



Review of EPA Deregulatory Actions

AWMA Southern Section, August 28, 2025



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Disclaimer: Ours is a dynamic field

Regulations and E.O.s are changing weekly, if not daily. Always be certain to obtain the latest version of regulations, forms, and guidance from the appropriate regulatory authorities before determining regulatory applicability, permitting, and compliance needs for your facilities.

While all the information involving recent EOs, announcements, and bills passed has been thoroughly researched, there is some uncertainty as to what will happen in the future as a result of these actions.



01 Introduction



01 Introduction

- U.S. regulatory landscape defines industry operations
 - Balancing compliance: Environmental rules vs. production goals
- This administration brings a lot of speculation to the future of many environmental regulations
 - January EOs rescinded many actions taken by previous administrations
 - Announcement on 3/ 12/ 25 by EPA Administrator Lee Zeldin to review 31 major environmental actions
 - Many federal regulations are on the “chopping block” and set to be reviewed/ rescinded/ replaced
 - Change already happening



01 Unleashing American Energy (EO 14154), Declaring a National Energy Emergency (EO 14156)

- Broad executive orders that outlined the objectives of the new administration
- Declaring a National Energy Emergency (EO 14156, January 20, 2025)
 - Directs Agencies expedite energy projects
 - Targets Leasing, production, refining on federal lands
- Unleashing American energy (EO 14154, January 20, 2025)
 - Revokes Biden EOs / Ends climate-focused policies
 - Pauses clean energy spending (IRA and IIJA)
 - Reduces regulatory barriers, prioritizes oil and gas
 - Compliance cost reductions



01 Initial Recissions of Harmful Executive Orders and Actions (EO 14148)

- Executive Order 13990 of January 20, 2021 (Protecting Public Health and the Environment and Restoring Science To Tackle the Climate Crisis).
- Executive Order 14008 of January 27, 2021 (Tackling the Climate Crisis at Home and Abroad).
- Executive Order 14030 of May 20, 2021 (Climate-Related Financial Risk).
- Executive Order 14037 of August 5, 2021 (Strengthening American Leadership in Clean Cars and Trucks).
- Executive Order 14057 of December 8, 2021 (Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability).
- Executive Order 14082 of September 12, 2022 (Implementation of the Energy and Infrastructure Provisions of the Inflation Reduction Act of 2022).
- Executive Order 14096 of April 21, 2023 (Revitalizing Our Nation's Commitment to Environmental Justice for All).

02 Deregulatory Actions



02 Rule Revoking Process

- Any rule that has not completed the notice-and-comment process with the final rule not being published in Federal Register can be withdrawn
- Congress can utilize the Congressional Review Act (CRA) to overturn regulations issued within last 60 days of the prior Administration
 - Used in 2017 (16 rules overturned) and 2021 (3 rules overturned)
 - Lookback window: August 1, 2024
- Any rule published in eCFR before this timeline would need to seek judicial processes to amend federal rules



02 Possible Mechanisms

- Modification of a Rule
 - Revise specific portions of concern
- Reversal or Rescission
 - Completely revoke the rule
- Affirmation of the original Rule
- Delay or Stay of Implementation
- Legal or Judicial Review
 - Delay and/ or revision
- New Rulemaking Process
- Enforcement Discretion



02 Biggest Deregulatory Action in U.S. History

- Reconsideration of mandatory Greenhouse Gas Reporting Program that imposed significant costs on the American energy supply (GHG Reporting Program)
- Reconsideration of Biden-Harris Administration Risk Management Program rule that made America's oil and natural gas refineries and chemical facilities less safe (Risk Management Program Rule)
- Reconsideration of the 2009 Endangerment Finding and regulations and actions that rely on that Finding (Endangerment Finding)
- Reconsideration of PM National Ambient Air Quality Standards that is said to have limited opportunities for manufacturing and small businesses (PM2.5 NAAQS)
- Reconsideration of multiple National Emission Standards for Hazardous Air Pollutants for American energy and manufacturing sectors (NESHAPs)
- Terminating Biden's Environmental Justice and DEI arms of the agency (EJ/ DEI)



