



Via Electronic Mail to air.regs@dec.ny.gov

January 31, 2019

Ms. Ona Papageorgiou, P.E.
New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233-3251

Proposed Rulemaking for Oil and Gas Sector Emissions, 6 NYCRR Part 203

Dear Ms. Papageorgiou:

This letter is being submitted to comment on the Stakeholder Regulation Outline for Oil and Gas Sector Emissions, 6 NYCRR Part 203 (“Outline”), recently released by the New York Department of Environmental Conservation (“NYSDEC”). We appreciate the opportunity to provide input for this proposed rulemaking. Members of the Westchester County Board of Legislators have often expressed concern about the expansion of natural gas infrastructure in Westchester County and nearby counties and the resulting impact upon the environment, public health, and public safety.

We urge NYSDEC to include all of the strong protections the agency recommended in the Outline in its future Oil and Natural Gas Sector regulations, including capturing emissions from blowdowns and pigging and public notification of large emission releases. In addition, we urge NYSDEC to strengthen its Outline by including the following:

- Explicitly target methane emissions from as many natural gas sources as possible. Methane is a powerful greenhouse gas and the main component of the “dry” gas produced in New York and the finished gas transported and consumed here. NYSDEC should regulate methane more stringently than the federal government.
- Require a higher level of pollution control than 95% for methane, VOCs and hazardous air pollutants. Although the Outline suggests 95% control efficiency as the level of control, a more stringent control efficiency of 98% is both achievable and economical, as shown in other states (e.g., Wyoming, Colorado).
- Require monthly leak detection and repair (“LDAR”) of natural gas wells, compressor stations, processing plants, and pigging operations.

- Require the use of "no bleed" pneumatic controllers and pumps. NYSDEC should require zero emission options for pneumatic controllers and pneumatic pumps because they are available, cost effective, and currently being implemented nationwide.
- Require continuous monitoring of pollution at all large facilities and make the data available to NYSDEC and the public on at least a monthly basis. Many methods are available and affordable, and operators should be required to install them. For example, this could include stationary monitors for VOCs and continuous optical gas imaging ("COGI") to rapidly determine the location of methane leaks.
- Require advanced notification of planned blowdowns, as well as immediate notification following unplanned blowdowns, with posting to NYSDEC's website for easy public access. An opt-in notification registry should be required so that municipalities and individuals in proximity to gas infrastructure can be directly notified.
- Update regulations to cover combustion sources such as compressor station engines and turbines, as these are significant sources of methane and VOCs. For example, NYSDEC should revise the Air Toxics Program, 6 NYCRR Part 212, to include combustion sources associated with natural gas and oil infrastructure (combustion sources are not presently considered under Part 212).
- NYSDEC should work with other applicable agencies to quickly develop rules to apply to all segments of the production, transportation, and distribution chain, including those beyond the "city gate," such as natural gas-fired power plants and metering and regulation stations.
- Hold a public hearing on this rulemaking in Westchester County.

The state made a historic decision in 2014 when it prohibited shale gas production—that same leadership is needed now to address New York's current reliance on natural gas transportation and delivery infrastructure. It will prove difficult for New York to meet its climate goals while expanding gas pipelines, compressor stations, and power plants. Pollution control regulations are not a complete solution, but they are needed now to help reduce harm to the climate and health. We look forward to the next steps in NYSDEC's development of strong oil and gas pollution regulations, including public hearings and a sufficiently long comment period.

Very truly yours,



Legislator Nancy Barr
Westchester County BOL District 6



Legislator Catherine Borgia
Westchester County BOL District 9



Legislator Kitley Covill
Westchester County BOL District 2



Majority Whip MaryJane Shimsky
Westchester County BOL District 12