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**Submitted via regulations.gov**

US Environmental Protection Agency  
EPA Docket Center Docket ID No. EPA-HQ-OAR-2024-0358  
Mail Code 28221T, 1200 Pennsylvania Avenue NW  
Washington, DC 20460

**Re:    Reconsideration of Standards of Performance for New, Reconstructed, and Modified  
      Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector  
      Climate Review (Docket No. EPA-HQ-OAR-2024-0358)**

Dear Sir or Madam:

GPA Midstream Association ("GPA Midstream") appreciates this opportunity to submit comments on the U.S. Environmental Protection Agency's ("EPA") notice of a proposed rulemaking, 90 Fed. Reg. 74,702 (Jan. 15, 2025) (the "Proposed Rule") regarding emission standards and guidelines pursuant to Section 111 of the Clean Air Act ("CAA"). EPA claims that the Proposed Rule is intended to further reduce air emissions from the Crude Oil and Natural Gas source category, which is of significant interest and importance to GPA Midstream. GPA Midstream members have extensive gas and NGL operations that will be significantly affected by many aspects of the Proposed Rule.

GPA Midstream has served the U.S. energy industry since 1921 and has over 50 domestic corporate members that directly employ 55,000 employees in a wide variety of services that move vital energy products such as natural gas, natural gas liquids, crude oil and refined products, commonly referred to as "midstream activities." The work of our members indirectly creates or impacts an additional 400,000 jobs across the U.S. economy. In 2022, GPA Midstream members operated over 250,000 miles of gas pipelines, gathered over 85 billion cubic feet per day of natural gas, and operated over 375 natural gas processing facilities that delivered pipeline quality gas into markets across a majority of the U.S. interstate and intrastate pipeline systems.

A handwritten signature in black ink, appearing to read "AMooney", written in a cursive style.

Andrew Mooney  
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**Comments on OOOOb Reconsideration Proposal**

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## Introduction

GPA Midstream appreciates the work EPA has done thus far to find cost effective ways to ensure the Subparts OOOOb and OOOOc rules meet the desired control requirements. It was clear that EPA tried to take the information provided through the reconsideration process to help make the Subpart OOOOb rules more workable. However, GPA Midstream believes the exemptions proposed by EPA should extend to more flares and enclosed combustion devices.

GPA Midstream has identified several changes to the proposal that would reduce burden on midstream operations while still achieving the emissions goals EPA has established for this rulemaking.

- First, the net heating value (“NHV”) continuous monitoring exemption should be extended to include additional sources that have inherently higher vent gas net heating values.
- New control device requirements should only apply to new control devices. New control device requirements should not apply to existing control devices. The additional costs for control device upgrades are significant and were not included in the cost benefit analysis.
- EPA should also add flexibility to monitoring for air assisted and steam assisted flares aligning these requirements with unassisted flares.

## Issues

### NHV Monitoring Exemption

Pressure assist control devices should be allowed to use the NHV monitoring exemption.

EPA states in the reconsideration preamble (III.B.4.a.) that because the NHV of methane (896 Btu/scf) is not significantly higher than the required minimum NHV of 800 Btu/scf for pressure-assisted flares and enclosed combustion devices, the agency will continue to require either continuous monitoring or alternative performance testing (14-day NHV test) for these devices. We urge EPA to reconsider this approach, which is not supported by the record and contrary to common sense.

Specifically, in this same section EPA further states, “...we find that it is much easier for the NHV in the vent gas samples from these control devices to decrease and approach the 800 Btu/scf NHV threshold ...” This reason does not support costly continuous monitoring required in the rule.

Moreover, as EPA must acknowledge, methane, the lightest hydrocarbon organic molecule in process streams at oil and gas facilities, is already above the minimum NHV required for these pressure-assisted devices. Therefore, when a process stream includes any quantities of heavier hydrocarbons, the stream will have a *higher* heat content and be even further above the minimum NHV requirement. EPA’s assertion that “it is easier” for the streams going to these devices to experience a decrease in NHV is not based on direct or empirical evidence in the rulemaking record. If inert gases are not added to the hydrocarbon process stream sent to the control device, the NHV will meet the requirements at all times. As with the proposed requirements for nonassisted flares and enclosed combustion devices, pressure-assisted devices should be assumed to meet minimum heating value requirements. EPA should treat pressure-assisted devices in the same manner as nonassisted flares and enclosed combustion devices and “require NHV monitoring only in cases where inert gases are added, or for other miscellaneous

scenarios which decreases the NHV content of the inlet stream gas to the enclosed combustion device or flare.”