02 Rules Passed in CRA Lookback Window

- Air Quality
 - Air toxics source reclassification rule (September 10, 2024)
 - Big change noted in later slide
 - Methane emissions fee and waste reduction program (November 18, 2024)
 - Big change noted in later slide
 - Lead dust hazard standards and abatement clearance levels (November 12, 2024)
- Water
 - Lead and Copper Rule Improvements (October 30, 2024)
 - Clean Water Act Section 404(g) Tribal and State Assumption Program (December 10, 2024)
- Chemical Regulations
 - Trichloroethylene (TCE) ban under TSCA (December 17, 2024)
 - Perchloroethylene (PCE) restrictions (December 9, 2024)
 - Carbon tetrachloride (CTC) restrictions (December 11, 2024)

03 Key Regulations



03 Endangerment Finding

- Issued on December 7, 2009
- Found that six greenhouse gases endanger public health and welfare due to their contribution to climate change
 - CO₂
 - Methane
 - Nitrous oxide
 - Hydrofluorocarbons
 - Perfluorocarbons
 - Sulfur hexafluoride
- Established a scientific and **legal basis for regulating GHGs as pollutants.**



03 40 CFR 98 Subpart W

- The Greenhouse Gas Reporting Program (GHGRP)
 - Facilities >25,000 mt CO₂e/ year required to report GHG emissions
- Recent amendments adding sources and calculation methodologies.
 - **New sources:** Nitrogen removal units, mud degassing, produce water storage tanks, crankcase venting, and other large release events
 - **New methods:** Pneumatic devices, pumps, associated gas, flare stacks, compressors, leaks, other large events.
- Supports OOOOb/ c
- Annual compliance burden - estimates indicate costs exceeding \$46 million spent annually



