

4th Quarter 2021



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Cover Photo by: Rob Eberhart

The Eastern Kansas Oil and Gas Association is a unified voice representing the unique interests of Eastern Kansas oil and gas producers, service companies, suppliers and royalty owners before the state government in Topeka on matters involving oil and gas regulations, taxes, safety standards, environmental concerns and other energy related issues.



Message from the President

Chris McGown

McGown Drilling, Inc.

At every board meeting, we make a plea for additional content for the newsletter, and people are understandably apprehensive to volunteer. Most of us spent our time in school avoiding writing or taking the path of least resistance to complete those assignments we couldn't avoid. The apprehension is understandable, it can be tough to get started. I often struggle to find a timely and unique topic. How do you weave Santa Claus into an article for an oil and gas publication?!?!?

Unfortunately for all the readers enjoyment, I couldn't find a way to seasonally incorporate Santa or Cousin Eddy into this article, so I resorted to my other go-to writing starter – quotes and music lyrics. . . .

I recently picked up some equipment in San Antonio – on the way home I made a quick detour to check out Luckenbach, Texas, population: 3. Immortalized by Waylon Jennings' ballad to “get back to the basics of love” – Luckenbach isn't as big in real life as its musical persona, little more than a concert venue on a few acres. It's amazing so many songs manage to weave in a clunky German surname, but it was a worthwhile detour, nonetheless.

As I walked up to check out the “sights”, Jerry Jeff Walker's London Homesick Blues was playing over the speakers, recorded Live in Luckenbach in 1973 on his Viva Terlingua album. It wasn't hard to picture horse troughs full of Shiner Bock and Lone Star with plenty of cowboy hats to go around. Unfortunately for me, Luckenbach is about 11 hours from home, so I was short on time to enjoy a Shiner, but I had plenty of time to think fruitlessly about this article.

Driving back, one lyric finally resonated – “he ain't wrong, he's just different, but his pride won't let him do things to make you think he's right.” The famous Willie Nelson and Waylon Jennings duet - Mamas, Don't Let Your Babies Grow up to be Cowboys hit the nail on the head – our industry is so extraordinarily diverse, we struggle to unite. We have so many ways to, metaphorically, “skin the cat” in our industry. It's not wrong, but it's most likely different than what someone else is doing. In fact, in Kansas we have production horizons over a vertical mile (5,500 ft +) apart, that's certainly going to create different standard operating procedures from one side of the state to the other. Just this year, my rig has drilled wells with a TD of 170 ft and 1802 ft and diameters of 3.875” and 17.5”, and all sizes and depths in-between. Short of turning a bit to the right, there's not a lot in common ground between those wells, but they were all important to the customers.

Differences in standard operating procedure is why EKOGA was founded in 1956. But too often we're guilty of operating in our insular bubbles. We have a number of important regulatory matters coming up in the future – TA regulations, plugging regulations, financial assurance, and likely others – they are going to take up the bulk of our time and there are going to be differences in opinion about how to best resolve some of these dicey topics. I hope we can get more operators involved as members and participating at our events so that we can have a more robust conversation about how to best represent all of our members.

If you know any of those in our industry who are not EKOGA members, please encourage them to join in 2022. Whether their wells are measured in hundreds of feet or thousands, we are stronger together to promote our industry and represent a vital cog in the Kansas economy.

PS – we're still looking for more newsletter content and welcome everyone's submissions.

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Legeslative Report

Tom Palace

Legislative Update and More

On Monday, November 22, Kansas Legislature convened for the 24th Special Session to address protections for employees refusing to comply with federal vaccine requirements.

It is the first time in Kansas history that the legislature forced the governor to call a special session, with petitions signed by 86 House members and 29 Senate members.

All were Republicans except for one Democrat.

Among the issues addressed was carving out exemptions for those who oppose the mandates for medical or religious reasons and providing unemployment compensation for those who lose their jobs due to the refusal to be vaccinated.

The business industry went ballistic over the unemployment issues and opposed both bills.

The last special session was held for two days in 2020 to address the pandemic. The first special session was in 1874 to address a grasshopper plague killing crops.

October marked the 15th consecutive month of state revenues exceeding the estimates, according to the Kansas Department of Revenue. October numbers exceeded the estimates by \$103 million, or 18.6%.

At this time, Kansas has an influx of money, which is a good thing going into the next legislative session. It is doubtful that we will see legislative proposals to raise taxes in 2022.

During the 2022 session, there will be no shortage of ideas for tax-cutting and spending measures in an election year. Both leading candidates for governor have expressed support for eliminating or reducing the sales tax on food.

There were a number of interim committee meetings that covered governmental outreach, budget issues, administrative rules, modernization of alcohol laws and tax issues.

Senate Tax Chair, Caryn Tyson, had two days of hearings on an assortment of tax issues. The committee spent half the day discussing the oil and gas industry—things like exemptions that have not been used, and severance tax, to mention a few.

