



To: CARB
RE: Methane Regulations Recommendations Letter
June 12th, 2023

Dear Methane Regulations Team;

The undersigned organizations and our tens of thousands of members and supporters in California appreciate your leadership to create a comprehensive plan to track methane leaks from oil and gas infrastructure.

Ensuring that this regulation is as strong as it can be to guarantee the swift and effective resolution of leaks threatening community health and safety, like the leaks currently ongoing in Arvin, is our top priority. The updated regulation must prioritize comprehensive monitoring strategies, limit exemptions, have clear timelines for reviewing testing data, and set out a clear response plan for notifying communities when leaks occur. We urge you to consider the following recommendations to establish regulations that address gaps in the current requirements:

- In Section 95669, Heavy crude oil (API gravity less than 20) is exempt from LDAR requirements. This puts the state in a vulnerable position to cover the costs for repairs to heavy crude wells to stop leaks. What is the rationale for sustaining this exemption? The leaking wells identified in Bakersfield last year fell under this exemption, and the initial response we received from CalGEM is that they had no authority to require the operators to stop the leaks. Specifically, why is this exemption being maintained, what percent of the state's wells have been determined it will exempt, what production time span is being used to define the API of the crude, and how does CARB plan to manage leaks from heavy crude wells? This exemption will cause undue stalling in leak detection and management, and we strongly recommend to strike this exemption from the final regulation.
- CARB is proposing to utilize **only** data from satellite-based technologies because the Governor and Legislature have recently authorized funding for the purchase of methane satellite data, and because CARB will receive this satellite-based data at the frequency and quality needed to support leak-detection and repair under this Regulation. CARB should also explore other remote sensing methods to identify leaks, such as airplane flyovers, drones, or car-mounted detectors. Community submitted OGI footage and other forms of air quality complaints should also be included. For reference, last year the initial air quality complaint from Kyle Ferrar with Fractracker Alliance was the only indicator of the dozens of leaking idle wells discovered in and near Bakersfield, and inspired hundreds if not thousands of wellsite repairs (even though these wells fell under the heavy crude exemption listed above).
- The current regulation exempts separator and tank systems that receive an average of less than 50 barrels of crude oil or and condensate per day, and the proposed draft maintains that exemption. **This exemption would exempt every single tank within community drilling sites as 98% of producing wells in the state produce less than this threshold (based on these assumptions**

below). The rule also does not consider the cumulative volume of multiple tanks on a site, which we recommend.

- 50 barrels of crude oil or condensate per day is 18,250 barrels per year from a well, if that tank services one well, as many do.
 - That's a 1,550 barrel (65,000 gallon) tank if it is emptied once a month, as many are.
 - Of the 44,791 wells that reported oil/condensate production in 2021, only 851 (under 2%) produced that much oil/condensate.
- Given the state of ozone nonattainment in multiple California air basins, CARB should apply RACT requirements to all tank systems. These requirements should be applied to *all* tank sites including tanks holding below 50 barrels per day and heavy crude sites.
 - CARB should consider requirements for LDAR inspections to be increased at sites within 3,200 ft of sensitive receptors as opposed to the quarterly method 21 inspections that are required for all sites. The remote sensing that is being utilized can prioritize those areas, and increased attention to sites near receptors in addition to on the ground LDAR requirements for these sites that are in communities would be ideal in addition to CARB's schedule for inspections.
 - Given that the current draft tasks operators to conduct audio-visual testing for leaks, but only requires operators to present that data to CARB upon request, how often will CARB request records of audio-visual inspections at operator facilities? Records should be reported monthly with production figures or requested monthly by CARB to ensure testing is being performed.
 - While these regulations are pertaining to methane specifically, we urge CARB to include requirements for testing for co-pollutants like BTEX compounds and VOCs when leaks are found within 3,200 ft of sensitive receptors. Currently, regulation does not require testing for co-pollutants, but it is known that the risk of pollutants other than methane being released from oil and gas infrastructure that is leaking methane are high. Quantifying what exactly is leaking from these sites must be conducted by the state when these leaks happen within 3,200 ft of communities, to best respond to and mitigate health impacts.
 - Missing from the regulation are any requirements or standards for notifying community members of the details and response plan when leaks are found near sensitive receptors like parks, schools, homes, hospitals, and other community areas. There must be timely notification of leaks from the state to communities on the fence line of leak sites, and specific requirements for clear and timely communication with community members should be added to this regulation.

The ongoing methane leaks from oil wells in Arvin only exemplify the urgency of drafting these regulations in a way that addresses the very real threats to communities that oil and gas infrastructure poses. We hope that the final draft regulations incorporate the feedback above, and that the state is able to create regulations that prioritize protecting community health and safety. Thank you for considering these recommendations.

Sincerely,

Brandon Dawson, Executive Director, Sierra Club California

Nayamin Martinez, Executive Director, Central California Environmental Justice Network

Nancy Treviño, Director of Power, Presente.org
Haleemah Atobiloye, Program Manager, Breast Cancer Action
Merrill Berge, Board President, CFROG (Climate First: Replacing Oil & Gas)
Chirag Bhakta, California Director, Food & Water Watch
Amy Moas, Ph.D, Senior Climate Campaigner, Greenpeace USA
Jason Pfeifle, Senior Climate Campaigner, Center for Biological Diversity
Kyle Ferrar, Western Program Coordinator, FracTracker Alliance
Nathan Taft, Senior Digital Campaigner, Stand.earth
Ilonka Zlatar, Organizer, Oil and Gas Action Network
Ellie Cohen, CEO, The Climate Center
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