

ORAL ARGUMENT NOT YET SCHEDULED

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

INDEPENDENT PETROLEUM)	
ASSOCIATION OF AMERICA, <i>et al.</i> ,)	
)	
<i>Petitioners,</i>)	No. 25-1021
)	(Consolidated with Nos. 25-1022, 25-
v.)	1025, 25-1029, 25-1031, 25-1033)
)	
U.S. ENVIRONMENTAL)	
PROTECTION AGENCY, <i>et al.</i> ,)	
)	
<i>Respondents.</i>)	
)	
)	
)	

**MOTION OF ENVIRONMENTAL LAW & POLICY CENTER
TO INTERVENE IN SUPPORT OF RESPONDENTS**

Under Federal Rule of Appellate Procedure 15(d) and D.C. Circuit Rule 15(b), Environmental Law & Policy Center (“Movant”) hereby moves to intervene in support of Respondents U.S. Environmental Protection Agency (“EPA”) and EPA Administrator Lee Zeldin in the above-captioned lawsuit regarding *Waste Emissions Charge for Petroleum and Natural Gas Systems: Procedures for Facilitating Compliance, Including Netting and Exemptions*, 89 Fed. Reg. 91,094 (November 18, 2024) (“Rule”), as well as in all other challenges to the Rule.

Movant's counsel contacted counsel for the parties in each of the above-listed consolidated actions for their position on this motion and received the following responses: Respondents take no position and reserve the right to file a response. Petitioners in No. 25-1021 take no position at this time; Movant-Intervenors, whose motion filed in this case remains pending, *see* Doc. 2098012, consent to this motion. Petitioners in No. 25-1022 and No. 25-1029 take no position on Movant's motion. Petitioners in No. 25-1025 and No. 25-1031 take no position and reserve the right to file a response. Petitioner in No. 25-1033 takes no position and reserves the right to respond and oppose this motion after reviewing the filing.

INTRODUCTION

The Rule at issue in the above-captioned matters was established pursuant to Section 136 of the Clean Air Act ("the Act"), 89 Fed. Reg. at 91,100, which provides that EPA is to assess a charge ("the Charge") on oil and gas facilities that report 25,000 metric tons of carbon dioxide equivalent or more to the Greenhouse Gas Reporting Program and whose methane emissions exceed specified waste thresholds. 42 U.S.C. § 7436(c). Congress provided EPA directives for implementing the Charge as set forth in Section 136, including how to calculate it and determine when operators are eligible for exemptions. *Id.*

According to EPA estimates, after implementation, the Charge will reduce methane emissions by 1.2 million metric tons between 2024 and 2035,¹ providing \$2.4 billion in climate benefits and \$1.9 billion in net economic benefits over the same time period. RIA Table 7-2. EPA further estimates the Charge will reduce Volatile Organic Compound (“VOC”) emissions by 170 thousand metric tons and Hazardous Air Pollutant (“HAP”) emissions by 6 thousand metric tons, also over the same time period. RIA Table 7-1.

Movant seeks to intervene in this proceeding—and in any other cases filed seeking review of the Rule, *see* D.C. Cir. Rule 15(b)—to protect its substantial interests that may be impaired by the disposition of this case. Movant’s members live, work, and recreate in the Midwest, including near oil and gas sites emitting methane, VOCs and HAPs that cause health issues, including asthma and reduced respiratory function. Additionally, Movant’s members suffer from impacts to the climate in the Midwest from oil and gas sector methane emissions. Movant has participated in administrative proceedings to support oil and gas standards promulgated under the Clean Air Act that will reduce methane emissions by the oil and gas sector, including the Rule, as well as in subsequent litigation concerning

¹ EPA, *Regulatory Impact Analysis of the Waste Emissions Charge for Petroleum and Natural Gas Systems: Procedure for Facilitating Compliance, Including Netting and Exemptions* (Nov. 2024) (“RIA”) at Table 7-1; 89 Fed. Reg. at 91,155 (where EPA includes the same estimate in the Rule).

those standards. No party adequately represents the interests of Movant and its members to protect the Midwest's air quality and climate.

BACKGROUND

I. The Rule Is Required by the Methane Emissions Reduction Program.

The Methane Emissions Reduction Program (“MERP”) is a new provision of the Clean Air Act, Section 136, enacted by Congress in August 2022 as part of the Inflation Reduction Act (“IRA”).² 42 U.S.C. § 7436. In creating MERP, Congress recognized the role played by the oil and gas industry in methane emissions, the public health harms associated with oil and gas emissions in communities living near emitting facilities, and the need to significantly reduce methane and other emissions from oil and gas facilities to protect public health and our climate. *See* 89 Fed. Reg. at 91,095-96.

As part of MERP, Congress established the Charge, 42 U.S.C. § 7436(c), to incentivize the highest-emitting and least-efficient oil and gas operations to reduce their methane emissions. 89 Fed. Reg. at 91,096. Pursuant to MERP, affected operators pay a specified price for each metric ton of methane they emit above segment-specific thresholds. 42 U.S.C. § 7436(f). Also, in creating MERP, Congress directed EPA to collect the Charge annually beginning with 2024 emissions, *id.* § 7436(e), to allow for netting across commonly-owned sources when

² Inflation Reduction Act of 2022, Pub. L. No. 117-169 (2022).

calculating fee liability, *id.* § 7436(f)(4), and for certain exemptions. One exemption is for certain operators subject to and in compliance with EPA’s finalized standards for oil and gas facilities, issued under section 111 of the Act.³ *Id.* § 7436(f)(6). Congress intended for this section 111 compliance exemption to incentivize states to promptly adopt and enforce their state plans for EPA’s standards, 89 Fed. Reg. at 91,096, which they must submit to EPA by March 2026. 89 Fed. Reg. at 17,010.

The Rule became final on November 18, 2024. The Rule informs operators how to calculate fee liability and submit payment in accord with details specified in MERP. 89 Fed. Reg. at 91,094-98.

II. Methane Emissions and Related Air Pollution from Oil and Gas Operations Harms Public Health and the Environment in the Midwest, Where Movant’s Members Reside and Recreate.

The EPA’s Regulatory Impact Analysis (“RIA”) for the Rule identifies the counties in the United States with methane emissions from facilities potentially subject to the Charge, and counties in the Midwest are included. RIA 9-16 to 9-19. For example, Michigan counties near the Antrim shale formation and North Dakota counties in the Bakken region are identified by EPA as within the 60-80th and 80-95th percentiles, respectively, for emissions intensity of methane in comparison to all other counties with facilities subject to the Charge. RIA at 9-16 to 9-19.

