

EPA Settles Another Legal Case With Environmentalists

The President Obama's Environmental Protection Agency (EPA) said on January 3, in another last minute attack on the nation's oil and gas industry, that it will consider revising standards for oil and gas waste as a result of another legal settlement with environmental groups.

The agreement, reached just before Christmas and finalized in a consent decree on December 28, requires the agency to review the Resource Conservation and Recovery Act (RCRA) for possible changes that could classify oil field waste as hazardous materials and require more stringent controls.

Railroad Commissioner Ryan Sitton blasted the EPA, saying the RRC has regulated oil field wastes for years. "There is no rational basis for EPA to layer additional bureaucracy on top of our regulation of oil and gas waste disposal rules," Sitton said. "The decision by EPA to settle caters only to environmental groups and adds unnecessary, burdensome regulation to an already suffering energy industry and economy."

Industry groups noted the duplication of regulations is very costly in terms of both time and money. Recently adopted regulations have created economic pain with very little environmental gain.

"We support assigning many of the federal programs to the states for permitting, inspection, and compliance," John Tintera, executive vice president of the Texas Alliance of Energy Producers, said. "This includes looking for opportunities, whenever a federal statute is opened, to increase delegation opportunities to the state."

The U.S. House of Representatives is considering several bills that would change the regulatory process. The Regulatory Accountability Act, H.R. 5, would combine six reform measures that passed the House in the last few sessions of Congress. It would reverse the negative effects regulations are having on the nation's economy, Rep. Bob Goodlatte (R-Va.), the bill's sponsor, said. It would require agencies to find the lowest-cost option for new rules, increase public input in the rulemaking process, and prevent rules from becoming final until courts can resolve litigation.

The House also is considering the REINS Act (Regulations from the Executive in Need of Scrutiny), H.R. 26,

Another bill on the front burner is the Regulatory Accountability Act, which would make regulators and members of Congress more accountable for passage of new rules.

The recent actions of the Obama administration has caused members of House to debate the Midnight Rules Relief Act, sponsored by Rep. Darrell Issa (R-Cal.), which would allow Congress to overturn regulations finalized in the last days of an administration.

Business groups have expressed frustration with the disregard federal bureaucrats had for the comments of industry during the adoption of regulations.

Tintera noted EPA had exempted marginal wells from the methane rule, but reinstated reporting requirements in the final rule after environmental groups complained. He also pointed out that EPA reversed itself during the issuing of its report on hydraulic fracturing after environmental group expressed displeasure with the report's initial findings.