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Administrator Michael S. Regan
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Attention: Docket ID No. EPA–HQ–OAR–2025–0162
Office of Air and Radiation Docket and Information Center

Comments of Taxpayers for Common Sense on the Interim Final Rule "Extension of Deadlines in Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review Final Rule"

Dear Administrator Regan:

Taxpayers for Common Sense (TCS) appreciates the opportunity to comment on the Environmental Protection Agency's (EPA) interim final rule extending compliance deadlines under the "Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review." Since 1995, TCS has served as a nonpartisan budget watchdog dedicated to ensuring that federal resources are managed responsibly and that taxpayers receive a fair return on public assets. Methane waste from oil and gas operations is not just an environmental concern—it is a fiscal one. Every cubic foot of natural gas flared, vented, or leaked during oil and gas operations is a valuable product lost, revenue foregone, and liability shifted onto taxpayers.

EPA's 2024 methane rule represented an important step forward in addressing this long-standing problem by requiring operators to capture wasted gas, monitor for leaks, and phase out routine flaring. The rule was based on years of public input and built on a record that demonstrated both the scale of the problem and the availability of cost-effective solutions. By finalizing these standards, EPA sought to ensure that oil and gas operators take responsibility for preventing waste of a valuable energy resource and that taxpayers receive the royalties they are owed.

In this interim final rule, EPA has extended key compliance deadlines for provisions related to control devices, equipment leaks, storage vessels, process controllers, closed vent systems, the Super-Emitter Program, and state plans governing existing sources. The agency frames these extensions as necessary to address what it calls "untenable"

compliance obligations under the timelines set by the 2024 rule. EPA argues that new information and petitions for reconsideration revealed problems that were not anticipated during the original rulemaking. Specifically, EPA cites:

- Supply chain constraints and laboratory bottlenecks that limit the availability of monitoring equipment, testing crews, and analytical capacity.
- Regulatory language that created confusion or unintended compliance burdens, such as leak repair provisions for valves.
- Technical feasibility concerns raised by stakeholders, including the requirement that closed vent systems operate with "no identifiable emissions."
- Administrative challenges in implementing the Super-Emitter Program and ensuring state plans are submitted and enforceable on schedule.

EPA concludes that extending deadlines is "in the public interest and consistent with the purposes of the Clean Air Act" because regulated entities need additional time to achieve the emissions reductions envisioned by the 2024 rule.

The record shows the opposite. The 2024 rule was built on extensive engagement, already provided years for compliance, and gave operators multiple pathways to meet requirements. The methane mitigation industry is booming, with an 88% increase in manufacturing firms and a 105% expansion in service providers since 2017.[1] There are methane mitigation service businesses in 46 states across the country that offer a wide range of solutions that can fit the needs of individual companies.[2]

The result is predictable—more wasted gas, more lost royalties, and higher costs for taxpayers. These new delays are not about "providing regulated entities sufficient time to achieve the emissions reductions;" they are about postponing accountability for the oil and gas industry at the expense of the American taxpayer.

Background on Methane Waste

Methane waste from oil and gas operations has been a persistent and costly problem. According to the Energy Information Administration (EIA), operators vented or flared approximately 3,170 billion cubic feet (bcf) of natural gas across the United States between

[1] Environmental Defense Fund (EDF), "Growing Strong: Methane Mitigation Industry Expands Nationwide, Driving Economic Growth and Cutting Emissions," last modified February 18, 2025. https://www.edf.org/media/growing-strong-methane-mitigation-industry-expands-nationwide-driving-economic-growth-and

[2] Isaac Brown during Taxpayers for Common Sense (TCS) Budget Watchdog AF Podcast, August 2025. https://www.taxpayer.net/energy-natural-resources/bwaf-podcast-ep-96-up-in-smoke-the-methane-waste-crisis-costing-taxpayers-billions/

FY2012 and FY2021.[3] On federal lands alone, 300 bcf was released into the atmosphere during that period.[4]

