October 31, 2016

Via e-filing on www.regulations.gov and via email to oira_submission@omb.eop.gov, OMB Desk Officer for EPA

U.S. Environmental Protection Agency
EPA Docket Center
Mailcode 2822IT
Attention: Docket ID No. EPA-HQ-OAR-2016-0204
12000 Pennsylvania Avenue, NW
Washington, DC 20460

Re: Comments on Proposed Oil and Gas Information Collection Request (Docket ID: EPA-HQ-OAR-2016-0204, EPA ICR No. 2548.01, OMB Control No. 2060)

Dear OMB Desk Officer and EPA Docket Clerk:

The GPA Midstream Association ("GPA Midstream") appreciates this opportunity to submit comments to the Office of Management and Budget (OMB) and the Environmental Protection Agency (EPA) on the EPA's second draft of the "Proposed Information Collection Request; Comment Request; Information Collection Effort for Oil and Gas Facilities," 81 Fed. Reg. 66,962 (September 29, 2016) ("Second Draft ICR").

GPA Midstream has served the U.S. energy industry since 1921 as an incorporated non-profit trade association. GPA Midstream is composed of over 100 corporate members that are engaged in the gathering and processing of natural gas into merchantable pipeline gas, commonly referred to in the industry as "midstream activities." Such processing includes the removal of impurities from the raw gas stream produced at the wellhead as well as the extraction for sale of natural gas liquid products (NGLs) such as ethane, propane, butane, and natural gasoline or in the manufacture, transportation, or further processing of liquid products from natural gas. GPA Midstream membership accounts for more than 90% of the NGLs produced in the United States from natural gas processing.

The following comments are organized to provide OMB and EPA with a clear understanding of GPA Midstream's positions. Specifically,

- GPA Midstream urges OMB not to approve this ICR because EPA does not have the legal authority to collect this information. As such, the ICR does not satisfy the "practical utility" requirements of the Paperwork Reduction Act. (Section I)

- Further, as discussed with OMB staff on October 24, 2016, if the ICR does proceed, there are priority issues that must be addressed before the ICR is finalized. (Section II)

    - EPA should revise the definition of a "gathering and boosting compressor station facility" to conform with existing regulatory definitions. Extending the definition to include pipelines is unlawful and unworkable.

    - EPA should follow a two-step process for identifying a sample for the onshore gathering and boosting segment. EPA should first obtain a reliable estimate of the current population of facilities and then determine a representative sample.

    - EPA should extend the deadline to respond to the Part 2 survey by at least 120 days. That would reduce the undue burden imposed by the request – and improve the quality of the data that EPA would receive.

    - EPA should use the accepted, approved method for sampling and analyzing pressurized liquids. Using the standard method would avoid the substantial and unnecessary burdens of the untested, still draft California method, which would require facility shutdowns and impose substantial additional costs.

- In addition, there are additional technical issues identified in the Second Draft ICR (section III), and technical issues that were not fully addressed by EPA between the First and Second Drafts of the ICR (section IV). Addressing these will reduce the burden imposed by the ICR – and improve the quality of the data collected.

- We also ask OMB to consider GPA Midstream's original comments on the First Draft of the ICR that were submitted to EPA on August 2, 2016, and are incorporated by reference here. *See* GPA Midstream, Comments on Proposed Oil and Gas Information Collection Request (August 2, 2016) ("GPA Midstream Comments") (copy attached here as Attachment A).

I. OMB Should Not Approve this Information Collection Request Because it Does Not Satisfy the Paperwork Reduction Act's Practical Utility Requirement

The Congress has granted to OMB a crucial function as the gatekeeper that protects the public from unnecessary federal agency information gathering. As the gatekeeper, OMB must determine that agency information gathering – which imposes real and significant burdens on our nation's economy – is truly necessary for the requesting agency to function, including that any request has real "practical utility" to the agency to justify the burdens. In this instance, because EPA has no ability *as a matter of law* to make use of the expansive data EPA is seeking to collect, OMB lacks authority to approve EPA's request.

OMB's role is straightforward and well-established. As Congress specified in the federal Paperwork Reduction Act, OMB has an independent obligation to determine the "necessity" of the information gathering that EPA is proposing. 44 U.S.C. § 3508 ("Determination of necessity for information"). This assessment is mandatory. As the statute provides:

> Before approving a proposed collection of information, the Director *shall determine whether the collection of information by the agency is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility*…. To the extent, if any, that the Director determines that the collection of information by an agency is unnecessary for any reason, the agency may not engage in the collection of information.

Id. (emphasis added). By "practical utility," the Congress was clear that it meant "the ability of an agency to use information" that would be collected. 44 U.S.C. § 3502(11); *see* OMB, Managing Information Collection and Dissemination, Appendix A: Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies, at 15 (2002) ("'Utility' refers to the usefulness of the information to its intended users.'").[1] As further amplified by OMB regulations:

> To obtain OMB approval of a collection of information, an agency *shall demonstrate* that it has taken every reasonable step to ensure that the proposed collection of information:
>
> (i) Is the least burdensome necessary for the proper performance of the agency's functions …;
> (ii) Is not duplicative of information otherwise accessible to the agency; and
> (iii) Has practical utility.

5 C.F.R. § 1320.5(d)(1) (emphasis added).

Here, the immensely burdensome information sought to be collected by EPA can have no practical utility as EPA lacks any legal authority to enact regulations based on such information. EPA's consistently stated purpose for this multi-million dollar, industry-wide information gathering effort is clear and unambiguous: to develop emission guidelines for methane and VOC emissions from existing oil and gas facilities under Clean Air Act (CAA) § 111(d), 42 U.S.C. § 7411(d). According to EPA's official announcements concerning the ICR, EPA contends that oil and gas facilities are significant sources of methane and "EPA is now seeking information that would be of critical use in addressing existing source emissions pursuant to Clean Air Act (CAA) section 111(d)." 81 Fed. Reg. 66962 (Sept. 29, 2016) (announcing Second Draft of ICR); *see* Fact Sheet, EPA's Actions to Reduce Methane Emissions from the Oil and Natural Gas Industry: Second Draft Information Collection Request for Existing Sources at 1 (Sept. 29, 2016) (EPA "issued the second draft of an Information Collection Request (ICR) to require oil and natural gas companies to provide extensive information needed to develop regulations to reduce methane emissions from existing oil and gas sources."); 81 Fed. Reg. 35763 (June 3, 2016) (in releasing First Draft EPA states that it seeks the information to "use in addressing CAA section 111(d)"). Having already issued regulations regulating methane and VOC emissions for *new and*

[1] *Available at* https://www.epa.gov/sites/production/files/2015-08/documents/epa-info-quality-guidelines.pdf.

modified oil and natural gas sources under CAA § 111(b),[2] EPA is now seeking to address "existing" sources, *see* EPA Connect, The Official Blog of the EPA Leadership (March 10, 2016) (EPA Administrator announcing plan for ICR to require companies operating existing sources to provide information in order to develop regulations to address "methane emissions from existing oil and gas sources"), which EPA could *only* accomplish through Section 111(d).

However, EPA's stated and unambiguous purpose for engaging in this effort demonstrates that there is no practical utility for requesting this data as a matter of law for two principal reasons. (*See* GPA Midstream Comments at 7-11, incorporated by reference here and summarized below).

First, OMB should not approve the ICR because EPA has no authority to establish guidelines for oil and gas facilities under Section 111(d) of the Act. *See* GPA Midstream Comments at 7-10. The Congress has explicitly limited EPA's authority to issue guidelines under Section 111(d), by prohibiting EPA from using Section 111(d) to issue guidelines addressing "any air pollutant" that is "emitted from a source category which is regulated under section [112]" of the Act. 42 U.S.C. § 7411(d). Here, EPA *has already regulated the oil and gas sector as a source category under Section 112* of the Act. *See* 40 CFR Part 63 subpart HH (regulating oil and natural gas production facilities) and subpart HHH (regulating natural gas transmission and storage facilities). Thus, EPA cannot issue guidelines under Section 111(d) for existing oil and gas facilities.

The law therefore leaves no room for OMB to uphold EPA's ICR, as it simply cannot have any "practical utility." Because EPA cannot issue guidelines under section 111(d) for a sector already regulated under Section 112 as a matter of law – and it is beyond dispute that the oil and gas sector is already regulated under Section 112 – then it is also beyond dispute that EPA cannot issue guidelines under Section 111(d) for existing oil and gas facilities. If EPA cannot even issue the guidelines which are *the reason EPA has explicitly stated* for issuing the ICR, OMB is precluded from concluding the ICR "is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility." *See* 44 U.S.C. § 3508.

Second, OMB should not approve the ICR because EPA has failed to satisfy another threshold requirement imposed by the Congress on EPA's authority to act under Section 111(d). Specifically, before EPA may issue guidelines to the States under Section 111(d) for *existing* oil and natural gas facilities, the agency first must *properly issue new source performance standards* for the oil and natural gas source category under Section 111(b). *See* 42 U.S.C. § 7411(d) (standards of performance may only be established for an existing source "to which a standard of performance would apply if such existing source were a new source"). Although EPA recently issued Section 111(b) standards for methane emitted from new oil and natural gas facilities under

[2] GPA Midstream and other industry and state petitioners have challenged EPA's regulations for methane and VOC emissions from new and modified oil and natural gas sources under CAA § 111(b). *See State of North Dakota, et al. v. EPA*, D.C. Cir. Case No. 16-1242 (and consolidated cases). Nothing in these comments is intended to waive any argument that petitioners may raise in those petitions for review.

Subpart OOOOa, it did so without first making a source- and pollutant-specific endangerment determination for methane emissions from the oil and natural gas sector. *See* 42 U.S.C. § 7411(b)(1)(A). Thus, EPA has not properly issued the Section 111(b) standards that, by law, must precede Section 111(d) standards. *See* GPA Midstream Comments at 10-11.[3]

In its response to comments, EPA has not offered any detailed response to these legal arguments, asserting only that it "disagrees" with them and referring generally to filings in ongoing litigation concerning EPA's "Clean Power Plan" which is now pending before the United States Court of Appeals for the District of Columbia Circuit. *See* EPA Summary of Comments and Responses Oil and Gas Information Collection Request, Docket Id. No. EPA-HQ-OAR-0204 at 9-10 (Sept. 21, 2016) ("EPA Summary of Comments and Responses") (referencing *West Virginia v. EPA*, No. 15-1363 (and consolidated cases) (D.C. Cir.)). Such a superficial and brief rejoinder certainly does not provide OMB with the justification to "determine" for itself, as the Congressionally-delegated gatekeeper, that this expansive effort has "practical utility" in supporting a legal and valid EPA regulatory effort. Moreover, as EPA acknowledges, in the Clean Power Plan litigation, petitioners have challenged EPA's ability to act under Section 111(d), including because it is foreclosed by regulation under CAA § 112. EPA Summary of Comments and Responses ("the interaction of CAA sections 112 and 111(d) are contemplated in active litigation"). At the very least, the fact that a legal foundation on which this effort is based is now under review by the court of appeals counsels that OMB should defer any final decision on the ICR until the courts have finally resolved EPA's authority in these matters.

II. Priority Issues for OMB's Consideration

A. EPA Should Revise the Definition of "Gathering and Boosting Compressor Station Facility" in the ICR

The definition of "gathering and boosting compressor station facility" was revised in the Second Draft ICR to include pipelines outside of the previously defined compressor station stationary source. *See* Information Collection Request Supporting Statement EPA ICR No. 2548.01: Information Collection Effort For Oil And Gas Facilities at Attachment 3C – Draft Part 2 Questionnaire Definitions Sheet (September 22, 2016) ("EPA Supporting Statement") and Second Draft, Part 2 Survey, Definitions Tab. This does not match the scope of 40 C.F.R., Part 60, NSPS Subpart OOOOa which regulates specific new sources at a compressor station including storage tanks, fugitive equipment leaks, compressors, and pneumatic controllers. *See* 40 C.F.R. § 60.5430a. However, Section 111(d) only allows States to "establish standards of performance for any existing source…to which a standard of performance would apply if such existing source were a new source." 42 U.S.C. § 7411(d). Thus, the scope of the ICR should be consistent with the scope of stationary sources that could be regulated by standards issued under 111(d).

[3] These are a subset of the arguments to be raised in *North Dakota, et al., supra* at note 1.

Moreover, by including gathering and boosting pipelines, EPA's proposed definition in the ICR would define the facility to extend to equipment outside the fence line of the compressor stations themselves. Including equipment outside of the fence is not only beyond what is allowed under Section 111(d), it will also add significant burden to midstream operators and will not give EPA practical information they can use to develop an existing source regulation since this will combine data from aggregated facilities, some of which are not included among the stationary sources regulated under NSPS. Therefore, the definitions of stationary sources in the ICR should be revised to match the Section 111(b) definitions, and gathering pipelines must be removed from the definition of gathering and boosting compressor stations to limit the facility to equipment located inside the fence line of a compressor station.

Finally, it is nearly impossible to understand conceptually what gathering pipelines should be attributed to a particular gathering and boosting compressor station. It would be extremely difficult to craft language to capture such a concept, as is demonstrated by the inadequate definition provided by EPA. Gathering and boosting pipeline networks are not linear with pipelines that clearly feed into or out of a gathering and boosting compressor station and gathering pipelines do not "belong" to a particular compressor station. Rather, they are an extraordinarily complex "spider web," where flows can be reversed, re-routed, bypassed, halted, etc. An example of a gathering system is provided as Attachment B. It is not possible to attribute gathering pipeline segments to a particular compressor station without arbitrarily doing so, which would be arbitrary and capricious.

If EPA desires to collect data for gathering pipelines, they must do so under a separate industry segment, i.e., a gathering and boosting pipeline segment, which is separate and distinct from the gathering and boosting compressor station segment. This is exactly analogous to how EPA treats transmission compression stations and transmission pipeline, i.e., they are separate industry segments. It is arbitrary and capricious for EPA to lump gathering and boosting compression stations and pipelines together in one industry segment, but distinguish transmission compression stations and transmission pipeline as separate industry segments. To the extent that EPA wishes to regulate emissions from gathering and boosting pipelines, we suggest that EPA define the gathering and boosting pipeline segment to include all gathering and boosting equipment outside of a gathering and boosting compressor station, within a county, and that EPA then randomly select a certain percentage of these counties for the Part 2 ICR.[4] Accordingly, the following revisions are requested to the definition of "Gathering and boosting compressor station facility" and a new term "Gathering and boosting pipeline facility" should be added. *See* Supporting Statement at 57, Attachment 3C: Draft Part 2 Questionnaire Definitions Sheet and Second Draft, Part 2 Survey, Definitions Tab.

> *Onshore petroleum and natural gas gathering and boosting. The oil and gas industry segment that uses onshore gathering pipelines and other equipment to collect petroleum and/or natural*

[4] We also note that EPA must first issue new source performance standards for *new* gathering and boosting pipelines under Section 111(b) before it can proceed with the issuance of emissions guidelines for that segment under Section 111(d).

gas from onshore petroleum and natural gas production facilities and to compress, dehydrate, sweeten, or transport the crude oil , condensate and/or natural gas to a natural gas processing facility, a transmission pipeline or to a natural gas distribution pipeline. See also Gathering and boosting compressor station facility.

*Gathering and boosting compressor station facility. All equipment at a compressor station surface site within the onshore petroleum and natural gas gathering and boosting industry segment****, the gathering pipelines associated with the compressor station, and all equipment associated with those gathering pipelines. Gathering pipelines that are associated with a compressor station include all pipelines upstream of the compressor station up to either the well site facility, upstream gathering and boosting station facility or custody transfer point, as applicable. Gathering pipelines that are associated with a compressor station also include pipelines downstream of the compressor station that are not directed to another gathering and boosting station facility under the same ownership; the down steam upstream pipelines associated with the compressor station ends at the custody transfer point, entrance to a transmission pipeline, of entrance to a gas processing plant, as applicable.***

Gathering and boosting pipeline facility. All equipment outside of a compressor station surface site within the onshore petroleum and natural gas gathering and boosting industry segment, including the gathering pipelines and all equipment associated with those gathering pipelines. For the purposes of this ICR, a gathering and boosting pipeline facility is all pipelines and equipment that are located.

B. EPA Should Follow a Two-Step Selection Process for the Onshore Gathering and Boosting Segment to Obtain an Appropriate Sample Size

The onshore gathering and boosting segment is unique in this ICR process because EPA does not have an accurate picture of the number of facilities. Lacking adequate data, EPA estimates the number of facilities at 5,000 and cites PHMSA as the source. *See* EPA Supporting Statement at 18. However, the PHMSA data are known to be incomplete, as the gathering and boosting segment is not required to report or register all facilities with PHMSA; this segment is only required to report or register a very small percentage of pipelines that are found in populated areas. This makes it highly improbable that an accurate number of gathering and boosting stations could have come from this source. The incomplete data for gathering and boosting stands in stark contrast to other industry segments where federal registration is required. Based on those robust data, in those segments EPA can establish an appropriate sample size and conduct a representative sampling.

As such, GPA Midstream proposes a two step process for the gathering and boosting segment: first collect the results from a Part 1 survey that is designed to capture information about all stationary sources in the gathering and boosting sector and then second, use those results of the Part 1 survey to establish an sample size and randomly select facilities for inclusion

in a detailed Part 2 survey. A sound survey that complies with OMB's statutory and regulatory requirements cannot be based on an estimate of facilities that is known to be incorrect.

Here, despite GPA Midstream's prior comments, EPA has continued to rely on the PHMSA estimate in its analysis. EPA's current plan for the segment is to send an ICR to all the parent companies of natural gas processing plants and production companies, then require the parent companies to enter all owned gathering facilities into a spreadsheet that will randomly select 10 percent for the Part 2 response. However, in the supporting document EPA states that it will need to send requests to approximately 7% of the gathering and boosting facilities, which clearly does not line up with the selection tool spreadsheet that selects 10% of the sites entered into the spreadsheet. Due to this lack of knowledge on the sample population, GPA Midstream urges OMB to instead direct EPA staff to employ a two-step process for the ICR for this segment. A two-step process will ensure that EPA selects an appropriate sample size for the segment, collects data from a more representative sample of gathering compressor stations across any given company and does not create an undue burden since a correct statistical sample size will be collected. If EPA fails to establish the population size prior to sending out the Part 2 survey, there is a significant risk that EPA will overestimate the number of facilities that must be surveyed under Part 2. Doing so would substantially increase the cost of the ICR and, therefore, fail under OMB's requirement to ensure that information requests impose as little burden on industry as possible.

In the first step EPA should require all gathering and boosting compressor stations to submit a Part 1 survey. To provide notice, EPA would publish in the Federal Register, post online, and provide a news release that all gathering and boosting compressor stations must complete the Part 1 survey. In addition, EPA could submit the request to all of the highest level parent companies of natural gas processing plants and natural gas well production facilities that have submitted greenhouse gas reports under Subpart W of the GHGRP. Then EPA can use the data from Part 1 to establish an appropriate sample size and perform a random selection for the Part 2 survey requests. EPA can then send Part 2 surveys to the selected facilities. GPA Midstream believes this option ensures a truly random selection of facilities without any selection bias and provides the agency with an approximate sample population prior to sending the ICRs.

Finally, without a reasonable estimate of population size or the number of expected ICR responses, EPA cannot provide a supportable cost and burden estimate. The original supporting statement for the ICR released by EPA in May of 2016 called for a 7 percent sample of gathering and boosting stations, but the agency is now calling for a 10 percent sample without updating the cost or burden analysis, and again without knowing how many facilities will be selected. GPA Midstream estimates the actual number of compressor stations to be much higher than EPA's estimate. This will greatly skew the actual cost of this data collection higher if OMB allows EPA to continue to request 10% of gathering and boosting compressor stations respond to the ICR. This underestimate, compounded with the significant under estimation of the pressurized liquid sampling costs, not only make it impossible to know the cost impact, or if there are enough labs to handle the analysis of those samples, but is also substantially underestimating the total cost of this information collection request.

EPA has offered no legitimate reason not following the reasonable approach GPA Midstream has outlined. Instead, the only apparent justification EPA offered is a "need to acquire information in a timely manner." EPA Summary of Comments and Responses at 3. Yet, EPA provides no basis to conclude that the brief additional time to identify the facilities in this segment before selecting a representative sample would have any effect on timely establishing standards under Section 111(d).

C. EPA Should Extend the Deadline to Respond to Part 2 of the ICR By At Least 120 Days to Reduce the Undue Burden Imposed By the Request and Improve the Data That EPA Receives

The proposed 120 day time frame for facilities to respond overlaps with existing compliance obligations already imposed by other federal and state requirements. GPA Midstream requests EPA extend the deadline for responses to Part 2 of the ICR by a minimum of 120 days. The extension would reduce the undue burden imposed by the ICR and improve the quality of the data provided by respondents. *See* GPA Midstream Comments at 18-21.

Assuming the EPA's current plan is to issue the ICR by the end of November 2016, responses would be due around the end of March 2017. This proposed response date would overlap with several other major environmental compliance requirements, including Title V annual compliance certification reports, state emission inventories and, most importantly, Greenhouse Gas Reporting Program (GHGRP) annual reports under 40 C.F.R. Part 98. The gathering and boosting segment will be reporting greenhouse (GHG) emissions under the GHGRP Subpart W for the first time in March 2017 for calendar year 2016. Due to the expansive nature of Subpart W and the fact that this is the first year of reporting for gathering and boosting facilities, companies already have an extremely high burden placed upon them before March 31, 2017. Requesting additional data from a separate reporting year (2015) for the facilities selected for detailed analysis in the proposed ICR concurrently with these other, existing reporting obligations creates an undue and unnecessary burden. The burden can be significantly lessened if EPA extends ICR response date by a few months to allow for reporting of 2016 data and remove duplicative data from the ICR that will be reported under Subpart W for gathering and boosting stations.

To add complication, EPA plans to use the e-GGRT platform to collect the data requested by the ICR. GPA Midstream supports using e-GGRT for the ICR process. However, using e-GGRT for both the ICR responses and the GHGRP reporting *at the same time* risks overloading the third-party help desk contracted by EPA to assist reporting parties in complying with their obligations. EPA informed GPA Midstream that e-GGRT help desk resources would *not* be increased to handle the ICR or even the new GHGRP reporting requirements for the gathering and boosting sector. GPA Midstream notes that the e-GGRT Help Desk already often takes a week or more (and sometimes months) to respond to help tickets as the reporting deadline draws near, and with the additional reporting of gathering and boosting stations under the GHGRP during the first quarter of 2017 these turnaround times will be even longer, even without the additional burden of the ICR. Despite EPA assurances, GPA Midstream also remains concerned about whether the e-GGRT system can handle this increase in traffic. Therefore, extending the

ICR deadline beyond the GHGRP deadline will reduce EPA burden to staff the e-GRRT Help Desk during the first quarter of 2017.

The sampling and equipment count requirements also pose a problem with the proposed timeline. Compressor stations are often remote and unmanned. Under EPA's proposed timeline, pressurized liquid samples and equipment counts would be required in the winter months which would make the tasks substantially more difficult in parts of the country that receive significant snowfall or face other inclement weather. The proposed response timeline also includes months when industry, consultant firms and the third-party laboratory employees will take significant holiday and vacation time, which will further impact resource demands.

EPA would also benefit from delaying the data request to later in 2017. If the ICR response was due after both the states' emission inventories and the GHGRP reports are submitted, EPA could receive 2016 data which, in addition to being the most current data, would allow EPA to see any changes to facilities newly subject to NSPS Subpart OOOOa. As currently proposed, the ICR would collect data from 2015, which is already outdated information, and doesn't take into account the recently finalized oil and gas NSPS OOOOa. GPA Midstream would think it pertinent for EPA to collect data that reflects these new industry-wide requirements.

