

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

The Independent Petroleum)
Association Of America, Arkansas)
Independent Producers And Royalty)
Owners, Domestic Energy Producers)
Alliance, Eastern Kansas Oil & Gas)
Association, Gas And Oil Association)
Of West Virginia, Illinois Oil & Gas)
Association, Independent Petroleum)
Association Of New Mexico, Indiana)
Oil And Gas Association, International)
Association Of Drilling Contractors,)
Kansas Independent Oil & Gas)
Association, Kentucky Oil & Gas)
Association, Michigan Oil and Gas)
Association, National Stripper Well)
Association, North Dakota Petroleum)
Council, Ohio Oil And Gas Association,)
Petroleum Alliance of Oklahoma,)
Panhandle Producers & Royalty)
Owners Association, Pennsylvania)
Independent Oil & Gas Association,)
Permian Basin Petroleum Association,)
Texas Alliance Of Energy Producers,)
Texas Independent Producers &)
Royalty Owners Association, and)
Western Energy Alliance,)

CASE NO. 24-1242

Petitioners,

v.

United States Environmental)
Protection Agency and Michael S.)
Regan, Administrator, United States)
Environmental Protection Agency)
Respondent.)

PETITIONERS' NON-BINDING STATEMENT OF ISSUES

Petitioners The Independent Petroleum Association Of America (“IPAA”), Arkansas Independent Producers And Royalty Owners (“AIPRO”), Domestic Energy Producers Alliance (“DEPA”), Eastern Kansas Oil & Gas Association (“EKOGA”), Gas And Oil Association Of West Virginia (“GOWV”), Illinois Oil & Gas Association (“IOGA”), Independent Petroleum Association Of New Mexico (“IPANM”), Indiana Oil And Gas Association (“INOGA”), International Association Of Drilling Contractors (“IADC”), Kansas Independent Oil & Gas Association (“KIOGA”), Kentucky Oil & Gas Association (“KOGA”), Michigan Oil and Gas Association (“MOGA”), National Stripper Well Association (“NSWA”), North Dakota Petroleum Council (“NDPC”), Ohio Oil And Gas Association (“OOGA”), Petroleum Alliance Of Oklahoma, Panhandle Producers & Royalty Owners Association (“PPROA”), Pennsylvania Independent Oil & Gas Association (“PIOGA”), Permian Basin Petroleum Association (“PBPA”), Texas Alliance Of Energy Producers (“Texas Alliance”), Texas Independent Producers & Royalty Owners Association (“TIPRO”), and Western Energy Alliance (collectively, “Producer Associations”) challenge the legality of the United States Environmental Protection Agency’s (“EPA”) rulemaking entitled, “Greenhouse Gas Reporting Rule: Revisions and Confidentiality Determinations for Petroleum and Natural Gas

Systems,” published at 89 Fed. Reg. 42,062 (May 14, 2024) (“Final Rule”), and respectfully submit this preliminary and non-binding statement of issues:

1. Whether the Final Rule is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, or is in excess of statutory jurisdiction, authority, or limitations, or short of statutory right, by failing to consider its revisions to Subpart W in the context of its role in the Methane Emission Reduction Program (MERP);
2. Whether the Final Rule is arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law, or is in excess of statutory jurisdiction, authority, or limitations, or short of statutory right, because the Subpart W definition of facility creates an excessive burden on small producers operating low production wells;
3. Whether the Final Rule is arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law, or is in excess of statutory jurisdiction, authority, or limitations, or short of statutory right, by failing to meet the Congressional mandate to improve the empirical basis for emissions calculations;
4. Whether the Final Rule is arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law, or is in excess of statutory

jurisdiction, authority, or limitations, or short of statutory right, by failing to provide an estimating mechanism for small producers;

5. Whether the Final Rule is in excess of statutory jurisdiction, authority, or limitations, or short of statutory right, by failing to create a clear compliance framework to avoid inappropriate enforcement actions.

Dated: August 14, 2024

RESPECTFULLY SUBMITTED,

/s/James D. Elliott

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Royalty Owners Association, Pennsylvania
Independent Oil & Gas Association, Permian
Basin Petroleum Association, Texas Alliance
Of Energy Producers, Texas Independent
Producers & Royalty Owners Association, and
Western Energy Alliance

Dated: August 14, 2024

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of August, 2024, a copy of the foregoing **Petitioners' Non-Binding Statement of Issues** was served electronically through the Court's CM/ECF system on all registered counsel.

/s/ James D. Elliott
James D. Elliott