³ See Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review, 89 Fed. Reg. 16,820 (Mar. 8, 2024).

Movant's members reside and recreate in rural, urban, and suburban areas throughout the Midwest, including those counties within Michigan and North Dakota that will benefit most from the Rule. Michaels Decl. ¶ 3; Leach Decl. ¶ 1; DelBuono Decl. ¶¶ 8-10; Santrom Decl. ¶¶ 4, 7-10, 13-14.⁴ For example, Paula Leach and her family own a lake house in Antrim County, Michigan where they are avid outdoor recreation enthusiasts; she has seen oil and gas production near her property. Leach Decl. ¶¶ 1-3. Joseph Satrom enjoys fishing, hiking, and birding in the North Dakota's Bakken region, Satrom Decl. ¶ 4; he has witnessed how oil and gas operations have boomed in the Bakken region, and regularly sees the continued flaring from oil and gas wells while outdoors there. *Id.* ¶ 10.

Methane is a greenhouse gas responsible for about one-third of human-caused global warming, which makes reducing methane emissions important to protecting air quality and the climate. 89 Fed. Reg. at 91,098-99. Citizens of the Midwest, and the United States more broadly, face serious impacts of climate change, including warming of the air and ocean, reductions to snowpack, and intensified severe weather events. *Id.* at 91,098-99. These events adversely impact public health, the economy, property, infrastructure, agricultural land, and natural resources. *Id.* The oil and gas sector is the largest industrial source of methane emissions in the United States. *Id.*

⁴ The declarations of Elizabeth Ann DelBuono, MD, Paula Leach, Robert Michaels, and Joseph Satrom referenced herein are all included in Movant's Appendix.

VOC emissions are released alongside methane at oil and gas facilities. RIA at 5-14. VOCs contribute to the formation of ground-level ozone, 89 Fed. Reg. at 91,156, which can cause adverse health effects such as respiratory conditions, asthma symptoms and exacerbations, and allergic rhinitis symptoms. RIA at 6-22, A-7. By regulating methane emissions, the Rule will intrinsically reduce VOC emissions as these are co-pollutants. 89 Fed. Reg. at 91155.

Movant's members believe that methane emissions and associated pollution from oil and gas facilities in the Midwest have contributed to health problems for their communities. For example, Michigan Clinicians for Climate Action (MiCCA), a Movant member, collects first-hand accounts from Michigan health professionals and community members regarding the health and climate impacts of the combustion and extraction of fossil fuels, including methane, in the form of climate change and air pollution. DelBuono Decl. ¶¶ 8-10. Dr. Elizabeth DelBuono, MiCCA's founder, reports that such impacts collected by MiCCA include exacerbation of pre-existing conditions by extreme weather events, exacerbation of chronic cardiac and kidney conditions, and irritation to eyes and respiratory tracts, as well as asthma attacks. *Id.* Movant member Joseph Satrom, a former North Dakota State Senator, attended public hearings where local citizens of his state complained of health concerns from pollution they did not anticipate when oil and gas production came to their communities. Satrom Decl. ¶ 11. Paula Leach is concerned about the

health and well-being of her grandchildren as they recreate at her lake house in Antrim County. Leach ¶ 1.

The livelihoods upon which Movant's members depend—including ecotourism and property values—have been threatened. Joseph Satrom used his conservation experiences to guide tourists to the Bakken region's tremendous birding spots for many years, but regularly sees continued flaring from oil and gas wells, which diminish the ecosystem he enjoys personally and relies on professionally. Satrom Decl. ¶¶ 9-10. Paula Leach is worried the Torch Lake watershed where her lake house in Antrim County, Michigan is located will be devalued due to the oil and gas emissions there. Leach Decl. ¶¶ 1-2.

III. Movant Is Engaged in Administrative and Court Proceedings Relating to Curbing Methane Emissions from Midwest Oil and Gas Operations.

Movant is a public interest legal and policy advocacy organization focused on environmental issues in the Midwest with a long history of working to protect air quality and the climate. Michaels Decl. ¶ 2. Movant has been a party to, and involved with, rulemaking and litigation on the issue of air quality generally and methane emissions specifically, including before federal and state courts and regulatory agencies. Michaels Decl. ¶¶ 5-9. Movant participated in the public comment

proceeding that resulted in EPA's promulgation of the Rule. *Id.* at ¶ 8.⁵ In addition, Movant participated in prior EPA rulemaking proceedings on methane and VOC emissions from the oil and gas sector under the Clean Air Act.⁶ And, Movant has litigated to protect and defend the pollution reductions that oil and gas standards will deliver and opposed efforts to weaken or rescind them.⁷ Michaels Decl. ¶¶ 5-7. This Court has granted Movant's intervention defensively in legal challenges to EPA methane regulations for the oil and gas source category.⁸

⁵ See Comments of Joint Environmental Commenters on Waste Emissions Charge for Petroleum and Natural Gas Systems (March 26, 2024), Docket ID No. EPA-HQ-OAR-2023-0434-0327.

⁶ See, e.g., Comment Submitted by Environmental Law and Policy Center on the stay of certain requirements of EPA's Final Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources rule (July 26, 2017), Docket ID No. EPA-HQ-OAR-2010-0505-10427; Comment Submitted by Environmental Law & Policy Center on EPA's Proposed Rule on Oil and Natural Gas Sector: Emissions Standards for New and Modified Sources (December 10, 2015), Docket ID No. EPA-HQ-OAR-2010-0505-6994; Comments of Environmental and Public Health Organizations on Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review (Jan. 31, 2022), Docket ID No. EPA-HQ-OAR-2021-0317-0844; Supplemental Comments of Environmental and Public Health Organizations on Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review (Feb. 13, 2023), Docket ID No. EPA-HQ-OAR-2021-0317-2433.

⁷ See, e.g., Pet. For Review, Doc. No. 1861993, *ELPC v. Wheeler*, No. 20-1363 (D.C. Cir. Sept. 17, 2020); Mot. Of Env'tl. and Pub. Health Orgs. to Intervene in Support of Resps., Doc. No. 2044639, *State of Texas v. EPA*, No. 24-1054 and consolidated cases (D.C. Cir. Mar. 12, 2024).

⁸ See, e.g., Order, Doc. No. 2050337, *Texas v. EPA*, No. 24-1054 and consolidated cases (D.C. Cir. Apr. 19, 2024).