Importantly, this waste is preventable. As far back as 2010, the Government Accountability Office concluded that roughly 40 percent of natural gas vented and flared on federal onshore leases could be economically captured using technologies already available at the time.[5]

The result is that consumers are denied access to a valuable energy resource. A study by TCS and the Environmental Defense Fund found that companies flared $274 million worth of natural gas (87.5 bcf) on federal and tribal lands in 2019 alone.[6] Over the longer term, the 300 bcf wasted on federal lands between FY2012 and FY2021 could have powered more than 3.2 million households for a year at a market value of nearly $950 million.[7]

This waste also translates directly into lost public revenue. On federal lands, natural gas production is subject to a royalty rate of 12.5 percent. Taxpayers should have received $119 million in royalties from wasted gas between FY2012 and FY2021.[8] Instead, the Office of Natural Resources Revenue collected only $43 million—just one-third of what was due. The 2019 TCS/EDF study similarly found that flaring on federal and tribal lands that year deprived taxpayers of an estimated $64 million in federal, tribal, and state royalties.[9]

Beyond the fiscal cost, methane waste imposes liabilities in the form of climate-driven extreme weather, significant public health impacts, and safety risks for nearby communities. These costs are diffuse but very real, borne by taxpayers through disaster aid, health care expenditures, and damage to infrastructure and property.

Background on the 2024 Methane Rule

In December 2023, EPA finalized its "Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas

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[3] U.S. Energy Information Administration, "Natural Gas Gross Withdrawals and Production Data," 2022. https://www.eia.gov/dnav/ng/ng_prod_sum_dc_nus_mmcf_m.htm

[4] TCS, "Gas Giveaways II: Methane Waste on Federal Lands is Business as Usual," August 2022. https://www.taxpayer.net/energy-natural-resources/gas-giveaways-ii-methane-waste-on-federal-lands-is-business-as-usual/

[5] U.S. Government Accountability Office, "Federal Oil and Gas Leases: Opportunities Exist to Capture Vented and Flared Natural Gas, Which Would Increase Royalty Payments and Reduce Greenhouse Gases," GAO-11-34, October 2010. https://www.gao.gov/products/gao-11-34

[6] TCS and EDF, "Onshore Oil and Natural Gas Operations on Federal and Tribal Lands in the United States," January 2023. https://www.taxpayer.net/wp-content/uploads/2023/01/EDF-TCS_Public_Lands_Analysis.pdf

[7] TCS, "Gas Giveaways II: Methane Waste on Federal Lands is Business as Usual," August 2022. https://www.taxpayer.net/energy-natural-resources/gas-giveaways-ii-methane-waste-on-federal-lands-is-business-as-usual/

[8] Ibid.

[9] TCS and EDF, "Onshore Oil and Natural Gas Operations on Federal and Tribal Lands in the United States," January 2023. https://www.taxpayer.net/wp-content/uploads/2023/01/EDF-TCS_Public_Lands_Analysis.pdf

Sector Climate Review." The rule set performance standards and emissions guidelines under Section 111 of the Clean Air Act for methane and VOC emissions from both new and existing oil and gas sources.

Key provisions of the 2024 rule to limit methane waste included:

- **Mandatory Monitoring and Leak Repair**: Every well pad must undergo routine inspections for leaks regardless of size or production type. Once a leak is detected, operators must repair it within 60 days, with limited extensions under specified circumstances.
- **Restrictions on Flaring Natural Gas**: Routine flaring is sharply limited. Temporary flaring is permitted only under narrow windows (from 24 hours up to 30 days) depending on circumstances. Wells beginning construction more than two years after the rule's effective date cannot flare associated gas except under narrow safety or infeasibility exemptions.
- **Limits on Venting Natural Gas**: Venting is capped at 30 minutes for monitoring or testing and 12 hours during emergencies.
- **Super-Emitter Detection and Response**: The rule established a Super-Emitter Program using third-party detection technologies. If a super-emitter event (≥100 kg/hr) is detected, operators must investigate within 5 days and report findings within 15 days. EPA committed to publishing this data online for transparency.

