

2025-2026 REGULATORY TRACKER

TITLE	AGENCY	DESCRIPTION	STATUS	MSC Comment Letter	MSC Committee
RULEMAKINGS					
<a href="#">Monarch Butterfly Listing</a>	U.S. Fish & Wildlife Service	The USFWS proposed to list the Monarch Butterfly Threatened with a 4(d) Rule along with its critical habitat.	The public comment period ended March 12, 2025. The USFWS has received over 100,000 comments.	<a href="#">Comment Letter</a>	Surface Use Midstream & Pipeline
<a href="#">Rescinding the Definition of "Harm" Under the Endangered Species Act</a>	U.S. Fish & Wildlife Service	The USFWS proposes a rulemaking to rescind the regulatory definition of "Harm" under the Endangered Species Act. The USFWS states that the existing regulatory term "harm", which includes habitat modification, runs contrary to the statutory definition of "take" and therefore does not conform to the Endangered Species Act.	The public comment period closed May 17, 2025. The MSC Did not receive specific comments from the membership and did not submit a formal comment letter.		Surface Use Midstream & Pipeline
Waste Emissions Charge (Methane Tax)	U.S. EPA	Provides the mechanism to calculate and collect the Waste Emissions Charge tax which was included in the federal Inflation Reduction Act.	On March 14, 2025 a joint Congressional resolution disapproved of the final 2024 Waste Emissions Charge rule. As such, the mechanism for collecting the waste emissions charge tax included in the federal Inflation Reduction Act is not in effect. Congress and the Trump Administration are reconsidering the underlying statute which imposes the Waste Emissions Charge.	<a href="#">Comment Letter</a>	Advocacy Air Quality
<a href="#">Highway Occupancy Permit - Regulatory Update</a>	PennDOT	This proposed rulemaking updates permitting processes and requirements to formally implement the electronic permitting system (EPS); conforms to current industry standards and practices; clarifies permit procedures for applicants with various types of property interests adjacent to or requiring access via the state highway right-of-way; and updates the definition of the term "access" to include non-vehicular access to the state highway.  The big change was a result of someone challenging the previous language related to who can apply as "owner" which is especially important for those constructing pipelines.	The proposed updates were published in the Pennsylvania Bulletin on January 4, 2025. The public comment period ended February 3, 2025. The Independent Regulatory Review Committee (IRRC) comments were due March 5, 2025. PennDOT will respond to any comments received and has two (2) years from March 5th to submit a final-form regulation. The MSC supported this proposed rulemaking through its quarterly meetings with PennDOT Central Office.		Transportation
<a href="#">Notification Requirements for Unauthorized Discharges to Waters of the Commonwealth</a>	PA DEP	The proposed rulemaking is intended to provide clarity as to which unauthorized discharges require immediate notification to PA DEP.	Public comments were accepted through June 4, 2025.	<a href="#">Comment Letter</a>	Water Resources & Waste Management
<a href="#">Beyond Visual Line of Sight</a>	Federal Aviation Administration	The FAA's proposed rule for safely normalizing Beyond Visual Line of Sight (BVLOS) drone operations includes detailed requirements for operations, aircraft manufacturing, keeping drones safely separated from other aircraft, operational authorizations and responsibility, security, information reporting and record keeping.	Public comments were accepted through October 6, 2025	<a href="#">Comment Letter</a>	Midstream & Pipeline Committee / UAS Workgroup

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<a href="#">Greenhouse Gas Reporting Rule</a>	U.S. EPA	U.S. EPA proposes to repeal the existing Greenhouse Gas Reporting Rule program, asserting that with limited exception, there is no statutory authority to collect this information from facilities. With respect to the Waste Emissions Charge and petroleum and natural gas systems subject to the WEC, U.S. EPA proposes to delay reporting requirements for these sectors until 2034, consistent with the requirements of the One Big Beautiful Bill Act.	Public comments were accepted through November 3, 2025. The MSC did not submit a comment letter, deferring instead to individual company comments and national trade organizations.		Air Quality
<a href="#">Interconnection and Tariffs for Large Load Customers</a>	PA PUC	PA PUC proposes a model tariff for large load customers to guard ratepayers against impacts due to cost shifting. The model tariff was initiated in response to concerns about large energy demand data centers under consideration across Pennsylvania. This model tariff would apply to any customer with an individual demand of 50 MW or 100 MW in the aggregate.	Public comments were accepted through December 22, 2025. The MSC submitted comments for consideration.	<a href="#">Comment Letter</a>	Advocacy
<b>TECHNICAL GUIDANCE DOCUMENTS</b>					
<a href="#">Well Development Impoundment Dewatering</a>	PA DEP	Guidance for maintaining freeboard and dewatering of well development impoundments for unconventional oil and gas operations.	Public comment period ended February 3, 2025. The Department intends to publish as final by Q1 2026.	<a href="#">Comment Letter</a>	Water Resources & Waste Management
<a href="#">Oil and Gas Well Site Integrated Contingency Plan at Unconventional Well Sites</a>	PA DEP	Guidance to unconventional operators on expected and recommended information to be included in unconventional well site emergency response and preparedness, prevention, and contingency plans	Public comment period ended August 7, 2023. The Department originally forecasted that this document would be published final in Q4 2025. At the most recent Industry meetings they pushed this time back to Q1 2026.	<a href="#">Comment Letter</a>	Water Resources & Waste Management
<a href="#">Post Construction Stormwater Management (PCSM) Manual</a>	PA DEP	The guidance manual establishes standards for the management of stormwater through the implementation of stormwater control measures to comply with regulatory requirements under 25 PA. code Chapter 102. The PCSM Manual was proposed to be updated from the 2006 version.	Public comment period ended on April 28, 2023. The Department originally forecasted that this document would be published final in Q4 2025. At the most recent Industry meetings they pushed this time back to Q1 or Q2 2026.	<a href="#">Comment Letter</a>	Surface Use Midstream & Pipeline
<a href="#">Prioritized Review Process of Erosion and Sediment Control General Permits for Earth Disturbance Associated with Oil and Gas Operations</a>	PA DEP	The Prioritized Review Process Guidance Document is a voluntary process where an applicant can propose "superior environmental enhancements" for proposed projects to receive priority review status, if the applicant qualifies.	Public comment period ended September 27, 2021. At the November 13, 2025 DEP/Industry triennial meeting, DEP stated they would no longer be pursuing this initiative due to improvements in permitting efficiency.	<a href="#">Comment Letter</a>	Surface Use Midstream & Pipeline
Pennsylvania Function-Based Aquatic Resources Compensation Protocol	PA DEP	This technical guidance document outlines the procedures and methodology for determining the appropriate level of compensatory mitigation required for impacts to aquatic resources under 25 Pa. Code 105.20a	The Department published this guidance document for public comment and published final in 2022. The Department rescinded the guidance document on January 7, 2023. The Department originally forecasted that this document would be published final in Q4 2025. We presume that this will be published for public comment sometime in Q1 2026.		Surface Use Midstream & Pipeline

