



February 19, 2020

Office of Management and Budget
Office of Information and Regulatory Affairs
Desk Officer for the Environmental Protection Agency

Re: Information Collection Requirements for the Environmental Protection Agency's (EPA) Federal Implementation Plan for Managing Emissions from Oil and Natural Gas Sources on Indian Country Lands Within the Uintah and Ouray Indian Reservation in Utah, Docket No. EPA-R08-OAR-2015-0709

To Whom It May Concern:

Western Energy Alliance (Alliance) and the Utah Petroleum Association (UPA) support a Federal Implementation Plan (FIP) for the Uintah and Ouray Indian Reservation that enables responsible oil and natural gas development to move forward on tribal lands while creating jobs and expanding economic opportunities for the Ute Indian Tribe and improving air quality. We are still in the process of developing detailed technical comments for the FIP, but appreciate this opportunity to comment to the Office of Management and Budget (OMB) regarding the Information Collection Request (ICR) provisions of the proposed rule.

The Alliance represents 300 member companies engaged in all aspects of environmentally responsible exploration and production of oil and natural gas in the West. The Alliance represents independent oil and gas producers, the majority of which are small businesses with an average of fifteen employees.

UPA is a statewide oil and gas trade association established in 1958 representing companies involved in all aspects of Utah's oil and gas industry. Our members range from independent producers, to midstream and service providers, to major oil and natural gas companies widely recognized as industry leaders responsible for driving technology advancement resulting in environmental and efficiency gains.

Information Collection Requirement Categories

In order to ensure a level playing field is achieved that does not cause tribal lands to be at a disadvantage in comparison to federal and private lands within Utah's Uinta Basin, the U&O FIP should not be overly burdensome in terms of record-keeping and reporting. Overly burdensome regulations can have the unintended effect of making tribal lands less attractive to new development, thereby suppressing economic opportunity and job growth for the Ute Indian Tribe.

To that end, information collection and reporting requirements should be in alignment with existing federal and state requirements. However, we believe the annual reporting requirements proposed in the FIP would put tribal lands at a significant disadvantage compared to nontribal lands because there is

not a similar annual reporting requirement in state regulation. Our comments below on the ICR are focused on ensuring the information collection requirements are not redundant with or overly burdensome in comparison to Utah's Department of Air Quality (UDAQ) regulations and EPA's New Source Performance Standards (NSPS) Subpart OOOOa. As such, we have identified four general categories of data requests and reporting that our comments focus on, per our analysis of the "Information Collection Request - Supporting Statement_U&O FIP" docket ID number EPA-R08-OAR-2015-0709-0035 (ICR supporting statement).

Requirements Aligned with State Requirements: Some of the information collection requirements are in line with state reporting requirements as codified in rules R307-503, R307-506, R307-507 and R307-509. We appreciate such alignment of record-keeping and reporting requirements, which have the salutary effect of minimizing the burden to development on tribal lands by not placing state and private lands at a competitive advantage. We encourage EPA to increase the number of reporting requirements in alignment with state requirements in the final rule. At a minimum, we support the proposed rule's alignment with UDAQ's state requirements for the following information elements:

- Emission calculations for storage vessels and dehydrators
- Throughput for storage vessels
- Control device operating, maintenance, AVO, pilot flame inspections and visible emissions inspections for VOC control devices
- Flare auto-ignitor installation date and manufacturer specifications.

Requirements More Prescriptive than State Requirements: Certain information elements are more detailed or prescriptive than those in the state regulations referenced above. We strongly urge OMB to consider the negative impact that more prescriptive recordkeeping would have on discouraging tribal oil and natural gas development. We request that EPA consider adjusting the following requirements to align them with UDAQ state requirements:

- Vent system's bypasses or downtimes
- Closed vent system inspector name and signature
- Pneumatic controller date of installation or manufacturer specifications
- Recordkeeping location and retention length.

Reporting Requirements: The reporting requirements prescribed in the FIP represent a significant additional burden beyond what UDAQ rules currently mandate. The State of Utah's oil and natural gas rules require record keeping, but do not require any annual reporting, whereas the proposed FIP would require annual reporting. Mandating this additional burdensome reporting would have the deleterious effect of disadvantaging tribal lands. The additional administrative burden to prepare and submit reports on inspections is significant and would require considerable detail for the following:

- Closed vent systems
- Storage tank opening inspections
- Thief hatches
- Bypass devices
- VOC emission control devices
- Pressure relief valves

- Enclosed combustors
- Utility flares.

Requirements Aligned with NSPS Subpart OOOOa Requirements: By being consistent with OOOOa, certain information elements may or may not represent an additional burden to the Tribe, depending on whether the facilities are already covered by OOOOa or not. We support that the FIP's new/modified source permitting requirements are generally consistent with NSPS OOOOa reporting requirements. Additionally, we support not retroactively imposing these requirements on currently exempt facilities because we believe doing so would disadvantage the Tribe by placing a considerably higher reporting burden than does the state.

Administrative Errors in the ICR: We have found a few administrative errors in the ICR supporting statement that do not match with the information contained in the FIP itself. We recommend that the supporting statement be updated to align with the FIP so that the administrative record is consistent. Please note the following inconsistencies:

- Section 49.4183 as referenced in the ICR Supporting Statement is written as Section 49.4184 in the January 21, 2020 Federal Register for the proposed rule
- Section 49.4182 as referenced in the ICR Supporting Statement is written as Section 49.4183 in the January 21, 2020 Federal Register for the proposed rule
- Sections 49.4182 D & F are missing from the January 21, 2020 Federal Register for the proposed rule
- 49.4183(e) and (f) as referenced in the ICR Supporting Statement are written as Section 49.4183(d) and (e) in the January 21, 2020 Federal Register for the proposed rule
- Section 49.4169(b)(2) in the ICR does not match with any section in the proposed regulation and duplicates 49.4184(a)(1)
- Section 49.4184(a)(1)(ii) is missing from the ICR Supporting Statement.

We appreciate OMB considering our comments on the information collection requirements for the U&O FIP. We look forward to providing more detailed comments regarding the full extent of the FIP to EPA by the March deadline.

Sincerely,



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