

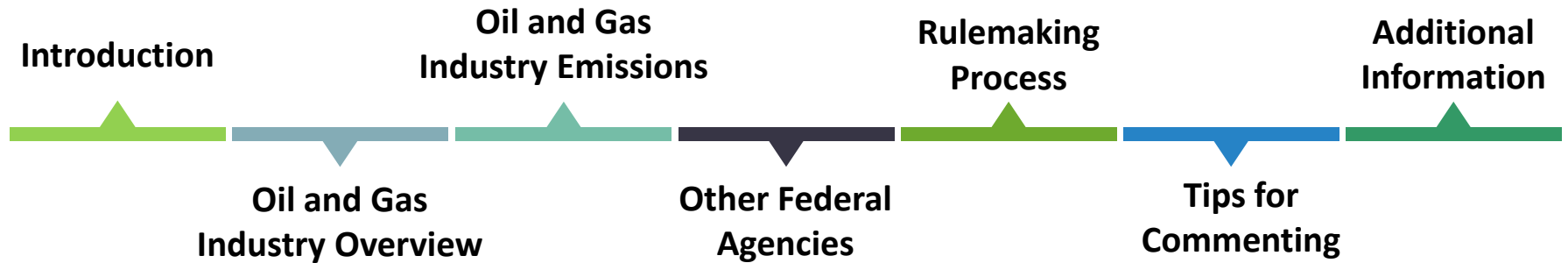
EPA's Clean Air Act Authority

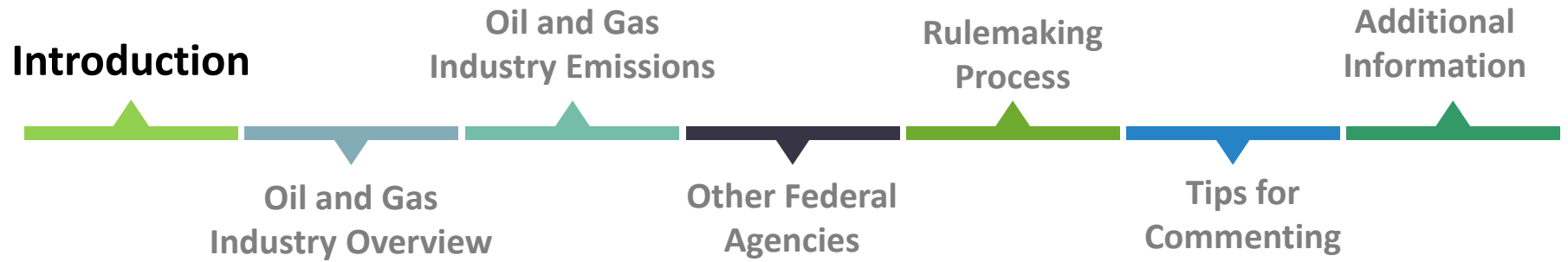
Reducing Emissions of Methane and Other Air Pollutants from the Oil and Natural Gas Sector



May 2021

Roadmap for Today's Training





EPA's Authority

- ▶ Agencies get their authority to issue rules from laws enacted by Congress
- ▶ EPA has authority under the **Clean Air Act** to regulate air quality
- ▶ EPA may decide to begin a rulemaking for many reasons, including new technologies or data, concerns arising from problems affecting society, or Presidential directives



President Bush signing the Clean Air Act Amendments of 1990.



EPA Administrator Michael S. Regan has called tackling climate crisis the single best opportunity to strengthen our economy, to put people back to work, and to build a healthier, more equitable environment for all Americans.

▶ Clean Air Act Section 111

- EPA regulates **greenhouse gases, volatile organic compounds, and other air pollutants** under this section of the Clean Air Act
- **National standards** for **new, modified, and reconstructed** oil and gas sources
- Although the Agency has not done so before, we plan to propose **guidelines** for reducing methane emissions from **existing** oil and gas operations

▶ Clean Air Act Section 112

- EPA regulates **air toxics** from the oil and gas sector. Air toxics are known to cause cancer and other serious health impacts.

