



April 10, 2026

VIA E-FILING

Olivia DiGiovine
Ohio EPA Division of Air Pollution Control
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Re: Comments of the Ohio Oil and Gas Association on Ohio EPA's Early Stakeholder Outreach – Emissions Guidelines for Methane Emissions from Existing Crude Oil and Natural Gas Facilities

Dear Ms. DiGiovine:

On March 10, 2026, Ohio EPA published notice of an Early Stakeholder Outreach requesting input on Ohio EPA's development of new rules to satisfy its obligation under Section 111(d) of the Clean Air Act (CAA) to establish a state plan (hereafter, the "State Plan" or "New Rules") for the implementation of U.S. EPA's Emissions Guidelines for existing sources in 40 CFR Part 60, Subpart OOOOc, which were established in U.S. EPA's *Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review*, 89 Fed. Reg. 16820 (March 8, 2024) (the "Emissions Guidelines"). The Emissions Guidelines, and Ohio EPA's State Plan for the implementation thereof, establishes methane emissions standards for "affected facilities" – crude oil and natural gas facilities that commenced construction, modification, or reconstruction on or before December 6, 2022. The Ohio Oil & Gas Association ("Association" or "OOGA") is pleased to submit the following comments on Ohio EPA's development of the State Plan for the implementation of Subpart OOOOc.

Introduction & General Comment: Develop Draft State Plan for Interested Party Review

The Ohio Oil & Gas Association (OOGA) is one of the largest and most active state-based oil and natural gas associations in the United States and has been the representative of Ohio's oil and gas producing industry since 1947. OOGA's members are involved in all aspects of the exploration, development, production and marketing of crude oil and natural gas resources in Ohio. The Association's members often rely on OOGA as their primary source of information on industry trends, activities, tax changes, legislation and regulatory issues. OOGA frequently participates in federal and state regulatory actions affecting the oil and gas industry.

The Association has been actively involved in U.S. EPA's development of the regulatory framework governing emissions from oil and gas sources since the New Source



Performance Standards ("NSPS"), 40 CFR Part 60, Subpart OOOO regulations were first proposed in 2011, including submitting comments on U.S. EPA's Emissions Guidelines. The Association, along with several other state and national industry associations, are currently challenging the U.S. EPA's final rules under Subparts OOOOb and OOOOc in federal court.

Subpart OOOOc establishes emissions guidelines – presumptive standards – that states must implement via U.S. EPA-approved plans governing oil/gas facilities, including wells centrifugal and reciprocating compressors, process controllers, pumps, storage vessels, fugitive emissions components, and process unit equipment, constructed on or before December 6, 2022. Many of the Association's members have operations that will be subject to and directly affected by Subpart OOOOc and, in turn, by Ohio EPA's New Rules implementing Subpart OOOOc. Several other members will be indirectly affected.

The Association notes that it previously submitted comments in response to an Early Stakeholder Outreach regarding Ohio EPA's development of the State Plan.¹ It is our understanding that Ohio EPA's development of the State Plan has not advanced in the rulemaking in light of anticipated revision to Subparts OOOOb/c by U.S. EPA. Following U.S. EPA's promulgation of Subparts OOOOb/c, and Ohio EPA's initial Early Stakeholder Outreach regarding the New Rules, U.S. EPA announced plans to reconsider Subparts OOOOb/c on March 12, 2025; and, on December 3, 2025, U.S. EPA published a final Interim Rule (90 FR 55671) which, among other things, extended the deadline for states to submit state plans implementing Subpart OOOOc from March 9, 2026 to January 22, 2027.

