



GAS & OIL ASSOCIATION OF WEST VIRGINIA

COMMENTS CONCERNING DRAFT DAQ RULE 45 CSR 45

**STANDARDS OF PERFORMANCE FOR EXISTING CRUDE OIL
AND NATURAL GAS FACILITIES**

April 10, 2025

To: Laura.M.Jennings@WV.gov

Attention: Division of Air Quality
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The Gas & Oil Association of West (“GO-WV”) offer the following comments in response to the Notice of Open Comment Period for new draft Division of Air Quality (“DAQ”) Legislative Rule 45 CSR 45 “Standards of Performance for Existing Crude Oil and Natural Gas Facilities” (“Notice”). The West Virginia Department of Environmental Protection (“DEP”) published a Notice of Open Comment Period draft proposed rule on March 14, 2025 and requested that comments be submitted by 5:00 p.m. April 10, 2025.

GO-WV members have a vital interest in this draft legislative rule and have been involved in submitting comments and challenging the U. S. Environmental Protection Agency’s (“EPA”) rule establishing “Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector” sometimes referred to as “OOOOC.”

As noted in the Notice, on March 12, 2025, the Trump EPA announced a reconsideration of 40 C.F.R. 60, subpart OOOOC which is anticipated to result in significant revisions or elimination of that federal rule. In light of this clear change in direction of the federal rules regarding emissions guidelines for existing crude oil and natural gas facilities, GO-WV urges the

Comments on Draft DAQ Rule 45 CSR 45

DAQ to delay action implementing its draft legislative rule 45 CSR 45, until the EPA reconsideration of 40 C.F.R. 60, subpart OOOOc. To proceed with the draft legislative rule at this time will be an inefficient use of the DAQ's limited resources and the resources of the regulated community. Section 111(d) of the Clean Air Act provides states the ability to consider the remaining useful life and other factors for existing sources ("RULOF"). EPA's guidelines and timeframes in OOOOc essentially eliminate the flexibility intended by Congress. It is anticipated that EPA's reconsideration rulemaking will give states additional flexibility to consider RULOF and DAQ should not simply "rubber stamp" the current "guidelines" and tie DAQ's "hands" as it considers regulation of thousands of existing sources in WV.

Because we believe that the draft legislative rule should be delayed until a late date and that a formal public notice and comment period will necessarily occur, GO-WV members will hold more detailed comments and concerns regarding the draft legislative rule until that formal comment opportunity.

GO-WV appreciates the opportunity to offer its request that the DAQ defer taking any action to implement a legislative rule until the EPA takes further action on its announced plan to reconsider OOOOc. If you would like us to expand on or further explain this request, we would welcome a chance to do so. Please contact Charlie Burd at cburd@gowv.com.

Respectfully Submitted,

Gas & Oil Association of West Virginia