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Regulatory Affairs

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Via Email

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California Air Resources Board (CARB)
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Subject: Comments Regarding Discussion Draft Performance Standards for Continuously Operating Emissions Detection Systems Required by California Senate Bill 1137 for Upstream Oil and Gas Production Facilities in Health Protection Zones

Dear Mr. Dinkler:

The Western States Petroleum Association (WSPA) appreciates the opportunity to provide comments on the California Air Resources Board's (CARB's) discussion draft performance standards for continuously operating emissions detection systems at upstream oil and gas production facilities in health protection zones designated under SB 1137. WSPA appreciates the draft's use of health-based Reference Exposure Levels (RELs) and performance-based monitoring concepts.

Based on WSPA's review and supporting technical analysis, WSPA believes changes to CARB's proposed standards are needed to align with the design and intent of SB 1137. Elements of the proposed standards do not have a clear foundation in the statute in WSPA's view. Additionally, several provisions could be implemented effectively, consistently, and on a realistic schedule with lower-cost alternatives that equally meet the intent of SB 1137. WSPA respectfully summarizes its principal concerns and requested changes below; the attached comments provide the supporting analysis and proposed regulatory language.

1. Exceedance of SB 1137 Requirements

WSPA is concerned by the appearance that many of CARB's proposed standards exceed the scope and intent of SB 1137. Pursuant to SB 1137, operators of upstream oil and gas facilities within a health protection zone will be required to submit leak detection and response plans (LDRP). The key components of the LDRP as envisioned by SB 1137 include continuous emissions detection systems (EDS), alarm systems, meteorological monitoring, identification or

target chemicals, and 48-hour response and community notification. The legislature intended and specifically directed CARB to adopt regulations “as necessary to implement and set performance standards by regulation for the emissions detection system,” and to “prescribe, adopt, and enforce any emergency regulations as necessary to implement, administer, and enforce its duties under this article.” Pub. Res. Code 3283(a)(1), 3288.

However, many of CARB’s proposed standards either exceed its statutory mandate or have no reference point in SB 1137. For example, CARB proposes to require independent third-party EDS performance audits within 12 months after installation and every 36 months thereafter despite no statutory text or indication of legislative intent to require any form of third-party audit program. With respect to dispersion modeling, WSPA understands the use of dispersion modeling, using AERMOD, for demonstrating that leaks do not have the potential to reach a sensitive receptor. However, CARB proposes to require dispersion modeling, using AERMOD, at every single site. Proposed EDS performance standards would require operators to conduct quarterly performance testing using NIST-traceable standards with gases at site-specific threshold concentrations. These and other requirements contained in CARB’s proposal lack a clear statutory basis. WSPA recommends that CARB carefully review and reconsider whether each substantive element of its proposal is necessary to implement its duties under SB 1137.

2. Cost and Implementation Burden

WSPA is also concerned that the costs of CARB’s proposed standards have been significantly underestimated. CARB estimates statewide costs of approximately \$197 million from 2028 through 2033. WSPA’s detailed assessment indicates that the total costs are at least **\$1 Billion**, more than five times higher when considering all requirements of the discussion draft including natural-gas sampling, dispersion modeling, LDRP development, monitoring equipment and installation, QA/QC, maintenance, data management, alarm response, and audits are fully included.

WSPA appreciates CARB’s preliminary analysis and respectfully requests that CARB revise it using transparent, site-specific assumptions that reflect technology choices, infrastructure needs, facility complexity, recurring obligations, and available vendor and consultant capacity. Accordingly, WSPA requests that CARB update the economic analysis to reflect the full range of capital expenditures and recurring costs of compliance. Revising the economic analysis is essential to assure CARB meets its burden to ensure the proposed standards are supported by substantial evidence in the record and demonstrate that the standards are reasonably necessary to effectuate the purpose of SB 1137.

3. Natural-Gas Sampling

WSPA appreciates CARB’s use of compositional information to identify the toxic of highest concern and, where appropriate, establish a methane surrogate relationship. Requiring site-specific sampling for approximately 3,000 sites, however, could produce roughly 30,000 samples within a compressed period, placing substantial demands on laboratories, field personnel, scheduling, and costs.

Lower-cost and equally effective alternative approaches can include allowing a default toxic of highest concern, allowing representative sampling, reducing unnecessary sampling, and recognizing established industry sampling and analytical methods.

4. Modeling, Siting, and Health-Based Thresholds

WSPA appreciates CARB's reliance on OEHHA Reference Exposure Levels and the use of dispersion analysis to support protective monitoring. However, requiring a refined AERMOD dispersion analysis at every site would nevertheless require specialized expertise, significant expense, and thousands of site-specific evaluations on a short schedule.

Lower-cost and equally effective alternative approaches can include allowing conservative screening tools such as AERSCREEN and a predominant-wind-direction/topography approach as alternatives to refined modeling using AERMOD.

5. Monitoring System Flexibility and Performance

WSPA supports robust, reliable EDS performance standards and several proposed requirements are standards that are observed in typical methane monitoring conditions.

However, some proposed requirements may not align with available technologies at very low alert thresholds or with conditions outside an operator's control. Temporary communication interruptions should not be treated as equipment downtime when instruments continue collecting and storing data locally. Integrated or existing meteorological systems should also be acceptable when they meet the necessary performance criteria.

WSPA recommends minor changes to the proposed requirements such as allowing integrated and qualifying existing meteorological systems, providing technically achievable alternatives for minimum detection limits and precision at low methane thresholds, and permitting NIST-traceable standards that span the EDS detection range, as recommended by manufacturers, instead of requiring a unique gas concentration for each site-specific alert threshold.

6. Independent Performance Audits

WSPA appreciates CARB's focus on accountability and data quality. WSPA believes this interest is adequately served by the requirements for LDRP review, quarterly testing, QA/QC, corrective actions, reporting, and record retention. These methods represent industry-standard protocols for efficient and effective compliance assurance.

A separate recurring third-party audit program would add substantial cost, as detailed in WSPA's economic analysis, without a demonstrated incremental benefit. Additionally, CARB's proposal would require a limited pool of qualified specialists to audit numerous sites throughout the state on compressed schedules.

Also, as noted previously, the third-party audit requirement is not required by statutory text or by any indication of legislative intent. Therefore, WSPA respectfully requests that CARB remove the recurring independent-audit requirement and rely on certified annual reporting, existing performance testing, corrective-action requirements, and CARB/CalGEM oversight.

7. Implementation Schedule

WSPA appreciates CARB's effort to provide a clear regulatory timeline. The proposed schedule, however, would require operators to complete sampling, technical evaluations, modeling, equipment selection, and LDRPs for thousands of sites in less than one year after finalization, followed by procurement, permitting, installation, integration, commissioning, and training.

Accordingly, WSPA requests that CARB update the implementation schedule to reflect the realities of maintaining compliance. Specifically, WSPA recommends that CARB adopt a variance mechanism for delays caused by supply-chain, permitting, utility, telecommunications, weather, or other circumstances beyond an operator's reasonable control.

WSPA appreciates CARB's continued engagement and respectfully requests that the final regulation incorporate these practical, protective, and technically achievable revisions. WSPA believes the requested changes will preserve the intent of SB 1137 while improving feasibility, data quality, technology neutrality, cost effectiveness, and timely implementation. We welcome the opportunity to work with CARB as the proposal is refined. If you have questions regarding these comments, please contact me at (661) 205-2885.

Sincerely,



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