

## Proposed Amendments to Two Air Toxics Standards for Oil and Natural Gas Operations FACT SHEET

### Overview

- The U.S. Environmental Protection Agency has proposed amendments to two air toxics standards that apply to oil and natural gas operations: the National Emission Standards for Hazardous Air Pollutants (NESHAP) for oil and natural gas production facilities and the NESHAP for Natural Gas Transmission and Storage facilities. The proposed amendments would remove affirmative defense provisions from the rules to make them consistent with a 2014 decision from the U.S. Court of Appeals for the District of Columbia (D.C.) Circuit.
- The proposed amendments are separate from EPA's final rule to reduce emissions of methane and smog-forming volatile organic compounds (VOCs) from oil and gas operations, which the Agency announced December 2, 2023. [Learn more about that rule.](#)
- The affirmative defense provisions that the proposal seeks to amend in the two NESHAPs currently would allow owners and operators to avoid civil penalties for a violation if they provide evidence that the violation was caused by a malfunction, could not have been predicted or prevented, and was not part of a recurring pattern that indicates inadequate design, operation, or maintenance.
- In a 2014 decision, however, the U.S. Court of Appeals for the D.C. Circuit vacated the affirmative defense in a Clean Air Act section 112 rule establishing emission standards for Portland cement kilns. That led EPA to reevaluate affirmative defense provisions in Clean Air Act regulations.
- EPA will take comment on the proposal for 45 days after it is published in the *Federal Register*. The Agency will hold a public hearing if it receives a request within five days after publication.
- [Read the proposed amendments to the NESHAPs](#) .

### How to comment on the proposed NESHAP amendments

- EPA will accept comment on the proposal for 45 days after publication in the *Federal Register*.
- Comments, identified by Docket ID No. EPA-HQ-OAR-2023-0406, may be submitted by one of the following methods:
  - Go to <https://www.regulations.gov/> and follow the online instructions for submitting comments.
  - Send comments by email to: [a-and-r-Docket@epa.gov](mailto:a-and-r-Docket@epa.gov), Attention Docket ID No. EPA-HQ-OAR-2023-0406.
  - Fax your comments to: (202) 566-9744, Attention Docket ID No. EPA-HQ-OAR-2023-0406.

- Mail your comments to: EPA Docket Center, Environmental Protection Agency, Mail Code: 28221T, 1200 Pennsylvania Ave., NW, Washington, DC 20460, Attention Docket ID No. EPA-HQ-OAR-2023-0406.
- Deliver comments in person to: EPA Docket Center, 1301 Constitution Ave., NW, Room 3334, Washington, DC. Note: In person deliveries (including courier deliveries) are only accepted during the Docket's normal hours of operation. Special arrangements should be made for deliveries of boxed information.

**For more information**

- Today's action and other background information are also available either electronically at <https://www.regulations.gov/>, EPA's electronic public docket and comment system, or in hardcopy at the EPA Docket Center's Public Reading Room.
  - The Public Reading Room is located at EPA Headquarters Library, room number 3334 in the WJC West Building, 1301 Constitution Ave., NW, Washington, DC. Hours of operation are 8:30 a.m. to 4:30 p.m. Eastern Standard Time, Monday through Friday, excluding federal holidays.
  - Visitors are required to show photographic identification, pass through a metal detector, and sign the EPA visitor log. All visitor materials will be processed through an X-ray machine as well. Visitors will be provided a badge that must be visible at all times.
  - Materials for this proposed action can be accessed using Docket ID No. EPA-HQ-OAR-2023-0406.

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