The 2024 rule was the product of years of outreach and comment, and it reflected both the scale of the methane waste problem and the existence of workable, cost-effective solutions.

The Case for the 2024 Methane Rule and the Urgency of Implementation

TCS has long argued that rules to curb methane waste are necessary both to protect the climate and to protect taxpayers. Methane is the principal component of natural gas and a greenhouse gas more than 80 times as potent as carbon dioxide over its first 20 years in the atmosphere. Oil and gas production is the nation's largest industrial emitter of methane.[10] Left unchecked, this waste squanders a valuable energy resource, deprives federal and state taxpayers of revenue, and accelerates the costly impacts of climate change.

Those costs are not abstract. Federal taxpayers already spend well over $100 billion annually responding to disasters made worse and more frequent by climate change,

[10] EPA, "GHGRP and the Oil and Gas Industry," accessed October 2025. https://www.epa.gov/ghgreporting/ghgrp-and-oil-and-gas-industry

including floods, hurricanes, wildfires, and droughts.[11] These disaster expenditures rise each decade, crowding out other priorities and forcing Congress to appropriate emergency funding on a recurring basis. Inaction on preventable emissions like methane increases the long-term liabilities taxpayers face, from higher crop insurance payouts to more costly disaster recovery and infrastructure repair.

The 2024 methane rule directly addresses this problem by requiring operators to prevent avoidable leaks, venting, and flaring, while ensuring transparency and accountability through monitoring and the Super-Emitter Program. These measures are not only environmentally responsible but fiscally responsible. Capturing wasted gas means more products are brought to market and more royalties are generated for federal and state treasuries. Preventing methane waste is one of the clearest examples of a policy that pays for itself.

The agency itself has acknowledged that strong, rapid, and sustained methane reductions are vital to curbing near-term climate disruption and its associated costs.[9] Every delay in compliance deadlines represents real losses: lost royalties, lost gas value, and increased disaster costs borne by taxpayers. EPA estimates the delay will result in an additional 3.8 million tons of natural gas lost, worth an estimated $170 million.[12] EPA's interim final rule extending compliance dates undermines the very rationale for the 2024 standards. Delaying those reductions only shifts the bill to the public.

The longer we wait to implement the 2024 methane standards, the more taxpayers lose — in forgone royalties, in wasted natural gas, and in escalating climate-related disaster costs. Swift enforcement of the rule is essential to protect taxpayers, ensure fiscal responsibility, and uphold the commitments EPA made in finalizing the rule.

EPA's Extensions Undermine the 2024 Methane Rule

In this interim final rule (IFR), EPA extends deadlines across nearly every major provision of the 2024 methane standards. By making the IFR effective immediately, without first allowing for public comment, EPA ignores the extensive outreach it conducted in crafting the 2024 rule and the robust record that supported its adoption. The public engagement process produced informed, workable standards. Reversing course now undermines that process and weakens the credibility of the rule.

[11] TCS, "Paying the Price: Taxpayers Footing the Bill for Increasing Costs of Climate Change." June 2023. https://www.taxpayer.net/disaster/paying-the-price/

[12] Environmental Protection Agency (EPA), "Economic Impact Analysis for the Extension of Deadlines in the NSPS OOOOb and EG OOOOc," July 2025. https://www.regulations.gov/document/EPA-HQ-OAR-2025-0162-0025

EPA argues that "the 2024 rule included several provisions that subsequent developments have shown to be untenable from a compliance perspective on the original timeframes set out in the 2024 rule" and that extensions are "in the public interest and consistent with the purposes of the Clean Air Act" because regulated entities need more time to achieve the envisioned reductions. But EPA's justifications are inconsistent, vague, and in many cases cannot be resolved by time alone.