Considering U.S. EPA's issuance of the Interim Rule and anticipated reconsideration/revision to Subpart OOOOc, the Association commends Ohio EPA for its delay in developing the State Plan. Such coordination of State Plan rulemaking efforts vis-à-vis pre-State Plan federal rulemaking which could substantially alter Subpart OOOOc (thereby necessitating revision to the State Plan) is critical to ensuring state resources are not wasted and to minimize regulatory inconsistencies, confusion and uncertainty. However, the development of the State Plan will be a significant undertaking and, with no formal action taken to date by U.S. EPA to reconsider/revise Subpart OOOOc and less than one year to submit the State Plan to U.S. EPA, the Association cautions Ohio EPA on continuing to rely on reconsideration of Subpart OOOOc and, in turn, its "wait and see" approach to the State Plan rulemaking effort.

The Association suggests that Ohio EPA proceed with developing *draft* rules for the State Plan – following consideration of comments submitted in response to this ESO – for interested party review. Investing the time and resources necessary to prepare a draft,

¹ See comments submitted by the Association, dated August 23, 2024, in response to Ohio EPA's July 22, 2024 Early Stakeholder Outreach on the development of new rules in OAC 3745-115, "*Methane Emissions from Existing Crude Oil and Natural Gas Facilities*". Ohio EPA did not respond to the Association's original comments, and some of the Association's original comments are restated herein.



albeit complete, version of the State Plan now will put Ohio EPA and the regulated community in a position to appropriately respond and react to the future fate of Subpart OOOOc (whatever that may be), including timely submittal² of a final State Plan that is not merely a “rubber stamp” of the Subpart OOOOc Model Rule submitted in haste but, rather, a State Plan that allows for flexibility thereby providing industry with reasonable and supportable reprieve from certain overly burdensome requirements under Subpart OOOOc. If, following development of the draft State Plan, U.S. EPA commences reconsideration of Subpart OOOOc, then Ohio EPA can delay proceeding with its State Plan rulemaking pending final reconsideration by U.S. EPA and then revise the draft State Plan accordingly; and if U.S. EPA does not take action to reconsider Subpart OOOOc, then Ohio EPA and the regulated community will be well positioned to finish the State Plan rulemaking and timely submit to U.S. EPA. However, without a draft State Plan in place, the Association questions when Ohio EPA would take that necessary next step relative to U.S. EPA’s continued inaction to reconsider/revise Subpart OOOOc and is concerned that, by that point, it will be too late and Ohio EPA will have to simply adopt the Subpart OOOOc Model Rule without any meaningful consideration of and provision for added flexibility.

To that end, the Association offers the following comments for Ohio EPA’s consideration in developing the regulatory framework for the State Plan.

Comments

Pursuant to CAA Section 111(d), and U.S. EPA’s corresponding implementing regulations, the issuance of Emissions Guidelines for existing sources (such as Subpart OOOOc) requires states to develop and submit to U.S. EPA for approval a State Plan that establishes performance standards consistent with the Emissions Guidelines. The State Plan must include, among other things, compliance schedules for each designated facility; standards of performance for designated facilities; performance testing, monitoring, recordkeeping, and reporting requirements; documentation of meaningful engagement on the State Plan; provision for progress reports to U.S. EPA; identification of enforceable state mechanisms that Ohio EPA selected for implementing the emission guidelines; and demonstration of Ohio’s legal authority to carry out the Clean Air Act section 111(d) state plan.

If Ohio EPA does not submit a plan, or if U.S. EPA disapproves the State Plan, then U.S. EPA will establish a federal plan for designated facilities. If the State Plan is approved, the provisions in the State Plan become federally enforceable with respect to the designated facilities responsible for compliance.

The Association suggests that Ohio EPA’s regulatory framework for the State Plan essentially adopt the Subpart OOOOc Model Rule by reference, *with certain exceptions*,

² In the event that U.S. EPA does not take action to reconsider/revise Subpart OOOOc in the next 8 months and/or the deadline to submit the State Plan is not otherwise further extended beyond the January 22, 2027 deadline.



into Ohio EPA's regulations. Details in this regard, including suggested rule language to provide less stringent and more cost-effective standards based on a remaining useful life and other factors (RULOF) demonstration, are discussed in the sections below.

