



June 6, 2019

David Edwards
Assistant Division Chief
California Air Resources Board
1001 I Street
Sacramento, CA 95814

RE: Comments on Proposed 15-Day Changes to the *Regulation for Criteria Air Pollutant and Toxic Air Contaminant Emissions Reporting*

Dear Mr. Edwards:

Aera Energy LLC (Aera) is an independent oil and gas producer with operations in Fresno, Kern, Monterey and Ventura Counties. The California Air Resources Board (CARB) requested input on the proposed 15-day changes to the *Regulation for Criteria Air Pollutant and Toxic Air Contaminant Emission Reporting* (CTR Regulation). As Aera's operations will be impacted by this rulemaking, Aera appreciates the opportunity to provide the following information.

Portable Equipment: The proposed reporting requirements are unnecessarily burdensome for portable engines that are on-site for more than three months of the year. The most burdensome request is to provide actual emissions and geospatial coordinates for each engine. To put this recordkeeping burden into perspective, there are five drilling rigs, each powered by portable engines, in use on Aera properties. On average, each drilling rig is moved every three days. To comply with the recordkeeping requirements as drafted, for every drilling rig there will be approximately 120 different locations with distinct geospatial coordinates where Aera will have to estimate the actual emissions. For five drilling rigs, there will be about 600 entries each year. This does not count the other portable equipment operating on the property.

Further, the operator will be burdened to track each contracted portable equipment used on the property. For example, if a portable pump is used in January, and the need for a pump returns in September and November, the operator will be responsible for reporting under the CTR regulation if the same pump is brought back later in the year. If a different

pump is utilized, then no single device would be on-site for longer than three months and emissions reporting would not be required.

The proposed CTR requirements for portable engines are unnecessarily onerous for portable equipment on-site for more than three months. For Aera, it is likely that more effort will be required to meet the reporting burden for portable equipment than stationary combustion equipment, even though portable equipment constitutes a fraction of the total emissions. The emissions reporting requirements for portable equipment should be commensurate with their emissions.

Minor Administrative Comments: Through the concerted efforts of CARB staff, the draft text of the CTR Regulation has significantly improved. However, Aera believes the following changes will further improve the regulation without altering the substance of the regulation.

17 CCR §93402 (a): There are several intertwined definitions related to determining the criteria pollutants to be reported including "Applicable nonattainment pollutant or its precursors", "California Ambient Air Quality Standard" (CAAQS), "Criteria air pollutant", "National Ambient Air Quality Standards" (NAAQS), and "Nonattainment pollutant". Having multiple definitions can lead to various issues, such as noted below.

- The definition of "Applicable nonattainment pollutant or its precursors" references CCR, Title 17, Section 70700 for pollutants with a CAAQS, while the definition of "California Ambient Air Quality Standard" references CCR, Title 17, Section 70200. CARB likely intended both definitions to cite CCR, Title 17, Section 70200.
- The definition of "Applicable nonattainment pollutant or its precursors" refers to NAAQS under 42 U.S.C. section 7407 (d) and the precursors identified in the State Implementation Plan. The definition of "National Ambient Air Quality Standards" cites 40 CFR Part 50. A person trying to comply with the CTR would question why CARB chose to reference different codes/regulations? Further, the NAAQS definition reference to 40 CFR Part 50 is specific to regulations as they read on October 23, 2018. The reference to 42 U.S.C. section 7407 (d) under the definition of "Applicable nonattainment pollutant or its precursors" is not date specific. Should the U.S. EPA add a new NAAQS pollutant under 42 U.S.C. section 7407 (d), would this new pollutant be included under the CTR Regulation since it was added after October 23, 2018?

Aera suggests that the definitions be limited to "Criteria Air Pollutants", "National Ambient Air Quality Standards", and "California Ambient Air Quality Standards". The definition of "Criteria Air Pollutants" should refer to the NAAQS and CAAQS definitions.

17 CCR §93402 (a): The emissions released through a stack, vent, or chimney are included in the definition of "Direct emissions". However, the definition of "stack" includes a chimney, vent, pipe, or duct. As a stack includes a vent or chimney, it may be appropriate to delete those from the definition of "Direct emissions".

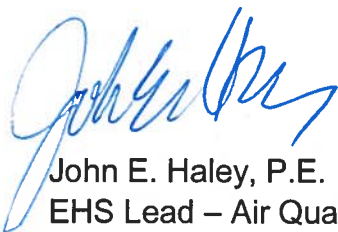
17 CCR §93402 (a): A "Permit or rule emission limit" incorporates best available control technologies (BACT) for a given device. BACT is determined on a case-by-case basis when triggered through a permitting action. Although a local air district may publish a BACT guideline for an equipment type, existing equipment is not bound by that BACT guideline.

By listing a potentially applicable BACT standard, Aera is concerned that the public will conclude that existing equipment is operating out of compliance. For example, an existing boiler may be required to meet a NOx limit of 12 ppmv under its current permit and applicable rules. However, the local air district published a BACT guideline stating new or modified boilers need to meet a NOx level 7 ppmv. Would the public see the 7 ppmv BACT level and mistakenly conclude the unit is operating out of compliance when the existing boiler has not triggered BACT? Aera suggests that the permit emission limit would be more applicable than a BACT standard.

17 CCR §93402 (a): The pollutants Reactive Organic Gases and Volatile Organic Compounds are different terms used for the same group of hydrocarbons. In fact, CARB's definition of "Volatile Organic Compounds" refers to the definition of "Reactive Organic Gases". The pollutant code table lists different codes for Reactive Organic Gases and Volatile Organic Compounds. Should Reactive Organic Gases and Volatile Organic Compounds have the same pollutant code?

Aera appreciates the opportunity to provide input during the rulemaking process. Should you have any questions, please feel free to contact me at (661) 665-5279.

Sincerely,



John E. Haley, P.E.
EHS Lead – Air Quality

cc: Brian Clements, SJVAPCD