

Clean Air Act Aggregation in the Upstream Oil and Gas Sector

Hogan Lovells has published a white paper discussing the aggregating sources for the purposes of Clean Air Act permitting in the oil and gas sector.

The clear judicial trend is to adopt physical adjacency as the aggregation test and to find that geographically dispersed upstream oil and gas wells, compressor stations, and other facilities are separate emissions sources, the paper's authors conclude. Nothing in *PennFuture* indicates that trend will change anytime soon.

"The U.S. Court of Appeals for the Sixth Circuit and the D.C. Circuit recently offered some regulatory relief to oil and gas operators under the Clean Air Act (CAA) with respect to aggregating sources for the purposes of CAA permitting," they write. "On February 23, 2015, the District Court for the Middle District of Pennsylvania issued an opinion that, consistent with the Sixth Circuit and D.C. Circuit opinions, held certain oil and gas operations should not be aggregated, while indicating that the question of interrelatedness (a concept rejected by the Sixth Circuit) could be appropriate in determining the scope of a stationary source."

Read the white paper.