- **Control Devices (Flares and Enclosed Combustors):** EPA delays net heating value (NHV) monitoring requirements by 120 days and performance testing until 2027, citing lab and vendor backlogs. But the 2024 rule already allowed alternative compliance through sampling and performance tests. And in January 2025, EPA proposed additional flexibility through its reconsideration notice, including alternative sampling and monitoring methods.[13] The requirement that gas sent to a flare or combustor must be combusted is neither new nor infeasible. Delaying enforcement simply prolongs waste.
- **Covers and Closed Vent Systems:** Compliance is pushed to 2027, with EPA citing infeasibility of maintaining "no identifiable emissions" (NIE) If the standard is genuinely unachievable, it should be amended through rulemaking, not suspended. NIE standards for closed vent systems are already required under other federal programs—including previous NSPS OOOO and OOOOa regulations.[14] The delay rewards poor performance instead of addressing technical fixes.
- **Equipment Leaks:** EPA extends deadlines until 2027, citing limited availability of low-emitting (low-E) valves and packing. Yet leak detection and repair has been standard practice for decades and is cost efficient.[15] Additionally, the 2024 rule already built in repair-based options before mandating replacements. [16] Delays will not expand supply—they only postpone operator accountability.

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[13] EPA, "Reconsideration of Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review; Correction," January 2025. https://www.federalregister.gov/documents/2025/01/15/2024-31227/reconsideration-of-standards-of-performance-for-new-reconstructed-and-modified-sources-and-emissions

[14] EPA, "Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review," March 2024. https://www.federalregister.gov/d/2024-00366/p-2121

[15] A study by the Center for Emissions Solutions found that oil and gas companies complying with Regulation 7 in Colorado were either breaking even or saving money as a result. Source: Chris Keating, "Key Findings From Interviews With Representatives Of Companies That Are Conducting Site Inspections To Detect Methane Leaks At Oil and Gas Operations In Colorado," Keating Research, Inc. April 2016. https://keatingresearch.com/wp-content/uploads/2016/04/Colorado-Methane-Regulation-7-Survey-Research-Memo-4-10-2016-Final-Version.pdf

[16] Gibson, Dunn & Crutcher LLP. "EPA Issues Methane Rule for Oil and Gas Sector: Practical Takeaways for Industry." *Gibson Dunn*, January 2024. https://www.gibsondunn.com/epa-issues-methane-rule-for-oil-and-gas-sector-practical-takeaways-for-industry/

- **Process Controllers:** Compliance deadlines for zero-emission standards are pushed to 2027, despite the 2024 rule already phasing them in over a year. Operators also had multiple compliance paths—non-gas-driven controllers, routing emissions to control systems, or using self-contained devices—all documented by EPA in its final rule presentation. Many companies are already deploying these technologies. [17] EQT Corporation, one of the largest producers of natural gas in the U.S., successfully implemented a program to replace over 8,000 natural gas-driven controllers at their sites. [18] Delaying compliance reduces incentives for innovation and undercuts proactive operators.
- **Storage Vessels:** Compliance triggers for tanks are delayed by 18 months and legally and practicably enforceable (LPE) limit requirements until January 2027, citing permitting ambiguity. But states already regulate tanks through vapor recovery units or floating roofs, and industry routinely complies. [19] EPA could issue clarifying guidance, rather than stalling national implementation. Delay means continued uncontrolled emissions from one of the sector's largest sources.
- **Flare Pilot Flame and Alarm Requirements:** Safeguards requiring continuous pilot flames and alarm systems are delayed by 18 months. EPA cites issues providing supplemental fuel and challenges in obtaining and installing communications equipment as reasons for delay. However, these protections are basic measures already in use in many states, designed to ensure flares and combustors are functioning properly. [20] Postponing them increases the risk of methane venting directly into the atmosphere instead of being properly combusted.

