



EPA's Proposal to Reduce Climate- and Health-Harming Pollution from the Oil and Natural Gas Industry Responds to Key Areas of Public Input

November 2, 2021 -- The U.S. Environmental Protection Agency (EPA) is taking a significant step in fighting the climate crisis and protecting public health through a proposed rule that would **sharply reduce methane and other harmful air pollutants from both new and existing sources in the oil and natural gas industry**. As it developed the proposal **EPA conducted extensive public outreach to hear from the public and a wide range of stakeholder groups**. The Agency heard from diverse voices and perspectives including state and local governments, tribal nations, communities affected by oil and gas pollution, environmental and public health organizations, and representatives of the oil and natural gas industry, all of which **provided ideas and information that helped shape and inform the proposal**.

The Agency is seeking comments on all aspects of the proposal, including **seeking information about additional sources of pollution** in the oil and natural gas industry that could yield additional methane reductions – including sources that members of the public raised during pre-proposal outreach. EPA intends to issue a **supplemental proposal in 2022** that that may address these sources and that may add to or modify provisions of the 2021 proposal based on information and feedback received during the public comment period. The Agency will conduct broad public outreach about the proposal, including hosting a training about the rule for communities with environmental justice concerns, tribal nations and small businesses, along with briefings for stakeholder groups. EPA also will hold a virtual public hearing.

Here are some examples of how the proposed rule reflects public input:

Addressing Methane Pollution

- During pre-proposal outreach, EPA heard from many members of the public and stakeholder groups who stressed the **urgent need to address climate change**, and **the importance of reducing methane pollution** as part of the nation's response.
- EPA's proposed rule would expand and strengthen New Source Performance Standards for methane and smog-forming volatile organic compounds from new, modified and reconstructed sources, and establish the first Emission Guidelines requiring reductions in methane from hundreds of thousands of existing sources nationwide. Combined, these

actions will reduce methane emissions by an estimated 41 million tons through 2035 -- the equivalent of 920 million metric tons of carbon dioxide. That's more than the amount of carbon dioxide emitted in 2019 from all U.S. passenger cars and commercial aircraft combined.

Finding and Fixing Leaks

- Numerous stakeholders called on EPA to **include robust fugitive emissions monitoring** in the proposed rule to **address large emissions sources and** ensure that repairs are completed. Fugitive emissions, also called “leaks,” are unintended emissions that can occur from equipment at any time. These leaks can range from small emissions to very large emissions “events” that are sometimes called “super emitters.”
- **EPA is proposing a comprehensive monitoring program** that would require companies to find and fix leaks at new and existing well sites and compressor stations. The proposed programs are **designed to focus monitoring efforts on sites and equipment that are most likely to have large emissions** – well sites with estimated emissions of 3 tons or more per year, and all compressor stations. EPA estimates that this program will require routine monitoring at the well sites that are responsible for 86 percent of all well-related fugitive emissions.

Using Next-Generation Technology to Find Leaks

- Industry stakeholders, state regulators, communities and environmental groups all expressed strong support for allowing the use of **advanced measurement technologies that can find major leaks more rapidly and at lower cost than ever before.**
- **EPA's proposal would allow owners and operators the flexibility to use advanced technology** as an alternative to optical gas imaging to survey for leaks at all new and existing well sites and compressor stations. The proposal encourages innovation by allowing any technology capable of meeting a rigorous minimum detection threshold to be used to conduct surveys every two months, with follow-up required 14 days after a leak is found. To ensure that smaller leaks are found, an annual survey using optical gas imaging or EPA Method 21 would be required. EPA is seeking comment on whether the use of these advanced measurement technologies should be required at all well sites and compressor stations rather than allowed as an alternative.

Transitioning to Zero-Emitting Technologies for Pneumatic Controllers

- As part of their call for EPA to require significant methane reductions in its proposed rule, members of the public and stakeholder groups **urged the Agency to require reductions in emissions from natural gas-driven pneumatic controllers.** Pneumatic controllers, which are used extensively in the oil and natural gas industry, are automated instruments that are

powered by high-pressure natural gas and are designed to release gas during operation. These emissions account for nearly 30 percent of all methane emissions from oil and natural gas systems. The vast majority of these emissions come from malfunctioning intermittent controllers that are currently unregulated under the Clean Air Act.

- **EPA’s proposal would regulate intermittent pneumatic controllers for the first time** and would **require zero methane emissions from all new and existing pneumatic controllers** at facilities in the industry’s production, processing, and transmission and storage segments in all states except Alaska. These proposed standards are informed by state-level programs and allow operators to choose from multiple technologies that are now available to eliminate emissions from these devices.

