

Methane Regulation

Kaplan Kirsch & Rockwell provides representation across the spectrum of efforts to regulate and reduce methane emissions. We help clients engage in state and federal rulemaking proceedings to develop stringent methane regulation standards, and we help clients understand how regulations affect existing sources of methane on the ground. We also represent clients in legal challenges related to regulation of methane. Our Methane Regulation practice is closely connected to our State and Federal Climate Policy and Air Quality practices.

Representative Experience

- Represent nonprofit organization and coalition of local governments in numerous innovative efforts before the Colorado Air Quality Control Commission (AQCC) to evaluate ways to secure reductions in methane and other hydrocarbon pollution statewide from the oil and gas sector, including:
 - a rulemaking instituting a first-in-the-nation program for monitoring methane, and other pollutants, from pre-production and early production phases of oil and gas production.
 - Developing with other stakeholders a first-in-the-nation performance-based program for the transmission segment of oil and gas production, which created a steering committee that will establish segment-wide targets for the industry to meet, and securing adoption of that regulation by the AQCC.
 - Successfully advocating before the Air Pollution Control Division and the AQCC on innovative efforts to eliminate and/or control emissions from pneumatic controllers, through requiring zero-bleed pneumatic controllers at sites with access to electricity, implementing a find and fix program for pneumatic devices first in the non-attainment area and then expanding the requirement statewide, and advancing the use of non-emitting pneumatic controllers to reduce methane emissions through a task force and rulemaking proceedings.
 - Firm attorney advocated for Colorado's adoption of EPA's Control Techniques Guidelines for pollution from oil and gas facilities, making Colorado the first state in the nation to adopt the Guidelines.
 - Firm attorney led efforts to develop first statewide regulations to control methane emissions from oil and gas production facilities, which regulation became a model for the federal regulation to reduce methane pollution from oil and gas production sites.
- Defend court challenges to methane regulations promulgated by the AQCC.
- Represented a coalition of local government officials on advocating for stronger requirements for venting and flaring from oil and gas operations before the Colorado Oil and Gas Conservation Commission.
- Firm attorney represented counties in development of local oil and gas regulations and operator agreements.
- Provided strategic counsel to nonprofit organizations and a local government coalition on methane issues related to natural resilience, soil health, and opportunities to advocate for an analysis of methane impacts in federal land management decisions.
- Protested a land management decision on behalf of a nonprofit organization to elevate concerns about climate implications of making lands available for oil and gas leasing.
- Provided strategic counsel to nonprofit organization regarding pathways to allow capture and beneficial use of coal mine methane.
- Drafted supporting documents for a nonprofit organization challenging rollback of federal methane control regulations in federal court.



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- Represented survivor of home explosion caused by improperly abandoned natural gas flowline in Colorado Oil and Gas Conservation Commission rulemaking to enhance flowline safety and integrity protocols and prevent future uncontrolled releases.
- Firm attorney led an effort to convert fleet of state agency's vehicles from gasoline to compressed natural gas.
- Firm attorneys advised nonprofit organization in defense of federal methane regulations and in affirmative challenge to rollback of those regulations.