A. Incorporation of Subpart OOOOc Model Rule by Reference into Ohio EPA Regulations

Ohio EPA should proceed with the most streamlined approach for implementing Subpart OOOOc, which the Association believes is the incorporation of the Subpart OOOOc Model Rule by reference into Ohio EPA's regulations in the Ohio Administrative Code. While Ohio EPA's incorporation by reference should not be a mere "rubber stamp" of the Model Rule as additional regulatory provisions are needed to provide necessary flexibility (discussed below), the incorporation by reference approach is the most efficient and least burdensome approach. Importantly, with the possibility of U.S. EPA reconsideration of Subpart OOOOc, adopting the Model Rule by reference not only replicates the Model Rule as it exists today, but also facilitates automatic change to the State Plan in tandem with change to the Model Rule, thereby providing for regulatory consistency, predictability, and certainty in compliance.

B. Use of a General Permit is Not Recommended

During the development of the latest iteration of Ohio EPA's General Permits for oil/gas well site production – i.e. GP 12.3.1/12.3.2 incorporating the requirements of Subpart OOOOb for oil and gas well site production operations, which commenced construction, modification or reconstruction after Dec. 6, 2022 – Ohio EPA indicated that it was also considering developing a new GP specific to conventional well site operations. The Association is unaware of the status and the specific intent/purpose of that GP, including whether it was intended to implement Subpart OOOOc for existing facilities. Notwithstanding, the Association suggests that Ohio EPA not use a General Permit, or other permit program administered by Ohio EPA, as the Subpart OOOOc implementing mechanism.

The Subpart OOOOc Model Rule contains detailed emissions reduction requirements, and monitoring, reporting and record keeping requirements, the regurgitation of which in a General Permit is contrary to the purpose of a General Permit not to mention unnecessary and potentially confusing. Additionally, some existing marginal well sites that are subject to Subpart OOOOc may have sources whose emissions do not exceed de minimis thresholds (OAC 3745-15-05) and, thus, are not required to have a permit. Finally, and perhaps most significantly, implementation of Subpart OOOOc through a General Permit program would necessarily involve the permitting of all of the approximately 62,000 well facilities in Ohio (notwithstanding that some may be exempt from permitting requirements). The Association has significant concerns regarding the substantial resources that would need to be committed by both Ohio EPA and the regulated community, including OOGA's members many of whom do not have the



necessary resources, under this approach. The incorporation by reference rulemaking approach provides an alternative to the significant expenditure of industry and Ohio EPA resources involved in permitting 62,000 facilities.

C. Less Stringent Standards based on RULOF

As discussed above, the Association supports the adoption – via incorporation by reference in the State Plan – of the Subpart OOOOc Model Rule. However, it is critical that the State Plan not simply “rubber stamp” the Model Rule and, instead, provide as much flexibility as can be reasonably supported by establishing less stringent standards and/or longer compliance schedules for certain affected sources based on RULOF.

RULOF

Section 111(d) of the CAA requires that the performance standards adopted by a state in its state plan be no less stringent than U.S. EPA’s Emission Guidelines presumptive standards (i.e. Subpart OOOOc); a state may adopt the Model Rule to meet the requirements of Section 111(d). See 89 FR at 16829, 17143 (Mar. 8, 2024). However, the RULOF mechanism allows Ohio EPA to apply a more appropriate less stringent standard of performance to a particular designated facility (or class thereof), as provided in Section 111(d)(4) of the CAA and in accordance with the factors set forth in the implementing Subpart Ba regulations at 40 CFR § 60.24a(e)-(g).

RULOF requires that the reduced standard be no less stringent (and extended compliance schedule be no longer) than necessary to address the fundamental differences of the facility and the information U.S. EPA considered in determining the degree of emissions limitations for Subpart OOOOc. To use RULOF, facilities must submit a demonstration to Ohio EPA for evaluation to determine whether a less stringent standard is applicable. These demonstrations must show that the facility cannot reasonably achieve the degree of emission limitation specified in Subpart OOOOc due to: (1) unreasonable cost of control resulting from facility design, age, or location; (2) infeasibility of required control methodology; or (3) other conditions specific to the facility. 40 C.F.R. § 60.24a(e).