▶ EPA also regulates the oil and gas industry under other laws to protect water quality and ensure proper treatment of hazardous waste

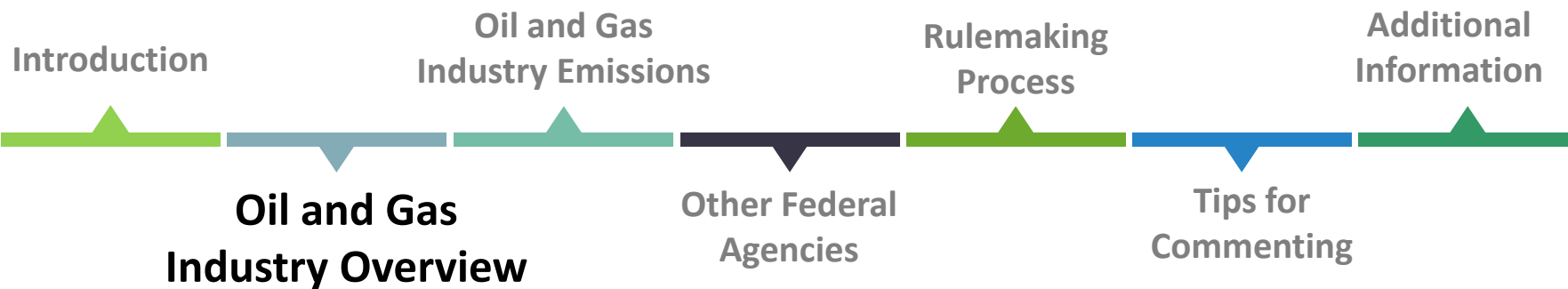
EO on Public Health and the Environment

- ▶ On January 20, 2021, President Biden issued Executive Order 13990, **Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis**
- ▶ Among other direction to EPA, the order instructs EPA to consider taking two actions by September 2021 focused on reducing methane emissions from the oil and gas sector:
 - Propose strengthening previously issued standards for **new sources**
 - Propose emission guidelines for **existing operations** in the oil and gas sector
- ▶ These actions both fall under section 111 of the Clean Air Act

