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RE: Potpourri Notice regarding methane venting and flaring rules; Public Comment Announcement, Statewide Order No. 29-B (LAC 43:XIX.3503 and LAC 43:XIX 3507)

Dear Mr. Rice,

Thank you for the opportunity to comment on the Potpourri Notice regarding methane venting and flaring rules; Public Comment Announcement, Statewide Order No. 29-B (LAC 43:XIX.3503 and LAC 43:XIX 3507), as posted in the Louisiana Register, Vol. 49, No. 3, March 20, 2023.

We are glad to see the Department of Natural Resources (DNR) propose this rule that has the possibility of significantly reducing the methane waste and pollution by eliminating or restricting regular venting and flaring during oil and gas extraction activities in Louisiana. This is important on several levels. This represents one of the first steps in achieving the goals put forth in the Governor's Climate Action plan. Further, from an economical perspective, this rule makes simple sense. If we capture methane that would have been vented or flared, we will be removing climate-changing gasses from the atmosphere, and increasing the amount of product that can be sold.

Healthy Gulf supports a strong venting and flaring rule. With that in mind, we recommend the following:

Capturing of methane should be prioritized during drilling operations.

In §3507.A.2.a it is stated that "operators shall capture or combust gas using best drilling practices." It is troubling that the goal of eliminating regular venting or flaring is not fully implemented, as combustion is given as much priority as capture. To avoid this we recommend the following edits to §3507.A.2.a and b:

- a. Operators shall capture ~~or combust~~ gas using best drilling practices and control technologies while maintaining safe operating conditions.
- b. If capture is not technologically feasible, combustion is permitted.**

b. ~~c.~~ If capturing ~~or combusting~~ gas would pose safety risks to onsite personnel, operators may combust or vent and will provide verbal notification to the district manager within 12 hours. If combustion or pursuant to this section exceeds 24 hours, the operator will seek the district manager approval to continue combustion or venting.

With these changes operators will still be permitted to combust if capturing would pose safety risks, while prioritizing capture.

Conditional approvals of APDs must not be permitted.

Allowing for the approval of APDs, conditionally or not, would significantly undermine this proposed rule. §3507.A.9.e allows for the conditional approval of APDs even if certification requirements are not met, or if the operator fails to submit an adequate gas capture plan. In order to make sure this rule accomplishes its intent, these conditional approvals must not be allowed. To accomplish this, we recommend the following changes:

e. The division shall deny the APD ~~or conditionally approve the APD~~ if the operator does not:

Further §3507.A.9.e.iii is not clear in its wording as the idea of “adequate natural gas takeaway capacity” is not clearly delineated. We recommend revising this subsegment to specify that adequate natural gas takeaway capacity means capacity to transport one hundred percent of the production from the well, as appears to be contemplated in other sections of §3507.A.9. To accomplish this, we recommend the following change:

e.iii if the division determines that the operator will not have adequate natural gas takeaway capacity at the time a well will spud to transport one hundred percent of the production from the well.

Making these two changes will help ensure that this rule is applied fairly and evenly across the sector.

DNR must allow for electronic submittal of public comments.

Given current technology and continuing COVID-19 concerns, it is unacceptable that DNR does not allow for electronic submission to proposed rules or potpourri notices. Currently this notice and it seems all DNR notices in the State Register require “Written comments...accepted by hand delivery or USPS only.” Email submissions of public comments are ubiquitous around the country and in DNR’s sister agencies, such as the Department of Environmental Quality (DEQ). Not allowing for email submissions subverts the public process by restricting public comment.

We request that the upcoming Proposed Rule includes an option for emailing comments. Further, we request that *all* further proposed rules or potpourri notices that DNR publishes in the Louisiana State Register include a method to submit comments via email.

Thank you for the opportunity to comment on this Potpourri Notice. We look forward to DNR publishing a strong rule that will protect Louisiana's climate, air, and communities.

Respectfully submitted,

A handwritten signature in blue ink that reads "Matt Rota". The signature is stylized with a long horizontal stroke extending from the end of the name.

Matt Rota
Healthy Gulf
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