In sum, based on the issues and benefits discussed, GPA Midstream considers the current response timeline to be an undue burden and requests EPA to extend the response timeline from 120 days to 240 days. If the goal of this ICR is to accurately inform EPA and facilitate the development of a new regulation, it seems more important to have correct data, than rushed data. To date, EPA has not provided a reasoned explanation as to why this brief extension is an unreasonable request. *See* EPA Summary of Comments and Responses at 4 (without considering the benefit of current data or weighing the burdens imposed, EPA asserts that its proposal to adjust the definition of facility could reduce the burden for some). Moving the response deadline back so it does not overlap with state emission inventory and GHGRP reporting would provide facilities with adequate time to prepare responses and submit their most current 2016 data to EPA.

D. EPA Should Revise the Liquid Sampling Method to Allow for an Alternative Method More Familiar, and Less Burdensome to Industry

In the Second Draft ICR, EPA has again declared its intent to require facilities that receive the Information Collection Request to conduct pressurized liquid sampling according to the California Air Resources Board (CARB) method for sampling and analyzing pressurized liquids from separators prior to storage in atmospheric storage tanks. There are many technical issues with the method that EPA failed to address in the initial round of public comments.

1. Technical Issues with the Draft CARB Methodology

The CARB method, even as revised, continues to be in draft form. While EPA asserts that "preliminary information suggests" the CARB method produces reliable results, EPA Summary of Comments and Responses at 6, the method has not gone through a national review

process, is not an EPA- or Industry-approved sampling and testing method, and few laboratories outside California are qualified to use the method. A major, industry-wide data collection is not the appropriate place to test an unproven, unapproved sampling technique.

Importantly, using this unapproved method will impose new burdens on industry – and will itself result in significant additional emissions. Specifically, many midstream facilities do not have a dedicated sample port at the locations specified under the CARB method. This would require the shutdown of the facility to install the required sample port, imposing a substantial additional financial burden to industry from the ICR. GPA Midstream member companies estimate that installing a new sample port on an inlet separator could cost as much as $15,000 per compressor facility. Moreover, the compressor station outages required to install new sampling locations will result in significant emissions from flaring and/or venting of raw natural gas that is not transported to gas plants during the shutdown period. GPA Midstream requests EPA allow alternate sampling locations and/or methodologies that would not require the shutdown of the compressor station. This would include the ability to take liquid samples from a sight glass.

Most of the gathering and boosting facilities requiring pressurized condensate sampling under the proposed ICR are very remote and do not have staff qualified to collect the sample under the CARB method, and thus would require third-party laboratory professionals to travel long distances to collect the sample according to the CARB protocol. The associated travel costs for laboratory professionals to take the samples would be considerable and has not been included in EPA's analysis of the cost burden. The average cost calculated by EPA assumed only two hours of travel time, whereas travel times could be 12 hours or greater, depending on the site location. An estimate of $75/hour for travel was provided by EPA, which means travel alone could cost $900 or more per sample in some cases. Therefore, the additional costs of travel and higher sampling/analysis costs need to be incorporated into EPA's cost estimate. EPA could greatly reduce this burden by allowing companies to sample pressurized condensate using the frequently used and well understood GPA Method 2174. Since EPA's proposal would allow sites to report existing data from samples collected within the last 12 months, the use of GPA Method 2174 would decrease the number of pressurized samples that must be collected because industry already uses this sampling methodology to collect pressurized liquid samples for use in PTE calculations for NSR permitting.

As EPA recognizes, the CARB sampling methodology has some similarities to GPA Method 2174, "Obtaining Liquid Hydrocarbon Samples for Analysis by Gas Chromatography." EPA Summary of Comments and Responses at 5-6. Please note, however, that there are key differences which EPA has not considered. Most significantly, the CARB method asks for the sampling piston cylinder to be filled up to 95%. However, GPA method 2174 states, "Under no circumstances should the cylinder be filled beyond 80% of its capacity with sample." Piston cylinder manufacturer literature (from Ametek Piston Sampling Cylinders) specifically confirms this. Thus, the CARB sampling methodology creates a safety and transportation hazard since over-filling the sample container could result in a release of hydrocarbons through the relief

valve due to thermal expansion.[5] The U.S. Department of Transportation confirms that sample cylinders should never be filled greater than 80% with volatile samples for these reasons. GPA Midstream understands that the most recent version of the CARB method allows a range for the sample cylinder to be filled (80-95%). However, GPA Midstream does not believe the sample cylinder should be filled over 80% under any circumstance due to safety concerns. Therefore, GPA Method 2174 is not only more widely used across the industry, it is also a safer sampling method than the CARB method and should be the sampling collection method used for this data collection.[6]

GPA Midstream also requests that EPA allow laboratories the option to conduct analysis under GPA method 2103, or any other equivalent method that allows for the measurement of flash gas as determined by the laboratory conducting the analysis. Although the CARB method offers limited guidance for this, GPA Midstream has learned that laboratories have variations in how the flash liberation method is conducted and have their own internal standard operating procedures which vary from laboratory to laboratory. GPA Midstream urges EPA to gather additional information from laboratory experts before requiring analysis under a new methodology which could lead to inconsistent results. Thus, EPA should not rely on the CARB sampling method at this time and should rely instead on the GPA Methods described above.

2. EPA Significantly Underestimates the Cost of Pressurized Liquid Sampling

EPA initially estimated of the cost of pressurized liquid sampling at $1,000 per sample and increased that estimate to $1,200 in the Second Draft ICR. This revised estimate still significantly underestimates the cost of the sampling proposed EPA. GPA Midstream surveyed five major laboratories and determined that only three out of the five were capable of completing the work using the CARB sampling methodology. Additionally, the average cost to perform the analysis (plus the additional costs to travel to the location) was $2,177 per sampling event, with the highest estimate being $2,615. API (American Petroleum Institute) estimated $2,500 per sampling event, and other estimates provided to EPA ranged from $3,700 - $8,700 per sample. The estimates provided to GPA Midstream from the laboratories do not include the high cost of port installation nor do they include the cost of shutting down equipment in order to install sampling ports, as noted above. EPA requests a sample from every separator at a facility; therefore, some facilities will need to take multiple samples. EPA anticipates 397 respondents for gathering and boosting and 272 respondents for processing. Assuming half of these facilities have two separators, and therefore require two samples, there will be approximately 1,000 midstream samples. GPA Midstream estimates the average per sample cost to be $2,177, which

[5] Communication with Joe Landes of SPL Labs.

[6] The only explanation that EPA has given not supporting GPA method 2174 is that the method "does not specify a volumetric flow rate requirement into the sampling containers" and EPA believes "it is important to limit the sampling rate…" EPA Summary of Comments and Responses at 6. If that is EPA's concern, then allowing GPA Method 2174 within a flow rate range is far superior to using the CARB method.

is $977 more than EPA's estimate of $1,200. Multiplying $977 by 1,000 samples results in an additional cost of nearly one million dollars over EPA's estimate.

E. EPA Should Allow Facilities to Use Representative Liquid Samples

GPA Midstream renews its request that EPA remove the burden of sampling from every facility that receives the ICR and allow facilities to use representative analyses. EPA's response to public comments on the burden of taking pressurized liquid samples was to not require sampling for separators that have a reduced liquids output. GPA Midstream notes that the Intro sheet of the Part 2 survey specifies a 5 bbl/day threshold, while the supporting statement and response to comments specifies a 10 bbl/day threshold. *Compare* EPA Summary of Comments and Responses at 6 ("we have added a provision that if the separator's liquid output (oil, condensate, and water) is less than 10 bbl/day, then sampling is not required.") *with* Second Draft, Part 2 Survey, Intro Tab (at line 97 referring to "5 bbls/day" as the threshold).

This allowance will have a minimal impact (if any) on the majority of the gathering and boosting segment facilities associated with GPA Midstream parent companies. Instead, to provide meaningful relief and reduce the burden of the ICR, the pressurized liquid sampling should be limited to a sufficient number of facilities that would provide a representative composition analysis for a particular basin. This will allow EPA to receive representative data and would eliminate unnecessary and costly duplication of facilities conducting sampling that are within a close proximity of each other.

Further, in its response to comments, EPA narrowed this allowance, stating that "we are requiring parent companies of selected transmission compression facilities that do not have any separators with liquid output exceeding 10 bbl/day to select any separator at a selected facility to perform a single flash gas analysis using the CARB method." EPA Summary of Comments and Responses at 6-7. EPA continued, "We expect that allowing parent companies the opportunity to select the separator to sample will eliminate the need to install sampling ports for separators that do not have them." *Id.* at 7.

GPA Midstream believes that the implications of this approach to narrowing the allowance means that the burden of sampling will be unfairly skewed towards gathering and boosting facilities since the throughput of the vast majority of separators will be over 10 bbl/day. Therefore, truly representative samples can only be obtained by allowing parent companies to determine facilities that are representative of a particular basin. This will decrease the impact to individual parent companies and will allow companies to select facilities that are already equipped with good sampling ports that allow technicians to collect representative samples. Therefore, GPA Midstream requests EPA extend the exemption granted to separators with liquid throughputs less than 10 bbl/day to all parent companies in the ICR; in other words, that parent companies be allowed to choose representative samples.

III. Additional Issues Identified in the Second Draft of the ICR

There are several additional issues that GPA Midstream has identified in reviewing the Second Draft ICR– and directly related issues that were not corrected from the First Draft. They include the following:

A. The Information Requested for Certain Pollutants Should Not Be Included in this ICR

In the Second Draft of the ICR, EPA has added new questions to its questionnaire including requests for data showing 1) nitrogen oxides (NOx), carbon monoxide (CO), particulate matter (PM) and other emissions from compressor engines and 2) total hazardous air pollutants (HAPs) from dehydrators. EPA has likewise retained requests from the First Request for data from tanks (total HAPs), acid gas removal units (AGRU) (seeking H_2S and SO_2). EPA should not use this ICR to collect these data, and thus OMB should direct EPA to exclude these items from any final questionnaire.

Specifically, as noted, OMB is the gatekeeper directed by the Congress to assure federal agency information gathering is "necessary for the proper performance of the functions of the agency." 44 U.S.C. § 3508. As a result, as outlined, to "obtain OMB approval of a collection of information, an agency *shall* demonstrate that it has taken *every reasonable step* to ensure that the proposed collection of information: (i) Is *the least burdensome necessary for the proper performance of the agency's functions to comply with legal requirements and achieve program objectives*; (ii) Is *not duplicative* of information otherwise accessible to the agency; and (iii) Has *practical utility*." 5 C.F.R. § 1320.5(d)(1) (emphasis added).

Here, regardless of EPA's general information gathering power under Section 114 of the CAA, EPA's request for these additional data is beyond the legitimate scope of this ICR. The purpose of this ICR – as outlined repeatedly by EPA – is to collect information regarding methane and VOC emissions to develop emissions guidelines under Section 111(d) of the Act for methane and VOC emissions from existing sources in the oil and natural gas sector. Even assuming EPA has some legal authority to proceed with the ICR (which we explain above it does not), EPA's proposal nonetheless to insert additional data requirements that have no relation to that basic purpose of regulating methane and VOC emissions is improper, unduly burdensome, and beyond the scope of EPA's stated purpose.

Specifically, there has been no showing that these additional data are "necessary" to achieve the purpose of this ICR, the "least burdensome" means of obtaining information relevant to methane and VOC controls, and not duplicative of other data to which the agency has access. Indeed, it is hard to conceive of how requiring facilities to compile NOx, CO, and PM emissions from compressor engines would help EPA set standards for methane or VOC emissions. Similarly, requiring collection of data regarding "total HAPs" necessarily includes emissions that are neither methane nor VOCs and thus in no way necessary to the stated purpose of this ICR. Collecting such information will add new burdens on industry participants without providing any practical utility to EPA's explicit regulatory goals.

Moreover, in all events, this is not proper data to be gathered because EPA cannot use Section 111(d) to regulate these specific pollutants. As outlined above, emissions of hazardous air pollutants, including H_2S, are already regulated under Section 112 of the Act, and 111(d) clearly cannot be used to regulate such pollutants. 42 U.S.C. § 7411(d). Likewise, the CAA makes equally clear that Section 111(d) cannot be used to regulate criteria pollutants regulated under Section 108 of the Act. *Id.* (only allows regulation under 111(d) "for any air pollutant (i) for which air quality criteria have not been issued or which is not included on a list published under section [108](a)" of the Act). SO_2, NO_x, CO, and PM are all criteria pollutants listed under Section 108 and, therefore, cannot be regulated by EPA under Section 111(d).

B. EPA Must Remove the Compressor Driver Data Requests as They Have No Practical Utility to This ICR

GPA Midstream questions the practical utility of EPA adding several information requests regarding compressor drivers. *See* Second Draft ICR, Compressor tab, Table 4. Compressor drivers are already well regulated under both §111(b) (new sources) and §112 (existing sources) of the CAA. Reciprocating internal combustion engines (RICE), the vast majority of compressor drivers in the industry, are already regulated – and have been since June 2006 – as new sources under 40 C.F.R. Part 60, Subpart JJJJ/IIII and as existing sources under 40 C.F.R. Part 63, Subpart ZZZZ (NESHAP ZZZZ). Furthermore, EPA is not requesting any methane or GHG emissions information for compressor drivers, only information regarding pollutants which are already regulated by the NSPS and NESHAPs regulations. *See* Compressor tab, Table 4 *supra*. GPA Midstream therefore requests that Table 4 of the Compressor tab be removed from the ICR. As outlined above, this ICR has been established by EPA for a very particular purpose – and OMB should exercise its crucial function to ensure that EPA has established the necessity and practical utility of these requests to meet that purpose. This ICR process should not be an "everything and the kitchen sink" exercise at the burden of industry - and EPA, to the extent the actual source for these particular requests are state agencies merely in search of more data on compressor drivers. That would not be a proper use of EPA's CAA authority here.

C. EPA Should Not Request Data for Blowdowns Under 50 Cubic Feet as it Causes Undue Burden

GPA Midstream appreciates that EPA made several changes to the Blowdown tab to account for the requirements of the GHGRP, namely the 50 cubic foot (cf) physical volume threshold. However, GPA Midstream recommends that the ICR further account for GHGRP requirements and completely exclude blowdowns less than 50 cf. These small blowdowns are a negligible contributor to overall emissions, which is the primary reason that the GHGRP excluded this category. Moreover, these small blowdowns are rarely required to be tracked under existing regulations or by customary industry practice, which means that respondents would not be able to provide data to EPA. Finally, the small quantity of individual and overall emissions from blowdowns less than 50 cf compared to other sources means that this category would be a poor candidate for future regulation.

D. Current Facility Owners Must Be Allowed, If Not Required, to Respond to the ICR

GPA Midstream disagrees with the FAQ document that was published on the RTI website. Specifically, on FAQ question number 8 on https://oilandgasicr.rti.org/FAQ which states the following:

> *8. Some of my facilities/companies were recently sold. Should I delete the entry from the mailing list?*
>
> *No. The ICR is requesting data as of the 2015 reporting year. Please update the parent company to reflect the owner/operator as of December 31, 2015. Much of the facility information we had was for 2014. If the facility is listed under your name but you sold the facility prior to December 31, 2015, you should change the name of the parent company and facility name based on who you sold the facility to. If you sold the facility after December 31, 2015, then you should remain the contact for this facility for the ICR. Note: if you purchased a facility in 2015 and have trouble finding the facility on the list, you may try searching using city and state or using the previous owner's company name.*

If this reflects official EPA policy, we suggest the agency revise this guidance. It is unreasonable to assume that if a company sold assets after December 31, 2015 to another company, that the selling company would be able to respond to the ICR for the assets that were sold to another, unrelated entity. The practical response from this scenario will almost certainly result in a blank to nearly blank ICR due to the fact that the previous owner will have no access to the requested data, which would have been transferred to the new owner at the time of sale, and would not be allowed on site to collect any additional information requested, such equipment counts or the collection of pressurized liquid samples. EPA is best to exclude sites sold after the relevant cut-off date or state that the current owner should respond to the questionnaire.

This issue would be greatly reduced if EPA were to extend the ICR deadline and request 2016 data instead of 2015.

E. Correct the Dehydrator Unit, Compressor Station and AGRU Tabs to Remove "Read Only," Password Protection

GPA Midstream discovered several cells in the new ICR spreadsheet that are marked "read only" and cannot accept data without a password. These cells are located in Table 2 of the AGRU, Dehydrator Unit and Compressor Station tabs. These cells should be revised so EPA receives the data requested.

IV. Additional Issues Remaining From First Draft of the ICR That Were Not Addressed Fully in the Second Draft ICR and Should Be Revised

A. Pneumatic Devices Operating on Supplied Air Should Not Require a Count

GPA Midstream appreciates that EPA made a change to this tab to include a dropdown box asking whether the facility has any natural gas-driven pneumatic devices or pumps that blacks out the remainder of the tab if answered "No." However, GPA Midstream recommends that EPA also remove the questions pertaining to specific types of air driven devices for sites. Instead EPA should simply ask a second initial question in Table 1 "Does the facility have any air-driven pneumatic devices or pumps?" This would give EPA information about whether they have air and/or natural gas pneumatics, but reduce the burden to provide the types of air-driven pneumatics – which of course have no emissions and thus, are irrelevant to this ICR. The types of pneumatics would be similar to that of natural gas-driven pneumatics but would have an air compressor on site.

B. Control Devices Should be Connected to Specific Pieces of Equipment

EPA added definitions and additional instruction to clarify what types of equipment are considered "Control Devices" for the purposes of this ICR. GPA Midstream requests additional guidance on whether EPA intends for glycol dehydrator condensers, sulfur recovery units, and acid gas injection wells to be populated on the Control Device tab. These types of devices meet the definition of "Organic emissions control device," however, Table 2 of the Control Device tab does not seem to directly contemplate these types of controls. Additionally, the Dehydrator Unit tab and the AGRU tab do not account for Control Devices, as there is no way to link controls from the Control Device tab to the Dehydrator Unit/AGRU equipment. GPA Midstream requests these links be created.

C. Current Environmental Regulations for Equipment Tabs Must be Updated and Revised

GPA Midstream notes that many of the tabs in the spreadsheet require reporting of equipment already subject to existing regulations for existing sources. This ICR should be used to inform the EPA of unregulated sources for the development of new regulations or guidelines. This ICR is a costly and time consuming data collection effort that should not be required for existing sources already regulated. For example, sources already regulated for VOC or organic HAPs are also realizing reductions of potential GHG emissions, including methane, indirectly in the oil and gas industry and further analysis and regulation by the Agency will yield little benefit. EPA already requires data to be submitted for these sources and they would not be part of an existing source rulemaking since the sources are already regulated under an NSPS and/or NESHAP program. Additionally, there are several instances listed below of equipment tabs that have incorrect Federal regulations listed or regulations that have not been finalized at this time. Since this information request will be used to inform the creation of new regulations for unregulated sources it is important the correct regulations are available.

- Each equipment tab with a regulations section lists 43 CFR Part 3100 Subpart 3179, which is the proposed methane rule for the Bureau of Land Management. This regulation should be removed from the list since it is only proposed and, due to EPA requesting 2015 data, no facilities could have been subject to the provisions of this proposed rule

during that calendar year. Also, companies cannot speculate on whether equipment will or won't be subject to a proposed rule.

- A check box should be added for "enforceable permit limits," which would be used by facilities that have enforceable limits that reduce emissions either under synthetic minor source state permits or due to state minor NSR BACT requirements. This category would be different from "State/Local Environmental Regulations," since controls installed may be a voluntary action and provide EPA with more clarity.
- On the AGRU Equipment tab, 40 CFR Part 60 Subpart KKK is listed under regulations that could apply. This should be changed to 40 CFR Part 60 Subpart LLL, which is the rule for sweetening units.
- On the Tanks Separators tab, 40 CFR Part 60 Subpart Kb should be added to the list.
- On the Compressor tab, 40 CFR Part 60 Subpart KKK should be added to the list.

D. EPA Should Revise the Tanks and Separators Tab to Account for Operations Downstream of Production Facilities

The "fusion" of separators and tanks in this data collection request is wholly inappropriate since separators and storage tanks are completely different types of equipment. *E.g.,* Second Draft, Part 2 Survey, Tanks Separators tab. We believe the specific purpose of this section of the ICR is to collect information on flash emissions caused by pressure drop for a separator or similar equipment into the atmospheric tank. Therefore, we request EPA change Table 2 of the Tanks Separators tab to only request Tank information and remove questions pertaining solely to separators. Then, a separate table could be added to gather specific information from each stream that feeds the atmospheric storage tank. This would greatly reduce the burden to industry imposed by this item, by removing extraneous pressure separators without liquids going directly to an atmospheric storage tank. There would be no practical utility to gathering this information, since the input and output remains in the process system under pressure.

Additionally, under the "Vessel Type" there is an option for "Atmospheric tank receiving liquid directly from separator" and "Condensate tank, fixed roof." Second Draft, Part 2 Survey, Tanks Separator tab, Table 2. These are both applicable descriptions for a condensate tank receiving liquids directly from a separator. Additional clarification should be added. GPA Midstream suggests adding to the second description to indicate that selection is meant only for condensate tanks without flash emissions.

E. EPA Should Include a "Data Not Available" or "Not Applicable" Option

EPA has not provided an option to provide either a "not available" or "not applicable" response to questions that will require it. A good example is on the Control Device Equipment tab where the respondent is asked to provide the year a control device is installed, purchased equipment costs, and total capital installed cost. Depending on the age of the facility, the owner or operator may not have this information. This is especially true if the facility has been a part of

any divestiture or acquisition, as is common in the oil and gas industry. Other tabs that require a "not available" or "not applicable" response option include the following:

- *Tanks Separator Tab, Sub-Section 5, Hours dump valve stuck in 2015?* Gathering and boosting facilities were not required to track this in 2015 and the data will not be available for many facilities.
- *Pneumatics Tab, Sub-Section 3, How many controllers were found malfunctioning in the past year?* Gathering and boosting facilities are not required to track this information and therefore may not have the requested data available for many facilities.
- *Equipment Leaks Tab, Sub-Sections 2, Total number of components monitored for Leaks during the most recent monitoring survey?* There are state programs that require infrared camera monitoring, but do not require the facility to keep an actual component count. Therefore, a total number of components is not part of the recordkeeping requirements.
- *Equipment Leaks Tab, Sub-Section 4, Measurement Cost.* Gathering and boosting facilities are not required to track this information and therefore may not have the requested data available for many facilities.
- *Control Device Tab, Sub-Section 3, Natural Gas Consumption Rate.* Sub-Section 2, "Release height (ft)" and "Stack diameter (ft)." These are not applicable for Vapor Recovery Units.
- *Blowdowns Tab, Source-specific information sheet for equipment/pipeline blowdowns. Complete form based on available information for 2015. If your facility is first required to track this information in 2016, you may estimate 2015 blowdown events/emissions as twice the events/emissions determined in January through June 2016.* EPA does not consider that the facility may not be required to track blowdowns or may be using best available monitoring methods (BAMM) for January – June 2016.

Because only one of eight cells was corrected to allow for a non-numeric entry, GPA would like to reiterate the importance of correcting this issue. If the cells are left in their current state, the only two options are to enter a zero or to leave the cells blank. Neither of these options is acceptable since entering a zero is potentially false information in the very likely situation that the data was not tracked in 2015. Further, a blank does not allow respondents to adequately communicate that they evaluated the question, but were unable to respond due to a lack of available data. At the very least, EPA must give clear guidance on the appropriate way to respond to these questions when the data is unavailable, but a suitable response cannot be given due to the technical limitations of the spreadsheet.

