



June 23, 2026

Submitted via www.regulations.gov

U.S. Environmental Protection Agency
Natural Resources Division, Office of Clean Air Programs
109 T.W. Alexander Drive
P.O. Box 12055
Research Triangle Park, NC 27711

Attn: Amy Hambrick
hambrick.amy@epa.gov

Re: Docket ID No. EPA-HQ-OAR-2024-0358; Request for Confirmation Regarding Net Heating Value Monitoring and Reporting Requirements in 40 CFR Part 60, Subparts OOOOb/c

Dear Ms. Hambrick:

Request for Confirmation

GPA Midstream Association appreciates EPA's April 9, 2026, final amendments to the New Source Performance Standards and Emission Guidelines for the Crude Oil and Natural Gas source category. The amendments provide important technical flexibility for net heating value (NHV) monitoring while preserving EPA's objective of ensuring that flares and enclosed combustion devices (ECDs) operate at appropriate combustion efficiency.

GPA Midstream respectfully requests that EPA clarify and confirm, through conforming language in a forthcoming rulemaking or through technical guidance, when an operator may rely on the NHV monitoring exemption for a flare or ECD that receives streams that may reduce the NHV of the combined inlet stream but cannot or would not reduce that stream below the applicable minimum NHV value. This will help to ensure that operators are meeting the intent of the rule, inclusive of the recently published changes.

This request is narrow. GPA Midstream is not asking EPA to reopen or alter the substantive NHV standards, the applicable minimum NHV values, or the decision thresholds that apply once an NHV sampling demonstration is required. Rather, GPA Midstream seeks confirmation that EPA's preamble discussion and the regulatory text should be applied consistently: where an owner or operator can document, using reasonable process knowledge or engineering analysis, that an added stream does not have the potential to lower the combined inlet gas below the applicable minimum NHV value, the flare or ECD should remain eligible for the NHV monitoring exemption.

EPA's April 2026 Rule and Preamble Explanation

In the April 2026 final rule, EPA expanded the streams exempt from NHV monitoring due to high NHV content to include all flares and ECDs for both new and existing sources. EPA explained that industry data showed that over 99.5 percent of low-pressure and high-pressure gas-stream data had NHV contents of at least 800 Btu/scf, and over 99.9 percent had NHV contents of at least 300 Btu/scf. 91 Fed. Reg. 18,056, 18,077 (Apr. 9, 2026).

Accordingly, EPA provided that NHV continuous monitoring sampling and alternative performance test (sampling demonstration) is required only where there are contributions from inert gases or other miscellaneous scenarios that decrease NHV content, and that such scenarios can be validated and documented through the physical presence or absence of process equipment, process piping, engineering analysis, or process flow diagrams. *Id.* at 18,077-78.

In fashioning this exclusion from the NHV sampling requirements, in some places in the text of the administrative code (e.g., specifically for produced water tanks), EPA has specified that NHV testing is required only when the vent gas stream could lower “the NHV below the applicable minimum value.”¹ This language is helpful and provides clarity consistent with the essential purpose of the exemption: sources that are below the minimum should test, but those that exceed the minimum need not. EPA further stated that operators have various ways to make this determination, including operating history, best engineering judgment, or manufacturer recommendations. *Id.* at 18,082.

Request for EPA to Clarify and Confirm the Clarification Needed for Streams That Do Not Affect Compliance

However, in other places in the rule, including parts of the rule that apply to produced water tanks, the text suggests that testing could be required if an additional inert gas or other vent gas stream merely “may lower the NHV of the combined stream” without reference to lowering the NHV below the minimum value. *See, e.g.*, 40 C.F.R. § 60.5417b(d)(8)(ii), § 60.5417b(d)(8)(iii). By not referencing the minimum value, the text creates some confusion as to when the operator can apply the exemption from NHV monitoring for combined vent gas streams that include a produced water tank or other potentially lower-NHV streams. For example, a vent gas stream may lower the NHV without causing the overall stream to the control device to fall below the required minimum NHV.