ARGUMENT

I. Movant Satisfies the Requirements for Intervention.

The requirements for intervening in this action in support of respondents are set forth in Federal Rule of Appellate Procedure 15(d), which states that a motion to intervene is to be filed “within 30 days after the petition for review” and is to provide “a concise statement of the interest of the moving party and the grounds for intervention.” Fed. R. App. P. 15(d); *see also Ala. Mun. Distribs. Grp. v. FERC*, 300 F.3d 877, 879 (D.C. Cir. 2002) (per curiam). In ruling upon a motion to intervene, this Circuit sometimes considers the standards for intervention in federal district courts. *See, e.g., Bldg. & Constr. Trades Dep’t, AFL-CIO. v. Reich*, 40 F.3d 1275, 1282-83 (D.C. Cir. 1994) (noting that “the policies underlying intervention [in district courts] may be applicable in appellate courts”) (alteration in original) (quoting *Int’l Union v. Scofield*, 382 U.S. 205, 216-17 n.10 (1965)); *Mass. Sch. of L. at Andover, Inc. v. United States*, 118 F.3d 776, 779 (D.C. Cir. 1997) (“[W]e have held that intervention in the court of appeals is governed by the same standards as in the district court.”).

Pursuant to Federal Rule of Civil Procedure 24(a)(2), a movant is entitled to intervention as of right whenever (1) its motion is “timely;” (2) the movant claims an “interest relating to the . . . subject of the action;” (3) disposition of the action “may as a practical matter impair or impede the movant’s ability to protect its interest;”

and (4) the existing parties may not “adequately represent” the movant’s interest. Fed. R. Civ. P. 24(a)(2); *see also Fund for Animals, Inc. v. Norton*, 322 F.3d 728, 731 (D.C. Cir. 2003). Also, a court in its discretion may allow “permissive” intervention when a movant makes a timely motion and “has a claim or defense that shares with the main action a common question of law or fact.” Fed. R. Civ. P. 24(b)(1)(B). To establish a common question of fact or law as an intervenor-defendant in a challenge to an agency action it is sufficient that the “movant[] seek to defend” the agency’s decision. *Sault Ste. Marie Tribe of Chippewa Indians v. Bernhardt*, 331 F.R.D. 5, 14 (D.D.C. 2019). Here, Movant seeks to defend the Rule from challenge by Petitioners.

As set forth below, Movant readily satisfies the requirements to intervene.

A. This Motion Is Timely Filed.

Movant files this motion to intervene within 30 days after Petitioners filed their Petition on January 15, 2025. *See* Petition for Review, *Independent Petroleum Assoc. of Am. v. EPA*, No. 25-1021 (Doc. 20944434). Accordingly, the motion is timely filed. *See* Fed. R. App. P. 15(d); Fed. R. Civ. P. 24(a)(2).

B. Movant Has Significant Interest in Defending the Rule from Challenge by Petitioners.

Movant’s interest in defending the Rule from challenge by Petitioners is significant because Movant’s members benefit from the Rule, which will reduce methane emissions, VOCs, and other hazardous air pollutants in the Midwest thereby improving air quality and the climate. 89 Fed. Reg. at 91,156. The Rule will mitigate

climate and health harms that Movant's members experience as a result of methane emissions in the Midwest where they reside and recreate. *See, supra*, Background, Section II. Intervening to respond to Petitioner's challenge to the Rule therefore aligns with Movant's long history of working to protect air quality and the climate in the Midwest. *See, supra*, Background, Section III. Movant and its members will benefit from full and complete implementation of the Rule. Movant has strong health, welfare, economic, recreational, and aesthetic interests in prompt and complete implementation of the Rule. Movant therefore has an "interest relating to the . . . subject of the action." *See* Fed. R. Civ. P. 24(a)(2); Fed. R. App. P. 15(d); *see also Crossroads Grassroots Pol'y Strategies v. FEC*, 788 F.3d 312, 317-18 (D.C. Cir. 2015) (a protectable interest supporting intervention exists where a party will benefit from agency action).

C. Petitioner's Challenge of the Rule May Impede Movant's Interests in Protecting the Midwest's Air Quality and Climate.

An order delaying, weakening, or undoing the Rule, would harm Movant's members' health and adversely impact the Midwest's air quality and climate. Movant's members are negatively affected by methane emissions by oil and gas producers in the Midwest, including in the areas near the Antrim shale formation in Michigan and the Bakken region of North Dakota, and would directly benefit from the emission reductions that result from the Rule. *See, supra*, Background, Section II. Should MERP not be fully implemented, or should this action brought by Petitioners reduce

the level of incentive to oil and gas operators to reduce methane emissions that the Charge will provide, Movant's members will continue to suffer ongoing injury and will not experience those benefits. Moreover, because this litigation may concern questions of law under the Clean Air Act, an adverse judgment may impair Movant's ability to fully pursue its interests in future litigation. Thus, the disposition of this case "may as a practical matter impair or impede" Movant's ability to protect its substantial interests in securing methane emissions reductions from the oil and gas sector. See Fed. R. Civ. P. 24(a)(2).

D. Movant's Interests May Not Be Adequately Represented.

Because Movant's interests in this case are distinct from those of Respondents, they may not "adequately represent" Movant's interests. See Fed. R. Civ. P. 24(a)(2). While EPA must implement MERP, Movant's focus is to protect its members and the Midwest by ensuring the soonest and greatest possible methane emission reductions from the oil and gas sector. Movant's burden to satisfy this factor of Rule 24 is "minimal." *Berger v. N.C. State Conf. of the NAACP*, 597 U.S. 179, 196-98 (2022).

There may be potential conflicts between Movant and EPA moving forward in this case; however, Movant need not "predict now the specific instances," *NRDC v. Costle*, 561 F.2d 904, 912 (D.C. Cir. 1977), in which conflicts may arise; a "potential conflict," *Dimond v. Dist. of Columbia*, 792 F.2d 179, 193 (D.C. Cir.

1986), or a “possibility of disparate interests,” *Costle*, 561 F.2d at 912, is sufficient. Notably, this Court “look[s] skeptically on government entities serving as adequate advocates for private parties,” *Crossroads*, 788 F.3d at 321, and, in evaluating motions to intervene, this Court “ha[s] often concluded that governmental entities do not adequately represent the interests of aspiring intervenors,” *Fund for Animals*, 322 F.3d at 736.

