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From: POLITICO Pro Energy Whiteboard
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Subject: Greens pan EPA defense of stay on methane rule

By Alex Guillén

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Environmental groups today asked a federal court to reinstate EPA's methane rule for new oil and gas wells, arguing the agency has no right to favor oil and gas companies over the people who live near their wells.

EPA put the rule on hold for 90 days while it reconsiders several key provisions, a decision that would save millions of dollars in compliance costs. But the agency said that decision would not create a public health emergency because leaving the rule in place would prevent just 0.046 percent of annual industry emissions.

Environmental groups said that EPA's justification violated the Clean Air Act by ignoring the residents who live downwind from drilling operations, especially children, people with asthma and other groups most vulnerable to air pollution.

"It is irrelevant because it does not reduce the burden felt by Petitioners' members who live near sources whose emissions would be abated but for the unlawful stay, especially those in nonattainment areas where *any* additional VOC emissions may increase local ozone concentrations," the groups wrote in their brief today. "And it is disingenuous because those massive emissions are the result of EPA's own failure to regulate existing oil and gas wells."

The green groups also panned EPA's arguments that the industry would face millions of dollars' worth of compliance if the stay were lifted when "these same wells produce billions of dollars of revenue annually."

WHAT'S NEXT: The D.C. Circuit Court of Appeals will decide whether to grant environmentalists' emergency request to lift EPA's stay of the methane rule. There is no specific deadline to do so, but the court has indicated it will consider the request on an expedited timetable.

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