Continental RESOURCES

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Via Email (howard.jodi@epa.gov and hambrick.amy@epa.gov)

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Re: Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification or Reconstruction Commenced After December 6, 2022, 40 C.F.R. Part 60, Subpart OOOOb: Request for EPA's reconsideration of the BSER for associated gas and the requirements governing technical infeasibility determinations under in 40 C.F.R. § 60.5377b.

Dear Ms. Howard and Ms. Hambrick:

Continental Resources, Inc. ("Continental") writes to the U.S. Environmental Protection Agency ("EPA") regarding EPA's reconsideration of the rule entitled *Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review*, 89 Fed. Reg. 16,820 (Mar. 8, 2024) ("Methane Rule").

Continental appreciates your attention during the April 14, 2026 meeting with Continental and other operators. Following up on that meeting, Continental is providing additional information, drawn from Continental's experience across the Bakken, Anadarko, Powder River, and Permian basins, demonstrating how the technical infeasibility demonstrations required by the Methane Rule are impracticable to implement and in many instances require shutting in (i.e., stopping operations) existing facilities because the rules do not allow consideration of conditions outside the operator's control or economic feasibility.

Consistent with our discussion and as supported by this information, Continental requests the following targeted changes to the Methane Rule that will allow this Administration's goals of energy independence to be realized.

1. First, Continental requests that EPA make specific interim changes to the Methane Rule while EPA's full reconsideration of the Methane Rule is in progress. Those changes are:

    a. Eliminate the May 7, 2026 sunset of the technical infeasibility demonstration compliance option in 40 C.F.R. § 60.5377b, and allow all new sources to utilize

technical infeasibility demonstrations. This extension is necessary to ensure continued oil and gas operations where true infeasibility circumstances exist while the Methane Rule is being reconsidered.

b. Modify the requirements for a technical infeasibility demonstration to:

i. allow consideration of economic feasibility;
ii. extend the "exigent circumstances" principle from EPA's April 4, 2026 reconsideration to include gathering-system interruptions;
iii. remove the unbounded "another useful purpose" requirement; and
iv. clarify that third-party infrastructure issues such as inadequate sales line capacity qualify as technical infeasibility demonstrations.

2. Second, as argued by Continental in the litigation challenging the Methane Rule (*Texas v. EPA*, No. 24-1054 (D.C. Cir.)), EPA's BSER determination for handling associated gas (effectively prohibiting flaring) was not adequately demonstrated in three respects: (1) it was not cost-justified; (2) it was not adequately demonstrated; and (3) the "technical infeasibility" determinations are arbitrary and capricious. Those arguments are set out in detail in the pending litigation, in Continental's comments to EPA during the rulemaking, and in the technical examples provided in this letter. Due to those flaws, Continental urges EPA to withdraw its flawed BSER determination when it releases a revised or rescinded Methane Rule in the near future.

I. Continental Resources.

Continental, headquartered in Oklahoma City, Oklahoma, is a top ten oil producer in the United States and, as of 2025, is the largest privately owned oil and gas producer in the country. Continental is one of the largest leaseholders and producers in the Bakken play of North Dakota and Montana, and holds significant positions in the SCOOP and STACK plays of the Anadarko Basin in Oklahoma, the Powder River Basin in Wyoming, and the Permian Basin in Texas. Continental has produced from more than 2,300,000 developed acres and holds an additional 936,000 undeveloped acres, maintaining working interests in over 8,500 wells across its operating areas. The company operates more than 800 wells located at more than 400 sites currently subject to requirements under NSPS OOOOb. This number may increase as ongoing reviews identify additional operating wells within the rule's scope.

Continental is committed to environmentally responsible oil and gas development, including the safe and efficient recovery of associated gas. Continental has invested substantially in leak detection and repair programs, vapor recovery infrastructure, and gas-capture systems, and does not engage in routine flaring.

II. The Problems with the BSER for Associated Gas in the Methane Rule.

The Methane Rule established a BSER for associated gas that effectively prohibits flaring as a default, providing operators only four options:

(1) routing (recovering) the associated gas into a sales line;

(2) using the associated gas onsite as a fuel source;
(3) using the associated gas for another useful purpose; or
(4) reinjecting the recovered associated gas into the well or another well.

