

Proposed Stays of Certain Requirements in the 2016 New Source Performance Standards

Overview of actions

- On June 16, 2017, the U.S. Environmental Protection Agency published two proposals to stay portions of the agency's 2016 New Source Performance Standards (NSPS) for the oil and natural gas industry while the agency works through the process to reconsider them.
- The agency has **proposed a two-year stay of the rule's fugitive emissions requirements, well site pneumatic pump standards, and requirements that closed vent systems be certified by a professional engineer** while the agency reconsiders issues associated with these requirements. EPA also has proposed a three-month stay of the requirements.
- Under the proposals, sources would not need to comply with these requirements for the duration of the stay. Other requirements in the rule, such as the requirement that oil wellsite owners/operators use a process known as "green completion" to capture emissions as a well is being prepared for production, and emissions limits for compressors across the sector are not covered by the proposed stays and remain in effect.
- Since the 2016 final rule was issued, EPA has received several petitions to reconsider aspects of the rule, including the aspects that would be covered by the proposed stay. The proposed two-year stay would give the agency time to complete the reconsideration process, including issuing a proposal, taking public comment, and issuing a final action. EPA intends to look broadly at the rule during the reconsideration process.
- If finalized as proposed, the two-year stay likely would be determined to be a major rule subject to the Congressional Review Act. This means that the stay could not take effect until 60 days after publication, or after Congress receives the rule report, whichever is later. However, the three-month stay could take effect upon publication of the final stay in the Federal Register.
- EPA will take public comment on each of the proposed stays until August 9, 2017. See the end of this fact sheet for commenting instructions. The agency will issue a separate proposal addressing the reconsideration of the rule for public review and comment at a later date.

What the proposed stays would cover

- The proposed stays would apply only to certain aspects of the 2016 NSPS that EPA has agreed to reconsider, specifically:
 - *Fugitive emissions requirements.* The 2016 rule required owners/operators to monitor and repair “fugitive emissions” at well sites and compressor stations. Fugitive emissions are sometimes referred to as “leaks.” EPA is reconsidering several issues related to the fugitive emissions requirements, including the applicability of those requirements for low-production well sites and the process and criteria for requesting and receiving approval to use an alternative means of emission limitation, or AMEL.
 - *Professional engineer certification requirements.* The 2016 rule required that a professional engineer certify the design and capacity of closed vent systems that are used to reduce emissions from several types of equipment used in the oil and gas industry, including reciprocating compressors, centrifugal compressors, pumps and storage tanks. EPA is reconsidering the professional engineer certification requirement.
 - *Well-site pneumatic pumps standards.* EPA is reconsidering several aspects of the pneumatic pumps standards, including a requirement that a professional engineer certify that it is technically infeasible to route emissions from a pneumatic pump to a control device or process, and the definition of “greenfield,” used as it relates to those requirements.

How to Comment on the Proposed Stays

- EPA will take public comment on the proposed stays until August 9, 2017. There are multiple ways to submit written comments on the proposals. Each of the proposals has a separate Docket ID number. **Please be sure to label your comments with the Docket ID number to ensure that we receive them.**
- The Docket ID number for the proposed **two-year stay** is **EPA-HQ-OAR-2010-0505**.
- The Docket ID number for the proposed **three-month stay** is **EPA-HQ-OAR-2017-0346**.
- Label your comments with the correct Docket ID number, then submit them by any one of the following methods:
 - **Online** - go to www.regulations.gov at the following links:

- Two-year stay, <https://www.regulations.gov/document?D=EPA-HQ-OAR-2010-0505-7736> .
 - Three-month stay: <https://www.regulations.gov/document?D=EPA-HQ-OAR-2017-0346-0001> .
 - Click on the “Comment Now!” button at the top right of the page, and follow the instructions for submitting your comments.
- **Email:** Send comments by e-mail to a-and-r- Docket@epa.gov, Attention Docket ID No. EPA-HQ-OAR-2010-0505 or EPA-HQ-OAR-2017-0346 (use the number that relates to the stay on which you are commenting). Please include the docket number of the proposed stay in the subject line of your email message.
- **Fax:** You may fax your comments to: (202) 566-9744, Attention Docket ID. No. EPA-HQ-OAR-2010-0505 or EPA-HQ-OAR-2017-0346 (use the number that relates to the stay on which you are commenting).
- **Mail:** You may mail your comments to Environmental Protection Agency, EPA Docket Center (EPA/DC), Mail Code 28221T, Attention Docket ID No. EPA-HQ-OAR-2010-0505 or EPA-HQ-OAR-2017-0346, 1200 Pennsylvania Avenue, NW, Washington, DC 20460
- Hand delivery/courier delivery: Comments may be delivered to EPA Docket Center, Room 3334, EPA WJC West Building, 1301 Constitution Avenue, NW, Washington, DC 20004, Attention Docket ID No. EPA-HQ-OAR-2010-0505 or EPA-HQ-OAR-2017-0346. Please note that hand/courier deliveries are only accepted during the Docket’s normal hours of operation, and special arrangements should be made for deliveries of boxed information.
- For tips on submitting comments, see <https://www.epa.gov/dockets/commenting-epa-dockets> .