New air assisted and steam assisted control devices should be allowed to use the NHV monitoring exemption.

The exemption from NHV monitoring for unassisted control devices (flares and enclosed combustion devices) that do not have inert gases introduced into their vent header streams should be extended to new air assisted and steam assisted control devices. As established by the data GPA Midstream provided in July 2024, oil and gas facility vent gas streams have high vent gas net heating values unless the facility adds significant volumes of inert gases. Requiring monitoring of the vent gas stream, either by a continuous NHV monitor or performing a 14-day alternative sampling program to the control device, adds unnecessary costs and undue burden for no compliance benefit. Instead, EPA should allow air assisted and steam assisted control devices to use 910 BTU/scf as their constant NHV for their NHVdil or NHVcz limit unless a continuous inert stream or intermittent inert stream with significant volume is present.

While tests associated with air assisted flares in the chemical sector may have indicated an issue with providing too much air, this issue does not exist at gathering and processing facilities. In certain states, sites are required to test their air-assisted enclosed combustion devices. These devices do not have a history of compliance issues associated with over air assisting the control devices. In fact, these air-assisted enclosed combustors tend to have very high destruction efficiencies and do not need the additional monitoring. There is no reason to believe that the traditional air-assist flares would have similar issues at midstream facilities.

The data provided by GPA Midstream indicates that during normal operations, gathering and processing control devices are expected to have high net heating value content in their vent streams. This is because in most gathering and boosting stations and where processing plants are located, control devices are controlling equipment like tanks, pressure relief valves, and potentially small process streams that all support high BTU process gas streams. This gas is expected to be well above the NHV of methane (910 BTU/scf) that we are suggesting as an alternative constant for streams without inerts added to their vent streams. At a minimum, EPA should allow facilities using air and steam assist control devices to use a vent gas NHV value of 910 BTU/scf to meet compliance with the NHVdil or NHVcz for new flares.

Infrequent nitrogen purges should not prevent a flare from qualifying for the exemption.

Many gas processing facilities within the industry use nitrogen purging during maintenance procedures to displace air or other gases within a system and create an inert environment by removing oxygen and other potentially reactive components. This is crucial for safety, preventing unwanted chemical reactions within pipelines and equipment, and reduces emissions by avoiding potential leaks. Nitrogen purging at facilities is typically done no more than one to three times a year and small in volume relative to the overall flow going to a flare or enclosed combustion device. Thus, nitrogen purging is not expected to have an impact significant enough to lower the NHV to levels below the compliance limits. The US EPA should allow the NHV monitoring exemption when intermittent nitrogen purging is used in volumes that will not significantly impact the NHV of the total gas stream going to the flare.

The US EPA should allow the NHV monitoring exemption when intermittent nitrogen purging is used in volumes that will not significantly impact the NHV of the total gas stream going to the flare. **An option to**

demonstrate compliance using site-specific data and process knowledge, such as nitrogen purge volumes and total volume sent to the control device, should be included in the rule language allowing the owner/operator to continue using the NHV monitoring exemption by documenting intermittent nitrogen purging did not result in the NHV of the total gas stream going to the control device to decrease below the compliance limits.

### NHV Monitoring Alternative

Site-specific process simulations should be allowed as an option for NHV monitoring.

EPA states that site-specific process simulations can be used to determine flare gas composition and higher heating values for vapors from acid gas removal units, glycol dehydrators, and both hydrocarbon and produced water tanks in Subpart W (40 CFR 98.233(n)(4)(iii)(B)(1-3) and 40 CFR 98.233(n)(8)(iv), respectively). This option should also be available to determine NHV for Subpart OOOOb compliance.

