Message

From: Topinka, Natalie [topinka.natalie@epa.gov]
Sent: 6/21/2019 8:48:33 PM
To: Harris, Michael [harris.michael@epa.gov]; Dickens, Brian [dickens.brian@epa.gov]; Breneman, Sara [breneman.sara@epa.gov]; Nam, Ed [nam.ed@epa.gov]; Furey, Eileen [furey.eileen@epa.gov]
Subject: RE: (rescheduled) Options Selection for Oil and Natural Gas NSPS Technical Reconsideration (Tier 2, SAN 5719.8)
Attachments: NSPS OOOOa OS-technical6.21.19 R5 draft comments.docx

Mike,

Here are some initial notes before the revised briefing materials:

Thursday morning, the workgroup received a copy of the briefing paper that was anticipated to be used at Options Selection. This briefing paper outlines the full extent of the issues on the table for this Options Selection meeting.

- I have made full, detailed comments as direct responses within that document (attached).
- It includes comments on the issue that was purported to have dropped out (creating a separate category for low-production wells based on Barrels of Oil Equivalent per day) but which nevertheless still appears in the briefing paper. That issue is also included below.

I contacted my Regional (R3, R6, R8) and OECA workgroup counterparts today and yesterday. On the workgroup level, members are in broad agreement on the issues on which Region 5 has commented, but individual Regions have chosen to highlight particular issues of concern. It is my understanding that no one has had the opportunity to brief their designated representative (RA or Division Director) since the final briefing paper went to the workgroup Thursday morning:

- R3 – has put forth comments to Division Director, focusing on storage vessel applicability and AMEL reporting format. Has not received feedback from upper management but intends to participate in the Options Selection call.
- R6 – has put forth comments to Deputy Division Director, has not had an opportunity to brief RA. Comments focus on retaining fugitive emissions monitoring frequency at well sites and compressor stations, and retaining key reporting elements. Intends to participate in Options Selection meeting (but may have scheduling conflicts) and put forth such comments.
- R8 – has periodically sent updates to managers, including Oil and Gas Senior Advisor (position housed in R8 that reports to RA), but has not had a formal briefing. Comments focus on retaining fugitive emissions monitoring frequency at well sites and compressor stations. Intends to participate in Options Selection ad put forth such comments.
- OECA –Will participate in Options Selection, comments may focus on AMEL reporting format; unsure if other issues will be raised.

The only state in R5 that has NSPS OOOOa-affected oil and gas activity to speak of is Ohio. To our knowledge, the items being reconsidered were not raised by states (definitely not R5 states). OEPA has actually submitted comments in support of retaining the fugitives monitoring schedules as they currently exist in the rule. One major issue is that states have not had the opportunity to be noticed and to comment on one aspect of the proposal (see highlight below) that will likely significantly impact their permitting programs.

I added a line for "*R5 Recommendation*" for each key issue.

Let me know if you have any additional questions.

I wanted to let you know that ECAD and ARD has concerns with some of the options recommended by OAQPS for inclusion in the final technical amendments to the 2016 New Source Performance Standard for Crude Oil and Natural Gas Facilities, Subpart OOOOa. The Options Selection is scheduled for Monday, June 24 at 10:45-11:30 Central. ECAD staff have participated on the national workgroup on this rule.

Background: On October 15, 2018, EPA proposed technical amendments to the 2016 NSPS OOOOa, with the comment period closing on December 17, 2018. The Agency is proposing its general positions on a variety of different rule components. Below are ECAD's comments on the major issues.

Storage vessels: The proposed option is to exempt storage vessels from NSPS OOOOa requirements if the source has a "legally and practically enforceable" state permit that requires 95% control of VOC emissions. These storage vessels would only be subject to fugitive emissions monitoring.

Region 5 ECAD and ARD has concerns with this approach for the following reasons:

- This approach was not in the reconsideration proposal and has not gone through notice and comment. This approach will likely place additional permitting burdens on the states, which have not been given prior notice.
- Without specifications on what is required for a permit to include in order to achieve the purported 95% VOC reductions, there will be variable stringency of state permitting language and uncertainty regarding the adequacy of such permits.
- If a state puts forth a permit that EPA believes to be inadequate to achieve 95% reductions, the rule does not prescribe next steps.
- If a source has a state permit, and violates the terms of its permit that are necessary to achieve the 95% emissions reductions, has the source has triggered applicability and is no longer exempt from the OOOOa storage vessel provisions? Or is it simply a permit violation?
- Region 5 asserts that fugitives monitoring is no substitute for proper design, operation, control, inspection, maintenance, and repair. Fugitives monitoring is a backstop program to a primary method of compliance that ensures 95% VOC reduction.
- If the permit is not federally enforceable, EPA will have no oversight of the rule and unable to take action if a state fails to ensure compliance.

R5 Recommendation: retain storage vessel applicability criteria as it currently exists. This will relieve the obligation to make an applicability determinations for sources covered under a state permit, easing burden for state permitting authorities, compliance monitoring agencies, and regulated entities.