The only recommendation from the interim committee to the full legislature will be legislation to eliminate 14 tax exemptions that have never been used.

House District 122 selected Finney County GOP Chair William Clifford to succeed the late Rep. Russ Jennings, R-Lakin. Dr. Clifford is an ophthalmologist practicing in Garden City. The selection permitted Clifford to be sworn into office on November 22 in time for the Special Legislative Session.

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Kansas Gov. Laura Kelly signed a bill (that came out of the special session) that prohibits employers from firing employees who submit a written waiver request to an employer's mandatory COVID-19 vaccine requirement.

The main features of the new law are (1) a prohibition on employers questioning the sincerity of an employee's waiver request based on sincerely held religious beliefs, (2) fines of up to \$50,000 per violation for an employer with 100 or more employees or up to \$10,000 per violation for all other employers; and (3) eligibility for unemployment benefits to terminated employees who were denied a waiver.

The law requires an employer to exempt employees from its COVID-19 vaccination requirement if an employee submits a written waiver request based on medical or religious reasons. A medical exemption request must include a written statement signed by a physician or another provider acting at the direction of a physician. A religious exemption request must include a written statement signed by the employee.

On Tuesday, December 7, 2021, the U.S. District Court for the Southern District of Georgia issued a preliminary injunction halting the enforcement of the COVID-19 vaccine mandate for federal contractors and subcontractors in all covered contracts nationwide. Though the lawsuit only included Georgia, Alabama, Idaho, Kansas, South Carolina, Utah, and West Virginia, the court issued the injunction "with nationwide applicability." This order follows the preliminary injunction by the U.S. District Court for the Eastern District of Kentucky to halt the mandate in Kentucky, Tennessee, and Ohio.

Election campaigns are at full tilt. Secretary of State Scott Schwab now has a surprise primary race with Mike Brown from Kansas City. Brown is a former Kansas City Councilman and was a good friend of Schwab. Brown is running to bring back "election integrity" and security to Kansas. Ironic given the fact that the national Heritage Foundation has ranked Kansas in the top 10 of states in the nation for election integrity.

The race between Governor Kelly and Derrick Schmidt should be a close one.

One key issue may be the reduction or elimination of food sales tax...Kansas has the second highest tax rate on food in the country and both support reducing or eliminating the tax.

January 19 has been the selected day to host the Kansas Legislature for the "Oil and Gas Legislative Breakfast". This is one of the most important meetings EKOGA members can attend. It allows you to spend casual time with your elected official explaining the importance of the oil and gas industry in Kansas.

On behalf of the EKOGA Board of Directors, we want to wish you all a very Merry Christmas and a safe Holiday Season.

Lesli has been an invaluable resource to my company by finding ways to reduce costs and helping us stay current with ever-changing regulations.

--Doug Evans, DE Explorations, Inc.--

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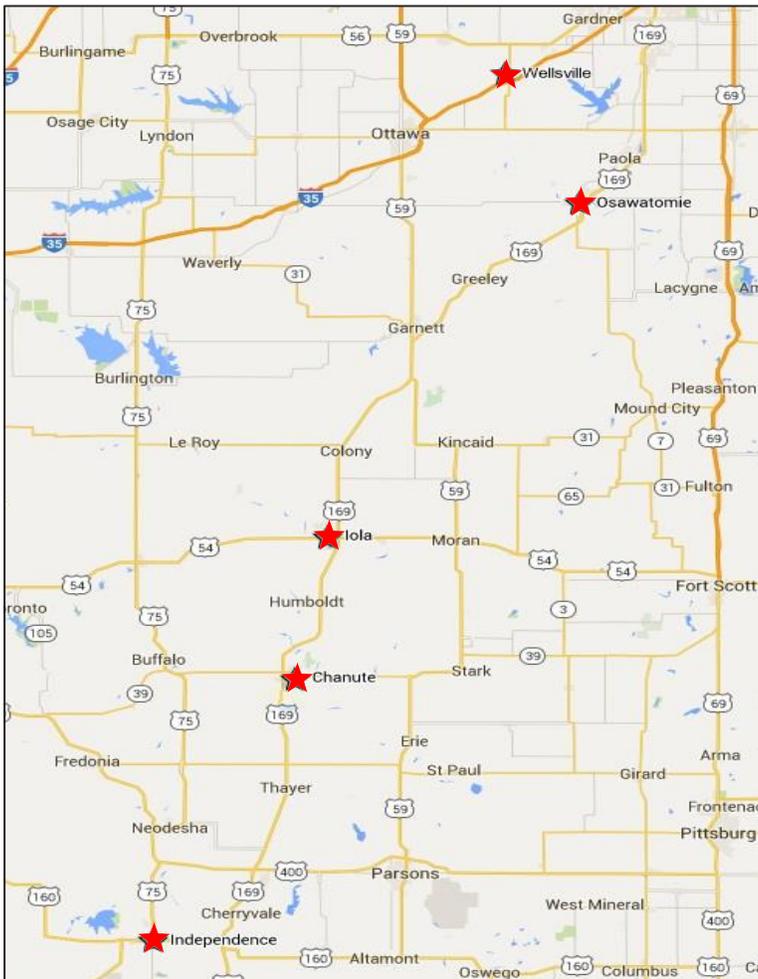
Lesli has a Bachelor's degree in Business and is a 3rd generation operator in Eastern Kansas . Lesli is a Board Member for KIOGA, EKOGA & Kansas Strong.