F. The Facility Tab Should be Revised

GPA Midstream suggests the follow additional changes to the Facility tab:

- *Dun and Bradstreet Number and Physical Address*

  Not all entities will have a Dun and Bradstreet Number and/or physical address assigned. GPA Midstream recommends allowing respondents to leave these fields blank.

- *How often is this facility manned or visited?*

  These are two separate questions, and combining into one question will lead to confusing results. For example, a respondent might answer "unmanned" (one of the selection options), but choosing this option will not inform EPA how often the site is visited. The first question should be, "Is the facility manned 24/7?" with a "yes, no" response option. If the answer to that question is "No," then the next questions should be "How often is the facility visited on average" with response options of "daily, weekly, monthly, quarterly, semi-annually, annually, attended during venting only."

- *What type of electricity is available at thia [sic] facility?*

  There are seven different response options given for the type of electricity at the facility. However, these seven options do not account for all possibilities that may exist. For example, wind turbines are used at some sites to power communication equipment, but this option is not given. A site could also have many different combinations of electricity. Rather than try to list out all combinations, GPA Midstream recommends that the spreadsheet be modified to include an "other: specify" option.

- *Quantity of natural gas received by the facility in the 2015 calendar year and Quantity of natural gas leaving the facility (sales) in the 2015 calendar year*

  GPA Midstream recommends eliminating the first question above and only requesting the quantity of natural gas leaving the facility. Most gathering compressor stations and gas plants have meters on the outlet side. However, not all sites have meters on the inlet side of the facility as well. Thus, respondents would be forced to make estimations that may not be useful for normalizing data or comparing with the outlet side. For example, it is common in gathering operations to meter gas taken at each well pad and at the outlet of the compressor station, but not at the inlet to the compressor station.

- *Quantity of all hydrocarbon liquids(crude oil and condensate, including NGLs) received by the facility in the 2015 calendar year and Quantity of all hydrocarbon liquids(crude oil and condensate, including NGLs) leaving the facility (sales) in the 2015 calendar year*

  GPA Midstream recommends eliminating the first question above and only requesting the quantity of liquids leaving the facility for the similar reasons given on the same questions for natural gas. An additional concern for hydrocarbon liquids on the receiving side is the ambiguity of what data is requested. Does EPA want only hydrocarbon liquids received in liquid form via truck, railcar, ship, or pipeline? Or, does EPA also want hydrocarbon liquids that enter from a gas pipeline and are separated out into liquid form on-site? The latter is never measured and only an estimate could be made, which would potentially double-count hydrocarbons included on the natural gas questions. Moreover, the pressures and temperatures at the inlet, outlet, and middle points in a facility vary, so a hydrocarbon species may be gas at one pressure and temperature, and liquid at another.

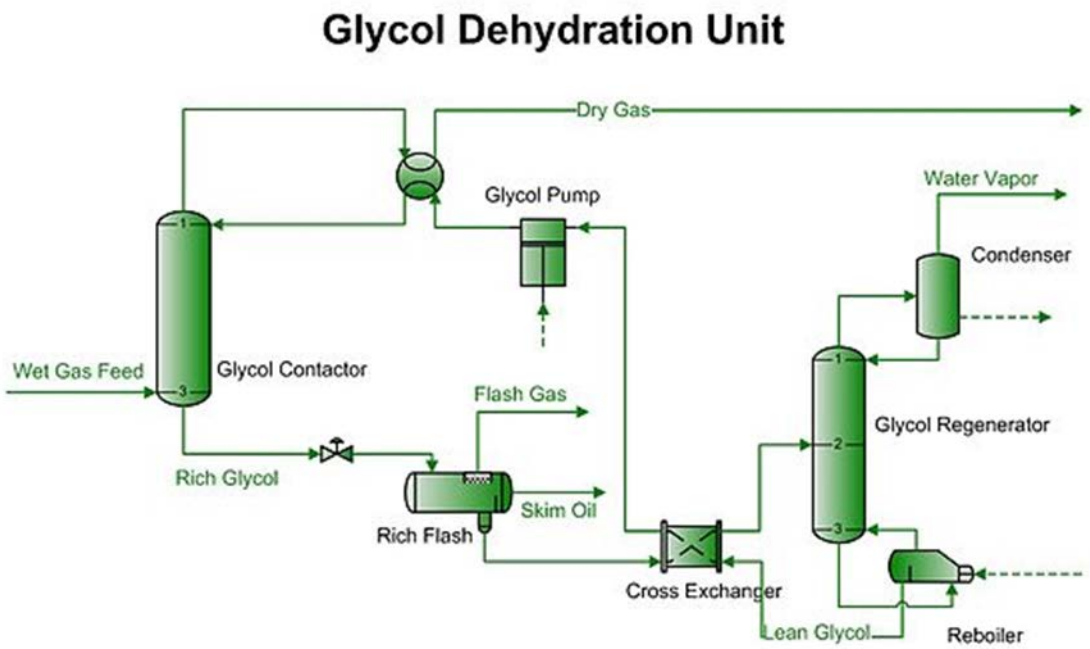
- *Quantity of natural gas vented from the facility in the 2015 calendar year*

  This question is ambiguous and also redundant to the data requested on the blowdown tab. GPA Midstream recommends that it be deleted.

G. The Dehydrator Unit Tab Should be Revised

GPA Midstream discovered several issues in Table 3 of the Dehydrator Unit tab that need to be addressed before an ICR is issued. If not addressed, the table and the available answers will not align with how dehydrator units are operated in the field, and the information EPA receives will be incorrect and misleading.

Table 3 assumes flash tank gas is always recovered, which is not the case. Some dehydrator flash tanks vent to atmosphere either periodically or continuously. The table also conflates the reboiler burner with the regenerator still vent. These are two distinct parts of a dehydration unit with different emission profiles. See diagram below from the GLYCalc program:



For the question regarding glycol reboiler fuel gas type, often reboiler heaters will combust regenerator still vent gas; however, this is usually not enough fuel to run the reboiler heater, so additional fuel is needed from the facility fuel gas system and/or the flash tank gas. For the question on the disposition of regenerator exhaust emissions, regenerator still vent emissions are not referred to as "exhaust" since these are not combustion emissions, but rather are a combination of gases that are boiled off when the glycol is regenerated. Regenerator still vent emissions can be routed to a variety of combustion devices – including enclosed flares/combustors and the reboiler. The current picklist options are too narrow and should be revised to include the use of a condenser followed by combustion, which is a common set-up in a facility handling rich gas.

Under "Emission Reduction Work Practices Used", the option of "Route reboiler condenser gas to fuel combustion units" should be removed. As mentioned above, EPA is incorrectly using the terms "reboiler" and "regenerator" interchangeably, and "reboiler condenser gas" is not a stream in a dehydration unit. Regenerator still vent gas can be routed to condenser; however, reboiler heater emissions are never routed to condensers. Additionally, the option is too specific since it only works for dehydrator units that have a condenser, and combusting regenerator still vent gas is a control, not a work practice.

Table 3 in the Dehy tab should be revised as follows:

3.) Glycol Dehydrator Information - Complete for each Glycol Dehydrator: Unit ID	
Does the unit have a flash tank separator?	(Picklist #2)
If yes, provide natural gas recovery efficiency (percent) If yes, provide disposition of recovered natural gas.	**(Picklist #34)**
If Other, Specify:	
Glycol reboiler~~/regenerator~~ fuel gas type	(Picklist #35)
If Other, Specify:	
Glycol reboiler~~/regenerator~~ fuel gas consumption rate (scfm)	(Data Validation #2)
Disposition of ~~reboiler/~~regenerator ~~exhaust~~ **emissions**	(Picklist #36)
If Other, Specify:	
Control Device ID (if applicable)	(Picklist = Control Device ID's from ControlDevice Tab Table 2)
Emission reduction work practices used	(Picklist #37)
If Other, Specify:	

The picklists should be revised to:

Number	Picklist Description	Picklist Values
34	~~Recovered~~ Methane Disposition	Used as fuel; Recycled to glycol absorber feed; Recovered to dry sales gas; **Vented to atmosphere**; Other (specify)
35	Glycol Reboiler Fuel	Wet (inlet) natural gas; Recovered flash tank separator gas; Dry (sales) natural gas; **Regenerator still vent gas;** Other (specify)
36	~~Reboiler /~~Regenerator ~~Exhaust~~ **Emissions** Disposition	Vented to atmosphere; Vented to ~~flare or thermal oxidizer~~ **combustion**; Vented to condenser;

		Vented to condenser and combustion; Other (specify)
37	Emission Reduction Work Practices	Optimize glycol circulation rates; ~~**Route reboiler condenser gas to fuel combustion units;**~~ Other (specify)

Additionally, as described thoroughly in our previous comments, desiccant dehydrators are completely different from glycol dehydrators, and typically do not have emissions, or have extremely small, infrequent emissions, and GPA Midstream therefore requests these be removed from the ICR. *See* GPA Midstream Comments at 51-52. At the very least, the following fields in Table 2 do not apply to desiccant dehydrators and should be "blacked out" when the desiccant dehydrator type is selected:

- Does the Dehydrator emit more or less than 1 ton per year of benzene (there are typically no emissions from desiccant dehydrators, and desiccant dehydrators do not absorb benzene in the way that glycol does, so this question is irrelevant)
- Contactor Tower Pressure (psig) (desiccant dehydrators do not have a "contactor tower" per se; the dehydrator itself is where gas/desiccant contact occurs)
- Circulation Rate of Solution (gal/min)
- Liquid Circulation Pump Type

H. Compressor Tab Should be Revised

On the Intro tab, EPA specifies that vapor recovery compressors are included. GPA Midstream questions the intent of this inclusion. Compressors at well sites are specifically excluded from NSPS OOOO, 40 C.F.R. § 60.5365(b) and (c), and NSPS OOOOa, 40 C.F.R. § 60.5365a(b) and (c), because the low pressures at which these compressors operate yield low potential emissions. Vapor recovery compressors similarly operate at low pressures and/or low volumes. Thus, for the same reasons, EPA should exclude these compressors from this ICR.

Additional comments listed below:

- *Table 4. Compressor Engine Information – Complete for each compressor engine using best available data.*

  As addressed above, GPA Midstream requests Table 4 be removed in its entirety, as the information requested here is for engines, which are already well-regulated and which are not compressors. If retained, the Table should be revised, because EPA is using incorrect terminology here. An "engine" is a very specific type of compressor **driver**. An "engine" is **not** a "motor" or a "turbine." EPA needs to use correct terminology in this table, and revise the table name to "Compressor Driver Information – Complete for each

compressor driver using best available data." Alternatively, EPA can limit this table to engines, but it must remove the options of "Electric" (*i.e.*, a motor) and "Gas Turbine" from the column "Engine Type." [7]

- *Were direct emissions measurements made for compliance with the GHGRP in 40 CFR part 98, subpart W? If no, please provide the total time the compressor was in standby-pressurized mode in RY2015.*

  The availability of run time in standby pressurized and depressurized modes at sites not subject to 40 CFR Part 98 Subpart W in reporting year 2015 will most likely not be available as it is not required to be tracked and does not provide beneficial data to operators for optimization or maintenance. The only stations that will have this data are those subject to current Subpart W reporting, which means EPA should already the information.

- *Engine Type*

  Again, use of the term "engine" is incorrect here, since EPA provides options of "Electric" (*i.e.*, motor) and "Gas Turbine." Change the column heading to "driver type."

- *Table 5. Centrifugal Compressor Specific Information - Complete for each Centrifugal Compressor*

  In the ICR, EPA should ask questions to assess whether wet seal centrifugal compressors could be retrofitted as dry seal for specific facilities. Dry seals are only feasible where an inert gas or a "sweet" gas is available for the dry seal system. Sour gases or acid gases cannot be used for a dry seal due to the corrosive nature of those gases. For example, if the facility is compressing acid gas or sour gas, and an inert gas or dry gas supply is not available, then a wet seal would be the only option. This is a unique situation that is not common, but it certainly occurs at some facilities, and EPA should not assume all existing wet seal compressors can be converted to dry seal, and should therefore collect information about whether it is technically feasible. As an optional reporting option, respondents should be allowed to provide a cost estimate for doing the conversion.

- *Table 5. Reciprocating Compressor Specific Information - Complete for each Reciprocating Compressor*

  GPA Midstream is unclear if owner/operators should leave the 'Date of last rod packing replacement' field blank for new compression and requests that EPA provide guidance. GPA Midstream also notes that *rod* replacement (versus *rod packing* replacement) is another maintenance practice for reducing reciprocating compressor emissions. We

[7] http://www.carmagen.com/news/engineering_articles/news145.htm ("Three types of compressor drivers are typically available: reciprocating gas engines, mechanical drive gas turbines, and electric motors. A fourth choice is a steam turbine driver, which is used extensively in hydrocarbon processing plants and other industries that have ample steam supplies.")

suggest that each of the fields in Table 6 replace the term "rod packing replacement" with "rod packing/rod replacement."

I. EPA Should Address Additional Ambiguity for Reporters in the ICR

In the Tanks Separators tab, on Table 2, EPA should define or provide an example of a "continuous monitor." For example, it is unclear to GPA Midstream whether sight glass on a tank would be considered a continuous monitor for the liquid level in a storage vessel. In the Equipment Leaks tab, on Table 3, EPA should define "in-line heater." This is not a common term in industry and GPA Midstream requests clarification.

CONCLUSION

GPA Midstream appreciates the opportunity to submit these comments on the proposed Second Draft ICR. GPA Midstream is standing by to provide further information or answer any questions that OMB may have.

Respectfully Submitted,

Matt Hite
Vice President of Government Affairs
GPA Midstream Association

Attachment A

August 2, 2016

Via e-filing on www.regulations.gov

U.S. Environmental Protection Agency
EPA Docket Center
Mailcode 2822IT
Attention: Docket ID No. EPA-HQ-OAR-2016-0204
12000 Pennsylvania Avenue, NW
Washington, DC 20460

Re: Comments on Proposed Oil and Gas Information Collection Request (Docket ID: EPA-HQ-OAR-2016-0204)

Dear Docket Clerk:

The GPA Midstream Association ("GPA Midstream") appreciates this opportunity to submit comments on the Environmental Protection Agency's ("EPA's") "Proposed Information Collection Request; Comment Request; Information Collection Effort for Oil and Gas Facilities," 81 Fed. Reg. 35,763 (June 3, 2016).

GPA Midstream has served the U.S. energy industry since 1921 as an incorporated non-profit trade association. GPA Midstream is composed of over 100 corporate members that are engaged in the gathering and processing of natural gas into merchantable pipeline gas, commonly referred to in the industry as "midstream activities." Such processing includes the removal of impurities from the raw gas stream produced at the wellhead as well as the extraction for sale of natural gas liquid products (NGLs) such as ethane, propane, butane, and natural gasoline or in the manufacture, transportation, or further processing of liquid products from natural gas. GPA Midstream membership accounts for more than 90% of the NGLs produced in the United States from natural gas processing.

Summary

GPA Midstream and its members have a strong commitment to gathering and processing natural gas in a manner that minimizes environmental impacts and reduces emissions of valuable natural gas products to the fullest extent feasible. As a result, GPA Midstream's members have taken significant steps to reduce methane and volatile organic compound ("VOC") emissions from their operations, and a number of GPA Midstream's members are voluntary participants in EPA's Natural Gas Star Program where they have reduced methane emissions following EPA's

program requirements. Indeed, over the last decade, overall methane emissions from the natural gas sector have declined significantly.[1]

Moreover, GPA Midstream has a long history of working collaboratively with state and federal regulators to identify commonsense solutions on a wide range of regulatory issues—including many environmental issues. As an example, GPA Midstream has sought to participate constructively in EPA's rulemakings governing the oil and natural gas sector, including New Source Performance Standards ("NSPS") proposed by EPA. *See e.g.*, Letter from M. Sutton, GPA Midstream President and CEO, Re: Comments on Oil and Gas Sector – Emission Standards for New and Modified Sources, Proposed Rule (Docket EPA HQ-OAR-2010-0505) (Dec. 4, 2015).

Following that approach, GPA Midstream has detailed a series of constructive comments on the proposed Information Collection Request ("ICR") which would clarify, improve and streamline the request, if EPA and the Office of Management and Budget ("OMB") elect to proceed with this information gathering effort. At the same time, however, GPA Midstream questions the federal government's legal authority to proceed with this ICR – and is extremely concerned with EPA's determination that the already expansive greenhouse gas reporting program does not provide EPA with sufficient data to support a rulemaking.

Specifically, as detailed in GPA Midstream's comments below:

The ICR should not proceed because EPA could not use the information for any lawful purpose under the Clean Air Act. EPA's stated purpose of the ICR is to inform a rulemaking under Section 111(d) of the Clean Air Act ("CAA" or "the Act") that would regulate emissions of methane from existing oil and natural gas production sources. However, EPA lacks the legal authority to issue rules under Section 111(d) of the Act governing methane emissions from the oil and natural gas source category because: (1) EPA has chosen to regulate the source category under Section 112 of the Act and is therefore barred from issuing rules under Section 111(d) for existing sources in the same category and (2) regardless, EPA has not properly issued NSPS rules under Section 111(b) of the Act for methane emissions from the source category, which is an explicit statutory prerequisite for any regulations issued under Section 111(d). As a result, the ICR has no "practical utility" to EPA, as required by the Paperwork Reduction Act and should not be issued. More simply, EPA should not seek to collect this information for regulations it cannot issue as a matter of law.

If the government nonetheless proceeds with the ICR, then changes should be made to EPA's regulatory programs and the ICR to streamline and improve the collection of

[1] Political Target: Natural Gas: The methane rule is part of a regulatory wave to raise drilling costs, *The Wall Street Journal* (Aug. 23, 2015) ("The EPA's Greenhouse Gas Inventory acknowledged this year that methane emissions from natural gas production have fallen 35% since 2007. That's despite a 22% increase in gas production over the same period. The EPA last year found that methane emissions from hydraulically fractured gas wells had fallen 73% from 2011 to 2013. Overall methane emissions are 17% lower than in 1990.")

information, while minimizing the extraordinary costs and burdens imposed on the oil and natural gas sector.

- **EPA should rescind the Greenhouse Gas Reporting Program.** In justifying the expansive ICR, EPA has determined that the Greenhouse Gas Reporting Program ("GHGRP") is insufficient to support development of a rule for the oil and gas sector. Yet, that was the purpose of the GHGRP - to inform future decision-making. If the GHGRP cannot perform its stated purpose and instead the agency must resort to an ICR to gather the data it deems necessary, then the duplicative information gathering mandated by the GHGRP should be rescinded.

- **The data provided under the ICR are entitled to full protection under the Confidential Information Protection and Statistical Efficiency Act of 2002 ("CIPSEA").** The ICR is a survey seeking extensive, confidential information from across the oil and natural gas production sector. These sensitive data are protected by CIPSEA and must be afforded full CIPSEA protection for the information requested, including criminal penalties for unlawful disclosure. At a minimum, EPA must take the "CIPSEA Pledge" to protect the identity of the company and facility for all data provided under the ICR and ensure that the information provided is not disclosed in identifiable form.

- **EPA should extend the deadline to respond to Part 2 of the ICR by at least 120 days to reduce unnecessary burdens and improve data quality.** As currently scheduled, the February 2017 deadline proposed by EPA overlaps with reporting obligations under existing federal and state requirements. Extending the deadline would relieve the unnecessary and undue burden imposed by placing an additional, overlapping reporting obligation on sources – as well as ensure that the necessary support is available to industry. Moreover, the delay would ultimately improve the quality of data provided, as it would ensure sources would be able to provide 2016 data, as opposed to previous years.

- **EPA should also extend the deadline for responses to Part 2 of the ICR to allow sufficient time to select a representative sample of gathering and boosting stations.** EPA has based its estimate of gathering and boosting stations on a dataset that is known to be incomplete and skewed towards larger facilities. EPA should delay the Part 2 surveys until it has a proper collection of facilities to draw from to select the Part 2 survey recipients – which would not be until after the gathering and boosting facilities complete their reports under the GHGRP in March 2017. At that point, an additional process of properly determining the sample pool will ensure data collection that would be more representative of the entire gathering and boosting sector.

- **EPA should clarify and revise inconsistent data requests and definitions within the questionnaire.** This complex set of requests includes unnecessary information, inconsistencies between and among the different components of the questionnaire, and

terms that should be defined in accordance with the appropriate existing regulatory definitions or defined more clearly to ensure proper responses. GPA Midstream has identified a number of these for EPA's consideration.

- **EPA should reconsider and revise its assumptions regarding the costs and burdens imposed on industry in order to respond to the ICR.** Before issuing an ICR, EPA and OMB must assess the total costs and burdens that the request would impose on those required to provide the requested information. Here, EPA underestimated the scope and burdens imposed by the ICR and should revise the assumptions used to calculate the costs before sending the ICR to OMB for further review.

- **EPA should not require facilities to use a draft test method proposed by the California Air Regulatory Board for pressurized liquid sampling.** EPA has proposed to require sources to use a test method for pressurized liquid sampling proposed by California Air Resources Board ("CARB") that is still in draft, has not gone through national review, and is not an official EPA-approved sampling method. GPA Midstream urges EPA to reconsider this mandate. Currently few laboratories are even familiar with the draft method – and GPA Midstream has real technical concerns about it. Instead, EPA should allow facilities the option to use established test methods for measuring pressurized liquid, instead of the draft CARB approach.

- **EPA should make additional adjustments and revisions to the ICR to ensure the information gathered is useful, while minimizing the unnecessary burdens imposed on the oil and gas sector.** GPA Midstream has identified a number of additional items of concern with the ICR that need to be corrected. These are technical issues that would reduce the unnecessary burden on our members, such as eliminating unnecessary counts of equipment that do not produce emissions – while ensuring an accurate understanding of the extensive controls and other measures already being taken to capture methane. GPA Midstream and its members are prepared to engage further with the agency on these and other comments to ensure that if the agency proceeds with the ICR, it will properly reflect how our industry operates.

Comment Reference Table

I. EPA Should Not Proceed With This ICR Because the Clean Air Act Does Not Authorize the Agency to Regulate Methane Emissions From Existing Oil and Natural Gas Facilities Under Section 111(d) of the Clean Air Act

EPA is not authorized to regulate methane emissions from existing oil and natural gas facilities under Section 111(d). Accordingly, GPA Midstream urges EPA to reconsider this burdensome and costly information gathering effort because it is not necessary to the proper performance of the agency's functions and will not have "practical utility" to the Agency as required by the federal Paperwork Reduction Act ("PRA"). *E.g.*, 44 U.S.C. § 3508. Quite simply, if the purpose of the ICR is to gather data to support new regulations and EPA is not authorized to issue those regulations, then the ICR does not satisfy basic PRA requirements and should not be issued.

