

Monthly Public Meeting

Accelerating the transition away from fossil fuels as we collaborate, cooperate and coordinate with climate crisis fighters in and around Santa Fe

Date: September 12, 2020

Place: via Zoom

Attendees: Robert Cordingley, facilitator; Paul Biderman, facilitator; Julia Ying, Greg Sonnenfeld, Gary Payton, Maria Spray, Teresa Bradford, Jim Eagle, Maj-Britt Eagle, Jean Darling, D. Reed Eckhardt, Stefi Weisburd, Mark Bourke, James Bradbury, Castille Aguilar, Adam Wasserman, David Baake, Barbara Sinha

Current Business

Welcome and introduction

The meeting began at 10:00 am.

Team Progress Reports

Jim Eagle, **Climate Action Simulations Team** lead, reported that he is now certified as an ambassador for En-ROADS.

Greg Sonnenfeld, team lead for the **Climate TRAC Team**, gave updates on the team's projects:

- 1) Regenerative farming ~ This has taken off as a collaborative effort with Extinction Rebellion, the New Mexico Healthy Soil Working Group and many interested individuals. There has been a series of talks on the issue. Several members of Extinction Rebellion planted native plants around town.
- 2) State electricity transmission ~ Greg met with the Deputy Commissioner of Public Affairs Tarin Nix (at the State Land Office) and Paul Gibson about building electricity infrastructure on state-owned land. He is also in communication with Representative Abbas Akhil about the possibilities. Greg is reviewing a technical report and he plans to summarize it for 350 Santa Fe soon. Discussion followed about how state actions fit in with the need for national networks and whether the state legislature would need to be involved. Other questions revolved around the Not In My Back Yard (NIMBY) perennial problem, storage of the power generated and whether State Land Office actions would fall under the Grid Modernization (Roadmap) Act passed in the 2019 session. It was pointed out that longer, interstate transmission lines would probably be high voltage DC lines.

Robert is the lead for the **Communications Team**. He gave the following updates:

- 1) Weekly News Digest ~ Issues have been distributed on a regular basis
- 2) Quarterly Newsletter ~ Robert will be accepting contributions for the next Quarterly Newsletter to be published around November 1
- 3) Steve Schmidt is helping with notifications for the monthly meeting

Paul Biderman and Christopher Moore are co-leads of of the **Legislative Action Team**.

Paul said the team is investigating or working the following issues:

- 1) State methane emissions rules – Christopher has prepared written comments on the proposed rules; he attended a meeting of the Interim Water and Natural Resources Committee on September 3rd when one of the items of the agenda was the proposed methane rules. Paul noted that there is a need for the state agencies to have more inspectors to enforce the rules.
- 2) Community solar – The working group has been meeting for two months, focusing on half a dozen issues to either resolve or present options; they hope to get a report out by the end of October
- 3) Healthy soils and regenerative agriculture – Robb Hirsch is the lead and he says it will receive attention in the legislative session
- 4) Environment amendment to the state constitution – This would need to pass both houses of the legislature but it does not need the Governor's signature; a measure would be put on the ballot to be voted on by the people
- 5) Tax credits for purchase of electric vehicles – There is a low probability this would receive support in the coming session
- 6) Electric vehicle corridors – These exist for Teslas but there are not enough for other electric vehicles; setting up corridors will require interstate cooperation
- 7) Bonding requirements for oil and gas wells – One problem is that if owners abandon a well without proper sealing and remediation, the state has to pay for those closure activities
- 8) Carbon pricing – It would work better to have a national law but until that happens several 350 Santa Fe members are drafting a state version
- 9) Just Transition legislation – Tom Solomon is the lead and we will play a supporting role

There was discussion of the automobile situation in New Mexico. Paul explained that the Motor Dealers Act passed decades ago allows only companies with a physical-based dealer in the state to sell cars. Since Tesla has no dealers here, they cannot sell in New Mexico.

Maj-Britt observed that if an environment amendment to the state constitution is enacted, it might help activists to eliminate pit production in New Mexico. She stated that the Trump administration has weakened the National Environmental Policy Act so state laws have assumed greater importance.

Greg brought up the possibility of some legislation to improve the number or frequency of inspections by Oil and Conservation Division inspectors. Paul suggested that the monthly call organized by the Sierra Club would be a good place to raise this issue. For example, there could be a tax placed on the oil and gas sector with the revenue going to hire inspectors, who might even be unemployed oil and gas workers.

The **Positive Public Education Team** is led by Adam Wasserman. He reported that legislators or legislative candidates might be possible speakers at the monthly meeting. Another possibility is someone who could give a presentation about an environment amendment. Adam has been looking into Solutionary Rail, a people-powered campaign to electrify America's railroads and open corridors to a clean energy future and he might be able to arrange for someone to talk about this campaign. He said Solutionary Rail could tie in to high voltage DC projects.

