



OOOOA RULE STANDS

On Monday, July 3, the D.C. Circuit Federal Court of Appeals ruled to reverse the Environmental Protection Agency (EPA)'s [90-day delay on enforcement](#) of a rule addressing methane emissions from new oil and gas regulations, specifically New Source Performance Standards (NSPS) OOOOa.

A Little Background

The OOOOa rule [became effective on August 2, 2016](#), and requires semi-annual leak detection and repair (LDAR) surveys at new, modified, or reconstructed well sites and quarterly surveys at compressor stations. The rule also requires annual reporting through the EPA's Electronic Reporting Tool (ERT) and the Compliance and Emissions Data Reporting Interface (CEDRI).

On June 5, EPA established a 90-day stay on key provisions of the final rule including fugitive emission surveys, pneumatic pumps, and professional engineer certification on closed vent systems. On June 16, EPA published a notice of proposed rulemaking (NPRM) announcing its intention to [extend the NSPS OOOOa stay for two years](#) and "to review the entire 2016 rule" during reconsideration.

What Happened

Several Environmental Petitioners filed suit against EPA claiming that the 90-day stay was unauthorized according to provisions in the Clean Air Act (CAA). The petitioners' lawsuit was upheld in a federal appeals court based on a [2-1 decision from the D.C. Circuit](#). In their decision, the court stated that the current administration may reconsider the rule provided the agency adheres to formal rulemaking procedures. To do so, EPA must comply with the Administrative Procedure Act (APA), which includes requirements for notice and public comment.

Now what?

The proposed two-year stay of NSPS OOOOa was not affected by the July 3 court ruling. Now, EPA has to decide whether to further appeal the overturned ruling and/or pursue the proposed two-year stay published on June 16, with a comment period ending on July 17, 2017. For now, OOOOa stands, [including its June 3, 2017 initial monitoring deadline](#) for affected facilities.

Learn more

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