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December 17, 2018

Amy Hambrick
Sector Policies and Programs Division
Office of Air Quality Planning and Standards
US Environmental Protection Agency
Attention: Docket ID No. EPA-HQ-OAR-2017-0483
109 TW Alexander Dr, Durham, NC 27709

Dear Ms. Hambrick:

The National Tribal Air Association (NTAA) is pleased to submit these comments on EPA's proposed rule titled, "Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Source Reconsideration."

The NTAA is a member-based organization with 137 principal member Tribes. The organization's mission is to advance air quality management policies and programs, consistent with the needs, interests, and unique legal status of Indian Tribes and Alaskan Native Villages (herein, "Tribes"). As such, the NTAA uses its resources to support the efforts of all federally recognized Tribes in protecting and improving the air quality within their respective jurisdictions. Although the organization always seeks to represent consensus perspectives on any given issue, it is important to note that the views expressed by the NTAA may not be agreed upon by all Tribes. Further, it is also important to understand interactions with the organization do not substitute for government-to-government consultation, which can only be achieved through direct communication between the federal government and Indian Tribes.

On October 15, 2018, EPA released a proposed rule that would amend the Oil and Natural Gas Sector Emission Standards for New, Reconstructed, and Modified Sources rule published in the Federal Register on June 6, 2016.[1] The Clean Air Act § 111 establishes EPA's authority to develop New Source Performance Standards (NSPS) to control emissions of air pollutants from new and modified stationary sources. In 2012, the EPA first created NSPS for the oil and natural gas industries, addressing the wide range of operations and equipment involved in this high-emission sector, including production wells, compressors, natural gas transmission stations and pipelines, and underground storage. The industry emits enormous quantities of regulated air pollutants, including methane, nitrogen oxides, and volatile organic compounds, as well as toxic compounds like benzene, ethylbenzene, and n-hexane.

Recent data indicates that the oil and natural gas production and processing sector accounts for nearly 40% of all U.S. methane emissions; methane is 25 times more potent than $CO_2$ as a heat-trapping gas. Considering these facts, EPA sought to regulate releases of methane from the sector through its 2016 NSPS update rule. 81 Fed. Reg. 35824 (June 3, 2016). The 2016 NSPS set direct emissions limits for greenhouse gases from the oil and natural gas sector for the first time, further regulated

[1] EPA-HQ-OAR-2017-0483, https://www.gpo.gov/fdsys/pkg/FR-2018-10-15/pdf/2018-20961.pdf.

volatile organic compounds (VOCs), and included additional sources not covered in the 2012 NSPS. In 2017, EPA released several reconsiderations to the requirements. The 2018 proposed rule introduces amendments and clarifications to the 2017 reconsiderations on certain key requirements, technical provisions, and implementation issues from the 2016 rule. According to the EPA's Regulatory Impact Analysis (RIA), these amendments are estimated to save the oil and natural gas industry up to $75 million per year in compliance costs.[2]

The NTAA has a number of concerns regarding the agency's proposed change in policy. These amendments would cause negative impacts on air quality and public welfare in Indian Country because the rule would not be adequate or effective in minimizing emissions, would reduce frequency of monitoring, and weaken closed vent systems (CVS) certification requirements. Therefore, the NTAA opposes the new amendments and recommends upholding the 2016 NSPS standards.

**Amendment Concerns**

The 2018 proposed rule amendments address certain key requirements, technical provisions, and implementation issues from the 2016 rule. Specifically, the proposed rule reduces monitoring of fugitive emissions from non-low production well sites to annual and low production well sites from semiannual to biennial. For compressor stations, monitoring frequency is reduced to semiannual and annual, and Alaska's North Slope compressor station monitoring is reduced to annual. The North Slope's reduction to annual monitoring doesn't provide parity as compared to other regions. The proposed rule also removes the professional engineer certification requirement for closed vent systems, allowing an in-house engineer to certify assessment. Furthermore, the proposed rule adopts changes to technologies application requirements and allows modeling results to be considered rather than verifiable field data. All of these changes will allow greater leakage of methane and other pollutants into the atmosphere, negatively affecting NTAA member Tribes and other Tribal communities.

The NTAA also finds the increased time provided to complete repair of leaks from 30-days to 60-days after finding a leak too long, since the primary purpose of the NSPS is to limit the amount of emissions of Hazardous Air Pollutants (HAPs), methane, and VOCs released by the oil and natural gas industry. The proposed change could result in delays in leak detection for up to two years and leak repairs for up to an additional 30 days, no matter the severity of the leak and the level of emissions it is causing, or the simplicity of the fix. EPA reasons low-producing wells are less likely to leak, but recent studies have shown that methane emissions from low-producing wells are 85 times higher than those from high-producing wells,[3] and leakage rates of fugitive emissions are known to increase over time if the leak is not located and repaired.[4] Therefore, the NTAA

[2] Regulatory Impact Analysis (RIA) for the Proposed Reconsideration of the Oil and Natural Gas Sector Emission Standards for New, Reconstructed, and Modified Sources. EPA-452/R-18-001.
[3] Toward a Functional Definition of Methane Super-Emitters: Application to Natural Gas Production Sites. Daniel Zavala-Araiza, David Lyon, Ramón A. Alvarez, Virginia Palacios, Robert Harris, Xin Lan, Robert Talbot, and Steven P. Hamburg. *Environmental Science & Technology* **2015** *49* (13), 8167-8174 DOI: 10.1021/acs.est.5b00133
[4] Bipartisan Policy Center. 2014. Natural Gas Infrastructure and Methane Emissions. https://bipartisanpolicy.org/wp-content/uploads/sites/default/files/BPC%20Energy%20Natural%20Gas%20Infrastructure%20Methane%20Emissions.pdf

recommends keeping the requirement of repairing all leaking components within 30 days of finding a leak. We also ask that the monitoring frequency for Alaska North Slope compressor stations remain the same as in the 2016 rule to ensure that leaks are detected and repaired within the 30-day timeframe. Alaska North Slope borough residents, including our member Tribes, manage property and work during all weather conditions, and oil and gas operators should be similarly well equipped to meet their operational requirements in arctic weather.

