



EPA's Proposed Methane Rules and GHG Guidance

By: [Chris Colclasure](#)

Today EPA proposed its much-anticipated [methane and volatile organic compound program](#) for new and existing oil and natural gas facilities. EPA set forth a framework with anticipated regulatory requirements but will not propose specific rule language until 2022. EPA intends for its rules to cover onshore well production facilities, storage tank batteries, gathering and boosting stations, natural gas processing plants and the natural gas transmission and storage segment, but not distribution. This [chart](#) provides an overview of the proposed New Source Performance Standards and Emissions Guidelines by site.

There are three main components to EPA's proposal:

- Promulgating New Source Performance Standards (NSPS) for new, modified, and reconstructed facilities at 40 CFR Part 60 Subpart OOOOb. These rules will take effect as federal requirements after the EPA promulgates final rules.
- Promulgating Emissions Guidelines for states to limit methane emissions from existing oil and gas facilities at 40 CFR Part 60 Subpart OOOOc. States will have to adopt their own plans and regulations for existing facilities and submit them to EPA for approval.
- Amending Subpart OOOOa, which has been in effect since 2016, in response to the Congressional Review Act disapproval of certain rules previously adopted by the Trump EPA.

The main activities and equipment covered by the proposal include:

- Leak Detection and Repair (LDAR) inspections using Optical Gas Imaging (OGI) or "advanced measurement technologies." Traditional OGI or Method 21 inspections would still be required annually. EPA is soliciting comment on whether advanced measurement technologies should be required for all well sites and compressor stations.
- Zero-emitting pneumatic controllers at new and existing facilities.
- Prohibit venting of associated gas from oil wells. Emissions of gas that cannot be captured and sold must be reduced at least 95%.

- Flare recordkeeping and reporting requirements.
- Regulating additional storage tanks by setting standards for tank batteries rather than for individual tanks. This lowers the applicability threshold found in the current Subpart OOOOa.
- Regulating additional pneumatic pumps not covered by current federal standards.
- Well liquids unloading.
- Reciprocating and centrifugal compressors.
- Environmental justice requirements, including more frequent monitoring.

EPA will accept public comments for 60 days after publication in the Federal Register. EPA plans to promulgate final rules before the end of 2022. EPA intends to issue a supplemental proposal in 2022. The 2022 proposal may include additional requirements for abandoned and unplugged wells, flare performance, pipeline pigging operations, and tank truck loading.

These proposals appear to track rules adopted in Colorado and being considered in New Mexico. Beatty & Wozniak attorneys have been intimately involved in these rulemakings since at least 2014, when Colorado adopted nation-leading methane rules. If you have any questions, please contact [Chris Colclasure](#), [Jim Martin](#), or [Bret Sumner](#).