene, which is a known human carcinogen.<sup>3</sup> The adverse health effects of these emissions are likely to affect disadvantaged communities and communities of color disproportionately. For example, due to their proximity, communities in the Laguna Pueblo, the Acoma Pueblo, and the Navajo Nation are likely to be disproportionately affected by air pollution from oil and gas production in the San Juan Basin.

We appreciate the efforts of the Oil Conservation Division, and of this Commission, to regulate methane emissions from oil and gas production in New Mexico. We believe that the proposed regulations are generally sound. But we think they can and should be strengthened and improved. We have several overall comments on the proposed regulations.

First, routine flaring at oil and gas wells must be prohibited. Routine flaring from oil and gas production releases a tremendous amount of methane and other pollutants into the atmosphere. It wastes natural gas that otherwise could be captured and marketed. And, consequently, it foregoes royalties that would otherwise be paid to the State to support education. The proposed rule would prohibit routine flaring, in section 19.15.27.8.A. We support this

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<sup>2</sup> New Mexico Interagency Climate Change Task Force, *New Mexico Climate Strategy – Initial Recommendations and Status Update* (2020).

<sup>3</sup> ATSDR, *Public Health Assessment: Benzene* (Aug. 2007).

provision and oppose any efforts to weaken it. The only exceptions to this prohibition should be for reasons of technical infeasibility or reasons of safety. Oil and gas well operators must capture the natural gas produced from their wells.

Second, we likewise support the prohibition on venting in section 19.15.27.8.A. Again, the only exceptions to this prohibition should be for reasons of technical infeasibility or reasons of safety.

Third, we support the requirement that operators flare rather than vent except for reasons of technical infeasibility or reasons of safety.

Fourth, we support the 98% minimum capture requirement for methane. However, we believe that the amount of time that the proposed rule allows for industry to meet this requirement is far too long. The industry has known about the problem of excess methane emissions in New Mexico – including emissions from venting and flaring – for many years. Yet the rule would allow almost six years – until December 2026 – for industry to come into compliance. We believe the compliance period should be much shorter, no more than three years.

Fifth, an operator who acquires additional wells should be required to meet its annual minimum capture requirement in all newly acquired wells. The current regulations, at section 19.15.27.9.A(3), allow an operator acquiring new wells to request a modification of its minimum gas capture requirements “for good cause” because of the acquisition. We strongly oppose this provision.

Sixth, if an operator is not in compliance with its minimum capture requirements, the Oil Conservation Division should not approve any permit for that operator to drill a new well. The operator should focus its resources on coming into compliance, not expanding its drilling

operations. We support an automatic prohibition on the approval of any new drilling permits for operators that are not in compliance with their minimum capture requirements. This prohibition should also apply if any operators affiliated with the subject operator are not in compliance with the capture requirements.

Thank you again for the opportunity to speak to you today.