The Association urges Ohio EPA to consider establishing less stringent standards for certain designated facilities, including particularly pneumatic controllers and marginal production wells, based on RULOF. Such less stringent standards are not only more appropriate in that they better reflect industry operations and emissions profiles (as compared to the flawed assumptions in U.S. EPA’s BSER analysis), but they are more cost effective – a factor *critical* to the continued viability of marginal well operations in Ohio. Many of OOGA’s members lack the financial capital to retrofit existing sources with the equipment that is necessary to comply with the emissions standards under Subpart OOOOc. Even if operators could pay the substantial costs to retrofit, as a well approaches the end of its useful life, there is a point at which it is no longer economic to



make the required retrofits. Whereas U.S. EPA assumed compliance to be feasible and cost-effective, the reality is that the stringent Subpart OOOOc requirements will render many existing operations, particularly marginal wells, economically infeasible and drive many small businesses and operators of marginal wells out of business. RULOF provides the mechanism to remedy U.S. EPA's flawed assumptions and the necessary flexibility for compliance with Subpart OOOOc.

With that, it is important that the State Plan include, among other things, regulatory provisions for general compliance with the Model Rule, authorization for RULOF, and the criteria/process for making the necessary RULOF demonstration. The Association offers the following as possible rule language for these key elements of the regulatory framework for inclusion in the State Plan:

- **General compliance provision** - “Each owner or operator of a designated facility shall comply with the applicable requirements of [OAC 3745-___] and achieve final compliance by March 9, 2029, unless a Remaining Useful Life and Other Factors demonstration submitted and accepted in accordance with [section ___] allows for a later deadline.”
- **Authorization for RULOF** - “This rule specifies the requirements by which remaining useful life and other factors standards may supersede the federal standards of performance and or compliance times provided in the model rule provisions of the emissions guidelines.”
- **RULOF demonstration/Process** – “The bases for obtaining a standard of performance that is less stringent or has a longer compliance schedule than specified by 40 CFR 60, Subpart OOOOc are as follows:
 - For a designated facility or class of designated facilities, the owner or operator may request a less stringent standard of performance or a compliance schedule longer than specified by 40 CFR 60, Subpart OOOOc. The request shall demonstrate to the Director with respect to each such facility or class of such facilities that the degree of emission limitation determined by the US EPA cannot reasonably be achieved based on: (i) Unreasonable cost of control resulting from plant age, location, or basic process design; (ii) Physical impossibility or technical infeasibility of installing necessary control equipment; or (iii) Other circumstances specific to the facility.
 - For purposes of this rule, the owner or operator shall demonstrate to the Director that there are fundamental differences between the information specific to a facility or class of facilities and the information the U.S. EPA considered in determining the degree of emission limitation achievable through application of the best system of emission reduction or the compliance



schedule that make achieving such degree of emission limitation or meeting such compliance schedule unreasonable for that facility.

