



West Virginia Surface Owners' Rights Organization

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February 13, 2023

Administrator Michael S. Regan
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW, Washington, D.C. 20004

Re: U.S. Environmental Protection Agency's Supplemental Proposal to Reduce Pollution from the Oil and Natural Gas Industry to Fight the Climate Crisis to Protect Public Health

Dear Administrator Regan,

Thank you for the opportunity to submit official comments on the U.S. Environmental Protection Agency's (EPA) Supplemental Proposal to Reduce Pollution from the Oil and Natural Gas Industry to Fight the Climate Crisis to Protect Public Health.

WVSORO has 800 members who have paid dues, about one-third of which have some interest in the minerals under them, The remainder only own the surface. But we think we speak on behalf of the 800,000 West Virginians that live outside of municipalities and therefore are subject to having wells drilled on them where they produce. leak, and eventually, usually, are abandoned.

First, WVSORO supports the comments by the West Virginia Rivers organization and the other organizations which signed onto West Virginia Rivers' letter.

Second, WVSORO has a particular comment in addition to those comments regarding "AVO" inspections.

WVSORO is concerned about the information laid out in Table 2 of the federal register document entitled Standards of Performance of New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review, A Proposed Rule by the Environmental Protection Agency on 12/06/2022.¹

We are in particular concerned about the "Affected source" identified as "Fugitive Emissions: Single Wellhead Only Well Sites and Small Well Sites." And in regard to those wells we are concerned about the requirement of only "auditory, visual and olfactory" (AVO) inspections.

We are concerned about the inadequacy of AVO inspections to detect methane leaks when it is so incredibly cheap and effective for the individual who has already made their way to

the well for the inspection to also actually use a meter capable of detecting methane. A simple search for "methane detector meters" on Amazon results in a wide choice of meters capable of detecting methane appearing starting at a price of only \$32. Perhaps some are only sensitive to explosive levels of methane, but one by Forensic for \$100 advertises it has a detection range from "0-10,000ppm".

An inspection using an actual meter is obviously much more effective than an olfactory inspection since methane has no odor unless the gas being produced has impurities. Worse, a visual inspection is not all that useful since methane is clear -- though if there is water standing in the equipment you can often see methane bubbling out of a well. Audio listening can sometimes tell a person there is a big leak, but lots of leaks are not large enough to make a sound.

To determine the volume of the leak, would a FLIR camera be better, or a dynamic flux chamber, or testing using the inverse dispersion model? Yes. But not requiring testing with a handheld methane meter costing \$100 because they are not as good at testing volumes would be the epitome of letting the perfect interfere with the good. Whatever the size of the leak, it needs fixed, and often at the wells to which we are exposed it could be fixed with only a wrench.

The extent of the problem in West Virginia is demonstrated scientifically by a study done by Princeton and McGill Universities that is available on our website.² They did a variety of testing in 13 counties in northern West Virginia. They tested 338 conventional vertical wells in those counties in West Virginia and found that 53% of active wells, 28% of unplugged inactive wells, and even 20% of plugged wells were leaking significant methane into the atmosphere. In particular they tested 79 active, conventional (vertical) wells by first using a handheld detector capable of detecting 10 ppm or more. If methane was detected at or above that level they then used either a flux chamber or inverse dispersion. They found that 53% of those wells were leaking 9 cubic feet of gas -- per hour. So testing even with just handheld meters can detect methane and could make a big impact on stopping fugitive methane emissions.

Because of who we are we are particularly concerned about small single wells because there are so many of them on individual surface landowners in West Virginia. Our Department of Environmental Protection counts 75,000 total wells in West Virginia, the vast majority of those being single wells on individual surface property owners.

Methane leaking from these wells is just plain wasteful, deprives our members who are royalty owners of some royalties, deprives the state of severance taxes, contributes to climate change, and oh yes, often stinks.

We note that the inspections limited to "AVO" are a requirement in many other places in Table 2. If we have made the case that it is ludicrous not to require handheld methane meters for the small simple wells sites that we are most familiar with, then it is similarly unwise not to use them in other places that are potential sources.

Sincerely,

David B. McMahon (intended as signature)

David B. McMahon, J.D.

Endnotes

- 1.<https://www.federalregister.gov/documents/2022/12/06/2022-24675/standards-of-performance-for-new-reconstructed-and-modified-sources-and-emissions-guidelines-for>
- 2.<https://wvsoro.org/a-study-by-scientists-conventional-vertical-wells-in-west-virginia/>