



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Research Triangle Park, NC 27711

OFFICE OF  
AIR QUALITY PLANNING AND  
STANDARDS

February 2, 2023

Mr. Sean Craven  
Merit Energy Company  
13727 Noel Road, Suite 1200, Tower 2  
Dallas, Texas 75240

[Sean.Craven@meritenergy.com](mailto:Sean.Craven@meritenergy.com)

Dear Mr. Craven:

Pursuant to section 114 of the Clean Air Act (CAA), 42 U.S.C. §7414(a), the U.S. Environmental Protection Agency (EPA) is collecting information related to hazardous air pollutant (HAP) and volatile organic compound (VOC) emissions at oil and gas facilities to inform its review of the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Crude Oil and Natural Gas Production Facilities. This sector includes facilities that produce, process, upgrade, or store hydrocarbon liquids and facilities that produce, process, upgrade, or store natural gas prior to the point at which natural gas enters the natural gas transmission and storage source category or is delivered to a final end user. These rules are codified as the Oil and Gas NESHAP, subpart HH of 40 CFR part 63.

We are issuing this information request in two phases. Phase I is the questionnaire (Component I) to be followed by a testing and sampling phase (Component II). These components are designed to collect information on emissions and other relevant aspects of oil and gas production and processing. The Agency is collecting data on units that emit hazardous air pollutants to help inform the Agency in its review of the Oil and Gas NESHAP pursuant to CAA section 112(d)(6), as well as its evaluation of the issues raised in administrative petitions for reconsideration of the prior amendments to these NESHAP, 77 FR 49490 (August 16, 2012). Enclosure 1 contains a summary of the instructions for completing Component I. **We request that you send your firm's response to Component I to us by 60 days from the receipt of this electronic mail.**

As part of this effort, the EPA requires your assistance in providing responses to this Component I, the survey component, related to these regulations, emissions, and emission sources. Component II will be provided to respondents after the results of Component I have been received and reviewed to determine the appropriate testing and sampling required for the second phase.

Summary of Enclosures:

- Enclosure 1: Facility Questionnaire. This enclosure is a questionnaire document with an accompanying spreadsheet in which you are asked to supply questionnaire responses

for your facilities.

- Enclosure 2: EPA's Information Gathering Authority Under Section 114 of the Clean Air Act. This enclosure contains a summary of the EPA's legal authority to obtain the information requested in this survey.
- Enclosure 3: Disclosure of Emissions Data Claimed as Confidential Under Sections 110 and 114(c) of the Clean Air Act, 56 FR 7042 (February 21, 1991). This enclosure clarifies information the EPA considers to be emission data which cannot be deemed confidential business information (CBI).
- Enclosure 4: Summary of Procedures for Safeguarding Clean Air Act Confidential Business Information. This enclosure summarizes our and our contractors' policies and procedures for handling trade secrets and CBI. Our contractors or other authorized representatives must follow the requirements in Enclosure 4, which ensure your rights and protect any privileged information you submit to us.
- Enclosure 5: Designation of Authorized Representative for Standards of Performance for New Stationary Sources (Section 111), National Emission Standards for Hazardous Air Pollutants (Section 112), Solid Waste Combustion (Section 129), and Federal Ozone Measures (Section 183). This enclosure identifies the contractor who is assisting us with this survey and designates this contractor as our authorized representative for this purpose. This contractor will help us gather information about your facility, conduct this survey, and analyze survey data. As our authorized representative, this contractor may obtain information under the authorities discussed in Enclosure 2, has access to information you provide to us, and is required to protect information designated as trade secrets or CBI.
- Enclosure 6: Certification Statement. The individual responsible for directing or supervising the preparation of the questionnaire must read and sign the attached Certification Statement. The certifying official must be a responsible corporate official or his/her authorized representative.

This information request pursuant to CAA section 114 is being issued in two phases. The EPA collects this data to conduct the technology review required under sections 112(d)(6) of the CAA. The public and stakeholders will have an opportunity to comment on EPA's oil and gas NESHAP rules upon proposal, including a formal notice-and-comment period on any proposed action. CAA section 114(a) authorizes the Administrator of EPA to require the submission of information, including information from an owner or operator of an emission source for the purpose of developing or assisting in the development of NESHAP under CAA section 112. This authority has been delegated to the Director of the Sector Policies and Programs Division in the U.S. EPA Office of Air and Radiation, Office of Air Quality Planning and Standards.

Please submit all required information for which you do not claim business confidentiality into the EPA's Compliance and Emissions Data Reporting Interface (CEDRI) following the instructions in CEDRI for an "ICR Questionnaire." Do not upload CBI into CEDRI. All CBI must be sent separately. CEDRI can be accessed using the following link: <https://cdx.epa.gov/>.

Please note that CAA section 114(c) excludes emission data from confidential treatment.<sup>1</sup> If there is any facility operations information, other than emissions data, that you would like to claim as CBI, please follow 40 CFR part 2, subpart B and the instructions in Enclosure 3 to ensure appropriate handling and submission of your response. Please also note that our contractors or other authorized representatives, discussed in Enclosure 5, must follow the policies and procedures for handling trade secrets and CBI outlined in Enclosure 4, which ensure your rights and protect any privileged information you submit to us. If you believe that any specific information to us would reveal a trade secret or would compromise CBI, please identify and claim this information clearly as CBI in your response, as explained below.

Follow these instructions for any portion of your survey response that contains claimed CBI. Prepare a second spreadsheet of the questionnaire. In this CBI copy of the Enclosure 1 questionnaire spreadsheet, delete or leave out the non-CBI information, and put only the CBI information in the spreadsheet. Use red highlight to indicate spreadsheet cells with data claimed CBI. Include “CBI” in the file name of the questionnaire, and clearly mark each spreadsheet questionnaire page with the words “Confidential Business Information” if it contains CBI. If you wish to attach any flow diagrams or other attachments submitted with your survey that you are claiming as CBI, also use “CBI” in the file name and label each page that contains CBI. Facilities that claim large amounts of information to be CBI and/or trade secret(s), especially if other facilities report similar information without such claims, will likely be contacted by the EPA to validate these claims. Any information determined to be a trade secret will be protected by federal law (18 U.S.C. §1905). Please be aware that any information submitted in response to this request that is not claimed or determined to be confidential may be made available to the public without notifying you further (40 CFR part 2.203, September 1, 1976).

Submit the CBI questionnaire and any other files containing CBI claims directly to the OAQPS CBI Office using the email address, *oaqpscibi@epa.gov*, including the words “Oil and Gas Hazardous Air Pollutant Review (Project #540)” in the email title. Please note the number of files attached in the body of the email to the CBI office. Information submitted to this mailbox will be retrieved and securely maintained on a restricted site limited to personnel with active CBI authorization.

Your firm must submit all required information under an authorized signature with the following certification, found in Enclosure 6:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the

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<sup>1</sup> For additional information on emission data, please see 40 CFR §2.301 and Enclosure 2.

possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act and 18 U.S.C. §§ 1001 and 1341.

Thank you for your assistance in this effort. Your response will provide comprehensive information about the oil and gas production source category, which will lead to a more effective series of rulemakings. If you have questions regarding this questionnaire, please contact Matthew Witosky in EPA's Fuels and Incineration Group at (919) 541-2865 or *witosky.matthew@epa.gov*.

Sincerely,

Penny Lassiter  
Director  
Sector Policies and Programs Division

Enclosures (6)

cc: Jodi Howard  
Amy Branning