

Proposed Air Quality Regulations for Oil and Gas Activities on the Outer Continental Shelf

Under the Outer Continental Shelf Lands Act (OCSLA), BOEM is required to promulgate regulations for compliance with the National Ambient Air Quality Standards (NAAQS) established under the Clean Air Act (CAA) by the U.S. Environmental Protection Agency (EPA). The OCSLA requires BOEM to regulate air pollutant emissions from OCS activities to the extent they significantly affect the air quality of any State. The proposed rule would update BOEM's current air quality regulations, which were promulgated in 1980. BOEM regulates air pollutant emissions from oil and gas activity as a part of its review of oil and gas exploration and development plans, and right-of-use and right-of-way applications for areas on the OCS in the Western and Central Gulf of Mexico and the area north of the North Slope Borough of the State of Alaska; Congress added the latter area to BOEM's jurisdiction in 2012. EPA regulates emissions on the remaining OCS under its own permitting process under the CAA.



Why the rule is needed: BOEM's current regulations were written 36 years ago and need to be updated to more appropriately reflect today's air quality science, standards and law as well as advances in exploration and drilling practices. Changes are necessary to make sure that BOEM's air quality regulations for offshore facilities reflect current science and align with current industry practices. The proposed regulations maintain the existing framework for reviewing air quality as a part of plan review, while incorporating appropriate updates to ensure offshore oil and gas activity does not significantly affect air quality of adjacent states. Additionally, the proposed rule is necessary to make BOEM's regulations suitable to the Arctic

OCS, which Congress recently added to BOEM's jurisdiction. With the proposed changes to the regulations, BOEM will have one set of requirements, appropriate to both regions where BOEM has authority, which will be more effective and predictable. The proposed regulatory changes will also provide BOEM and affected states improved information on the expected onshore air quality impacts of OCS exploration and development.

Key policy changes and benefits

- Aligns the list of pollutants that are subject to an air quality review with the current NAAQS and cross-references the standards for those pollutants to those of the EPA;
- Improves the ability to ensure that offshore facilities and operations are in compliance with the air quality requirements under OCSLA;
- Provides consistent and appropriate requirements for all regions within BOEM's jurisdiction;
- More accurately estimates the impact of emissions from support vessels, the use of which has greatly increased as activities move further offshore, by accounting for them when regulating OCS facilities;
- Adjusts the methods and locations where air emissions will be measured and evaluated to better align with statute;
- Formalizes requirements for the consolidation of emissions from multiple facilities;
- Establishes a process by which exemption thresholds are added and updated to ensure the use of the best available science;
- Provides a schedule for plan review to ensure that previously approved plans are compliant with the latest standards;
- Results in anticipated reduction of the level of pollutants due to proposed emission reduction measures or emissions offsets;
- Reduces unnecessary reporting requirements for plans that are not close to exceeding thresholds; and
- Adds flexibility by allowing operators to use emissions credits when emissions reductions are required.