BRAD SHERMAN
UNITED STATES CONGRESS

PH: (202) 225-5911
FAX: (202) 225-5879

January 5, 2016

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, DC 20460

The Honorable Norman C. Bay
Chairman
Federal Energy Regulatory Commission
888 First Street, NE, Room 11H
Washington, DC 20426

Dr. William A. Burke
Chairman
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765

Mr. Dennis Arriola
President and CEO
Southern California Gas Company
555 West Fifth St.
Los Angeles, CA 90013-1011

The Honorable Marie Therese Dominguez
Administrator
U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
East Building, 2nd Floor
1200 New Jersey Ave., SE
Washington, DC 20590

Mr. Kenneth Harris
State Oil and Gas Supervisor
Department of Oil, Gas & Geothermal Resources
801 K Street, MS 18-05
Sacramento, CA 95814-3530

Mr. Michael Picker
President
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

Dear Sirs and Madams:

I write to request that all parties to this letter immediately cooperate to develop a plan for more significant action to stop the leakage of natural gas at the Southern California Gas Co. ("SoCalGas") natural gas storage facility in Aliso Canyon as soon as possible. I am deeply concerned about this leak, which has been called the Clean Air Act's version of the Deepwater Horizon oil spill. The leak is releasing methane at an incredible rate estimated at 110,000 pounds per hour. The threat to human health and the environment requires the exploration and adoption of additional measures beyond those currently underway.

The leak was discovered on October 23, 2015. After seven failed attempts at plugging the well, on December 4, 2015, SoCalGas began to dig a relief well. The relief well, which is intended to intercept and kill the leaking well at some 8,000 feet below the ground, will not be complete until late February at the earliest. In case the first relief well does not work, SoCalGas has plans to dig a second relief well; that project will also take months of digging and remains in the planning phases.

RECYCLED PAPER

All parties to this letter have specific expertise that can help determine additional solutions to stop this leak more quickly than the relief well strategy. I am asking that each of you put aside for the moment whether a particular agency has jurisdiction to investigate here. My immediate concern is stopping this leak as quickly as possible. I believe that if all parties work together and bring their expertise to the table, the best and most efficient solutions will present themselves.

The Aliso Canyon Storage Facility currently holds upwards of 137 billion cubic feet of natural gas. We need to immediately investigate the best means to draw down this gas, and thus stop leakage much more quickly than the current plan.

Last week, our office attended a meeting designed to focus on methane capture. We believe that this approach should be undertaken immediately if, but only if, it can be done safely, and, of course, only if there is a reasonably good prospect of significant success.

In order to draw down pressure on the leaking well, the influx of natural gas into the system has been halted and SoCalGas has been withdrawing and selling the remaining gas at the rate of consumer demand. However, SoCalGas should withdraw as much gas from the facility as possible. SoCalGas should withdraw the maximum amount of natural gas from the Aliso Canyon storage facility every hour of every day, regardless of the weather.

To be clear, venting is not an appropriate solution. SoCalGas should work with electric generation facilities to cause them to withdraw and to use natural gas at the same rate as if it was the hottest day in August or coldest day in January. That electricity, which could not be used locally, could be sold through the grid, given away to electric utilities beyond their needs for free, or simply grounded. Together, all of the parties to this letter have the technical expertise to determine the quickest and most effective way to proceed to stop the leak. As long as the leak continues, the natural gas stored in Aliso Canyon is not an asset, it is a toxin. Failure to withdraw natural gas from Aliso Canyon as quickly as the infrastructure will allow creates unnecessary threats to public health. As more gas is extracted and used to generate electricity, less gas will leak into the environment.

Withdrawing natural gas from the facility will reduce pressure. Thus, the remaining natural gas will leak out of the storage facility more slowly. Every effort must be made to acquire temporary compressors or other equipment so that natural gas can be pulled out of Aliso Canyon, even if the pressure pushing the natural gas through the pipe system has slowed. Moreover, the reduction in natural gas pressure would facilitate stopping the leak, as the gas pressure has thwarted efforts to kill the well. A program of maximum possible withdrawal might facilitate plugging the leak, or quickly draining the facility of all the natural gas it contains.

There may be additional methods to draw down the remaining gas in the Aliso Canyon facility, including use or storage by others involved in transport, storage and consumption of natural gas. SoCalGas should be exploring ways to pump the natural gas back to its suppliers through the pipelines that run to the Aliso Canyon facility. It is simply wrong to limit withdrawals of gas from the facility to that which can be sold in the ordinary course of business, plus that which can be stored in other SoCalGas facilities. These possibilities need to be examined expeditiously and implemented immediately if warranted.

January 5, 2016

Should it be necessary, the Environmental Protection Agency (EPA) may exercise its "emergency powers" under Section 303 of the Clean Air Act, 42 U.S.C. § 7603, when pollution presents an "imminent and substantial endangerment to public welfare." As the EPA has stated in its own guidance interpreting Section 303, "[i]f there exists a non-speculative risk of harm, the agency may properly act under Section 303."[1] Section 303 provides, but does not require, that the EPA file for an injunction in federal court. Rather, Section 303 confers on the EPA the ability to issue an administrative order when a temporary restraining order requires too much time. As Congress stated in the legislative history to this section, "[t]he committee bill reflects the committee's determination to confer completely adequate authority to deal promptly and effectively with emergency situations which jeopardize the health of persons." H.R. Rep. No.95-294, 95th Cong., 1st Sess. 327-28 (1977).

I believe that as of this time, given what we know about the toxicology of methane and the non-methane components of the natural gas, and given the magnitude of the leak, the EPA has sufficient data and authority to act here and issue an administrative order if it so chooses in the event additional solutions are found.[2] Nonetheless, I write to ask each of your agencies and companies to work together immediately to review the prospect of halting the leak by maximizing the amount of gas extracted from storage facility itself.

Thank you for your prompt attention to this matter. Should you wish to discuss this matter further, please feel free to contact me directly, or contact Lauren Wolman in my DC office or John Alford in my Sherman Oaks Office.

Sincerely,

BRAD SHERMAN
Member of Congress

---

[1] Guidance on the Use of Section 303 of the Clean Air Act, dated September 15, 1983, at 3 *available at http://www.epa.gov/sites/production/files/documents/guide-sec303-rpt.pdf.* In addition, under Section 303, the EPA must work with state authorities. Again, from the EPA's own guidance, "All that is required by Section 303, however, is that State or local action be insufficient to abate or preclude the emergency conditions, and that the appropriate State or local agency be consulted in order to determine what action it intends to take, and whether the information upon which EPA intends to act is accurate." *Id.* at 7.

[2] "What is needed, however, is evidence which reasonably leads the Administrator to believe that certain air emissions from particular sources are creating an imminent and substantial endangerment to public health. This evidence might be in the form of emissions data combined with adverse meteorological reports and medical bulletins. Provided the informal consultation requirement has been met, the Administrator may issue an order calling for abatement of emissions by whatever means the Administrator determines are necessary under the circumstances of the case." *Id.* at 12.

January 5, 2016

cc: Office of Legislative Affairs, the White House
Council on Environmental Quality, Executive Office of the President
Washington Office of the Governor, State of California
Senator Barbara Boxer
Senator Dianne Feinstein
Senator Fran Pavley
Assemblyman Mike Gatto (Chair, Assembly Utilities and Commerce Committee)
Los Angeles City Councilman Mitchell Englander
Los Angeles County Supervisor Michael Antonovich