40 C.F.R. § 60.5377(b).

These BSER requirements can only be avoided, and the default prohibition on flaring lifted, if an operator makes a sworn technical infeasibility demonstration, renewed annually, showing that all of the BSER options are technically impossible. *Id.* at § 60.5377b(d). These demonstrations are costly and time-consuming to conduct (Continental has received quotes that range from $10,000 to $125,000 per demonstration), cannot take economic infeasibility into account, and are plagued with uncertainty given the prevalence of conditions caused by third parties outside of Continental's control and the unbounded "other useful purposes" evaluation. The flawed technical infeasibility demonstration process frequently acts not just as a default prohibition on flaring, but also as a prohibition of oil and gas development itself.

Further, the technical infeasibility demonstration pathway is available on different terms depending on the date the well commenced construction. Under § 60.5377b(c) and § 60.5377b(f)(2), wells that commenced construction between December 6, 2022 and May 7, 2024 (and wells reconstructed or modified after December 6, 2022) may use the technical infeasibility demonstration pathway on an ongoing basis, renewable annually. Under § 60.5377b(b) and § 60.5377b(f)(1), however, wells that commenced construction between May 7, 2024 and May 7, 2026 may use the technical infeasibility demonstration pathway only until May 7, 2026; after that date, these wells must comply with § 60.5377b(a) at all times, regardless of whether compliance with (a)(1)–(4) is actually feasible (i.e., a prohibition on flaring).

Thus, in less than two weeks, on May 7, 2026, the meager and illusory relief that the technical infeasibility demonstrations provide will cease, and new sources will be subject to an absolute prohibition on flaring (unless certain emergency situations not relevant here are met).[1]

III. Information Supporting Reasonable Modifications to the Technical Infeasibility Demonstration Provisions.

The following information is provided to support EPA's administrative record for its reconsideration of Methane Rule provisions regarding technical infeasibility demonstrations to allow the consideration of economic feasibility in those demonstrations, and to make other necessary and reasonable changes to requirements. The data is drawn from Continental's records for the period May 2024 through April 2026 and reflects flaring events of three or more consecutive days at Continental-operated OOOOb facilities. Continental reserves the right to supplement this submission with additional operational data.

[1] Short-term emergency allowances for flaring under § 60.5377b(d) include: temporary flaring allowances for safety events under (d)(1); 24 hours for repair, maintenance, or commissioning under (d)(2); up to 30 days for temporary interruptions in gathering-system service under (d)(3); and up to 72 hours for off-specification-gas events under (d)(4).

Events Caused by Conditions Outside of Continental's Control. Continental has identified more than six hundred thirty extended flaring events in the above-referenced period. Of those, approximately four hundred eighteen—sixty-five percent—were caused by events or conditions outside Continental's control, including third-party gathering-system conditions, third-party gas in commingled systems, or the absence of available gathering infrastructure. At least twenty-six Continental-operated facilities experienced flaring events from causes beyond Continental's reasonable control with durations approaching the 30-day temporary allowance in § 60.5377b(d)(3).

These events share a defining feature: **Continental cannot control or remediate the underlying cause.** Continental cannot dispatch a midstream service provider's compressor crew. It cannot accelerate a midstream service provider's maintenance schedule. It cannot compel a midstream gatherer to build a line to a remote facility. Continental is unable to compel third parties to continue operations and maintenance of older or damaged assets that have, under any of several reasonably foreseeable scenarios, become unprofitable to operate.

While only a few of the instances above resulted in the need to prepare a full technical infeasibility demonstration (which, as noted before, Continental has been quoted between $10,000 and $125,000 per demonstration, depending on the complexity of the issues), *every* flaring event requires significant evaluation by Continental staff to determine the applicability of technical feasibility demonstrations. For each of these events, Continental must make individual determinations as to (1) what the cause of the interruption was; (2) which of the triggering factors under § 60.5377b(d) are triggered; (3) the duration of the interruption; and (4) whether an infeasibility demonstration is required. If an infeasibility demonstration is necessary, Continental then expends the resources to determine if the cost of the study justifies the potential outage length, and if so, must then incur the cost and liability associated with the unbounded infeasibility demonstration.

This makes little practical sense – an operator should not be required to engage in costly and time-consuming evaluations when it is clear that the cause of a flaring event is intervening third-party circumstances such as a lack of temporary capacity or availability in a third-party sales line. Nor does it make sense for an operator to assess the availability of the other potential uses of associated gas under 40 C.F.R. § 60.5377b(a) when sales line capacity already exists and operators are already incentivized to recover and beneficially utilize the associated gas whenever economically possible.

