

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. 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 have been contacted for aiding in preparation of comments on this proposal. The comment due date will be 60 days after the rule is published in the Federal Register.
- **WOTUS:** On May 23, the Supreme Court issued its 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. In response to the Sackett decision, the EPA/Corps is expected to issue a proposed revision to its WOTUS rule that became effective in March, but was enjoined in approximately half of the States, including in Texas.
- **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 later this year.
- **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.
- **Electronic NSPS/NESHAP Engine Test Reporting:** EPA has proposed revisions under NSPS JJJJ and IIII, and NESHAPs ZZZZ, that would require electronic submission of certain initial notifications of compliance, performance test reports, Notification of Compliance Status (NOCS), and annual and semiannual compliance reports through the EPA's CDX using CEDRI. Comments on the proposal are due August 25.
- **PFAS Proposed Rules:** There are several EPA proposed rulemakings regarding PFAS in the June unified regulatory agenda. These include proposals to identify certain PFAS as hazardous under RCRA and CERCLA.
- **PHMSA Gas Pipeline Gas Pipeline Leak Detection and Repair Proposed Rule:** On May 13 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. The comment period closes July 17.

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HEALTH, SAFETY & ENVIRONMENT COMMITTEE CONTINUED

- **HSE Annual Benchmarking Survey:**

The 2023 PBPA's Annual HSE benchmarking survey was a main topic of the meeting, with a review of safety, spill, and ESG metrics. ESG metrics discussed included: GHG intensity, methane intensity, flaring intensity, freshwater use intensity, and water recycle rate. The overall performance on GHG and methane intensities is very good, while the trends for freshwater intensity and water recycle rate are less favorable. The pending RRC Chapter 4 rulemaking could disincentivize produced water recycling (and increase freshwater use) if industry does not ensure it is completed properly. Also discussed was the possibility of removing apparent outliers for some of the ESG metrics, specifically methane, and also GHG and flaring intensity. Two additional metrics that will be further discussed for inclusion in next year's survey are PSE rate and SIF rate.