



July 27, 2016

Submitted via electronic mail

Mr. William F. Swietlik
Engineering and Analysis Division
Office of Water, 4303T
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Re: Preliminary 2016 Effluent Guidelines Program Plan
Environmental Protection Agency

Dear Mr. Swietlik:

The American Exploration & Production Council (“AXPC”) is pleased to file comment on the *Preliminary 2016 Effluent Guidelines Program Plan* (“EG Plan”) published in the federal register on June 26, 2016, (Volume 81, Number 123) and submits the following in response to the Environmental Protection Agency’s (“EPA”) request for comment concerning the, “accuracy and completeness of the information contained in this memorandum¹, as well as any other information relevant to EPA’s study of [Centralized Waste Treatment] CWT facilities.”

AXPC is a national trade association representing 29 of America’s premier independent natural gas and oil exploration and production companies. AXPC’s members are leaders in developing and applying the innovative and advanced technologies necessary to explore for and produce crude oil and natural gas, and that allow our nation to add reasonably priced domestic energy reserves in environmentally responsible ways.

AXPC submits that the memorandum serves little practical utility to public commenters in regard to EPA’s CWT Study as the document is ten months old and has presumably been modified by EPA through the course of its study. Thus, asking for comment on this memorandum likely provides EPA little if any value at this juncture. As AXPC is confident that the 405 facilities² listed in the ERG memorandum has evolved, AXPC will not submit comment on the facilities themselves. However, AXPC recommends that the facilities incorporated into EPA’s study scope only be facilities that meet the 40 CFR Part 437 definition of a CWT which states:

¹ Memorandum refers to the September 19, 2015 Memorandum prepared by ERG to Jesse Pritts, EPA.

² 186 facilities are listed in Table A-1, Centralized Waste Treatment Facilities Known to Accept Oil and Gas Wastewater and 219 facilities are listed in Table A-2, Centralized Waste Treatment Facilities Not Known to Accept Oil and Gas Wastewater.

Centralized waste treatment (CWT) facility means any facility that treats (for disposal, recycling, or recovery of material) any hazardous or non-hazardous industrial wastes, hazardous or non-hazardous industrial wastewater, and/or used material received from off-site. “CWT facility” includes both a facility that treats waste received exclusively from off-site and a facility that treats wastes generated on-site as well as waste received from off-site. For example, an organic chemical manufacturing plant may, in certain circumstances, be a CWT facility if it treats industrial wastes received from offsite as well as industrial waste generated at the organic chemical manufacturing plant. CWT facilities may also include re-refiners and may be owned by the federal government.

AXPC would also like to remind EPA that although the CWT Study is ostensibly evaluating facilities that accept oil and gas wastewater, EPA must take care to focus on the facilities themselves and the owners of those facilities; not on the generators of the oil and gas wastes accepted by such CWT facilities. AXPC was hoping that EPA would have a refined list of facilities available for public comment in order to provide some insight into its study scope and not an incomprehensive list of facilities that currently may or may not accept oil and gas wastewater.

Finally, AXPC cautions EPA against considering this study without the larger context of the newly finalized rule, *Effluent Limitation Guidelines for the Oil and Gas Extraction Point* (Federal Register, Vol 81, No. 124) effective August 29, 2016. As the public knows little in terms of the scope and goals of EPA’s CWT Study, AXPC submits that it is necessary for EPA to consider the benefits of CWT facilities to the oil and gas industry alongside the facilities capabilities for treating oil and gas wastewater. As EPA has likely recognized, CWT facilities provide the oil and gas industry with one of the few remaining options for wastewater disposal and as such are a crucial resource. As a reminder of the larger context, the above mentioned final rule states, “EPA is conducting a study of CWT facilities that accept oil and gas wastewater to determine if revision to the CWT regulations may be appropriate, EPA is not evaluating any approaches that would directly restrict their availability to accept such wastewaters.” AXPC is hopeful that the CWT Study authors recognize the importance of CWT facilities to the oil and gas industry and the necessary benefits they provide.

AXPC appreciates the opportunity to participate in this important public process and appreciates EPA’s consideration of the comments provided herein.

Respectfully Submitted,



V. Bruce Thompson
President
American Exploration & Production Council
101 Constitution Avenue, NW Suite 700E
Washington, DC 20001