



OFFICE OF AIR AND RADIATION

WASHINGTON, D.C. 20460

May 6, 2024

Ms. Holly Hopkins
Vice President, Upstream Policy
American Petroleum Institute
Via Electronic Mail: hopkinsh@api.org

Ms. Wendy Kirchoff
Vice President of Policy and Regulatory Affairs
American Exploration and Production Council
Via Electronic Mail: wendy.kirchoff@axpc.org

Dear Ms. Hopkins and Ms. Kirchoff:

This letter concerns the petition for reconsideration of the Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review (89 FR 16820, March 8, 2024) that you submitted on April 5, 2024, pursuant to Clean Air Act (CAA) section 307(d)(7)(B) on behalf of your respective organizations, American Petroleum Institute and American Exploration and Production Council.

Two of the issues you raise in your petition are the (1) vent gas net heating value (NHV) monitoring and alternate sampling demonstration requirements for flares and enclosed combustion devices, and (2) temporary flaring provisions for associated gas in certain situations.

Without making a determination as to whether these two issues meet the mandatory requirements for reconsideration under CAA section 307(d)(7)(B), the U.S. Environmental Protection Agency (EPA) is granting reconsideration on these two issues as a matter of discretion, voluntarily exercised by the EPA. We intend to issue a *Federal Register* notice initiating public review and comment on these issues. At this time, we are not expressing our views on the appropriateness of reconsidering any of the other issues raised in your petition, which we are continuing to review.

Separate from the two issues identified above for which the EPA is granting reconsideration, the EPA is also taking the opportunity in this letter to provide clarification regarding when owners and operators must conduct performance testing with respect to NHV sampling and storage vessels to demonstrate compliance with the applicable NSPS Subpart OOOOb emission standard. Under NSPS Subpart OOOOb,

NHV sampling is considered a monitoring requirement (either continuously or via the 14-day sampling demonstration). The EPA is aware of a large number of storage vessels that have triggered applicability prior to the effective date of the rule that will have to complete initial performance testing requirements.

Per 40 CFR 60.8(a) (the General Provisions for NSPS), a source generally has 180 calendar days after startup to conduct performance (i.e., compliance) testing. As applied to this rule, affected sources that were new, modified, or reconstructed after the supplemental proposal for this rule (December 6, 2022), but before the final rule's effective date of May 7, 2024, have 180 calendar days after the effective date of the rule to conduct performance (i.e., compliance) testing. For NSPS subpart OOOOb sources that are new, modified or reconstructed after the final rule's effective date of May 7, 2024, the applicable monitoring requirements (including the 14-day NHV sampling demonstration) must be completed within 180 calendar days after initial startup of the source. Per 40 CFR 60.8(a), the same 180 calendar day performance (i.e., compliance) demonstration timeframe also applies to any storage vessel.

With respect to the issue of closed vent systems (CVS), we acknowledge API and AXPC's position regarding the "no identifiable emission" standard, and the EPA looks forward to continuing discussions with you on this topic.

If you have any questions regarding this letter, please contact Penny Lassiter at (919) 541-5396 or by email at lassiter.penny@epa.gov. We thank you for your continuing interest in this rule, and we look forward to hearing from you during the rulemaking process for those aspects of the rule that we are reconsidering.

Sincerely,

A handwritten signature in black ink, reading "Tomás Carbonell". The signature is written in a cursive style and is positioned above the printed name and title.

Tomás E. Carbonell
Deputy Assistant Administrator for Stationary Sources

cc: Stephanie Hogan, EPA Office of General Counsel, ARLO
Peter Tsigotis, EPA Office of Air and Radiation, OAQPS