Movant readily satisfies the “not onerous” standard of establishing inadequate representation. *See Crossroads*, 788 F.3d at 321. Indeed, in administrative proceedings leading to promulgation of the Rule, Movant advocated that EPA take different approaches to implement MERP than were ultimately adopted in the Rule. *See, supra*, Background, Section III, n.4. As a result, Movant has sufficiently distinct interests from Respondents to support intervention. *See Crossroads*, 788 F.3d at 321. Furthermore, the new administration may seek to pause all litigation and potentially revisit certain EPA actions, which further supports Movant’s distinct interests here.⁹ Thus, Movant’s advocacy will “serve as a vigorous and helpful supplement” in this case. *Costle*, 561 F.2d at 912-13.

⁹ *See* Exec. Order No. 14154, “Unleashing American Energy,” § 3(c) (Jan. 20, 2025).

II. Movant Has Standing to Defend the Rule.

Movant has Article III standing.¹⁰ According to this Circuit, the “standing inquiry for an intervening-defendant is the same as for a plaintiff: the intervenor must show injury in fact, causation, and redressability.” *Crossroads*, 788 F.3d at 316. A movant-intervenor has standing to defend a challenged regulation when it “benefits from [the] agency action, the action is then challenged in court, and an unfavorable decision would remove the [movant’s] benefit.” *Id.* at 317 (finding this proves injury, causation, and redressability at once). And, an organization such as Movant here may defend agency action on its members’ behalf when “(1) at least one of its members would have standing to [defend] in his or her own right; (2) the interests it seeks to protect are germane to the organization’s purpose; and (3) neither the [defense] asserted nor the relief requested requires the participation of individual members in the lawsuit.” *Hearth, Patio & Barbecue Ass’n v. EPA*, 11 F.4th 791, 802 (D.C. Cir. 2021) (quoting *Sierra Club v. FERC*, 827 F.3d 59, 65 (D.C. Cir. 2016)).

¹⁰ The Supreme Court has called into question whether defendant-intervenors need to establish standing. *See Va. House of Delegates v. Bethune-Hill*, 587 U.S. 658, 663 (2019) (explaining that “it was not . . . incumbent on [a party] to demonstrate its standing” when it participated “as an intervenor in support of the . . . Defendants,” or “as an appellee” on appeal, “[b]ecause neither role entailed invoking a court’s jurisdiction”). However, this Court has continued to require that defendant-intervenors establish standing. *See, e.g., Yocha Dehe v. U.S. Dep’t of the Interior*, 3 F.4th 427, 430 (D.C. Cir. 2021).

Here, Movant's members have standing to defend the Rule in their own right. They would directly benefit from the public health and environmental protections provided by implementation of the Charge as detailed in the Rule and will be harmed by a ruling in this case that delays, weakens, or otherwise reduces the incentive the Charge and Rule provide to oil and gas operators to reduce their emissions. *See supra*, Background, Section II. This satisfies the requirement in *Crossroads*. Additionally, the interests Movant seeks to protect by participating in this case are germane to its organizational purpose of advocating for reductions of health-harming and climate-destabilizing air pollutants from sources covered by the Rule. *See supra*, Background, Section III. This too establishes Movant's standing. *See, e.g., Chesapeake Climate Action Network v. EPA*, 952 F.3d 310, 318 (D.C. Cir. 2020) (where the court found protecting against air pollution to be germane to at least one petitioner's purpose, petitioner Sierra Club); *NRDC v. Wheeler*, 955 F.3d 68, 77-78 (D.C. Cir. 2020) (where the court found NRDC's commitment to reducing greenhouse gases and hydrofluorocarbon pollution to be germane to its organizational purpose).

Furthermore, Movant's defense does not require participation by its members because Petitioners will raise questions of law or fact that will be resolved without consideration of those members' individual circumstances. *See Ctr. for Sustainable Econ. v. Jewell*, 779 F.3d 588, 597-98 (D.C. Cir. 2015). If Movant successfully litigates on its member's behalf, allowing the Charge to be implemented as detailed

in the Rule, Movant's members will obtain the benefits of reduced air pollution emissions. Movant therefore satisfies the requirements for Article III standing.

CONCLUSION

For the foregoing reasons, Movant respectfully requests leave to intervene in Case No. 25-1021 and in all other petitions for review of the Rule.

DATED: February 14, 2025

Respectfully submitted,

/s/Wendy Bloom

Wendy Bloom

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*Counsel for Environmental Law & Policy
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CIRCUIT RULE 26.1 DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1 and D.C. Circuit Rule 26.1, Movant states that it is a not-for-profit organization that is a public interest legal and policy advocacy organization focused on environmental issues in the Midwest. There are no stock or partnership shares or any ownership interests in Movant, so there are no parent companies or any publicly held companies with any ownership interest in Movant.

DATED: February 14, 2025

Respectfully submitted,

/s/Wendy Bloom

Wendy Bloom

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*Counsel for Environmental Law &
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CERTIFICATE OF PARTIES

Pursuant to Circuit Rule 27(a)(4) and 28(a)(1)(A), I certify that the parties to this case are set forth below.

Petitioners: Independent Petroleum Association of America, *et al.*, No. 25-1021; State of Texas, *et al.*, No. 25-1022; American Free Enterprise Chamber of Commerce, *et al.*, No. 25-1025; American Exploration & Production Council, No. 25-1029; American Petroleum Institute, No. 25-1031; GPA Midstream Association, *et al.*, No. 25-1033.

Respondents: The United States Environmental Protection Agency; Lee Zeldin, Administrator of the United States Environmental Protection Agency.

Intervenors: A motion to intervene filed by Center for Biological Diversity, *et al.*, No. 25-1021, Doc. 2098012, remains pending.

Amici Curiae: There are no amici curiae at the time of this filing.

DATED: February 14, 2025

Respectfully submitted,

/s/Wendy Bloom

Wendy Bloom

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CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT

I hereby certify that the foregoing Motion to Intervene contains 3,867 words and was composed in Times New Roman font, 14-point. The motion complies with applicable type-volume and typeface requirements.

DATED: February 14, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

On this of February 14, 2025, a true and correct copy of the foregoing Motion to Intervene in Support of Respondents was filed with the electronic case filing (“ECF”) system of the U.S. Court of Appeals for the D.C. Circuit, which will provide electronic notice to counsel of record.

