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# Alert | Environmental



October 2026

# EPA's Second OOOOb/c Proposal: Associated Gas Flaring, Super Emitter Program

**Go-To Guide:**

- On Oct. 27, 2026, EPA signed a proposed rule launching the second phase of its reconsideration of the March 2024 oil and gas methane rules (NSPS OOOOb and EG OOOOc) (published Oct. 29, 2026, at 91 Fed. Reg. 68234).
- Key proposals include rescinding the Super Emitter Program, returning to a 95% emission reduction for associated gas flaring, reducing requirements for marginal wells, and providing additional flexibility for covers, closed vent systems, and control devices. EPA projects $45 billion in savings.
- The proposal is largely conceptual and seeks comment on numerous issues, including more than 80 specific topics listed in Table 34.
- Comments are due Dec. 16, 2026, with a virtual public hearing on Nov. 16, 2026 (Docket ID No. EPA-HQ-OAR-2025-0163).

## OOOOb/c Methane Rule Timeline: 2024 Final Rule to 2026 Reconsideration

- **March 8, 2024**: EPA finalized OOOOb/c, adopting several "zero-emission" standards.

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- **May 2024–April 2026**: EPA granted multiple petitions for reconsideration of temporary flaring and net heating value monitoring requirements, proposed changes in January 2025, and finalized them on April 9, 2026.
- **March 12, 2025**: EPA announced a comprehensive reconsideration of OOOOb/c.
- **July and December 2025**: EPA extended several compliance deadlines and moved the Super Emitter Program start and the state 111(d) plan deadline to Jan. 22, 2027.
- **April–May 2026**: EPA issued guidance on flaring associated gas after the May 7, 2026, routine flaring phase-out.

### Associated Gas Flaring: Proposed 95% Control Standard Replaces Routing Requirement

The current 2024 rules phased out and now prohibit routine associated gas flaring at new oil wells, requiring operators to route associated gas to a sales line, use it, or reinject it, with temporary flaring limited to 30 days or 72 hours. EPA is now proposing that this prohibition is not the Best System of Emission Reduction (BSER) because compliance, which is largely achieved by routing gas to a sales line, depends on third-party midstream pipeline infrastructure that upstream operators do not always control and may not always have in place across the country. Instead, EPA proposes that the applicable standard should be routing associated gas through a closed vent system to a control device or flare that achieves at least 95% reduction, which EPA considers adequately demonstrated technology. Any gas not sold or used must be routed to a control device that meets the 95% standard. As an alternative, EPA requests comment on whether the agency should retain the route-to-sales framework while providing additional flexibility, including for gathering-system construction, capacity constraints, temporary flaring, and technical infeasibility (See Questions III.9a–III.9i).

### Super Emitter Program Rescission Proposed Under NSPS OOOOb and EG OOOOc

EPA proposes to rescind the Super Emitter Program across NSPS OOOO, OOOOa, OOOOb, and EG OOOOc, and provides several reasons for its proposal. EPA states the agency did not "have adequate information on the prevalence, nature, duration, and cause of large emission events" when it issued the March 2024 final rule. EPA now asserts that the program would have little added value given monitoring and emission reduction requirements in OOOOb and EG OOOOc that the agency believes should prevent significant emission events. Based on the proposed rule's language, it is unclear how many of the emission reduction requirements that EPA relies on to justify rescinding the Super Emitter Program may themselves be amended or rescinded under this proposal. Separately, EPA states that portions of the program lack an adequate statutory basis under the Clean Air Act, including the qualifications and certifiers for third-party monitors, and notifications of super-emitter events.

### Storage Vessel Applicability at Centralized Production Facilities: Current Rule vs. Proposal

EPA's proposed storage vessel changes address the definition of modification of storage vessels at centralized production facilities and the use of legally and practicably enforcement (LPE) limits to determine applicability. The proposed approach would focus applicability at centralized production facilities more directly on the facility's design throughput or throughput under LPE limits to determine potential to emit (PTE) rather than when a new off-site well is added or fractured or refractured. EPA grounds this proposal in a recognition that centralized production facilities are designed to allow for processing of fluids from numerous wells, some of which can be off-site, and operators may not have immediate awareness as to those off-site activities.

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| Applicability Component | Current OOOOb/c (March 2024 Rule) | Proposed Reconsideration |
|---|---|---|
| Threshold for tank batteries located at well sites and centralized production facilities | Applicability threshold is determined within 30 days of startup of production, or within 30 days after modification. | Throughput as determined by an LPE or projected maximum average daily throughput. |
| Modification triggers | Adding a storage vessel, increasing storage capacity, or throughput increases meeting the thresholds. | Centralized production facilities reassess only when actual throughput exceeds the throughput used in the most recent PTE determination. |
| LPE limits used to determine PTE | Six criteria, including testing, monitoring, and reporting. | No change; EPA requests comment on modifying individual criteria or repealing the criteria (See Questions III.5a, III.5c–III.5i). |