Suspending Super-Emitter Program Harms Taxpayers

Rapid response to large scale natural gas leaks is essential to protecting both communities and taxpayers. EPA's stated rationale for suspending the program—administrative burden—is insufficient and shortsighted, particularly given that these tasks are routine functions of an environmental regulator. Studies confirm that a small share of "super-emitter" events

[17] Paul Hibbard, "Methane Reduction Technology Electricity And Abatement Costs," Analysis Group, May 2022. https://www.regulations.gov/comment/EPA-HQ-OAR-2021-0317-1452

[18] EPA, "Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review," March 2024. https://www.federalregister.gov/d/2024-00366/p-1364

[19] The "Installing Vapor Recovery Units on Storage Tanks" (EPA / Natural Gas STAR) describes how producers already deploy VRUs across many tanks—reporting that 7,000–9,000 VRUs are already installed in some sectors, connecting multiple tanks to each VRU. Source: EPA, "Installing Vapor Recovery Units on Storage Tanks," https://19january2017snapshot.epa.gov/sites/production/files/2016-06/documents/ll_final_vap.pdf

[20] Texas Administrative Code § 106.492 mandates that flares be equipped with a continuously burning pilot or another automatic ignition system that "provides immediate notification of appropriate personnel when the ignition system ceases to function." https://www.law.cornell.edu/regulations/texas/30-Tex-Admin-Code-SS-106-492

account for roughly half of methane emissions.[21] In its proposal of the 2024 rule, EPA notes that the top 5% of emission sources are responsible for roughly half of all methane emissions.[22] Because these events are episodic and often occur in remote areas, routine inspection requirements for new and existing sources under the 2024 rule may miss them. The Super-Emitter Response Program, which allows third parties to detect and report large-scale leaks, serves as a necessary backstop.

EPA cites tasks such as verifying operator attribution and managing the expected increase in third-party submissions as reasons for suspending the program but these are routine functions of an environmental regulator. The Clean Air Act already envisions EPA as the final arbiter of data quality and program integrity. In this case, the third-party detection technologies and protocols are certified by EPA itself; the agency should not now claim that it cannot process the third-party submissions using the very same certified technologies and protocols. The agency further suggests that the number of notifications will grow if more cost-effective technologies are approved. But that is a sign of success, not failure—more affordable monitoring will allow more methane leaks to be caught early, saving resources and reducing taxpayer liabilities. EPA should be streamlining its internal review process, automating attribution where possible, and increasing staff capacity, not pausing one of the rule's most effective tools.

That justification also rings hollow given that the administration is simultaneously pushing deep cuts to EPA's budget and workforce.[23] Administrative burden will not diminish with time if resources are being stripped away. The more likely outcome is that these delays further hobble the program and set the stage for its quiet elimination. Taxpayers should not be asked to accept massive, unchecked methane leaks simply because EPA will not prioritize staffing for a program designed to prevent waste, protect communities, and generate public revenue.

TCS strongly supported EPA allowing third parties to help identify super-emitter events and notify the operator, who are then required to conduct a root cause analysis and take corrective action. Instead of suspending the program, EPA should strengthen it: require third parties to provide operator attribution where possible, prioritize the largest leaks first, standardize reporting to reduce review time, and expand staff capacity using Inflation Reduction Act resources. Halting the program for nearly two years guarantees that massive

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[21] EPA, "Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review," November 2021. https://www.federalregister.gov/documents/2021/11/15/2021-24202/standards-of-performance-for-new-reconstructed-and-modified-sources-and-emissions-guidelines-for

[22] Ibid.

[23] EPA, "FY2026 EPA Budget in Brief," May 2025. https://www.epa.gov/system/files/documents/2025-05/fy-2026-epa-bib.pdf

leaks will continue unchecked—wasting public resources, reducing royalty revenues, and imposing higher long-term costs on taxpayers.

State Implementation Plans Delay Rewards Bad Actors and Punishes Waste Reduction Already in Action

EPA extends the deadline for state plan submissions to January 2027—nearly a full year beyond the previous deadline of March 2026. The agency justifies this delay on the basis of informal conversations: one state reportedly asked its EPA Region for an extension, and other states have asked what would happen if they were late. However, no state filed a formal petition for reconsideration of the deadline. This is by no means a sound basis for weakening one of the most consequential elements of the 2024 methane rule.