Without this clarification, a regulator or court could choose to read the rule to mean that any stream that lowers NHV by any amount, even if the combined stream remains comfortably above the applicable minimum value, disqualifies a flare or ECD from the monitoring exemption. That interpretation would be inconsistent with EPA's preamble explanation, would impose

¹ 91 Fed. Reg. at 18,082 “4. High water content in vent gas streams from storage vessels—midstream operations employ the use of storage vessels for storing hydrocarbons and produced water (i.e., produced water tanks), which typically have NHVs well above the minimum thresholds required by the March 2024 Final Rule. However, it is possible that some production areas could have higher water content in the vent stream coming from the storage vessels, which would lower the NHV. In these cases, the high water content would increase the probability that the storage vessel emissions thresholds for applicability would not be exceeded. The EPA also clarifies that this scenario pertains to a higher water content from a storage vessel that could lower the NHV below the applicable minimum value, and not “any produced water tank.” It is the EPA's understanding that operators have various means of making this determination on an operating history, best engineering judgement, or manufacturer's recommendation basis as a response to known operating scenarios that could lower the NHV below the applicable minimum value.”

unnecessary monitoring or repeated 14-day sampling demonstrations, and would not further EPA's stated objective of targeting monitoring where NHV could be reduced to levels that matter for compliance.

GPA Midstream therefore requests that EPA clarify and confirm that an owner or operator may apply the NHV monitoring exemption where it documents that the flare or ECD does not receive inert gases or other vent gas streams that have the potential to lower the combined inlet gas below the applicable minimum NHV value. The bases on which operators should be permitted to make and document this determination are addressed in the following section.

Basis for Operator Determinations

For ease of reference, GPA Midstream suggests referring to such a showing as a “monitoring exemption determination” - a documented, site-specific conclusion that the relevant stream does not have the potential to lower the combined inlet gas to the flare or ECD below the applicable minimum NHV value. GPA Midstream requests that EPA confirm that an operator may rely on one or more reasonable, site-specific bases for making this determination.

EPA stated that these determinations “can be easily validated and documented through the physical presence (or absence) of process equipment, process piping, engineering analysis, or process flow diagrams in order to determine when the owner or operator should monitor the NHV of the stream.” 91 Fed. Reg. at 18,077. Consistent with that explanation, the relevant bases may include:

- process knowledge and engineering judgment;
- operating history and representative gas composition data;
- manufacturer information or equipment specifications;
- process flow diagrams, piping diagrams, and valve-lineup information;
- identification of whether a vent stream is routed to a dedicated control device or combined with affected-facility vent gas streams;
- calculations using conservative assumptions regarding the lowest expected hydrocarbon stream NHV, maximum inert or low-Btu stream contribution, and minimum concurrent hydrocarbon vent-gas flow; and
- documentation of the absence of process equipment, piping, or operating configurations that could introduce inert gases or low-Btu streams in sufficient quantity to lower the combined inlet stream below the applicable minimum value.

This clarification would implement EPA's own explanation that operators can determine whether monitoring is required through process equipment, process piping, engineering analysis, process flow diagrams, operating history, best engineering judgment, or manufacturer recommendations. 91 Fed. Reg. at 18,077-78, 18,082.

Produced Water and Storage Vessel Vent Streams

The need for clarification is particularly important for produced water and storage vessel vent streams. EPA recognized that produced water tanks typically have NHVs well above the relevant minimum thresholds and clarified that the monitoring concern is limited to storage vessel vent streams with high water content that could lower NHV below the applicable minimum value, not any produced water tank. 91 Fed. Reg. at 18,082.

Accordingly, GPA Midstream requests that EPA confirm that the mere presence of a produced water tank, or the routing of a produced water or storage vessel vent stream to a common control device, does not automatically require NHV monitoring or a 14-day sampling demonstration. Rather, the operator should first determine, using reasonable site-specific information, whether that stream could cause the combined inlet gas to the flare or ECD to fall below the applicable minimum NHV value. If the operator documents that the stream cannot do so, the monitoring exemption should remain available.

Other Enumerated Stream Scenarios

A similar clarification would be useful for other enumerated scenarios in 40 C.F.R. § 60.5417b(d)(8)(ii), including vent streams from acid gas removal (AGR) system amine regenerator still columns and glycol dehydration unit reboilers. GPA Midstream recognizes that these streams may be sources of inert-gas dilution and that, where they have the potential to reduce the combined inlet stream below the applicable minimum NHV value, the operator should conduct the required NHV sampling demonstration or continuous monitoring.

