

Clean Air Act NSPS 0000b: Preparing for the August 2025 Reporting Deadline in an Uncertain Regulatory Climate

By: Tim Sowecke and Tyler A. Self

June 23, 2025

The Clean Air Act's (CAA) New Source Performance Standards' (NSPS) Subpart 0000b applies to new, modified, and reconstructed oil and gas facilities as of December 6, 2022. It targets methane and volatile organic compound (VOC) emissions from operations such as well sites, centralized production facilities, compressor stations, and storage facilities. The rule officially took effect on May 7, 2024.

In March, EPA Administrator Zeldin announced plans to reconsider Subparts 0000b (for new sources) and 0000c (for existing sources), aligning with the Trump administration's deregulatory posture and pro-fossil fuel policy direction. However, 0000b remains in effect. **The first annual reporting deadline is August 5, 2025, covering the compliance period from May 7, 2024, to May 7, 2025.** The reporting template is available at EPA's [Compliance and Emissions Data Reporting Interface](#) (CEDI).

Key 0000b requirements include:

- Leak detection and repair. Frequent monitoring of fugitive emissions using Optical Gas Imaging (OGI) or Method 21 with repairs generally required within 30 days.
- Equipment standards. Enhanced control technologies for pneumatic controllers, pumps, and storage vessels.
- Associated gas flaring and venting. Prohibition on routine venting and flaring must meet combustion efficiency standards.
- Recordkeeping and reporting. Operators must document monitoring, repairs, and compliance status. Certain malfunctions or deviations may require prompt EPA notification. Annual reports must be submitted through CEDI.

Judicial Review Landscape

EPA's approach to reviewing or rolling back Subpart 0000b remains uncertain. Under the Clean Air Act, Section 307 provides a distinct procedural framework for revision, overriding the general rulemaking and judicial review of the Administrative Procedures Act (APA). Section 307 mandates detailed rulemaking procedures, including reasoned explanations, disclosure of advisory materials, and formal responses to significant public comments, and imposes

strict limitations on judicial review. This section will be a lodestar for the Trump Administration's deregulatory agenda regarding Subpart OOOOb.

Further, many of EPA's other planned rollbacks, such as revising the National Ambient Air Quality Standards (NAAQS), the revision of NSPS for Oil & Gas facilities, and the National Emission Standards for Hazardous Air Pollutants (NESHAPs), are also subject to Section 307's stringent requirements. Recent Supreme Court decisions in [*Oklahoma v. EPA*](#) and [*EPA v. Calumet Shreveport Refining, LLC*](#) underscore the importance of Section 307's venue and procedural rules in shaping regulatory litigation.

In *Oklahoma v. EPA*, the Court held that EPA's disapproval of state air quality plans (or SIPs) constituted regionally applicable actions subject to review in regional circuits—not the D.C. Circuit. The ruling preserves forum choice for states and regulated entities and emphasizes that challenges to disaggregated state actions must rely on fact-intensive records, not generalized policy arguments.

Conversely, in *Calumet*, the Court clarified that when EPA's rationale reflects a uniform, nationwide policy, such as a categorical reinterpretation of a regulatory term, that action must be reviewed in the D.C. Circuit. The Court's analysis emphasized that venue turns not merely on the geographic scope of an agency's action, but also on whether the rationale applies uniformly across jurisdictions.

These rulings will have direct implications for any future revisions, or challenges, to Subpart OOOOb. The structure and rationale of EPA's forthcoming rulemaking documents will be critical in their adoption or vacatur. If stakeholders seek to challenge these revisions, which is all but guaranteed, they must analyze whether the EPA grounds its changes in nationwide scope or state/region-specific findings. This will directly influence both litigation strategy and the available forum.

Navigating Forward

Regardless of impending changes to Subpart OOOOb, its reporting deadline looms large. While the legal status of the rule may evolve, its current enforceability remains intact. Given the Court's recent emphasis on procedural posture, this moment of regulatory uncertainty calls for a clear strategy to ensure compliance plans are not only legally sound but operationally feasible.

For more information on Clean Air Act compliance and other environmental regulatory issues, please contact Tim Sowecke or Tyler Self. GableGotwals' [Administrative & Regulatory](#) and [Energy, Oil and Gas](#), and its [Environmental and Natural Resources](#) teams advise clients on regulatory compliance and enforcement.



Tim Sowecke
405-568-3308
tsowecke@gablelaw.com



Tyler A. Self
405-235-5589
tself@gablelaw.com

This article is provided for educational and informational purposes only and does not contain legal advice or create an attorney-client relationship. The information provided should not be taken as an indication of future legal results; any information provided should not be acted upon without consulting legal counsel.