- If the owner or operator makes the required demonstration to the Director in accordance with [OAC 3745-___] and the Director concurs with the recommendation, then, for the facility or class of facilities involved in the demonstration, the owner or operator may comply with a standard of performance or a compliance schedule that is less stringent than required by an applicable emission guideline in 40 CFR 60, Subpart OOOOc.
- To the extent necessary to determine a standard of performance satisfying that criteria, the owner or operator shall evaluate the systems of emission reduction identified in the applicable emission guideline in 40 CFR 60, Subpart OOOOc using the factors and evaluation metrics the US EPA considered in assessing those systems, including technical feasibility, the amount of emission reductions, the cost of achieving such reductions, any non-air quality health and environmental impacts, and energy requirements.
- The owner or operator may also consider, as justified, other factors specific to the facility or class of facilities that were the basis of the demonstration under [OAC 3745-___] and other systems of emission reduction in addition to those U.S. EPA considered in the applicable emission guideline in 40 CFR 60, Subpart OOOOc.
- Any standard of performance established by the Director in accordance with the RULOF requirements of [OAC 3745-___] based on an operating condition(s) within the owner or operator's control (such as remaining useful life or restricted capacity) shall be included as an enforceable requirement in an air quality permit issued pursuant to OAC 3745-31 or in an Order issued by the Director. The RULOF standard established by the Director shall:
 - be no less stringent or have a compliance schedule no longer than is necessary to address the fundamental differences identified under [OAC 3745-___];
 - be in the form required by 40 CFR 60, Subpart OOOOc; and
 - include enforceable implementation requirements including monitoring, recordkeeping, and reporting requirements.

In addition to the general regulatory provisions facilitating RULOF considerations in the State Plan, the Association notes that West Virginia's draft rules³ for its state plan specifically establish a less stringent alternative standard for process controllers at

³ See <https://apps.dep.wv.gov/Documents/DAQ/PublicNotices/2025-DAQ-Draft-Legislative-Rule-45CSR45/45CSR45%20-%20DRAFT.pdf>



marginal well sites and sites without accessibility to power if/when the RULOF criteria are satisfied. The Association requests that Ohio EPA include a comparable alternative standard for process controllers in the State Plan as part of a “RULOF-by-Rule”-type regulatory framework within the State Plan. The Association offers the following as example rule language to facilitate the development of the suggested “RULOF-by-Rule” framework:

“As of the effective date of this Rule, the Director has established the following as acceptable alternatives to compliance with the standards under Subpart OOOOc applicable to the facility or class of facilities specified herein, and therefore do not require an enforceable requirement in an air quality permit issued pursuant to OAC 3745-31 or in an Order issued by the if the RULOF criteria set forth in the rule above are satisfied:

- Remaining Useful Life and Other Factors for Process Controller Designated Facility⁴ that meet any of the following criteria: (a) well site is classified as a marginal well per 85 Fed. Reg. 57441; (b) electric grid power is not available at the site; (c) the site has 4 or fewer intermittent process controllers that emit methane; or (d) the methane emissions from the process controllers are at or less than 2.2 tpy as calculated using the methodology outlined in 40 CFR 98.233(a)

- [RESERVED]

The less stringent alternative standards for process controllers are appropriate in light of several flaws in U.S. EPA’s BESR analysis. First, U.S. EPA significantly over-estimated emissions from process controllers due to the application of an inflated intermittent vent emissions factor of 11.1 scf/hr. This conflicts with the 2024 Subpart W emission factor of 8.8 scf/hr, the 2024 Subpart W emission factor for properly operating controllers of 0.3 scf/hr and other data showing that an emission factor of 2.92 scf/hr is more appropriate for intermittent controllers, the application of which indicates that actual emissions from pneumatic devices are about 30% of the total emissions calculated for U.S. EPA’s BSER analysis (i.e. 50 mcf vs. 183 mcf). This of course significantly affects the cost/benefit analysis for zero emissions device requirements, especially at sites classified as small production sites. Next, U.S. EPA did not adequately account for the emissions reductions recognized from the implementation of an inspection program for intermittent controllers. U.S. EPA determined that inspection programs would result in a 68.4% reduction in emissions. However, assuming inspections are performed following Method 3 of Subpart W and the application of more appropriate 2.92 scf/hr emission factor, emissions are reduced by 90%. This shows that inspections program provide a low cost, high yield reduction opportunity. Additional flaws in EPA’s BSER analysis include:

⁴ See specific standards in Sections 12.7.4 – 12.7.6 of WVDEQ’s draft rules implementing Subpart OOOOc



