

Testimony of the  
**American Petroleum Institute**

on the

National Ambient Air Quality Standards: Determinations of Attainment,  
Extensions of the Attainment Date, and Reclassification of Several Areas  
Classified as Moderate for the 2008 Ozone Standards [83 *Fed. Reg.* 56,781  
(November 14, 2018)]

Docket ID: EPA-HQ-OAR-2018-0226.

February 15, 2019

Thank you for the opportunity to provide public comment today. My name is Matt Todd, a Senior Policy Advisor at the American Petroleum Institute (API).

API is the only national trade association representing all facets of the oil and natural gas industry, which supports 10.3 million U.S. jobs and nearly 8 percent of the U.S. economy. Our over 620 corporate members – from large integrated oil and gas companies to small independent companies – comprise all segments of the industry. API member companies are producers, refiners, suppliers, retailers, pipeline operators and marine transporters, as well as service and supply companies providing much of the nation’s energy.

On this issue I am representing the Colorado Petroleum Council (CPC) which is a division of the API and represents all facets of the oil and natural gas industry in Colorado. CPC and its member companies are committed to ensuring a strong, viable oil and natural gas industry capable of meeting the energy needs of Colorado in a safe and environmentally responsible manner.

I offer the following comments on the Determinations of Attainment, Extensions of the Attainment Date, and Reclassification of Several Areas Classified as Moderate for the 2008 Ozone Standards: specifically, the proposed extension for the Denver Metro/North Front Range (DM/NFR) nonattainment area (NAA).

API/CPC supports EPA's proposal to grant a one-year extension for the Denver Metro/North Front Range nonattainment area.

The Colorado Air Pollution Control Division (Division) is actively engaged and has been a leader in pursuing emission reductions of ozone precursors, both VOCs and NO<sub>x</sub>, over the past decade and has been successful in doing so even while oil and gas production and population growth has significantly increased in the ozone non-attainment area.

Colorado faces challenges in meeting both the 2008 and 2015 NAAQS for ozone because a large majority of ozone concentrations in the area result from emissions beyond the State's control including naturally occurring and international emissions transported into Colorado.

EPA has properly proposed to extend the deadline to achieve attainment from July 20, 2018 to July 20, 2019 given that the State of Colorado has demonstrated a clean data year for the 2017 ozone season. Because the State of Colorado has met the requirements for an extension under the Clean Air Act and its implementing regulations, EPA should grant the extension.

In addition to granting this extension of the attainment deadline to July 20, 2019, we strongly support a reasonable amount of time to submit a State Implementation Plan (SIP) should the Denver Metro/North Front Range be designated "Serious" in

the future, particularly given the burden of navigating two different ozone standards and the timelines associated with both.

The need for sufficient time to submit any SIP should the DM/NFR be designated “Serious” in the future is bolstered by the statutory requirement that any proposed SIP must be reviewed and approved by the Colorado General Assembly prior to being submitted to EPA. As such, any proposed SIP must be complete before the annual legislative session between January and May of each year.

EPA cannot grant the extension for the clean data year (which it must do based upon the Clean Air Act and implementing regulations) and then simultaneously require that the SIP for any “Serious” designation be due within weeks of the the area being designated “Serious”. Such a result would entirely undermine the provisions of the Clean Air Act allowing for extensions for a clean data year.

Furthermore, not granting sufficient time to submit a SIP should the Denver Metro/North Front Range be designated “Serious” in the future will put process over substance. The Division’s letter properly points out that development, adoption and implementation of emission control measures that achieve real reductions through a comprehensive SIP take significant time and effort.

EPA has the “authority to adjust applicable deadlines for an area subject to reclassification as necessary or appropriate to assure consistency among the required submissions.” As such, EPA has the discretion to set deadlines for submittal of “Serious” SIP elements.

The Division requests that EPA exercise its discretion and align the timing of any SIP submittal for any “Serious” reclassification under the 2008 standard and for Moderate areas under the 2015 standard so that Colorado only needs to develop

one SIP for submittal to EPA in the near future and could better evaluate and propose more effective emission reduction strategies using its limited resources. API supports this proposal.

If EPA does not honor the Division's request, then API/CPC ask that EPA provide at least 18 months from any "Serious" designation in the Denver Metro/North Front Range to allow for adequate SIP development and review by the Colorado General Assembly.

In summary, if the Division is not provided adequate time to develop any "Serious" SIP, the administrative burden and limited timeframes will diminish the ability of Colorado to develop and implement a sound and comprehensive approach for significant reductions in ozone precursor emissions.

Thank you for the opportunity to provide this statement.