

PADEP Proposes OOOOc State Plan

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The Pennsylvania Department of Environmental Protection (PADEP) released its Proposed State Plan for 40 C.F.R. Part 60, Subpart OOOOc Emissions Guidelines for Greenhouse Gas Emissions from Existing Crude Oil and Natural Gas Facilities (Proposed State Plan) for public comment on May 31, 2025. See 55 Pa. Bull. 3810 (May 31, 2025).

PADEP released its Proposed State Plan in response to the Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review published by the U.S. Environmental Protection Agency (EPA) in spring 2024. 89 Fed. Reg. 16,820 (Mar. 8, 2024). This rule established New Source Performance Standards Subpart OOOOb that regulates emissions for new facilities in the Crude Oil and Natural Gas source category. It also included Subpart OOOOc, establishing model emission guidelines to address emissions from existing sources in the same source category. When EPA publishes emissions guidelines as part of the New Source Performance Standard, PADEP is obligated under the federal Clean Air Act to propose a state plan that implements the federal model emission guidelines. States can choose to implement EPA's model guidelines or develop regulatory provisions with standards that are as or more stringent than the federal provisions.

States may apply to EPA to implement less stringent standards than the model rule that take into account the remaining useful life and other factors (RULOF) of certain regulated facilities. RULOF demonstrations must show that a facility (or class thereof) cannot reasonably achieve the emission limitations in the model guidelines due to (1) unreasonable cost of control resulting from facility design, age, or location; (2) infeasibility of required control methodology; or (3) other conditions specific to the facility. 40 C.F.R. § 60.24a(e). The state must also show that EPA did not consider these types of facilities when setting standards in its model rule and that the standards are no less stringent than necessary. *Id.*

PADEP will implement the OOOOc emissions guidelines through General Plan Approval(s)/Operating Permit(s), but also requested input from commenters as to the applicability of RULOF to facilities in Pennsylvania. PADEP held multiple public hearings on the proposal and the public comment period closed on July 30, 2025.

When PADEP released the Proposed State Plan for comment, PADEP's deadline to submit its state plan to EPA was March 9, 2026. On July 31, 2025, however, EPA published an interim final rule in the *Federal Register* extending many deadlines under the OOOOb and OOOOc regulations, including an extension to the deadline to submit state plans. 90 Fed. Reg. 35,966 (July 31, 2025). State plans are now due 540 days after the publication of the interim final rule in the *Federal Register*, which is January 22, 2027. While the interim final rule became effective upon publication in the *Federal Register*, EPA is accepting comments on the interim final rule until September 2, 2025.

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