



The EPA Methane Information Collection Request

Short Notes on How to Comply

Texas Alliance of Energy Producers - December 13, 2016

The following information is not legal or professional advice. It is intended for information purposes only to help oil and gas operators/owners comply with federal regulations.

The EPA is sending out a series of forms requiring all O&G operators nationwide to provide detailed information to comply with the new Methane Regulations in place as part of the Clean Air Act “Quad O” Methane initiative. Alliance members are receiving this ICR (Information Collection Request) and have serious concerns.

The concerns we are hearing: A. What is this? B. What do I do? C. Are there any alternatives?

A. What is this?

This is a federal EPA information request. It is not a State initiative. *If you are a member of the Alliance, please send an email to erinh@texasalliance.org to view the free webinar we conducted a month ago regarding these new regulations.* A short synopsis is that the EPA recently passed a methane rule requiring all O&G wells and facilities be required to document and repair methane leaks from production facilities. The EPA believes the information requested is necessary to promulgate comprehensive methane regulations.

The EPA’s proposed ICR consists of two surveys that will be sent to oil and gas facilities.

1. **Operator Survey:** designed to collect “comprehensive information from onshore petroleum and natural gas production facilities to better understand the number and types of equipment at production facilities.” Some of the information required includes: parent-company information, facility name, location, and contact information; the number of producing wells, wells that have been hydraulically fractured or refractured, and plugged wells, well identification, tanks, compressors, flares, etc.
2. **Facility Survey:** Part 2 of the ICR, the “facility survey,” will be required to be completed by some 4,500 operators, according to EPA. These sources are production, gathering and boosting, processing, compression/transmission, pipeline, natural gas storage, as well as LNG storage and import/export facilities

B. What do I do?

- a. Operators must comply with this EPA request and provide the information. Penalties can be as high as \$90,000 per day for non-compliance.
- b. The Agency has placed a deadline of 60 days for an operator to complete the first request, the Operator Survey. Since the mail outs are coming by certified mail, each operator will have a slightly different deadline due to the mailing process.
- c. Operators can submit non-confidential Part 1 Operator Survey responses in one of the following ways:
 - Use web entry forms on the Oil & Gas ICR website at <https://oilandgasicr.rti.org>. If you have not already registered, you will need to register before you can complete the web entry forms.
 - Upload your files to the Oil & Gas ICR website (<https://oilandgasicr.rti.org>). If you have not already registered, you will need to register before you can upload your files to this website.
 - Mail a hard copy of all requested files to the address shown below:

Attn: Ms. Brenda Shine
U.S. Environmental Protection Agency
109 T.W. Alexander Drive, Mail Code: E143-01
Research Triangle Park, NC 27709
- d. The second survey, the Facility Survey, will be a subset of the first survey. It will have a 6 month time frame for reporting the extremely detailed facility information.
- e. For the onshore petroleum and natural gas production industry segment, you are required to complete a Part 2 survey only if you operate (as of the date of receipt of this Section 114) a well included on the Selected Production Well List. The Selected Production Well List is available at the EPA website at <https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry/oil-and-gas-industry-information-requests>; it is also available using this link:
- f. Note: The websites above allows members to check the current EPA inventory of facilities against their actual numbers and make corrections before filing Part 2.

C. Are there any alternatives?

The Alliance understands that it will be extremely difficult for operators to meet these deadlines. However this ICR cannot be ignored without facing the threat of serious fines. We suggest operators on the receiving end of this federal ICR consider the following responses:

- a. Acknowledge receipt
- b. Make a good faith effort to comply
- c. If you have questions about responding to the ICR, you may call the contact listed in your ICR letter.

- d. If you have questions about responding to the Part 2 Facility Survey, you also may contact the e-GGRT Help Desk for assistance at <https://ccdsupport.com/confluence/display/help/Contact+the+Help+Desk> .
- e. *Contact the EPA in writing if you believe you will need an extension. There may be an opportunity to negotiate a longer response time with the EPA based on the particular circumstances at the source.*
- f. For example, if a small operator needs more time they may be able to explain the lack of staff, other federal reporting requirements, and/or the need to gather the data not available before responding.
- g. Any requests for an extension should be in writing and contact is:
 - Attn: Ms. Brenda Shine
 - U.S. Environmental Protection Agency
 - 109 T.W. Alexander Drive, Mail Code: E143-01
 - Research Triangle Park, NC 27709
- h. If the extension is denied the operator should consider sending what data he has collected, by the deadline, and then continue to stream data to EPA as it is collected.
- i. Prepare for federal enforcement, which may be discretionary on the part of EPA.

Additional Note: The Alliance has had many questions regarding compliance with the regulation because President-elect Trump has vowed to rescind many of the regulations adopted during the Obama administration. In addition, President -elect Trump has nominated Oklahoma Attorney General Scott Pruitt as administrator of the EPA, and Oklahoma is a plaintiff in the methane lawsuit, too. Although Trump could possibly fulfill his pledge to overturn the rule and Mr. Pruitt could be confirmed by the Senate, it is our recommendation due to severe penalties that operators still comply until some action is taken.

The Alliance and others are discussing other options, such a civil court stay or injunction against implementation, but that is a frankly, in our opinion, a long shot.