



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

1200 Sixth Avenue, Suite 155  
Seattle, WA 98101

AIR & RADIATION  
DIVISION

June 28, 2021

Mr. Michael Hauser  
Environmental Coordinator  
Conoco Phillips Alaska, Inc.  
P.O. Box 196105  
Anchorage, Alaska 99519

Re: NSPS OOOOa Alternative Reporting Timeline

Dear Mr. Hauser:

This is a response to your letter written on behalf of Conoco Phillips Alaska, Inc. dated February 21, 2021, in which you request an alternative reporting timeline for the annual reporting required by 40 CFR 60.5420a(b) for exploratory activities subject to 40 CFR part 60, subpart OOOOa: *Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification, or Reconstruction Commenced after September 18, 2015* (NSPS OOOOa). We are granting your request as described below.

### **Background**

CPAI is involved in crude oil and natural gas exploration, extraction and production in North Slope Borough, Alaska. These activities include operations and equipment potentially subject to NSPS OOOOa, which requires annual reports containing the information in 40 CFR 60.5420a(b)(1)-(8). CPAI's current reporting period runs from April 1 through the following March 31 with reports due by June 29.

In your letter, you report that CPAI performs exploratory operations when ice roads are open. In a typical year, conditions for the construction of ice roads do not occur until after the first of December. By the end of April or early May, the ice roads will degrade enough to be impassable.<sup>1</sup> During some years, exploration activities can last into April. Consequently, reports covering temporary exploratory activities may be spread across two reporting periods.

CPAI has proposed the following alternative reporting periods and schedule for exploration activities:

- Report as normal for the previous reporting period:
  - Reporting period: April 1, 2020 through March 31, 2021;
  - Report Due: June 29, 2021.

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<sup>1</sup> <https://www.conocophillips.com/spiritnow/story/ice-roads-the-western-north-slope-s-frozen-foundation/>

- Shortened Reporting period:
  - Reporting period: April 1, 2021 through June 30, 2021;
  - Report Due: September 28, 2021;
  - This report will not have any activity reported in it as no exploration activity has/will take place during this time.
  
- Future reporting:
  - Reporting period: July 1, 2021 through June 30, 2022;
  - Report Due: September 28, 2022.

In future years, the reporting period will continue to last from July 1 until the following June 30 with the report due September 28.

The terms “exploration”, “exploration activity”, and “exploration well” are not defined in NSPS OOOOa. However, these terms are commonly used in oil and gas exploration. Prior to drilling an oil or gas well anywhere in Alaska, including federal land, a permit is required from the Alaska Oil and Gas Conservation Commission. In the application submitted to AOGCC, the operator must specify whether an oil or gas well is an exploratory well.

For the purposes of determining whether the alternative reporting schedule should apply, the term “exploration activities” shall be understood to mean activities associated with a well that has received a permit from AOGCC for an “exploratory well.”

Other than a change in reporting period, CPAI is not requesting any additional changes to the required reporting.

### **Regulatory Basis**

According to 40 CFR 60.5420a(b), which requires the annual reports: *“You may arrange with the Administrator a common schedule on which reports required by this part may be submitted as long as the schedule does not extend the reporting period.”*

Furthermore, according to 40 CFR 60.19, General Notification and Reporting Requirements, reporting *“... time periods or deadlines may be changed by mutual agreement between the owner or operator and the Administrator.”* See 40 CFR 60.19(c) and (f).

Because the state of Alaska has not requested delegation of NSPS OOOOa, the EPA remains the Administrator responsible for implementing the subpart.

### **Determination**

We agree that the alternative reporting schedule is warranted because it is representative of actual activities. There is never an extension of an annual reporting period beyond 12 consecutive months. Therefore, the EPA approves your request for an alternative reporting period for exploration activities, as proposed in your request and described in this letter.

If you have any questions about this matter, please contact Mr. Geoffrey Glass, of my staff, at (206) 553-1847 or glass.geoffrey@epa.gov.

Sincerely,

**DOUGLAS  
HARDESTY**  Digitally signed by  
DOUGLAS HARDESTY  
Date: 2021.06.28  
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Douglas E. Hardesty, Acting Chief  
Air Permits and Toxics Branch

cc: Mr. James Plosay  
ADEC

Ms. Laura Perry  
CPAI

Ms. Sarah Stewart  
CPAI