DATED: February 14, 2025

Respectfully submitted,

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**APPENDIX TO ENVIRONMENTAL LAW AND POLICY CENTER’S
MOTION TO INTERVENE**

DATED: February 14, 2025

Respectfully submitted,

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Attachment 1

Declaration of Elizabeth Ann DelBuono, MD

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

DECLARATION OF ELIZABETH ANN DELBUONO, MD

I, Elizabeth Ann DelBuono, MD, do hereby affirm and state:

1. I am Founder and Board Chair of Michigan Clinicians for Climate Action (MiCCA), and MiCCA is a current member of the Environmental Law and Policy Center.
2. MiCCA is a coalition of approximately 400 Michigan health professionals working to reduce the health effects of climate change through education and advocacy. MiCCA's vision is to cultivate a climate in which the health and wellbeing of all people can thrive.
3. I founded MiCCA in 2020, served as a full-time volunteer Executive Director for about 3 years, and currently serve as Board Chair and continue to work with the current Interim Executive Director.
4. Personally, I am a retired physician (diagnostic pathologist) who trained and practiced medicine for approximately 30 years in Michigan.
5. In addition to practicing medicine, I have volunteered significant time (at least 20 hours/week) working on federal and state policy at the intersection of climate and health for approximately 12 years including:
 - a. Participating in efforts to educate legislators about the benefits of the Inflation Reduction Act; and
 - b. Testifying to the EPA about health impacts of fossil fuel pollution, including methane.

6. MiCCA has worked in coalition with other national, state, and local organizations to educate legislators, the general public, and our peers about the health risks of fossil fuel combustion including:

a. Submitting an amicus brief regarding the use of “exception days” by the EPA for ground level ozone; and

b. Organizational statements, press releases, and member testimony to the EPA on a variety of rules including EPA’s methane rules and greenhouse gas emissions from power plant rules, among others.

7. As the Medical Society Consortium on Climate and Health, a coalition of 100 medical and health associations representing over 1 million physicians and health professionals in the US, has stated in reference to the EPA’s Supplemental Proposal to Reduce Methane and Other Pollutants From the Oil and Gas Industry:

a. “The science is clear that methane is a potent greenhouse gas and oil and natural gas operations are the nation’s largest industrial source of that methane.” The Medical Society Consortium on Climate and Health, Consortium Statement on the EPA Supplemental Proposal to Reduce Methane and Other Pollutants From the Oil and Gas Industry, available at <https://medsocietiesforclimatehealth.org/statements/consortium-statements/consortium-statement-epa-supplemental-proposal-reduce-methane-pollutants-oil-gas-industry/>.

b. “Health impacts of pollutants emitted during the extraction and production of methane—most notably volatile organic compounds (VOCs) that increase ground-level ozone (smog)—which worsens asthma and respiratory disease, causes nervous system and developmental harms, and causes cancer. Children are especially vulnerable to the health impacts of VOCs and smog.” *Id.*

c. “Climate change is a health emergency: Our member physicians are seeing the health impacts of climate change in their patients and communities every day. These impacts disproportionately harm our most vulnerable patients, including children, pregnant individuals, the elderly, people of color, and communities living in poverty, and these impacts are worsening with every increment of increased warming. To avoid catastrophic climate change, we must reduce methane and other climate pollutant emissions as quickly as possible. Methane is a potent greenhouse gas; oil and natural gas operations are the nation’s largest industrial source of methane.” *Id.*

8. One of MiCCA’s campaigns for the 2023/24 year (and on-going) is to collect first-hand accounts from Michigan health professionals and community members regarding the health impacts of the combustion and extraction of fossil fuels, including methane, in the form of climate change and air pollution (both particulate matter and ground level ozone). As part of this campaign we have initiated a “Climate Health Listening Tour” in which we hear stories of community members and health professionals who are experiencing the effects of the climate crisis across Michigan.

9. As stated above, extraction and production of methane results “most notably (in the production of) volatile organic compounds (VOCs) that increase ground-level ozone (smog)—which worsens asthma and respiratory disease, causes nervous system and developmental harms, and causes cancer. Children are especially vulnerable to the health impacts of VOCs and smog.” In addition, leaked methane is a potent greenhouse gas, significantly more potent than CO₂.

10. Health impacts recounted by Michigan practitioners and/or community members in connection with our MiCCA collection of first-hand accounts include:

- a. Exacerbation of pre-existing conditions by extreme weather conditions, for example:
 - i) Repeated floods in Detroit (c.g. elderly patient experiences a heart attack while trying to carry furniture up the stairs on a hot/humid day while basement fills with contaminated water);
 - ii) Displacement of large numbers of people in Midland when dam broke after extreme rain event during “lockdown”, pre-vaccination phase of COVID pandemic; and
 - iii) Power outages during extreme cold resulting in a surge of patients to the Emergency Department from carbon monoxide poisoning.
- b. Extreme heat exacerbating:
 - i) Chronic conditions like kidney failure or cardiovascular compromise in outdoor workers or indoor workers exposed to high temperatures; and
 - ii) Creating unsafe conditions for homeless and mentally ill whose medications are often less effective when temperatures rise.
 - (1) Example - Veteran with PTSD missed appointment during extreme heat and ultimately required hospitalization. The combination of extreme heat and his medication being less effective in the heat were likely the cause of confusion.
- c. Extreme rain events leading to flooding:
 - i) Often contaminated by industrial chemicals (including carcinogens), agricultural waste, or sewage (frequently leading to increased incidence of gastrointestinal illness in children); and
 - ii) Repeated flood events leading to molds within the home which in turn:
 - (1) Irritate the lining of the eyes and upper respiratory tract,
 - (2) Trigger or exacerbate asthma attacks and chronic pulmonary disease, and

- (3) Lead to localized or systemic infection in immunosuppressed patients
- d. Exposure to wildfire smoke resulting in 169 deaths in Michigan the summer of 2023
 - i) Triggering and exacerbating asthma and other chronic respiratory and cardiovascular conditions, as well as
 - ii) Mental health impacts and a sense of “dystopia”
- e. Extending the length and severity of allergy seasons
- f. Increasing the incidence of vector borne diseases such as:
 - i) West Nile Virus & Equine Encephalitis;
 - ii) Lyme Disease - young high school student in Kalamazoo missed many months of schools on more than one occasion from “post-treatment” Lyme after being bitten by tick while vacationing in Northern Michigan; and
 - iii) LaCrosse Encephalitis in Michigan fisherman
- g. Mental health impacts:
 - i) Post-traumatic stress disorder after extreme weather events, and children are especially vulnerable when family has been displaced;
 - ii) Heat and extreme weather events - on homeless and mentally ill; and
 - iii) General “climate anxiety” in all populations, especially young adults

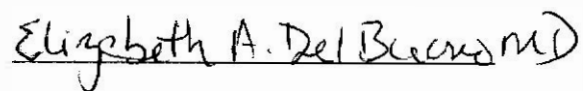
11. From my association with ELPC, MiCCA is aware and applauds EPA’s recently finalized rule titled “Waste Emissions Charge for Petroleum and Natural Gas Systems: Procedures for Facilitating Compliance, Including Netting and exemptions,” 89 Fed. Reg. 91094 (November 18, 2024). It is our understanding that this EPA rule includes details regarding the implementation of the Waste Emissions Charge enacted by Congress as part of the Inflation

Reduction Act, and that this rule will act as an incentive for oil and gas producers to reduce emissions, including here in Michigan.