Fugitive Emissions Monitoring at Low-Production Well Sites (this is the issue that has purportedly dropped off): The proposal includes different frequency of fugitive emissions monitoring for different types of well sites: "low-production" well sites (defined on a 12-month average production of <15 barrels of oil equivalent (BOE) per day), and all others. For wells that start out with production above 15 BOE per day, but drop below at some point, there may be considered an "off-ramp" for these sites.

Region 5 ECAD and ARD has concerns with this approach for the following reasons:

- There is no way for EPA compliance personnel to verify if a well is "low-production" during an onsite inspection, and by the time the data to make such a determination becomes available, the status of the well may have changed.
- The low-production cutoff is defined on a 12 month average basis. Although well production typically declines with well age, this decline is not always steady. For wells whose production "bounces" above and below the 15 BOE cutoff, applicability is unclear causing confusion for the source.

R5 Recommendation: Keep the same frequency of fugitives monitoring for all well sites. Do not differentiate between "low-production" wells and all others. This will relieve the obligation to make such an applicability determination for each well site, easing burden for both regulators and regulated entities.

Alternative Means of Emissions Limitation (AMEL): The proposal includes state-specific fugitives emissions monitoring programs that are determined to be equivalent to the fugitive emissions monitoring requirements in NSPS OOOOa. If deemed equivalent by this rule, a source could comply with the state standard in lieu of NSPS OOOOa fugitives monitoring standards.

Region 5 ECAD and ARD has concerns with this approach for the following reasons:

- A mechanism for revising state programs and gaining approval is not clear and not yet proposed.
- The format of recordkeeping and reporting is currently unclear. The final recordkeeping and reporting requirements must be sufficient for EPA to determine a source's compliance with the approved alternative standard.

R5 Recommendation: Clarify issue of how revisions to equivalent state programs will be handled under NSPS OOOOa. Require electronic/searchable (not a pdf copy of state submittal) database reporting of records kept for compliance with the approved alternative standard..

Natalie M. Topinka
Environmental Scientist
U.S. Environmental Protection Agency, Region 5
Air Enforcement and Compliance Assurance Branch
77 West Jackson Boulevard (ECA-18J)
Chicago, IL 60604
ph: (312) 886-3853

From: Harris, Michael
Sent: Friday, June 21, 2019 11:54 AM
To: Dickens, Brian <dickens.brian@epa.gov>; Topinka, Natalie <topinka.natalie@epa.gov>
Cc: Breneman, Sara <breneman.sara@epa.gov>
Subject: Re: (rescheduled) Options Selection for Oil and Natural Gas NSPS Technical Reconsideration (Tier 2, SAN 5719.8)

Brian and Natalie,
In addition to including the of workgroup members positions regarding the options, please address the following in your revision to the briefing document and send to me for review and approval:

I would like to see a revised version of the proposed comments that addresses the aspects that dropped out.

It would also be helpful if context could be provided such as which items are related to aspects states have raised with the current NSPS and/or where we've run into issues and how the revision responds, helps alleviate the concern or not.

Lastly, and this may just be a slight reframing or maybe an addition to each section of "we are concerned because..." – what might we be recommending to resolve and where appropriate how would that recommendation address state/our experiences with the current rule.

Please let me know if you have any questions. Thank you.

Michael D. Harris
Acting Director
Enforcement and Compliance Assurance Division
U. S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, IL 60604
(312) 886-0760

On Jun 19, 2019, at 4:06 PM, Dickens, Brian <dickens.brian@epa.gov> wrote:

I am working with Natalie to get a summary email in the format that Mike is familiar with. That email should succinctly state Natalie's main two concerns. I hope to have that by the end of today, or early Thursday. The call has been moved to 11:00 on Friday.

From: Breneman, Sara
Sent: Wednesday, June 19, 2019 1:14 PM
To: Dickens, Brian <dickens.brian@epa.gov>
Subject: FW: (rescheduled) Options Selection for Oil and Natural Gas NSPS Technical Reconsideration (Tier 2, SAN 5719.8)

From: Harris, Michael
Sent: Wednesday, June 19, 2019 1:02 PM
To: Newton, Cheryl <Newton.Cheryl@epa.gov>
Cc: Furey, Eileen <furey.eileen@epa.gov>; Nam, Ed <nam.ed@epa.gov>; Breneman, Sara <breneman.sara@epa.gov>
Subject: Re: (rescheduled) Options Selection for Oil and Natural Gas NSPS Technical Reconsideration (Tier 2, SAN 5719.8)

Hi Cheryl,
I will have Natalie send us a summary of the decision and the possible concerns.

Michael D. Harris
Acting Director
Enforcement and Compliance Assurance Division
U. S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, IL 60604
(312) 886-0760

On Jun 19, 2019, at 12:38 PM, Newton, Cheryl <Newton.Cheryl@epa.gov> wrote:

> Thanks. I think we as a region need to learn how to make this work to comment as a Region. If we nominate the best person to national workgroups based on their knowledge and experience we will see these complexities. I appreciate that HQ isn't helping here with such an unrealistic turn around. As much as we can try to influence that we should also plan for it as much as possible. For example I don't know what kind of updates Natalie was giving to managers on the workgroup progress to both ARD and ECAD.
>
> So that's our larger challenge. For this short term given our schedules can we get a summary of the decision and the possible concerns via email?
>
> Thanks
>
> Sent from my iPhone
>
> On Jun 19, 2019, at 11:29 AM, Furey, Eileen <furey.eileen@epa.gov> wrote:
>
>> Cheryl-

I've just learned that the options selection call for OOOOa is currently scheduled for this Friday, 6/21/19 at 9:00 central. See below. I understand that the call has been rescheduled several times. Bill Wehrum was getting briefed on some outstanding issues today.

