

# EPA's Final Rule to Reduce Methane and Other Pollution from Oil and Natural Gas Operations: Proposed Reconsideration Addressing Two Technical Issues

## Fact Sheet

### Overview

- December 20, 2024 -- The U.S. Environmental Protection Agency has proposed revisions to two narrow technical aspects of its final Clean Air Act rule to reduce methane and other harmful air pollution from oil and natural gas operations in response to petitions for reconsideration. The Agency is proposing discrete technical changes to:
  - The temporary flaring provisions for associated gas in certain situations; and
  - The requirements for “vent gas net heating value” continuous monitoring for flares and enclosed combustion devices and alternative performance test requirements for the same. Net heating value an indicator of flare performance and combustion efficiency.
- The proposed updates include proposed changes to the New Source Performance Standards for new, modified and reconstructed sources, and changes to the Emissions Guidelines for existing sources. Emissions Guidelines do not impose requirements directly on sources; rather, they include model regulations that states may choose to adopt in their plans for reducing methane from existing sources. The proposed updates do not change the substance of the emissions standards in the final rule.
- The proposed rule notes that EPA is not reopening any other aspects of the final rule aside from the two narrow technical issues that the proposal addresses.
- EPA will take comment on the proposed updates for 45 days after the proposal is published in the Federal Register.
- The agency will hold a public hearing if one is requested within five days of publication. If a hearing is requested, EPA will hold it 15 days after publication.

### Proposed Changes to Temporary Flaring Provisions for Associated Gas

- Wells that are drilled for oil production may also produce natural gas. This gas is called “associated gas.” In some areas, producers have historically used flares to burn it.

- EPA’s final rule for new sources phases out routine flaring of this gas, while still providing owners and operators the flexibility to temporarily flare in certain situations. Those include a malfunction or other incident that endangers the safety of operators or the public, or during repair and maintenance. The existing rule limits this flaring to 24 hours or less per incident. The model rule for associated gas in the final Emissions guidelines also includes provisions for temporary flaring.
- After the final rule was [published](#), EPA received petitions for reconsideration that suggested the 24-hour limit on temporary flaring did not provide enough time for owners and operators to troubleshoot and repair equipment. The Agency considered the petitioners’ concerns along with data that was not available to the agency before it issued the final rule, which was announced in December 2023 and published in March 2024. Based on these considerations, EPA is proposing to allow owners or operators to route associated gas to a flare or control device for up to 48 hours. This proposed change applies only to malfunctions or incidents that endangers the safety of operator personnel or the public, and during repair and maintenance (including blowdowns, production tests, or commissioning).
- The Agency is also seeking comment on allowing owners or operators to route associated gas to a flare or control device for up to 72 hours if “exigent circumstances” exist. These could include situations where an owner or operator cannot physically access a site due to weather or other conditions, such as road closures. EPA also is seeking comment on whether there are other specific exigent circumstances that EPA should allow and on specific recordkeeping and reporting requirements related to routing associated gas to a control device or flare for more than 48 hours.

### Proposed Changes to Vent Gas Net Heating Value Continuous Monitoring and Alternative Performance Test for Flares and Enclosed Combustion Devices

- The existing rule includes compliance assurance requirements to ensure that devices that control emissions can continuously demonstrate that they control emissions by 95 percent. The rule requires owners and operators to demonstrate compliance with requirements related to the net heating value of the gas sent to a flare or enclosed combustion device. The rule also includes an alternative performance test option. Net heating value (NHV) refers to the amount of heat released when gas is burned, which is an indicator of flare performance and combustion efficiency.
- Following publication of the final rule, EPA received petitions for reconsideration that raised issues related to the need for the NHV compliance demonstration, the feasibility of using the alternative performance test option, and compliance timing. EPA also received new data that was not available to the Agency at the time it issued the final rule.

