

November 17, 2017

Scott Pruitt
Environmental Protection Agency Administrator
1200 Pennsylvania Avenue, N.W.
Mail Code: 1101A
Washington, DC 20460

Reference: *Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources: Stay of Certain Requirements*

Docket ID: EPA-HQ-OAR-2010-0505-12363

Dear Administrator Pruitt,

On behalf of the more than 31,000 members of the National Society of Professional Engineers, I submit the following public comment in response to the Environmental Protection Agency's November 8, 2017, notice of data availability for the rulemaking *Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources* and solicitation of comments on the information presented. As stated in NSPE's public comment of July 12, 2017, on this rulemaking, we are deeply concerned by the proposed stay of requirements that were instituted in the 2016 final rule to ensure the public health, safety, and welfare.

In particular, the EPA has granted reconsideration of the requirement for a professional engineer to certify the closed vent system design and capacity assessment, as well as any technical infeasibility determination relative to controlling pneumatic pumps at well sites. Removal of this requirement is to the detriment of the public health, safety, and welfare. As set forth in the EPA's proposed stay of the rule:

“For closed vent systems used to comply with the emission standards for various equipment used in the oil and natural gas sector, the 2016 Rule requires certification by a professional engineer that a closed vent system design and capacity assessment was conducted under his or her direction or supervision and that the assessment and resulting report were conducted pursuant to the requirements of the 2016 Rule. This certification requirement must be met in order (to) comply with the emissions standards for centrifugal compressors, reciprocating compressors, pneumatic pumps, and storage vessels.... **In finalizing the 2016 Rule, the EPA made clear that it viewed the PE certification requirement to be an important aspect of a number of performance standards in the rule.** The EPA acknowledges that it had not analyzed the costs associated with the PE certification requirement and evaluated whether the improved environmental performance this requirement may achieve justifies the associated costs and other compliance burden.”

NSPE is concerned by the proposed stay and its rationale. As referenced above, the EPA, in its careful consideration and determination of the final 2016 rule, recognized the unique qualifications, expertise, and the legal and ethical duty of professional engineers to hold paramount the public health, safety, and welfare in their designs, construction, and

observations. While NSPE recognizes the EPA can also consider costs, our shared foremost responsibility must be to ensure public health and safety.

In the EPA notice of November 8, 2017, EPA asserted that a phase-in period is necessary to meet the requirements for a licensed professional engineer to perform these engineering services. EPA proposes two-year phase-in periods to further examine the impact of this requirement and increase personnel needs. As stated in our public comment of July 12, 2017, a substantial public record was created and considered by the EPA in finalizing the rules that are subject to the proposed stays and phase-in periods. More than 7,000 public comments were received and more than 600 documents were made part of the record of the final rule. NSPE, therefore, believes the requirements are sound and based not only upon a full and adequate public record, but also complete legal, judicial, and economic review. This includes a finding by the US Court of Appeals for the District of Columbia that “a lengthy discussion of the ‘costs and benefits’ went into the rule, including both industry and public comments on the PE certification requirements.”

Moreover, NSPE would like to point out that, according to the National Council of Examiners for Engineering and Surveying, there were over 400,000 resident PE licenses issued and 400,000 nonresident licenses issued (a single individual can possess both) in 2016. With hundreds of thousands of PEs across the country, NSPE strongly believes that the existing requirements can be met. It should also be noted that the dates for compliance with the 2016 finalized rule, based on the specific requirement, should have been met some time ago. Since the stay of this rule, there has been adequate time and opportunity to comply with these rules. For example, the fugitive emissions requirement called for compliance by November 30, 2016. A year later, a proposed recommendation for an additional two-year phase-in period seems unnecessary and excessive.

There is no reason or basis for displacing properly enacted final rules at this time; to stay the rules requiring involvement of licensed professional engineers creates real and unnecessary risks to the public health, safety, and welfare in the interim.

NSPE strongly urges the EPA to enforce the current requirements immediately. In the event that a new rule is finalized, it should retain the provisions for a licensed professional engineer to be in responsible charge of all engineering projects.

NSPE and the professional engineers it represents share a common purpose with the EPA in ensuring that the United States exemplifies the best engineering standards in the world. NSPE commits to remaining fully and constructively engaged in any future proceeding.

Please contact Arielle Eiser, associate director of government relations and advocacy, at aeiser@nspe.org, with any questions or comments.

Sincerely,



Tom C. Roberts, P.E., F.NSPE
President, 2017–18