(Final Version from email dated 6/11/13 from Suzanne Bohan to BLM)

Hi Charis,

Thank you for the opportunity to review and provide comments on the BLM's draft "Conformity Exemption List Based on 40 CFR 93 Section 153(2).docx", that you provided with your email of May 17, 2013. In order to provide the BLM with a more focused evaluation, it will help us to understand the BLM's intentions for the development, use, and dissemination of this "List of Exempt" activities. In that we mean:

- It is EPA's assumption that this list of "Exempt" activities, under 40 CFR 93.153(d)(1), would only be applicable to the Upper Green River Basin (UGRB) 8-hour Ozone Standard nonattainment area. If this list is to be more universal for national BLM activities, please let us know.

- Will the BLM be publishing a proposed Notice and final Notice in the Federal Register for this list of "Exempt" activities? Or, will the BLM not be publishing the list of "Exempt" activities and instead, keep the list of "Exempt" activities on file in a BLM State and/or Field Offices and include the "List of Exempt" activities, as appropriate, as an appendix to relevant NEPA documents?

In addition to applying the relevant General Conformity regulations as a model for our review of your "List of Exempt" activities, we consulted the format used by the FAA for publishing, in the Federal Register, a list of exempt activities and a list of activities that are presumed to conform. In consultation with EPA, the FAA developed their proposed Notice (72 FR 6641, February 12, 2007) and final Notice (72 FR 41565, July 30, 2007). In both Notices, the FAA provided a list, description with discussion, and rationale of those activities that were considered exempt (please see the final Notice, "II Existing Exemptions", 72 FR 41567) before then proceeding with their presumed to conform list with its associated discussion, data, and rationale.

Based on the relevant General Conformity regulations and our review of the methodology and supporting information used by the FAA for its published exempt list, EPA offers the following comments for your consideration with regard to your proposed exempt list:

<u>Activities listed for all other (non-oil and gas) BLM Resource Areas:</u>

It appears that many of the activities the BLM has proposed are candidates for exemption under 40 CFR 93.153(c) or (d), even though the activities are not specifically identified in 40 CFR 93.153(c) and (d). We recommend that the BLM provide additional information and details regarding these activities along with the BLM's rationale as to how that activity falls under the regulatory exemptions. For activities that are proposed to be exempt because they meet the requirements of 40 CFR 93.153(c)(2), we recommend that the BLM demonstrate that the emissions from the proposed exempt activity causes no emissions increase or the emissions increase is historically or typically below the *de minimis* levels. This information and rationale will help us evaluate the proposed list.

Activities listed under the Oil and Gas Resource Area:

Several of the categories listed under the "Oil & Gas" activity appear to be appropriate for inclusion in the proposed "List of Exempt" activities. However, several of these oil and gas activities may be more appropriately addressed in a "presumed to conform" list under the provisions of 40 CFR 93.153(f), 40 CFR 93.153(g), and 40 CFR 93.153(h). If the BLM chooses to pursue including these actions on the "List of Exempt" activities, we have the following two main comments:

1.) BLM is proposing that many well/production activities would be considered exempt pursuant to the 40 CFR 93.153(d)(1) exemption for stationary sources which have a NSR or PSD permit as part of a SIP-approved permitting program. We recommend that the BLM verify that these activities meet the requirements of this exemption. Wyoming DEQ issues Chapter 6 air quality permits for sources that do not qualify as stationary sources for the purposes of the 40 CFR 93.153(d)(1) exemption.

2.) Also, we recommend that the BLM provide a rationale for determining how sources which are temporary in nature are considered stationary sources for the purposes of the exemption at 40 CFR 93.153(d)(1). It would be helpful to have a further description of certain oil and gas activities that appear temporary in nature such as workovers, blowdowns, and flaring. In addition, "Well Completions & Recompletions", "Stimulations", "Flowback", and "Flaring" are temporary and may all occur as a new well is being completed and brought on to production. These would appear to be, at times, combined temporary activities and not a type of separate associated activity; however, we welcome further clarification from the BLM's perspective. We also recommend including more detailed descriptions of several sources which appear in the "Oil & Gas Production" category to clarify what exactly is being included (i.e., heater/treaters, dehy units, separators, etc.).

I know this is short notice, but we are available tomorrow (Wednesday, June 12th) from 1:00 to 1:30 to answer any initial questions and discuss our thoughts with you in more detail. Please let me know if you would like to schedule a call at this time. If this time doesn't work for you, please contact me or Scott Jackson in our Air Program at 303-312-6107 to set up a call or share your questions with us.

Thanks,

Suzanne

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From: Tuers, Charis [mailto:ctuers@blm.gov]
Sent: Friday, May 17, 2013 3:33 PM

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Cc: Green, Buddy W; Martin Griffith; Gamper, Merry E
Subject: General Conformity Exempt List

Referred to BLM

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