

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

April 18, 2017

THE ADMINISTRATOR

Mr. Howard J. Feldman
American Petroleum Institute
1220 L Street, NW
Washington, D.C. 20005

Ms. Shannon S. Broome
Counsel for the Texas Oil and Gas Association
Hunton & Williams LLP
575 Market Street, Suite 3700
San Francisco, California 94105

Mr. James D. Elliott
Counsel to the Independent Associations
Spilman Thomas & Battle PLLC
1100 Bent Creek Boulevard, Suite 101
Mechanicsburg, Pennsylvania 17050

Mr. Matt Hite
GPA Midstream Association
229 ½ Pennsylvania Avenue, SE
Washington, D.C. 20003

RE: Convening a Proceeding for Reconsideration of Final Rule, "Oil and Natural Gas Sector: Emission Standards for New, Reconstructed and Modified Sources," published June 3, 2016, 81 Fed. Reg. 35824

Dear Mr. Feldman, Ms. Broome, Mr. Elliott and Mr. Hite:

This letter concerns petitions from the American Petroleum Institute, Texas Oil and Gas Association, Independent Associations and GPA Midstream Association, all dated August 2, 2016, to the U.S. Environmental Protection Agency requesting reconsideration, and in some circumstances an administrative stay, of provisions included in the EPA's final rule titled "Oil and Natural Gas Sector: Emission Standards for New, Reconstructed and Modified Sources," 81 FR 35824 (June 3, 2016), pursuant to section 307(d)(7)(B) of the Clean Air Act and section 705 of the Administrative Procedure Act.

We find that the petitions have raised at least one objection to the fugitive emissions monitoring requirements included in the Final Rule (§60.5397a and associated provisions) that arose after the comment period or was impracticable to raise during the comment period and that is of central relevance to the rule under 307(d)(7)(B) of the CAA. Therefore, by this letter the EPA is convening a proceeding for reconsideration of those fugitive emissions monitoring requirements.

Among the issues raised in the petitions that meet the requirements for reconsideration under CAA section 307(d)(7)(B) are objections regarding the provisions for requesting and receiving an alternative means of emission limitations and the inclusion of low-production wells. These provisions, or certain aspects of these provisions, were not included in the proposed rule so the public could not have raised objections to these provisions during the public comment period. As part of the reconsideration process, the EPA will provide an opportunity for notice and comment on the issues raised in the petitions that meet the standard of CAA section 307(d)(7)(B), as well as any other matter we believe will benefit from additional comment.

As a result of this reconsideration, the EPA intends to exercise its authority under CAA section 307 to issue a 90-day stay of the compliance date for the fugitive emissions monitoring requirements. Sources will not need to comply with these requirements while the stay is in effect.

This letter does not address other requests for reconsideration raised in these and other petitions. Nor does it address the merits of, or suggest a concession of error on, any issue raised in the petitions.

If you have any questions concerning this action, please contact Mr. Peter Tsirigotis in the Office of Air Quality Planning and Standards at (888) 627-7764 or airaction@epa.gov.

Respectfully yours,



E. Scott Pruitt