A. EPA Should Not Proceed with This ICR Because the Agency Cannot Issue Section 111(d) Regulations for a Source Category That Is Already Regulated Under Section 112 of the Act

EPA intends to use the ICR to develop emission guidelines for methane and volatile organic compound ("VOC") emissions from existing oil and natural gas facilities under Section 111(d) of the Act. *See* 81 Fed. Reg. 35763 (June 3, 2016) (EPA seeks the information to "use in addressing CAA section 111(d)"). However, EPA is not authorized to regulate existing oil and natural gas facilities under Section 111(d), because the oil and gas sector is already a regulated "source category" under Section 112 through regulations promulgated at 40 CFR Part 63, Subpart HH (regulating oil and natural gas production facilities) and Subpart HHH (regulating natural gas transmission and storage facilities). *See* 64 Fed. Reg. 32610 (June 17, 1999).[2] Without that authority, the proposed information collection has no "practical utility" under the PRA given that EPA cannot use the information for its designated purpose. 44 U.S.C. § 3502(11) ("the term 'practical utility' means the ability of an agency to use information…"); *see* OMB, Managing Information Collection and Dissemination, Appendix A: Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies. at 59 (2002) ("OMB Guidelines") ("utility" refers to the usefulness of the information to its intended users…"). EPA should not be imposing a burden on industry to provide information to EPA to develop emission guidelines that EPA cannot issue as a matter of law.

The law in this regard is clear. Section 111(d) provides:

> (1) The Administrator shall prescribe regulations which shall establish a procedure similar to that provided by Section 7410 of this title under which each State shall submit to the Administrator a plan which (A) establishes standards of

[2] Indeed, EPA has regulated emissions from the oil and natural gas source category under Section 112 of the Act for almost two decades, EPA has since revised those regulations to expand their scope, including most recently in 2012. *See* 77 Fed. Reg. 49490 (Aug. 16, 2012).

> performance *for any existing source for any air pollutant* (i) for which air quality criteria have not been issued or *which is not* included on a list published under section 7408(a) or *emitted from a source category which is regulated under 7412* but (ii) to which a standard of performance would apply . . . .

42 U.S.C. § 7411(d) (emphasis added). The law is unambiguous: Congress prohibited EPA from employing Section 111(d) to regulate "any air pollutant" that is "emitted from a source category which is regulated under section [112]." The Supreme Court supports this interpretation. In *American Electric Power Co. v. Connecticut*, 131 S. Ct. 2527 (2011), the Supreme Court endorsed a plain meaning interpretation of Section 111(d) that focuses on whether a source category is subject to a NESHAP under Section 112. After describing generally EPA's authority to regulate existing sources under Section 111(d), the Court noted that "[t]here is an exception: *EPA may not employ* § [111(d)] if existing stationary sources of the pollutant in question are regulated under the national ambient air quality standard program, §§ [108-110], or the 'hazardous air pollutants' program, § [112]. See § [111(d)(1)]." *Id.* at 2537 & n.7 (emphasis added). Thus, the Supreme Court has agreed that EPA cannot regulate any pollutants emitted from existing sources under Section 111(d) if the source category is regulated under Section 112.

Historically, EPA has agreed, concluding that this text means that "a standard of performance under CAA section 111(d) cannot be established **for any air pollutant** … emitted from a source category regulated under section 112," and described this as the text's "literal" meaning. *E.g.*, 70 Fed. Reg. 15,994, 16,031 (Mar. 29, 2005) (acknowledging that the "literal" meaning of the statutory language is "that EPA cannot establish a standard of performance under CAA section 111(d) for any 'air pollutant'—including both HAP and non-HAP—that is emitted from a particular source category regulated under section 112.") (emphasis added); 69 Fed. Reg. 4652, 4685 (Jan. 30, 2004) (same); *see also* EPA, Air Emissions from Municipal Solid Waste Landfills—Background Information for Final Standards and Guidelines at 1-6 (Dec. 1995) (acknowledging that it could not regulate under Section 111(d) a source category already regulated under Section 112, but explaining that landfills could be regulated because the landfills were not "actually being regulated under section 112"). As such, EPA has never before issued Section 111(d) regulations for a source category that was already subject to regulation under Section 112.[3]

[3] With only two exceptions, there are no Section 112 source categories that are also subject to regulation under Section 111(d). For those two exceptions—pulp mills and municipal solid waste landfills—Section 111(d) guidelines *preceded* the Section 112 NESHAP for that source category. EPA published Section 111(d) guidelines for Kraft Paper Mills in 1979 after it established performance standards for new sources under Section 111(b). *See* 44 Fed. Reg. 29,828 (May 22, 1979). EPA did not establish a Section 112 NESHAP for this category until 1998. 63 Fed. Reg. 18,503 (Apr. 15, 1998). Likewise, EPA issued the Section 111(d) emissions guidelines for municipal solid waste landfills in 1999, 64 Fed. Reg. 60,689 (Nov. 8, 1999), more than three years before it established a Section 112 NESHAP for the source category, 66 Fed. Reg. 2,227 (Jan. 16, 2003).

GPA Midstream recognizes that in briefs filed in connection with the Clean Power Plan rule, now stayed, EPA has revised its long standing reinterpretation of the Act and taken the position that regulation under Section 112 forecloses regulation under Section 111(d) only on a pollutant-specific (not source category wide) basis. As such, after two decades of acknowledging the clarity of the statute, EPA has now asserted the language of the statute is ambiguous and permits this alternative interpretation. EPA's contention is groundless, as the statutory language has no ambiguity. EPA cannot "rewrite clear statutory terms to suit its own sense of how the statute should operate." *UARG. v. EPA*, 134 S. Ct. 2427, 2446 (2014).

In support of its position, EPA has claimed that there were two different amendments to Section 111(d) approved by the Congress in 1990: one from the House version of the bill and one from the Senate version. Notwithstanding its long held view to the contrary, EPA argues that the House amendment—which appears in the U.S. Code—is ambiguous and can be reasonably interpreted to allow regulation under Section 111(d) unless both the pollutant and source category are regulated under Section 112. EPA argues that the Senate amendment is clear and allows regulation under Section 111(d) under the same circumstances. Because EPA interprets these vastly different amendments to reach an identical result, it asserts that its interpretation gives full effect to each.

EPA's attempt to resurrect the Senate amendment is unavailing. The non-partisan Office of Law Revision Counsel of the U.S. House of Representatives properly incorporated the House amendment as a substantive amendment to the Act and correctly disregarded the Senate amendment as an extraneous conforming amendment when it compiled the U.S. Code. *See* Op. Brf. of Petitioners on Core Legal Issues, *West Virginia v. EPA*, No. 15-1363 at 68-74 (Feb. 19, 2016), *available at* http://www.eenews.net/assets/2016/02/22/document_ew_02.pdf. Thus, there is no basis to dispute that the U.S. Code contains "the laws of the United States." 1 U.S.C. § 204(a);

Moreover, regardless, EPA's approach cannot give full effect to both amendments because it would ignore the plain meaning of the House amendment – the only version which appears in the U.S. Code. Hence, even under EPA's theory that there were two different valid and equally effective amendments to Section 111(d), EPA still would need to reconcile the two and cannot simply dismiss one entirely by ignoring its plain meaning. *See Reiter v. Sonotone Corp*., 442 U.S. 330, 339 (1979) (EPA would need to give "effect" to "every word" of both interpretations); *United States v. Borden Co*., 308 U.S. 188, 198 (1939) ("When there are two acts upon the same subject, the rule is to give effect to both if possible."); *Watt v. Alaska*, 451U.S. 259, 267 (1981) (an agency or court "must read [two allegedly conflicting] statutes to give effect to each if [it]can do so while preserving their sense and purpose."). The House substantive amendment prohibited EPA from regulating any pollutant—whether HAP or non-HAP—from a source regulated under Section 112, while the Senate conforming amendment would have prohibited EPA from regulating under 111(d) any HAP listed in Section 112. Thus, when read together, these two amendments can only be fully reconciled by prohibiting EPA from regulating under Section 111(d) HAPs from any existing source and non-HAPs from source

categories regulated under Section 112. Such an approach would give full effect to both the amendments.

In all events, even under EPA's reinterpretation of the Act, EPA still has no authority to issue a Section 111(d) guideline because EPA has already used Section 112 to regulate the same VOCs and methane emissions that EPA has stated it intends to address under Section 111(d) based on the ICR. *E.g.*, 81 Fed. Reg. at 35764 (ICR issued in the context of EPA's plans "to address methane and smog forming volatile organic compound (VOC) emissions from the oil and gas industry"). Specifically, in issuing its subparts HH and HHH NESHAPs in 1999, EPA was clear that the hazardous air pollutants it was regulating under Section 112 of the Act were the BTEX compounds which are the VOCs present in oil and gas production emissions. *E.g.*, 64 Fed. Reg. at 32611. Moreover, EPA acknowledged that the Section 112 NESHAP rules would address methane emissions. Indeed, in estimating the expected emission reductions that the NESHAP would achieve, EPA expressly included reductions in "methane" emissions from "existing oil and natural gas production" and "existing natural gas transmission and storage." 64 Fed. Reg. at 32616. Likewise, when updating the NESHAP, EPA emphasized the alleged co-benefits of reduced methane emissions, 77 Fed. Reg. at 49395 ("the emission control measures the industry will use to reduce HAP and VOC emissions will also decrease methane emissions"), and factored the methane reductions into its cost benefit analysis of the NESHAP. 77 Fed. Reg. at 49536 (finding the "emission reductions in VOC and methane emissions are … legitimate components of the total benefit-cost comparison.")

As such, without authority to promulgate the regulations that are the reason for issuing the ICR, EPA should not proceed with this burdensome and costly effort.

B. EPA Also Cannot Regulate Methane from Existing Oil and Natural Gas Facilities Under Section 111(d), Because EPA Has Not Properly Issued New Source Performance Standards Under Section 111(b)

EPA is also not authorized to issue emission guidelines for methane from existing oil and natural gas facilities under 111(d), because before EPA may issue guidelines to the States under Section 111(d) for existing oil and natural gas facilities, the agency first must properly issue new source performance standards for the oil and natural gas source category under Section 111(b). *See* 42 U.S.C. § 7411 (standards of performance may only be established for an existing source "to which a standard of performance would apply if such existing source were a new source"). Although EPA recently issued Section 111(b) standards for methane emitted from new oil and natural gas facilities under OOOOa, it did so without first finding source- and pollutant-specific endangerment, and so EPA has not properly issued the Section 111(b) standards that must precede Section 111(d) standards.

Under Section 111(d), EPA may not regulate a pollutant unless the Agency first makes an endangerment determination that is both source- and pollutant-specific and which meets the significance threshold specified in the CAA. Thus, EPA must separately find that methane emissions from the oil and gas sector specifically "cause[], or contribute[] significantly to, air

pollution which may reasonably be anticipated to endanger public health or welfare." 42 U.S.C. § 7411(b)(1)(A). As EPA has not made such an endangerment determination here, the Section 111(b) performance standards for new sources are unlawful and EPA may not issue guidelines for existing sources under Section 111(d). Without that authority, the proposed information collection is premature as it has no "practical utility" under the PRA given that EPA cannot use the information for its designated purpose in any timely fashion until it has completed the required endangerment determination. *See* 44 U.S.C. § 3502(11) and OMB Guidelines, *supra.*

GPA Midstream is aware that EPA has previously sought to justify its regulation of methane from the oil and natural gas sector by citing the agency's endangerment determination for light duty vehicles under Section 202 of the Act. That, however, is insufficient to meet the requirement imposed by the Congress under Section 111 of the Act. For one, that endangerment finding was not based specifically on the oil and natural gas sector, and thus is irrelevant to the regulated source category here. *See* GPA Midstream, Comments on Oil and Gas Sector: Emission Standards for New and Modified Sources, Proposed Rule (Docket EPA-HQ-OAR-2010-0505) at 6 (Dec. 4, 2015) ("GPA Midstream OOOOa Comments"), *available at https://www.regulations.gov/document?D=EPA-HQ-OAR-2010-0505-6881*. Moreover, the Section 202 endangerment finding criteria differs materially from the Section 111 criteria, because Section 202 does not have the stringent "significance" requirement imposed by Section 111. *Id.* As EPA has acknowledged, Section 111(b) is different than Section 202 because it requires a source-based determination of endangerment that includes a specific finding that emissions from that source category comprise a *significant* contribution to endangerment. *See* 74 Fed. Reg. 66,496, 66506 (Dec. 15, 2009) ("[T]he statutory language in CAA section 202(a) does not contain a modifier on its use of the term contribute. Unlike other CAA provisions, it does not require a 'significant' contribution. See, *e.g.*, CAA section 111(b); 2013(a)(2), (4)."). EPA's other attempts to justify its failure to perform the endangerment analysis required by Section 111 of the Act are equally without merit. GPA Midstream OOOOa Comments at 6-8 (EPA's "rational basis" test fails as a matter of law as it does not satisfy the statutory requirements). Further, since EPA has not completed an endangerment determination for methane (or GHGs) for the oil and natural gas sector, it would be impossible to provide a concrete benefit to evaluate against the burdens imposed by the proposed ICR.

As such, again, EPA should not impose these extensive information collection requirements which EPA cannot lawfully use under Section 111 of the Act.

C. The Clean Air Act Limits EPA under Section 111(d) to Developing an Emission Guideline, not Standards of Performance

In its notice, EPA acknowledges that Section 111(d) does not authorize EPA to issue standards of performance for existing sources, but only to provide "guidelines" to States. 81 Fed. Reg. at 35764. However, EPA goes on to describe the "guidelines" it intends to issue as, in effect, mandatory standards of performance set by the federal government. *Id.* (guidelines would "identify *the emission performance* states *must require their sources to achieve*, and states then submit plans for EPA review and approval, which establish standards of performance that

achieve *that emission performance.*") (emphasis added). This does not comport with the framework of Section 111(d) and should be revised in any final ICR provided to OMB.

The language of Section 111 makes plain that it is *the States* that are authorized to establish standards of performance under Section 111(d). By its terms, Section 111(b) directs EPA to "establish[] Federal standards of performance for new sources within such category," while Section 111(d) directs *States* to "establish standards of performance for any existing source … to which a standard of performance would apply if such existing source were a new source." 42 U.S.C. § 7411(b) and (d). Thus, when establishing standards of performance for existing sources under Section 111(d), the *States* must be permitted to exercise the same authority that EPA exercises under Section 111(b): namely to conduct the necessary analysis, select the best system of emission reduction ("BSER") for a source category or subcategory, and then translate that into source-specific emission standards that take into account the remaining useful life of the existing sources, the economic impact of imposing emission reductions, and other factors that may be appropriate on a case-by-case basis.

EPA, by contrast, has a limited role under Section 111(d). In the first instance, EPA is merely directed to "prescribe regulations *which shall establish a procedure* … under which each State shall submit to the Administrator a plan which establishes standards of performance for existing sources." 42 U.S.C. § 7411(d)(1) (emphasis added). The division of authority is therefore clear. As EPA explained in regulations establishing the procedures for section 111(d) state plans, EPA may only issue a "guideline document" that "provide[s] information for the development of State plans," 40 C.F.R. § 60.22, while it is the States that establish standards of performance. Only in the event that a State "fails to submit a satisfactory plan" is EPA given permission to establish standards of performance for existing sources. 42 U.S.C. § 7411(d)(2).

As EPA acknowledges, this division of labor under Section 111 is based on principles of "cooperative federalism." 81 Fed. Reg. 35764; *see Sierra Club v. Korleski*, 681 F.3d 342, 343 (6th Cir. 2012) (Clean Air Act intended to be "a model of *cooperative* federalism"). EPA takes the initial lead in developing standards of performance for new sources that can be applied on a nation-wide level. Then States, who have a closer working relationship with and understanding of existing sources within their borders, take the lead under Section 111(d) to establish standards of performance for existing sources that are informed by EPA's "guideline document" as well as the unique circumstances of each existing source.

As such, it is essential and required by the Act for the States to have flexibility in responding to any EPA emission guideline document and not be required to meet a fixed standard of performance imposed by the federal government when developing State implementation plans. Existing sources that were not constructed with new pollution control technologies in mind are typically far less homogenous and are constrained by past decisions regarding site layout. As a result, certain pollution control technologies may not be technically feasible, and others may prove less effective than they would under optimal design conditions. Finally, in some cases, the cost of certain emission control technologies may be unreasonable due to the source's limited remaining useful life.

Congress, in enacting Section 111(d), recognized these challenges and gave States additional flexibility to establish standards of performance for existing sources. Congress specifically authorized States "to take into consideration, among other factors, the remaining useful life of the existing source to which such standard applies." 42 U.S.C. § 7411(d)(1)(B). EPA has previously determined that these factors include, but are not limited to, costs associated with plant age, location, or basic process design or the physical inability of installing certain control technology. 40 C.F.R. § 60.24(f). Further, as EPA has recognized, States can evaluate the viability of control technologies on a "case-by-case basis" for individual facilities or classes of facilities. *Id.* Following Congress' direction, EPA provided this flexibility in its implementing regulations in recognition of the inherent differences between building a new facility and retrofitting an existing facility that was originally designed without the specific control technology in mind. *See* 40 Fed. Reg. 53,340, 53,344 (Nov. 17, 1975) (noting in preamble to 111(d) regulations that consideration of cost for existing sources "is inherently different than for new sources because controls cannot be included in the design of an existing facility and because physical limitations may make installation of particular control systems impossible or unreasonably expensive in some cases."); *see also* 40 Fed. Reg. at 53,341 ("while there may be only one standard of performance for new sources of designated pollutants, there may be several emissions guidelines specified for designated facilities based on plant configuration, size, and other factors peculiar to existing facilities.").

This inherent flexibility in the Section 111(d) program allows States to strike an appropriate balance between emission reductions and the economic interests of regulated facilities, their investors, and their customers by adjusting—as appropriate—generally applicable standards of performance to account for source-specific circumstances.[4]

D. EPA Cannot Use the ICR to Produce Standards of Performance Under Section 111(d) That Are More Stringent Than Those Applicable to New Sources Under Section 111(b)

Moreover, if EPA proceeds to propose a final ICR, EPA should be clear in expressing that the ICR would not be used to develop standards of performance under 111(d) that are more stringent than final standards of performance for new sources under Section 111(b). While the States may impose less stringent standards of performance for existing sources that reflect the unique challenges associated with retrofitting pollution controls, the standards of performance applied to new sources under Section 111(b) serve as a ceiling for existing sources under Section 111(d).

First, the Clean Air Act, its history, and how it has been interpreted and applied compel this result. The language and structure of Section 111 make clear that existing sources should be

[4] EPA's existing regulations (40 C.F.R. § 60, subpart B) would not justify an EPA "guideline document" that effectively mandates a specific standard of performance , as applying those regulations in that fashion would be inconsistent with Clean Air Act's express direction that *States* should "establish[] standards of performance for any existing source for any air pollutant." 42 U.S.C. §7411(d).

regulated under Section 111(d) based on the same methodology used for regulation of new sources from the same source category under Section 111(b). As outlined *supra*, the statute ties the two provisions together – the regulation of new sources under Section 111(b) is a necessary prerequisite for regulating existing sources from the same source category under Section 111(d). *See* 42 U.S.C. § 7411 (standards of performance may only be established for an existing source under 111(d) "to which a standard of performance would apply if such existing source were a new source"). By making regulation of existing sources contingent upon EPA first promulgating standards of performance for new sources, Congress intended to make Section 111(d) a supplementary program that complements and is informed by the standards of performance and the analysis of the best system of emission reduction applied to new sources. This follows traditional canons of statutory construction that 'identical words used in different parts of the same act are intended to have the same meaning.'" *Gustafson v. Alloyd Co.*, 513 U.S. 561, 570 (1995) (quoting *Dep't of Revenue of Ore. v. ACF Indus., Inc.*, 510 U.S. 332, 342 (1994)). It is also consistent with the legislative history, as explained by EPA,[5] as well as EPA's own historic reading of the Act. *See* 40 Fed. Reg. 53,340, 53,341 (Nov. 17, 1975) ("the general principle (application of best adequately demonstrated control technology, considering costs) will be the same in both cases.").

Second, while the same methodology must be applied, it is equally the case that the standards of performance established under Section 111(b) provide the ceiling for the Section 111(d) standards, which, in turn, are more flexible and must take into account challenges associated with retrofitting existing facilities with pollution controls. As detailed above, the Act directs EPA and the States to "tak[e] into account the cost of achieving" emission reductions as a part of the performance standards setting analysis. 42 U.S.C. § 7411(a). Likewise, as EPA has recognized, certain control technologies that may be economically feasible for new facilities may be deemed too costly for existing facilities due to the inevitable cost increases associated with retrofitting a facility that was originally designed without the specific control technology in mind. *See* 40 Fed. Reg. at 53,344 and 53,341, *supra*. Moreover, Congress specifically directed States to "take into consideration, among other factors, the remaining useful life of the existing source to which such standard applies." *Id.* § 7411(d)(1)-(2). Thus, the Act gives States additional flexibility under Section 111(d) to establish standards of performance for existing sources in a source-specific context. EPA's own implementing regulations confirm this. *See* 40 C.F.R. § 60.24(f) (under section 111(d), "States may provide for the application of less stringent emissions standards or longer compliance schedules" for existing sources, depending upon circumstances, such as "cost of control," "physical" limitations, and "other factors").

The clear implication of this approach is that standards of performance set for existing sources cannot be more stringent than those established for new sources and will usually be less

[5] The provision which is now Section 111(d) was originally approved by the Senate as a stand-alone provision, Section 114. *Id.* at 53,342. However, the Conference Committee moved that provision to Section 111(d). EPA explained that this decision was significant and "reflected a decision in conference that a similar approach [to that applied to new sources] (making allowances for the costs of controlling existing sources) was appropriate for the pollutants to be controlled under section 111(d)." *Id.*

stringent. The statute only provides this additional flexibility for existing sources – and provides no basis for imposing more stringent standards. That makes good sense, as due to retrofitting costs or design constraints, certain pollution control technologies that are available for new sources cannot be installed in some or all existing sources. As EPA explained when it promulgated implementing regulations for Section 111(d), "the degree of control reflected in EPA's emission guidelines will take into account the costs of retrofitting existing facilities and thus will probably be less stringent than corresponding standards for new sources." 40 Fed. Reg. 53,340.

Taken together, these points highlight the fact that any standard of performance under Section 111(d) that could be created based on information gathered under the ICR, cannot be more stringent than a standard of performance under Section 111(b) for the sector.

II. EPA Should Rescind Part 98, Subpart W

In the proposed ICR, EPA states that 40 CFR Part 98, GHGRP data is insufficient to inform the existing source rule development for the oil and gas sector. As EPA confirms in its Supporting Statement for Public Comment, Information Collection Effort For Oil and Gas Facilities (May 12, 2016) ("EPA Supporting Statement") (page 6), the discrepancy between facility definitions in the GHGRP and all other areas of the CAA essentially creates GHGRP data that is not usable for EPA. However, this is at odds with the intent and purpose of the GHGRP that EPA has previously espoused:

> *The intent of [the GHGRP] is to collect accurate and consistent GHG emissions data that can be used to inform future decisions... However, we also need to be sure the mandatory reporting rule collects facility-specific data of sufficient quality to achieve the Agency's objectives for this rule.*
>
> *The [GHGRP] would provide comprehensive and accurate data which would inform future climate change policies. Potential future climate policies include research and development initiatives, economic incentives, new or expanded voluntary programs, adaptation strategies, emission standards, a carbon tax, or a cap-and-trade program. Because we do not know at this time the specific policies that may be adopted, the data reported through the mandatory reporting system should be of sufficient quality to support a range of approaches.*

74 Fed. Reg. 16448, 16461 and 16456 (April 10, 2009).

According to the GHGRP, EPA should already have the information sought in the ICR for all facilities in the "Onshore petroleum and natural gas production" and "Onshore natural gas processing" segments. As such, if EPA now believes that the GHGRP fails to provide the necessary "facility-specific data of sufficient quality," then GPA Midstream questions the purpose of the GHGRP for the oil and gas industry, and the usefulness of imposing the GHGRP requirements on facilities in these oil and natural gas segments. Recent academic studies have

also questioned the accuracy of GHGRP data.[6] Oil and gas companies have spent millions of dollars in both direct costs and man-hours complying with the GHGRP since its adoption. This effort has only yielded reported data, not emission reductions.