12. MiCCA understands that actions to challenge this rule were filed in United States Court of Appeals for the District of Columbia Circuit, *Independent Petroleum Association of America, et al. v. U.S. Environmental Protection Agency, et al.*, Case No. 25-1021, and in the United States District Court for the Western District of Michigan Southern Division, *American Free Enterprise Chamber of Commerce, et al. v. Lee Zeldin, et al.*, Case No. 1:25-cv-67.

13. MiCCA supports ELPC's efforts to defend this rule and to intervene on EPA's behalf. ELPC's efforts to defend this rule are directly relevant to MiCCA's mission to "cultivate a climate in which the health of all people can thrive".

I, Elizabeth Ann DelBuono, MD, declare under penalty of perjury that the foregoing is true to the best of my knowledge, information, and belief.



Elizabeth Ann DelBuono, MD

Executed on February 6, 2025

Attachment 2

Declaration of Paula Leach

**IN THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF
COLUMBIA CIRCUIT**

DECLARATION OF PAULA LEACH

I, Paula Leach, declare as follows:

1. I am currently a member of the Environmental Law and Policy Center (ELPC). I am also a landowner in Antrim County, Michigan, where I have owned a lake house on Torch Lake for more than a decade. This property serves as a personal refuge for our family which includes my husband, Mike Leach, and our adult daughter, her husband, and their two year-old child. With our second grandchild due in July, I am growing increasingly concerned about their health and well-being, particularly in relation to air pollution from oil and gas emissions which pepper the landscape near our property.

2. Our family are avid outdoor recreation enthusiasts. During the summer, we swim, bike, kayak, and boat in the Torch Lake watershed, and we cherish the pristine environment that makes these activities so special. In fact, each summer I train and pride myself on participating in an annual 63-mile bike race around Torch Lake. We also love taking our grandchild to Providence Farm up the road, so she can pet the animals and pick wildflowers. In the wintertime, our family cross country skis, snowshoes, and we enjoy gazing at the starry night sky around a cozy campfire. This lake is one of the most beautiful in the region, if not the world, and we feel privileged to be stewards of this land. Beyond its sentimental and recreational value, my property is also an investment for my retirement and I do not want to see it devalued due to toxic emissions in the region.

3. I am aware that Antrim County is within the 60-80th percentile for methane emissions intensity compared to all other counties with facilities subject to the Waste Emissions

Charge (WEC), as identified in the U.S. Environmental Protection Agency's (EPA) report titled, "Regulatory Impact Analysis of the Waste Emissions Charge," EPA-430/R-24-007, November 2024. This makes it especially important to me that the WEC be implemented to reduce the health, climate, and ecological impacts of oil and gas emissions locally. Near our property, we have seen oil and gas wells and are deeply concerned about their impact on our local air quality.

4. I am aware that in August 2022, Congress passed the Inflation Reduction Act, which included a provision establishing the WEC and directing the EPA to assess a charge on oil and gas operations that emit methane and other air pollutants, such as volatile organic compounds (VOCs) and hazardous air pollutants (HAPs). This charge is thoughtfully designed to incentivize oil and gas facilities to reduce their harmful emissions. I understand that in March 2024, the EPA finalized a rule implementing this directive: "Waste Emissions Charge for Petroleum and Natural Gas Systems: Procedure for Facilitating Compliance, Including Netting and Exemptions," 89 Fed. Reg. 91,094 (November 18, 2024).

5. According to the EPA's Regulatory Impact Analysis report, the WEC Rule is expected to result in significant emissions reductions, including an estimated 1.2 million metric tons of methane, 170 thousand metric tons of VOCs, and 6 thousand metric tons of HAPs between 2024 and 2035. *See* EPA-430/R-24-007, pg. 1-3. I strongly support these reductions, as they will lead to improved local air quality in places like Antrim County and help mitigate climate change impacts that threaten the natural beauty and livability of many communities across this country and the globe.

6. I am also aware that Congress structured the charge to encourage compliance with the EPA's recently finalized regulations for oil and gas operations, including requirements to reduce flaring and venting, minimize emissions from recompletions, monitor for leaking

equipment, and install zero-emitting pneumatic controllers. These measures are critical for protecting my family's health and preserving the natural resources of Torch Lake and the surrounding area.

7. The need for stronger enforcement and regulation of oil and gas emissions is particularly pressing given the history of noncompliance within the industry. Without proper incentives and penalties, companies have continued to release excessive methane and other harmful pollutants into the air. I support the implementation of the WEC to ensure that these companies are held accountable for their emissions and to drive necessary improvements in pollution control.

8. I have spent considerable personal resources and time in engaging on these issues personally – from travelling to Washington, D.C. for the People's Climate March, to calling my congressional representatives and state lawmakers to ensure that this polluting industry is held to account. I engage civically through petitions, and attend climate summits. In addition to being an ELPC member, I volunteer for and offer financial support to additional environmental organizations, including the Michigan Sierra Club, Groundwork Center for Resilient Communities, the Oil and Water Don't Mix Coalition, the National Wildlife Federation, EarthJustice and many more. I believe that the climate crisis is the most pressing issue of our time and am personally committed to doing all I can to mitigate the damage for my child's future and those of my grandchildren.

9. I am aware of and disappointed by legal challenges that have been filed against EPA's WEC Rule in the United States District Court for the Western District of Michigan Southern Division (*American Free Enterprise Chamber of Commerce, et al. v. Lee Zeldin, et al.*, Case No. 1:25-cv-67), and in the United States Court of Appeals for the District of Columbia

Circuit (Independent Petroleum Association of America, et. al. v. U.S. Environmental Protection Agency, et. al. Case No. 25-1021). I believe the WEC Rule is critical for protecting my family, my property value, this incredibly special place, and the tourist community that exists because of this world class resource. The EPA's WEC Rule is a crucial step toward reducing harmful pollution and safeguarding the environment for future generations.

