MONTROSE ENVIRONMENTAL

20 Aug., 2020

Comments or input on the draft rules may be submitted electronically to nm.methanestrategy@state.nm.us or via hardcopy to Liz Bisbey-Kuehn, NMED Air Quality Bureau, 525 Camino de los Marquez, Santa Fe, NM 87505 by 5 p.m. Aug. 20, 2020.

TITLE 20 ENVIRONMENTAL PROTECTION

CHAPTER 2 AIR QUALITY (STATEWIDE)

PART 50 OIL AND NATURAL GAS REGULATION FOR OZONE PRECURSORS

Primary Objective is understood as reducing VOC emissions occurring from the production processes associated with oil and natural gas production and distribution.

To whom it may concern:

Montrose Environmental, an industry leader supporting clients to comply with VOC related regulations (M21 LDAR, OOOOa, GHG) using FID and OGI technology to detect and report VOC emissions in Canada and the US for over a decade. Based on our experience, we respectfully request the NMED Air Quality Bureau consider our comments and perspectives related to the draft Part 50 rule.

We have extensive experience with all makes and models of FID and OGI VOC detection platforms. We believe, under current Federal, state and regional rules, that there is reason to use each technology, depending on the situation. We strongly believe that OGI detection is the safest, most cost-effective platform for reducing VOC emissions for operators in the midstream oil and natural gas production sector.

In our view, leaks detected with OGI should be managed equally regardless of whether a leak is identified with OGI or FID. The original AWP 2008 failed and is currently being revised almost solely on the basis that the EPA treated leaks detected with OGI differently than FID. It was an oversite at the time because OGI detection platforms and industry experience was limited. That is not the case in 2020.

Please reference Easter Research Groups studies on behalf of EPA and all API and manufacturer related support research and efforts (Opgal, FLIR, Rebellion, Providence…).

Please consider:

1. OOOOa federal rule (40 CFR Part 60 Subpart OOOOa, June 3, 2016), was published in 2016 after rigorous EPA research and analysis. It was finalized to regulate as follows (V. Summary of Final Standards, section G): "Monitoring of the components **must be conducted** using optical gas imaging **(OGI)**, and repairs must be made if any visible emissions are observed. **Method 21 may be used as an alternative monitoring method** at a repair threshold level at 500 parts per million (ppm). Repairs must be made within **30 days of finding fugitive emissions** and a resurvey of the repaired component must be made within 30 days of the repair using OGI or Method 21 at a repair threshold of 500 ppm."

2. OOOOa regulation defines the OGI based work practice as the "best system for emission reduction" (BSER) and method 21 as an alternative monitoring method.

3. Excerpt from Subpart OOOOa:
   "c. Monitoring Using Method 21
   The EPA's analysis for the proposed rule found **OGI to be more cost-effective** at detecting fugitive emissions than the traditional protocol for that purpose, Method 21, and the EPA, therefore, identified OGI as the **BSER** for monitoring fugitive emissions at well sites."
4. Opgal believes that the equal choice of monitoring method in the current proposed rule, and reference to outdated regulations regulation (40 CFR 60.18(i)) that perceived OGI as the alternative method, is clearly a step backwards in the leak detection and emission reduction process. Therefore, we ask the NM regulator to consider referring to the most recent and relevant Federal regulation and finalizing similar language in all aspect of OGI technology, including updated technology sensitivity verification and daily checks procedures in provision § 60.5397a in OOOOa (and not referring to the older and outdated 40 CFR 60.18(i) regulation).

5. **An excerpt from provision § 60.5397a in OOOOa**

(b) You must develop an emissions monitoring plan that covers the collection of fugitive emissions components at well sites and compressor stations within each company-defined area in accordance with paragraphs (c) and (d) of this section.

(c) Fugitive emissions monitoring plans must include the elements specified in paragraphs (c)(1) through (8) of this section, at a minimum.

(1) Frequency for conducting surveys. Surveys must be conducted at least as frequently as required by paragraphs (f) and (g) of this section.

(2) Technique for determining fugitive emissions (i.e., Method 21 at 40 CFR part 60, appendix A–7, or optical gas imaging).

(3) Manufacturer and model number of fugitive emissions detection equipment to be used.

(4) Procedures and timeframes for identifying and repairing fugitive emissions components from which fugitive emissions are detected, including timeframes for fugitive emission components that are unsafe to repair. Your repair schedule must meet the requirements of paragraph (h) of this section at a minimum.

(5) Procedures and timeframes for verifying fugitive emission component repairs.

(6) Records that will be kept and the length of time records will be kept.

(7) If you are using optical gas imaging, your plan must also include the elements specified in paragraphs (c)(7)(i) through (vii) of this section.

(i) Verification that your optical gas imaging equipment meets the specifications of paragraphs (c)(7)(i)(A) and (B) of this section. **This verification** is an initial verification and may either be performed by the facility, **by the manufacturer, or by a third party**. For the purposes of complying with the fugitives emissions monitoring program with optical gas imaging, a fugitive emission is defined as any visible emissions observed using optical gas imaging.

(A) Your optical gas imaging equipment must be capable of imaging gases in the spectral range for the compound of highest concentration in the potential fugitive emissions.

(B) Your optical gas imaging equipment must be capable of imaging a gas that is **half methane, half propane at a concentration of 10,000 ppm at a flow rate of ≤60g/hr from a quarter inch diameter orifice.**

(ii) **Procedure for a daily verification check.**

(iii) Procedure for determining the operator's maximum viewing distance from the equipment and how the operator will ensure that this distance is maintained.

(iv) Procedure for determining maximum wind speed during which monitoring can be performed and how the operator will ensure monitoring occurs only at wind speeds below thisthreshold.

(v) Procedures for conducting surveys, including the items specified in paragraphs (c)(7)(v)(A) through (C) of this section.

(A) How the operator will ensure an adequate thermal background is present in order to view potential fugitive emissions.

(B) How the operator will deal with adverse monitoring conditions, such as wind.

(C) How the operator will deal with interferences (e.g., steam).

(vi) Training and experience needed prior to performing surveys.

(vii) Procedures for calibration and maintenance. At a minimum, procedures must comply with those recommended by the manufacturer.

6. Furthermore, the repair requirements section in this current draft rule requires: *"All leaks detected using optical gas imaging shall be repaired within 7 days of discovery, all other leaks shall be repaired within 15 days of discovery;".* This requirement provides bias preference for Method 21 over OGI as leaks detected with OGI always need to be repaired much faster, 7 vs. 15 days.

   As stated above and strongly supported by the OOOOa rule, there is no scientific evidence that leaks detected by OGI are typically greater than leaks detected by Method 21. Therefore, we ask the NM regulator to consider finalizing this rule with equal repair requirement period for both monitoring methods as was finalized in OOOOa federal rule ("30 days of finding fugitive emissions").

7. These current OGI sensitivity capabilities are fully supported in the technical support document - Optical Gas Imaging Protocol (TSD -40 CFR Part 60, Appendix K). This was prepared for EPA and was published in the federal register along with the publication of Subpart OOOOa. This OGI protocol is much more updated and invalidate the sensitivity misconception that led to the described bias in the proposed NM regulation. Opgal recommends to heavily rely on the technical document for finalizing the OGI as BSER also in the NM rule.

We appreciate your time and consideration.

Dcs/20, Aug., 2020

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