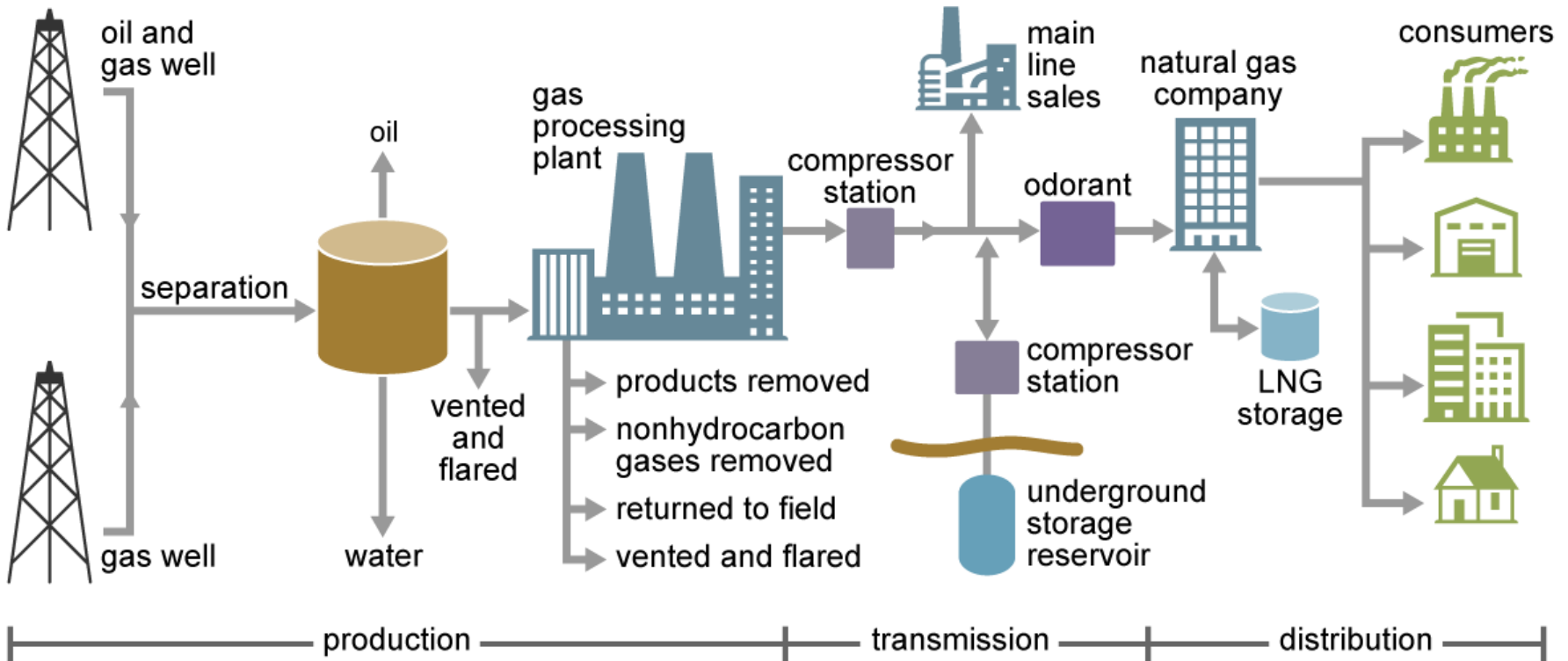


Purpose of EO 13990:

“...to improve public health and protect our environment; to ensure access to clean air and water; to limit exposure to dangerous chemicals and pesticides; to hold polluters accountable, including those who disproportionately harm communities of color and low-income communities; to reduce greenhouse gas emissions; to bolster resilience to the impacts of climate change; to restore and expand our national treasures and monuments; and to prioritize both environmental justice and the creation of the well-paying union jobs necessary to deliver on these goals.”

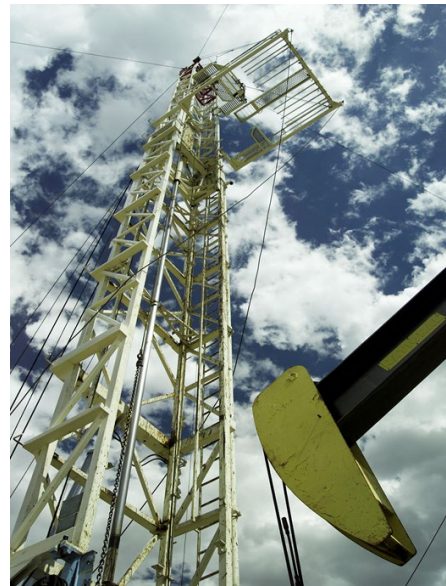


What does the natural gas industry look like?



Source: U.S. Energy Information Administration

Photos of Oil and Natural Gas Industry



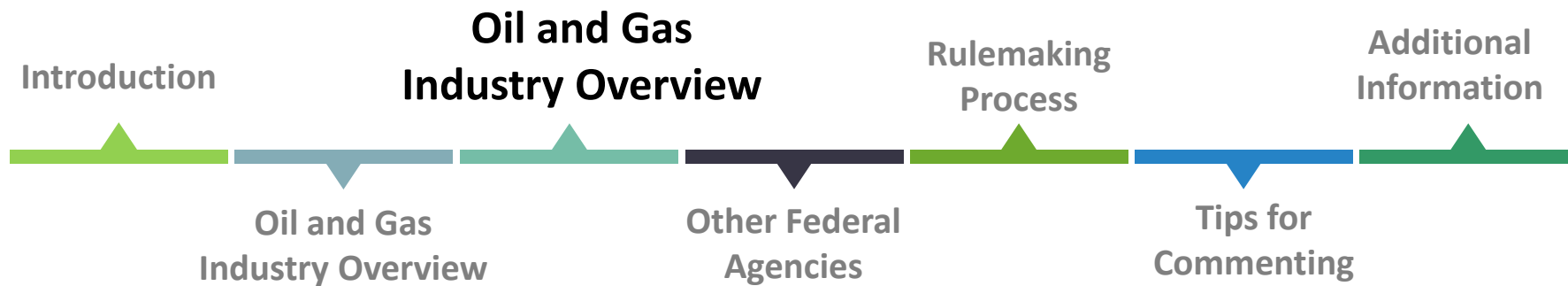
Where is the oil and gas industry?

- ▶ In the U.S. there are over 15,000 oil and gas owners and operators
- ▶ Most of these are small businesses
- ▶ About one million producing onshore oil and gas wells (shown on map)
- ▶ About 7,000 gathering and boosting stations
- ▶ Over 650 gas processing plants
- ▶ About 2,000 transmission compression stations
- ▶ About 300,000 miles of transmission pipeline
- ▶ About 400 underground natural gas storage stations
- ▶ Over 100 liquefied natural gas storage or import/export stations



<https://www.eia.gov/state/maps.php?v=Petroleum>

Map from U.S. Energy Information Administration (data from Enverus)

