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David McMahon: Inflation reduction and methane leaks (Opinion)

By David McMahon
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David McMahon

Thank you, to Sens. Joe Manchin, D-W.Va., and Shelley Moore Capito, R-W.Va., for passage of the Bipartisan Infrastructure Act. It provided funding to plug some of the 6,500 orphaned oil and gas wells left behind because irresponsible drillers did not plug them before they went out of business, compounded by inadequate state laws and underfunded and inadequately empowered state agencies.

Unfortunately, there are thousands and thousands more wells that also might soon be orphaned with no driller to plug them. These wells have not produced in the past 12 months or much, much longer, and, unless the state Legislature passes the Orphaned Well Prev

Act, an irresponsible industry will continue to leave them behind on the property of farmers and other landowners. (Passage of that Orphaned Well Prevention Act by our Legislature likely also would let West Virginia draw down even more Bipartisan Infrastructure Act money to plug additional orphaned wells).



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And thank you, also, to Manchin for passage of the Inflation Reduction Act, which provides money for mitigation of leaking methane from conventional (vertical, older) oil and gas wells. It amends the Clean Air Act to provide funds for the Environmental Protection Agency to provide financial and technical assistance for applicable facilities to prepare and submit greenhouse gas reports and for leaking methane monitoring and other similar purposes.

Importantly, it also provides money to actually reduce methane and other greenhouse gases leaking from oil and gas systems, to mitigate air pollution from legacy oil and gas systems and for other similar purposes.

Sadly, and inappropriately, it provides money for permanently shutting and plugging oil and gas wells that are not orphaned but are still owned by companies that are still in operation (and their wells are operated under ridiculously inadequate bond amounts). The EPA should not give Inflation Reduction Act money to companies that are still operating to plug their wells. The companies that profited from the drilling and operation of these wells should pay to plug these wells, and soon. And even if a company that originally drilled the well and could

easily afford to plug it transferred the well (under loose state laws) to a company with less ability to plug the well, then make both of those companies liable to plug the well so plugging cannot be avoided by that shell game.

Instead of bailing out irresponsible companies, use the Inflation Reduction Act money for grants to nonprofits, or to for-profit companies, who can use a \$160 meter to test and see if the wells are leaking gas. They would travel to as many of the 75,000 wells in West Virginia as they can. The leaking wells can then be reported to the state Department of Environmental Protection.



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The few oil and gas inspectors the state has have many other important duties and have never randomly inspected wells for leaks. And a study by Princeton and McGill universities of 79 active conventional wells in 13 counties found 53% of them leaking 9 cubic feet of gas an hour.

And maybe the EPA should use Inflation Reductions Act money to fund airborne surveillance of old gathering lines that take the gas from the wells to transmission lines to look for big methane leaks. It is doubly important to do this, because many rural citizens get gas from these gathering lines to heat their homes, and the old wells are declining and losing pressure. If the gathering line pressure goes down because of leaks, then these citizens might have to go to much more expensive propane.

The EPA should not subsidize an irresponsible industry by paying to plug the wells of existing companies. It should instead use the Inflation Reduction Act money to find and stop methane leaks that are plain wasteful, rob royalty owners and state tax collection, often stink and cause climate change.

David McMahon is a lawyer and co-founder of the West Virginia Surface Owner's Rights Organization.

