

# Conversation Contents

Interior to rewrite BLM venting & flaring rule

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**Subject:** Interior to rewrite BLM venting & flaring rule

## Interior to rewrite BLM rule

[Pamela King](#), E&E News reporter

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In response to questioning from Sen. Maria Cantwell (D-Wash.), Interior Secretary Ryan Zinke said his agency plans to rewrite the Bureau of Land Management's Methane and Waste Prevention Rule. C-SPAN

Interior Secretary Ryan Zinke yesterday gave his most definitive indication to date that his agency would rework an

Obama-era regulation to curb methane emissions from oil and gas operations on public lands.

"My intention, so you know, is we're going to rewrite the rule," the former Montana congressman said in response to a line of questioning from the top Democrat on the Senate Energy and Natural Resources Committee.

Washington Sen. Maria Cantwell had been asking Zinke whether he would enforce BLM's [Methane and Waste Prevention Rule](#) after delaying its forthcoming compliance dates ([Greenwire](#), June 14).

The suspension followed a failed effort to scrap the rule under the Congressional Review Act — a move that would have barred Interior from reintroducing a "substantially similar" regulation ([Greenwire](#), May 10).

"Congress has said this is the law, and we want to know how you're enforcing it," Cantwell said to Zinke during a committee hearing on Interior's proposed fiscal 2018 budget.

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Interior postponed elements of the rule in light of pending litigation, according to a *Federal Register* [notice](#) last week. The notice did not say whether Interior would propose a new rule to replace the existing regulation, although a prior [secretarial order](#) noted that a revision was possible.

The order also suggested suspending or rescinding the rule, depending on the results of an agency review.

In a Monday [letter](#) to Zinke, Cantwell and Sen. Tom Udall (D-N.M.) questioned Interior's authority to halt provisions of a rule that has already taken effect ([Greenwire](#), June 20).

"The effect of this claim is to allow the Department, according to its whim, to suspend properly promulgated regulations with no public notice and comment nor any legal reasoning beyond an unsubstantiated claim that 'justice requires' suspension of a rule that has already gone into effect," the senators wrote. "This could lead to all manner of improper giveaways and special relief for regulated industries."

Zinke said the new rulemaking would be subject to public notice and comment.

"I follow the law," he said.

#### New rule

After the hearing, Zinke offered a few details about Interior's plans for the rule over the next two months.

The existing rule dictates that operators submit waste minimization plans with applications for permits to drill. They must also meet new requirements for royalty-free use of production, downhole well maintenance and liquids unloading.

Postponed requirements include incremental methane capture percentages through 2025 and optimization of leaky pneumatic equipment and storage tanks.

"We're going to go forward and redo it. It can't be arbitrary," Zinke said. "Personally, I think unrestricted methane is a waste, and as the steward of our public lands, I think we've got to be cognizant of decentivized waste. That means incentivized capture systems."

Zinke did not offer specifics on how Interior would encourage companies to contain escaped methane but outlined some potential destinations for the gas. The flare stack — where excess gas is burned into the atmosphere — would not be one of them, he said.

"This is an asset that we're flaring, and we need to find a different way to make sure the gas is used, whether it's reinjected, whether it's stored, whether it's transferred to some other location," Zinke said.

"But certainly flaring it is wasteful."