Message

From: Dickens, Brian [dickens.brian@epa.gov]
Sent: 6/20/2019 8:59:32 PM
To: Newton, Cheryl [Newton.Cheryl@epa.gov]; Harris, Michael [harris.michael@epa.gov]
CC: Nam, Ed [nam.ed@epa.gov]; Furey, Eileen [furey.eileen@epa.gov]; Topinka, Natalie [topinka.natalie@epa.gov]; Breneman, Sara [breneman.sara@epa.gov]; Mooney, John [Mooney.John@epa.gov]; Thiede, Kurt [thiede.kurt@epa.gov]
Subject: RE: Revised NSPS OOOOa Technical Reconsideration Options Selection

From Natalie:

"OAR is not planning to propose the low-production well requirements outlined below. So that whole issue is off the table for tomorrow. Regarding the other two main issues, workgroup members have been discussing these general issues at length and are on the same page, but since we got the final draft of options only yesterday (and apparently they are still potentially in flux, based on the noon-time change today), I do not know to what extent workgroup members have been able to brief their management and what they plan to indicate tomorrow."

From: Newton, Cheryl
Sent: Thursday, June 20, 2019 3:43 PM
To: Harris, Michael <harris.michael@epa.gov>
Cc: Nam, Ed <nam.ed@epa.gov>; Furey, Eileen <furey.eileen@epa.gov>; Topinka, Natalie <topinka.natalie@epa.gov>; Dickens, Brian <dickens.brian@epa.gov>; Breneman, Sara <breneman.sara@epa.gov>; Mooney, John <Mooney.John@epa.gov>; Thiede, Kurt <thiede.kurt@epa.gov>
Subject: RE: Revised NSPS OOOOa Technical Reconsideration Options Selection

Thanks Mike – I will read closer on the train. What are our options for tomorrow given the timing of all this. Also, do we know how other workgroup members/regions view these issues and/or what they are planning to indicate tomorrow? Thanks

---

From: Harris, Michael
Sent: Thursday, June 20, 2019 3:31 PM
To: Newton, Cheryl <Newton.Cheryl@epa.gov>
Cc: Nam, Ed <nam.ed@epa.gov>; Furey, Eileen <furey.eileen@epa.gov>; Topinka, Natalie <topinka.natalie@epa.gov>; Dickens, Brian <dickens.brian@epa.gov>; Breneman, Sara <breneman.sara@epa.gov>; Mooney, John <Mooney.John@epa.gov>
Subject: RE: Revised NSPS OOOOa Technical Reconsideration Options Selection

Hi Cheryl,

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 Friday, June 21 at 11:00 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:

- 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.
- 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.

Fugitive Emissions Monitoring: 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.

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 proposed in the rule.
- 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.

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