At the same time, the mere presence of an enumerated stream type in a facility should not automatically foreclose the NHV monitoring exemption where the operator can document that the stream is not routed to the relevant flare or ECD, is routed to a dedicated control device, or is present only in a volumetric proportion that cannot lower the combined inlet stream below the applicable minimum NHV value. GPA Midstream requests that EPA confirm that this monitoring exemption determination approach is available for enumerated inert-stream scenarios beyond produced water tanks, provided that the determination is documented and does not alter the sampling methodology or compliance obligations that apply once monitoring is required.

Intermittent Nitrogen Purges

The same clarification would be useful for intermittent nitrogen purges and similar low-volume inert-gas uses. Many gas processing plants use nitrogen purges during maintenance to displace air or other gases, create an inert environment, prevent unwanted reactions, and support safe work. These purges are often infrequent, short in duration, and small relative to the hydrocarbon flow routed to the control device.

GPA Midstream requests that EPA confirm that an intermittent nitrogen purge does not, by itself, disqualify a flare or ECD from the NHV monitoring exemption if the owner or operator documents that the purge would not lower the combined inlet stream below the applicable minimum NHV value. For example, an operator should be able to rely on the maximum purge volume or flow rate, expected purge duration, minimum concurrent hydrocarbon vent-gas flow, and worst-case combined-stream NHV calculation to demonstrate that the applicable minimum will remain satisfied. If an operator cannot make that determination, or if process operations change in a way that could reduce NHV below the applicable minimum, the operator would conduct the applicable NHV sampling demonstration or continuous monitoring as required by 40 C.F.R. § 60.5417b(d)(8) or § 60.5417c(d)(8).

CEDRI Reporting

GPA Midstream also requests clarification regarding how operators should report these determinations in CEDRI. The current Control_Devices tab appears to ask whether a

Ms. Amy Hambrick

June 23, 2026

Page 5

demonstration of the NHV of the inlet gas to the ECD or flare was conducted during the reporting period. If an operator selects "N/A" because no NHV demonstration was required, the remaining NHV fields appear to be unavailable, and there does not appear to be a field in which the operator can state that it made and documented a no-potential determination.

GPA Midstream suggests that EPA update the CEDRI form or instructions to allow an operator to indicate, for example: "NHV monitoring not required; operator has documented that the flare/ECD does not receive inert gases or other vent gas streams with the potential to lower the combined inlet stream below the applicable minimum NHV value." EPA should also clarify whether selecting "N/A" is appropriate in Column U of the Control_Devices tab where no NHV demonstration was required for that reason.

Suggested Conforming Language

Attachment A provides suggested conforming edits to the OOOOb regulatory text. GPA Midstream requests that EPA provide the same clarification for the parallel OOOOc provisions, including 40 C.F.R. §§ 60.5417c(d)(8)(ii), 60.5417c(d)(8)(iii), 60.5420c(b)(10)(v)(I), and 60.5420c(c)(10)(vi).

The suggested edits are intended to preserve EPA's final rule structure while confirming the threshold trigger for NHV monitoring and related reporting and recordkeeping. In particular, they distinguish between streams that may reduce NHV in a generic sense and streams that may reduce the combined inlet stream below the applicable minimum NHV value, which is the compliance-relevant concern identified in the preamble. These edits are not intended to change the monitoring methodology, sampling requirements, or decision thresholds that apply once NHV monitoring or sampling is required.

Conclusion

GPA Midstream appreciates EPA's consideration of this request. Confirming the NHV monitoring exemption in this manner would align the regulatory text and reporting instructions with EPA's preamble explanation, reduce unnecessary compliance uncertainty, and allow both operators and regulators to focus NHV monitoring on the operating scenarios that could affect compliance with the applicable minimum NHV values.

Respectfully submitted,



Stuart Saulters
Vice President, Federal Affairs
GPA Midstream Association
6060 S. American Plaza St E
Suite 700
Tulsa, Oklahoma 74135
ssaulters@gpamidstream.org

Attachment A

Suggested Clarifying Edits to 40 CFR Part 60, Subpart OOOOb

Note: Additions are shown in blue underline. GPA Midstream requests corresponding conforming changes in the parallel OOOOc provisions. GPA Midstream has not proposed edits to provisions that govern sampling methodology after the monitoring trigger has been established; the requested edits are directed to the threshold question of when NHV monitoring or sampling is triggered.

