



Interstate Natural Gas Association of America

Submitted via *www.regulations.gov*

May 15, 2017

U.S. Environmental Protection Agency
Office of Regulatory Policy and Management
Office of Policy
1200 Pennsylvania Ave. N.W.
Mail Code 1803A
Washington, D.C. 20460

Re: Docket ID No. EPA-HQ-OA-2017-0190
Evaluation of Existing Regulations, 82 Fed. Reg. 17,793 (Apr. 13, 2017) – Air Issues

The Interstate Natural Gas Association of America (INGAA), a trade association that represents members of the interstate natural gas pipeline industry, respectfully submits these comments in response to the United States Environmental Protection Agency's (EPA) request for input on its review of existing regulations "to alleviate unnecessary regulatory burdens" on the American people.

INGAA member companies transport more than 85 percent of the nation's natural gas, through some 190,000 miles of interstate natural gas pipelines. Pipelines operate in a highly competitive market, which affects service offerings and prices, including competition between gas supply basins, competition among pipelines, and increased competition with firm shippers that can sell their excess capacity on a secondary market. Across the United States, INGAA member companies operate over 6,000 stationary natural gas-fired spark ignition RICE and over 1,000 stationary natural gas-fired combustion turbines installed at compressor stations along the pipelines to transport natural gas to local gas distribution companies, industrials, gas marketers, and gas-fired electric generators.

These comments summarize INGAA's concerns with existing EPA air regulations and policies that may impose "regulatory burdens." INGAA appreciates your consideration of these comments and welcomes additional dialogue. Please contact me at 202-216-5955 or ssnyder@ingaa.org if you have any questions. Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Sandra Y. Snyder".

Sandra Y. Snyder
Regulatory Attorney for Environment & Personnel Safety
Interstate Natural Gas Association of America

**INGAA's COMMENTS
ON
EPA'S EVALUATION OF
EXISTING REGULATIONS
82 Fed. Reg. 17,793 (Apr. 13, 2017)**

(AIR COMMENTS)

Submitted: May 15, 2017

In response to the United States Environmental Protection Agency's (EPA's) request for input on its review of existing regulations "to alleviate unnecessary regulatory burdens" on the U.S. economy and the American people, the Interstate Natural Gas Association of America (INGAA) respectfully submits these comments to the Office of Air and Radiation.

EXECUTIVE SUMMARY

Over the years, INGAA has commented on many EPA rulemakings and provided technical data and other content to facilitate the development of better federal regulations and policies. In these comments, INGAA raises many of these same concerns to EPA's attention in order to identify issues that warrant regulatory review. These issues are as follows:

- The 2010 one-hour NO₂ National Ambient Air Quality Standard (NAAQS) introduces technical complications and unnecessary costs when modeling near-field impacts for new or existing sources (e.g., Title V permits) using AERMOD, EPA's preferred and regulator-approved dispersion model. EPA should pursue AERMOD updates to address short-term averaging times and near-field impacts consistent with numerous comments and suggestions from industry. In the interim, EPA should identify alternatives to performing one-hour dispersion modeling and encourage the acceptance of these alternatives throughout the regulatory community.
- EPA should develop and implement a streamlined plan to implement the most current and best science into the regulatory process. For example, the latest information and data should be used to update emission factors and dispersion models, and there should be a better process to approve new or alternative emission test methods, monitoring techniques, and standards.
- EPA should withdraw the startup, shutdown, malfunction (SSM) SIP Call. Alternatively, EPA should revisit its actions taken in response to a 2008 Court decision,¹ and broadly implement work practice standards for startup and shutdown events. If not, EPA will need to revise numerous regulations that include emission standards based solely on emissions data from high load, steady state operation (i.e., normal operations).
- EPA should address New Source Performance Standard (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPs) implementation issues that INGAA has discussed with EPA. Examples of these issues include:
 - Amendments to the transmission and storage NESHAP (40 C.F.R., Part 63, Subpart HHH) in 2012 introduced errors, omissions, and unclear regulatory requirements. Rule revisions are warranted to address errors and clearly identify compliance obligations.
 - For the spark ignition engine NSPS (40 C.F.R., Part 60, Subpart JJJJ): (1) initial notification should not be required when an engine is ordered because its location may not be known, and (2) compliance test requirements for volatile organic compounds (VOCs) should be streamlined by identifying the list of hydrocarbons to be included for natural gas-fired engines; other related engine test requirements should also be addressed.

