



## BLM Methane Waste Prevention Rule Factsheet

### WHAT IS METHANE?

Methane is a colorless, odorless greenhouse gas produced by both human and nonhuman sources. Oil and gas production is the largest human source of methane emissions, and methane levels have more than [doubled](#) in the past 250 years.

### WHY IS IT A PUBLIC HEALTH AND ENVIRONMENT HAZARD?

Over a 20-year period, one ton of methane has a global warming potential [84 to 87 times](#) greater than carbon dioxide, and it holds toxic pollutants including smog-inducing organic compounds, benzene, ethylbenzene, xylene and toluene.

### WHY IS METHANE WASTE A FINANCIAL WASTE?

According to [data](#) from the Office of Natural Resources Revenue, between 2009 and 2014, 375 billion cubic feet of natural gas was lost through venting and flaring, which is enough to supply gas to more than five million households for a year. Moreover, uncaptured methane on public lands deprives taxpayers of as much as \$23 million in royalty revenue annually. One [study](#) estimates that the BLM methane waste rule, which applies to new and existing operations on federal lands, would result in \$800 million in royalties collected from publicly owned land over the next 10 years.

### HOW DOES METHANE WASTE AFFECT STATES IN THE INTERIOR WEST?

In 2014, NASA and the University of Michigan published a [study](#) revealing that the highest concentration of methane in North America lies within the Four Corners region where the states of Arizona, Colorado, New Mexico and Utah meet. This 2015 [report](#), commissioned by Environmental Defense Fund, further details methane levels throughout the U.S.

### WHICH STATES LEAD THE WAY IN ADDRESSING METHANE WASTE?

**Colorado:** In February 2014, Colorado became the [first state](#) to adopt rules to limit methane emissions. The rules require oil and gas companies to find and fix methane leaks and install technology that captures 95 percent of emissions.

### Western Leaders Network

1309 East 3rd Avenue • Suite 22 • Post Office Box 4433 • Durango, Colorado 81302  
970-317-4264 • [westernleaders.org](http://westernleaders.org)

**Wyoming:** In 2016, the Wyoming Oil and Gas Conservation Commission [approved](#) new rules to cut methane waste, requiring operators to disclose what pollutant is emitted and whether it is vented or flared.

**Pennsylvania:** The state's Department of Environmental Protection [announced](#) in November 2017 that Pennsylvania will implement new and updated permits requiring controlling methane and other pollutant emissions from new gas wells, transmission stations and pipelines. Starting in 2018, companies must use the best available technologies to prevent leaks at new sites.

**Ohio:** In April 2017, Ohio Gov. John Kasich and Ohio Environmental Protection Agency Director Craig Butler [announced](#) new regulations to curtail methane emissions caused by natural gas production, requiring companies to check new equipment at compressor stations for leaks on a quarterly basis.

**Utah:** In September 2017, the state's Division of Air Quality [released and took public comments](#) on draft rules to update its emission standards, with provisions to improve leak detection and repair requirements.

#### **WHAT IS THE LEGAL ARGUMENT ON STAYING THE METHANE RULE?**

The Department of the Interior defends its authority to stay the BLM methane rule under a [section](#) of the Administrative Procedure Act, which allows an agency to “postpone the effective date of action taken by it.” However, a federal court [determined](#) that the BLM violated the Administrative Procedure Act by postponing the compliance date after the effective date had passed, and that Interior failed to provide a “reasoned explanation” for the proposed stay. In lawsuits filed in December 2017, states and environmental organizations argue the legality of the rule's suspension under the Administrative Procedure Act, National Environmental Policy Act, Mineral Leasing Act and Federal Land Policy and Management Act.

#### **TIMELINE OF EVENTS RELATED TO THE RULE:**

**November 2016:** BLM publishes final rule to reduce leaking, venting and flaring of methane waste. Oil and gas industry subsequently sues to prevent implementation.

**January 2017:** Compliance deadline for some provisions of the rule go into effect with others to go into effect in January 2018. Federal judge in Wyoming rejects industry motion to block the rule.

**February 2017:** Congress votes to undo the rule via the Congressional Review Act.

**May 2017:** The Senate narrowly opposes the Congressional Review Act, thus upholding the rule.

**June 2017:** Interior Department moves to temporarily suspend provisions of the rule. States of California and New Mexico challenge the Interior's action on the grounds that it was done without a public process.

**October 2017:** Federal court in California declares Interior’s delay unlawful. However, Interior proceeds with effort to delay the rule, introducing a 30-day public comment period.

**December 2017:** BLM announced it would appeal the October federal court ruling. Interior finalizes a delay of certain rule requirements until January 2019. Organizations and states subsequently filed two lawsuits in the U.S. District Court for the Northern District of California, arguing that the BLM and Interior Secretary Ryan Zinke illegally suspended the rule.

**February 2018:** BLM proposed to repeal most of the requirements of the methane rule. The announcement kicked off a 60-day public comment period. The U.S. District Court for the Northern District of California overturned Zinke’s delay of the methane rule, calling the delay “untethered to evidence.”

## **RESOURCES:**

[Colorado College: 2018 Conservation in the West poll finds 75 percent of Westerns want oil and gas operators to cut methane](#)

[Resources for the Future: comparing policies to reduce methane emissions in the natural gas sector](#)

[National Conference of State Legislatures: state methane policies](#)

[Western Environmental Law Center: state oil and gas rules fail to control methane waste](#)

[NASA: Four corners: the largest U.S. methane anomaly viewed from space](#)

[EPA: gridded methane emissions](#)

[Department of the Interior: fact sheet on methane and waste prevention rule](#)