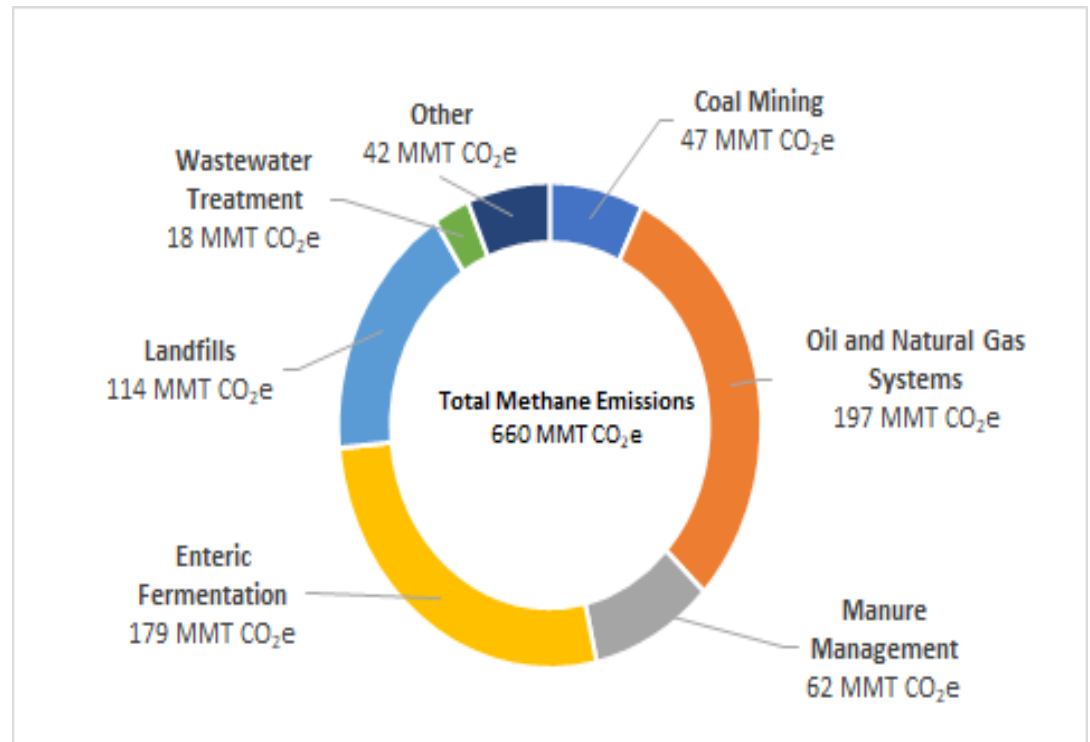


Oil and Gas Emissions

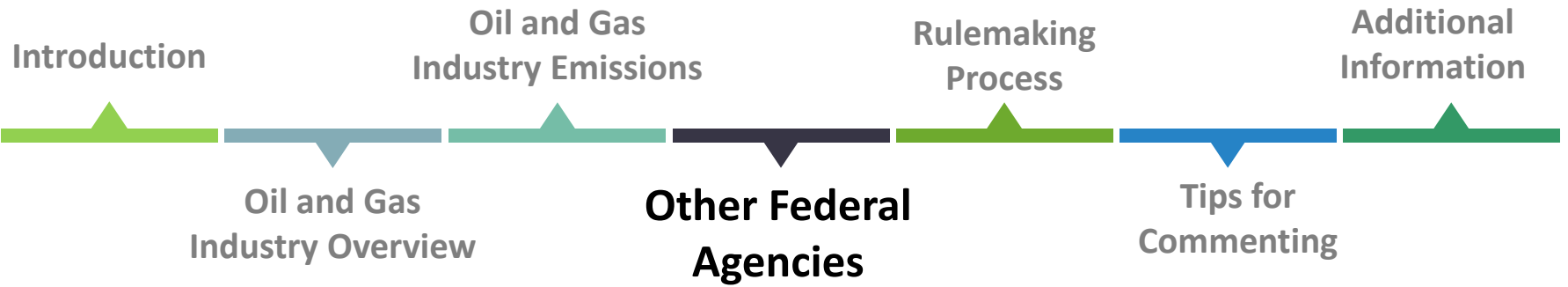
- ▶ Multipollutant industry
 - Greenhouse gases, including methane
 - Volatile organic compounds and sulfur dioxide
 - Air toxics, including benzene, toluene, ethylbenzene and xylene
- ▶ Emissions of pollutants occur in all segments of the industry, and include:
 - Fugitive emissions: unintentional leaks from equipment
 - Venting: direct release of natural gas into the atmosphere