¹ *Sierra Club v. Env'tl. Prot. Agency*, 551 F.3d 1019, 1021 (D.C. Cir. 2008).

- For the reciprocating internal combustion engine (RICE) NESHAP (40 C.F.R., Part 63, Subpart ZZZZ), EPA should simplify categorization of “remote” engines and compliance testing requirements. The latter were negatively impacted by a 2016 “test methods” rule.
- Proposed amendments to the Turbine NSPS (40 C.F.R., Part 60, Subpart KKKK) would introduce definitions and new requirements regarding routine maintenance that unnecessarily affect applicability of existing simple cycle turbines. The proposed rule should be withdrawn.
- Definitions should be consistent across NSPS and NESHAP regulations.
- The once-in-always-in (OIAI) policy: A 1995 EPA memorandum² discourages companies from installing additional controls to reduce emissions from existing major Hazardous Air Pollutant (HAP) sources because the OIAI policy does not allow a major source to become an area source. EPA proposed a rule in 2007 that, if adopted, would have reversed that policy,³ but EPA did not issue a final rule. The 1995 memo should be withdrawn and replaced with a new policy or final rule that allows a major source to become an area source at any time that HAP emissions have been reduced to minor source levels.
- Routine Maintenance, Repair and Replacement (RMRR) for simple cycle industrial turbines: Manufacturers of industrial turbines utilize a modular design to facilitate maintenance and this practice has been employed in the natural gas transmission and storage (T&S) sector for over forty years. EPA should issue guidance to clearly indicate this routine practice is RMRR to avoid confusion for New Source Review (NSR), NSPS, and other regulatory interpretations of “routine maintenance.”
- EPA should reconsider the issue of “common control” as it applies to source determinations for emission units in the oil and natural gas sector.

DETAILED COMMENTS

The following comments identify existing regulations or policies that cause unnecessary regulatory burden. In general, these items are narrowly focused on implementation issues that provide little or no benefit but impose significant and unnecessary burdens on INGAA member companies. INGAA has previously presented these issues to EPA in various rulemaking comments, follow-up communications regarding rule implementation, and during technical discourse on air regulatory requirements. In many cases, EPA staff have agreed that INGAA’s proposed changes are warranted, but the Agency has not taken the steps needed to make these changes. While these comments provide an overview of several key issues, INGAA has cited various documents in the public record for additional detail.

(1) EPA should allow the use of alternatives other than dispersion modeling when permitting new or existing equipment or facilities until EPA’s technical tools (i.e.,

² Memo from John S. Seitz, Director, EPA OAQPS, to Regional Offices, regarding Potential to Emit for MACT Standards -- Guidance on Timing Issues (May 16, 1995), *available at* <https://www.epa.gov/sites/production/files/2015-08/documents/pteguid.pdf>.

³ 72 Fed. Reg. 69 (Jan. 3, 2007).

AERMOD) can more adequately address near-field impacts and shorter averaging times.

The 2010 one-hour NO₂ NAAQS has introduced technical challenges and costs associated with modeling near-field impacts for new and existing sources using the AERMOD dispersion model. AERMOD was simply not designed to model short-term concentrations. EPA should update AERMOD so that it can better accommodate short-term averaging times and near-field impacts from sources with shorter stacks, which are common at natural gas transmission compressor stations.