1. 40 C.F.R. § 60.5417b(d)(8)(ii)

Except as provided in this paragraph (d)(8)(ii) and paragraphs (d)(8)(iii) and (vi) of this section, use one of the following methods to continuously determine the NHV of the inlet gas to the enclosed combustion device or flare at standard conditions. If the inlet gas stream to the flare or enclosed combustion device does not include streams from processes or equipment where inert gas or other vent gas streams which may lower the NHV of the combined stream below the applicable minimum NHV value are added (e.g., vent streams from acid gas removal (AGR) system amine regenerator still columns, vent streams from glycol dehydrator unit reboilers without water removal, vent streams from compressors in acid gas service, vent streams containing water or CO₂ used for enhanced oil recovery, vent streams from storage vessels with high water content where the owner or operator has determined that the vent stream could cause the inlet gas to the enclosed combustion device or flare to not meet the minimum NHV, vent streams from gas plants that receive acid gas from sweetening units, and vent streams from nitrogen removal units (NRU)), the NHV of the inlet stream is considered to be sufficiently above the minimum required NHV for the inlet gas, and you are not required to conduct the continuous monitoring in this paragraph (d)(8)(ii) of this section or the demonstration in paragraph (d)(8)(iii) of this section, but you must submit the report in § 60.5420b(b)(11)(v)(I) and maintain the record in § 60.5420b(c)(11)(vi) indicating that the flare or enclosed combustion device does not receive inert gases or other vent gas streams which may lower the NHV of the combined stream below the applicable minimum NHV value.

2. 40 C.F.R. § 60.5417b(d)(8)(iii) introductory text

Flares or enclosed combustion devices that are not required to monitor flare gas composition because the inlet gas streams to the flare or enclosed combustion device does not include streams from processes or equipment where inert gas or other vent gas streams which may lower the NHV of the combined stream below the applicable minimum NHV value are added (e.g., vent streams from acid gas removal (AGR) system amine regenerator still columns, vent streams from glycol dehydrator unit reboilers without water removal, vent streams from compressors in acid gas service, vent streams containing water or CO₂ used for enhanced oil recovery, vent streams from storage vessels with high water content where the owner or operator has determined that the vent stream could cause the inlet gas to the

enclosed combustion device or flare to not meet the minimum NHV, vent streams from gas plants that receive acid gas from sweetening units, and vent streams from nitrogen removal units (NRU)), are not required to conduct sampling demonstrations specified in this paragraph.

3. 40 C.F.R. § 60.5417b(d)(8)(iii)(F)

When collecting samples under paragraph (d)(8)(iii)(A) of this section, the owner or operator must account for any sources of inert gases or other vent gas streams which may lower the NHV of the combined stream [below the applicable minimum NHV value](#) (e.g., vent streams from AGR system amine regenerator still columns, vent streams from glycol dehydrator unit reboilers, vent streams from compressors in acid gas service, vent streams from enhanced oil recovery facilities, or vent streams from storage vessel with high water content where the owner or operator has determined that the vent stream could cause the inlet gas to the enclosed combustion device or flare to not meet the minimum NHV) that can be sent to the enclosed combustion device or flare. The owner or operator must document in the report in § 60.5420b(b)(11)(v)(I) and the records in § 60.5420b(c)(11)(vi) must note the operating scenario(s) which may lower the NHV of the combined stream [below the applicable minimum NHV value](#) through the introduction of inert gases or other vent gas streams, and whether the sampling included periods where the highest percentage of inert gases or other vent gas streams which may lower the NHV of the combined stream [below the applicable minimum NHV value](#) were sent to the enclosed combustion device or flare.