U.S. Methane Emissions

- ▶ The oil and gas sector is the largest industrial source of methane emissions in the U.S.
- ▶ Methane, the key constituent of natural gas, is a potent greenhouse gas that accelerates climate change
- ▶ Climate change poses threats to the health and well-being of everyone



Source: Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2019



- ▶ EPA has authority under the Clean Air Act to regulate air quality
- ▶ EPA regulates emissions of greenhouse gases, volatile organic compounds, air toxics, and other air pollutants from the oil and natural gas sector
- ▶ EPA also regulates the oil and gas industry under other laws to protect water quality and ensure proper treatment of hazardous waste



Department of the Interior (DOI)

Regulates the extraction of oil and gas from **federal lands**

► Bureau of Land Management (BLM)

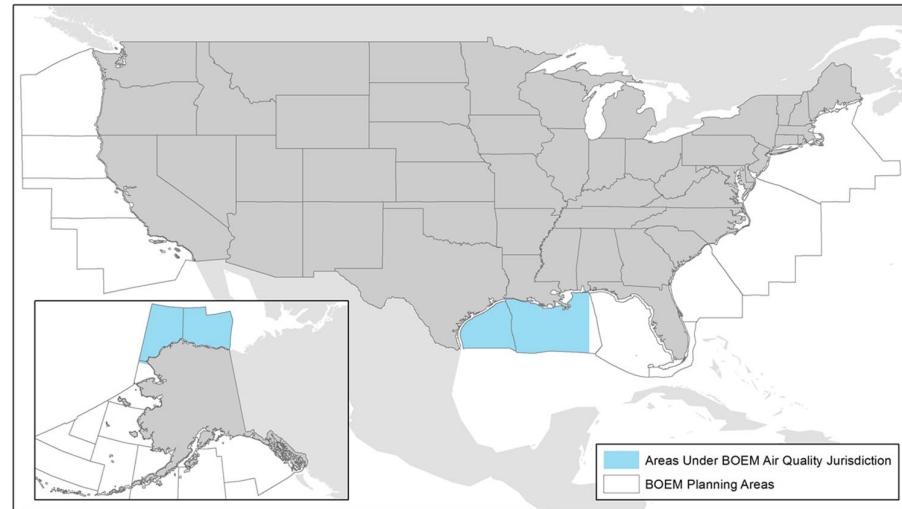
- BLM manages the Federal government's **onshore** subsurface mineral estate – about 700 million acres (30% of the United States)
 - BLM also oversees oil and gas operations on many Tribal leases
- BLM maintains an **oil and gas leasing program**
- BLM **does not directly regulate emissions for the purposes of air quality.**
 - BLM does regulate venting and flaring of natural gas for the purposes of preventing waste
 - An operator may be required to control/mitigate emissions as a condition of approval on a drilling permit

Department of the Interior (DOI)

Regulates the extraction of oil and gas from **federal lands**

► Bureau of Ocean Energy Management (BOEM)

- Manages the development of America's **offshore** energy and mineral resources
- BOEM has air quality jurisdiction in the **Gulf of Mexico** and the **North Slope Borough of Alaska**. (blue areas on map)
- BOEM has air jurisdiction in federal waters on the Outer Continental Shelf 3-9 miles **offshore** (depending on state) and beyond



Map courtesy of BOEM

Department of Transportation (DOT)

Manages the U.S. transportation system

► Pipeline and Hazardous Materials Safety Administration (PHMSA)

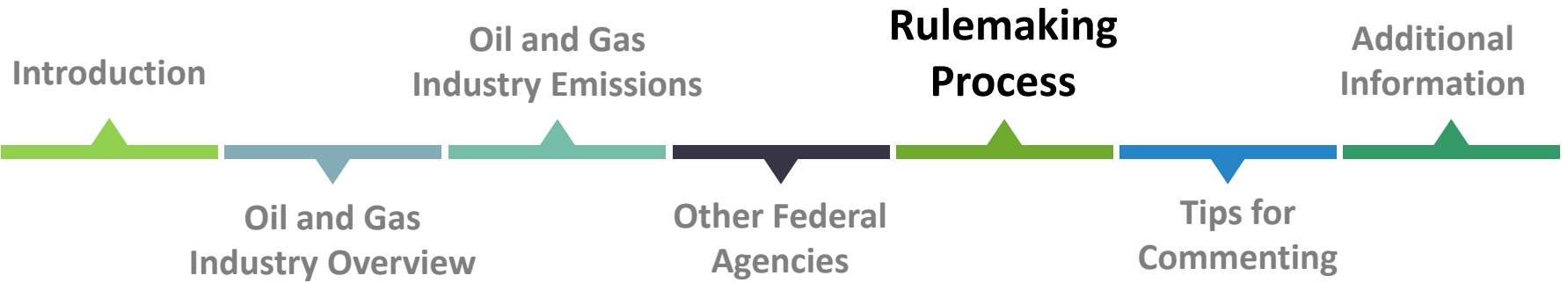
- The Office of Pipeline Safety ensures safety in the design, construction, operation, maintenance, and spill response planning of America's 2.8 million miles of **natural gas and hazardous liquid transportation pipelines.**
 - Data and risk analysis
 - Outreach
 - Research and development
 - Regulations and standards
 - Training
 - Inspections and enforcement
 - Accident investigations

