

COMMITTEE REPORTS

HEALTH, SAFETY & ENVIRONMENT COMMITTEE

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There were two major activities regarding environmental issues taken by the HSE Committee this quarter:

- 1) EPA OOOOb/c: On February 13, PBPA submitted comments regarding EPA's proposed Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review. The comprehensive letter provided comments on the following aspects of the supplemental proposed rules: "new source" applicability date, statutory predicate for O&G methane regulation, prior interpretations of 111(d), co-proposing existing source standards, super emitter response program, conflicts with State law and failure to apply Federalism principles, definition of "legally and practicably enforceable", social cost of carbon, modification of pneumatic controllers/pumps, leak monitoring requirements of all well sites, flares, storage tanks/tanks batteries, abandoned well/well closure, liquids unloading, effect on energy costs, and additional areas (pneumatic controllers and pumps, alternative technologies, methane fee, CEDRI). Subsequent to the comment letter, PBPA has communicated with EPA regarding the potential for setting up a meeting with EPA to review PBPA comments on the supplemental proposal, as well as responding to EPA's questions to PBPA's comments last year on the initial rules proposal.
- 2) **HSE Committee Meeting Environmental Discussion:** The HSE Committee met on March 22, and the following environmental topics were discussed:
 - a. **WOTUS:** The EPA's new Waters of the U.S. rule was preliminarily enjoined in the Federal Southern District of Texas, so the pre-2015 WOTUS regime remains in place in Texas.
 - b. **EPA GHG Reporting:** A reminder was made of the annual GHR reporting due March 31. The EPA has two proposed additional GHG reporting program rulemakings on the January unified regulatory agenda, due this spring: **March**--a revision to Subpart W, to include the Inflation Reduction Act methane fee; **April**--a supplemental proposal to the overall GHG reporting program proposed rules from last year.
 - c. **EPA OOOO(b)(c):** See above. PBPA is communicating with EPA regarding setting up a meeting to discuss our comments on the supplemental proposal, and response to EPA's questions on our comments on the initial proposal last year.
 - d. **Permian Basin Ozone:** In early March, the EPA published in the Federal Register a proposal regarding the El Paso-Las Cruces, Texas-New Mexico non-attainment area. The EPA is proposing that this area would have attained the 2015 ozone national ambient air quality standards (NAAQS) under previous examination "but for emissions emanating from outside the United States." This rule could be beneficial to EPA's review of the entire Permian Basin, because this indicated EPA is taking into account emissions from Mexico. However, this could also be as a basis for EPA reasoning that the monitoring stations in New Mexico show that the entire Permian Basin is in non-attainment because of "emissions emanating from outside" the State, i.e. emissions emanating from Texas.
 - e. **EPA TX SIP Call:** In late February, EPA published a notice for comment regarding State Implementation Plans, including for Texas. EPA's proposal is that SIP provisions applying to excess emissions, during periods of startup, shutdown, and malfunction (SSM) do not comply with statutory requirements or the EPA's SSM Policy. So it is proposing to reinstate the findings of substantial inadequacy and the 2015 "SIP Calls". This could result in the need for all such emissions to be permitted.

Here are a few topics that we covered on the Health and Safety side of PBPA during the first quarter of 2023

- 1) Define what Permian Basin Operators are doing regarding H2S emissions, venting and public awareness with the CSB's release of the H2S incident in Odessa.
- 2) Respiratory Protection Programs. Why companies are not using Respiratory programs as much and having third party contractors do the work under air. Training resources and expense were some of the topics discussed.
- 3) We also discussed having in-person vs Teams calls and the interaction between the members of PBPA we feel is gaining traction since the Pandemic.
- 4) The OSHA Heat Rule has been brought up multiple times in the last quarter based off new rules and changing political groups.

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- 5) “How to Blow up a Pipeline: Learning to Fight in a World on Fire” will be released on April 7, 2023 nationwide in major theaters to include AMC and Cinemark. In a note circulated by the University of Texas Police Department, there is concern that this movie could inspire attacks on midstream critical infrastructure. Of note, footage included in the official trailer infers the terroristic act around which the movie is based is to take place on a pipeline in Texas.

HSE Annual Benchmarking Survey: Finalizing the 2023 version of PBPA's Annual HSE survey was a main priority for the committee in Q1. A review of any potential changes to this year's survey was conducted by the HSE Survey Work Group, prior to finalizing and sending the survey out to members. Changes discussed included adding DART (Days Away, Restriction, or Transfer) to the safety metrics, better defining preventable vehicle incidents, and considering the addition of Significant Injury or Fatality (SIF) and loss of containment/Process Safety Event (PSE) metrics to the survey. In the SIF discussion, we came up with too many variations between companies on how the information is defined and tracked, so we decided to leave this out of this year's survey.