Put simply, the GHGRP has been one of the most cumbersome and impactful air rules ever placed upon the oil and gas industry. Yet, EPA now claims that the data obtained through the GHGRP is insufficient for the very purpose that it was collected – and, as a result, the oil and gas industry now must be subjected to yet another regulatory mandate, a costly and burdensome ICR.

Therefore, in light of its inadequacy in achieving its original purpose, GPA Midstream recommends EPA amend its request to OMB to renew the GHGRP to remove Subpart W. (EPA ICR No. 2300.17, OMB Control No. 2060-0629). In the alternative, EPA should at least revise this ICR to conform with the scope of data previously collected through the GHGRP. If a facility has already submitted data through the GHGRP for 2015 (processing plants under Subpart W), EPA should not be requiring additional data collection beyond the already burdensome and expansive GHGRP.

III. EPA Must Afford Protection Under CIPSEA to the Confidential Data Provided Under the ICR

The ICR is a survey across the oil and natural gas production sector seeking extensive, sensitive confidential business information. These sensitive data are being gathered across industry for statistical purposes and therefore are protected by the Confidential Information Protection and Statistical Efficiency Act of 2002 ("CIPSEA"). Pub. L. No. 107-347 (2002), 44 U.S.C. § 3501, note. Accordingly, GPA Midstream requests full CIPSEA protection for the information requested by the ICR.

CIPSEA protects from disclosure certain confidential business information that companies provide to federal agencies for statistical purposes. Enacted by the Congress due to the "declining trust of the public" that information provided to federal agencies would be protected, CIPSEA seeks to protect "the confidentiality interests of individuals or organizations who provide information under a pledge of confidentiality…" Quite simply, Congress sought to ensure that "organizations who supply information under a pledge of confidentiality to agencies for statistical purposes will neither have that information disclosed in identifiable form to anyone not authorized by this title nor have that information used for any purpose other than a statistical purpose." *See* CIPSEA §§ 511(a)(2)-(5), (b)(2)-(3). To ensure that data provided are afforded full CIPSEA protection, unlawful disclosure is punishable by criminal fines and penalties. CIPSEA §§ 513.

[6] A. Marchese *et. al.*, Methane emissions from the United States natural gas gathering and processing. *Environ. Sci. Technol.***49**, 10718-10727 (2015); Zimmerle *et. al.*, Methane emissions from the natural gas transmission and storage system in the United States. *Environ. Sci. Technol.* **49**. 9374-9383 (2015).

These protections apply fully to the data EPA seeks by its survey, in the form of its ICR, as the information EPA is seeking under the ICR is the type of "statistical information" contemplated by CIPSEA. CIPSEA protects information acquired for "statistical purposes," which "means the description, estimation, or analysis of the characteristics of groups without identifying the groups or organizations that comprise such groups." CIPSEA § 502(9)(A). This "includes the development, implementation or maintenance of methods, technical or administrative procedures, or information resources that support" those statistical purposes. CIPSEA § 502(9)(B). Here, EPA is seeking extensive information about emission sources, operational data, and other information from a statistically significant number of randomly selected companies, including members of GPA Midstream. EPA has stated that it intends to analyze this information and form conclusions about the characteristics of the entire group of emission sources in the oil and gas source category. From those estimations and assumptions, EPA proposes to develop "guidelines" for existing sources in the oil and gas source category, which it will provide to states to develop standards of performance for existing sources that would be of general applicability to the oil and gas source category. In short, EPA will be using the information collected from a statistical sample of oil and gas sources to perform an analysis of the characteristics of the emissions from these sources as a group, and use that analysis to develop guidelines of general applicability to the entire industry. This is precisely the kind of activity that CIPSEA is designed to cover. As such, the data requested by the ICR are entitled to full CIPSEA protections, including the prohibition on improper disclosures.[7]

At a minimum, EPA must take the "CIPSEA Pledge" to protect the identity of the company and facility responding to the ICR. As noted, a core objective of CIPSEA is to ensure that data submitted for statistical purposes to the federal government by private parties is not identifiable with respect to the party that submitted it. *See* CIPSEA § 511(b)(2) (will not be disclosed "in identifiable form"). In enacting CIPSEA, it was Congress' intent to build upon previous federal recommendations regarding data confidentiality, specifically including recommendations that federal agencies should be able to protect against disclosure of agency-collected data "in a manner that would allow public identification of the respondent,"[8] and that certain agency-collected data should not be used "in individually identifiable form."[9] As one federal agency has noted, CIPSEA is designed to provide precisely this protection.[10] By taking

[7] This squares with well established principles protecting from public disclosure confidential information that would cause significant economic and competitive harm. *E.g.*, *Landfair v. United States Department of the Army*, 645 F. Supp. 325, 327-28 (D.C. Cir. 1986); *Critical Mass Energy Project v. Nuclear Regulatory Commission*, 975 F.2d 871, 880 (D.C. Cir. 1992) (holding that any financial or commercial information provided to the Government on a voluntary basis is protected from disclosure if it is of a kind that the provider would not customarily release to the public).

[8] *See* 72 Fed. Reg. 33366 (June 15, 2007).

[9] *See* 72 Fed. Reg. 33366 (June 15, 2007).

[10] United States Department of Agriculture, "Animal Health Statistical Surveys and Confidentiality, National Animal Health Monitoring System" at 1 (emphasis added), *available at* https://www.aphis.usda.gov/animal_health/nahms/general/downloads/NAHMS_CIPSEA.pdf; *see also* 72 Fed. Reg.

the CIPSEA pledge of confidentiality, EPA would pledge that information provided to it in the ICR will not be disclosed in identifiable form and that the information will not be used for any purpose other than a statistical purpose.

Thus, GPA Midstream strongly urges EPA to protect the information demanded by the ICR by recognizing the data are protected fully by CIPSEA – or, at a minimum, by taking the CIPSEA pledge of confidentiality. If EPA were to invoke the protections of CIPSEA, the quality or usefulness of the data received would not be diminished in any way. The data would still be available to inform the agency's activities. Protecting the data would not hinder EPA's ability to analyze and use that data to assess conditions in the oil and gas industry that might serve to form the basis for issuing guidelines to states under Section 111(d).

IV. For Data That Are Not Protected From Disclosure Under CIPSEA, the Scope of Data Elements Protected as Confidential Business Information Should be Expanded

GPA Midstream is concerned that certain information requested by the ICR may compromise competitive business practices for the selected facilities if made public. There are several data points that are required for emission estimates in state permits; however, if multiple facilities from the same company are selected for the ICR, this information would all be available in one place. Such an aggregation and publication of data from multiple facilities may place that company's confidential commercial information at risk by making it easier for competitors to calculate sensitive aspects of how gas is processed on behalf of customers. Accordingly, GPA Midstream supports EPA's proposed CBI designations found in the "Data Category Assignments and Draft Confidentiality Determinations for Data Elements in the Draft Information Collection Effort for Oil and Gas Facilities" memo found in the docket, but strongly suggests that EPA add other data elements to the list. Specifically, Texas Pipeline Association is providing additional data elements that should be added to the list of protected CBI. GPA Midstream endorses and incorporates comments submitted by the Texas Pipeline Association, as if fully set forth herein.

V. Extending the Deadline to Respond to Part 2 of the ICR By At Least 120 Days Would Reduce the Undue Burden Imposed By the Request and Improve the Data EPA Would Be Receiving

Because the deadline proposed by EPA overlaps with existing reporting obligations already imposed by other federal and state requirements, EPA should extend the deadline for responses to Part 2 of the ICR by a minimum of 120 days. This would reduce the undue burden imposed by the ICR – and improve the timeliness and quality of the data that would be provided by respondents.

33368 (June 15, 2007) ("Since the CIPSEA statute is a (b)(3) statute under FOIA, confidential information covered under CIPSEA is exempt from release pursuant to a FOIA request (5 U.S.C. 552(b)(3)).

As stated in the proposal, EPA expects to send out the Part 2 surveys on October 30, 2016 and provide 120 days for a response. Using this timeline, responses would be due around February 27, 2017 depending on when the ICR is received by any particular company. This proposed response date would overlap with several other reporting requirements already placed on industry, including Title V reports, state emission inventories and most importantly the GHGRP annual report. More importantly, the gathering and boosting segment will be reporting GHG emissions under the GHGRP Subpart W for the first time in March of 2017 for calendar year 2016. The same employees and contractors preparing submissions for these existing requirements will also be expected to handle the response to the proposed ICR. EPA requesting additional data from a different year for the selected ICR facilities concurrently would create an undue burden.

As 2016 is the first year gathering and boosting stations are subject to the GHGRP Subpart W, facilities are allowed to use Best Available Monitoring Methods (BAMM) for certain data elements instead of collecting actual operating conditions, actions or counts. During the 4th quarter of 2016, when the ICR is proposed for release, gathering and boosting companies will also be developing implementation plans for collecting the information required by the GHGRP. While some of the information on the ICR may overlap with this GHGRP implementation work, most of the data requested would be unique.

Additionally, EPA proposes to use e-GGRT for facilities to submit data requested by the ICR. Using the same system for both the ICR responses and the GHGRP reporting risks overloading the e-GGRT system and the third-party help desk contracted by EPA. GPA Midstream notes that the e-GGRT Help Desk already often takes a week or more to respond to tickets, and it's only likely that these turnaround times will be even longer in 2017 with the GHGRP changes, without the additional burden of the ICR.

Sampling and equipment count issues also exist with the proposed timeline. Pressurized liquid samples and equipment counts would be required in the winter months which would make the tasks substantially more difficult in parts of the country that receive significant snowfall or face other inclement weather. EPA has also proposed the CARB method for pressurized liquid sampling. Industry is generally not familiar with the CARB sampling methodology, a method, as discussed *infra*, that is not typically used by the laboratories relied on for analysis. From GPA Midstream's inquiries, it does not appear that a sufficient number of consultants and laboratories will be able to process an influx of pressurized liquid samples from the industry. GPA Midstream is concerned that the number of samples requested by EPA during the ICR will create a backlog of samples and could cause facilities to miss the response deadline. The proposed response timeline also includes months when industry, consulting firms and the third-party laboratory employees will have holiday and vacation time, which will further impact resource demands.

Lastly, EPA would also benefit from delaying the data request to later in the year. If the ICR response was due after both the states emission inventories and the GHGRP reports are submitted, EPA could receive 2016 data which, in addition to being the most current data, would allow EPA to see any changes to facilities newly subject to NSPS Subpart OOOOa.

In sum, based on the issues and benefits discussed, GPA Midstream considers the current response timeline to be an undue burden and requests EPA to extend the response timeline from 120 days to 240 days. Moving the response deadline back so it does not overlap with state emission inventory and GHGRP reporting would provide facilities with adequate time to prepare responses and submit their most current 2016 data to EPA.

VI. EPA Should Also Extend the Deadline for Responses to Part 2 of the ICR to Allow Sufficient Time to Select a Representative Sample of Gathering and Boosting Stations

EPA should also extend the deadline for responses to Part 2 of the ICR to allow sufficient time for the agency to compile a representative sampling pool for gathering and boosting stations. The current dataset is known to be incomplete and skewed towards larger facilities. Moreover, once the more complete dataset is available, EPA should propose a revised method to identify a representative selection of facilities to provide Part 2 responses.

EPA has estimated 5,000 onshore petroleum and natural gas gathering and boosting facilities in the respondent universe or sampling pool. After discussion with EPA staff, it is clear to GPA Midstream that the agency does not have a currently available comprehensive single source of data for gathering and boosting operators or facilities.

In Table B-1 of EPA's Supporting Statement, EPA lists the "Count of Parent Companies" and the "Count of Facilities" for each "Facility Type" and the source of the counts. For onshore petroleum and natural gas gathering and boosting facilities, Table B-1 states that the source of the counts comes from as the Pipeline and Hazardous Materials Safety Administration ("PHMSA"). EPA Supporting Statement at 19. EPA provides no explanation as to why PHMSA gathered this information, with what method, when, or from whom, as midstream operators report limited information to PHMSA. Therefore, it is improbable PHMSA would have an accurate list of gathering and boosting facilities or their parent companies. This statement by EPA clearly shows that EPA does not have an accurate list of companies or facilities in order to form a representative sample base.

Additionally, the existing 2015 sources of facility data, such as e-GGRT or Title V programs, will skew the mean facility size of the sampling pool upwards by only requesting data from the large gathering and boosting facilities. For the 2015 GHGRP reporting year, applicable gathering and boosting facilities are only required to report under Subpart C if their combustion emissions are over 25,000 metric tons CO2e. The majority of sites do not meet this threshold and therefore aren't captured in the GHGRP. In addition, only larger sites would require Title V permits and therefore all other sites are not captured. If these types of existing data sources are used for selecting facilities, the sample pool will be distorted and the resulting information from the ICR will not be representative. Misrepresenting the sample pool with larger facilities will give EPA the false sense of heightened emissions across the industry since it will not be capturing data from the smaller facilities. Small businesses and facilities could be harmed if rules are developed based on data that only represents large companies and/or large facilities.

In view of these data constraints, GPA Midstream strongly believes that EPA should delay the Part 2 ICR surveys until it can compile and demonstrate a representative sample base to select facilities. Failure to do this will result in an ICR that provides inherently flawed data. Specifically, EPA should delay the Part 2 ICR surveys at least until after companies report gathering and boosting facilities under the GHGRP in March of 2017. Doing so will provide EPA a more comprehensive list of gathering and boosting companies. Additionally, if EPA were to modify the GHGRP to require a list of facilities reported under each basin for the gathering and boosting sector, it would then also possess a list of the majority of companies and facilities. GPA Midstream suggests that the facility list be a reporting element designated as CBI to ensure the confidentiality of this reported information is maintained.

Once EPA has developed a base representative sampling pool, GPA Midstream also requests EPA to clarify how the sampling pool size will be adjusted once a list of gathering and boosting facilities is obtained. In the Supporting Statement, Table B-3, EPA currently shows that 476 gathering and boosting facilities will be selected for the Part 2 survey based on 5,000 total facilities. GPA Midstream requests clarification about whether the final sampling size will be adjusted once a more accurate number of facilities is established.

VII. EPA Should Clarify and Revise the Inconsistent Data Requests Within Questionnaire

The Part 2 questionnaire contains inconsistencies between the "Intro," "Definitions," and specific equipment tabs which obscure what data EPA is requesting. GPA Midstream makes the following suggestions that would clarify the requested information.

A. Pneumatic Devices Operating on Supplied Air Should Not Require a Count

The intro sheet instructions for pneumatics states, "you must complete the pneumatic device counts in Section 2 of this form based on actual counts at the facility if natural gas-driven pneumatic devices are used." EPA Supporting Statement at 33. This statement would imply (correctly) that pneumatic devices operating on supplied air systems are not required to be counted. However, on the pneumatics tab in section 2, a count is required for all air-driven devices. EPA Supporting Statement at 52. Facilities in general will not have a count of air-driven pneumatics and the count should not be required for pieces of equipment without air emissions. If EPA is attempting to determine whether a facility has both air-driven and natural gas-driven pneumatic devices on the same location, it should ask for a simple yes or no answer on whether air-driven pneumatics are present at the facility. If the answer is yes and a number of devices are provided for gas-driven pneumatics, then the question would be answered without an unnecessary count of air-driven devices.

B. The "Control Devices" Covered By the ICR Should Be Defined More Clearly

On both the intro tab and control device equipment tab, it is unclear what control devices should be excluded from providing information under the ICR. The intro tab instructions state to

"complete this sheet only if flares, combustors, vapor recovery units, or other 'add-on' control devices are used at the facility." EPA Supporting Statement at 34. This instruction and the "control device type" drop-down menu on the equipment tab for control devices seem to assume that only control devices that control a hydrocarbon stream should be listed. In an effort to improve clarity, GPA Midstream suggests EPA amend Attachment 1C, Questionnaire Definitions Sheet, to add the following definition for Control Device:

> "For the purpose of this ICR, control device is limited to equipment that is utilized to recover or reduce emissions from a hydrocarbon process stream. A control device includes, but is not limited to, traditional candlestick flares, enclosed flares, thermal oxidizers/incinerators, vapor recovery units and carbon adsorption systems. Engine catalysts are not included for this request."

C. Small Bulk Chemical Storage Vessels Should be Exempted from the ICR

Another inconsistency is found between the information requested for tanks on the intro tab versus the tanks separators tab. On the intro tab, the instructions for "Tank Separators" ask for information on "all storage vessels at the facility, including produced water, condensate, or hydrocarbon storage vessels except for pressure vessels and tanks used to store fresh (unused) ethylene glycol storage tanks." EPA Supporting Statement at 33. Although there is an exception for the storage of unused ethylene glycol, which is a purchased refined product with low vapor pressure, the tank separator tab, in the feed material characteristics section, requests information for similar material such as "spent (used) ethylene glycol" and "lean amine absorbent." Further complicating what information is being requested, the definitions tab defines storage vessel as it is in NSPS Subpart OOOO/OOOOa where information would only be required for those tanks that contain "crude oil, condensate, intermediate hydrocarbon liquids, or produced water." EPA Supporting Statement at 32. GPA Midstream requests that the ICR questionnaire sheet be updated to request only information regarding those tanks and vessels meeting the current description found on the definitions tab. Specifically, GPA Midstream suggests edits to the Questionnaire Introduction/Instruction Sheet for "Tank Separators" as follows:

> This information should be completed for all **atmospheric** storage vessels at the facility, including produced water, condensate, or hydrocarbon storage vessels except for ~~**pressure vessels and**~~ tanks used to store ~~**fresh (unused) ethylene**~~ glycol ~~**storage tanks**~~ **(including, but not limited to, ethylene glycol, triethylene glycol and propylene glycol), antifreeze, lube oil, used oil, amine (including diethanolamine and diethylamine), methanol, corrosion inhibitors (including H2S scavenger), solvent, diesel (or generator fuel), and water treatment chemicals and other auxiliary tanks**.

VIII. EPA Should Review and Revise the Definitions to Ensure the Terms Are Properly Aligned With Data Forms, Use Existing Regulatory Definitions to Ensure Consistency, and Are Otherwise Appropriate

The ICR includes a number of definitions of important terms that need to be adjusted. For example, the terms provided in the "Definitions" section are not always aligned with the data collection forms. There are also defined terms that are seemingly not used anywhere in the collection forms, and terms used in the collection form that are not defined. GPA Midstream has attempted to identify these below, but we suggest EPA perform a thorough review for missing, superfluous, and inconsistent definitions.

For several terms, EPA creates new definitions for commonly used and understood terms such as "Facility" or "Owner or Operator." These definitions are inconsistent with those used under other Clean Air Act programs, such as the NSPS, NESHAP, or the GHGRP. GPA Midstream urges EPA to avoid creating yet another layer of similar-but-different definitions unless absolutely necessary, or unless they truly improve clarity, as doing so creates confusion and unclear requirements for the regulated community.

GPA Midstream requests the following clarifications on the definitions tab:

Blowdown. Defined as "To vent gas from a well, process unit, or pipeline to reduce the pressure of the system." EPA Supporting Statement at 37. It is not clear whether "process unit" include blowdowns of individual equipment, such as a compressor, or if is this limited to blowdowns of entire process units. Also, this definition may be viewed as including overpressure venting (such as through a pressure relief valve), which is not typically considered to be a blowdown as the industry uses the term and is not tracked for the GHGRP. Additionally, small blowdowns (less than 50 cubic feet physical volume) are not tracked for the GHGRP. To minimize confusion and to ensure the ICR is requesting data that is already available, EPA should align this ICR definition with the GHGRP definition as shown below:

> **Blowdown.** ~~**To vent gas from a well, process unit, or pipeline to reduce the pressure of the system.**~~ **The depressurization of equipment to reduce system pressure for planned or emergency shutdowns resulting from human intervention or to take equipment out of service for maintenance. This excludes equipment with a unique physical volume of less than 50 cubic feet and blowdown vent stack emissions from depressurizing to a flare, over-pressure relief, operating pressure control venting, and desiccant dehydrator blowdown venting before reloading**.

Components (or equipment components). Defined as, "Those parts of major process equipment that are typically included in leak detection and repair programs to reduce equipment leak emissions. Equipment components include, but are not limited to: valves, pumps, connectors

(including flanges), meters, open-ended lines, and pressure relief devices." EPA Supporting Statement at 38. Since all the component types are listed in the Equipment Leaks sheet of the questionnaire, this definition should either be eliminated or copied from an existing regulation such as NSPS Subpart KKK or OOOO.

Continuous bleed pneumatic controller. GPA Midstream requests that EPA revise the definition of a Continuous bleed pneumatic controller, EPA Supporting Statement at 38, as follows:

> **Continuous bleed pneumatic controller.**[11] A pneumatic controller that intentionally bypasses media from source pressure to atmosphere through a bleed port to manage pressure in the actuation space for control purposes. The bleed port is covered by a flapper or block to increase the amount of pressure sent to the end device (close the bleed port) or decrease the amount of pressure sent to the end device (open the bleed port) and does not have a mechanical barrier between supply gas and the end device.

Custody transfer. This term does not appear to be used in the questionnaire sheet and should be removed.

Facility. Defined as, "Any stationary source or group of stationary sources located on one or more contiguous or adjacent properties in actual physical contact or separated solely by a public roadway or other public right-of-way and under common ownership or common control." The definition of "Facility" in the ICR, especially with regard to aggregated facilities, should not be unique, but rather congruent with the most recent "Source Determination Rule" for oil and gas facilities release on June 3, 2016. Several definitions were updated with this rule in Parts 51, 52, 70 and 71. The revised definition found in 40 C.F.R. §52.21(b)(6)(ii) could be utilized as follows:

> **Facility.** All of the pollutant emitting activities that are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant emitting activities shall be considered adjacent if they are located on the same surface site; or if they are located on surface sites that are located within 1⁄4 mile of one another (measured from the center of the equipment on the surface site) and they share equipment. Shared equipment includes, but is not limited to, produced fluids storage tanks, phase separators, natural gas dehydrators or emissions control devices.

Field quality natural gas. Defined as, "Natural gas as produced at the wellhead or feedstock natural gas entering the natural gas processing plant." GPA Midstream notes that in some areas

[11] Simpson, D. Pneumatic Controllers in Upstream Oil and Gas. *SPE Oil and Gas Facilities, 3(5),* 83-96 (2014).

of the country, field gas may be of an acceptable composition and heating value (btu/scf) to be sent from the wellhead to transmission pipelines without any processing. Field quality natural gas can be rich or lean. Therefore, EPA should evaluate this definition to determine whether it will provide the agency the information it seeks, since the term itself does not provide any information about gas composition.

Intermittent Bleed Controller. GPA Midstream requests that EPA replace the proposed definition with the following language:

> **Intermittent Vent Controller.**[12] A pneumatic controller that has a mechanical barrier between the supply gas and the end device. These units do not allow supply gas and a vent port to be open at the same time.

Maximum average daily throughput. Defined as, "The earliest calculation of daily average throughput during the 30-day potential-to-emit evaluation period employing generally accepted methods." EPA Supporting Statement at 40. This definition is from NSPS OOOO, but it doesn't appear to be used on the forms. GPA Midstream asks that EPA remove this term and not use this concept in the ICR, because the throughput during the 30-day potential-to-emit evaluation period may be irrelevant to current throughput. Additionally, this term and concept were only recently introduced with NSPS OOOO, so for existing tanks, this data will not be available. The forms generally contain terms like "average flow rate" or "average throughput." These terms are acceptable, with the caveat that EPA should define calendar year 2016 as the period/averaging period for all data to ensure a consistent reporting basis across operators.