The natural gas transmission industry understands that dispersion models are important technical tools, and has funded a multi-year, multi-million dollar program to gather a robust dataset from a compressor station that can be used to assess AERMOD performance and potentially identify areas when improvements could be pursued. The Pipeline Research Council International (PRCI) is managing a collaborative research project to study potential improvements to AERMOD. INGAA is co-funding this research project and PRCI and INGAA member companies have discussed the status of this project with EPA technical staff. INGAA expects that the PRCI project will provide insight into the likelihood of model over-prediction for near-field impacts from compressor station combustion sources. The field dataset should be available later this year. The data may also provide the opportunity to pursue AERMOD improvements. In addition to the technical performance of AERMOD, this project may also provide insight into process bias (i.e., over-prediction) that is due to data deficiencies, such as the lack of local meteorology data and the use of conservative estimates for background NO₂ and ozone because local data are not available.

The lack of data availability and problematic model performance has caused numerous permitting delays and led to inaccurate conclusions that emissions mitigation is warranted. Until these issues are better understood and addressed, EPA should implement alternatives to modeling for the 1-hour NO₂ standard for state and local environmental agencies to use. These alternatives might include:

- In the near-term, in the absence of a dispersion model designed for sub-hourly iterations, modeling demonstrations should not be required for hourly standards. Instead, compliance demonstrations could be based on modeling performed for longer NAAQS period (e.g., annual NO₂ NAAQS).
- For the mid-range time period, EPA could address issues with AERMOD and related input data gaps that likely result in over-estimates for one hour modeling demonstrations. The PRCI project may provide some insight into potential improvements. In addition, EPA should allow the use of probabilistic modeling as an alternative or supplement to deterministic models where appropriate.
- Over the longer term, EPA should pursue and implement AERMOD advancements or a new air dispersion model that accommodates sub-hourly data and implements best science practices.

(2) EPA should develop and implement a streamlined process for identifying and incorporating the current best science into the regulatory process.

EPA's regulatory processes to update technical tools or data sources (e.g., emission factors) are burdened by significant technical, timing, and cost hurdles that effectively negate their access. Similarly, pursuing alternative standards for emissions, monitoring or compliance testing within the NSPS or NESHAP programs are burdensome, inaccessible processes. EPA should develop streamlined processes to significantly reduce schedule and technical hurdles for integrating current best science into the regulatory process.

By way of example, EPA should update its AP-42 emission factors for particulate matter (PM) to reflect results that were published over ten years ago. Additionally, EPA needs to improve its approval process for new portable analyzer methods. Further details are provided below.

Natural Gas Combustion Particulate Emission Factors

Delegated state and local agencies often rely on EPA AP-42 emission factors for permits, especially for pollutants that aren't commonly associated with the affected emission source. For example, natural gas combustion produces trivial amounts of PM, but little PM data are available and EPA AP-42 emission factors are used to estimate PM. These emission factors were developed based on very limited data and include method biases associated with "measuring" a pollutant at levels commensurate with the method detection limit. In other words, emission factors are based on the assumption that emissions are just below the detection limit, even though there is reason to believe that they are much lower. For larger natural gas combustion sources (e.g., a large turbine), the AP-42 emission factors result in particulate emission estimates above *de minimis* levels, which can introduce additional permitting challenges, such as whether compliance tests are required. Such testing does not result in any environmental benefits when measuring levels at or below detection limits with conventional methods.

Other particulate emission factors are available from a limited test program conducted by the California Energy Commission (CEC), New York State Energy Research and Development Authority (NYSERDA), Department of Energy (DOE), Gas Technology Institute (GTI), American Petroleum Institute (API) and others.⁴ This research project used state of the art methodology and demonstrated results over ten times lower for natural gas-fired turbines, boilers, and process heaters. These results were published over ten years ago, but it is often difficult to get state or local agencies to accept the emission factors for permitting. EPA should update the PM AP-42 emission factors for natural gas combustion sources in the near term and also create a streamlined process for updating other AP-42 emission factors to reflect new data. A streamlined EPA process to update or supplement AP-42 for identifying alternative emission factors would facilitate permitting and eliminate unnecessary burden.

Portable Analyzer Alternative Test Method

Portable analyzer technology for exhaust emissions measurements has advanced technically over the last two decades, but regulatory implementation has been fraught with uncertainty. Ultimately, an ASTM test method⁵ was included in NSPS and NESHAP regulations for natural

⁴ Results available at CEC and NYSERDA websites include test reports, and project summary and technical reports. See, e.g., http://www.energy.ca.gov/pier/project_reports/CEC-500-2005-032_to_44.html.

