

Judge: Zinke has to stop delaying methane rule

Written by By Laura Paskus NM Political Report
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Wednesday, a U.S. district court judge in California slapped down the U.S. Department of the Interior's attempts to roll back its own rule aimed at cutting the waste of natural gas, or methane, from wells and pipelines on federal and tribal lands.

The Bureau of Land Management's waste prevention rule limits routine flaring of natural gas from oil wells, calls for industry to modernize leak-detection technology and fix leaks that are found and prohibits venting natural gas directly into the atmosphere, except under certain circumstances.

Flaring and venting are in some cases unavoidable, such as when new wells are being drilled or for safety purposes, and have been regulated since the late 1970s. With the new rule, BLM sought to tighten the waste of natural gas and also address greenhouse gas pollution.

After Interior Secretary Ryan Zinke suspended the rule, conservation groups sued.

In her order yesterday, U.S. Magistrate Judge Elizabeth LaPorte wrote that the BLM had violated federal law when it postponed the compliance date for provisions of the Waste Prevention, Production Subject to Royalties and Resource Conservation Rule after the rule had already gone into effect.

LaPorte ordered Zinke to immediately reinstate the rule in its entirety.

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If you've had a hard time keeping track of the issue, that's understandable. (The BLM methane rule, by the way, is different from a [U.S. Environmental Protection Agency methane rule](#) that EPA Administrator Scott Pruitt has tried to suspend.)

The BLM finalized its rule in November 2016 after years of study and public comment.

The Western Energy Alliance, Independent Petroleum Association of America and four states sued in federal court in Wyoming, asking for it to be put on hold. In January, judges said the rule did not exceed the government's authority and was not "arbitrary and capricious." The judges denied the request for an injunction.

Immediately, the Trump administration and congressional Republicans tried to overturn the rule administratively and legislatively.

In March, Trump issued an executive order, "Promoting Energy Independence and Economic Growth," directing Zinke to review the rule for consistency with new federal guidance on energy development. Zinke responded by issue a secretarial order reviewing the rule.

Then in May, Congress [tried to overturn it](#) under the Congressional Review Act, which allows Congress to overturn federal regulations they disapprove of within 60 days of receiving those regulations.

But in a surprise defeat of the effort, Senate Republican Susan Collins of Maine, John McCain of Arizona and Lindsey Graham of South Carolina voted with Democrats to keep the rule.

The next month, Zinke suspended the standard at the request of the Western Energy Alliance and the American Petroleum Institute.

In July, [Zinke also signed an order](#) directing the BLM to hasten permits and boost development on federal lands in New Mexico, Utah and Alaska.

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