- After considering the petitioners’ concerns and the data that was provided after the publication of the final rule, EPA is proposing several changes to the NHV monitoring and testing provisions.
  - The Agency is proposing to expand the “vent streams” that are exempt from NHV monitoring, because of their high NHV content.
    - *For new sources:* EPA is proposing to exempt unassisted flares and enclosed combustion devices from the net heating value monitoring requirement. The agency is proposing to continue current net heating value monitoring requirements for all pressure-assisted, air-assisted, and steam-assisted flares and enclosed combustion devices.
    - *For existing sources:* EPA is proposing to amend the model rule in the Emissions Guidelines to exempt unassisted, air-assisted, and steam-assisted flares and enclosed combustion devices from the net heating value monitoring requirement. The agency is not proposing to amend the current model rule language for net heating value monitoring for pressure-assisted flares and enclosed combustion devices.
  - EPA is also proposing to remove the general exemption from NHV monitoring for associated gas for any control device used at “well site affected facilities.”
  - For flares or enclosed combustion devices that must meet a minimum NHV content in vent gas of 200 British thermal units (Btu) or 300 Btu per standard cubic feet of gas, EPA is proposing to require NHV monitoring only in cases where inert gases are added or for other scenarios that reduce the NHV content of the gas that is sent to the enclosed combustion device or flare.
    - The Agency is proposing recordkeeping and reporting requirements to indicate whether the flare or enclosed combustion device receives inert gases or other streams that may lower the NHV content of the combined gas stream.

*Alternative performance test for meeting NHV compliance demonstration requirements*

- The final rule also included an alternative performance test (also called the sampling demonstration) option for meeting the requirements to demonstrate net heating value. After considering the petitions for reconsideration and the data the Agency received after the final rule was published, EPA is proposing several revisions to the alternative performance test for both new and existing sources. They include:
  - Clarifying that sampling may be conducted upstream of the inlet to the control device when an owner or operator chooses to use the NHV grab sampling option,

- Specifying that the 14-day period for the performance test must be consecutive operative days but allowing for breaks in the 14-day sampling period for weekends and holidays. In these instances, the 14 days would not have to be consecutive.
- Specifying that a block hourly average must be used for determining the hourly average for continuous samples.
- EPA also is proposing to retain the one-hour minimum sampling time for twice daily samples, except in cases where low or intermittent flow makes one-hour sampling infeasible. In these cases, the Agency is proposing to allow less than one-hour sampling times and to require documentation and reporting of the reason.
- The Agency is proposing to add clarifying language to the rule to allow the use of the sampling demonstration as an alternative to continuous monitoring for all types of air- and steam- assisted flares or enclosed combustion devices.
- As part of the requirements for new, modified and reconstructed sources in the final rule, EPA included operating parameters to ensure that flares meet requirements for good flare performance. These parameters are for NHV in the combustion zone and a NHV dilution parameter. EPA is proposing to retain these parameters but to add clarifying language to the rule to allow the use of alternative test methods in the rule for meeting them. EPA also is proposing to more fully describe when monitoring or flare flow rates or flare assist rates is not required.
- EPA is proposing changes to the model rule in the Emissions Guidelines for existing sources that include removing the model requirement to meet, and conduct monitoring for, net heating value in the combustion zone and net heating value dilution for air- and steam- assisted enclosed combustion devices and flares. The Agency also is proposing model rule language specifying that existing air- or steam-assisted enclosed combustion devices or flares must meet a minimum NHV in the vent gas of 300 Btu per standard cubic feet.

### For More Information and How to Comment

- To read the proposed updates, visit the [Actions and Notices](#) section of EPA's oil and gas website.
- EPA will accept written comment on the proposed rule for 45 days after it is published in the Federal Register. The Agency prefers that people submit written comments through the [Regulations.gov website](#). Copy this docket number --- EPA-HQ-OAR-2024-0358 – and paste that into the search box at Regulations.gov to find the right docket for submitting comments.

- If you are unable to submit comments through Regulations.gov, instructions for submitting them by mail, hand delivery, courier, and email are available on [EPA's Dockets website](#).
- To request a public hearing, you must contact EPA within five days after the proposal is published in the Federal Register. Instructions for requesting a hearing are in the proposal. Search for “public hearing” to find them quickly.