Natural gas (NG). Defined as, "A naturally occurring mixture or process derivative of hydrocarbon and non-hydrocarbon gases found in geologic formations beneath the earth's surface, of which its constituents include, but are not limited to methane, heavier hydrocarbons and carbon dioxide. Natural gas may be field quality, pipeline quality, or process gas." EPA Supporting Statement at 40. GPA Midstream notes that EPA does not define "pipeline quality" and may want to do so, depending on the application of this definition. We assume this term is used to refer to gas that meets transmission and distribution sector quality specifications. The processed gas stream from a gas plant (residue gas) meets these kinds of specifications, and field gas in some areas of the county may also meet these specifications.

Natural gas liquids. Defined as, "The hydrocarbons, such as ethane, propane, butane, and pentane that are extracted from field quality natural gas." EPA Supporting Statement at 40. This definition is not adequate as it does not refer to the liquid state of these hydrocarbons, it uses an undefined term "extracted," and it uses the term "field quality" which seems to be an unnecessary qualifier for "natural gas." GPA Midstream suggests instead the following definitions based on the GHGRP Subparts A and W:

[12] Simpson, D. Pneumatic Controllers in Upstream Oil and Gas. *SPE Oil and Gas Facilities, 3(5),* 83-96 (2014).

> **Natural gas liquids (NGLs).** Hydrocarbons in natural gas that are separated from the gas as liquids through forced extraction of natural gas liquids. Generally, such liquids consist of ethane, propane, butanes, and pentanes plus. Bulk NGLs refers to mixtures of NGLs that are sold or delivered as undifferentiated product from natural gas processing plants.
>
> **Forced extraction of natural gas liquids.** Removal of ethane or higher carbon number hydrocarbons existing in the vapor phase in natural gas, by removing ethane or heavier hydrocarbons derived from natural gas into natural gas liquids by means of a forced extraction process. Forced extraction processes include but are not limited to refrigeration, absorption (lean oil), cryogenic expander, and combinations of these processes. Forced extraction does not include in and of itself; natural gas dehydration, or the collection or gravity separation of water or hydrocarbon liquids from natural gas at ambient temperature or heated above ambient temperatures, or the condensation of water or hydrocarbon liquids through passive reduction in pressure or temperature, or portable dewpoint suppression skids.

Net heating value. Defined as, "The energy released as heat when a compound undergoes complete combustion with oxygen to form gaseous carbon dioxide and gaseous water (also referred to as lower heating value)." EPA Supporting Statement at 40-41. While this definition for net heating value is adequate, GPA Midstream notes that industry standard practice is to measure/use gross heating value (also known as, Higher Heating Value or "HHV"). HHV is also used in the GHGRP (see 40 CFR, Part 98, Subpart C, Table C-1). GPA Midstream suggests EPA add the following definition and base the ICR on HHV.

> **Gross heating value.** The energy released by the complete combustion of a unit volume of gas in oxygen, including the heat which would be recovered by condensing the water vapor formed. Also known as Higher Calorific Value (HCV) or Higher Heating Value (HHV).

Onshore natural gas processing plant (or facility). Defined as, "Any onshore processing site engaged in the extraction of natural gas liquids from field quality natural gas, fractionation of mixed natural gas liquids to natural gas products, or both. A Joule-Thompson valve, a dew point depression valve, or an isolated or standalone Joule-Thompson skid is not a natural gas processing plant." EPA Supporting Statement at 41. To avoid any confusion with facilities that have gravity separation of liquids, GPA Midstream suggests that EPA revise the definition as follows, along with the definition of "forced extraction of natural gas liquids" proposed above.

> **Onshore natural gas processing plant (or facility**). Any onshore processing site engaged in the **forced** extraction of natural gas liquids from field quality natural gas, fractionation of mixed natural gas liquids to natural gas products, or both. A Joule-Thompson valve, a dew point depression valve, or an isolated or standalone Joule-Thompson skid is not a natural gas processing plant.

Onshore petroleum and natural gas gathering and boosting facility. Defined as, "Any onshore site with gathering pipelines and other equipment used to collect petroleum and/or natural gas from onshore petroleum and natural gas production facilities and to compress, dehydrate, sweeten, or transport the crude oil and/or natural gas to a natural gas processing facility, a natural gas transmission pipeline or to a natural gas distribution pipeline." EPA Supporting Statement at 41. As GPA Midstream and API previously commented during the GHGRP 2015 rulemaking (comments filed February 24, 2015, Docket EPA-HQ-OAR-2014-0831), mixing definitions for petroleum facilities with natural gas facilities simply does not make sense and does not have reasonable application. The definition states, "to a natural gas processing facility, a natural gas transmission pipeline or to a natural gas distribution pipeline." Petroleum would never be moved to any of these destinations. Industry does not think of the "gathering and boosting" industry segment as an industry segment that moves petroleum; rather it is a natural gas business. It would be vastly more clear and in line with industry understanding if EPA were to define petroleum collection and transportation as its own industry segment, or bring it in to the scope of the production industry segment. GPA Midstream respectfully requests that EPA not propagate this definition from the GHGRP into this ICR process or into any future rulemaking for the gathering and boosting industry segment.

Pneumatic device. Defined as, "Any device which generates or is powered by compressed air or natural gas which includes pneumatic controllers, pneumatic valve actuators, and pneumatic pumps." EPA Supporting Statement at 41. The phrase, "which generates or" should not be used, as this would seem to include the air/gas compression system in with the users of the pneumatic power. GPA Midstream presumes EPA does not intend to include process gas compressors in the definition of "pneumatic device." Additionally, because "generates… natural gas" is not defined, GPA Midstream is concerned that EPA could adopt a very loose or overly broad interpretation of "pneumatic device" to include any equipment that generates natural gas emissions. We suggest the following definition:

> **Pneumatic device.** Any device which ~~**generates or**~~ is powered by compressed air or **compressed** natural gas which includes pneumatic controllers, pneumatic valve actuators, and pneumatic pumps.

Reciprocating compressor. Defined as, "A piece of equipment that increases the pressure of a gaseous stream by positive displacement, employing linear movement of the driveshaft." EPA Supporting Statement at 42. To maintain consistency with the definitions of "Compressor" and "Centrifugal compressor" in the proposed ICR and to align with the definition for reciprocating compressor found in the GHGRP, Subpart W (40 C.F.R. §98.238), GPA Midstream requests the following revision:

> **Reciprocating compressor.** A piece of equipment that **significantly** increases the pressure of a gaseous stream by positive displacement, employing linear movement of the driveshaft.

Separator. Separators are absolutely not tanks. *See* EPA Supporting Statement at 42. They are process vessels. (Please see separate discussion below regarding tanks). At a minimum, EPA needs to modify the definition of "Separator" as follows. .

> **Separator.** A process ~~**tank**~~ **vessel** specifically designed to separate gaseous fluids from liquid fluids produced from a well or as received via a pipeline. Generally, separators are operated at pressures greater than ambient air pressure.

Snap Acting Controller. EPA should not require data by pneumatic controller action types since it would require a time consuming assessment thereby adding significantly to the overall burden of the data collection. Classification of intermittent vent controllers into throttling or snap-acting should be removed. Depending on the operational design, intermittent vent and continuous bleed controller types can be either in on/off service or throttling service. As such, EPA's proposed definition of a snap acting controller is insufficient for identifying controllers operating in that service. If this requirement stays in the ICR, EPA should replace the definition with the following:

> **Snap Action Controller.** An on/off controller that does not send an "open" signal until the sensing device moves to the maximum extent of travel. When the sensing element reaches its minimum value, the controller rapidly depressurizes the actuation space.

Storage tank or vessel. Defined as, "A tank or other vessel that contains an accumulation of crude oil, condensate, intermediate hydrocarbon liquids, or produced water, and that is constructed primarily of nonearthen materials (such as wood, concrete, steel, fiberglass, or plastic) which provide structural support. For the purposes of this ICR, pressure vessels (vessels designed to operate at pressures of 30 psig or higher) are not considered storage tanks." EPA Supporting Statement at 42. This definition is derived from the definition of "Storage vessel" in NSPS Subpart OOOO; however, the exclusion in the NSPS of "process vessels such as surge control vessels, bottoms receivers or knockout vessels" is not included in this ICR definition. This exclusion must be included, as process vessels are present at existing oil and gas operations but do not have emissions. Accordingly, EPA should revise this definition as follows:

> **Storage tank or vessel.** A tank or other vessel that contains an accumulation of crude oil, condensate, intermediate hydrocarbon liquids, or produced water, and that is constructed primarily of nonearthen materials (such as wood, concrete, steel, fiberglass, or plastic) which provide structural support. For the purposes of this ICR, pressure vessels (vessels designed to operate at pressures of 30 psig or higher) **and process vessels (such as surge control vessels, bottoms receivers or knockout vessels)** are not considered storage tanks."

Throttling controller. EPA should not require data by pneumatic controller action types, as it would require a time consuming assessment thereby adding significantly to the overall burden of the data collection. Classification of intermittent vent controllers into throttling or snap-acting

should be removed. EPA's proposed definition of throttling controller does not correctly define throttling service and can apply to both a throttling controller and an on/off controller that does not fully actuate. As such, EPA's proposed definition of throttling controllers confuses the effort of identifying controllers operating in that service. If this requirement stays in the ICR, EPA should replace the definition with the following:

> **Throttling controller.** A controller that is designed to hold an end device in an intermediate position and move it from any position to more (or less) open without a requirement to go to fully open or fully shut every actuation cycle.

Total compressor power rating. Defined as, "The nameplate capacity of the compressor power output of the compressor drive." EPA Supporting Statement at 43. This definition is unclear, as it mixes information about the compressor and the compressor driver (which are nearly always separate and distinct pieces of equipment). GPA Midstream suggests that EPA revise the definition as follows:

> **Total compressor *driver* power rating.** The nameplate **brake** horsepower ~~**capacity**~~ of the ~~**compressor power output of the**~~ compressor ~~**drive**~~ **driver**.

Underground storage vessel. Defined as, "A storage vessel stored below ground." EPA Supporting Statement at 43. While GPA Midstream appreciates the simplicity of this definition, it does not provide much clarity. We suggest that the EPA modify this definition to align with concepts used in SPCC (*see* 40 C.F.R. § 112.2) and RCRA (*see* 40 C.F.R. § 280.12). However, GPA Midstream cannot find where this term is used within the actual data collection request itself. As such, GPA Midstream cannot offer a specific definition for this term because it is unknown how EPA intends to use it.

Volatile organic compounds (VOC). There is a typo at the end of this definition, "Compounds that have been determined to have negligible photochemical reactivity, such as methane and ethane, are excluded from the define" [sic].

Zero Bleed Pneumatic Controller. This is a confusing term and definition and GPA Midstream recommends that EPA delete this term from the ICR. The definition proposed in the ICR has two conflicting statements and ultimately lead the user to determine the device is an intermittent vent device, which EPA has already established as a sub category. Additionally, if the device does not release gas to the atmosphere there is no value in the information reported and could not reliably be used to determine overall impacts.

Additionally, the term zero bleed pneumatic controller is a marketing term with no discernible meaning. Some regulators have defined no bleed as any controller that uses compressed air or compressed nitrogen instead of a methane mixture, but this practice has proved to be very confusing. Intermittent vent controllers (which do not emit between deactuation cycles) are often mistakenly referred to as no-bleed controllers.

GPA Midstream notes that definitions are not available for the following terms, and may be helpful to ensure consistency between respondents:

- Equipment Leaks: "Gas Service," "LNG Service," "Light Crude Service," and "Heavy Crude Service" (40 CFR 60.481a, NSPS Subpart VVa has definitions for "In gas/vapor service," "In heavy liquid service," and "In light liquid service." 40 CFR 60.5430a, NSPS OOOOa has a definition for "In light liquid service." GPA Midstream is not aware of a definition for "LNG Service")
- Tanks Separators: "Floating Roof" (40 CFR 60.111, NSPS Subpart K has a definition for "Floating Roof")
- Tanks Separators: "Gasketted, lockdown thief hatch," "Ungasketted, lockdown thief hatch," "Gasketted, spring-loaded thief hatch," "Ungasketted, spring-loaded thief hatch," "Gasketted, dead-weight thief hatch," "Ungasketted, dead-weight thief hatch." GPA Midstream is not aware of where these terms are currently defined.
- Tanks Separators: "Continuous Monitor." GPA Midstream in unclear whether this is limited to a monitor that is sending real time information to a control panel and/or data recorder.
- Pneumatics: "Chemical injection piston pump," "Chemical injection diaphragm pump," "Liquid Circulation (Kimray) pump." (40 CFR 98.6 defines "Absorbent circulation pump.")
- Equipment Leaks: "Optical gas imaging," "EPA Method 21/OVA," "Any visible emissions using OGI" ("OGI" is not defined). (40 CFR 60.18(g)(4) defines "Optical gas imaging instrument." For these comments, GPA Midstream assumes "OVA" means "Organic Vapor Analyzer", not "Olfactory, Visual, Audible."
- Equipment Leaks: "Screening/Infrared laser beam illuminated," "Screening/Acoustic leak detection". GPA Midstream is not aware of where these terms are currently defined (these terms are used in the GHGRP but not defined).
- Equipment Leaks: "In-line heater." GPA Midstream is not aware of where this term is currently defined.
- Compressors: "Calibrated bagging," "High volume sampler." (40 CFR 98.6 defines "Calibrated bag.")
- Compressors: "Liquefied Petroleum Gas (LPG)." GPA Midstream is not aware of where this term is currently defined.

IX. EPA's Assumptions Regarding the Costs and Burdens Imposed on Industry In Order to Respond to the ICR Need to Be Revised

Table 2 of EPA's Supporting Statement lists out the assumptions that have been made in EPA's cost/burden estimate. EPA Supporting Statement at 13. In the tables below, GPA Midstream has added onto EPA's Table 2 with what industry believes is a more accurate depiction of its operations. GPA Midstream has provided EPA with comments below on the inaccuracies of EPA's estimate, which were used to determine cost/burden imposed on the oil and gas industry. The adjustments show that EPA's fractional analysis is underestimating the amount of time to respond to EPA's ICR.

A. Tanks Separators

GPA Midstream strongly believes EPA should separate the categories of separator and tank. The assertion that there is always one separator for two tanks is incorrect for midstream operations and should not be perpetuated.

1. As Table 2 currently stands, GPA Midstream agrees that two separators and four tanks are an appropriate estimate for the gathering and boosting ("G&B") sector.

2. It is not appropriate to assume that there are the same number of separators and tanks at processing facilities as there are at G&B sites. Processing sites by nature are much larger than gathering and boosting compressor stations and may therefore have a larger number of both tanks and/or separators. With the assertion that only inlet separators that dump to atmospheric storage tanks should be included as separators, GPA Midstream believes that there could be 2-4 separators per processing site on average. The number of atmospheric storage tanks is also likely to be greater than 4 at processing facilities. At a small processing facility it may be possible to have as little as 2-4 tanks, however the larger processing facilities will likely have more.

Overall, to reemphasize, G&B and processing facilities do not maintain the one to two separator to tank ratio and therefore tanks and separators should be separate categories, not combined for the cost burden estimate.

B. Pneumatic Devices

1. This category includes all pneumatic devices, both controllers and pumps, natural gas driven and air driven. EPA is using the same "number of units per form used to estimate time needed to complete form" value for all industry sectors with the only differentiating factor being whether there is "device specific information." What EPA is failing to take into account is

the varying number of devices per site. A processing plant will have many more than a large compressor station which will have many more than a small compressor station or production site. The burden associated with gathering this large amount of information cannot be overlooked and EPA needs to take into account site size in the estimate of the burden imposed. This information, for the most part, has never been required to be gathered before for G&B, much less at processing sites that use instrument air.

2. Sites using instrument air do not keep device inventories because these devices are not emissions sources and therefore not required in site specific permitting. There is no need for EPA to be collecting information on sources that do not have any emissions associated with them.

C. AGRU

1. EPA's estimate that half of the G&B sites have Acid Gas Removal Units ("AGRUs") is overestimated. Less than half of G&B sites will have a unit on site. EPA's estimate that half of the processing sites will have AGRUs is reasonable. GPA Midstream notes that nearly all processing plants report AGRUs under the GHGRP, so EPA should be able to use this data to come up with a very precise burden estimate.

D. Dehydrators

1. EPA's estimate that half of the G&B sites will have a dehydrator unit is an underestimate. This value should be higher since the majority of sites will have a dehydrator to keep water out of the gathering lines.

2. EPA's estimate of one dehydrator per processing site is an underestimate. As stated later in this document within Section XII. (J), GPA Midstream does not believe that mole sieve dehydrators should be considered within the scope of the ICR. For further discussion please see Section XII. (J). However, since they are included within the ICR they should be included in the burden calculations. Depending on the size of the processing facility there will be at least two, if not more dehydrators on site. Two mole sieve dehydrators are always used as the minimum in plant operations so that one can be running while the other regenerates, if both dehydrators are down then the plant cannot operate. In addition, many processing plants will have a glycol dehydrator on the front end of the facility to do the first stage of dehydration to reduce the burden on the mole sieves. Additionally, some processing plants have small glycol dehydrator to treat desiccant dehydrator regeneration gas. GPA Midstream notes that nearly all processing plants report desiccant dehydrators and glycol dehydrators

under the GHGRP, so EPA should be able to use this data to come up with a very precise burden estimate.

E. Compressors

1. EPA does not specify what the makeup is of the four compressors assumed to be at a site. EPA should clarify whether it is four reciprocating compressors, four centrifugal compressors, or a combination of both. . Four compressors per site is an appropriate average for G&B. However, EPA estimate 2 compressor per processing site, which is extremely underestimated. Processing sites can have inlet compressors, residue compressors, overhead compressors, regeneration compressors, refrigeration compressors, vapor recovery units, and compressors in other services. GPA Midstream estimates that 10 compressors per processing plant is a more appropriate estimate.

F. Equipment Leaks and Blowdown Events

1. As GPA Midstream noted in its comment on pneumatic devices above, EPA cannot use the same "number of units per form used to estimate time needed to complete form" value for all industry sectors with the only differentiating factor being whether there is "component specific information" or "event specific information." Using the same basis for all industry sectors is inaccurate, as it does not accurately reflect differences among sectors.

G. Control Devices

1. GPA Midstream agrees that one flare and one vapor recovery unit ("VRU") may be an appropriate estimate for the G&B sector, but the same estimate is not appropriate for processing. Processing sites are much larger and will typically require more control devices and process stream capture (VRUs) than a G&B site.

GPA Midstream's revised Table 2 is as follows:

GPA Midstream Revised Table 2					
Form/Sheet Name	**Number of Units per Form Used to Estimate Time needed to Complete Form**	**Fraction of Facilities with Source Type**			
		EPA G&B	**GPA Midstream estimated G&B***	**EPA Proc**	**GPA Midstream estimated Proc***
Facility (&Intro)	1	1	1	1	1
Well Sites - Pads	2 wells	-	-	-	-
Tanks Separators	6 (2 separators; 4 tanks)	1	1	1	*See Comments Above*
Pneumatic Devices	1 (multiple devices, but no device specific info)	0.5	2	0.5	4
AGRU	1	0.5	0.2	0.5	0.5
Dehydrators	1	0.5	0.7	1	3
Compressors	4	1	1	0.5	2.5
Equipment Leaks	1 (many components, but no component specific info)	1	2	1	4
Blowdown Events	1 (multiple events but no event specific info)	1	2	1	4
Control Devices	2 (1 flare and 1 VRU)	1	1	1	1.5

*** For further explanation on how GPA Midstream populated these columns please see IX. A-G above. Please note numbers greater than 1 indicate where EPA should raise the "Number of Units" value assumption for a given equipment category.**

X. EPA Should Narrow the Scope of Pressurized Liquid Sampling and Allow Facilities the Flexibility to Use Different Sampling Methods, As Opposed to Requiring use the Draft CARB Method

GPA Midstream requests that EPA reconsider the mandate in the ICR to use the draft CARB sampling method for liquid sampling. Instead, EPA should allow facilities the flexibility to use other, approved methods – and should reduce the scope of sampling due to the significant cost of gathering these data.

The ICR references the CARB method dated April 22, 2015, which appears in draft format. However, a later version of the CARB sampling and testing method can be found dated February 1, 2016 under a proposed regulation. The February 1, 2016 version can be found here: http://www.arb.ca.gov/cc/oil-

gas/meetings/Draft%20ARB%20OG%20Regulation_Feb%201%202016%20Track%20Change.pdf. This link shows the changes between the version dated April 22, 2015 and the version dated February 1, 2016.

The CARB method, even as revised, continues to be in draft form. It has not gone through a national review process, is not an EPA/Industry-approved sampling and testing method, and few laboratories are qualified to use the method. In addition, there are real technical concerns with the method suggesting it is simply not ready to be distributed on such a large scale. Please see the following list of major issues with the CARB method:

- GPA Midstream surveyed five major laboratories and found that only three out of the five were able to conduct the sampling. Of the three that were able to do the work, the average cost was $2,177.00 per sampling event with the highest being $2,615.00. It is our understanding after speaking with a representative of CARB that the original estimate of $1,000 was provided as related to facilities strictly within the state of California where a better laboratory network/infrastructure exists. Most of the midstream facilities requiring pressurized condensate sampling under the proposed ICR are very remote, and the associated travel costs for laboratory professionals to take the samples would be considerable. It is important to consider that the majority of companies within GPA Midstream would be required to have third-party laboratory professionals obtain the samples, since many companies do not have staff qualified to take samples following the CARB method. The average cost above assumed only two hours of travel time, whereas travel times could be 12 hours or greater. An estimate of $75/hour for travel was provided, which means travel alone could cost $900 or more per sample. Therefore, the additional costs of travel and higher sampling/analysis costs need to be incorporated into EPA's cost estimate.

- The CARB sampling methodology has some similarities to GPA Method 2174, "Obtaining Liquid Hydrocarbon Samples for Analysis by Gas Chromatography." Please note, however, that there are several key differences:

    - The CARB method asks for the sampling piston cylinder to be filled up to 95%. However, GPA method 2174 states, "Under no circumstances should the cylinder be filled beyond 80% of its capacity with sample." Piston cylinder manufacturer literature (from Ametek Piston Sampling Cylinders) specifically confirms this. This creates a safety and transportation hazard since over-filling the sample container could result in a release of hydrocarbons through the relief valve due to thermal expansion.[13] The US DOT confirms that sample cylinders should never be filled greater than 80%

[13] Communication with Joe Landes of SPL Labs.

with volatile samples for these reasons. Therefore, GPA Midstream requests the use of GPA Method 2174 for sample collection.

- GPA method 2174 recommends a sampling rate of 60 ml/minute, however, the CARB method dictates a sampling rate of 180 ml/minute. Concerns have been expressed that this sampling rate is too fast with the result being that the sample could flash with gas going up the sample line causing a safety hazard and leading to inaccurate results. Therefore, GPA requests that the sampling rate be decreased to 60 ml/minute under GPA Method 2174.

Additionally, many midstream facilities do not have a dedicated sample port at the locations EPA specifies. This would require the shutdown of the facility to install a sample port. GPA Midstream requests EPA to allow alternate sampling locations and/or methodologies- including taking liquid samples from a sight glass. This would also reduce the emissions from flaring/blowdowns due to shutting down gathering/processing facilities.

