

## **EPA Report to H-GAC Regional Air Quality Planning Advisory Committee Meeting July 29, 2021**

### **Update on Serious Area Attainment Deadlines for the 2008 Ozone Air Quality Standard**

Last month EPA reported that we have received a request to grant the Houston area a 1-year extension of the attainment date for the 2008 ozone standard as the area's 4<sup>th</sup> highest daily maximum 8-hour average in the 2020 attainment year is 75 parts per billion.

It is expected that EPA will publish a national proposal for the Serious ozone nonattainment areas that will cover:

- Determinations of Attainment by the Attainment Date
- Extensions of the Attainment Date
- Reclassification of Areas to Severe

The national proposal is now expected to be published this fall (previously it was expected to be published this summer). It is also expected that the proposal will address the request for a 1-year extension of the Houston attainment date. Publication of the proposal in the Federal Register will start a 30-day comment period.

### **Upcoming EPA Virtual Workshop on Methane Detection Technology**

EPA will hold a virtual public workshop August 23 and 24, 2021, to hear perspectives on innovative technologies that could be used to detect methane emissions from the oil and natural gas industry. The workshop will focus on methane-sensing technologies that are not currently approved for use in EPA's New Source Performance Standards for the oil and natural gas industry and how those technologies could be applied in the oil and natural gas sector. EPA's state, local, and tribal regulatory partners, along with members of the public, are encouraged to attend the workshop. Attendees will have an opportunity to submit questions for the panelists.

EPA encourages anyone who is interested in developments in methane detection technology to attend the workshop. The deadline to register is August 18, 2021. Information on the workshop, including information on registration and a live stream of the event is available at <https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry/epa-methane-detection-technology-workshop>.

### **Oil and Natural Gas Sector Regulations**

The Congressional Review Act (CRA) provides a process by which Congress can rescind a regulation that is promulgated by a Federal agency. On June 30, 2021, President Biden, signed into law a joint resolution of Congress, adopted under CRA, disapproving the EPA 2020 "Policy Rule" regulation which amended the Oil and Natural Gas Sector New Source Performance Standards (NSPS) for New, Reconstructed, and Modified Sources.

In a separate final rule promulgated shortly after the 2020 Policy Rule, EPA promulgated several technical amendments to the amended 2016 Oil and Natural Gas Sector NSPS. This Technical Rule included amendments to address a range of technical and implementation issues in response to administrative petitions for reconsideration and other issues brought to EPA's attention since the 2016 NSPS. The CRA resolution that disapproved the 2020 Policy Rule did not address the 2020 Technical Rule; therefore, those amendments remain in effect.

Since the 2020 Policy Rule was rescinded, the EPA has received questions about the Oil and Natural Gas Sector NSPS. In response EPA has developed a Question and Answer document. It's available at: [https://www.epa.gov/system/files/documents/2021-07/qa\\_cra\\_for\\_2020\\_oil\\_and\\_gas\\_policy\\_rule.6.30.2021.pdf](https://www.epa.gov/system/files/documents/2021-07/qa_cra_for_2020_oil_and_gas_policy_rule.6.30.2021.pdf).

Additionally, Executive Order (E.O.) 13990, (Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis) was issued January 20, 2021. The E.O. instructs EPA to consider taking steps by September 2021 to:

- Propose a rule to reduce methane emissions from the oil and natural gas sector by suspending, revising, or rescinding the NSPS modifications finalized in 2020.
- Propose new regulations to establish comprehensive standards of performance and emission guidelines for methane and VOC emissions from existing operations in the oil and natural gas sector.

As a result of the E.O., EPA intends to propose a rule for public comment in September 2021. As part of this rulemaking, EPA anticipates further explaining the impact of the CRA disapproval of the 2020 Policy Rule, as well as identifying and proposing appropriate changes to resolve any discrepancies in the regulatory text between the 2016 NSPS and 2020 Technical Rule. These proposed changes, along with the proposal to respond to E.O. 13990, will be made available for public comment.