

January 4, 2023

The Honorable Michael S. Regan
Administrator
US Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Re: Request for Extension of Public Comment Period on Supplemental Proposed Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources

Docket ID No. EPA-HQ-OAR-2021-0317

Dear Administrator Regan:

The Independent Petroleum Association of New Mexico (IPANM) respectfully requests an additional 90 days to comment on above referenced proposal. The pre-Federal Register version of the document was signed by you on November 11, 2022. The document is 504 pages long. The actual regulator language to be included in the Code of Federal Regulations was not included in the 504 pages. **The actual Federal Register notification/proposal was not published in the Federal Register until nearly a month later – on December 6, 2022.**

The pre-Federal Register version of the proposal indicated the comment period would close on February 13, 2023. Providing the close of the comment period in the pre-Federal Register version was not custom or ordinary for the Environmental Protection Agency (EPA). EPA was not operating under any statutory or court approved settlement to finalize the proposed regulations. The footer to the pre-Federal Register version made it clear that the publication was “not the official version” of the proposal – indicating that aspects of the document could change, not the least of which was the deadline for comments.

The “comment period” for this proposal spans three Federal Holidays and effectively reduces the comment period on one of the more complicated and expansive regulatory programs EPA has proposed. Subpart OOOOc will essentially necessitate controls on over 700,000 sources that have most likely not previously been subject to air quality regulations (while EPA can avoid certain obligations by indicating they are not regulating sources directly and it is up to the states, nonetheless, numerous existing sources will be subject to air emission restrictions for the first time). Perhaps the most important support document for the proposed regulations was not made available until the Federal Register was published on December 6, 2022. During this same “comment period”, EPA has proposed extensive revisions to Section 111(d) regulations. The proposed revisions were published in the Federal Register on December 27, 2022, with a February 27, 2023 comment deadline. To complicate matters, on December 30, 2022, EPA

provided a pre-Federal Register version of its proposed revisions to the definition of “waters of the United States” (WOTUS) – it was “only” 514 pages.

The regulatory and administrative burden on state authorities and small business across the county cannot be overstated. Between the proposed revisions to 40 CFR Subpart 60 and proposed revisions to WOTUS, it is difficult to imagine any time in history that EPA’s regulatory proposals have the potential to impact more companies and state agencies. Neither the Subpart OOOO or the WOTUS proposals are required by statute or court order. There is no rush or there is certainly no justification to prematurely promulgating regulations that have the potential to so adversely impact the energy sector of United States. Based on the information provided above, the IPANM requests an additional [30-90] days to comment on the December 6, 2022 proposal.

Respectfully submitted,

