

## Environment Alert

October 20, 2016

### **EPA to the Oil and Gas Industry: The Request Is in the Mail**

It looks like the Environmental Protection Agency (EPA) will have its own scary treat for the oil and gas industry this Halloween—an information request under Section 114 of the Clean Air Act designed to help EPA regulate methane emissions from those facilities.<sup>1</sup> EPA submitted the request for the Office of Management and Budget's (OMB) approval on September 29, 2016, starting a 30-day clock for interested parties to comment. That means the request could go out to the more than 18,000 affected facilities as early as November 2016.

The request will require a typical recipient, within 30 days, to report the number and location of each oil and/or gas production facility, whether flare or thermal combustors are used, and the number and types of atmospheric tanks, separators, dehydrators, reciprocating processors, and dry or wet seal centrifugal compressors used at the facility. In addition, a limited number of respondents within each industry segment will be required to complete a much more detailed "Part 2 Facility Survey," requiring detailed design, operational and regulatory information regarding a diverse range of facility equipment, including emission control devices, production well injection storage wells, tanks, separators, pneumatics, acid gas removal units, dehydrators, equipment leaks, compressors, blowdown events and acid gas removal units. Companies selected for the more detailed survey would have 120 days to submit their reports.

Given the breadth of these requests, the potential to divulge compliance issues in response, and the need to follow specific regulatory procedures to preserve confidentiality claims and present public disclosure (never mind EPA's ability to use the information to create additional regulatory burdens and guide future enforcement actions), we suggest working with counsel in developing your response. We are also happy to talk with you prior to the issuance of the requests, either to engage with OMB prior to the completion of its review or to engage EPA to discuss the specific requests themselves.

---

<sup>1</sup> EPA, *Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Information Collection Effort for Oil and Gas Facilities*, 81 Fed. Reg. 66962 (Sept. 29, 2016).

**Contact Information**

Akin Gump Strauss Hauer & Feld LLP will continue to monitor developments related to the MTB and will issue updates as warranted. For more information, please contact:

**David H. Quigley**[dquigley@akingump.com](mailto:dquigley@akingump.com)

202.887.4339

Washington, D.C.

**Christine B. LaFollette**[clafollette@akingump.com](mailto:clafollette@akingump.com)

713.220.5896

Houston

**Charles L. Franklin**[clfranklin@akingump.com](mailto:clfranklin@akingump.com)

202.887.4378

Washington, D.C.