

CITIZEN POWER

Public Policy Research Education and Advocacy

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U.S. Environmental Protection Agency
EPA Docket Center (EPA/DC)
Mail Code: 2822T
1200 Pennsylvania Ave., N.W.
Washington, DC 20460

RE: Docket ID No. EPA-HQ-OAR-2010-0505

Introduction

Citizen Power welcomes this opportunity to comment upon the U.S. Environmental Protection Agency's ("EPA") proposed Oil and Natural Gas Air Pollution Standards (a.k.a. "ONGAPS," 76FR52738, August 23, 2011). In this proposed rule, the EPA is recommending changes to the new source performance standards ("NSPS") and the national emission standards for hazardous air pollutants ("NESHAP") as they apply to the Oil and Natural Gas Sector.

As an environmental advocacy organization located in Pittsburgh, Pennsylvania, Citizen Power is very aware of the impact associated with the accelerating development of the Marcellus Shale play. Our position is that the current horizontal drilling technologies being used to extract natural gas from the shale are environmentally irresponsible and should be halted until it is shown that the drilling can be done safely and the greenhouse gas impacts of the practice are fully known. Nevertheless, Citizen Power considers the proposed rule a good first step towards protecting the public from air pollution resulting from horizontal drilling. However, more should be done. First, we believe that there are additional opportunities to reduce the amount of methane and other greenhouse gases emitted into the air from the oil and natural gas sector. Although the current rule, by addressing VOCs and SO₂, will result in a reduction of greenhouse gas emissions; the EPA should directly address GHG emissions given the extraordinary expansion of horizontal drilling techniques. Second, the accounts of individuals at the Pittsburgh Public Hearing on this matter indicate that many persons are experiencing negative health impacts from breathing the air near horizontal drilling sites. It is clear that the emissions of Section 112(b) hazardous air pollutants from these sites may not be completely understood. Citizen Power urges the EPA to conduct an investigation into what Section 112(b) pollutants are emitted at these sites and in what concentrations.

Specific Comments

1) Third Party Verification

Citizen Power believes that third party verification has the potential to increase regulatory efficiencies. However, we are concerned that third parties may not be impartial in determining compliance. In order to protect impartiality, third parties should not be selected or paid directly by industry. In addition, any third party providing verification services should, as a condition of providing verification services, require that all employees that are instrumental in determining compliance be contractually barred from accepting employment with any company that they verified for an adequate length of time.

2) Electronic Reporting Using Existing Mechanisms

Electronic submission of emission data, such as used in the EPA's electronic Greenhouse Gas Reporting Tool, is certainly more efficient and therefore saves the taxpayers money. We agree that owners and operators should be required to report Greenhouse Gas emissions electronically and that the EPA should update their system, if necessary, to accommodate VOCs and HAPs. In addition, to the extent not confidential, the EPA should under the guiding principle of public accessibility make this information public.

3) CAA Title V Exemptions

Title V exemptions should be revoked for non-major sources subject to the Oil and Natural Gas Production NSPS that fail to adequately follow the NSPS monitoring procedure. Although the title V reporting requirements are somewhat burdensome, these additional reports may prove useful if the monitoring, recordkeeping and reporting obligations under the NSPS are not adequately met.

4) BSER for VOC Equipment Leaks at Natural Gas Processing Plants

Optical gas imaging of gas processing plants is a promising technology and should be started as a pilot program to better estimate the cost effectiveness of this option.

5) Produced Water

Produced water ponds should use the conservative State of Colorado mass balance approach which assumes 100% of the VOC content of the pond is emitted into the atmosphere based upon water sampling analysis. The water sample should be taken before any water management efforts to determine the amount of VOC present. In addition, smaller evaporation pits co-located with drilling operations should also be evaluated given the greater likelihood of being located near residential neighborhoods.

If other approaches, such as EPA Water9, are allowed, the operator must provide sufficient documentation, based upon a conservative methodology, showing the amount of time the produced water is stored before it is recycled.

6) Phasing of Requirements for REC

Any phasing of reduced emission completions should be avoided if possible. If there are REC equipment shortages when the NSPS becomes effective, then phasing of reduced emission completions may be necessary, but only if the REC equipment shortage will significantly affect energy availability. In that case, a comparable level of reduced emissions to the air must be achieved through other means.

7) Green completion requirements

Citizen Power strongly supports the use of green completion requirements. In addition, Citizen Power believes that the number of well completions exempted from these requirements should be limited as much as possible. To the degree that the EPA allows for exceptions, Citizen Power recommends that detailed waivers should be required and these waivers should be obtained prior to the well completion.

Conclusion

Citizen Power appreciates the opportunity to provide these comments regarding Docket ID No. EPA-HQ-OAR-2010-0505. If you have any questions, do not hesitate to call me.

Yours truly,

/s/ Ted Robinson

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