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Thirteen states have sued the Environmental Protection Agency (EPA) over three new updates to the New Source Performance Standards (NSPS) under the President's Climate Action Plan: Strategy to Reduce Methane Emissions and the Clean Air Act. The rules, which were finalized in May, are part of the Obama Administration's effort to reduce methane emissions from the oil and gas sector by 40 to 45 percent below 2012 levels by 2025.

The EPA's first update sets requirements for monitoring, finding, and addressing methane leaks. The second update issued the first draft of an Information Collection Request (ICR), seeking a broad range of information on the oil and gas industry. The third update issued two rules to clarify permitting requirements: the Source Determination Rule and a final federal implementation plan for the Minor New Source Review Program in Indian country.

According to EPA Administrator Gina McCarthy, the updates "will help combat climate change and reduce air pollution that immediately harms public health... [and] every leak that is fixed means more gas is available to be used or sold and less pollution is affecting the health of our communities, as well as the stability of our climate."

The states involved in the suit are Alabama, Arizona, Kansas, Kentucky, Louisiana, Michigan, Montana, Ohio, Oklahoma, South Carolina, West Virginia, and Wisconsin. The Kentucky Energy and Environmental Cabinet (EEC) and North Carolina Department of Environmental Quality (NCDEQ) have signed on as well. North Dakota filed its own lawsuit in July.

Industry and government agency representatives from the thirteen states argue the updates are unnecessary, duplicative, and would add new costs to oil and gas drillers. Howard Feldman, the American Petroleum Institute's (API) Senior Director of Regulatory and Science Affairs, voiced his disapproval, pointing out that the industry is "incentivized already to prevent methane emissions" because they can sell methane on the open market.

Sources: E&E Daily, Environmental Protection Agency, The Hill

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