Overall, these delays in leak repair, monitoring, and other technical changes will result in an increase of total emissions by 380,000 tons of methane, 100,000 tons of VOC, and 3,800 tons of HAPs between 2019 and 2025, increase the value of natural gas lost through leakage by $62 million, endanger public health, and contribute to climate change.[2] These losses in environmental and public health and in the value of natural gas are not worth the gain to industry.

The proposed amendments also do not appropriately consider the unique regional differences of where these facilities are located. For example, Alaska experiences high seasonal changes and wintertime temperature inversions that trap pollutants close to ground level. A requirement for 12 months of site-specific data could address and capture these impacts of seasonal changes and temperature variability on air quality. The impacts of air pollution driven by oil and gas sources during temperature inversions needs to be considered to better understand fugitive emissions, short and long-term ambient levels of HAPs, VOCs, and methane, which can adversely affect the health of nearby Tribal communities and the environment. The NTAA recommends retaining the 2016 NSPS standards which would help create accountability and prevent the potential of a facility from causing or contributing to the degradation of national ambient air quality standards (NAAQS).

**Increased Emissions**

Nearly 40 percent of all US methane emissions comes from oil and natural gas production and processing, and there are over 1.2 million wells, compressors, and processors located in the United States.[5] According to the *Oil and Gas Threat Map*, 12.6 million people live within a half mile health threat radius of these facilities.[5] The map reports instances of elevated cancer and respiratory risk in 238 counties in the United States. EPA's Regulatory Impact Analysis (RIA) states the proposed amendments are expected to increase emissions by 380,000 tons of methane, 100,000 tons of VOC, and 3,800 tons of HAPs over a six year period. EPA expects the additional HAPs and VOCs co-emitted along with methane will adversely impact air quality and health of many communities, particularly those within a half mile health threat radius of oil and gas facilities. While the RIA states compliance costs for the industry would be reduced by $75 million a year, the EPA fails to provide estimates of costs related to the health impacts of increased emissions from the proposed rule.

The NTAA is deeply concerned about HAPs, methane, and VOCs emitted throughout the oil and natural gas development cycle. HAPs such as benzene, toluene, ethylbenzene, xylenes, and n-hexane are linked to numerous human health hazards including cancer and reproductive, developmental, and neurological damage. Methane is an extremely potent greenhouse gas with

[5] Oil & Gas Threat Map. 2018. Accessed November 14, 2018: https://oilandgasthreatmap.com/threat-map/.

25 times[6] the global warming potential of carbon dioxide and will thus further exacerbate the environmental and health impacts of climate change. Similarly, VOCs contribute to smog formation, which can lead to childhood asthma attacks and even premature death. Methane and VOCs are precursors to ground-level ozone which contribute to a number of harmful health and environmental impacts.[7]

There are stationary sources in the oil and natural gas industry located on or near Tribal lands and Alaskan Native Villages. Tribal impacts were not considered in the proposed rule or regulatory impact analysis (as per Executive Order 13175, Consultation and Coordination with Indian Tribal Governments and the EPA Policy on Consultation and Coordination with Indian Tribes). The proposal will affect all new or modified oil and gas sources on or near Tribal land that have leaking equipment by allowing industry to delay detecting and repairing leaks. Any Tribe that has an oil or natural gas facility on or near Tribal land could suffer adverse health and welfare from increased emissions of HAPs, methane, and VOCs. Tribal communities are disproportionately susceptible to health effects of air pollution and ground-level ozone. Several studies show that Native Americans and Alaska Natives have a disproportionate incidence of asthma and are at risk from exposure to ozone. American Indian and Alaska Native children are 60 percent more likely to have asthma as non-Hispanic white children.[8] Therefore, the impacts of additional emissions would be proportionally higher for Tribal communities. Requiring the oil and gas industry to reduce methane, VOC, and HAP emissions through the 2016 NSPS standards would reduce greenhouse gas emissions and improve air quality.

**Conclusion**

The NTAA appreciates this opportunity to comment on the proposed rule and urges the agency to uphold the current requirements at 40 C.F.R. part 60, subpart OOOOa. The 2016 NSPS rule is complete and effective in requiring a number of practices and technologies to reduce emissions from new sources. The NTAA does not support this proposed change to the status quo. If you have any questions or require clarification from NTAA, please do not hesitate to contact NTAA's Project Director, Andy Bessler, at 928-523-0526 or andy.bessler@nau.edu.

On Behalf of the NTAA Executive Committee,

Wilfred J. Nabahe
Chairman
National Tribal Air Association

Cc: EPA Assistant Administrator William Wehrum

[6] Overview of Greenhouse Gases: Methane Emissions. https://www.epa.gov/ghgemissions/overview-greenhouse-gases#methane
[7] Ground-level Ozone Pollution: Ozone Basics. https://www.epa.gov/ground-level-ozone-pollution
[8] Status of Tribal Air Report. http://www7.nau.edu/itep/main/ntaa/Resources/StatusTribalAir/