Instead, flaring should be allowed when an operator has already connected a wellsite to an existing sales line, but circumstances outside of the operator's control impede its ability to use it and other useful purposes of the associated gas are not economic.

Representative examples. Two representative examples drawn from Continental's operations illustrate the categories of third-party and infrastructure-caused flaring Continental regularly experiences: (1) gathering-system outages and maintenance events under § 60.5377b(d)(3), where a connected wellsite temporarily loses access to an otherwise-functional sales line; and (2) isolated facilities where no gathering infrastructure is available and none is committed by any

third-party midstream operator. These examples are illustrative, not exhaustive; additional examples are available on request.

The first of these examples, a multi-well centralized production facility in the Williston Basin, is representative of third-party constraints that impact Continental's ability to route associated gas to a sales line. There, the well is connected to a sales line. However, the third-party sales line was frozen due to multiple circumstances beyond Continental's control, including: weather-related gathering-system freeze-off followed by downstream gas plant issues; resulting in the sales line being frozen off for an extended period of time. These midstream third-party constraints are not something Continental can control or fix—it cannot force the midstream provider to bring capacity back online any more than it can control the weather that resulted in the initial freeze-off issues.

The second example, a single-well production site in the Permian Basin, illustrates the absence-of-infrastructure category. No pipeline connects the site to a gathering system. No third-party midstream operator has committed to building one. Continental deployed a portable cryogenic unit to convert the associated gas to natural gas liquids, but the unit did not perform and was uneconomic. Continental ultimately shut the facility in. At the time of shut-in, the facility was producing 40-50 bbl of oil per day, with many years of remaining oil production.

This is not a unique case. It is one example among many of a category of flaring events that Continental cannot remediate through operator diligence—because the cause lies with a third party or with the absence of infrastructure that only a third party can build. Further, it highlights an area EPA did not consider in its BSER determination—EPA should not prohibit the construction of wells until gathering sales lines are built because that is effectively a ban on exploration and new wells in previously undeveloped (or underdeveloped areas). Midstream operators will not build pipelines in areas where there are no oil and gas operations: it would be economically irrational to do so. Wells such as this example must be allowed to first be built in an area in order to encourage midstream providers to build the eventual sales lines that will service an area.

Further, Continental always seeks to beneficially use the gas from wells such as this example (as evidenced by its attempt to deploy a portable cryogenic unit). However, the simple matter is that sometimes flaring remains the best emissions control option at well sites located in developing areas where the full midstream infrastructure has not yet been created. A ban on new oil and gas development is outside of EPA's statutory authority to regulate emissions from new sources, and flouts the Administration's domestic energy policy of pursuing new domestic energy development.

This experience demonstrates that even innovative alternative beneficial use technologies can fail on performance and economic grounds. When that happens, well shut-in becomes the only remaining compliance response under the Methane Rule, which mandates that associated gas be routed to a sales line or used on site for another useful purpose, even if that purpose makes no economic sense and would make producing the well unprofitable.

IV. Continental's Requested Interim Changes to the Technical Infeasibility Demonstration Provisions of the Methane Rule.

Based on the operational data provided in Section III, Continental respectfully requests that EPA promptly make the following interim regulatory changes to help address interim practicability and economic feasibility issues with the BSER for associated gas (and the associated technical infeasibility demonstrations) while it considers changes to the entire Methane Rule:

1. **Eliminate the May 7, 2026 sunset of the technical infeasibility compliance option for paragraph (b) wells.** When the current sunset takes effect in approximately two weeks, operators of new wells in areas where sales line infrastructure is non-existent or unavailable due to intervening third-party issues will have no compliance option available beyond the temporary allowances in § 60.5377b(d)—short of well shut-in. This creates a situation in which operators such as Continental may be forced to frequently shut in wells for reasons completely out of their control, at a time when domestic energy production is most needed.

   The technical infeasibility demonstration pathway should be available to all associated-gas wells within the scope of NSPS OOOOb. Continental recommends that EPA effectuate this change by collapsing the separate provisions in paragraphs (b) and (c) into a single, permanent technical infeasibility pathway for all post-December 6, 2022 wells.

