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Environmental Protection Agency
EPA Docket Center (EPA/DC)
Mailcode 28221T
Attention Docket ID No. EPA-HQ-OAR-2009-0174
1200 Pennsylvania Avenue NW.
Washington, DC 20460

Re: Comments on Electronic Reporting and Recordkeeping Requirements for New Source Performance Standards; Proposed Rule; Amendments (Docket EPA-HQ-OAR-2009-0174)

Dear Docket Clerk:

The Gas Processors Association (GPA) appreciates this opportunity to submit comments on the proposed rulemaking “Electronic Reporting and Recordkeeping Requirements for New Source Performance Standards”, published at 80 Fed. Reg. 15100 (March 20, 2015). The proposed rule notice summary indicates that the proposal is intending to revise part 60 general provisions and various new source performance standards (NSPS) subparts requiring affected facilities to submit specified air emissions data reports to the EPA electronically and to allow affected facilities to maintain electronic records of these reports.

GPA has served the U.S. energy industry since 1921 as an incorporated non-profit trade association. GPA is composed of 130 corporate members that are engaged in the gathering and processing of natural gas into merchantable pipeline gas, commonly referred to in the industry as “midstream activities.” Such processing includes the removal of impurities from the raw gas stream produced at the wellhead, as well as the extraction for sale of natural gas liquid products (NGLs) such as ethane, propane, butane and natural gasoline. GPA members account for more than 90 percent of the NGLs produced in the United States from natural gas processing.

This proposed rule would require the owner/operator responsible official (RO) to submit specified reports required under 40 CFR part 60 electronically to the EPA’s Central Data Exchange rather than submitting them in paper format. GPA member companies subject to New Source Performance Standards (NSPS) pertaining to the natural gas industry include subparts A, Ka, Kb, GG, LLL, IIII, JJJJ, KKKK and OOOO. None of the reports required under subpart KKK contain air emissions data that the EPA is requesting be submitted under this proposal; but, EPA may require electronic submittal of these reports at a later time.

GPA supports using electronic test data in pursuing emissions factor development improvements. GPA is also in agreement that test data reported electronically would greatly aid in the development of emission factors of higher quality and representative of the whole industry sector. However, GPA has a number of concerns in regards to the EPA's proposed Electronic Reporting and Recordkeeping Requirements for New Source Performance Standards.

1. Request an alternative reporting option allowance in the rule

The proposed rule does not give any exception to submitting the required reports via the electronic reporting system. All systems have issues and are offline from time to time. New Source Performance Standards have specific deadlines for submitting reports. Therefore, GPA requests that an alternative option be included in the final rule to allow reports to be submitted through an alternative reporting format, such as paper copy or PDF emailed, in the event that the system is offline. This will allow companies assurance they can meet compliance deadlines for submittals.

In addition, our industry experience from the GHG reporting rule, 40 CFR 98, in E-GRRT has been that there is not always sufficient technical support to resolve issues timely and sometimes the error is within the electronic reporting system and not the submitter. GPA requests that the alternative reporting option also be allowed in other circumstances where a submitter is unable to certify a report through the electronic reporting system.

2. Clarify when electronic reports are required

Performance testing requires the use of multiple EPA reference methods to be used and GPA requests including clear language on how to handle this situation. GPA also requests that reports only be submitted through the electronic reporting system after all test methods have templates finalized and available for electronic reporting. Otherwise, there will be additional burden not addressed in the rule to submit both paper and electronic reports simultaneously.

3. EPA should allow companies more time to prepare for compliance

EPA proposes that beginning 90 days after publication of the final rule, an affected source would be required to submit all subsequent reports electronically to EPA on the next due date. We do not believe that 90 days is sufficient lead time to get mechanisms and personnel in place to comply with the new requirements. A rule like NSPS Subpart JJJJ will require significant data system enhancements to gather reporting data needed for electronic reporting. EPA also needs to allow transition time and alternative reporting methods when changes are made to the electronic reporting system. GPA recommends that EPA extend the effective date to one year after publication of the final rule in the Federal Register and when changes are made to the electronic reporting system. This will allow industry sufficient time to adjust to the revised reporting requirements.

4. There needs to be some additional flexibility for the user roles within the Compliance and Emissions Data Reporting Interface (CEDRI)

Currently, the CDX CEDRI program service only allows role access as either “Preparer” or “Certifier” role. GPA proposes to either add an “Administrator” role to the CDX CEDRI program service, or clearly define that each preparer role can access packages prepared by other preparers. For example, a contractor that has prepared the ERT submission package may register for the preparer role, and the certifying official for the owner/operator of the facility may register for the certifier role. There is not a clear option for the facility to review the submission package and make modifications before the responsible official as the Certifier signs into CDX to submit and certify the report. An “Administrator” role could be added, which would allow this role to prepare reports for certification, or make modification to reports prepared by the preparer. We are proposing that the Administrator may perform all tasks that the Preparer may perform, but will also have access to all packages for the facility; and, the Administrator will not be able to sign and submit the package through CDX. In reality, the Certifier will only review the files before certifying the submission with a CROMERR electronic signature and submitting through CEDRI – they will not modify the files. This is especially true at Title V sites where the Responsible Official must meet certain criteria in order to be eligible to certify the report and not the person doing detail level QA of the electronic reporting data from stack testing and other emission reports. Someone else within the company needs to be able to access the files to review the data for accuracy before the certifier role certifies and submits the file package.