Department of Energy (DOE)

Develops policies, funds and conducts research on advanced fuels and monitoring and measurement technologies

▶ **Federal Energy Regulatory Commission (FERC)**

- FERC regulates natural gas **pipeline, storage, and liquefied natural gas facility construction.**
- Issues **environmental assessments** or draft and final **environmental impact statement** for comment on most projects.



Upcoming Rulemaking for Oil and Gas Sector



Pre-Proposal Engagement

- ▶ We encourage the public to engage with EPA **before** a rulemaking is proposed.
- ▶ Additional opportunities for pre-proposal engagement to be aware of:
 - Public docket for pre-proposal comments
 - Listening sessions

Pre-Proposal: Public Docket

- ▶ EPA has opened a pre-proposal docket for members of the public to submit input to the Agency in writing
 - Visit <https://www.regulations.gov/>
 - Search for Docket ID No. EPA-HQ-OAR-2021-0295
 - We'll go through how to navigate regulations.gov in a few slides
- ▶ For more information on submitting information to EPA dockets, visit <https://www.epa.gov/dockets/commenting-epa-dockets>
- ▶ Note: This is not the docket for the proposed rulemaking
 - EPA will open a separate regulatory docket when it issues the proposal in September

Pre-Proposal: Listening Sessions

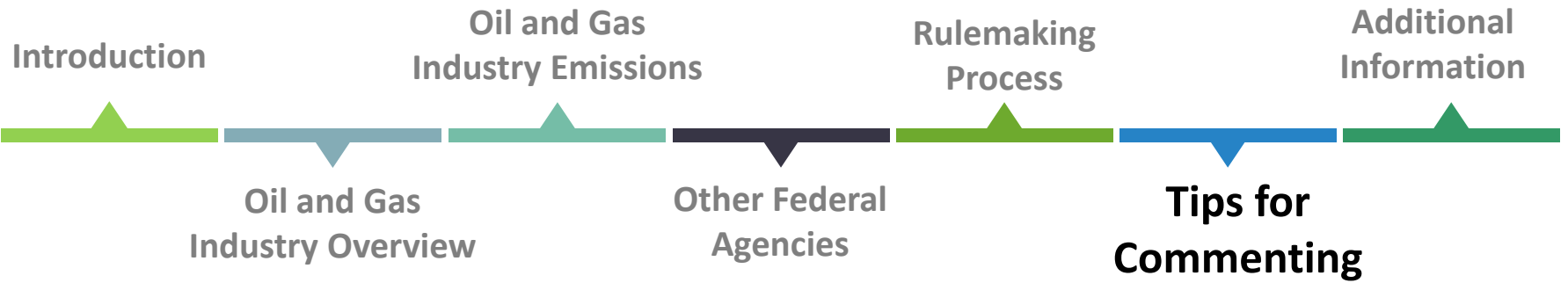
- ▶ EPA will hold **virtual listening sessions** to take public input on the Agency's upcoming proposed regulations for the Oil and Natural Gas Industry
- ▶ The listening sessions will be held over **three days**
- ▶ Each day will focus on different stakeholder groups; however, you may register to speak on any day:
 - Tuesday, June 15, 2021: Focus on Industry and Non-Governmental Organizations
 - Wednesday, June 16, 2021: Focus on Communities, Environmental Justice Stakeholders and Tribes
 - Thursday, June 17, 2021: Focus on States, Local Governments and Small Businesses
- ▶ Registration will remain open until **June 9, 2021**
 - Register to speak at: <https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry>
 - A view-only link for the listening sessions will also be made available