   Preserving even the flawed technical infeasibility compliance pathway will mean that the rule will function more as an emission-control standard and less as an operation-prohibition standard (though production bans are effectively embedded in the flawed technical infeasibility demonstration requirements). This change, coupled with the discrete requested interim changes to the technical infeasibility demonstrations discussed below, will remedy some of the most pressing barriers the Methane Rule creates to domestic oil and gas production while EPA reconsiders the entire Methane Rule in its entirety.

2. **Modify the technical infeasibility demonstration requirements to provide regulatory certainty and workability for operators:**

   a. **Permit operators to consider cost in technical infeasibility demonstrations.** As Continental explained in its October 1, 2025 comments, technical-only infeasibility analyses produce irrational results in common operational scenarios—for example, at a remote facility where constructing a connecting pipeline may be theoretically feasible but economically nonviable (with pipeline construction costs exceeding the total value of recoverable gas). EPA should allow operators to consider project cost and economics as part of the § 60.5377b(g) analysis, consistent with how reasonable engineering and operational judgments are made in practice. Prohibiting consideration of costs makes it extremely difficult to reach a conclusion, under the threat of perjury, that any particular option is–or was–infeasible on a purely technical or engineering basis since, given unlimited resources, virtually anything is achievable.

It makes little sense to require operators to evaluate any potentially feasible use of associated gas while ignoring economics. Operators are already incentivized to bring saleable gas to market whenever possible—as they are rational actors. Continental always strives to ensure this associated gas has a pathway to market as part of its well development process, and always sells associated gas if it is feasible to do so.

However, when access to a sales line does not exist, or that sales line is shut in, there are frequently no *economically* viable other useful purposes of associated gas to meet any of the requirements of 40 C.F.R. § 60.5377b(a).

First, the vast majority of operators are not vertically integrated midstream providers. This means that Continental (and other operators) have no control over midstream companies or other third-party operators that may impair the ability to bring associated gas to market through third-party sales lines. Yet, despite lacking control over these conditions, Continental would not be able to make a sworn technical infeasibility determination because it is theoretically possible to build and operate its own sales line and access to market, something that is not economically viable. No rational operator would build and operate a sales line where the cost of doing so would exceed the entire lifetime expected value of gas from a well.

Second, Continental does use associated gas for other useful purposes in lieu of flaring whenever economically viable. Continental avoids long-term routine flaring of associated gas unless economically or technically necessary. The company regularly explores alternatives to flaring, but many alternatives require advanced planning, specialized equipment, long-term commitments, consistent gas volumes, or air permit modifications. Extended flaring typically results from midstream issues like capacity limits (often caused by wells not operated by Continental Resources), compressor station malfunctions, or gas plant maintenance, often without warning to producers. In such cases, flaring may be the only feasible solution, verified by a technical infeasibility study. Flaring continues for the duration of the interruption, with air permits setting volume and rate limits.

In those instances of flaring, substantial pre-existing State and Federal regulation control and limit flaring emissions. In those instances, OOOOb will require operators to shut-in when the temporary flaring limits (in OOOOb) are reached (no more than 30-days for interruptions in take-away services).

Thus, in the absence of a revised OOOOb that allows for continued flaring under a feasibility assessment (including economic feasibility), the following current and reasonably foreseeable scenarios will result in shutting-in production (leaving readily producible oil in the ground):

- Long-term loss of pipeline or compressor station due to damage from third-party line strikes, severe weather damage, fire damage, etc.;

- Permanent loss of pipeline or compressor station due to unfavorable operating economics for a third-party operator (no vested interest in continued oil production) as fields decline and gas production declines below the point where operating and maintaining the take-away system is economical;
- Delay in construction of new gas take-away systems (materials, labor, permitting, landowner agreements, etc.);
- Oil wells in a formation where the gas quality (regardless of low associated gas volume flow considerations) cannot be treated to a usable or marketable quality.

Third, using the gas onsite for beneficial uses rarely can use the entire volume of the associated gas produced by a facility. For example, Continental uses the separated gas as fuel for heater treaters, production related engines, and power generation when feasible to do so. Further, Continental is a pioneer in using separated gas for enhanced oil recovery through cyclical re-injection. However, even where substantial on-site use of gas is employed, the amount of remaining gas is very large. For example, Continental recently completed a site that uses produced gas to fuel six 2,385 HP generators that feed electrical power to the grid. Even at this site, there remains a very large portion of produced gas that must go somewhere in order to maintain oil production.