⁵ ASTM Method D6522-00 (and subsequent re-approvals).

gas fired combustion sources, and EPA also adopted a method as Appendix A⁶ to the RICE NESHAP. Regarding the latter method, the RICE NESHAP includes an oversight that should be addressed, as discussed in Comment 4. A seminal contribution to development of the ASTM method was the research conducted by the Gas Research Institute (GRI) in the mid-1990s, which was communicated to EPA and resulted in the EPA Emission Measurement Center posting a conditional test method (CTM-30⁷) on its website. CTM-30 served as the technical foundation for the ASTM method approved in 2000 and has been subsequently cited in EPA regulations. The years of extensive effort required to achieve a portable analyzer method serve as an example of the need to develop a streamlined process to ensure that regulations keep up with technology.

Despite past approvals, this problem is likely to persist if EPA does not change its processes. PRCI is conducting a project that builds on the GRI research to demonstrate that additional improvements of approved portable analyzer methods are warranted. The research results and a revised method derived from the ASTM method will likely be shared with EPA later this year. Streamlining the approval process for alternatives is warranted, and it should not require several years of dedicated effort to gain acceptance of an alternative portable analyzer method.

(3) EPA should withdraw the startup, shutdown, malfunction (SSM) SIP Call. Or EPA should allow for implementation of work practices for start-up and shutdown events. Alternatively, EPA should revisit numerous regulations that include emissions standards based on data applicable to steady state, high load operation.

In response to a 2008 Court decision,⁸ EPA changed its policy and regulations for startup, shutdown and malfunction (SSM) events, including related requirements in many NSPS and NESHAP regulations. EPA's response (requiring sources to meet standards that can only be met when they are operating at full load) did not adequately consider the resulting implications for operators. Many emission standards were developed with limited emission data, resulting in standards and compliance requirements (e.g., periodic emission tests) that are narrowly defined to a specific operating regime – typically “full load” steady state operation. Even well-controlled sources cannot meet these standards during SSM events. In fact, EPA has acknowledged that emissions differ at other conditions (e.g., reduced load for combustion sources) or during startup and shutdown.

The SIP Call was not based on a finding of air quality impacts or that the removal of the SSM exemption would enable meeting air quality standards. Under the Clean Air Act (CAA), States have the responsibility for revising SIPs, as needed to meet air quality standards. This SIP Call is not consistent with the system of cooperative federalism and interferes with States' authority to implement their programs. INGAA recommends that EPA withdraw the SIP Call.

Alternatively, to address these concerns, EPA should develop regulations that broadly implement work practices during SSM events for NSPS and NESHAPs for combustion sources. EPA should also document the emission standard compliance limitations associated with the original rulemaking for NSPS and NESHAPs. If EPA does not establish work practices during SSM, the

⁶ 78 Fed. Reg. 6,721 (Jan. 30, 2013).

⁷ EMC Conditional Test Method (CTM-030). Determination of Nitrogen Oxides, Carbon Monoxide, and Oxygen Emissions from Natural Gas-Fired Engines, Boilers and Process Heaters Using Portable Analyzers (Oct. 1997).

⁸ *Sierra Club v. Env'tl. Prot. Agency*, 551 F.3d 1019, 1021 (D.C. Cir. 2008).

Agency should amend the regulations to define emission standards that can be achieved during an SSM event.

The following emission performance test requirements for natural gas-fired reciprocating engines and combustion turbines, which are common at natural gas transmission compressor stations, serve as examples of how EPA based on emissions data that reflected near full load conditions and did not reflect what can be achieved during SSM periods:

- The RICE NESHAP (40 C.F.R., Part 63, Subpart ZZZZ) requires that the “...test must be conducted at any load condition within plus or minus 10 percent of 100 percent load”⁹
- The spark ignition engine NSPS (40 C.F.R., Part 60, Subpart JJJJ) requires that “Each performance test must be conducted within 10 percent of 100 percent peak (or the highest achievable) load”¹⁰
- The Turbine NSPS (40 C.F.R., Part 60, Subpart KKKK) requires that “The performance test must be done at any load condition within plus or minus 25 percent of 100 percent of peak load”¹¹

For each rule, comments in the regulatory record show that these load requirements for performance tests are based on the data EPA used to develop the standard,¹² and that emissions may differ at lower loads or during events such as startup or shutdown. INGAA also discussed these issues in its comments on the proposed SSM SIP call rule.¹³

(4) EPA should address NSPS and NESHAP implementation issues.

