



July 31, 2020

Sheila Vance, Environmental Scientist
Division of Air Quality
Utah Department of Environmental Quality
PO Box 144820
Salt Lake City, UT, 84114

Re: Rule R307-150 Emission Inventories

Dear Ms. Vance:

Western Energy Alliance (Alliance) and the Utah Petroleum Association (UPA) support efforts to improve air quality throughout Utah. We are committed to working with the state to monitor emissions while still encouraging continued oil and natural gas development. Thank you for considering the suggestions herein, as well as those from our comment letter dated May 15, 2020, on ways the proposed changes to the emission inventories rule will impact our members.

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. UPA 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.

We understand that R307-150 is intended to implement the requirements of Clean Air Act (CAA) §182(a)(3)(B) and 40 CFR §51.1315 of the implementation regulations for the 2015 National Ambient Air Quality Standard (NAAQS) for ozone, for areas designated as nonattainment under the 2015 ozone standard. Because the basis of the rule is to comply with a federal regulation, we would encourage DAQ to be consistent with that current federal regulation. The Environmental Protection Agency (EPA) implements this rule at a national level with applicability based on actual emissions, whereas the proposal intends to use potential to emit (PTE) for applicability. EPA is unlikely to change their rule applicability from actual to potential emissions especially since their applicability stems from the Clean Air Act. Thus, companies operating in neighboring (same state) jurisdictions on Tribal lands within the same nonattainment area would be required to report based on applicability considering actual emissions for EPA and considering PTE for DAQ. This will likely create administrative burdens and increase the potential for reporting errors and could result in under-reporting to DAQ.

The proposed rule attempts to implement a federal regulation in a more restrictive manner than the federal regulation itself. While DAQ does have discretion to go above and beyond federal regulations, Utah code has certain requirements that must be fulfilled first. Utah Code 19-2-106 addresses rulemaking authority and procedure. This section requires that the board “may make rules for the purpose of administering a program under the federal Clean Air Act different than the corresponding federal regulations which address the same circumstances if the board holds a public comment period . . . and a public hearing; and the board finds that the different rule will provide reasonable added protections to public health or the environment of the state or a particular region of the state”. These findings must be in writing and must be based on evidence, studies, or other information contained in the record that relates to the state of Utah and the type of source involved. To the best of our knowledge, UDAQ has provided no such evidence, studies, or information to establish that this rule will provide added protections to public health or the environment.

We would encourage you to consider the above points moving forward and change the applicability of the rule to match the federal requirements based on actual emissions. Again, we appreciate the opportunity to engage on these issues through the Advanced Notice of Proposed Rulemaking process and sincerely appreciate the cooperation and open dialogue.

Sincerely,



Kathleen M. Sgamma
President
Western Energy Alliance



Rikki Hrenko-Browning
President
Utah Petroleum Association