Further, the start-up for beneficial use operations is significant, requires additional environmental permitting, and requires appropriate third-party provided infrastructure in place to be economically viable. It also requires wells with sufficient output (and quality) of associated gas. These conditions are simply not present at every production site. Further, Alternative-use equipment — power generators, CNG units, portable NGL recovery units — generally cannot be mobilized within the 30-day temporary allowance in § 60.5377b(d)(3), particularly for events of uncertain duration – thus, they almost never make sense where there is an existing sales line.

Similarly, reinjection is rarely economic in Continental's experience. When faced with the option of developing reinjection facilities, or shutting in well production, it always makes more sense to shut in production as the cost of reinjection can exceed well revenues and bring potential liabilities.

Simply put, it is unreasonable, and inconsistent with provisions throughout the Clean Air Act that allow and often require the consideration of costs in technical determinations, to prohibit the consideration of costs in technical infeasibility determinations (and there is certainly nothing in the Clean Air Act that compels this omission). Thus, unless EPA allows economic considerations in technical infeasibility demonstrations, EPA will be forcing operators to shut-in production and forego domestic energy production.

b. Extend the exigent-circumstances concept from EPA's April 4, 2026 reconsideration to gathering-system interruptions under § 60.5377b(d)(3). The logic EPA adopted in the April 4, 2026 first reconsideration — permitting

flaring beyond the baseline allowance where site access, equipment, or personnel are unavailable due to circumstances beyond the operator's control — applies with equal and arguably greater force to gathering-system interruptions, which are caused by third parties (midstream gatherers) whose maintenance schedules, capacity decisions, and infrastructure investments are not subject to operator control. Continental requests that EPA add an exigent-circumstances allowance to (d)(3) permitting extended flaring beyond 30 days where a gathering-system interruption persists for reasons beyond the operator's control, subject to notification and recordkeeping requirements parallel to those EPA adopted in the first reconsideration for (d)(1), (d)(2), and (d)(4) events.

c. Remove the "another useful purpose" requirement from technical infeasibility analyses. The "another useful purpose" analysis requirement in the Methane Rule for technical infeasibility determinations is unbounded and unworkable. This requirement—proving that there is no other useful purpose for the associated gas—is unbounded. ("The final rule does not specify the 'other useful purpose' solutions that must be evaluated, but it is the responsibility of the owner and operator, along with the qualified professional . . . to ensure that the list of options evaluated is comprehensive to address technically viable solutions."). 89 Fed. Reg. at 16,887.

This requirement is unworkable as the language is so vague that an unlimited amount of "useful purposes" would have to be evaluated to effectively demonstrate technical infeasibility. It gives no clarity to operators, who could be subject to both civil penalties and criminal charges for technical infeasibility demonstrations that EPA determines are inadequate. Further, operators must make these determinations contemporaneously with upset conditions, (e.g. during equipment failures or when sales line capacity is temporarily unavailable) while only submitting the infeasibility determinations to EPA at the time of annual reports. The "another useful purpose" requirement thus does not provide operators fair warning of what the Methane Rule requires of technical infeasibility analyses, and should be completely removed or significantly revised to codify exactly what other "useful purpose(s)" must be analyzed.

The "another useful purpose" should be removed or significantly reworked to provide the regulated community clear guideposts as to what is required in the technical infeasibility analyses, avoiding regulatory ambiguity and allowing technical infeasibility determinations to be streamlined.

d. Codify that third-party and infrastructure causes qualify as technical infeasibility demonstration criteria under § 60.5377b(g).

EPA's Frequently Asked Questions: Associated Gas guidance document[2] states that a technical infeasibility demonstration for the routing option under §

[2] Available at: https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-operations/frequently-asked-questions-associated-gas, last updated September 10, 2025.

60.5377b(a)(1) "could rely on information such as . . . inadequate capacity of gathering system to accept the gas."

EPA should codify and expand this position in rule text — confirming that qualifying technical reasons for a § 60.5377b(g) demonstration include: gathering-system capacity constraints; gathering-system outages and maintenance; well surges exceeding gathering-system capacity; production at oil facility where associated gas is not of usable quality; high sales-line-pressure conditions caused by downstream midstream operations; and facilities without any available third-party gathering connection.

Codification protects both operators and EPA from inconsistent enforcement (including by third parties) by providing durable authority for positions EPA has already articulated.

V. Continental's Request for EPA to Rescind and Revise the BSER Determination for Associated Gas in any Methane Rule Reconsideration Rulemaking.