Reducing Pollution from Flaring of Associated Gas

- A number of speakers at EPA’s June 2021 public listening sessions raised concerns about **venting and flaring of associated gas**. Associated gas refers to natural gas that is produced by wells used for oil production. In many areas, there is no sales line to receive the associated gas, so producers vent it or flare it. This venting, which EPA has not previously regulated, releases significant amounts of methane and other harmful pollutants into the atmosphere. Speakers asked EPA to incentivize capture of this associated gas, reduce flaring, and ensure that flares are working properly.
- **Venting would not be allowed** under EPA’s proposal. Instead,
 - Producers **must capture the gas and send it to a sales line if one is available**.
 - If no sales line is available, producers must:
 - Use the gas for power on site or another purpose, or
 - Reduce methane and volatile organic compound (VOC) emissions by 95 percent by sending the gas to a flare or control device.
- **EPA is also proposing to require monitoring of flares to detect malfunctions.**

Reducing Health Impacts in Communities Near Oil and Gas Operations

- Numerous stakeholders raised **concerns about the health impacts to people living in communities near oil and natural gas operations**, including low-income communities and communities of color, which often bear an unequal burden of environmental risk and harm – both from climate change and from air pollution. In addition to methane, air pollution from oil and natural gas facilities includes smog-forming VOCs, and a number of hazardous air pollutants known or suspected to cause cancer and other serious health effects.
- EPA’s proposal, if finalized, would sharply reduce this pollution through a combination of expanded and strengthened standards for new sources, and Emissions Guidelines that would require states to reduce methane from existing oil and gas facilities nationwide for

the first time. The proposal includes requirements for finding and fixing fugitive emissions, requirements for controlling associated gas, measures to reduce pollution from new and existing storage tanks, zero-emission standards for pneumatic controllers, and standards for liquids unloading events.

- The overall proposal would **avoid 12 million tons of smog-forming VOC pollution and 480,000 tons of air toxics pollution through 2035**, not just from new sources but also from hundreds of thousands of existing facilities nationwide. In 2030 alone, the proposed rule would cut emissions of these harmful pollutants in half in compared to expected emissions from covered sources without the rule.
- EPA believes these standards would reduce air pollution and deliver stronger health protection to people who live and work near oil and gas facilities, including in communities with environmental justice concerns.
- To ensure that the needs and perspectives of communities are taken into account, EPA's proposal also includes requirements for states to **undertake meaningful outreach and engagement with overburdened and underserved communities** as they develop their plans for regulating existing sources under the Emissions Guidelines.

Upholding Tribal Trust Responsibilities

- Representatives of tribal nations asked the EPA to **uphold its trust responsibilities** and issue rules that **protect disproportionately impacted communities**.
- EPA believes the substantial emissions reductions in the **proposed rule would further improve health and welfare in communities with environmental justice concerns, including Native American communities**.
- **EPA will offer tribal nations consultation** on the proposed rule. The consultation process will begin when the proposed rule is published in the Federal Register

Aligning EPA's Rule with State Programs

- During pre-proposal outreach, EPA heard a number of requests to **align the proposed rule with existing state programs** to reduce unnecessary duplication of programs.
- A number of states have their own regulations for methane emissions from the oil and gas industry, and EPA's **proposed Emissions Guidelines provide states the opportunity to leverage their existing programs or develop new programs** that are at least as effective as the presumptive standards.
- EPA is proposing to require that states who choose to take this approach identify the aspects of their existing programs that are being submitted as part of their state plans, and to provide an analysis showing how those existing programs are at least as stringent as the requirements in the final Emissions Guidelines.

Seeking Comments and Information

- **EPA is seeking comment and information about additional sources of pollution** that may help the Agency further reduce methane and VOC emissions from the oil and natural gas sector in a supplemental proposal in 2022. These include **abandoned and unplugged wells**, which the public and stakeholder groups identified as pollution sources of concern during pre-proposal outreach.
- In addition, several community members raised concerns about **ensuring that required emissions controls are operating** properly. In addition to proposing fugitive emissions monitoring at flares to detect and stop malfunctions, EPA is taking comment on whether to propose additional requirements in a supplemental proposal to ensure proper operation of control devices. The Agency also is **seeking information on how it could empower communities** to help stem large emission events by detecting and reporting them to owners/operators for follow up and emission-reduction actions.
- EPA encourages comments on all the proposed requirements in the rule. Note: previous comments and input provided during pre-proposal outreach do not serve as comments on the proposal. The Agency encourages the public to submit written comments on the proposal or to speak at the public hearing.

For More Information

- For more information about the proposed rule and instructions on submitting comments, visit <https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry>