



August 30, 2013

Via email: mberger@utah.gov

Public Comment
Division of Air Quality
PO Box 144820
Salt Lake City, UT 84114-4820

Re: Comments on R307-401-19, General Approval Order

Dear Mr. Berger:

Western Energy Alliance appreciates the comment opportunity on the aforementioned rulemaking and respectfully submits the following comments and clarification requests to the proposed Utah Division of Air Quality Rule R307-401-19, General Approval Order (GAO).

Western Energy Alliance represents over 400 companies engaged in all aspects of environmentally responsible exploration and production of oil and natural gas in Utah and across the West. They are committed to reducing emissions from their operations and consistently employ best industry practices whether mandated by regulations or voluntary.

We strongly support the alternate General Approval Order (GAO) authority for the Division, as it will likely reduce the administrative burden on both operators and the Division, and expedite the permitting process. However, we do have some clarification requests and comments, which are listed below.

Reference to R307-401-8

The reference to rule 307-401-8 encompasses a vast set of requirements and cross referenced requirements that may or may not apply to the permitting of oil & gas operations. Prior to and during development of any GAO that intends to promulgate oil & gas requirements, we would like to ensure that we are given the opportunity to engage in extensive dialog with the Department regarding what specific subset of these provisions are appropriate.

GAO Application Submission

We are concerned that there is no indication of when an application for a general approval order will be required to be submitted to the Division. We feel that it is in our mutual best interests to file an application that accurately reflects the estimated emissions from an affect facility. The only way to accomplish this is to file an application after a facility has been operating and data have been gathered. We encourage the Division to take this into consideration by allowing for submittal of applications within a certain period of time after emissions begin. We encourage the Division to take this concern into consideration and

take the actions necessary in both R307-401-19 and the general approval order itself to address this issue. We suggest the following language for R307-401-19-4b:

(b) The owner or operator shall submit the application on forms provided by the director in lieu of the notice of intent requirements in R307-401-5 for all equipment covered by the general approval order within the time specified in the source specific general approval order.

GAO Approval

It does not appear as though there is any indication of timing or deadlines for GAO approval or denial. We suggest the following language to replace the current text in R307-401-19-4d:

Construction may begin any time after receipt of written notification from the director that there are no objections or 45 days after receipt by the director of the application, whichever occurs first.

Revocations and Exclusions

We also seek clarification on language in R307-401-19-6a(ii), which applies to revocation and exclusions. The current language states that a notice of intent or individual approval orders may be required if “the director determines that the application for the general approval order did not contain all necessary information to evaluate applicability under the general approval order.” We are concerned this language will cause projects with incomplete applications to become permanently ineligible for a GAO. If it was not the Division’s intention to disqualify incomplete applications, we suggest striking the provision altogether.

Thank you for the opportunity to participate in the comment process. For questions regarding the details of our comments, please contact Ursula Rick, Regulatory Affairs Analyst, (303) 623-0987 or urick@westernenergyalliance.org. Western Energy Alliance supports the Divisions efforts to streamline the approval order process while maintaining strong protections for the environment.

Sincerely,



Kathleen M. Sgamma
Vice President of Government & Public Affairs

Cc: Colleen Delaney, Utah Division of Air Quality