In this letter, Continental has set out the practicability and technical challenges of the BSER determination for handling associated gas in the Methane Rule, including the technical infeasibility demonstrations. Continental has also offered short-term, interim regulatory changes that could be made to aid operators in day-to-day operations while EPA fully reconsiders the Methane Rule, including the BSER determination for handling associated gas.

Separately, Continental urges EPA to fully rescind and revise the BSER determination in its forthcoming final rule reconsidering the Methane Rule. Continental has explained in detail the legal flaws in that BSER determination that justify a full rescission and revision of the BSER for associated gas. This letter will not rehash those points, but instead expressly incorporates by reference Continental's October 1, 2025 comments in Docket ID No. EPA-HQ-OAR-2025-0162, which in turn incorporated Continental's filings in *Texas v. EPA*, No. 24-1054 (D.C. Cir.), including the Declaration of Sean Flynn and the Opening Brief of Intervenor Petitioner Continental Resources, Inc. Continental writes here separately to emphasize the common-sense need for the BSER to be substantially reworked in any forthcoming revised Methane Rule from EPA. Even if the technical infeasibility demonstration provisions are extended, the requirements for those demonstrations are unreasonable and practicably unworkable.

Technical infeasibility demonstrations establish a default that flaring is prohibited unless an operator affirmatively demonstrates, with signature from a professional engineer under penalty of perjury, that there was essentially no conceivable technical alternative to flaring. Continental has worked on these demonstrations over the last two years. They are costly, time-consuming, and are plagued with uncertainty given the prevalence of conditions caused by third parties outside of Continental's control, the unbounded "other useful purposes" evaluation, and the inability to take costs into account. Further, these evaluations are almost always conducted after the fact, creating a second-guessing process that further increases the uncertainty. Continental has received quotes from engineering firms that range from $10,000 to $125,000 per technical infeasibility demonstration.

As discussed in this letter, Continental has numerous events a year that may implicate potential technical infeasibility demonstration circumstances. Many of these situations can arise quickly and frequently implicate operational safety. Yet in all circumstances, Continental must be prepared to start the technical feasibility determination process or face potential non-compliance. In the absence of a sworn technical infeasibility demonstration that is fraught with uncertainty, operators are forced into a Hobson's choice of either risking non-compliance or shutting-in production.

This default prohibition against flaring imposes unreasonable safety and operational burdens on the energy sector inconsistent with this Administration's energy policies, is impractical, is not compelled by Clean Air Act § 111, and violates Clean Air Act § 111. *See, e.g. Texas v. EPA*, No. 24-1054 (D.C. Cir.), Doc. No. 2089829 (Continental Opening Brief) at 16-26.

Thus, while Continental's short-term requests for extending the May 7, 2026 sunset date and modifying the technical infeasibility demonstration provisions will provide temporary relief, they do not fix the overarching problems with the BSER determination – that a BSER prohibiting all flaring without costly and time-consuming technical infeasibility demonstrations stifles oil and gas development at a time when it is needed to support the Administration's domestic energy independence policy. As such, Continental respectfully requests that EPA revise the BSER for handling associated gas in its eventual full reconsideration of the Methane Rule to not prohibit flaring.

VI. Conclusion.

The relief Continental requests is focused, reasonable, and consistent with the Clean Air Act and will further the Administration's energy policies. It addresses those flaring events caused by third parties or by the absence of available infrastructure—the category of events the April 4, 2026 first reconsideration did not address. It also requests reasonable changes to the technical infeasibility process itself, including extending the May 7, 2026 sunset date, allowing consideration of costs, and removing the vague and unbounded requirement to evaluate other useful purposes. It preserves the annual certification requirements in § 60.5377b(g) that ensure the technical infeasibility compliance option is not used as a substitute for good-faith compliance with § 60.5377b(a)(1)–(4). And it uses the logic EPA itself adopted in April as the foundation for extending similar relief to an analogous category of events.

Continental is available to provide additional information, to meet with EPA staff, and to discuss the second reconsideration. If you have any questions, please do not hesitate to contact Continental's Director of Regulatory Affairs, William J. Houser, by email at Will.Houser@clr.com.

Sincerely,

Blu Hulsey
Senior Vice President
HSE and Government & Regulatory Affairs
Continental Resources, Inc.

cc: Abigale Tardif, Office of Air and Radiation
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