



Submitted via www.regulations.gov

December 23, 2024

Mr. John Ajak
U.S. Bureau of Land Management
U.S. Department of the Interior
Division of Fluid Minerals

Re: Waste Prevention, Production Subject to Royalties, and Resource Conservation, RIN 1004-AF01

Dear Mr. Ajak:

The Bureau of Land Management's (BLM) direct final Waste Prevention Rule (WPR) was issued under the justification of correcting technical errors and equations. However equation changes fail to correct the technical problems with the equations in the WPR finalized on April 10, and this direct final rule appears to be hurriedly developed to meet an arbitrary political deadline before the 2025 inauguration.

Working with a vibrant membership base for over 50 years, Western Energy Alliance stands as a credible leader, advocate, and champion of independent oil and natural gas companies in the West. Our expert staff, active committees, and committed board members form a collaborative and welcoming community of professionals dedicated to abundant, affordable energy and a high quality of life for all. Most independent producers are small businesses, with an average of fourteen employees.

The corrections in the direct final rule do not actually amend technical problems from the final rule, but further perpetuate them. The equations still fail to properly account for on-lease use under Section 3179.71(g). Measurement requirements remain inconsistent with state regulatory frameworks and BLM failed to provide justification for flaring volume thresholds. Lastly, BLM continues to rely on an outdated safety analysis from 1980.

BLM has characterized these changes as simple technical corrections to equations and definitions, but they are substantive in that they affect core operational requirements the North Dakota District Court found problematic when issuing the preliminary injunction on the final WPR. Problems remain with the measurement methodologies for high-pressure flares, commingled production, and the requirements for waste management plans. The fixes to these significant technical issues require a full notice and comment rulemaking, not a last-minute direct final rule that fails to substantively address the issues we and others in industry identified in our comments to the proposed rule but also those found by the court. Further, as the judge ruled, the WPR continues to exhibit problems of BLM exceeding its authority into air quality regulation, the purview of the Environmental Protection Agency.

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Western Energy Alliance supports a BLM WPR that properly defines waste with consideration of the economics of each well while reducing methane emissions. We appreciate that with the final WPR, BLM addressed all major points raised by the ruling of the Wyoming District Court overturning the 2016 WPR. Given the fact that this direct final rule fails to improve the WPR equations, we recommend that BLM pause this rule and revisit the final WPR with a full, deliberative rulemaking process in 2025 that addresses the North Dakota District Court ruling and provides uniformity across all BLM lands and the federal mineral estate. Thank you for the opportunity to comment.

Sincerely,



Kathleen M. Sgamma

President