

COMMITTEE REPORTS

HEALTH, SAFETY & ENVIRONMENT COMMITTEE

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- **GHG Reporting 40 CFR 98 Subpart W Proposal:** On July 6, the EPA pre-published proposed revisions to Subpart W, which are significantly different to the proposed revisions to W as part of the overall GHG reporting program proposed rules from last year. The comment due date is October 2. There are five new sources being added for the onshore oil and gas production segment: other large release events, produced water tanks, blowdown vent stacks, drilling mud degassing, and crankcase venting. There are also changes to calculation methodologies for several other sources, including leaks, pneumatic devices, liquids unloading, tanks, and associated gas/flares. Members who participated in the workgroup for preparing comments on last year's GHG reporting rule proposed revisions were contacted for aiding in preparation of comments on this proposal. The work group has met twice:
 - > July 26 Work Group Call: The work group discussed our review and commenting effort on the proposal. Action items out of that meeting was Stephen contacting the Jackson Walker law firm regarding potential drafting of the PBPA comment letter. Also discussed were some high-level points to make in the comment letter, including the interlocking proposed rulemakings (Subpart W, OOOOb/c, SEC climate disclosure rule, PHMSA gas pipeline leak detection rule). The new sources and changes in calculation methodologies for existing sources were discussed, with Stephen asking from members.
 - > August 30 Work Group Call: The agenda for this call included: 1) Update on Use of Outside Counsel; 2) Review and Discussion of Priority Topics for Comments; 3) Discussion of Commenting Timeline. Several issues regarding the proposal were discussed, including flare DRE tiers (including flaws of EPA comparing our associated gas with various refinery streams) and higher emission factors for various sources (including for leaks, with higher factors for OGI than Method 21 surveys)—all of which will result in higher reported emissions. Subsequent to the call, Stephen has distributed to the work group a draft outline from Jackson Walker, requesting additional member input for incorporation into the comment letter.
- **WOTUS:** EPA published a redlined rule on September 8 in the Federal Register, in response to the Sackett decision, to revise its WOTUS definitional rule that became effective in March, but was enjoined in approximately half of the States, including in Texas. In the May Supreme Court decision on the Sackett v EPA WOTUS case, SCOTUS ruled 9-0 that the wetland on the Sackett's property was not adjacent to jurisdictional WOTUS, so was not WOTUS. In a 5-4 decision, the majority also limited the definition of "adjacent", eliminated the "significant nexus" test, and aligned with the Scalia plurality Rapanos decision that a relatively permanent surface hydrologic connection to jurisdictional WOTUS is necessary for upstream waters to be WOTUS. The definition of "permanent" will likely become a sticking point going forward.
- **OOOOB/c:** Per the unified regulatory agenda in June, the final OOOOb/c rules are due in August, but it appears likely that the rule will not be finalized until November before the COP28 Climate Conference.

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- **Permian Basin Ozone:** This potential action was again absent from the June unified regulatory agenda. But EPA Region 6 is reportedly still working on a proposal that could potentially show the entire Permian Basin is in non-attainment. With the EPA announcing they will not issue new ozone regulations until after the election, it is cautiously hoped that EPA Region 6 Administrator Dr. Earthea Nance will not push for the discretionary determination of Permian Basin Non-Attainment for Ozone at this time. **PHMSA Gas Pipeline Gas Pipeline Leak Detection and Repair Proposed Rule:** In May PHMSA proposed a rulemaking that would amend the gas pipeline safety regulations to enhance requirements for detecting and repairing leaks on new and existing natural gas distribution, gas transmission, and gas gathering pipelines. This would impact the newly regulated Type C and Type R gathering lines under the Gas Gathering Pipeline revised rule that took effect this spring. It will involve increased mapping and reporting for all gas gathering lines, and numerous other operating and maintenance requirements including LDAR and regular patrols for all gas gathering lines other than Type R “reporting only” lines.

HSE Annual Benchmarking Survey:

We have received a request from a member company to share the names of those companies who participated in the Annual Benchmarking Survey so that they know who they are comparing themselves too. We have not done this in the past because it is a blinded study, and with everyone participating in the survey with the belief that their companies wouldn't be identified, we will not give out the names of those companies who participated unless every company who participated agrees to allow themselves to be identified. Stephen will plan to send individual emails to the lead from each company who participated, explaining the situation, and asking if they mind if their company name is released. If any one company says no, we will not release the names of any of the companies.