INGAA has discussed a number of NSPS and NESHAP implementation issues with EPA, and EPA has frequently agreed that guidance or rule revisions are warranted. Even so, EPA has not taken steps to make these revisions. A few examples are presented below.

- Transmission and Storage NESHAP – Subpart HHH: 2012 amendments to the transmission and storage NESHAP (40 C.F.R., Part 63, Subpart HHH) introduced errors, omissions, and vague regulatory requirements. Several revisions should be made to the rule to clarify the compliance obligations. For example, INGAA requested that EPA clarify the applicability of exemptions, the control equipment requirements for dehydrators, and parameter monitoring requirements. INGAA also suggested that EPA fix the recordkeeping cross-reference and present the compliance obligations and control options in a tabular format. INGAA documented these problems in a petition for reconsideration,¹⁴ its comments,¹⁵ and in other communications with EPA OAQPS staff, including letters and meetings that are not included

⁹ 40 C.F.R. § 63.6620(b).

¹⁰ 40 C.F.R. § 60.4244(a).

¹¹ 40 C.F.R. § 60.4400(b).

¹² INGAA submitted Subpart ZZZZ comments to EPA Docket Number EPA -HQ-OAR-2002-0059 on February 19, 2003. The complete comments are not posted in the docket, but a correction letter is posted (EPA Docket IDEPA -HQ-OAR-2002-0059-0587). *See also* EPA Docket IDEPA -HQ-OAR-2004-0490-0211 (INGAA comments on Subpart KKKK proposed rule (Apr. 18, 2005)); EPA Docket IDEPA -HQ-OAR-2005-0030-0157 (INGAA comments on Subpart JJJJ proposed rule and proposed Subpart ZZZZ amendments (Oct. 11, 2006)).

¹³ EPA Docket IDEPA -HQ-OAR-2012-0322-0477 (INGAA comments on proposed SSM SIP Call rule (May 13, 2013)).

¹⁴ EPA Docket IDEPA -HQ-OAR-2010-0505-4104 (Nov. 22, 2011).

¹⁵ EPA Docket IDEPA -HQ-OAR-2010-0505-4593 (Sept. 14, 2012).

in the docket. INGAA reiterated these concerns again in its comments submitted to EPA in association with an information collection request for Subpart HHH.¹⁶

- Spark ignition engine NSPS (40 C.F.R., Part 60, Subpart JJJJ) implementation issues:
 - (1) An initial notification must be provided for certain engines within 30 days of commencing construction.¹⁷ Per the rule, construction commences on the date the engine is ordered.¹⁸ Operators often order multiple units at a time, so the site where a particular engine will be located might not be known at the time the order is placed (or the location might change). Furthermore, the serial number and manufacture date are typically not available at the time of purchase, but this information must be reported. As a result, the operator must submit multiple notifications (upon initial purchase and again upon siting at a facility). EPA has acknowledged that this problem could be corrected, but the rule has not been revised.
 - (2) Compliance test requirements should be streamlined. For volatile organic compounds (VOCs), EPA should identify the list of hydrocarbons to be included for natural gas-fired engines. EPA has initiated a working group to review this issue in response to comments submitted on a final 2016 “test method” revisions rule¹⁹ that complicated testing. This process should be expedited and a reasonable list of hydrocarbon species should be developed. In addition, EPA should revise certain parts of the test method rule that add unnecessary stratification tests, fuel sampling, etc., for reciprocating engine tests. Further details are provided in INGAA’s comments on the proposed test methods rule.²⁰
- For the RICE NESHAP (40 C.F.R., Part 63, Subpart ZZZZ):
 - i. EPA should simplify categorization of “remote” engines and compliance testing requirements. EPA added source testing requirements in the final 2016 test methods rule which have no significant environmental benefit. The revisions that are applicable to Subpart ZZZZ should be withdrawn. In addition, EPA should address an anomaly related to defining engines in the “remote” subcategory.