Based on EPA’s proposed reporting structure, the RO will be required to log on to the online system and participate in the electronic data submission process as the “certifier”. We question the workability of such an arrangement. Some regulations, such as Subpart OOOO have strict definitions for the RO or Certifying Official [40 CFR 60.5430] resulting in the certifier being employees of relatively high rank and responsibility within a company. To improve efficiency and the ease of review and certification by the RO, additional flexibility should be provided by allowing a scanned paper copy of the RO's signature page to be uploaded by an authorized “preparer” or “administrator”, after RO review and certification of the report. This system is available in some states, such as Ohio, where the preparer is able to print a signature page of the report and have the RO sign it; the preparer is then able to upload that signature page for the final submission. As an alternative, EPA could allow an RO to designate a representative to submit reports on the RO's behalf.

5. EPA should not eliminate the exception in air agency delegation agreements allowing sources to refrain from submitting reports to EPA.

Some state air agency delegation agreements create an exception which does not require state agencies to submit reports to EPA. The Texas Commission on Environmental Quality (TCEQ) is one of the state agencies that fall under this exception, which means that reports are submitted in hard copy format to the TCEQ, and not submitted to the EPA. EPA is proposing that such an exception would not apply to the reports that are covered by these proposed new rules. This would be a duplicative reporting requirement, as the report submitted to the TCEQ in hard-copy format would now also have to be submitted electronically to the EPA. This duplicative reporting requirement increases the compliance burden for affected facilities. Also, electronic submittals to EPA are limited to those reports involving test methods and performance specifications that are supported by the EPA Electronic Reporting Tool (ERT).

Reports that are not supported in ERT will still have to be paper submittals creating an additional burden that is not addressed in the proposal.

Currently, the natural gas processing industry is preparing certain performance test reports using ERT. Previous experience indicates that it is not cost savings as identified under the proposal. Using the ERT (built in Microsoft Access) is time consuming in preparing the submission packages and file upload validation errors are not easy to process. In order to comply, GPA member companies are using stack test companies to prepare the ERT upload files. Estimated costs are \$85/hour and an additional 4 hours/source for RATA and a full performance test is an additional 6 hours/source.

EPA has proposed to create a web-based version of the ERT, but industry has concerns about the amount of time it would take to manually enter data or upload data files. For example, RATA database files are in excess of 2MB in size. A robust software solution needs to be developed that will be both easy to use and will be able to handle the efficient upload of large files.

6. EPA cannot require data elements not required to be reported under a subpart.

The proposed rule states that within 60 days of submission to CDX, each file will be sent to the EPA's WebFIRE database where it will be available for public access. GPA supports the statements that electronic data collection will aid in the production of accurate emission factors at a much faster pace in comparison to previous collection methods. However, requiring data elements that are not required in the specific subpart oversteps EPA's authority to collect data electronically. In addition, information that companies deem to be confidential business information should have the option of being considered confidential and not posted publicly. GPA does not support the electronic submission of production data to WebFIRE with public access without the option of businesses being able to determine whether or not this should be marked as Confidential Business Information (CBI).

7. Costs associated with rule compliance are erroneous.

The proposal estimates total annualized savings for regulated facilities due to the proposed amendment to be approximately \$300,000 per year. Also, the cost estimate for the first year would be \$6,010,000 for the first year and \$4,980,000 for the second year with an estimated cost savings of \$1,460,000 for every year starting in year 3. Table 4 (in section VI of the preamble) provides a summary of number of each type of report submitted and the total labor time and savings that would accrue. GPA would like to point out that Subpart JJJJ and IIII periodic reports are not included in the estimated number of 17,612 periodic reports submitted each year; therefore, the cost estimate on labor time and cost savings is erroneous.

In addition, industry experience with the GHG Reporting Rule, 40 CFR 98, is that there are often significant costs with building systems and databases necessary to populate the electronic reporting system. These costs include vendor costs to configure databases and internal man-hours spent testing the reporting system.

We appreciate the agencies consideration of our request. If you have questions please contact me at (918) 493-3872 or by email at mwhite@global.org or Melanie Roberts, GPA Environmental Committee Chair, at (713) 584-1422 or by email at mroberts@targaresources.com.

Sincerely,

Matthew Hite
Vice-President Government Affairs
Gas Processors Association

