

LITIGATION CHALLENGES: METHANE NEW SOURCE PERFORMANCE STANDARDS

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June 21, 2017

Overview

- Litigation & Reconsideration Update
- eNGO Efforts to Block Trump Administration
- The Path Forward

Litigation & Reconsideration Update

- April 18, 2017 Letter
 - Process and criteria for AMEL
 - LDAR for low production wells
- May 18, 2017 DC Circuit holds cases in abeyance
- June 5, 2017 Federal Register
 - Requirements for P.E. certification of closed vents systems
 - Well site pneumatic pump standards
 - 90-day stay under 307(d)(7)(B)

eNGO Efforts to Block Trump Administration

- June 5, 2017 Emergency Motion in DC Circuit
 - Allege “irreparable harm”
 - No authority to grant 90-day stay
 - Grant of reconsideration was not proper
 - Even if proper, too broad
- June 14-15, 2017 – Motions to Intervene

eNGO Efforts to Block Trump Administration

- June 15, 2017 – Responses from EPA and Industry
 - Not likely to succeed on merits
 - Reconsideration appropriately granted
 - Stay was appropriate in scope
 - Irreparable harm not demonstrated
- Other eNGO challenges

The Path Forward

- June 12, 2017 Proposed Rule
- 2-year stay
- ?

QUESTIONS?

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