10. My family's investment in our property starting in 2012 is not just financial—it is deeply personal. I have built a lifetime of memories at Torch Lake and in Antrim County, and I want my grandchildren to be able to do the same without fear of exposure to harmful air pollution. I urge policymakers to uphold and enforce the WEC to ensure cleaner air, healthier communities, and a more sustainable future for us all.

11. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on this 6 day of February, 2025.

A handwritten signature in cursive script that reads "Paula Leach". The signature is written in black ink and is positioned above a horizontal line.

Paula Leach

Attachment 3

Declaration of Robert Michaels

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

DECLARATION OF ROBERT MICHAELS

I, Robert Michaels, declare as follows:

1. I am employed as a Managing Attorney at the Environmental Law & Policy Center ("ELPC"), which is headquartered in Chicago and where I reside. I am also a member of ELPC.

2. ELPC is a public interest legal and policy advocacy organization focused on environmental issues in the Midwest with a long history of working to protect air quality and the climate. ELPC advocates for healthy clean air and safe clean water and protecting vital natural resources and wild and natural places in the Great Lakes and the Midwest region. ELPC advances climate change solutions through clean renewable energy and clean transportation. ELPC is a not-for-profit organization under section 501(c)(3) of the United States Internal Revenue Code and is incorporated in the State of Illinois.

3. ELPC has offices and staff located in Illinois, Iowa, Michigan, Minnesota, Ohio, Wisconsin, and Washington D.C. ELPC dues-paying members reside in rural, urban, and suburban areas throughout the Midwestern states, including the additional Midwestern states of Indiana, Iowa, Minnesota, Nebraska, North Dakota, and South Dakota where ELPC is actively involved, as well as nationally.

4. As Managing Attorney at ELPC, I am responsible for leading the Clean Air and Clean Water Program Area. As part of my job responsibilities, I keep current on rulemaking by the U.S. Environmental Protection Agency ("EPA") regarding proposed rules that are promulgated pursuant to the Clean Air Act, Clean Water Act and related federal statutes. I am involved in our decision-making at ELPC regarding ELPC's advocacy with

respect to such EPA rulemaking, and ELPC has a long history of advocating for clean air and, specifically, for reduction in methane emissions.

5. ELPC has been a party to, and involved with, rulemaking and litigation on the issue of air quality generally and methane emissions specifically, including before federal and state courts and regulatory agencies. For example, ELPC was a petitioner and presented oral argument before the D.C. Circuit in *Clean Wisconsin v. U.S. EPA*, 964 F.3d 1145 (D.C. Cir. 2020), a matter involving the EPA's National Ambient Air Quality Standards in ozone non-attainment areas in Illinois and Indiana.

6. ELPC has been, and continues to be, an intervenor in litigation regarding Bureau of Land Management ("BLM") rulemaking regarding the Waste Prevention Rule. BLM promulgated this rule in 2016 to reduce the waste of natural gas in the form of venting, flaring and leaking of methane from oil and gas operations on federal and tribal land. The BLM's original Waste Prevention Rule was challenged in the United States District Court for Wyoming in *Wyoming v. U.S. Dep't of the Interior*, No. 2:16-CV-00285. See Order Granting Motion to Intervene as Respondents, Dec. 8, 2016, ECF No. 56. That litigation concluded in August 2024 when the Tenth Circuit granted a motion to vacate filed by the U.S. EPA and by ELPC and other environmental groups. See *Wyoming v. U.S. Dep't of the Interior*, Order and Judgment, Aug. 13, 2024, App. Case 20:8072, Doc. No. 010111093851. Litigation regarding a subsequent version of the Waste Prevention Rule continues in the Ninth Circuit in which ELPC is an intervenor. See *California v. U.S. Bureau of Land Mgmt.*, No. 17-1745, and *California Air Res. Bd. v. Wyoming*, No. 20-16794; see also Defs. Notice of Appeal, Dec. 4, 2024, *California v. U.S. Bureau of Land Mgmt.*, No. 3:17-cv-03804-EDL (N.D. Cal.), Doc. 98.

7. ELPC is an intervenor in litigation relating to the U.S. EPA rule on New Source

Performance Standards (NSPS), originally promulgated in 2016 to limit methane emissions from existing sources in the oil and gas industry. ELPC intervened in the United States Court of Appeals for the D.C. Circuit to support the U.S. EPA's newest version of the NSPS rule, "Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review," 89 Fed. Reg. 16820 (March 8, 2024) ("Methane Rule"). See, e.g., Order Granting Motions to Intervene, Sept. 3, 2024, Doc. No. 2072780, *Indep. Petroleum Ass'n of Am. v. EPA*, No. 24-1242 and consolidated cases; Order, Doc. No. 2050337, *Texas v. EPA*, No. 24-1054. This matter remains pending.

8. ELPC filed comments on the U.S. EPA public record in the administrative proceeding leading to the final Waste Emissions Charge as required by the Methane Emissions Reduction Program, a new provision of the Clean Air Act, section 136, established as part of the Inflation Reduction Act passed by Congress in August 2022. 42 U.S.C. §7436. See Comments of Joint Environmental Commenters to EPA's Proposal for a Waste Emissions Charge for Petroleum and Natural Gas Systems (Mar. 26, 2024), Docket ID No. EPA-HQ-OAR-2023-0434.

9. The U.S. EPA issued its final rule, "*Waste Emissions Charge for Petroleum and Natural Gas Systems: Procedures for Facilitating Compliance, Including Netting and Exemptions*," 89 Fed. Reg. 91094 (Nov. 18, 2024) ("WEC Rule"). The WEC Rule is designed to achieve reductions of methane emissions and volatile organic compound ("VOC") emissions from many source categories within the petroleum and natural gas production sector. The


WEC Rule will incentivize facilities that emit methane gas to reduce or control emissions in order to avoid incurring a Waste Emissions Charge.

10. Many counties in Michigan and North Dakota fall within the 60th percentile and above for methane emissions intensity. See Regulatory Impact Analysis of Waste Emissions Charge, EPA-430/R-24-007, November 2024, page 9-17.

11. The U.S. EPA's WEC Rule and its Methane Rule are related. Compliance with the underlying standards of the Methane Rule can serve as an exemption for a facility that would otherwise be subject to a Waste Emissions Charge pursuant the WEC Rule. See 89 Fed. Reg. 91120 (2024); 42 U.S.C. §7436(f)(6).

