

## **Valentine, Velvet, EMNRD**

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**From:** Davidson, Florene, EMNRD  
**Sent:** Thursday, January 7, 2021 4:29 PM  
**To:** Valentine, Velvet, EMNRD  
**Subject:** FW: [EXT] Written Comments - Sierra Club Rio Grande Chapter

Case 21528

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**From:** Camilla Feibelman <camilla.feibelman@sierraclub.org>  
**Sent:** Thursday, January 7, 2021 4:24 PM  
**To:** Davidson, Florene, EMNRD <florene.davidson@state.nm.us>  
**Subject:** [EXT] Written Comments - Sierra Club Rio Grande Chapter

Dear Commissioners -

I'm Camilla Feibelman, Director of the Rio Grande Chapter of the Sierra Club representing 35,000 members and supporters in New Mexico and West Texas.

Our state and communities and families are left exposed by the gutting of oil and gas methane waste and pollution rules. Strong state rules will protect us while the federal administrative process works to restore these protections and will prepare us to comply with future federally restored rules.

**The Oil and Gas Act prohibits “waste,” and gives the Commission broad authority to implement this prohibition.** “Waste” is not limited to practices the industry itself would see as wasteful. Rather, the Act provides that “waste” must be given “its ordinary meaning.” Exploitation of a resource in a way that causes damage to human health, the environment, and neighboring properties surely constitutes “waste” in the ordinary sense of the word. The Commission can and should take steps to prevent all forms of waste—including practices that damage human health and the environment.

**Venting and flaring of natural gas is an extremely wasteful practice.** It results in loss of a valuable commodity. More importantly to our members, it causes significant damage to human health and the environment. Methane is an extremely potent greenhouse gas—86 times as potent as carbon dioxide on a short-term basis. Venting releases methane directly into the atmosphere, along with smog-causing volatile organic compounds and cancer-causing toxics like benzene. And flaring releases a different set of pollutants, including nitrogen oxides, which also contribute to smog formation. Due in large part to emissions associated with venting and flaring, the oil-and-gas industry is the largest source of greenhouse gas pollution in the state, responsible for more than 50% of the state's emissions.

**We applaud the Division for proposing to ban routine.** Routine flaring (i.e., flaring at oil wells due to lack of natural gas takeaway capacity) is quintessential waste. It contributes significantly to air pollution and climate change and deprives the state of much-needed royalties. The practice should end immediately.

We urge industry and the Division to take the ban on routine flaring seriously. If they do, operators should be capturing almost all of their gas within a few years. Although the ban on routine flaring should address the vast majority of waste, we think the proposal to require operators to capture 98% of their gas by 2026 is an appropriate backstop. This gas capture requirement should also encourage operators to reduce waste from devices such as storage tanks and pneumatic devices, and from operations such as liquids unloading.

While the substantive provisions of the proposal are laudable, the rule will not achieve its stated goal of reducing waste unless it contains appropriate enforcement mechanisms. The rule needs to be strengthened. **No one should be allowed to drill a new well unless they are in compliance with their gas**

**capture requirement. Period. And no one should be able to drill a new well unless they can show that they have the infrastructure in place to capture all of the gas they produce. Period.**

There are a few additional improvements we urge the Commission to adopt. First, we know from field advocates that completions and recompletions are a significant, underreported source of waste. While EPA tried to require implementation of green completions techniques at gas wells as far back as 2012, operators have found loopholes that allow them to vent substantial quantities of gas that could otherwise be captured. We support the proposed by Climate Advocates and EDF, which would ensure these green completion requirements function as EPA intended them to.

Second, we support strong performance standards for flares. We know from studies by EDF, as well as the experience of field advocates like Earthworks, that flares routinely malfunction in the field, leading to uncontrolled venting. Automatic ignitor technology is the most reliable method for reducing the likelihood and duration of venting from an unlit flare. Colorado has required companies to use auto-ignitors on flares, and New Mexico should require that as well—at all wells, including stripper wells.

Thanks you for your work in these difficult times.

Camilla

**Camilla Feibelman**

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