2025-2026 REGULATORY TRACKER

TITLE	AGENCY	DESCRIPTION	STATUS	MSC Comment Letter	MSC Committee
RULEMAKINGS					
Monarch Butterfly Listing	U.S. Fish & Wildlife Service	The USFWS proposed to list the Monarch Butterfly Threatened with a 4(d) Rule along with its crticial habitat.	The public comment period ended March 12, 2025. The USFWS has received over 100,000 comments.	Comment Letter	**Surface Use** **Midstream & Pipeline**
Rescinding the Definition of "Harm" Under the Endangered Species Act	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.	Comment Letter	**Advocacy** **Air Quality**
Highway Occupancy Permit - Regulatory Update	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.	On August 20, 2026 IRRC approved The PennDOT Chapter 441 amendements with regard to the location, design, construction and maintenance of: driveways; local roads; drainage facilities; structures; means of ingress, egress and access; and other property within the State highway right-of-way through highway occupancy permits (HOPs). Available at: https://www.fhwa.dot.gov/federalaid/stewardship/agreements/pa.pdf This final-form 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.		**Transportation**
Notification Requirements for Unauthorized Discharges to Waters of the Commonwealth	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.	Comment Letter	**Water Resources & Waste Management**
Beyond Visual Line of Sight	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	Comment Letter	**Midstream & Pipeline Committee / UAS Workgroup**
Greenhouse Gas Reporting Rule	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**
Interconnection and Tariffs for Large Load Customers	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 Final Order was adopted by the PA PUC on April 30, 2026.	Comment Letter	Final Order

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National Emission Standards for Hazardous Air Pollutants: Crude Oil and Natural Gas Production Facilities and Natural Gas Transmission and Storage Facilities (NESHAP)	U.S. EPA	As part of the technology review and reconsideration of the 2012 final rule amendment, EPA proposed revisions to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for oil and natural gas production, and transmission and storage facilities:	Public comments were accepted through August 6, 2026. The MSC submitted comments in advance of the deadline.	Comment Letter	**Air Quality**
Seeking Comment on Prohibiting the Importation and Marketing of Certain Foreign-Produced Military-Grade Uncrewed Aircraft Systems (UAS) and UAS Critical Components for Non-U.S. Government, Including Those with Swarming Capabilities	FCC	The Federal Communications Commission (FCC) is proposing to prohibit the continued importation and marketing of certain military-grade foreign-made UAS and UAS critical components that are found on the Federal Communications Commission's (FCC) Covered List.	Public Comments were accepted through September 2, 2026. The MSC submited comments in advance of the deadline.	Comment Letter	**Midstream & Pipeline Committee**
Additional Reconsideration Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review (OOOOb/c)	USEPA	The U.S. Environmental Protection Agency (EPA) is proposing amendments to the New Source Performance Standards and Emission Guidelines for the Crude Oil and Natural Gas Source Category to address additional concerns raised with prior regulatory amendments finalized in March 2024.	Public comments will be accepted through December 16, 2026.		**Air Quality**
TECHNICAL GUIDANCE DOCUMENTS					
Well Development Impoundment Dewatering	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. According to the July 2026 Non-Regulatory Agenda, the document will be published final in Q4 2026. The Department provided an update at the November 12, 2026 DEP/ Industry Triennial Meeting that the document would be published by the end of 2026.	Comment Letter	**Water Resources & Waste Management**
Oil and Gas Well Site Integrated Contingency Plan at Unconventional Well Sites	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. According to the July 2026 Non-Regulatory Agenda, the document will be published final in Q3 2026. The Department provided an update at the November 12, 2026 DEP/ Industry Triennial Meeting that the document would be published by the end of 2026.	Comment Letter	**Water Resources & Waste Management**
Post Construction Stormwater Management (PCSM) Manual	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. According to the July 2026 Non-Regulatory Agenda, the document will be published final in Q4 2026.	Comment Letter	**Surface Use** **Midstream & Pipeline**
Prioritized Review Process of Erosion and Sediment Control General Permits for Earth Disturbance Associated with Oil and Gas Operations	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 prirority 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.	Comment Letter	**Surface Use** **Midstream & Pipeline**
Guidance on Notification Requirements for Unauthorized Discharges to Waters of the Commonwealth Under Pennsylvania's Clean Streams Law	PA DEP	On October 16, 2021 The PA DEP published for comment a Technical Guidance Document on Notification Requirements for Spills, Discharges, and other Incidents of a Substance Causing or Threatening Pollution to Waters of the Commonwealth Under Pennsylvania's Clean Streams Law	The MSC submitted comments prior to the December 15, 2021 Deadline. On August 22, 2026 the PA DEP published the final guidance document with a response to comment document.	Comment Letter	**Water Resources & Waste Management**
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. According to the July 2026 Non-Regulatory Agenda, the document will be published for public comment in Q4 2026.		**Surface Use** **Midstream & Pipeline**