GPA Midstream also requests that EPA allow laboratories the option to conduct analysis under GPA method 2103, or any other equivalent method that allows for the measurement of flash gas as determined by the laboratory conducting the analysis. Although the CARB method offers limited guidance for this, GPA Midstream has learned that laboratories have variations in how the flash liberation method is conducted and have their own internal standard operating procedures which vary from laboratory to laboratory. GPA Midstream would urge EPA to gather additional information from laboratory experts before requiring analysis under a method which could lead to inconsistent results.

Regardless of which method is used, GPA Midstream also requests that EPA remove the burden of sampling from each facility that receives the request, as the cost to conduct the sampling/testing will be more than triple what EPA originally calculated. Instead, the pressurized liquid sampling should be limited to sufficient number of facilities that would provide a representative composition analysis for a particular basin. This will allow EPA to receive representative data and would eliminate unnecessary and costly duplication of facilities conducting sampling that are within a close proximity of each other.

XI. EPA Should Simplify e-GGRT Reporting Requirements

GPA Midstream suggests e-GGRT registration should be simplified for ICR response submittal. Facility registration in e-GGRT is extremely cumbersome and involves numerous steps:

1. Register users
2. Each user creates user profile
3. Each user signs and submits hard copy of electronic signature agreement to EPA
4. Wait EPA approval of account activation notice
5. Register the facility

6. Appoint the Designated Representative (DR)
7. Add the Alternative Designated Representative (ADR) and agents one-by-one,
8. Wait for EPA to approve the facility and issue invitation code to DR
9. DR pastes invitation code into e-GGRT
10. DR confirms ADR and Agents (if applicable)
11. DR submits the certification statement
12. DR repeats this process for each facility
13. EPA then sends invitation codes to ADR and Agents
14. ADR/Agent pastes invitation code into e-GGRT
15. ADR/Agent accepts role
16. ADR/Agent repeats this for each facility
17. DR then signs the Notice of Delegation in e-GGRT
18. DR reviews Certification Statements and submits
19. DR repeats for each facility

EPA should review this process to see how it can be streamlined before asking industry to register thousands of facilities. For example, allowing the DR/ADR/Agent to accept their roles for multiple facilities at once would save a tremendous amount of time.

EPA must provide a "sandbox testing" time of at least 60 days for e-GGRT. As experienced multiple times in the GHGRP, data collection interpretations may be made during the programming of e-GGRT which conflict with EPA's written requirement or are otherwise incorrect. The public will need an opportunity to review e-GGRT to ensure it aligns exactly with the final Excel data collection templates for the ICR.

GPA Midstream is also concerned e-GGRT technical assistance will not be available, or at least slow to respond, due to the volume of emails and phone calls that are expected for both the ICR and the new gathering and boosting sector GHGRP, which will be using the system for the first time with new requirements and data entry sheets. This again supports GPA Midstream's suggestion that these two periods should be separated by extending the ICR response timeline to at least 240 days instead of the 120 days currently proposed.

XII. EPA Should Make Additional Changes to the ICR to Ensure the Practical Utility of the Information Requested as Required By the Paperwork Reduction Act

A. Acid Gas Removal Units Should be Removed from the ICR

Acid gas removal units ("AGRUs") are included in the ICR, however they are not a significant source of methane or VOC emissions and have been subject to an NSPS since January 20, 1984 under Subpart LLL. AGRUs are included in the most recent revision to the NSPS for oil and gas (Subpart OOOOa) and require emission controls only for sulfur dioxides, not for methane or VOCs. GPA Midstream questions the practical utility of having industry spend time and capital to collect this information when the source has been recently evaluated for emissions under NSPS Subpart OOOOa and when there will be very few existing AGRUs

(not covered by an NSPS). GPA Midstream respectfully requests EPA remove acid gas removal units from the proposed ICR.

B. Dehydration Units Should be Removed from the ICR

Dehydration units are also included in this ICR, but should likewise be removed for similar reasons. Not only are dehydration units not included in NSPS Subpart OOOOa, existing dehydration units are already regulated directly under NESHAP Subpart HH/HHH. The NESHAP requires control of hazardous air pollutants ("HAPs") from both new and existing dehydration units, and the controls for those compounds have also been shown to reduce both VOCs and, in most cases, methane. GPA Midstream questions the utility of industry spending time and capital providing this information to EPA and respectfully requests EPA to remove dehydrator units from the proposed ICR.

Moreover, as outlined above, GPA Midstream urges EPA not to proceed with this ICR because it is not necessary to the proper performance of the agency's functions and will not have practical utility to the agency as required by the federal PRA. *See* 44 U.S.C. § 3508, discussed *supra*. The Clean Air Act prohibits EPA from regulating existing sources under Section 111(d) if those sources are also part of a source category that is subject to regulation under Section 112. Even if EPA persists in disputing this clear requirement of the Act, at a minimum, because dehydration units are already expressly covered by regulations issued under Section 112, EPA should not be regulating them a second time under Section 111(d). As such, obtaining information regarding these units has no practical utility – and thus it would violate the PRA to include them under the ICR.

C. Control Devices Should be Connected to Process Streams and Equipment

GPA Midstream is concerned that the control device information to be collected through the proposed Part 2 questionnaire will not be provided in enough detail to give EPA a complete picture of actual operations and retrofit costs. Control devices on gathering and processing facilities are commonly used to control streams from multiple emission sources, however the control device tab does not connect the control device with the specific sources they are controlling.

EPA should not make assumptions as to what sources a control device may be controlling. Incorrect assumptions about a control device will lead to incorrect cost/benefit assumptions about existing sources. This undermines the stated intention of the ICR as stated in the Federal Register notices;

> *"To determine how to efficiently and effectively address emissions from this volume of sources in a timely, but administrable manner, we need more comprehensive information that will improve our understanding of what emission controls are being used (and perhaps shared) in the field, how those are configured, the difficulty of replacing or*

upgrading controls, how much time will be needed to retrofit, what the likely costs of retrofitting are…"

81 Fed. Reg. at 35,764 (emphasis added). Despite EPA's stated goal, the Control Device tab provides no way for EPA to understand if control devices are shared.

Not connecting the control device with the correct emission streams will lead to incorrect assumptions that a low emission stream could be controlled economically. In reality this may only be feasible when the control device is already installed for another purpose. This kind of reasoning was found in the pneumatic pump standard in NSPS Subpart OOOOa for production facilities. Production facilities are only required to control the pneumatic pumps if there is an existing control device already present at the facility.

In addition to connecting the control device to the process and/or equipment, EPA should also request data on why the control was initially installed. EPA should include questions regarding the regulation, rule or permit requiring the control. On Table 3 of the Control Device tab, EPA should add a column for "Primary Installation Driver" which should be a drop down selection list that contains all enumerations from the columns called "List current environmental regulations to which the well site [sic] must comply" (with the additions/changes suggested by GPA Midstream in comment XII.B).

D. The Proposed Deadline for Responding to Part 2 of the ICR Will Lead to EPA Receiving Outdated Information

After the end of a calendar year, it takes time to collect, consolidate, and finalize annual data. This is why most state emission inventory questionnaires are due at the end of March or April. However, the ICR is due at the end of February 2017. This means that respondents may not have calendar year 2016 data finalized and will have to use calendar year 2015 data for certain fields in the ICR. Thus, due to the timing of the ICR, much of the data (particularly annual data) will necessarily be based on calendar year 2015 and as such, the data will be out of date by a year. However, if EPA were to delay the deadline for responding to the request as outlined above calendar year 2016 data will be finalized and readily available. Again, GPA Midstream asks EPA to extend the deadline for Part 2 of the ICR by at least 120 days.

XIII. EPA Should Make Additional Corrections and Clarifications

There are several additional corrections that would improve the ICR detailed below. These are items that may apply to multiple questionnaire sheets.

A. EPA Should Provide More Guidance on What Information is Expected

As demonstrated below in this section, the data requested from the respondents is not always clear to industry, and thus EPA should include a separate document either with the ICR, or in the docket, that explains the expected scope of the response for the questionnaire. The document

should also break down the responses that are available in any of the drop down menus so respondents can review where certain terms are used.

B. Current Environmental Regulations for Equipment Tabs Must be Updated and Revised

Several of the equipment tabs have a section where the respondent is required to check applicable regulations. For each tab with this section the column header uses the words "well site." That should be changed to "facility" to avoid confusion.

GPA Midstream also notes the equipment at facilities subject to NSPS OOOOa should be excluded from the ICR request. Additionally, any facility constructed after September 18, 2015 should not be part of the ICR since all the equipment are already subject to an NSPS.

Each tab with this section also lists 43 CFR Part 3100 Subpart 3179 which is the proposed methane rule for the Bureau of Land Management. Since this rule is proposed and not yet effective, it should be removed from the list.

A check box should be added for "enforceable permit limits," which would be used by facilities that have enforceable limits or monitoring/recordkeeping requirements under synthetic minor permits. This category would be different from "State/Local Environmental Regulations," since any controls installed would be a voluntary action and provide EPA with more clarity.

On the Dehydrator Unit Equipment tab, 40 CFR Part 60 Subpart OOOO and OOOOa are listed as regulations that could apply. Neither regulation has requirements for dehydrator units and should be removed.

On the Acid Gas Removal Unit Equipment tab, 40 CFR Part 60 Subpart KKK is listed under regulations that could apply. This should be changed to 40 CFR Part 60 Subpart LLL which is the rule for sweetening units.

On the Tanks Separators Equipment tab, 40 CFR Part 60 Subpart Kb should be added to the list.

On the Compressor Equipment tab, 40 CFR Part 60 Subpart KKK should be added to the list.

C. EPA Should Update the Tanks and Separators Tab to Account for Downstream Operations

The "fusion" of separators and tanks in this data collection request is wholly inappropriate for midstream (natural gas gathering and boosting and processing) and those segments further downstream. As GPA Midstream commented during the 2015 GHGRP expansion rulemaking, "separators" in midstream are completely different from separators in

production. EPA must not treat midstream separators in the same way as production separators, and EPA must not treat separators as tanks. These are entirely different types of equipment with different operations.

In midstream, separators are always flow through process vessels where the overhead gas is contained within the process. Midstream operators are focused on moving the customer's gas to market. GPA Midstream member companies would never have a separator designed to route gas to the atmosphere or to a control device. Gathering and boosting facilities typically have a facility inlet separator (or two) (also called the inlet receiver or slug catcher) which receives all the gas the facility will process. Any liquids that accumulate in the vessel are sent to a tank or a stabilizer unit. The gas continues through the process, which almost always includes compression.

During compression of the gas, some liquids may "drop out" of the gas stream as the pressure is increased. This being the case, compressors have interstage separator (also called knock out pots) that receive the compressed gas/liquid mixture and drop out any liquid after each stage of compression (compressors can have one stage or multiple stages). The small amounts of liquids that accumulate in these vessels are either sent to a tank, stabilizer unit, or back to the inlet receiver.

Some midstream facilities have stabilizer units (also called stabilization units) which receive liquids from the inlet separator and drive off flash gas either through pressure drop and/or heat. The stabilized liquids are then sent to tanks. The gases are either captured for sale or combusted. At these facilities, the stabilizer liquid composition, temperature, and pressure have little bearing over the tank liquid composition, temperature, and pressure. As such, EPA should clarify that liquid samples should be taken at the location that best represents the liquids received by the tank.

Additionally, in production, separators that do have emissions (typically the low pressure separators, which are sometimes heated and would therefore also be defined as heater treaters) are controlled differently than tanks, and they need to be evaluated separately in this ICR. The primary difference is that the gas volume emitted from the production low pressure separator is much higher than flashing/working/breathing losses from tanks. Thus, different control technologies would need to be applied. For example, an enclosed vapor combustor might be adequate control for a tank, but multiple enclosed vapor combustors may be required to handle the volumes from a low pressure separator. Likewise, recovery might be a good option for low pressure separators due to large gas volumes, but recovery might not work for tanks because the volumes might be too low to keep a vapor recovery unit running efficiently. Thus, even in the production segment where separators can be emission sources, the profile of their emissions and their controls are very different than tanks; therefore, it does not make sense for EPA to treat separators and tanks in the exact same manner in the survey.

EPA must ensure that adequate information is being collected to assess working losses, breathing losses, and flashing losses. GPA Midstream notes that tank color is not being

requested, but this may be a necessary data point to understand tank temperature fluctuations which lead to breathing losses (EPA asks for average operating temperature, which does not assess these fluctuations). Alternatively, EPA should clarify that only flashing losses are being assessed.

D. EPA Should Include a "Data Not Available" or "Not Applicable" Option

There is not an option to provide either a not available or not applicable response to some questions that will require it. A good example is on the Control Device Equipment tab where the respondent is asked to provide the year a control device is installed, purchased equipment costs and total capital installed cost. Depending on the age of the facility, the owner or operator will not have this information. This will be especially true if the facility has been a part of any divestiture or acquisition, as is common in the oil and gas industry. Other tabs that require a "not available" or "not applicable" response option are the following:

Facility Tab, Sub-Sections 1 and 2, "Contact Phone 2" and "Contact Email 2" should be allowed be left blank.

Tanks Separator Tab, Sub-Section 5, *Hours dump valve stuck in 2015*?
Gathering and boosting facilities were not required to track this in 2015 and the data will not be available for many facilities.

Pneumatics Tab, Sub-Section 3, *How many controllers were found malfunctioning in the past year?*
Gathering and boosting facilities were not required to track this information and therefore may not have the requested data available for many facilities.

Equipment Leaks Tab, Sub-Sections 2, *Total number of components monitored for Leaks during the most recent monitoring survey?*
There are state programs that require IR camera monitoring, but do not require the facility to keep an actual component count.

Equipment Leak Tab, Sub-Section 4, *Measurement Cost*
Gathering and boosting facilities were not required to track this information and therefore may not have the requested data available for many facilities.

Control Device Tab, Sub-Section 3, *Natural Gas Consumption Rate."* Sub-Section 2, "Release height (ft)" and "Stack diameter (ft)"; these are Not Applicable for Vapor Recovery Units.

Blowdowns Tab, *Source-specific information sheet for equipment/pipeline blowdowns. Complete form based on available information for 2015. If your facility is first required*

to track this information in 2016, you may estimate 2015 blowdown events/emissions as twice the events/emissions determined in January through June 2016.
EPA does not consider that the facility may not be required to track blowdowns or may be using BAMM for January – June 2016.

E. Shifting Information From the Intro Tab to the Appropriate Sheets Would Facilitate Responses

GPA Midstream requests that instead of listing all of the information necessary for data collection on the introduction tab, it should be listed in the appropriate sheets. This will create efficiencies and ensure that companies are filling the forms out with the correct information.

F. The Facility Tab Should Be Revised

Sub-Section 1. Parent Company General Information

EPA should define or explain the term "Parent Company" in this request, especially as compared to the GHGRP. As an example, EPA needs to clarify whether it is asking for the parent company of the company who owns the facility, or the parent company of the company who operates the facility (which may be different). There is space for only one parent company; a facility can have multiple/different owner(s), operator(s), and parent(s).

Legal Name

GPA Midstream recommends that individual responders be allowed to decide the appropriate Legal Name to use for each facility. What is often thought of as one "company" often consists of a large family of affiliated corporations, limited liability corporations, and partnerships. These legal entities may be wholly-owned subsidiaries, indirect subsidiaries, joint ventures, or have other arrangements with a parent company. However, responders have experience with determining which corporate entity should hold the permits for a given facility, and can apply that experience to responding to the ICR.

Number of Employees

The number of employees is unnecessary information and can be misleading. Depending on the legal name and entity, this number could vary significantly due to the fact that employees may work under one corporate entity but the site is owned by another.

For example, it is not clear whether EPA is asking for the number of employees for a specific facility (which could be zero) or the company that owns or operates the facility. Also, a facility may be serviced by contractors instead of employees.

Dun and Bradstreet Number

Not all corporate entities will have a number assigned. That option should be factored in.

Physical Address

There is no reason for EPA to request the physical address for the parent company. The mailing address should be adequate.

Sub-Section 2. Facility General Information

Facility Type

This is currently a dropdown selection that only allows for one option. This should be a multiple choice selection. Some facilities fall into multiple industry segments.

Are greenhouse gas (GHG) emissions from this facility reported under 40 CFR part 98 subpart W?

This question is ambiguous. Facilities reporting under 40 CFR part 98 Subpart W may vary year to year based on several factors. GPA Midstream recommends changing the question to ask if the facility reported emissions during the previous calendar year (i.e. 2015 calendar year).

Facility GHGRP ID, if applicable

This field remains blacked out even if "Yes" is selected for "Are greenhouse gas (GHG) emissions from this facility reported under 40 CFR part 98 subpart W."

Physical Address

GPA Midstream suggests adding "if assigned" due to the fact that a lot of sites don't have, or are not required to have, physical addresses.

Is this facility manned while in operation?

This question is ambiguous. It is not clear whether a 'manned facility' requires employees to be onsite 24 hours/day, 7 days/week, or some other time frame. GPA Midstream recommends altering the question to ask if operational staff are on-site 24 hours per day. EPA could also include a dropdown with different options (i.e. 24/7 or normal business hours).

Does the facility have electricity available?

This question is also ambiguous, and without explanation, the answer could be misleading, Specifically, GPA Midstream recommends changing the question to ask if the facility is connected and has access to utility line power. Sites may

have on-site electricity generation that is either at max capacity or only used for certain areas. In other words, just because electricity is available does not mean that the site can be connected to that power. The power system may already be at maximum capacity or not have sufficient capacity to accommodate the facility.

Moreover, the answer could also be misleading, in view of the costs and level of effort that would be involved to retrofit a site that currently runs off of instrument gas with an instrument air system. In order to convert a system to instrument air, there are substantial capital costs, labor costs, construction costs and possible right of way and land use issues.

For example, the capital cost for a basic air compressor package for a site can range from $60,000 to $100,000 for the air compressor and the building to house it. However it is not as simple as just placing an air compressor on site and hooking it up to the existing fuel gas and instrument gas piping. Since a site will still require a fuel gas system, the site will have to be retrofitted with a separate instrument gas system. This will likely involve modifications to the existing piping where portions may or may not be underground. All of these potential engineering problems significantly add to the capital cost of the air compressor, making the retrofitting process both incredibly burdensome and costly.

Year the facility first began operations

This should be changed to "Approximate year this facility first began operations." Some of these facilities are decades old and have been sold/acquired numerous times, and the exact year of startup may not be available.

Quantity of natural gas received by the facility in the 2015 calendar year (thousand standard cubic feet). For production facilities, this is the quantity extracted from all wells. For storage facilities, this is the quantity place into storage.

GPA Midstream recommends that the word "Estimated" be added beforehand because not all compressor stations have inlet meters.

This is reported in the GHGRP for processing facilities per 98.236(aa)(3)(i) and for storage facilities per 98.236(aa)(5)(i). This is a redundant information request and should be removed from the ICR for processing facilities that report under the GHGRP.

Quantity of natural gas leaving the facility (sales) in the 2015 calendar year (thousand standard cubic feet).

This is reported in the GHGRP for processing facilities per 98.236(aa)(3)(ii) and for storage facilities per 98.236(aa)(5)(ii). This is a redundant information request and should be removed from the ICR for processing facilities and underground storage facilities that report under the GHGRP.

Quantity of all hydrocarbon liquids (crude oil and condensate, including NGLs) received by the facility in the 2015 calendar year (barrels). For production facilities, this is the quantity extracted from all wells.

This is reported in the GHGRP for processing facilities per 98.236(aa)(3)(iii). This is a redundant information request and should be removed from the ICR for processing facilities that report under the GHGRP. Natural gas gathering and boosting facilities typically do not measure liquids received at a facility; they only measure liquids exiting the facility. Because of this, operators will only be able to report the quantity of liquids leaving the facility as an estimate for the quantity of liquids received by the facility. Therefore, this data element should be removed from the ICR for all gathering and boosting facilities. At the very least, GPA Midstream would request that EPA add another statement defining the requirement for non-production sites. For example: "For facilities other than production, this is the quantity received at the site in liquid form. Do not count liquids entrained in the incoming natural gas."

Quantity of all hydrocarbon liquids (crude oil and condensate, including NGLs) leaving the facility (sales) in the 2015 calendar year (barrels).

This is reported in the GHGRP for processing facilities per 98.236(aa)(3)(iv). This is a redundant information request and should be removed from the ICR for processing facilities that report under the GHGRP.

Miles of natural gas transmission pipeline.

This is reported in the GHGRP for transmission pipeline facilities per (aa)(11)(vi). This is a redundant information request and should be removed from the ICR.

G. The Tanks/Separators Tab Should Be Revised

Sub-Section 1. Facility Information

For number of atmospheric storage tanks with throughput greater than 10bbl/day, GPA Midstream would like the EPA to clarify the requirement. 40 CFR part 98 Subpart W is based on 10 bbl/day through a separator, and it is not clear if EPA's intention is that this should be the same requirement. In any case, this is a repeat of information collected in Sub-Section 2. One of the two requests should be deleted as superfluous.

EPA should define 'water' throughput. GPA Midstream is unclear if produced water falls under "hydrocarbon" or "water" throughput category.

Sub-Section 2. General Tank/Separator Information – Complete for each Tank/Separator

EPA should add additional rows in this section for facilities with more than ten tanks or modify the spreadsheet so more rows can be added. Twenty rows should cover most facility types in this ICR.

Revise "Tank/Separator ID" to read "Tank ID." Also, the cell appears to be set to 'number' in Excel and should be set to 'text.' This will avoid issues with leading/trailing zeros.

For the column "Vessel Type," one of the drop down selections is "Heater/treater." However, the defined term is "Heater treater." One of these should be changed to align with the other.

"Vessel Type" options are confusing. For example, a heater treater is a gas-liquid separator with heat, but "heater treater" and "gas-liquid separator" are both options. EPA should eliminate one of these options.

EPA lists two options for "ambient storage tank." This term is not defined and is confusing. All storage tanks are ambient tanks, as tanks are not heated, and pressurized tanks are excluded from this portion of the survey. These two categories should be deleted as they have no relevance, and they are redundant of other categories (i.e. Condensate storage tank and fixed roof storage tank).

List current environmental regulations to which the well site must comply

GPA Midstream is unsure whether this list of options (including our comment above) is comprehensive of all possible applicable tank regulations. GPA Midstream suggests that EPA include an "Other" category.

Cells K7, L7, and M7 should be merged with cell H7:J7 to clarify that H8 through M8 are all under the section "Is there a continuous gas monitor for the following." GPA Midstream believes that the EPA's ultimate goal is to collect information to help inform if additional regulations are needed to control emissions from oil and gas tanks. To that end, these data elements should be revised/deleted:

- *"Is there a continuous monitor for the following: Gaseous flow rate to the vessel?"* It would be extremely unlikely to have a gaseous flow meter to liquid storage tanks.
- *"Is there a continuous monitor for the following: Liquid feed flow rate to the vessel?"* Continuous monitors like these are very rare, but to the extent they exist, GPA Midstream does not see how this information will be helpful for rulemaking.
- *"Is there a continuous monitor for the following: Liquid flow rate from the vessel"* –there should be a note saying that if vessel type is a tank, then this

question is not applicable, because liquids removed from the tank during intermittent liquids unloading would not count as continuously monitored.

Sub-Section 3. Feed Material Characteristics – Complete for each Tank/Separator

Tank/Separator ID

Revise to "Tank ID" (see above).

Average operating pressure of vessel (psi)

EPA needs to specify either "psia" or "psig". GPA Midstream suggests "psig" to be consistent with other data items.

