

Advocacy Comments on EPA’s Supplemental Proposal for the Oil and Natural Gas Methane Rule

On December 6, 2022, the Environmental Protection Agency (EPA) published a supplemental proposed rule, as a follow-up to its November 15, 2021, proposed rule that would revise and update the New Source Performance Standards for Oil and Gas production under Clean Air Act section 111(b) and Emissions Guidelines for existing Oil and Natural Gas production sources under Clean Air Act section 111(d). These proposed rules would directly regulate methane emissions from new and modified sources and establish standards for state regulation of methane emissions from existing sources.

The supplemental proposal provides missing details from the proposed rule and proposes further restrictions on methane emissions. This supplemental proposal expands on third-party monitoring for “super-emitter” events and includes proposed implementing regulations the state plans required under section 111(d).

Advocacy filed public comments on the November 2021 proposed rule, in which Advocacy commented on EPA’s compliance with the RFA, on the disproportionate impact the proposed rule would have on small businesses, and suggested additional flexibilities that EPA should consider in this supplemental proposed rule.

On February 13, 2023, Advocacy filed public comments on the supplemental proposed rule. In its comments, Advocacy reiterated some of the points in its previous comment letter and suggested additional regulatory flexibilities to reduce the burden on small businesses consistent with the purpose of the rule.

- EPA’s proposal will have a significant and disproportionate impact on small businesses.
- EPA should provide additional compliance alternatives for the proposed monitoring requirement to reduce the reliance on expensive Optical Gas Imaging monitoring.
- EPA should provide flexibilities in its requirements for pneumatic controllers and pumps to accommodate situations where electricity is not readily available and solar power is either technically infeasible or unreasonably costly.
- EPA should design its super-emitter response program to provide protections for small businesses operating in good faith.

A complete copy of [Advocacy’s letter to EPA is available](#). For more information, please contact Assistant Chief Counsel Dave Rostker at david.rostker@sba.gov, or at (202) 205-6966.