### Covers and Closed Vent Systems: Proposed Changes to 'No Identifiable Emissions' and Repair Timelines

Under the 2024 rules, covers and closed vent systems (CVS) must be designed and operated with "no identifiable emissions" (NIE), and EPA treated any emissions detected by AVO, OGI, or Method 21 as a deviation until a later inspection confirmed NIE. Petitions to the 2024 rule argued that leaks from normal wear and tear are inevitable. EPA now recognizes that some emissions are beyond the operator's control and proposes that detecting emissions would no longer be an immediate deviation, providing operators with a chance to repair. EPA proposes to remove the requirement that covers and CVS be "designed" with NIE but keep the remaining design requirements and the requirement to operate with NIE. Operating with NIE would mean having no emissions or defects or, where they are found, repairing them within the required timeframes or under delay-of-repair provisions. Operators would have 24 hours to repair, and a repair not completed in 24 hours would be a deviation from the design requirement, which EPA notes is not automatically a violation. Operators might continue to meet the operational requirement by making a first repair attempt within five days and a final repair within 30 days, or by using delay of repair. A third emissions event or defect on the same cover or CVS within a rolling year would trigger an investigative analysis within 10 days. Corrective actions would be due within 90 days for design flaws and 30 days for other causes. The proposal also adds a definition of "repaired," resurvey requirements, and tagging or photo identification of leaks not repaired within 24 hours. The same framework would extend to self-contained process controllers. EPA requests comment on the 24-hour timeline and on whether an LDAR-style work practice approach would work better (See Questions III.6a–III.6g).

| Component | Current OOOOb/c (March 2024 Rule) | Proposed Reconsideration |
|---|---|---|
| Design requirement | Covers and CVS must be designed and operated to meet NIE. | Removes the requirement to design with NIE. The other design requirements stay: sufficient CVS capacity, an impermeable cover barrier, sealed openings, and weighted thief hatches. |

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| Component | Current OOOOb/c (March 2024 Rule) | Proposed Reconsideration |
|---|---|---|
| Meaning of NIE | No emissions detected by AVO, none imaged by OGI, and Method 21 readings below 500 ppmv above background. | No emissions or defects, or, where they are found, repairs within the required timeframes or under delay of repair. |
| Effect of detected emissions | Any emission detected by AVO, OGI, or Method 21 is a violation until a later inspection confirms NIE. | Detection is not an immediate deviation; operators get the opportunity to repair. |
| Repair timeline | Deviation continues until a subsequent inspection shows NIE. | Twenty-four hours to repair. A missed deadline is a design deviation, which EPA notes is not automatically a violation. Operational compliance is still possible with a first attempt within five days and final repair within 30 days, or delay of repair. |
| Chronic leaks | N/A. | A third event or defect on the same cover or CVS in a rolling year triggers an investigative analysis within 10 days. Corrective actions are due within 90 days for design flaws and 30 days for other causes. |
| Repair verification and records | Records of each defect or emission, repair attempts, corrective action, and reasons for any delayed repair; reported annually. | Adds a definition of "repaired," resurvey after repair, and tagging or photo identification of leaks not repaired within 24 hours. Records of the investigative analysis are also required. |
| Self-contained process controllers | Subject to the same NIE definition. | Same repair and investigative analysis framework as covers and CVS. |

### Marginal Well Sites: Proposed Subcategory for Wells Producing 15 boe per Day or Less

EPA proposes to reduce requirements for certain lower-producing well sites by creating a new subcategory for "marginal well sites" under NSPS OOOOb and EG OOOOc. EPA would define "marginal well" as a well that produced less than or equal to 15 barrels of oil equivalent (boe) per day over the prior 12-month period and define the term "marginal well site" as a well site with only marginal wells where the site collectively produced less than or equal to 15 boe per day over the prior 12-month period. The proposal rests on a new cost approach: EPA compared total site-wide compliance costs to site-level profits and concluded that the cumulative cost of the 2024 standards "appears to be more than the marginal well subcategory of the industry can bear and survive." Marginal well sites would instead face quarterly audible, visual, and olfactory (AVO) fugitive inspections. They would also need low-bleed controllers in place of the zero-emission standard, pneumatic pump controls only where a control device is already on-site, and associated gas controls only where methane content is 20 tpy or more. Sites that add wells, refracture, or add equipment would lose marginal status and become subject to NSPS OOOOb. As an alternative, EPA co-proposes a "conventional well" subcategory — based on formation and extraction characteristics rather than production — with the same standards. EPA requests comment on both

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approaches, including whether marginal wells should be divided into two production tiers at 6 boe per day, and will finalize only one option.

### What Comes Next for the OOOOb/c Reconsideration?

The proposed changes may not represent the outer bounds of EPA's reconsideration. Table 34 identifies dozens of specific issues on which EPA requests comment, including well-site subcategorization, associated gas, storage vessels, the Super Emitter Program, liquids unloading, process controllers, fugitive monitoring, covers and closed vent systems, control devices, and equipment leaks. EPA also solicits broader comment on the 2024 rule and indicates that, based on the record to be developed during the reconsideration process, the final rule may revise, expand, or eliminate existing requirements (See Question I.1).

Commenters should identify the applicable topic citation in their submissions. Examples include super emitter data (III.1a); LPE criteria and storage vessels (III.5a–III.5n); closed vent system repairs (III.6a–III.6g); associated gas flaring (III.9a–III.9i); and well-site subcategories (III.10a–III.10t).

Notably, while the signed proposal itself did not include proposed regulatory text, EPA uploaded to the docket a memorandum showing the edits that would be necessary to incorporate the proposed changes to 40 CFR part 60, subparts KKK, OOOO, OOOOa, OOOOb, and OOOOc. Because the proposal frames many of the potential changes conceptually, including through co-proposals and alternative approaches, EPA may issue a supplemental proposal with revised regulatory text before finalizing, depending on which options it selects.

Comments are due Dec. 16, 2026 (Docket ID No. EPA-HQ-OAR-2025-0163). EPA will hold a virtual public hearing on Nov. 16, 2026. The last day to pre-register for the public hearing is Nov. 10, 2026.

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