Other Business

Paul stated he has had no time to work on the 501c(4) paperwork. However, he now thinks becoming a 501c(4) will be more expensive than originally estimated.

Mark asked whether it might be profitable for a public-owned utility to rent their transmission lines to other entities. Paul explained it is linked into how public-owned utilities are set up in New Mexico and the way they make a profit only on equity. Greg added that PNM has big incentives to own the infrastructure and told the group about the experience Kit Carson had with charges made by Tri-State, the association of electric cooperatives.

Invited Talk

New Mexico's Methane Problem

Speaker: **David Baake**

Speaker note: David Baake is a New Mexico lawyer who represents the Sierra Club in climate and clean air proceedings. He served on New Mexico's Methane Advisory Panel and is working with the Sierra Club and a variety of other environmental groups to draft technical comments on New Mexico's proposed methane standards. He has represented national environmental groups, renewable energy trade associations and community groups in litigation and administrative proceedings related to climate, clean air and clean energy policy. Earlier in his career he dealt with matters involving the Clean Air Act, National Environmental Policy Act, the Natural Gas Act, the Federal Lands Policy and Management Act and other federal laws.

In addition to litigation, David works on a variety of administrative matters related to climate, clean air and renewable energy law. In recent years, he has represented clients before the Federal Energy Regulatory Commission and the New Mexico Public Regulation

Commission and advised low-carbon biofuel producers on U.S. Environmental Protection Agency's Renewable Fuels Standards program.

Mr. Baake used the screen sharing feature of Zoom to give a slideshow explaining why methane is a problem for New Mexico. He talked about the quantity of methane that is wasted in New Mexico and how that creates unhealthy levels of ozone. He reviewed the history of how Colorado was the first state to enact methane standards, followed by Wyoming. He explained that the New Mexico Environment Department draft rules are totally unacceptable because of the exemptions provided to wells owned by small producers and wells that have only small amounts of volatile organic compounds released. On the other hand, the draft rules from the Energy, Minerals and Natural Resources Department (through the Oil Conservation Division or OCD) are quite good.

Mr. Baake explained that the rules are requiring the industry to capture a commodity, which they can either use themselves or sell. That is one reason the oil and gas industry is cooperating with development of the rules. The deadlines in the proposed rules are within five to ten years, resulting in rapid beneficial effects to counteract climate change. The comments he will submit include major edits, including some language from laws in others states. It is his hope that New Mexico can "do it really well."

Q & A section

- Paul: What percent of production is not covered? Answer ~ He is waiting for the technical folks to get this data.
- Paul: What do companies do to capture the gas? Answer ~ The OCD rules try to encourage better planning before the well is drilled. For existing operations, the methane can be captures and used on-site, for example in a natural-gas powered engine. The other option is to put it in a tank until it can be piped away.
- Stefi: What happens with abandoned wells? Answer ~ He would like to see a rule to offset emissions.
- Stefi: What is your opinion about the bonding level for wells? Answer ~ We do need legislation requiring the agency to review rules and rates every three to five years.
- Comment by Mr. Baake: Currently state pollution regulations are not allowed to set more stringent requirements than federal regulations. He would like to see that turned around.
- Robert: Do you have a list of alliance members who are working with you on this? Answer ~ Environmental Defense Fund, Western Environmental Law Center (Tom Singer), Sierra Club and the Clean Air Task Force.
- Robert: It will not work without enforcement. Answer ~ Earthworks can use satellite technology to find leaks. Maybe there could be citizen supervision. We will be requesting third party verification. Methane is "notoriously under-reported" in the Permian Basin.

- Paul: Maybe there could be legislation to raise the tax on oil and gas with revenue going to hire more inspectors. They might even be unemployed oil workers. Answer ~ He believes industry may actually support that.
- Mark: If a small well is malfunctioning and leaking methane, how much does it cost to make it safe? Answer ~ The Environmental Defense Fund is doing some analysis to address that question.
- Adam: The major companies do a pretty good job on methane. Who are the other players? And, do the major companies just want to suppress competition? Answer ~ There are some small (mom and pop) lease-holders. But most of the operators have sufficient resources. The “super-majors” are not afraid of methane regulation.

Paul said the written comments that Christopher Mann crafted for 350 Santa Fe will be distributed after the Legislative Action Team meeting on Monday, September 14.

Next meeting

The next meeting will be Saturday, October 10th.

Meeting ended at 12:05 pm

Notes taken by Barbara Sinha