Subpart ZZZZ requires determining the status of an engine based on its location on a specific date (October 19, 2013).²¹ This arbitrary date has resulted in unintended outcomes, such setting an engine’s location based on the shop where the engine was undergoing maintenance. This issue (and others), are addressed in INGAA’s August 30, 2013, letter to EPA OAQPS. INGAA also discussed these issues with EPA in a meeting held on September 12, 2013. EPA should revisit these issues.
 - ii. EPA added a portable analyzer method as Appendix A to the RICE NESHAP. Unfortunately, when adding Appendix A, EPA did not appropriately amend the RICE NESHAP (§ 63.6630(e) and § 63.6640(c)) to reference the Appendix A method, which implies that an additional and more costly method (from Table 4 of the RICE NESHAP) is required to measure oxygen. In addition, the Appendix A method includes a measurement phase specification in section 13.1 that is not appropriate for

¹⁶ EPA Docket IDEPA-HQ-OAR-2015-0747-0023 (Mar. 11, 2016).

¹⁷ 40 C.F.R. § 60.4245(c) and § 60.7(a)(1).

¹⁸ 40 C.F.R. § 60.4230(a).

¹⁹ 81 Fed. Reg. 59,800 (Aug. 30, 2016).

²⁰ EPA Docket IDEPA-HQ-OAR-2014-0292-0050 (Dec. 9, 2015).

²¹ 40 C.F.R. § 63.6603(f) (the status of a “remote stationary RICE” is based on its location on October 19, 2013).

reciprocating engines because there is a natural cyclic response when measuring RICE exhaust (i.e., a “stable” measurement likely includes a characteristic “sine wave” response rather than a flat line). Technical corrections should be made to address these issues.

- EPA proposed revisions to the Turbine NSPS²² (40 C.F.R., Part 60, Subpart KKKK) which would introduce definitions and new requirements regarding routine maintenance that unnecessarily affect applicability of existing simple cycle turbines. The proposed rule should be withdrawn. INGAA explained the issues related to these new definitions and requirements for offsite overhaul in its comments.²³ INGAA also discussed these issues with EPA in a November 19, 2012, meeting, where EPA acknowledged that the proposed amendments would result in unintended consequences for simple cycle turbines. EPA has not issued a final rule, and INGAA recommends that EPA withdraw the proposed rule to eliminate any uncertainty about the status of Subpart KKKK obligations.
- Definitions should be consistent across regulations, such as definitions of equipment and sources in the oil and gas NSPS (40 C.F.R., Part 60, Subparts OOOO and OOOOa) and the greenhouse gas reporting program (40 C.F.R., Part 98, Subpart W).

(5) The once-in-always-in (OIAI) policy should be revised to allow a major source to become an area source at any time.

EPA established a policy through a 1995 memorandum²⁴ which discourages owners and operators from reducing HAP emissions from existing sources because a major HAP source retains major source status even if emissions are decreased below major source thresholds. In other words, under the OIAI policy, when a source reduces its HAP emissions to area source status, it continues to be subject to *all* of the requirements of the specific NESHAP rule that applies to major sources in its source category (i.e., it continues to be major for that specific NESHAP rule). Specifically, major HAP sources that have reduced their emissions to area source levels continue to be subject to MACT HAP standards as major sources. This creates burdens for those sources because a Part 70 permit is required to comply with Subpart HH and there are not any permitting exemptions.²⁵ Such facilities also have requirements for Title V reporting, recordkeeping, must submit an annual emission inventory (and fees), and need to renew their permits every five years.

EPA proposed to codify an alternative approach in January 2007,²⁶ but did not issue a final rule. INGAA submitted comments²⁷ that supported the proposed 2007 rule. The 1995 memo should be withdrawn and replaced with a new policy that allows a major source to become an area source at any time.

