



January 31, 2022

U.S. Environmental Protection Agency
EPA Docket Center
Docket ID No. EPA-HQ-OAR-2021-0317
Mail Code 28221T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

To Whom It May Concern:

We are writing on behalf of the members of the Western States Air Resources Council (WESTAR) regarding the U.S. Environmental Protection Agency's (EPA's) proposed rule, "Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review," which was published in the Federal Register on November 15, 2021 (86 Fed. Reg. 63,110). WESTAR is a regional, non-partisan, non-profit association of State air pollution control agencies in the western United States.

The November 15, 2021, Federal Register notice established a deadline of January 14, 2022, for public comment on the proposal. We appreciate EPA's extension of the public comment period to January 31, 2022.

If finalized, this rulemaking would expand emissions reduction requirements for new, modified, and reconstructed oil and natural gas sources, and would require the reduction of methane and VOC emissions from existing sources nationwide. In general, WESTAR supports reductions in air pollutant emissions.

The provisions contained in EPA's proposal are complex and have significant ramifications. The proposal is light on details and heavy on concepts, which makes it difficult to craft comments for EPA to fully address now or later. Some WESTAR member states have rules on the books for oil & gas emissions within nonattainment areas and statewide that are similar to what EPA is proposing. WESTAR state members have a variety of control programs for this sector that effectively limit those emissions, given the wide variation in the mix of hydrocarbons produced, significantly different well types and formations containing hydrocarbons by production basin, and unique operational business models in use by oil & gas operators across the West. WESTAR states contain large areas of public lands with production leases awarded by federal agencies and have long-standing significant revenue streams for state budgets from severance taxes paid on oil & gas production across all land ownership types.

EPA has chosen in developing the rule proposal so far to have only consulted with selected individual state air pollution control and environmental quality management programs, as well as environmental advocacy organizations. In terms of public sector membership organizations, this outreach and solicitation of input was only at the level of the Environmental Council of States (ECOS) and the Interstate Oil and Gas Compact Commission (IOGCC). EPA has missed a wealth of information and practical control program knowledge as well as the broadest perspective of how emissions for this sector are actually managed, by not reaching

out through the standing western and national oil & gas working groups that bring together State, Tribal, and Local air quality control agencies. These working groups have participants from EPA OAQPS and OAR, so there is a strange disconnect.

States in particular will be able to estimate what changes to current control and verification regimes would or could mean in terms of implementation effort and practical changes and impacts to their existing programs, as well as the benefits and potential disbenefits to the environment of what EPA will or may later propose more specifically. Further, EPA has not evaluated the status of the effectiveness of existing national technology standards by production basin. To do so, a comprehensive and transparent Information Collection Request would need to go out to oil & gas operators and air quality regulators nationwide to fully understand, more precisely estimate, and enable the State air program analysis of the air quality and climate benefits and costs of EPA's more specific control proposal(s) which will follow in the spring of 2022. WESTAR states have worked towards compiling and analyzing oil & gas emissions and control technologies over the past 20 years through WESTAR and the Western Regional Air Partnership (WRAP). Oil & Gas pollution for the exploration and production portions of this emissions sector remain uncertain and highly variable in space and time. EPA must fully integrate all the existing control programs' approaches and know the benefits and costs of technology standards before adding more regulation.

EPA's tradition in developing oil & gas emissions inventories has been to compile all the information for varying exploration and production activity practices, emissions rates, and control approaches for oil & gas together as a homogeneous source across the country. Before proceeding with the proposed rulemaking activities, EPA needs to talk with individual State, Tribal, and Local air programs, document what was learned, and fully map the landscape of how methane and other emissions are actually controlled and managed. We ask that EPA equally address emission sources under its purview as your rulemaking process would require State, Tribal, and Local air agencies to do their parts, by also fully quantifying, tracking, and managing EPA-controlled existing emissions and control effectiveness in the context of this rulemaking proposal.

A plan to meet with State, Tribal, and Local air programs, an effort to comprehensively gather necessary information, and the conduct of analyses adequately addressing the control concepts proposed are all necessary steps to developing effective and efficient regulations. As such, especially as stated earlier with the lack of detailed regulatory language in this proposal, we would encourage and request that EPA provide ample time for public comment and engagement when the actual regulatory language is proposed. This will allow the State, Tribal and Local air programs to provide more substantial comment and input based upon their experience and knowledge.

Our working groups are ready to help and respond as EPA collects and analyzes all relevant information needed to determine and compare the benefits of control strategies for oil & gas emissions.

If you have questions or need further information, please contact WESTAR's executive director, Mary Uhl (maryuhl@westar.org).

Sincerely,



Marianne Rossio, President