Subpart OOOOb's scope "establishes emission standards and compliance schedules for the control of the pollutant greenhouse gases (GHG)" (40 CFR 60.5360b(a)), and Part 98, which Subpart W falls under, "establishes mandatory greenhouse gas (GHG) reporting requirements" (40 CFR 98.1(a)). These rules target the same pollutants, oftentimes at the same facilities. Reporting of actual annual values with site-specific process simulation is approved under Subpart W, and reporting the exact same value under Subpart OOOOb should also be allowed using the same method. Additionally, the most recent update to Subpart W was highly focused on improving the accuracy of reporting, "to ensure that reporting is based on empirical data, accurately reflects total methane emissions and waste emissions from applicable facilities, and allows owners and operators of applicable facilities to submit empirical emissions data that appropriately demonstrate the extent to which a charge is owed under the Waste Emissions Charge" (40 CFR 98 Summary, RIN 2060-AV83). EPA has already determined that site-specific process simulations are an accurate option for Subpart W and Subpart OOOOb should reflect this as well.

### Existing Control Device Issues for Modified or Reconstructed Sources

Existing flares and enclosed combustion devices controlling new, modified or reconstructed equipment should have an alternative limit equivalent to the Subpart OOOOc.

EPA should clarify that existing flares and enclosed combustion devices are not subject to Subpart OOOOb control device combustion efficiency requirements unless the flare or enclosed combustion device is new or physically changed.

In the March 2024 final rule, the EPA explained that combustion efficiency requirements for assisted flares in Subpart OOOOb should not be adopted and applied to existing flares at existing natural gas processing plants subject to Subpart OOOOc. The preamble emphasized that "accommodations" for meeting flare combustion efficiency parameters are more easily made to new flares as opposed to existing flares:

**"We are not adding these requirements [for assisted flares] to the final EG OOOOc because we are concerned about the ability of existing sites to retrofit flares in order to meet these requirements.** While we do expect that most owners and operators will be able to demonstrate

compliance through flare assessments, those who cannot demonstrate compliance through an assessment will have to conduct continuous sampling of flare vent streams and flowrate monitoring of both the flare vent stream and the air assist stream. **These accommodations can easily be made for a new flare. For an existing flare at an existing site, these retrofits require taking the flare out of service and may require adding ports to set up these monitoring systems. Additionally, there is no guarantee that ports can be placed at an appropriate location. Without additional information on assisted flares at existing sites and the ability of owners and operators to retrofit these flares, we are reluctant to place these requirements on existing sources, and as such, we are not adding these requirements to the final EG OOOOc.** 89 Fed. Reg. 16820, 16967 (March 8, 2024)

Unfortunately, the Subpart OOOOc Model Rule EPA adopted in March 2024 did not include provisions reflective of the preamble. However, the Proposed Rule seeks to correct this oversight.

“[F]or EG OOOOc, the EPA is proposing to remove the requirement to comply with and conduct monitoring for  $NH_{V_{cz}}$  and  $NH_{V_{dil}}$  for air- and steam-assisted enclosed combustion devices and flares used for existing sources. This series of proposed revisions in EG OOOOc include changes in the initial compliance requirements for air- or steam-assisted enclosed combustion devices or flares in 40 CFR 60.5412c, the continuous compliance requirements for these control devices in 40 CFR 60.5415c, and the continuous monitoring requirements for these control devices in 40 CFR 60.5417c.” 90 Fed. Reg. 3734, 3746.

GPA Midstream supports this change. However, as a practical matter, there is no functional difference between an existing flare or enclosed combustion device controlling an affected facility under OOOOb and an existing flare or enclosed combustion device controlling a designated facility under OOOOc. The same challenges EPA described in the March 2024 final rule apply to the existing flare or enclosed combustion device regardless of the “vintage” or regulatory-applicability of the source it is controlling.

For GPA Midstream members, a common example of misapplication of OOOOb requirements to existing flares or enclosed combustion devices is in the case of an existing natural gas processing plant with a process unit that contains pressure relief devices routed to an existing flare or enclosed combustion device. If the process unit is modified and becomes subject to OOOOb, the existing flare or enclosed combustion device also then becomes subject to OOOOb even though existing flare itself was not newly installed or being physically changed in any way. Since this poses the precise Subpart OOOOc retrofit concern EPA was intent on addressing in the March 2024 final rule and is now, again, proposing to fix in this Proposed Rule, EPA should clarify that flares and enclosed combustion devices should be exempt from Subpart OOOOb control device unless they themselves new, modified, or reconstructed.

