



September 26, 2025

Honorable Lee Zeldin
Administrator
U.S. Environmental Protection Agency
Mail Code 1101A
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: EPA Interim Final Rule, Extension of Deadlines Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review Final Rule, Docket ID No. EPA-HQ-OAR-2025-0162

Dear Administrator Zeldin:

The National Tribal Air Association (NTAA) submits these comments in response to the U.S. Environmental Protection Agency's (EPA's) Interim Final Rule regarding the Extension of Deadlines Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review Final Rule.

The NTAA is a member-based organization with 161 principal member Tribes. The organization's mission is to advance air quality management policies and programs, consistent with the needs, interests, and unique legal status of American Indian Tribes and Alaskan Natives. As such, the NTAA uses its resources to support the efforts of all federally recognized Tribes in protecting and improving the air quality within their respective jurisdictions. Although the organization always seeks to represent consensus perspectives on any given issue, it is important to note that the views expressed by the NTAA may not be agreed upon by all Tribes. Further, it is also important to understand that interactions with the organization do not substitute for Nation-to-Nation consultation, which can only be achieved through direct communications between the federal government and American Indian Tribal Governments and Alaska Natives.

NTAA opposes the interim final rule because EPA issued it before providing notice and comment on the rule. This violates the Clean Air Act's provisions requiring notice-and-comment rulemaking under the Administrative Procedure Act (APA) requirements before a rule can go into effect unless "good cause" exists to proceed without that requirement. 42 U.S. Code § 7607(d). The APA contains the important procedural safeguard of notice-and-comment rulemaking that ensures that the EPA receives feedback from all key stakeholders, including Tribes. EPA must provide the public with notice of a proposed rule, followed by a meaningful opportunity to comment on the rule's content before it is finalized. 5 U.S.C. § 553 (b)-(c). E.O. 12866 § 6 directs federal agencies,

including EPA to “afford the public a meaningful opportunity to comment on any proposed regulation, which in most cases should include a comment period of not less than 60 days.”¹ In addition, agencies must provide a “meaningful” opportunity to comment. This “means enough time with enough information to comment”² and an agency response to significant public comments.³ EPA has not demonstrated that “good cause” exists to dispense with notice-and-comment rulemaking. “The [good cause] exception is not an ‘escape clause’; its use ‘should be limited to emergency situations.’” *Util. Solid Waste Activities Grp. v. EPA*, 236 F.3d 749, 754 (D.C. Cir. 2001) (internal quotations and citations omitted). Based on those procedural issues alone, EPA should immediately rescind the interim final rule.

In addition, the NTAA agreed with EPA’s recognition in the final rule establishing New Source Performance Standards and Emissions Guidelines, published on March 8, 2024, that national standards and guidelines are needed to reduce methane and other harmful pollutants from new and existing sources in the oil and natural gas industry. Final Rule, 89 Fed. Reg. 16820. Significant oil and natural gas sources are on and near Tribal lands, and methane, volatile organic compound (VOC), and hazardous air pollutant (HAP) emissions from the oil and natural gas industry negatively impact Tribal communities. Inhalation of these dangerous pollutants can lead to irreversible lung damage, asthma attacks, and cancer, because Tribal communities already suffer from these illnesses at disproportionate rates. The 2024 final rule was projected to increase efficiency in the oil and natural gas industry and reduce millions of tons of harmful pollution from methane and VOCs, in addition to HAPs.

Methane emissions disproportionately burden Indigenous communities. The Regulatory Impact analysis for the 2024 final rule demonstrated oil and gas companies could significantly improve the efficiency of their operations on and near Tribal lands by adopting the standards required under the NSPS and EG finalized in the 2024 final rule.

NTAA therefore opposes EPA’s interim final rule because it will unnecessarily and unwisely delay implementation of key measures that will reduce emissions and increase efficiency and improve health outcomes for exposed communities. These key measures include regular monitoring at all wells with equipment known to malfunction, such as tanks and flares.

The proposed action will also delay other pollution reducing measures. Importantly, the delay will impact the 2024 final rule’s provisions to eliminate Leak Detection and Repair (LDAR) exemptions for low-producing wells. The low producing wells are responsible for half of all site-level methane emissions nationwide. The 2024 rule requires owners and operators to monitor for leaks routinely.

The NTAA also opposes EPA’s decision to delay implementation of the Super Emitter Response Program. It would have provided an additional source of information about large methane leaks

¹ E.O. 12,866, 58 Fed. Reg. 51735 (Sep. 30, 1993).

² *Prometheus Radio Project v. FCC*, 652 F.3d 431, 450 (3d Cir. 2011) (citations omitted).

³ *Asiana Airlines v. F.A.A.*, 134 F.3d 393, 396 (D.C. Cir. 1998) (citations omitted).

and would have helped Tribes and Tribal communities to appropriately respond to and report these events.

Conclusion

NTAA recommends that EPA withdraw the interim final rule and retain the original deadlines from the 2024 final rule.

The NTAA appreciates this opportunity to submit this comment and looks forward to further work with EPA on this important issue. If you would like additional information, please contact Miranda O'Neill, NTAA Program Manager, Miranda.ONeill@nau.edu.

Respectfully,

Syndi Smallwood
Chair
National Tribal Air Association

Cc: Aaron Szabo, Assistant Administrator
Peter Tsirigotis, Director, OAQPS
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