03 IRA Methane Waste Emissions Charge (WEC)

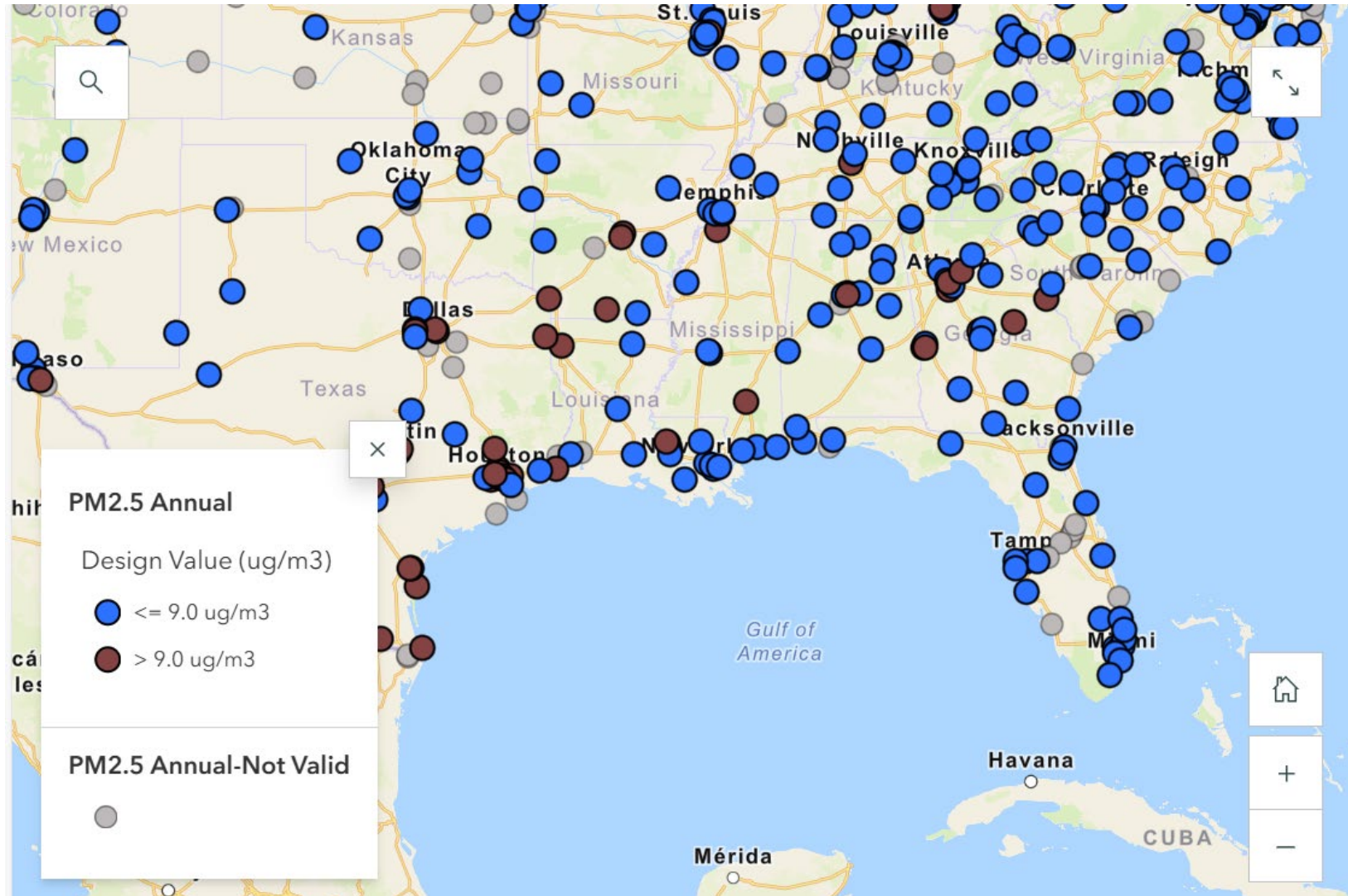
- Part of IRA's Methane Emissions Reduction Program
- Finalized: November 18, 2024
- Proposed fee associated with GHG reporting based on methane emissions over a certain “Waste Emissions Threshold”
- \$900/ ton for RY2024 increasing to \$1,500/ ton for RY2026
- **Already repealed under CRA – final as of 3/ 14/ 25**



03 PM_{2.5} NAAQS

- Fine particulate matter air quality standard
- Finalized February 7, 2024
- Lowered annual concentration from 12 to 9 $\mu\text{g}/\text{m}^3$ for PM_{2.5}
- NAAQS was set so low that it was at or below the background level of ambient particulate in many parts of the country
- May cause a lot of counties to fall into nonattainment when designations are established in 2026
- Has stopped numerous air permit projects in their tracks due to not being able to pass modeling

03 PM2.5 NAAQS





03 National Compliance and Enforcement Initiative (NCEI)

- Mitigating climate change
 - Methane emissions from landfills and O&G facilities
 - HFCs
- Chemical Accident Risk Reduction
 - Non-compliance with RMP requirements
- Active 2024-2027
- Targets methane, VOC noncompliance
- Heightens risk of inspections, fines for operators
- **Big change noted in later slide**



03 NESHAPs

- EPA is working on relaxing or nullifying multiple National Emission Standards for Hazardous Air Pollutants (NESHAPs), affecting the following industries:
 - Synthetic Organic Chemical Manufacturing (HON Rule)
 - Rubber Tire Manufacturing
 - Ethylene Oxide Sterilizers
 - Copper Smelting
 - Iron and Steel Manufacturing
 - Lime Manufacturing
 - Coke Ovens
 - Iron Ore Processing
- These actions are expected to save these industries billions of dollars in compliance costs



