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Mayor Rahm Emanuel, City of Chicago Join Coalition Suing Trump EPA for Ignoring Responsibility Under Clean Air Act To Control Methane Pollution

City of Chicago joins 15 AGs in Suing Trump EPA for Disregarding Legal Obligation to Stem Methane Emissions from Existing Oil and Gas Operations, Endangering Americans' Health and Safety

Mayor Rahm Emanuel and the City of Chicago today partnered with 15 Attorneys General to file a lawsuit against the Trump Environmental Protection Agency (EPA) for ignoring its legal duty to control emissions of methane – an extremely potent greenhouse gas – from existing oil and gas operations. Specifically, the suit charges that EPA Administrator Scott Pruitt has violated the federal Clean Air Act by “unreasonably delaying” its mandatory obligation under the Act to control methane emissions from these operations.

“The Trump EPA continues to prioritize the profits of polluters at the expense of the health and safety of our residents while at the same time ignoring the long-standing impacts to our planet’s climate,” said Mayor Emanuel. “This shortsighted approach only demonstrates its refusal to accept scientific facts, and we are proud to stand with these states in demanding the proper control of methane emissions.”

The suit was filed this morning in the U.S. District Court for the District of Columbia. It was led by New York Attorney General Eric Schneiderman and joined by the Attorneys General of New York, California, Connecticut, Illinois, Iowa, Maine, Massachusetts, Maryland, New Mexico, Oregon, Pennsylvania, Rhode Island, Vermont, Washington, and the District of Columbia, as well as the City of Chicago.

This is the most recent instance in which the City of Chicago has challenged the Trump EPA for failing to protect Chicago residents. For example, in November, Chicago alerted the U.S. EPA to dangerous chromium spills coming from U.S. Steel’s plant in Northwest Indiana and filed suit against the steel manufacturer. Chicago also continues to work with a coalition of state AGs and cities to defend the Clean Power Plan, carbon pollution standards issued by the EPA in 2015, from the Trump Administration’s attempts to rescind it.

Methane is an extremely potent greenhouse gas, warming the climate about 80-times more than carbon dioxide over a 20-year timeframe. Oil and gas operations – production, processing, transmission, and distribution – are the largest single industrial source of methane emissions in the U.S. and the second largest industrial source of U.S. greenhouse gas emissions behind only electric power plants. Based on EPA data, the Environmental Defense Fund estimates that roughly \$1.5 billion worth of natural gas leaks or is intentionally released from the oil and gas supply chain each year. Continuing to allow leaks and intentional discharges of methane is especially puzzling, as methane itself is a valuable product, being the primary component of natural gas.

Nearly 90 percent of the methane emissions projected for the oil and gas industry in 2018 will come from sources in existence prior to 2012. However, proven, cost-effective methods are readily available to control methane emissions from these existing sources. A 2014 analysis prepared by ICF International found that the industry could cut methane emissions 40 percent below the projected 2018 levels using available technologies and techniques – at an average annual cost of less than \$0.01 per thousand cubic feet of natural gas produced. Taking into account the total economic value of the gas not released, the 40 percent reduction would yield savings of over \$100 million dollars per year for the U.S. economy and consumers.

Attorney General Schneiderman put EPA on notice in December 2012 that it had a legal obligation under the Clean Air Act to regulate methane emissions from new and existing oil and gas operations. In June 2016, the Obama Administration EPA finalized standards to control methane emissions from oil and gas operations that were constructed or substantially modified after September 2015. Under the Clean Air Act, when EPA began regulating methane emissions from these “new” sources, it was required under the Act to also establish guidelines for controlling methane emissions from “existing” sources – emission sources in oil and gas operations in existence before September 2015.

In recognition of that obligation, in November 2016, EPA issued an “Information Collection Request” that sought information from oil and gas operators of “critical” use in addressing existing sources, including the number and types of equipment at production facilities, and emission sources and control devices or practices. EPA began receiving the requested information beginning in January 2017. However, on March 2, 2017, newly-confirmed EPA Administrator Scott Pruitt – without any public notice or opportunity for comment – withdrew the Information Collection Request. Although such a request is not necessary for EPA to issue the required rule, its revocation sent a clear signal that the Trump EPA had no intention of meeting its statutory obligation to control methane emissions from existing oil and gas operations.

As a result, on June 29, 2017, a coalition, including the City of Chicago, [pledged to sue if](#), within 180 days, EPA failed to issue methane standards for existing sources in the oil and gas industry. More than 180 days have passed and the Trump EPA has failed to take action on issuing the required standards.

In today’s lawsuit, the coalition cites clear statutory language, Congressional intent, established Agency practice, and the large contribution that existing sources make to methane emissions as support for their contention that EPA is obligated to act “without delay” to finalize controls on methane emissions from existing oil and natural gas sources. EPA has known since at least 2009 that methane endangers public health and welfare, and has long had ample data on cost-effective

measure for controlling methane emissions from oil and natural gas sources, for example, through the Natural Gas STAR Program, which started in 1993. The coalition argues that the EPA's failure to establish guidelines for controlling methane emissions from existing sources in the oil and gas industry is an "unreasonable delay" in performing a mandatory duty under the Clean Air Act. The suit asks the court to direct EPA to propose and adopt the methane regulations required by the Act for oil and gas operations, following an expeditious deadline established by the court.

This litigation is just the latest action taken by Mayor Emanuel to protect Chicago's natural resources. As one of his first acts as a Congressman, the Mayor introduced the Great Lakes Restoration Act, which has funded \$1.7 billion in preservation for the Great Lakes. Under the Mayor's leadership, Chicago has enacted some of the strongest environmental protections, including some of the strongest bulk materials regulations for storage and handling in the nation. The Emanuel administration has banned new petcoke and coal facilities, and has prohibited the expansion of existing facilities. Further, Mayor Emanuel created the "Climate Change is Real," website, putting information from the U.S. EPA's Climate Change Website on the City of Chicago's servers after the Trump administration removed the content from federal websites.

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