

EPA Proposes to Enact Toxic Release Inventory (TRI) Requirements for NGP Facilities

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On January 6, 2017, the **U.S. Environmental Protection Agency** (EPA or Agency) proposed a rule that would require natural gas processing (NGP) facilities to annually submit Toxic Release Inventory (TRI) reports. These reports are required pursuant to the Emergency Planning and Community Right-to-Know Act (EPCRA) Section 313, and include information on chemical storage and quantity, chemical releases, and other waste management activities.

The proposed rule comes in response to a 2012 petition by several environmental advocacy groups, including the Environmental Integrity Project and the Natural Resources Defense Council, which asked EPA to initiate rulemaking to add the oil and gas extraction industry to the list of facilities required to report to the TRI. EPA settled a lawsuit over the Agency's failure to timely respond to the group's petition in late 2015. Joint Stipulation of Voluntary Dismissal, *Environmental Integrity Project et al v. United States Environmental Protection Agency et al*, No. 1:15-cv-0017 (D.D.C. Dec. 15, 2015).

The rule would apply to NGP facilities with ten or more full-time employees that manufacture, process, or otherwise use at least one TRI-listed chemical above the threshold quantity. Aiming the rule specifically at facilities that primarily engage in the recovery of liquid hydrocarbons from oil and gas field gases, EPA estimates that between 282 and 444 NGP facilities would meet this criteria. Notably, the rule would exclude natural gas extraction facilities. According to the EPA, TRI-listed chemicals common to NGP facilities include n-hexane, hydrogen sulfide, toluene, benzene, xylene, and methanol.

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