12. The interests of ELPC and its members would be negatively impacted if the WEC Rule does not take effect.

I declare that the foregoing is true and correct to the best of my knowledge.



Robert Michaels

Executed on February 6, 2025.

Attachment 4

Declaration of Joseph A. Satrom

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

DECLARATION OF JOSEPH A. SATROM

I, Joseph A. Satrom, do hereby affirm and state:

1. I am a lifelong resident of North Dakota. I am currently a member of the Environmental Law and Policy Center (ELPC).
2. I reside in Bismarck, North Dakota. I grew up on my family's farm in the Red River Valley in North Dakota near the Minnesota border. I attended North Dakota State University and received a Bachelor of Science degree in agricultural education.
3. I am retired now. Prior to retiring, during my career, I worked in a number of leadership and management positions in state government and business, including cofounding a forty-year-old tour and travel company. For ten years I was elected and served in the North Dakota State Senate where I represented my community and state on a wide diversity of issues. For much of my career I also worked as an administrator and manager in habitat conservation for Ducks Unlimited and the Nature Conservancy, where I supported land conservation programs and the responsible management of North Dakota's natural resources.
4. I have long been interested in environmental issues in my community, state and nation. My family and I know the local environment here in North Dakota very well. We enjoy virtually all aspects of the outdoors. Whenever I have time, I enjoy fishing at Lake Sakakawea, and hiking and birding outings to the Bakken region and the Missouri River.
5. As an ELPC member, I previously prepared a declaration that is included in the Appendix to the Motion of Environmental and Public Health Organizations to Intervene in Support of Respondents filed by ELPC and other organizations to intervene in the lawsuit *State of Texas v. U.S. Environmental Protection Agency*, et al., No. 24-1504, filed on March 12, 2024,

at pages 176 to 181 of the Appendix. In that matter, ELPC intervened to support a final rule issued by the U.S. Environmental Protection Agency (“EPA”), “Standards of Performance for New Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review,” 89 Fed. Reg. 16,820 (March 8, 2024) (“Methane Rule”), which revised the new source performance standards for methane and volatile organic compounds for the crude oil and natural gas source category. I wanted to get involved as part of ELPC’s effort to support the Methane Rule because I believe it will significantly reduce methane, volatile organic compound, and hazardous air pollutant emissions.

6. I understand that on November 18, 2024, the EPA finalized the “Waste Emissions Charge for Petroleum and Natural Gas Systems: Procedures for Facilitating Compliance, Including Netting and Exemptions,” 89 Fed. Reg. 91094 (Nov. 18, 2024) (the “WEC Rule”), and that ELPC will file a motion to intervene in federal court to support the WEC Rule. I am aware this WEC Rule aims to reduce the levels of methane, volatile organic compounds, and hazardous air pollutants emitted by oil and gas operators by incentivizing facilities to reduce excessive methane emissions or be subject to a Waste Emissions Charge. I understand that operators who would otherwise be subject to a Waste Emissions Charge can be exempted if they are in compliance with the Methane Rule.

7. I am aware that many highly polluting oil and gas facilities subject to the EPA’s WEC Rule are located in the Bakken region of North Dakota. I also understand that the EPA identified in its document, “Regulatory Impact Analysis of the Waste Emissions Charge,” EPA-430/R-24-007, dated November 2024, at page 9-17, that many of the counties within the Bakken region and bordering the Missouri river are within the 60-80th and 80-95th percentile for emissions intensity of methane in comparison to all other counties with facilities subject to the

Waste Emissions Charge. I am aware that oil and gas facilities would be incentivized to reduce emissions to qualify for a regulatory exemption from the WEC Rule.

8. I have extensive experience planning and leading ecotourism trips in North and South Dakota, including birding in the areas of the Little Missouri River Valley, Lostwood, Des Lacs, and Audubon National Wildlife Refuges, Theodore Roosevelt National Park in North Dakota. Outdoor activities have been an important part of my entire life and they remain important to me now.

9. When I worked for the Nature Conservancy, I built relationships with people all across both North and South Dakota, landowners, people in local government and a diverse group of conservationists and birders that helped me lead various conservation efforts and later to create my own nature-based tourism business. The Dakotas provide critical habitat for many species of migratory waterfowl and grassland nesting birds and are wonderful spots for observing birds and ducks in their primary habitats. For many years I have used my conservation experiences to guide tourists to the Bakken region's tremendous birding spots. In my retirement years, I continue to take four to six trips each year into the Bakken oil and gas development region of North Dakota for birding and outdoor recreation.

10. Over the years I have been able to witness how oil and gas operations have boomed in the intensely productive Bakken region. These days, while out birding and hiking in the Bakken, I regularly see the continued flaring from oil and gas wells. I know that these operations emit pollutants into the air that are harmful to those exposed and diminish the local ecosystems I enjoy personally and rely on professionally.

11. As a North Dakota State Senator, I remember attending public hearings

where local citizens and taxpayers complained of health concerns and property damage to their farms and ranches from well pollution they did not anticipate when oil and gas first came to their communities.

12. While I have seen how pollution control in the area has improved over the years, despite some pushback from industry, I know more is needed to protect these places and the health of myself and my family. The WEC Rule is a step in the right direction to achieve this goal.

13. I am aware that the WEC Rule would incentivize oil and gas producers to reduce flaring emissions. As it stands, the proximity of flaring and other oil and gas operations to areas where I recreate and where there is tremendous opportunity for ecotourism based economic activity diminishes my enjoyment of the Bakken's beauty and fills me with concern about the health of the ecosystem, my health, and the health of those who live and work in the region. I would enjoy my visits more, knowing pollution from these operations was better controlled in ways that protected the health of everyone and all the living things that are part of this extraordinary natural area.

14. Similarly, I also have hiked in and around the Theodore Roosevelt National Park and encountered oil and gas drilling and transport in close proximity to the Little Missouri River and its delicate tributaries. It is and was a frustration. These are highly scenic areas I regularly enjoy visiting.

15. I wonder if we cannot do better when it comes to managing environmentally damaging air pollution from these operations. Knowing that environmentally harmful air pollution from these operations was better regulated would certainly increase my enjoyment of these places, improve my visits, better secure the health of the ecosystems I rely on for fishing,

hiking and birding, and lessen the health risks associated with my regular trips.

16. I believe I will benefit from the reduction in pollution resulting from EPA's new WEC Rule.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Joseph A. Satrom

Joseph A. Satrom

Executed on February 10, 2025.