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<a href="#">Erosion and Sediment Pollution Control Program Manual</a>	PA DEP	The purpose of this guidance manual is to inform those engaged with earth disturbance activities and in the preparation of Erosion and Sediment Control Plans how to comply with regulations found in 25 PA Code Chapter 102. The 2012 Manual is linked to.	The Department intends to publish a draft revised document for public comment in Q4 2025. The Department originally forecasted that this document would be published final in Q4 2025. At the most recent Industry meetings they pushed this time back to Q1 or Q2 2026.		Surface Use Midstream & Pipeline
<b>PERMITS</b>					
<a href="#">NPDES PAG-02 Permit</a>	PA DEP	Permit authorizes discharges of stormwater associated with construction activities. This includes oil and gas transmission lines and utilities.	Public comment period ended April 8, 2024. Final PAG-02 permit published March, 2025.	<a href="#">Comment Letter</a>	Surface Use Midstream & Pipeline
Revisions to GP5/5A (Air quality permits for well pads and midstream/transmission facilities)	PA DEP	To comply with U.S. EPA OOOOc, PA DEP will need to revise its existing general air quality permits related to oil and gas.	Not yet proposed.		Air Quality
<b>POLICIES, STATE IMPLEMENTATION PLANS &amp; OTHER DOCUMENTS</b>					
<a href="#">Environmental Justice Policy</a>	PA DEP	Details PA DEP policy for enhanced public participation for certain projects proposed in designated environmental justice areas, based on a mapping tool developed by PA DEP.	Public comment period ended November 30, 2023. The Department published the policy and screening tool final in January 2026.	<a href="#">Comment Letter</a>	Advocacy
<a href="#">Emissions Guidelines for New &amp; Existing Sources (OOOb/c) Reconsideration</a>	U.S. EPA	U.S. EPA, in response to a directive from President Trump, announced it will reconsider these final rulemakings. To do so, U.S. EPA will need to publish a proposed revised rule at a later date.	Until revised rules are proposed and implemented, the current OOOb/c rulemakings remain in effect. U.S. EPA anticipated to issued extended compliance timelines (early summer), revisit Net Heating Value reconsideration and then comprehensive reconsideration.	<a href="#">Comment Letter</a>	Air Quality
<a href="#">Draft State Plan for OOOOc Greenhouse Gas Emissions from Existing Oil &amp; Gas Facilities</a>	PA DEP	To comply with the final federal OOOOc, PA DEP must submit a state implementation plan no later than March 9, 2026. Compliance would commence the first quarter of 2029. A draft plan subject to public comment was published on May 31, 2025. It is noteworthy that U.S. EPA recently announced reconsideration of the underlying federal rulemaking.	Public comments were due July 30, 2025. The MSC Air Quality Committee formed a workgroup to help prepare the final MSC comments. Timing of finalizing the state plan will be influenced by U.S. EPA's extension of compliance deadlines and reconsideration of the underlying OOOOc rule.	<a href="#">Comment Letter</a>	Air Quality
<a href="#">Notice of ESA Section 10(a) Program Implementation</a>	U.S. Fish & Wildlife Service	The agency published this notice to receive input on improving its program implementation related to conservation benefit agreements, habitat conservation plans and issuance of associated enhancement of survival and incidental take permits.	Comments were due July 9, 2025. The MSC Threatened and Endangered Species was approached by API to join a multi-stakeholder comment letter. The MSC joined this letter.		Surface Use Midstream & Pipeline
<a href="#">Updated Policy for Erosion and Sediment Control and Stormwater Management for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing, or Treatment Operations or Transmission Facilities</a>	PA DEP	The Department is proposing to update the existing policy to implement the requirements in the 2012 Oil and Gas Act as well as Chapter 78, 78a, and 102.	Comments were due on January 20, 2026. The MSC submitted comments in advance of the deadline.	<a href="#">Comment Letter</a>	Surface Use Midstream & Pipeline