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Erosion and Sediment Pollution Control Program Manual	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 Chaopter 102. The 2012 Manual is linked to.	According to the July 2026 Non-Regulatory Agenda, the document will be published for public comment in Q4 2026.		**Surface Use** **Midstream & Pipeline**
PERMITS					
NPDES PAG-02 Permit	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.	Comment Letter	**Surface Use** **Midstream & Pipeline**
Pennsylvania State Programmatic General Permit 7	USACE	The Pennsylvania State Programmatic General Permit (PASPGP) is a parternship between the The USACE and the PA DEP. The permit provides the PA DEP the authority to authorize stream and wetland general permits that are under specific thresholds on behalf of the USACE. The permit is required to be renewed every 5 years.	The seventh version of the PASPGP permit became effective on July 1, 2026. The MSC is hosted a training on October 7, 2026 where the USACE provided a general overview of the new permit.		**Surface Use** **Midstream & Pipeline**
NPDES General Permit for Stormwater Discharges from Small Construction Activities (PAG-01)	PA DEP	The Department is required to renew this general permit every five years. Our industry has utilized this permit for small projects, less than 5 acres of disturbance that qualify.	Public Comments were accepted through September 21, 2026. The MSC did not receive comments from any members of committees and did not submit a comment letter.		**Surface Use** **Midstream & Pipeline**
NPDES General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines (PAG-10)	PA DEP	The Department is required to renew this general permit every five years. Our industry has utilized this permit for hydrostatic testing of pipelines.	Public Comments were accepted through September 21, 2026. The MSC did not receive comments from any members of committees and did not submit a comment letter.		**Midstream & Pipeline Committee**
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**
POLICIES, STATE IMPLEMENTATION PLANS & OTHER DOCUMENTS					
Environmental Justice Policy	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.	Comment Letter	**Advocacy**
Emissions Guidelines for New & Existing Sources (OOOOb/c) Reconsideration	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 OOOOb/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.	Comment Letter	**Air Quality**
Draft State Plan for OOOOc Greenhouse Gas Emissions from Existing Oil & Gas Facilities	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.	Comment Letter	**Air Quality**
Notice of ESA Section 10(a) Program Implementation	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**

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TITLE	AGENCY	DESCRIPTION	STATUS	MSC Comment Letter	MSC Committee
Updated Policy for Erosion and Sediment Control and Stormwater Management for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing, or Treatement Operations or Transmission Facilities	PA DEP	The Department is proposing to update the existing policy to implement the requirments 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. According to the July 2026 Non-Regulatory Agenda, the document will be published final in Q4 2026.	Comment Letter	**Surface Use** **Midstream & Pipeline**
FERC Proposal to overhaul NEPA Process to Accelerate Natural Gas Projects	FERC	The Federal Energy Regulatory Commission (FERC) today unveiled a proposal to overhaul and accelerate its review of air quality effects for proposed natural gas projects under the National Environmental Policy Act (NEPA). The draft policy statement cuts unnecessary delays and duplicative analysis, while delivering greater regulatory certainty and a more streamlined path forward for project applicants.	Comments were due by November 16, 2026.	Comment Letter	**Midstream & Pipeline**