If EPA makes the decision to limit this data collection form to tanks only, this should be eliminated as EPA not collecting information from pressurized storage tanks.

Average temperature of liquids in vessel (°F)

This can be assumed to be ambient temperature and can be ascertained using meteorological data.

Pressure of feed material (psig) and Temperature of feed material (^{o}F)

EPA should clarify if the "Pressure of Feed Material" and "Temperature of Feed Material" is an average.

Sub-Section 4. Feed Material Composition

The fields "Separator ID from which sample is collected" and "Tank ID(s) for which this material is used as feed" contain dropdown selection options, but these fields should be open text entry.

As described above, GPA Midstream notes that in midstream gathering operations, not all separators feed directly to storage tanks, so this table could result in correct or misleading information.

Sub-Section 5. Leakage, Controls and Inspection – Complete for each Tank/Separator

Thief hatch inspection frequency

GPA Midstream is unclear as to EPA's definition of inspection. EPA should explain whether simple visual checks are considered an inspection, or whether the term is referring to a full inspection of gasket conditions, operation, etc.

Disposition of natural gas (or other off-gas)

GPA Midstream would ask EPA to expand the selections in this drop down list. EPA is collecting this information with the intent to determine if/how to control tanks, and yet the information requested about current controls is extremely limited and broad. The options here should be similar to Picklist Number 53 with additional options:

- Unassisted candlestick flare
- Air-assisted candlestick flare
- Steam-assisted candlestick flare
- Enclosed flare/combustor
- Thermal oxidizer/incinerator
- Fuel / firebox
- Recovered to facility inlet/process
    - Include place to indicate vapor recovery downtime/maintenance percentage
- Captured for sales
- Other control (specific)
    - Include a place to write in the other control device/process

EPA does not ask about the primary driver for installation of tank controls. GPA Midstream views this as a major oversight, when the purpose of this ICR is to collect information to determine if and how certain emission points should be controlled.

Pressure release setting for thief hatch or other pressure relief device, as applicable (psig)

A tank may have multiple pressure relief devices including a thief hatch and each device may have different pressure relief set points. EPA does not request information on the types of pressure relief devices, and EPA does not request information on the disposition of emissions from pressure relief devices. EPA appears to be concerned about emissions from overpressure events (stuck dump valves), however, the EPA also does not ask about inspection of pressure of relief devices after an overpressure event.

Hours dump valve stuck in 2015

This data is not tracked and is not available for many facilities. If EPA requires this information, the cost and burden estimates will need to be increased to try to assess/estimate this information. In the GHGRP, the hours typically reported assume worst case scenario emissions from January 1st of the reporting year or from the last time the dump valve was found operating properly, which results in

an overestimation. This worst case scenario emission data is not appropriate to develop best practices for these devices.

If EPA decides to require this information, a "Not Available" option should be allowed.

Sub-Section 6. Direct Emission Measurements – Complete for each Tank/Separator, as applicable, for which emissions measurements data are available

EPA should expand the instructions or add a column (measurement date/year) to address tanks that were measured multiple times over the last 5 years.

Source Description

EPA should clarify the expected response for this request.

H. The Pneumatics Tab Should Be Revised

Sub-Section 1. Facility Information

Provide a dropdown or check box to communicate that the facility is on supplied/instrument air. GPA Midstream advocates that instrument air driven devices should be exempted from the ICR altogether rather than a dropdown for the whole facility. It is possible for a facility to have both NG-driven and IA-driven devices on-site. For example, many dehydrators come skid-mounted with the take-off for instrument gas on-skid locally. As discussed above, there is no need to count these devices that do not have associated air emissions.

Sub-Section 3. General Pneumatic Controllers/Devices/Pumps Information

The question, "What work practices does the facility employ to identify malfunctioning controllers (e.g., intermittent devices continuously venting)?" should allow for multiple selections (versus a single drop-down selection).

Sub-Section 4. Isolation Valve Actuations in 2015. Provide the following information based on controller design, manufacturer's information, and company records for each natural gas driven pneumatic isolation valve actuator

GPA Midstream is unclear on what the EPA means by "actuator size" and how to appropriately count the cumulative number of actuations? What is this based upon? Engineering estimates?

Sub-Section 5. Direct Emission Measurements – Complete for each Natural Gas-Driven Pneumatic Controller/Devices/Pumps, as applicable, for which emissions measurements data are available

Source Description

EPA should clarify the expected response for this request. The instructions are contradictory with the table options. They ask the respondent to complete an entry for each controller/device/pump that was measured in the last 5 years, yet columns D and E are in regards to multiple devices.

I. The Acid Gas Removal Units Tab Should Be Revised

As mentioned above, GPA Midstream suggests AGRUs be removed from this ICR. However, if they are included, we request the following improvements and clarifications.

For Table 3 "Direct Emissions Measurements," EPA Supporting Statement at 54, GPA Midstream requests clarification on whether there are limitations on what is considered a direct emissions measurement. Some AGRUs have a volumetric flow meter on the acid gas vent and/or may also have an online gas chromatograph on the acid gas. GPA Midstream requests clarification as to whether EPA would consider data from these to be a "Direct Emissions Measurement."

GPA Midstream recommends that EPA allow respondents the option to upload an AMINECalc model in lieu of providing information on the AGRU tab. This will provide EPA the composition, equipment configuration, and emissions information it needs in a readily-usable format. Thus, this approach will reduce the burden on both respondents and EPA. GPA Midstream suggests that a checkbox could be added to the AGRU Tab to indicate that a AMINECalc run is provided in lieu of a response on the spreadsheet.

J. The Dehydrator Units Tab Should Be Revised

As mentioned above, GPA Midstream suggests dehydrators be removed from this ICR. However, if they are included, we request the following improvements and clarifications.

GPA Midstream recommends that EPA allow respondents the option to upload a GLYCalcTM, Version 3.0 or higher file in lieu of providing information on the Dehydrator Units Tab. Many responders already must prepare a GLYCalc run to comply with NESHAP requirements under Subpart HH, permit requirements, and/or emission inventory reporting. In addition, the GLYCalc runs will provide EPA the composition, equipment configuration, and emissions information it needs in a readily-usable format. Thus, this approach will reduce the burden on both respondents and EPA. GPA Midstream suggests that a checkbox could be added to the Dehydrator Units Tab to indicate that a GLYCalc run is provided in lieu of a response on the spreadsheet. GPA Midstream has also provided specific comments on the dehydrator tab below.

GPA Midstream also questions why EPA has included desiccant dehydrators in the ICR. The majority of desiccant dehydrators do not have direct emissions to atmosphere other than

when they are opened to replace the material which happens at most once per year (this is similar to a blowdown event). Most desiccant dehydrators are regenerative, meaning there are two or more beds, where one is in service and one is regenerating at all times. In a regenerative desiccant dehydrators, a small stream of process gas (usually residue gas) is used to regenerate the desiccant beds. This stream is then sent back to the process, or to a small glycol dehydrator, or sometimes, but not commonly, to atmosphere. Non-regenerative desiccant dehydrators only have emissions when the beds are opened to replace the material, which, again, happens infrequently. As such, EPA should remove desiccant dehydrators from the ICR as they are an extremely small source of emissions (as GHGRP data shows). Or, at the very least, EPA should limit the ICR to desiccant dehydrators that directly emit their regeneration gas to atmosphere. We also recommend that EPA ask, for each *glycol* dehydrator, if the unit is treating process gas or desiccant dehydrator regeneration gas.

Additionally, glycol dehydrators that route all emissions back to the process should also be excluded from this ICR as they are not an emissions source.

Additional comments of the dehydrator tab are as follows:

Sub-Section 2. General Dehydrator Information – Complete for each Dehydrator

Dehydrator Type

GPA Midstream requests that "ethylene glycol" be included in the dropdown list for "Dehydrator Type".

Average volumetric flow rate of feed natural gas (scfm) and Average volumetric flow rate of treated natural gas (scfm)

Many dehydrators do not have a gas meter on the inlet, outlet (treated gas), or either. Thus in cases where a gas meter does not exist, GPA Midstream recommends this requirement to be an engineering estimate.

H2O concentration in feed gas (% by vol)

GPA Midstream recommends that this match GlyC GlyCalc, which includes two options: "Gas is saturated" or "Gas is subsaturated." If the latter option is selected, the use can input the water content in units of 'lb H2O/MMSCF' rather than '% by vol' as requested in the ICR spreadsheet.

Sub-Section 3. Glycol Dehydrator Information - Complete for each Glycol Dehydrator

Does this unit have a flash tank separator? If yes, provide methane recovery efficiency (percent)

GPA Midstream recommends this value should be Natural Gas rather than Methane. GPA Midstream also notes that industry defers to the default option of 95% in GlyCALC, so it may be best for this item to be omitted, or modified to read "provide methane recovery/combustion efficiency %." An option for "Flare/Combustion Device" should also be added to the drop down menu.

If yes, provide disposition of recovered methane

GPA Midstream recommends this value should be Natural Gas rather than Methane. Many flash tanks have multiple disposition options, such as reboiler fuel when on but to flare when off; thus, EPA should expect many respondents to select 'Other (specify).'

Glycol reboiler/regenerator fuel gas consumption rate (scfm)

GPA Midstream recommends changing to heat input rating (MMBtu/hr).

Disposition of reboiler/regenerator exhaust

It appears EPA is inappropriately combining two emission points (reboiler exhaust and the regenerator still vent); these should be separated. For the regenerator still vent, EPA needs to account for multiple controls (condenser to combustion), which is a very common configuration. EPA should also take the opportunity to request more granular information about how the regenerator still vent gas is controlled (i.e., type of flare, thermal oxidizer, vapor combustor, etc), versus the generic "flare or thermal oxidizer).

Emission reduction work practices used

Similar to the comment above, GPA Midstream is unclear of the meaning of 'Route reboiler condenser gas to fuel combustion units'. In particular, 'reboiler condenser gas' is very unclear and could be mistaken for multiple streams within a dehydrator unit. GPA Midstream recommends that these columns be removed from the spreadsheet due to the ambiguity and based on the fact that other columns address the configuration of the dehydrator including emission control devices.

GPA Midstream is also concerned that EPA is not requesting sufficiently granular information about NESHAP HH/HHH that would truly inform EPA about the emission sources and their current control requirements. For example:

- Is the dehydrator at an area source or major source?
- Is the dehydrator a large glycol dehy, existing small glycol dehy, or new small glycol dehydrator?

- For area source TEG dehydrators, does the dehydrator meet with <3 mmscfd throughput exemption, the < 1 ton per year (tpy) actual emissions exemption, neither or both?
- For non-exempt area source TEG dehydrators, is the dehydrator located within a UA plus offset and UC boundary[14]?
- For major sources, large dehydrators, are dehydrators complying with the 95% HAP reduction requirement or the 1 tpy benzene emission requirement?
- For major source small dehydrators, what is the BTEX emission limit?
- EPA does not request the glycol circulation rate, which is an operating data point that directly relates to emissions.
- EPA does not ask if the glycol pump is electric or natural-gas driven pneumatic, which also impacts dehydrator emissions (pneumatic pump emissions are part of dehydrator process and emitted from the regenerator still vent)
- If EPA pursues information about desiccant dehydrators, EPA needs to ask about vessel opening frequency (once/year, once/two years, once/three years) and emissions during opening.

K. The Equipment Leaks Tab Should Be Revised

Sub-Section 1. Facility Information

GPA Midstream recommends that EPA change "well site" to "facility" in rows 3-7.

GPA Midstream suggests that EPA divide the question "Does the facility conduct routine inspections to identify leaking equipment components" into at least two parts (or otherwise redraft the section). This is because, as drafted, this section allows only one frequency and monitoring method. In reality, a company may perform camera inspections, M21 inspections, and AVO inspections each on different frequencies.

Additionally, EPA allows only two main monitoring options (in addition to "Other"): "Optical gas imaging" and "EPA Method 21/OVA." GPA Midstream suggests EPA add Audible, Visual, Olfactory ("AVO") to this list. AVO monitoring is required in some states and not adding this to the drop-down menu may cause responders to enter dissimilar text in the "other" field making the data more difficult to analyze.

Sub-Section 2. Equipment Leak Inventory Information – Provide component counts by service type for all components meeting the specified criteria

[14] 40 C.F.R. §63.761 - *UA plus offset and UC* is defined as the area occupied by each urbanized area, each urban cluster that contains at least 10,000 people, and the area located two miles or less from each urbanized area boundary.

GPA Midstream recommends changing the language in cells B15 and C15 to read "Total Number of Components contacting a process fluid *or gas* that contains at least 5 percent by weight of any of the following pollutants: VOC, CH4, CO2" and "For natural gas processing plants only: Total Number of Components contacting a process fluid *or gas* that is at least 10 percent VOC by weight," respectively.

GPA Midstream requests that EPA eliminate distinction of component counts by "Gas Service," "LNG Service," "Light Crude Service" and "Heavy Crude Service." This seems to be a relic of traditional LDAR programs at complex facilities that have different requirements for equipment based on service type. This type of distinction is not made in OOOOa for new well sites and compressor stations as it isn't appropriate for the natural gas industry. Additionally, there are very few gas plants that are not subject to at least NSPS Subpart KKK. As such, GPA Midstream questions the practical utility of EPA collecting information for components at gas plants that are already subject to NSPS.

EPA requests information about the total number of components found leaking during the most recent monitoring survey. However, EPA does not ask about the total number of leaks found in the first monitoring survey. To get insight on the appropriate frequency of monitoring, EPA should ask about the total number of components found leaking during the first monitoring survey (if within the last 3 years).

EPA asks for the definition of leak used for monitoring components, but only one option can be selected. A processing plant could be subject to NSPS Subparts KKK and OOOO, and NESHAP Subpart HH LDAR programs; for any given component type, there may be several applicable leak definitions. EPA should either make the leak definition a multiple choice list, or EPA should change cell F15 to "Lowest definition of leak using for Monitoring Components".

Sub-Section 4. Direct Emissions Measurements - Complete for each component or equipment type, as applicable, for which emissions measurement data are available

GPA Midstream suggests EPA to install a cap on how far back operators need to collect direct emissions data. The title of Table 4 needs to be clarified with the time period.

Measurement Method

This request contains selection options that contain "Screening/…" This seems to be from the GHGRP reporting requirements, where reporters have the option to "screen" certain equipment for emissions (i.e., are emission present or absent) prior to conducting a measurement (if screening shows no emissions, measurement is not required). GPA Midstream requests that EPA clarify what is meant by these "Screening/…" selection options with respect to equipment leaks.

Does EPA intend for operators to report "Screening/…" with a "Measured Emissions Rate" of 0 scf/hr for any components that were screened and did not have emissions?

Measurement Cost

GPA Midstream is unclear what information EPA is trying to collect about measurement cost and the utility of the data. Sub-Section 4 is limited to direct emissions measurements (i.e., using a calibrated bag to determine the leak rate of a component). GPA Midstream notes that direct quantitative measurements are unusual for leaking components, and EPA should not anticipate receiving a substantial amount of data here. These measurements are likely only conducted for special studies. Thus, the measurement cost data is nearly irrelevant, as it is extremely unlikely that EPA would ever require direct quantitative measurement of leaking components.

However, EPA isn't collecting any information on cost to implement and maintain a leak detection program, which seems like a large oversight. During NSPS OOOO and NSPS OOOOa rulemaking, industry groups provided comments that EPA's cost estimates for LDAR programs were low. Not providing industry an opportunity to provide these real world costs during this ICR process unfairly disadvantages industry, as emission information is collected without also collecting control cost information. GPA Midstream requests that EPA allow (but not require) respondents to submit leak detection program cost information. Specifically, EPA should add a Sub-Section 5 for leak detection program information, which should request "Annual leak detection program cost", "Inspection type (dropdown option of In House or Third Party), "Equipment Ownership" (dropdown options of In House, Third Party or Rented). EPA should specify in the workbook or in a supplemental instruction that "Annual leak detection program cost" should include all equipment, transportation, recordkeeping software, inspection, component inventory maintenance, and repair costs.

L. The Compressor Tab Should Be Revised

On the Intro tab, EPA specifies that vapor recovery compressors are included. GPA Midstream questions the intent of this inclusion. Compressors at well sites are specifically excluded from NSPS OOOO and NSPS OOOOa (40 CFR 60.5365(b) and (c), 40 CFR 60.5365a(b) and (c)) because the low pressures at which these compressors operate yield low potential emissions. Vapor recovery compressors similarly operate at low pressures and/or low volumes. Thus, for the same reasons, EPA should exclude these compressors from this ICR. At

the very least, EPA must add a column to Sub-Section 2 for "Operational Service" with selection options of "Process Gas, Vapor Recovery, Refrigeration, Other". If EPA doesn't collect this information, the data cannot be able to be analyzed properly and EPA will not be able to determine how many true process gas compressors are located at a facility; EPA must not assume that driver horsepower equates to any particular service.

Additionally, GPA Midstream suggests that EPA provide a compressor driver horsepower threshold, below which, the compressor would not have to be included in the ICR. This will reduce reporter burden by eliminating very small compressors.

Sub-Section 1. Facility Information

There are not enough rows for compressors in the compressor tab. Some gas plants may have 25 or more compressors, the majority of which are reciprocating compressors. EPA should add more rows in order to allow operators to appropriately respond.

Sub-Section 2. General Compressor Information – Complete for each Compressor

Fuel Type

This should be deleted from the form all together, fuel type does not impact the methane emissions from a compressor. See comment below regarding Engine Type.

Were direct emissions measurements made for compliance with the GHGRP in 40 CFR part 98, subpart W? If no, please provide the total time the compressor was in standby-pressurized mode in RY2015.

This question needs to specify that the time frame of the direct emissions measurements question is 2015.

The availability of run time in standby pressurized and depressurized modes at sites not subject to 40 CFR Part 98 Subpart W in reporting year 2015 will most likely not be available as it is not required to be tracked and does not provide beneficial data to operators for optimization or maintenance. The only stations that will have this data are those subject to current Subpart W reporting, which means EPA should already have that information.

Engine Type

GPA Midstream notes that "electric" is not an engine type. Electric is a type of driver, or motor, for a compressor. GPA Midstream recommends that EPA change the column heading to "driver type."

GPA Midstream requests that EPA add "turbine" to the driver type drop-down menu.

GPA Midstream requests that EPA exclude Columns E (Power output compressor driver (hp)), F (Engine Type) and G (Fuel Type) as each column pertains to drivers and not compressors.

Emissions Tier

GPA Midstream is unclear whether column H is asking for the site-wide emissions tier or engine emission tier? If engine tier, this would refer to diesel engines (compression ignition) and not natural gas driven engines. If this column was only intended to apply to compression ignition engines only, the column should be blacked out when anything other than compression ignition is selected as the engine type.

Sub-Section 4. Centrifugal Compressor Specific Information - Complete for each Centrifugal Compressor

EPA should assess whether wet seal centrifugal compressors could even be retrofit to be dry seal centrifugal compressors. Dry seals are only feasible where an inert gas or a "sweet" gas is available for the dry seal. Sour gases or acid gases cannot be used for a dry seal because of their corrosive nature. So for example, if the facility is compressing acid gas or sour gas, and an inert gas or dry gas is not available, then a wet seal would be required. This is a unique situation that is not common, but it certainly occurs at some facilities, and EPA should not assume that existing wet seal compressors can be converted to dry seal compressors, and should therefore collect information about whether it is technically feasible. As an optional reporting option, respondents should be allowed to provide a cost estimate for doing the conversion

Sub-Section 5. Reciprocating Compressor Specific Information - Complete for each Reciprocating Compressor

GPA Midstream is unclear if owner/operators should leave the '*Date of last rod packing replacemen*t' field blank for new compression and requests that EPA provide guidance.

The form fails to assess all reciprocating compressor rod packing emission reduction techniques as it only asks about rod packing replacement. The form should ask about rod replacement (versus rod *packing* replacement), programs to monitor and manage compressor emissions, and whether low emissions packing technology is used.

In addition, the '*Frequency of rod packing replacement*' drop down should include more options or include an "other", as the current options are very limiting. For instance, many replacements are based on run hours, or other factors, such as when high rod packing vent rates are observed.

M. The Blowdowns Tab Should Be Revised

GPA Midstream would like to emphasize to EPA that many facilities are not currently required to track blowdowns and otherwise, have no reason to do so. Facilities newly subject to Subpart W will be reporting blowdowns for the first time in 2017, and can use BAMM for 2016 blowdown calculation inputs. Thus, EPA should add a note that best available/engineering estimates are allowed for all items on this tab where data is not actually tracked.

GPA Midstream also notes that blowdowns are only routed to atmosphere, flare, or back to the process. GPA Midstream is not aware of blowdowns being routed to a thermal oxidizer, incinerator, or used as fuel. Additionally, the category "Recovered for sale" is confusing. A common practice is for the majority of gas in a compressor to be routed back into the process (usually to the facility inlet), and then the small amount of gas remaining in the compressor is blown down. This would not necessarily be considered "recovered for sale." We suggest EPA simply title this category "Recovered." GPA Midstream also strongly asserts that the ICR should follow the GHGRP and exclude all blowdowns of equipment that is less than 50 actual cubic feet.

Sub-Section 1. Facility Information

Cumulative volume of natural gas blown down (scf)

Request 'pre-control' be added beforehand for clarity.

Inspect/repair leaking (not fully sealed) PRD and blowdown valves

The spreadsheet requests '*Frequency*.' EPA should clarify is whether this is the frequency of inspection, repair, or both.

N. The Control Devices Tab Should Be Revised

As mentioned previously, EPA does not collect any information on the primary driver for installation of controls, which will be important when EPA determines whether and where controls should be required on existing equipment.

The form also does not accurately account for acid gas flares, which may have assist gas because the form does not distinguish between waste gas and the total combusted gas (which includes waste gas and assist gas). Also, several of the columns use the term "NG stream," but more clarity is required. It is not clear, for example, whether an acid gas stream be reported in these columns. If so, EPA should clarify this, as respondents might not consider the acid gas stream to be an "NG stream."

EPA is also not asking enough information about the controls to support a reasoned rulemaking. It does not ask, for example, whether there is a waste gas meter or continuous parameter monitoring, and if so, what types of parameters are monitored. Those would be essential facts to understanding whether further control would be required.

Conclusion

GPA Midstream appreciates the opportunity to submit these comments on the proposed ICR. We look forward to continuing to work with EPA as it develops policies to address air emissions from the oil and natural gas sector. GPA Midstream is standing by to provide further information or answer any questions that EPA may have.

Respectfully Submitted,

Matthew Hite
Vice President of Government Affairs
GPA Midstream Association

Attachment B

Attachment B

GPA Member Gathering System - Gulf Coast Basin

Processing Plants

Gathering Lines

Liquid Lines

Liquid Lines

Compressors

Temple
Falls
Franklin
Leon
Madisonville
Houston
Madison
Robertson
Hearne
Cameron
Milam
Walker
Georgetown
Williamson
Rockdale
Brazos
Taylor
Grimes
Caldwell
Burleson
Lake Conroe Eastshore
Lake Conroe Westshore
Austin
Travis
Elgin
Lee
Montgomery
Navasota
Giddings
Washington
Brenham
Stagecoach
Tomball
Bastrop
Hempstead
Prairie View
Cypress
Hays
Smithville
Waller
Bellville
Harris
La Grange
Fayette
Lockhart
Caldwell
Houston
Brookshire
Sealy
Colorado
Columbus
Schulenburg
Luling
Gonzales
Guadalupe
Lavaca
Eagle Lake
Wharton

0 5 10 15 20 Miles

N

N

PLANT
COMPRESSOR
PIPE