State Standards Applicable to Oil and Gas Emissions

In its proposal to remove methane regulation, EPA claims that many states already regulate oil and gas methane emissions, and so a federal rule would be duplicative. However, EPA has not analyzed in any meaningful way whether or not these state rules are applicable to existing sources. In fact, most states' regulations are only applicable to new sources, and thus would not apply to any existing sources. Of the ten states EPA includes in their "Comparison of State Oil and Natural Gas Regulations" table, 84 Fed. Reg. 50,277—California (CA), Colorado (CO), Montana (MT), New Mexico (NM), North Dakota (ND), Ohio (OH), Pennsylvania (PA), Texas (TX), Utah (UT), and Wyoming (WY), only six states were proposed to be considered for equivalency to the 2016 NSPS OOOOa[1] (CA, CO, OH, and PA for well sites and compressor stations, TX & UT for well sites only). Only five states currently have oil and gas regulations that would apply to any existing sources: California, Colorado, Utah, Wyoming, and Texas. (Montana, New Mexico, and North Dakota have either very weak permits or guidance applicable to existing sources that EPA previously determined were not equivalent to the NSPS). In Wyoming, only existing sources within the Upper Green River Basin above a certain emissions threshold are covered, so the majority of existing sources within that state are not covered. Texas regulations have various effective dates depending on the location of a facility, but at least one regulation applies to new sources that were constructed/modified after September 2000. Because this date predates the NSPS effective date, some sources considered "existing" for the NSPS will be considered "new" under Texas regulations.

[1] Memorandum: Equivalency of State Fugitive Emissions Programs for Well Sites and Compressor Stations to Proposed Standards at 40 CFR Part 60, Subpart OOOOa (April 12, 2018).

However, as detailed below, Texas regulations apply to significantly fewer sources than the NSPS. Overall, in 2020, state standards applicable to existing sources (certain standards in California, Colorado, Utah, Wyoming in the Upper Green River Basin ozone non-attainment area, and Texas) will reduce only 180,000 metric tons methane, roughly 5% of what modest federal Methane Guidelines could achieve. More detail on each state's regulation is provided below:

California oil and gas methane regulations apply to both new and existing sources and took effect in 2018/2019. The rules cover equipment leaks at well sites, processing plants, and compressor stations, pneumatic pumps at well sites, storage tanks at well sites with emissions greater than 10 MT/yr methane, compressors at well sites, processing plants, and compressor stations, and pneumatic controllers at well sites and compressor stations.

Colorado oil and gas regulations apply to both new and existing sources, often with different emission limits for new vs. existing sources. Most regulations took effect in 2015, with an update for sources in the ozone non-attainment area that took effect in 2017. The regulations cover equipment leaks at well sites and compressor stations (tiered leak detection and repair (LDAR) frequency tied to VOC emissions), pneumatic controllers at well sites and processing plants, liquids unloading, tanks at well sites with VOC emissions greater than 6 tpy, associated gas venting, oil well completions, centrifugal compressors at well sites and processing plants, reciprocating compressors at processing plants, and dehydrators at well sites and processing plants.

Utah regulations apply to both new and existing sources. New sources were covered beginning in 2014, and existing sources were added in 2018. Regulations for well sites cover equipment leaks, tanks (with an emissions threshold), dehydrators, associated gas venting, and pneumatics. Regulations for processing

plants and compressor stations cover pneumatics. Utah state regulations do not apply on tribal lands (approximately 20% of emissions are on tribal lands).

Wyoming regulations apply to new sources, as well as existing sources within the Upper Green River Basin (a nonattainment area). Regulations cover equipment leaks, pneumatic controllers, tanks (with an emissions threshold), oil well completions, pneumatic pumps, and dehydrators (with an emissions threshold). Less than 20% of total production emissions are within the UGRB. While the monitoring frequency and monitoring instrument are acceptable, there is no specified initial monitoring date or repair deadline for facilities with emissions greater than or equal to 4 TPY of VOCs within the UGRB.

Texas regulations apply to new sources, relative to either 2000, 2011, or 2012 depending on location and type of permit. Texas requires an LDAR program for certain mid-sized to large oil and gas facilities. The specific requirements vary depending on the facility's location and potential to emit uncontrolled VOC. Most well sites are not subject to LDAR due to the high emissions threshold uncontrolled VOC emissions (>10 or 25 tpy) and distance from a sensitive receptor, such as a home or school, that triggers the application of LDAR. EDF analysis of Texas Standard Permits found that only roughly 5.5% of well sites in Texas are required to conduct LDAR.