- **Solar** – EPA determined that the use of solar devices is the most economical option for sites without electricity that are subject to the zero-emission standard. However, solar devices are not suitable for every retrofit situation, are targeted for theft and vandalism, and are easily damaged in weather events. The use of solar devices is also less reliable in Ohio which receives a significant amount of cloud coverage throughout the year as compared to other parts of the country and, thus, it is unreasonable to assume that all devices can be effectively retrofitted to solar without also planning for a backup option to actuate the devices. This is especially true for marginal well sites. Notably, for example, marginal well site without access to electricity that produces 10 MSCF at a gas price of \$2.50/mcf yields \$9,125 in gross revenue. Based on U.S. EPA’s estimates, the least expensive capital investment for zero emission controllers would be solar at a cost of \$22,653. This is not economically feasible.
- **Assumption of high bleed controller** – EPA included a high bleed controller at every model facility. However, high bleed controllers have been prohibited since Subpart OOOO went into effect in 2012. Notwithstanding, considering the U.S. EPA-assumed lifespan of 10 years, any high bleed controllers that were in use prior to Subpart OOOO would have been replaced with an authorized controller type. Thus, it is not appropriate to assume a high bleed controller at every site.
- **Assumption of low bleed controller** – EPA also assumed at least one low bleed controller exists at every site. However, only a small percentage of facilities actually use a low bleed controller.

The Association continues to evaluate additional RULOF-based less stringent standards for other affected facilities, including, but not limited to, compliance requirements for produced water storage vessels, and will provide Ohio EPA with any additional information to supplement these comments in that regard. Notwithstanding, it is important that the State Plan clarify that the application of less stringent alternative standards to designated facilities based on RULOF are not limited to the standards established in the “RULOF-by-Rule” provisions discussed above, and that an owner or operator may request a less stringent alternative standard for any other designated facility by making the requisite demonstration in accordance with the RULOF rules.

Considering the importance of RULOF, the Association respectfully requests that Ohio EPA allow for and consider the submittal of additional comments regarding same even after the comment period closes for this Early Stakeholder Outreach. Relatedly, to the extent that Ohio EPA determines that additional information is needed to support any equivalent alternative standards and/or any RULOF demonstrations for purposes of a less stringent standard, the Association urges Ohio EPA to advise the Association of the need for such additional information as soon as possible and the Association will work with its members to obtain and provide the information to Ohio EPA.



D. Acceptance of EPA-Approved Alternative Test Methods Under 40 CFR § 60.5398c

The Association encourages Ohio EPA to incorporate the alternative GHG standards for fugitive emissions under 40 CFR §60.5398c as a key component of its OOOOc implementation framework and to accept U.S. EPA-approved methane detection technology test methods for state-level compliance. As emission detection technologies continue to advance, this standard allows owners and operators to continue using the best available monitoring technologies and ensures harmonization between the federal- and state-level requirements. Leak detection programs across the industry already rely on technologies approved by the U.S. EPA for use under this standard, and these technologies are deployed nationwide for regulatory compliance. Incorporating §60.5398c and accepting the U.S. EPA-approved methods would ensure continuity, reduce administrative burden, and support the use of innovative detection methods across the state's existing facilities.

Conclusion

The Association appreciates the opportunity to submit these comments in response to the ESO for Ohio EPA's development of the State Plan implementing Subpart OOOOc. As discussed above, while the Association acknowledges the possibility of U.S. EPA's reconsideration of Subpart OOOOc which could have implications on the State Plan and, thus, understands Ohio EPA's hesitation to invest state resources in developing the substance of the State Plan, the Association suggests that Ohio EPA proceed with doing so as soon as practicable and issuing the draft regulatory framework for the State Plan for interested party review/comment.

Thank you for your consideration in this matter, and we look forward to continuing to work with Ohio EPA in its development of the State Plan.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Kromer".

Stephanie Kromer
Director of Legislative & Regulatory Affairs
Ohio Oil & Gas Association