

EPA Proposes Major Revisions to Oil and Gas Methane Rules Under NSPS OOOOb/c

By: Tim Sowecke, Travis Lee, and Tyler Self
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The U.S. Environmental Protection Agency ("EPA") recently published a second, broader proposed reconsideration of its March 2024 methane regulations for the oil and natural gas sector. The proposal would revise several consequential requirements under New Source Performance Standards ("NSPS") Subpart OOOOb and Emission Guidelines Subpart OOOOc, including provisions governing well-site leak monitoring, associated gas flaring, storage vessels, process equipment, and third-party detection of large methane releases. Although the proposal signals a substantial shift in EPA's approach, existing requirements remain in effect unless and until EPA finalizes the amendments.

What EPA Is Proposing:

If finalized, the proposal would:

- Rescind the Super Emitter Program, including its third-party detection, notification, and operator-response requirements;
- Create separate well-site categories under one of two alternatives: (1) marginal and non-marginal wells based principally on production level; or (2) conventional and unconventional wells based principally on resource and well characteristics;
- Restore a 95% emission-reduction requirement, generally achieved through flaring or another qualifying control device, as the proposed best system of emission reduction ("BSER") for associated gas from oil wells, rather than relying on routing gas to sales lines;
- Revise requirements for liquids unloading, process controllers, pumps, fugitive emissions, storage vessels, covers and closed vent systems, and equipment leaks at gas-processing plants;
- Provide additional flexibility for control-device compliance monitoring; and
- Allow an optional Appendix K optical-gas-imaging survey pathway for gas-processing facilities.

Economic and Operational Significance

EPA projects that the proposal could reduce compliance costs by approximately $45 billion and support an additional 210 million barrels of oil production and more than 1.4 trillion cubic feet of natural gas production. These are EPA's modeled projects, not realized savings or production increases, and they are likely to receive substantial scrutiny during notice and comment and any later judicial review.

Litigation and Timing Risk

The proposal does not eliminate the immediate uncertainty surrounding the 2024 rule. EPA initially extended numerous deadlines through an interim rule in July 2025 and finalized those extensions in December 2025. The extensions generally moved specified OOOOb compliance and implementation dates, the future implementation of the Super Emitter Program, and the OOOOc state-plan submission deadline to January 22, 2027, while establishing separate dates for certain monitoring and reporting requirements.

What Operators Should be Doing Now

Because this is only a proposal, operators should:

- **Maintain current compliance programs.** Do not dismantle leak-detection, monitoring, reporting, or flaring controls based on a proposed rule.
- **Model both well-site classification alternatives.** Determine how affected assets would be treated as marginal or non-marginal and conventional or unconventional and quantify the resulting operational and cost differences.
- **Evaluate associated-gas constraints.** Identify wells where sales-line routing is unavailable, technically difficult, or economically unreasonable, and preserve facility-specific production, pressure, gathering-access, and control-device data.
- **Review state requirements.** Federal revisions would not displace independently applicable state methane, VOC, flaring, permitting, or leak-detection requirements.
- **Review contracts and transactions.** Examine purchase agreements, gathering agreements, operating agreements, leases, and acquisition documents for provisions allocating regulatory-change costs and risks, including compliance representations, interim operating covenants, capital obligations, and indemnities.
- **Consider rulemaking comments.** Comments are due December 16, 2026. Effective comments should respond to EPA's numbered requests and support operational concerns with concrete technical and economic evidence.

Key Takeaways

EPA's proposal could materially reduce OOOOb and OOOOc obligations, particularly for low-producing and conventional wells, associated gas controls, and facilities subject to the Super Emitter Program. But the proposal is not final, and the governing compliance timeline remains exposed to pending litigation. Operators should continue current compliance efforts while reassessing affected assets, capital plans, state-law obligations, contractual risk allocation, and opportunities to submit technically supported comments.



Tim Sowecke

405-568-3308

tsowecke@gablelaw.com



Travis Lee

918-595-4826

tlee@gablelaw.com



Tyler A. Self

405-235-5589

tself@gablelaw.com

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