After Proposal: Comment Period


- ▶ The **comment period** for the proposed rule will open when the September 2021 proposed rule is published in the Federal Register
 - This will be a separate docket from the public docket for pre-proposal comments, which is open now
- ▶ The **preamble** of the proposed rule and the **fact sheet** posted to EPA's website will provide specific directions on submitting comments
- ▶ There will be a separate docket for the proposed rulemaking. Comments on the proposal should go to that separate docket
 - EPA's preference is to receive comments through the Federal eRulemaking portal at **regulations.gov**
 - We also accept written comments via email, fax, and mail
- ▶ Submit comments within the **comment period** outlined in the proposed rule and in the fact sheet

After Proposal: Public Hearing(s)

- ▶ There will be an opportunity to make oral presentations at a **public hearing**
- ▶ Details about a public hearing will either be included in the preamble of the proposed rule or in a later Federal Register notice. Information will also be posted to EPA's website.
 - Generally, presenters register in advance and have **3-5 minutes** to present
 - Oral presentations will be **transcribed** and available in the **public docket** for the proposed rule



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The new Regulations.gov is a re-envisioning of the classic Regulations.gov, with enhanced search capabilities, a simplified commenting process, and an interface that

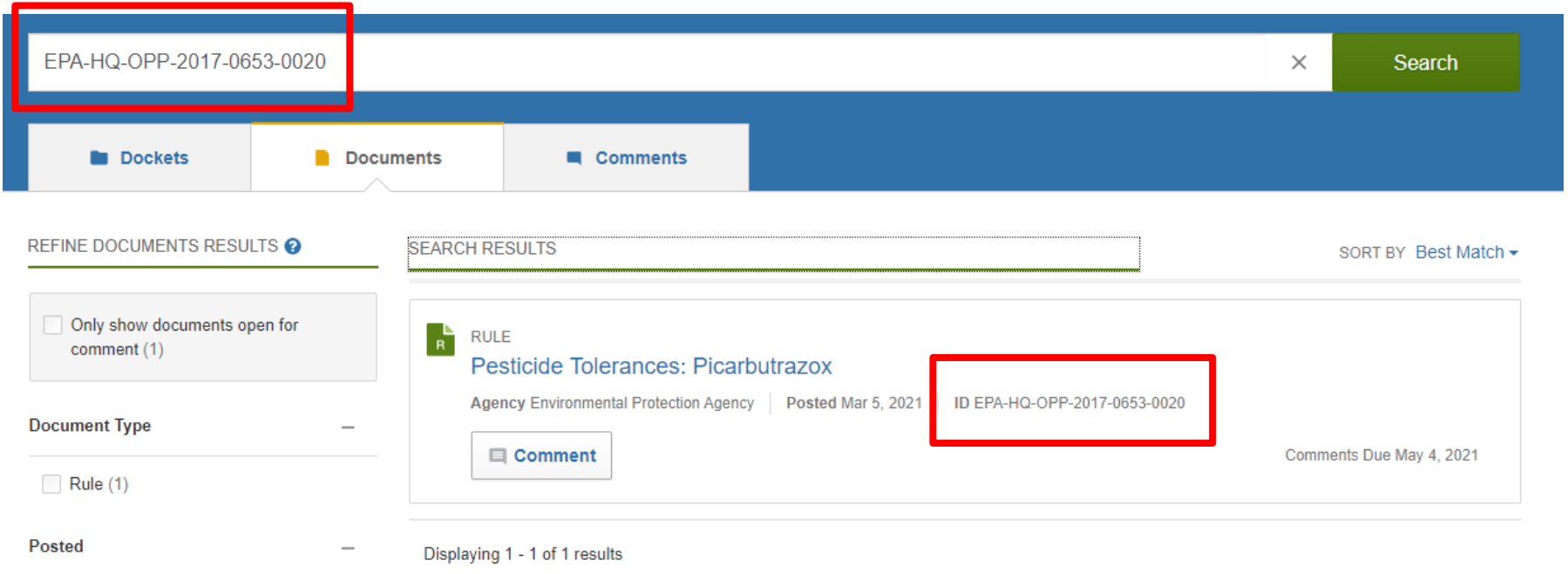


Explore

Comments Due Soon

Docket ID Number

▶ Type in the docket ID number



The screenshot shows the EPA docket search interface. At the top, a search bar contains the docket ID number "EPA-HQ-OPP-2017-0653-0020", which is highlighted with a red box. To the right of the search bar is a green "Search" button. Below the search bar are three tabs: "Dockets", "Documents", and "Comments". The "Documents" tab is selected. On the left side, there is a "REFINE DOCUMENTS RESULTS" section with a filter option: "Only show documents open for comment (1)". Below this are "Document Type" and "Posted" filters, both currently set to "Rule (1)". The main area displays "SEARCH RESULTS" with a "SORT BY Best Match" dropdown. A single result is shown for a "RULE" titled "Pesticide Tolerances: Picarbutrazox", posted by the "Agency Environmental Protection Agency" on "Mar 5, 2021". The docket ID "ID EPA-HQ-OPP-2017-0653-0020" is highlighted with a red box. A "Comment" button is visible below the title, and the text "Comments Due May 4, 2021" is on the right. At the bottom of the results, it says "Displaying 1 - 1 of 1 results".

