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December 9<sup>th</sup>, 2015

Gina McCarthy  
Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D. C. 20460

Re: *40 CFR Parts 51, 60, 61 et al. Revisions to Test Methods, Performance Specifications, and Testing Regulations for Air Emission Sources; Proposed Rule (Docket ID No. EPA-HQ-OAR-2014-0292)*

Dear Administrator McCarthy:

The following comments to the proposed revisions to test methods regulations for air emission sources published by the Environmental Protection Agency (EPA) on September 8, 2015, are submitted on behalf of the American Exploration and Production Council, Independent Petroleum Association of America, and Western Energy Alliance. We appreciate the opportunity to provide EPA with comments on this proposal, specifically how these changes could affect emissions testing of 40 CFR Part 60 Subpart JJJJ engines commonly used in the oil and gas production industry.

The American Exploration & Production Council (AXPC), is a national trade association that represents 31 of the largest US independent natural gas and crude oil exploration and production companies - Leaders in finding and developing secure energy supplies throughout North America. Members are "independent" in the sense that they do not have petroleum refining or retail marketing operations and therefore are not "fully-integrated". The AXPC mission is to work constructively for sound energy, environmental and related public policies that encourage responsible exploration, development and production of natural gas and crude oil to meet consumer needs and fuel our economy.

Western Energy Alliance represents over 450 companies engaged in all aspects of environmentally responsible exploration and production of oil and natural gas in the West. Alliance members are independents, the majority of which are small businesses with an average of fifteen employees.

The Independent Petroleum Association (IPAA) represents the thousands of independent oil and natural gas explorers and producers, as well as the service and supply industries that support their efforts, that will most directly be impacted by the proposed actions. Independent producers develop 90 percent of American oil and natural gas wells, produce 54 percent of American oil and produce 85 percent of American natural gas. IPAA is dedicated to ensuring a strong, viable American oil and natural gas industry, recognizing that an adequate and secure supply of energy is essential to the national economy.

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Specifically, the two issues from the proposed regulation changes we will provide comment on are: 1) F. Standards of Performance for Stationary Spark Ignition Internal Combustion Engines (Subpart JJJJ) Part 60; and 2) P. Method 7E of Appendix A-4 to Part 60. Our Associations are concerned that these proposed changes will create significant additional costs for our members without providing additional environmental benefit. We also question the timing of EPA's decision, given that the current methods have been accepted for seven years without issue. Given this long history of testing using the current protocols, EPA should be able to provide supporting data that demonstrates the deficiencies of the current testing methods as well as the benefit of switching to Method 25A. We are concerned that the proposed change to Method 25A also places too much emphasis on a testing protocol that is itself flawed in several important ways. We request that EPA provide the supporting data it used to justify its decision regarding the change to its currently approved testing methods.

### **Subpart JJJJ Part 60**

In Table 2 of subpart JJJJ, Methods 18, 320, and ASTM D 6348-03 will be deleted as test method options for measuring VOC, and only Method 25A will be allowed. This EPA proposal will result in no longer allowing stack testing companies to use Fourier Transform Infrared Technology (FTIR) for VOC determination when performing emissions testing of JJJJ internal combustion (IC) engines commonly used in the oil and gas production industry, including for providing artificial well lift and compression. At this point, many of the stack testing companies that oil and gas production operators contract to perform JJJJ testing use FTIR to test for VOCs. The ability to test multiple engines per day will likely be removed because the Method 25A test run will take more time to setup and run. It will raise costs for our stack testing contractors significantly, which will in turn raise costs for oil and gas producers.

The FTIR methodologies have been accepted by EPA and included JJJJ for the past 7 years. Many thousands of tests have been performed using FTIR to certify compliance of engines with JJJJ. EPA's proposal eliminates Methods 18, 320, and ASTM D 6348-03 and therefore FTIR technology, without any data showing that this technology is not adequate. Changing the acceptable methods now, 7 years after the promulgation of JJJJ, also raises questions regarding whether: 1) all previous FTIR tests are invalidated; and 2) tuning, maintenance, and operating procedures of engines as compared to FTIR testing results are no longer valid even though they have been accepted for the last 7 years

FTIR has the ability, as currently allowed, to measure the VOC gases individually from IC engines without complicated subtractions with unknown response factors as is necessary with Method 25A. FTIR is the only measurement where the VOC can be definitively determined. FTIR and Method 18 are the only technologies that can actually provide a mass emission, since they are measuring the actual materials emitted, so a true mass emission can be determined. EPA Method 18 allows reporting VOCs by summing all of the concentration data from compounds in the sample matrix that comprise 95% of the chromatographic material. FTIR techniques can perform this exercise by summing 95% of the spectrophotometric material for compounds present in the sample matrix from emissions from these engines.

FTIR and Method 18 data can both be reviewed by an unbiased, trained professional to validate the CO, NOx and VOC readings. In Method 25A there is no validation or storage of the raw data possible. This is

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a more accurate measurement than a relative Method 25A test that does not allow any legally defensible data to be generated or saved. If a regulator questions the results from an FTIR test, the results can be investigated further to determine if the correct VOC was reported. This is a more accurate measurement than a relative Method 25A test that does not allow any legally defensible data to be generated or saved.

### **Method 7E**

Method 7E was revised to contain procedures for determining gaseous stratification in 2006. However, there are currently no requirements in most test methods for gaseous compounds to follow the Method 7E procedures. Therefore, EPA is proposing to add evaluations of gas stratification and cyclonic flow to Method 7E. Currently the degree of stratification determines whether a single-, 3-, or 12-point traverse is necessary for the emissions test; but EPA also is considering whether a 5-point test should be required in cases where now only a 3-point test is required. Method 7E is the basis for all of the EPA's instrumental test methods, including Method 25A. So if JJJJ testing is changed to allow only Method 25A, it is unclear whether the proposed changes to Method 7E may also have to be met for these JJJJ IC engines. Air flow out of these engines is well mixed due to the catalysts and mufflers. Gaseous pollutants in an exhaust stream, that is well mixed, are not affected by cyclonic flow or stratification issues.. It appears that the traverse requirements in JJJJ Table 2 may continue to be applied for these IC engine tests (i.e., <6 inch ducts, single-point; >6 to <12 ducts, 3-point), not the Method 7E traverse requirements. EPA should clarify that these potential changes to EPA 7E will not change traverse requirements for IC engine tests per JJJJ Table 2.

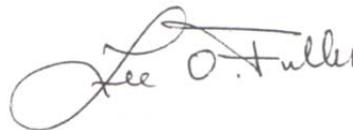
### **Conclusion**

The Associations appreciate the opportunity to comment on this proposed rule change. We strongly encourage EPA to re-evaluate its reliance on the flawed Method 25A system, which will raise costs on operators without substantively improving test result quality. We also request that EPA show supporting data outlining the deficiencies of the current testing protocols and why they are now inadequate after seven years of widespread use.

Sincerely,



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Western Energy Alliance



Lee O. Fuller  
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