Further, creating this artificial difference in the way existing flares and enclosed combustion devices are treated is not supported by the analysis required by the CAA. Section 111(a)(1) of the Clean Air Act, 42 U.S.C. § 111(a)(1) provides that NSPS are to “reflect the degree of emission limitation achievable through the application of the **best system of emission reduction** which (taking into account the cost of achieving such reduction and any nonair quality health and environmental impact and energy

requirements) the Administrator determines has been adequately demonstrated.” (Emphasis added.) In addition to other factors, the EPA must consider costs in evaluating the best system of emission reduction or “BSER” for any standard of performance it adopts. EPA generally compares control options, estimated costs, and emission impacts of multiple, specific emission standard options under consideration. In this case, EPA admitted that it did not evaluate the cost of incorporating Subpart OOOOb control device combustion efficiency requirements into the Subpart OOOOc Model Rule. Since existing flares and enclosed combustion devices controlling a modified process unit do not differ, EPA also lacks cost information that would allow it to impose such requirements on existing flares.

### NHV should only apply when the control device is receiving gas from OOOOb affected facilities and OOOOc designated facilities

EPA proposed requirements for control devices under 40 CFR 60, subpart OOOOb (“NSPS OOOOb”) , akin to those requirements found in 40 CFR part 63, subpart CC (“NESHAP CC”). EPA attempted to characterize these new NSPS OOOOb requirements as less onerous than those requirements found in NESHAP CC; however, the OOOOb requirements are more stringent in that they apply at all times, including periods when regulated materials are not being introduced.

Per §63.641 of MACT CC, *Regulated material* means any stream associated with emission sources listed in [§ 63.640\(c\)](#) required to meet control requirements under this subpart as well as any stream for which this subpart or a cross-referencing subpart specifies that the requirements for flare control devices in [§ 63.670](#) must be met.” Furthermore, §63.670 restricts the applicability of these requirements to certain periods as specified in the table below:

Parameter	MACT CC
<b>Pilot flame presence</b>	Pilot flame must be present when regulated material is routed to the flare. Deviation does not occur unless at least one minute of pilot absence while regulated materials are routed to flare. [§63.670(b)]
<b>Visible emissions</b>	Applies when regulated materials are routed to the flare and the flare vent gas flow rate is less than the smokeless design capacity of the flare. Observations only required on days when regulated materials routed to flare. [§63.670(c), §63.670(h)]
<b>Flare tip velocity</b>	Applies when regulated materials are routed to the flare for at least 15 minutes and the flare vent gas flow rate is less than the smokeless design capacity of the flare. [§63.670(d)]
<b>Combustion zone operating limits</b>	Applies when regulated materials are routed to the flare for at least 15 minutes [§63.670(e)]
<b>Dilution operating limits with flares with perimeter assist air</b>	Applies when regulated materials are routed to the flare for at least 15 minutes [§63.670(f)]

In contract, OOOOb §60.5415b(f)(1) requires continuous compliance to be demonstrated with no consideration of whether regulated materials are being routed to flare, or how the flare is operating in relation to its smokeless design capacity. EPA should make similar allowance in OOOObc. Control devices may intermittently control OOOObc sources (such a tank emissions) and other non-OOOObc sources (such as dehydrator emissions).

### Air-assisted and Steam-Assisted Control Devices

14 day sampling should be extended to steam-assisted and premix air-assisted control devices. As described in this letter, GPA Midstream believes continuous Net Heating Value Vent Gas (NHVvg) monitoring of air-assisted and steam-assisted control devices is not necessary and that an assumed NHVvg value of 910 BTU/scf is appropriate to meet compliance with NHVcz and NHVdil for Subpart OOOOb control devices. If, however, EPA retains continuous vent gas monitoring requirements for these control devices, GPA Midstream supports EPA's proposal to broaden the use of the 14-day alternative sampling methodology in 40 CFR 60.5417b(d)(8)(iii) to include steam-assisted and premix air-assisted flares and enclosed combustion devices. GPA Midstream agrees with EPA that the final Subpart OOOOb rule should allow for the use of the 14-day alternative sampling methodology for unassisted control devices, steam-assisted control devices, premix air-assisted control devices, and perimeter-assisted control devices.