²² 77 Fed. Reg. 52,554 (Aug. 29, 2012).

²³ EPA Docket IDEPA-HQ-OAR-2004-0490-0365 (Dec. 21, 2012).

²⁴ Memo from John S. Seitz, Director, EPA OAQPS, to Regional Offices, regarding Potential to Emit for MACT Standards -- Guidance on Timing Issues (May 16, 1995), *available at* <https://www.epa.gov/sites/production/files/2015-08/documents/pteguid.pdf>

²⁵ 40 C.F.R. § 63.760(h).

²⁶ 72 Fed. Reg. 69 (Jan. 3, 2007).

²⁷ EPA Docket IDEPA-HQ-OAR-2004-0094-0077 (Mar. 2, 2007).

INGAA's comments highlighted the various positive aspects of EPA's proposed rule. INGAA supported the following:

- EPA's decision to replace the 1995 memo with clear requirements that simplify major source versus area status and codify criteria in the Part 63 General Provisions.
- EPA's conclusion that the CAA supports proposed provisions that allow a major HAP source to become an area source at any time.
- The opportunity to become an area source provides an incentive for companies to reduce HAP emissions, as major source requirements add considerable reporting and recordkeeping burden. Owners and operators could avoid additional regulatory burdens by opting into area source status by reducing HAPs. This option would provide a major incentive for installing pollution prevention projects because area source status not only minimizes NESHAP administrative burden, but also reduces burdens associated with Title V and compliance assurance monitoring requirements.

(6) EPA should provide guidance documenting that longstanding component exchange programs for industrial scale turbines qualifies as Routine Maintenance, Repair and Replacement (RMRR).

Manufacturers of industrial turbines utilize a modular design to facilitate efficient maintenance practices. The practice of centralized maintenance via engine exchanges has been employed successfully for over forty years in the T&S sector, making this a routine practice in this industry. When EPA was considering NSR reform, gas transmission companies and one manufacturer (Solar Turbines) provided site and manufacturing location visits to educate EPA on this standard practice. EPA used this experience to identify offsite overhaul associated with "component exchange" as an example of standard, routine maintenance in the October 2003 NSR regulation²⁸ that was subsequently over-turned for reasons unrelated to turbine component exchange. Since the 2006 Court decision,²⁹ there has been uncertainty regarding how states and local agencies interpret this standard maintenance practice for industrial scale combustion turbines.

EPA should clarify its position by issuing guidance to clearly recognize that this routine practice in the industry is RMRR. This will avoid permitting and regulatory applicability confusion regarding NSR, NSPS, and other regulatory interpretations of "routine maintenance" for combustion turbines.

(7) EPA Should Reconsider the "Common Control" Prong of the Source Determination Analysis for Emission Units in the Oil and Natural Gas Sector

EPA's CAA regulations provide three criteria that must each be satisfied before distinct sources of air emissions can be treated as a single source. The sources must: (i) belong to the same industrial grouping; (ii) be located on one or more contiguous or adjacent properties; and (iii) be under common control.

²⁸ 68 Fed. Reg. 61,248 (Oct. 27, 2003).

²⁹ *New York v. Env'tl. Prot. Agency*, 443 F.3d 880 (D.C. Cir. 2006).

Aggregation is a concern to INGAA member companies because midstream companies and producers may have closely located facilities to those of INGAA member companies. Triggering major source requirements, and the attendant time and expense of major source permitting and compliance, can determine whether a particular project moves forward.

The phrase “common control” is not defined in the CAA or in EPA’s regulations. When EPA conducts a common control determination, the agency *presumes* that a common control relationship exists simply because one company locates equipment on another’s property. The undefined “common control” prong of the analysis leads to uninformed and *ad hoc* body of corporate governance law for air emission source determinations, whereby permit engineers can arbitrarily pick whatever facts they subjectively believe to establish corporate “control” without regard to established law. EPA should reconsider 81 Fed. Reg. 35622 (June 3, 2016) and provide an opportunity for to comment on the common control prong of the source determination analysis.