Submitting Comments

Write a Comment

[Read Agency Guidelines](#) | [Commenter's Checklist](#)

Comment*

Start typing comment here...

5000

Attach Files

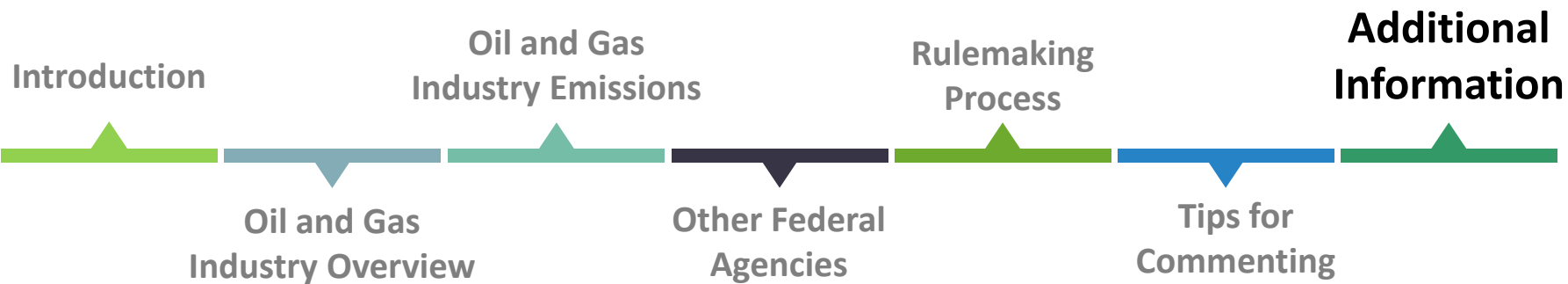
You can attach up to 20 files, but each file cannot exceed 10MB. Valid file types include: bmp, docx, gif, jpg, jpeg, pdf, png, ppbx, rtf, sgml, tif, tiff, txt, wpd, xlsx, xml.

Drop files here or [Browse...](#)

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EO 13175 and EPA Tribal Policies

- ▶ **Executive Order (EO) 13175 — Consultation and Coordination with Indian Tribal Governments**
 - Reaffirmed the United State’s commitment to a government-to-government relationship with Federally Recognized Tribes
 - The EO required federal agencies to establish regular and meaningful collaboration and consultation with tribal officials in the development of federal policies that have tribal implications
 - Also reconfirmed by 2009, 2021 Presidential Memorandums
- ▶ **1984 EPA Policy for the Administration of Environmental Programs on Indian Reservations “1984 Indian Policy”**
 - Key emphasis is to give special consideration to tribal interests in making Agency policy and ensure the close involvement of tribal governments in making decisions and managing environmental programs affecting Tribal land
 - Remains the cornerstone of EPA’s Tribal Program and was reaffirmed by the Administrator in 2019
- ▶ **2011 EPA Policy on Coordination and Consultation with Indian Tribes**
 - Based on EO 13175 and EPA’s 1984 Indian Policy

For Additional Information

Tribal Contact: Toni Colon

Community and Tribal Programs Group
Office of Air Quality Planning and Standards

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Questions and Answers

▶ Questions & Answers

▶ Resources

- [EPA Website: Basics of Regulatory Process](#)
- [EPA Website: Get Involved in EPA Regulations](#)
- [EPA Website: Commenting on EPA Dockets](#)
- [regulations.gov](#)



May 25-27, 2021



U.S. EPA's Webinar on Oil and Natural Gas

**Thank you for attending today's training webinar
on oil and natural gas.**

**EPA will post the recording of today's webinar to
our website soon at this address:**

<https://go.usa.gov/xHJDX>