



January 14, 2021

**Via Electronic Mail to
OIRA_submission@omb.eop.gov**

Office of Management & Budget
Office of Information and Regulatory Affairs
Desk Officer for the EPA
725 Seventeenth Street, N.W.
Washington D.C., 20503

Re: Information Collection Request Associated with Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review, 86 Fed. Reg. 63,110 (Nov. 15, 2021)

To whom it may concern,

GPA Midstream Association (“GPA Midstream”) is providing comments on the Information Collection Request associated with the U.S. Environmental Protection Agency (“EPA”) Proposed Rule, on Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review, 86 Fed. Reg. 63,110 (Nov. 15, 2021), Docket ID No. EPA-HQ-OAR-2021-0317 (“Proposed Rule”).

GPA Midstream has served the U.S. energy industry since 1921 and has nearly 60 corporate members that directly employ more than 56,000 employees that are engaged in a wide variety of services that move vital energy products such as natural gas, natural gas liquids (“NGLs”), refined products and crude oil from production areas to markets across the United States, commonly referred to as “midstream activities.” The work of our members indirectly creates or impacts an additional 320,000 jobs across the U.S. economy. GPA Midstream members recover close to 90% of the NGLs such as ethane, propane, butane, and natural gasoline produced in the United States from more than 380 natural gas processing facilities. In the 2017–2019 period, GPA Midstream members spent over \$50 billion in capital improvements to serve the country’s needs for reliable and affordable energy.

The Proposed Rule requests comments on the proposed Information Collection Request (“ICR”), however, GPA Midstream finds a number of issues involving the ICR to be confusing.

EPA Should Confirm that the Draft ICR Supporting Statement in the Docket is Final

The Proposed Rule references an ICR Supporting Statement in the rulemaking docket for 86 Fed. Reg. at 63,259. This supporting statement, however, is a draft with several placeholders included. *See generally*, EPA-HQ-OAR-2021-0317-0144. GPA Midstream assumes that there is no other Supporting Statement available and that this draft includes all relevant information for

commenters to consider. If this is incorrect, EPA should publish a notice directing commenters to a current, non-draft version of the ICR Supporting Statement.

The ICR Supporting Statement Requires Several Updates to Accurately Estimate Compliance Costs Through 2023

The ICR Supporting Statement appears to only include costs and burdens for compliance with existing regulations under NSPS OOOOa. This appears to be confirmed at 86 Fed. Reg. at 63,259, n. 348. That footnote states, “[w]hile not quantified in this proposal, the EPA anticipates the estimated ICR burden of proposed NSPS OOOOb and EG OOOOc to be at least as burdensome as NSPS OOOOa.” EPA should confirm that the ICR does not include costs for the proposed amendments to Subpart OOOOa. Assuming that the ICR Supporting Statement does not include these costs, EPA should clarify the purpose of the ICR. It estimates compliance costs through 2023, however, the Fall 2021 Unified Agenda of Regulatory and Deregulatory Actions anticipates EPA finalizing the Proposed Rule in October 2022. Although GPA Midstream does not believe that EPA will be able to finalize the rule on that schedule – especially given that we believe EPA must issue a supplemental proposed rule that includes proposed regulatory language for Subparts OOOOb and OOOOc – EPA should clarify that the ICR cost and burden estimates should be updated to reflect the Agency’s schedule.

Any updated ICR should account for both the proposed amendments to Subpart OOOOa and the new Subpart OOOOb. Together, they include significant increases in monitoring frequency, equipment requirements, underestimates compliance costs, and erroneously asserts that the midstream industry’s costs will be offset by captured gas. Further, Appendix K is so confusing and raises so many potential contradictions with monitoring methods under Subpart VVa that, depending on how EPA ultimately settles these concerns, monitoring and repair costs could be even higher.¹ Due to the number of clarifications required from EPA, including the need for EPA to provide proposed regulatory language for Subpart OOOOb, the ICR cannot credibly estimate compliance costs until those issues are resolved.

In addition, any updated ICR that projects compliance costs beyond 2023 should include the costs of complying with the proposed Subpart OOOOc, using the assumption that States will adopt the proposed Emission Guidelines. GPA Midstream disagrees with EPA’s assertion that the Emission Guidelines do “not impose any direct compliance requirements on designated facilities.” 86 Fed. Reg. at 63,260. Subpart OOOOc will impose expansive new burdens and costs on industry as they impose new or additional regulations on existing sources. This new or additional regulation of existing sources will only arise because of EPA’s finalization of Subpart OOOOc, compelling States to undertake that regulation or, if they fail to submit a plan approved by EPA, then those existing sources will be directly regulated by EPA.

Due to the issues described above, GPA Midstream does not believe that the ICR and its Supporting Statement accurately estimate the potential burdens and costs on industry. We ask that

¹ GPA Midstream will be filing comments on the Proposed Rule no later than January 31, 2022 explaining these issues in more detail.

OMB raise these issues with EPA and seek a revised ICR and Supporting Statement that contains more realistic estimates.

GPA Midstream appreciates the opportunity to submit comments on the proposed ICR and is standing by to answer any questions that you may have.

Respectfully submitted,

A handwritten signature in black ink that reads "Matthew Hite". The signature is written in a cursive style with a large initial "M".

Matt Hite

Vice President of Government Affairs
GPA Midstream Association