

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Thur 6/15/2017 7:58:38 PM
Subject: EPA urges court not to lift stay of methane rule for new oil, gas wells

By Alex Guillén

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EPA today urged the D.C. Circuit Court of Appeals not to reverse its decision to pause leak detection and repair requirements and other key parts of the agency's rule limiting methane emissions from new oil and gas wells.

Environmental groups sued last week and filed an emergency motion seeking the court's reversal of EPA's stay. The agency this week proposed a two-year delay of those requirements, increasing this lawsuit's tension.

"There is no emergency," and the environmental groups cannot meet the requirements to obtain court action, EPA argued in its brief today.

The leak detection requirements would prevent just 0.046 percent of annual oil and gas industry methane emissions, according to EPA. And pausing other requirements dealing with equipment and certification requirements does not present any imminent harm, the agency said.

EPA called the green groups' request "a sideways effort to attack EPA's decision to convene reconsideration proceedings" on the methane rule.

The public interest goes beyond environmental concerns to include economic growth and "productive capacity," the agency argued.

"EPA's short-term stay strikes a balance among these interests by allowing the Agency to consider whether to refine aspects of the 2016 Rule to better account for issues that the Agency did not consider and concerns among the regulated community that EPA did not foresee," the agency wrote.

WHAT'S NEXT: The green groups' response is due June 20, with a court decision likely sometime after that.

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