



PUBLIC INFORMATION REQUEST FOR NSPS OOOOa DATA: WILL YOURS BE INCLUDED?

In November 2017, several states and municipalities initiated a public information request regarding methane emissions reports from the U.S. Environmental Protection Agency (EPA) by way of the Freedom of Information Act (FOIA). The entities seeking information are specifically asking for documents regarding oil and gas sector reporting data on New Source Performance Standard (NSPS) for Oil and Gas Subpart OOOOa compliance.

Operators who receive a request on this topic from the EPA may need to take action to protect confidential business information (CBI). At a minimum, operators may wish to request that names and contact information be deleted from the information that EPA discloses.

Specifically, which data is being requested?

These groups - which include the Attorney Generals of California, Iowa, the Commonwealth of Massachusetts, Oregon, Vermont, and the District of Columbia; the State of Colorado; and the Corporation Counsel of the City of Chicago - are requesting NSPS OOOOa information reported to EPA by oil and gas companies, including records of performance tests, initial semiannual reports, semiannual reports, annual reports, and annual reports of excess emissions for gas plants.

In addition, they are requesting all copies of correspondence internal to the EPA or between the EPA and outside parties in reference to 40 C.F.R. Part 60 Subpart OOOOa regarding implementation – specifically targeting variations of the following words: comply, deadline, delay, due, enforce, postpone, and variance.

The requesters state that the release of these records is aimed at improving the public's understanding of the volume and sources of methane emissions from new, reconstructed, and modified oil and gas facilities' standard production, processing, and transmission activities.

You can read a copy of this information request [here](#).

EPA's recommended action

To meet FOIA obligations, EPA advises operators with records subject to the request to determine whether there is CBI that could justify redaction of information in response to the request. EPA's information release protocol includes deleting individual names from released records, but if responding to EPA, it would be prudent to specifically state that names of individuals be removed from the records. If no CBI claim is declared, the EPA will release the public records to the requesters.

There is currently no specific deadline for the release of these records; however, CBI claims must be submitted within three days after receiving the EPA email request.

What to learn more? Contact us:

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verb: research or make inquiries into something
synonyms: investigate, inquire into, probe, explore, research, look into