4. 40 C.F.R. § 60.5420b(b)(11)(v)(I)

An indication of whether the enclosed combustion device or flare receives inert gases or other vent streams which may lower the NHV of the combined stream [below the applicable minimum NHV value](#), and if so, a description of the operating scenario(s) which may lower the NHV of the combined stream [below the applicable minimum NHV value](#) through the introduction of inert gases or other vent gas streams. If a demonstration of the NHV of the inlet gas to the enclosed combustion device or flare was conducted during the reporting period in accordance with § 60.5417b(d)(8)(iii), an indication of whether this is a re-evaluation of vent gas NHV and the reason for the re-evaluation; the applicable required minimum vent gas NHV; if twice daily samples of the vent stream were taken, the number of samples with NHV values that are less than 1.2 times the applicable required minimum NHV, an indication of whether full one hour samples were collected or if shorter sampling times were used, and, if shorter sampling times were used, the collection time(s) used and the reason for not obtaining a full one hour sample; if continuous NHV sampling of the vent stream was conducted, the number of hourly block average NHV values that are less than the required minimum vent gas NHV; if continuous combustion efficiency monitoring was conducted using an alternative test method approved under § 60.5412b(d), the number of values of the combustion efficiency that were less than 95.0 percent; the resulting

determination of whether continuous NHV monitoring is required or not in accordance with § 60.5417b(d)(8)(iii)(D), (E), or (H); and if the enclosed combustion device or flare received inert gases or other vent streams which may lower the NHV of the combined stream [below the applicable minimum NHV value](#), whether the sampling included periods where the highest percentage of inert gases or other gases which may lower the NHV of the combined stream [below the applicable minimum NHV value](#) were sent to the enclosed combustion device or flare.

5. 40 C.F.R. § 60.5420b(c)(11)(vi)

For enclosed combustion devices and flares, an indication of whether the enclosed combustion device or flare receives inert gases or other vent streams which may lower the NHV of the combined stream [below the applicable minimum NHV value](#), and if so, a description of the operating scenario(s) which may lower the NHV of the combined stream [below the applicable minimum NHV value](#) through the introduction of inert gases or other vent gas streams. Records of each demonstration of the NHV of the inlet gas to the enclosed combustion device or flare conducted in accordance with § 60.5417b(d)(8)(iii), including the sampling approach used (continuous NHV, twice daily sampling, alternative method), the date, time and results of each analysis, and, if shorter sampling times were used with twice daily sampling, the collection time(s) used and the reason for not obtaining a full one hour sample. For each re-evaluation of the NHV of the inlet gas, records of process changes and explanation of the conditions that led to the need to re-evaluate the NHV of the inlet gas. For each demonstration where the enclosed combustion device or flare received inert gases, record the highest percentage of inert gases that can be sent to the enclosed combustion device or flare and the highest percent of inert gases sent to the enclosed combustion device or flare during the NHV demonstration. Records of periodic sampling conducted under § 60.5417b(d)(8)(iii)(G).

6. Conforming OOOOc edits

GPA Midstream requests that EPA make corresponding conforming edits in the parallel OOOOc provisions, including 40 C.F.R. §§ 60.5417c(d)(8)(ii), 60.5417c(d)(8)(iii), 60.5420c(b)(10)(v)(I), and 60.5420c(c)(10)(vi), or otherwise confirm through guidance that the same clarification applies to EG OOOOc sources.

GPA Midstream notes that 40 C.F.R. § 60.5417b(d)(8)(vi), which governs NHVcz and NHVdil monitoring for air- and steam-assisted flares and ECDs at new sources that receive inert-gas streams, uses the same “may lower the NHV of the combined stream” phrase. That provision applies only where the monitoring exemption does not apply - and GPA Midstream therefore does not seek conforming edits to that paragraph. GPA Midstream raises this point solely to again emphasize that the conforming edits requested are directed to the threshold question of when monitoring is triggered, not to the monitoring methodology provisions that apply once a trigger is established.

Ms. Amy Hambrick

June 23, 2026

Page 9

Attachment B

Suggested CEDRI Instruction

EPA should consider adding the following instruction to the Control_Devices tab or related guidance:

If no NHV demonstration was conducted because the owner or operator determined that the flare or enclosed combustion device does not receive inert gases or other vent gas streams with the potential to lower the combined inlet stream below the applicable minimum NHV value, select “N/A” and maintain the documentation required by 40 C.F.R. § 60.5420b(c)(11)(vi) or § 60.5420c(c)(10)(vi), as applicable.