



Texas Pipeline Association

Thure Cannon
President

February 27, 2013

U.S. Environmental Protection Agency
Attention: Docket ID No. EPA-HQ-OECA-2012-0956
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20640

Re: Solicitation of Public Comment and Recommendations on National Enforcement Initiatives for FY 2014-2016; Docket ID No. EPA-HQ-OECA-2012-0956

Dear Docket Clerk:

The Texas Pipeline Association (TPA) submits the following comments responsive to EPA's request for comments on nationwide enforcement initiatives for fiscal years 2014-16, published at 78 Fed. Reg. 5799 (January 28, 2013). The notice describes EPA's current initiatives and seeks comment on whether those initiatives should be extended or instead whether EPA should focus on different areas over the next three years. TPA is an organization comprised of over 40 members who gather, process, treat, and transport natural gas and hazardous liquids materials through intrastate pipelines in Texas.

1. TPA urges EPA to take the spotlight off of the natural gas industry. Of the six enforcement initiatives pursued by EPA during fiscal years 2011-2013, one (Energy Extraction) directly focuses on natural gas operations and another (Air Toxics) has a substantial impact on natural gas operations.¹ In fiscal years 2014-16, EPA should not continue the Energy Extraction initiative or the Air Toxics initiative as it applies to the natural gas industry. EPA's limited resources would be better utilized in other areas.

EPA has just written a major, overarching rule package that addresses and significantly reduces emissions from the oil and gas industry. The newly enacted rules at 40 CFR Part 60 Subpart OOOO, and the revisions to 40 CFR Part 63 Subparts HH and HHH, will result in substantial annual emissions reductions across the natural gas industry. Indeed, EPA emphasized this fact when it published the final rules:

¹ The other four enforcement for fiscal years 2011-2013 focus on Municipal Infrastructure, Mineral Processing, New Source Review for certain large plants, and Animal Feeding Operations. *See* 78 Fed. Reg. 5799 (Jan. 28, 2013).

EPA estimates the following combined annual emission reductions when the rules are fully implemented: VOCs: 190,000 to 290,000 tons; Air toxics: 12,000 to 20,000 tons; Methane: ... about 19 to 33 million tonnes of CO₂ equivalent....²

Former Administrator Jackson also emphasized that the new rules will result in significant emissions reductions. In a press release issued when the final rules were issued, she stated: “The president has been clear that he wants to continue to expand production of important domestic resources like natural gas, and today’s standard supports that goal while making sure these fuels are produced without threatening the health of the American people.”³

In light of EPA’s own assertions as to the benefits that will be achieved by new oil and gas air rules in Subpart OOOO and the revisions to Subparts HH and HHH, including substantial emissions reductions and ensuring that natural gas is produced without endangering public health, it would be inappropriate to conclude that natural gas operations pose a pressing environmental problem and should be the continued focus of EPA’s enforcement initiatives. The new rules are being implemented and they should be given a chance to work.⁴

In addition, EPA recently proposed a major re-write of 40 CFR Part 60 Subpart KKKK.⁵ The new Subpart KKKK rules would make numerous revisions to the requirements applicable to new, modified, and reconstructed stationary combustion turbines, including specifying that only the combustion turbine engine will be considered when determining if a turbine is new or reconstructed; defining “combustion turbine engine” as the air compressor, combustor, and turbine sections of a turbine; and specifying that emission standards apply during periods of startup, shutdown, and malfunction. These revisions would extend Subpart KKKK’s requirements to a large number of sources previously not covered by the Subpart, resulting in still further substantial emissions reductions from natural gas industry sources.

Moreover, natural gas operations are subject to a wide variety of other regulatory regimes imposed by the federal government and by the states. There is no indication that federal and state programs have failed to protect the environment or human health, nor is there any indication that continuing to subject natural gas operations to enhanced enforcement initiatives would be the best use of EPA’s limited resources.⁶ Continuation of the extraction initiative and the air toxics initiative, as applied to the natural gas industry, would be inappropriate.

² <http://www.epa.gov/airquality/oilandgas/pdfs/20120417presentation.pdf>.

³ <http://yosemite.epa.gov/opa/admpress.nsf/79c090c81f0578738525781f0043619b/c742df7944b37c50852579c400594f8f?OpenDocument>.

⁴ The new oil and gas rules impose strict new leak detection and repair (LDAR) requirements on various sources. LDAR is a focus of the Air Toxics initiative, and the fact that LDAR requirements have been strengthened in the new oil and gas rules is another reason why it would be inappropriate to continue the Air Toxics initiative, as applied to natural gas operations, for another three years.

⁵ 77 Fed. Reg. 52554 (August 29, 2012).

⁶ The fact that natural gas operations do not present a pressing national environmental problem is also underscored by the inspection and enforcement record. EPA’s list of activities undertaken pursuant to the Energy Extraction initiative and the Air Toxics initiative demonstrates that the actions taken at natural gas facilities have often involved minor issues that were quickly resolved. See

2. Conclusion. The current Administration has repeatedly made clear that it views natural gas as part of the *solution* to the nation's clean energy needs, not part of the problem. EPA should not treat it as an area in need of enhanced enforcement focus.

We appreciate the opportunity to submit these comments.

Yours truly,

A handwritten signature in black ink, appearing to read 'Thure Cannon', with a long horizontal flourish extending to the right.

Thure Cannon
President