I understand that the ECAD staff engineer (Natalie Topinka) has some significant concerns with a proposed exemption of storage vessels from the design and operation requirements of the revised rule. I can send you a summary of her concerns if you'd like.

I understand that neither of the DDs has been fully briefed, and ECAD and ARD have not had time to confer. Ed is out until Friday – maybe Mike also.

I've recommended to Brian Dickens that Natalie's concerns be raised to OECA.

How would you like us to proceed? I'd like to make sure that whoever is on Friday's call is adequately briefed and that enforcement staff's concerns have been considered.

Eileen

Eileen L. Furey
Deputy Director
Air and Radiation Division
U.S. EPA Region 5
(312) 886-7950

From: Dickens, Brian
Sent: Wednesday, June 19, 2019 11:16 AM
To: Furey, Eileen <furey.eileen@epa.gov>
Subject: FW: (rescheduled) Options Selection for Oil and Natural Gas NSPS Technical Reconsideration (Tier 2, SAN 5719.8)

From: Maldonado, Mayra
Sent: Friday, June 14, 2019 3:54 PM
To: Harris, Michael <harris.michael@epa.gov>; Breneman, Sara <breneman.sara@epa.gov>
Cc: Sypniewski, Bruce <sypniewski.bruce@epa.gov>; Jencius, Morgan <jencius.morgan@epa.gov>; Harris, Francene <harris.francene@epa.gov>; Koesters, Joseph <Koesters.Joseph@epa.gov>; Dickens, Brian <dickens.brian@epa.gov>; Frank, Nathan <frank.nathan@epa.gov>; Topinka, Natalie <topinka.natalie@epa.gov>
Subject: RE: (rescheduled) Options Selection for Oil and Natural Gas NSPS Technical Reconsideration (Tier 2, SAN 5719.8)

Attached and below is the meeting invitation to the Options Selection for Oil and Natural Gas NSPS Technical Reconsideration (Tier 2, SAN

5719.8) rescheduled back to ~~June 24, 2:00-3:00pm (CT)~~ June 21, 2019, 9:00-10:00am (CT).

I'm sure you probably have this covered, but as a precaution we routinely ask the involved division(s) the following:

- Has Cathy Stepp been briefed on this action and do you know and understand her position?
- Are you planning on briefing Cathy before this meeting?
- Do you know if Cathy is planning to attend?
- If Cathy will not be attending has someone been delegated by her to put forward the R5 position?

Please let me know.

Thanks,

Mayra Maldonado, Associate Regional Planner
Planning & Quality Assurance Group, U.S. EPA Region 5
312-353-6261

-----Original Appointment-----
From: Jacks, Susan **On Behalf Of** Wehrum, Bill
Sent: Monday, June 10, 2019 8:53 AM
To: Harlow, David; Idsal, Anne; Woods, Clint; Lewis, Josh; Tsirigotis, Peter; Koerber, Mike; Sasser, Erika; Lassiter, Penny; Weatherhead, Darryl; Marsh, Karen; Macpherson, Alex; Fruh, Steve; Garwood, Gerri; Cozzie, David; Dunham, Sarah; Gunning, Paul; DeFigueiredo, Mark; Leopold, Matt (OGC); Bolen, Brittany; Bodine, Susan; Orme-Zavaleta, Jennifer; Servidio, Cosmo; Stepp, Cathy; Gray, David; Thomas, Deb
Cc: Jacks, Susan; McKinney, Voronina; Eagles, Tom; Farrar, Wanda; Marks, Matthew; Branning, Amy; Mills, Derek; Simons, Andrew; Corrales, Mark; Gilbreath, Jan; OP ADP Calendar; Mia, Marcia; Burden, Susan; Roberts, Cindy; Bailey, Lydia; Vyas, Himanshu; Maldonado, Mayra; Topinka, Natalie; Price, Lisa; Lawrence, Rob; Moore, Sonya; Beeler, Cindy; Ward, Hillary; South, Peter; Culligan, Kevin; Joseph, Wanda; Hunt, Virginia; Eck, Janet
Subject: Options Selection for Oil and Natural Gas NSPS Technical Reconsideration (Tier 2, SAN 5719.8)
When: Friday, June 21, 2019 10:00 AM-11:00 AM (UTC-05:00) Eastern Time (US & Canada).
Where: WJC - N 5400 + Video with RTP + 202-991-0477 + 680-2581

<< File: Wehrum Meeting Request-Options Selection for Oil and Natural Gas NSPS Technical Reconsideration.docx >>

As of June 10, 2019: Scheduled per VMcKinney

<mime-attachment>