Emissions guidelines for existing oil and natural gas infrastructure provide the largest share of emissions reductions in the rule— EPA's own analysis projected that they would deliver 60 percent of the total cuts,[24] or 890 million metric tons of CO_2 equivalent (MMTCO2e). By contrast, new source performance standards are expected to only account for 590 million MMTCO2e. Weakening or delaying the state plan requirement therefore strikes at the very core of the rule's effectiveness and leaves billions of dollars' worth of gas at risk of being wasted.

The 2024 rule already accounted for state workload and procedural timelines. In fact, EPA extended its originally proposed 18-month timeline to 24 months after states argued they needed more time. In the final rule, EPA noted that "a large number of state commenters in addition to other commenters expressed that the EPA's proposed 18-month state plan submission deadline would not provide adequate time" and "agree[d] with commenters that additional time is warranted for the state plan submittal."[25] At that point, EPA explicitly drew a clear line, stating that "extending the state plan submittal deadline beyond 24 months to account for any and all unique state procedures would inappropriately delay reductions in emissions." [26] EPA's about-face now directly contradicts that determination and undermines the credibility of the regulatory process.

The Clean Air Act already provides a fallback: if states or tribes fail to submit plans by the deadline EPA must impose a federal plan. That safeguard ensures no jurisdiction can block or indefinitely delay national standards. By extending the deadline anyway, EPA rewards

[24] EPA, "U.S. EPA. Regulatory Impact Analysis of the Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review. December 2023," "Table 1-3 Projected Emissions Reductions under the Final NSPS OOOOb and EG OOOOc Option, 2024–2038," April 2024. https://www.regulations.gov/document/EPA-HQ-OAR-2021-0317-4021

[25] EPA, "Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review," March 2024. https://www.federalregister.gov/d/2024-00366/p-1364

[26] Ibid.

delay, disadvantages proactive states, and punish operators who are already moving toward compliance. It also puts taxpayers on the hook for the increased costs of methane waste.

This extension is not about feasibility—it is about lowering the bar. At a time when emissions reductions are urgently needed, the agency's decision shifts the burden of delay onto the public while excusing state inaction.

Conclusion

The interim final rule unnecessarily delays urgently needed action to minimize methane waste. Every cubic foot of gas vented, flared, or leaked during oil and gas operations represents lost royalty revenue and lost value for taxpayers, in addition to heightened climate, health, and safety costs borne by communities.

The 2024 rule already gave companies ample time to comply. New sources had up to two years, and states were not required to submit plans for existing sources until March 2026—followed by an additional three years for implementation. Stretching deadlines further into 2027 is not about providing a reasonable adjustment period; it is about allowing wasteful practices to continue at taxpayer expense.

This delay also creates an uneven playing field. Companies that have already started complying or investing in compliance are placed at a competitive disadvantage, while laggards and bad actors are rewarded with more time to continue business as usual. This undermines market fairness and erodes confidence that federal rules are applied consistently. Notably, even major industry groups have already committed to reforms in line with the 2024 rule. In Texas, the Texas Methane Coalition—made up of leading oil and gas companies—publicly pledged to end routine flaring by 2030, consistent with EPA's approach.[27] Methane mitigation technology is widely available, but regulatory uncertainty stalls investments.

Taxpayers deserve a government that upholds the commitments made in the 2024 methane rule and enforces them on schedule. The interim final rule weakens those commitments and shifts the cost of inaction onto the public. If there are valid reasons to modify the 2024 methane rule, TCS would support an open, transparent policy debate with opportunity for public input. Absent that, EPA should rescind these deadline extensions and allow the 2024 standards to move forward as intended, ensuring accountability, fairness, and fiscal responsibility in the management of taxpayer-owned natural resources.

[27] Texas Methane Coalition, "Reducing Emissions in Texas," February 2023. https://texasmethaneflaringcoalition.org/wp-content/uploads/2023/01/Reducing-Emissions-in-Texas.pdf