03 Risk Management Program (RMP)

- Safety rules for facilities handling hazardous substances
- Updated August 2024
- Identifies risks at refineries, chemical plants, wastewater treatment, etc. and ensures preparedness for accidents
- Requires Safer Technologies and Alternatives Analysis, Third party audits, and emergency response plans
- Raises safety compliance costs



03 Environmental Justice (EJ)

- Previous administration's focus on equity in EPA enforcement
- Community monitoring, EJ screenings
- Targets disproportionate impacts near a facility
- Adds scrutiny and delays to permitting in EJ areas
- Affects project approvals, particularly in underserved communities
- Community engagement needs

04 Recent Actions



04 Recent Actions

EPA Office of Enforcement and Compliance and Assurance (OECA) released a memo on March 12, 2025 related to NCEIs

- FY2024-2027 NCEIs will be reviewed and revised to align with the Administrations directives and policies (EJ, energy production)
- All ongoing EPA enforcement settlements have been paused
- Principal Deputy AG (DOJ) will have to give approval for the enforcement cases to resume
- Enforcement and compliance assurance regarding landfills will revert back to core enforcement



04 More Executive Orders

Zero-Based Budgeting (EO 14270, April 9, 2025)

- Potentially sunsets OOOOb/ c, Subpart W, PM2.5, RMP by September 2025 unless justified. Rules could expire by September 2026 unless extended.

Anti-Competitive Barriers (EO 14267, April 9, 2025)

- Could soften OOOOb/ c, Subpart W, PM2.5, RMP for smaller operators, aids market entry

State Overreach (EO 14260, April 8, 2025)

- Pressures states to align with weaker OOOOb/ c, Subpart W, challenges strict rules



04 Updating Permitting Technology For 21st Century

Permitting Technology for the 21st Century – The White House

- Use of technologies to streamline environmental review and permitting processes

Updating Memorandum - CEQ Establishment of Permitting Innovation Center

- Permitting Innovation Center established to prototype and promote new digital tools

Updating Permitting Technology for the 21st Century

- Release of the Permitting Technology Action Plan



04 Once in Always In (OIAI)

Rule Revoked under the CRA as of June 20, 2025

- Policy that ruled that major sources of HAPs will always remain as such, even if they reduce emissions under major source thresholds
- Provisions in 40 CFR 63 (MACT) that made certain sources subject to NESHAP programs to remain subject to those NESHAP regardless of whether they reclassify to area source status
- Originally passed in 1995, rescinded in 2018, reinstated in September 2024
- Disincentivized emission reduction and pollution control



04 Big Beautiful Bill

Rollback of Climate and Environmental Programs:

- Rescind funding for numerous environmental initiatives from Inflation Reduction Act, including the Greenhouse Gas Reduction Fund, clean heavy-duty vehicles, methane emissions reduction, and low-carbon materials programs
- Repeals several Clean Air Act provisions and defunds EPA programs related to air pollution, climate justice, and environmental data collection
- Ends or phases out tax credits for clean vehicles, energy-efficient buildings, clean hydrogen, and renewable electricity
- Repeal of methane emissions programs and rollback of EPA enforcement tools



04 Big Beautiful Bill

Shift from Renewable to Non - Renewable Energy Sources

- Mandates quarterly onshore oil and gas lease sales and offshore lease sales in the Gulf of Mexico and Alaska.
- Provides \$1 billion for energy dominance financing, including fossil fuel infrastructure and critical minerals.
- Introduces new fees and revenue-sharing models for solar and wind projects on federal lands
- Expands coal leasing, reduces royalty rates, and authorizes mining of federal coal adjacent to private lands.

05 Potential Outcomes



05 Potential Outcomes

- Cost savings
- Subpart W relief
- PM2.5, WEC, RMP savings
- Fewer NCEI inspections and actions
- IRA and IIJA uncertainty including grants
- Elimination of EJ
- Lawsuits
- State resistance
- Confusion
- Alternating Effect

06 Questions