### Subpart OOOOc air and steam assist flare vent gas limit of 300 BTU/scf is a reasonable alternative to the NHVdil/NHVcz limits

GPA Midstream supports the flare vent gas limit of 300 BTU/scf as a reasonable alternative to the NGVdil/NHVcz limits in Subpart OOOOc. The EPA did not conduct Refinery MACT cost level monitoring for existing sources, and stated in the preamble to the March 2024 final rule that monitoring of NHVcz and NHVdil was not recommended as part of the Emission Guidelines for existing sources due to concerns about retrofitting existing flares to meet the requirements. Also, the EPA cites an NHV data set provided by API and AXPC which included over 22,000 data points across approximately 4,200 sites. More than 99.9 percent of the time the NHV value was at least 300 BTU/scf. With the vast majority of the data showing a level no lower than 300 BTU/scf, the record demonstrates that this would be an appropriate limit for existing air-assisted and steam-assisted flares and enclosed combustion devices in EG OOOOc.

### Clarification in use of VISR in Place of NHVdil/NHVcz 14-day sampling compliance option

In the proposed Subpart OOOOb/c Rule preamble, owners and operators had the option to use an alternative test method for the 14-day initial NHV sampling demonstration that showed continuous compliance with the Rule's minimum 95% combustion efficiency requirements only to measure the NHV in the vent gas. EPA noted in the Rule that "ALT-156: Alternative Test Method to Monitor the NHV of the Flare Combustion Zone at facilities subject to NSPS OOOOb" was approved by the Agency (Link: [EPA ALT-156](#)).

A reading of ALT-156 indicates that Simplified VISR is approved by EPA for inlet gas monitoring, 14-day initial NHVdil and NHVcz sampling demonstration, and continuous monitoring in lieu of using a gas chromatograph, calorimeter, mass spectrometer or grab sampling and analysis system using Method ASTM D1945-14 (R2019).



GPA Midstream is uncertain about, and seeks clarification of, several aspects of EPA's ALT-156 approval of the 14-day initial NHV sampling demonstration using Simplified VISR. Specific questions that GPA Midstream has are the following:

- (1) Is the 14-day initial NHV sampling demonstration deemed to be successful if all Simplified VISR results during the test show a NHVcz greater than 200 Btu/scf for unassisted flares, greater than 270 Btu/scf for steam-assisted flares, or show a NHVdil greater than 22 Btu / ft<sup>2</sup> for air-assisted flares?
- (2) Does a successful 14-day initial sampling demonstration exempt the flare from future continuous Simplified VISR (and other) monitoring of NHVcz and NHVdil as long as subsequent testing per 40 CFR §60.5417b(d)(8)(iii)(G) is followed using Simplified VISR?
- (3) Does a successful 14-day initial sampling demonstration exempt the flare from future continuous monitoring of NHVvg, Qa,premix, and Qa,perimeter in 40 CFR §60.5417b(d)(8)(vi)(A),(B) and §63.670(m),(n) as long as subsequent testing per 40 CFR §60.5417b(d)(8)(iii)(G) is followed? Does it exempt the flare from continuous monitoring of flare tip velocity with respect to 40 CFR §60.18(f)(6)?

Answers to these questions are critical to companies considering implementation of Simplified VISR as an alternative test method and monitoring technology. Without additional clarifying information from EPA, companies may be reluctant to use Simplified VISR. [

## Sampling

Sampling using grab samples across multiple days adds useful flexibility and is a sound approach. GPA Midstream appreciates the additional flexibility that EPA has provided in the 14-day sampling process for control devices that are using grab samples for compliance purposes. There would not be an expected change in control device vent gas compositions on days when samples could not be taken. Allowing breaks in the 14-day periods for sites that do not use a continuous sampling systems will provide representative results at a reduced cost and burden.

## Conclusion

GPA Midstream appreciates the opportunity to provide comments on the proposed rule. The changes that GPA Midstream is suggesting will reduce burden to the industry without any environmental harm. As GPA Midstream has indicated in this comment package as well as other letters and comments to EPA, GPA Midstream member companies believe they have high BTU content gas going to their control device unless inert gases are added to the stream and, thusly, should not require additional complex monitoring that is required in other industries. GPA Midstream looks forward to continuing to work with EPA to help implement effective emissions reduction regulations that are both practical and cost effective.