



May 5, 2023

Clerk of the Board
California Air Resources Board
Submitted electronically

Re: Comments on Proposed Changes to the Greenhouse Gas Emission Standards for Crude Oil and Natural Gas Facilities

Climate Action California and 350 Sacramento speak for thousands of supporters throughout our state who are concerned about climate disruption. We appreciate this opportunity to make the following suggestions for changes to the proposed amended “Greenhouse Gas Emission Standards for Crude Oil and Natural Gas Facilities.”

Almost 50 years ago, the California Legislature declared that petroleum use “contributes substantially to ... air pollution, acid rain, global warming and the degradation of California’s marine environment and fisheries.” The Legislature announced a policy to minimize the economic and environmental costs due to the use of petroleum-based fuels.¹

Since then, in dozens of statutes, Executive Orders, and CARB regulations, California has committed to replacing petroleum and has invested billions of dollars to do so. In fact, limiting the damage caused by that one industry has occupied the full time efforts of employees of several state agencies, not to mention countless health care providers who have dealt with the illnesses and mortality visited upon Californians by the petroleum industry.

In 2023, as our wildfire-charred state endures a dozen atmospheric rivers and braces for record flooding as the Sierra snow melts, It is an understatement to say that producing and selling petroleum is disfavored. Accordingly, the notion that regulations intended to limit harms caused by those activities must be balanced, softened or in any way accommodating to industry is, on its face, ludicrous. Fossil fuel companies are not health care providers, or public libraries whose activities we regulate, balancing against the desirability of allowing them to provide wholesome services. Petroleum companies only serve the public to the extent of our dependence on gasoline-powered transportation. If we regulate them and enforce those regulations, they won’t stop operating in California. They might sue, but they will lose in court. It is time to more strictly

¹ Cal. Pub. Res. Code §25000.5 (Stats. 1974, Ch. 276)

regulate an industry that the state has long since decided – for sound reasons – we simply don’t like, and can’t trust.

With this history and our challenging present and terrifying future in mind, we submit the following adjustments to the proposed regulatory amendments. Each suggestion holds some promise of controlling additional emissions. Taken together, these measures modestly tighten the current proposal and improve oversight accountability. We should not worry that these adjustments may make it slightly less convenient or profitable to take oil and gas from the ground so that it can be burned and its waste products discarded in the atmosphere. As noted, the people of the State of California have already decided that inconvenience and diminished profit are not legitimate critiques in this context.

§95668 (a)(2) [separator and tank system exemptions]

- (A) Exemption below 50 barrels per day (bpd) should be 25 bpd
- (B) Exemption below 200 bpd should be 100 bpd
- (C) Exemption for floating roof tanks subject to specified APCD rules should be lost upon receipt of a Notice of Violation, Notice to Comply or any credible evidence that the facility is in violation of the specified rule.
- (D)
- (E) exemption for less than 45 days per year should be limited to 10 days per year
- (F) exemption for temporary tank up to 90 days should be limited to 30 days
- (G) exemption for temporary tank up to 90 days should be limited to 30 days
- (H) ...
- (I) Exemption for gauge tanks of less than or equal to 100 barrels should be for tanks with capacity for 50 barrels or less

§95668 (a)(3) [annual flash testing]

- (A) Should occur within 30 days, not 90
- (B) Delete entire subparagraph – annual flash testing should be annual

§95668 (a)(5) requires controls for emissions greater than 10 tons methane/year; controls should be required for emissions greater than 2 tons methane per year. Note that in a decade, two tons of methane per year is 1,680 tons of CO₂e -- roughly equivalent to the annual emissions from 365 passenger vehicles.²

§95668 (f) consider simply requiring vapor collection as in (f)(1)(A) for all wells.

§95668 (g) consider banning open well casing vents to atmosphere

§95669 (c)(1)(B) add: any violation of the air district rules specified in this subparagraph also constitute violations of this regulation.

² [EPA's website](#) uses 4.6 tons per year for a typical light-duty vehicle.

§95669.1 [remote detection]

(a)(2) add that the notification shall contain the following information, if reasonably available, to the Executive Officer...

§95675 [enforcement]


(c) to be consistent with other climate change regulations, this provision should read, “each metric ton of CO₂e emitted in violation of this subarticle constitutes a separate violation” of this subarticle. Without that change, methane violations would count as 84 times less serious than a CO₂ violation in other regulations. There is no reason to specially favor methane.

Thank you for your attention to these comments, and for the sustained hard work CARB and its staff are doing to protect our atmosphere. I would welcome an opportunity to discuss this approach, or these specific suggestions, with staff at any time.

Sincerely,



Will Brieger
350 Sacramento



Janet Cox, CEO
Climate Action California