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Methane Emission Regulatory Update

Rob Eberhart

Bobcat Oilfield Service, Inc.

Representing our members and the oil and gas industry in Kansas, EKOGA is challenging and fighting any federal regulations that threaten the success and health of our members and this industry. With all the new regulations and legislation being written that concerns our industry, especially with proposed elimination of the Low Production Well Exemption, EKOGA and other associations are working together to gather information to assist our efforts against unwarranted regulatory actions impacting the oil and gas industry in Kansas with the goal to protect our livelihoods. EKOGA and our allies are working together to provide knowledgeable and factual information to engage in any advocacy that may challenge our industry and make sure our legislators think about our members in any legal discussions.

EKOGA hired a third-party consultant to evaluate the extent of leaking equipment at well sites. The results found that at the majority of standard Kansas production sites, there is virtually no detectable methane. This supported EKOGA and KIOGA continued funding of James Elliott's, attorney with Spilman Thomas & Battle, work on this issue for us since approximately 2015. EKOGA have been part of a larger effort of state, regional and national oil and gas associations trying to explain to EPA that their "one-size-fits all" regulations are not appropriate for and disproportionately impact marginal wells and threaten the very existence of many EKOGA members.

In late 2021, the Trump Administration made significant and beneficial changes to the existing New Source Performance Standards for the oil and natural gas industry that were promulgated by the Obama Administration in 2012 and revised in 2016. This substantial change removed methane from any regulations as a pollutant. The standards were revised in two ways. One is referred to as the "Policy Rule" and the other is referred to as the "Technical Rule". The Policy Rule was beneficial to our industry because the regulations were no longer going to be based on methane and they were only going to be based on VOCs (Volatile Organic Compounds).

The Democratic controlled Congress utilized the Congressional Review Act to reverse/eliminate the positive changes made by the Trump administration via the Policy Rule. The CRA allows Congress to revoke regulatory actions within 60-days from when the president is elected. Anything passed within that timeframe prior to the new president coming in, Congress can progress and essentially pull back the regulation as if it never existed. Not only can Congress do that, but it can prohibit any regulation EPA publishes similar to that.

Why is this important? The critical aspect for EKOGA members and existing sources is that once the decision was made to regulate methane, Section 111(d) of the Clean Air Act becomes applicable and essentially requires the EPA to begin the process of "regulating" existing sources. In 2016, when the Obama Administration regulated methane under Section 111(b), ostensibly EPA was obligated to start the process of regulating existing sources under Section 111(d). In June 2021, the Biden Administration and Congress utilized the CRA to effectively erase the Trump 2020 Policy Rule. As soon as Congress utilized the CRA in June 2021, the 2016 methane regulations kicked back into place, and EPA set its sights on regulating existing sources.

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These actions from Congress and the Biden Administration are intent on eliminating fossil fuels. EPA wanted to make some existing regulations more stringent and expand the types of pollutant sources that were going to be regulated (those that haven't been regulated to date). On November 15th, the EPA published 153 pages, in the Federal Register, which it characterized as a "proposed rule" despite the fact it contains no regulatory language. In addition to proposing to increase regulations on new and modified sources, the EPA is proposing guidelines for the states to regulate existing sources. Under Section 111(d), EPA does not regulate existing sources directly. EPA promulgates "guidelines" for the states. The states have a certain amount of time to regulate existing sources consistently with these guidelines. It's kind of a blurred line when EPA says it is not regulating these sources directly because they are making these guidelines extremely stringent and the states have little discretion to deviate from the guidelines – if the states want to do something different from the guidelines, they need to demonstrate they are achieving the same amount of emissions reductions. EPA will be proposing revisions to the regulations associated with guidelines pursuant to Section 111(d) and it is anticipated those proposed revisions will further reduce states' ability to do anything but accept the "guidelines." EPA is saying you can do something other than these guidelines, but you must demonstrate that you will get just as much emission reduction as EPA calculated it's guidelines would produce.

It's kind of like a David vs. Goliath in terms of resources. EPA has been pushing for this ever since the Biden administration came into office. They may give states a year, maybe a year and a half, to develop a plan to comply with these guidelines. The real kicker is, with the exception of one or two proposed controls, the existing source guidelines that are given to states are precisely the same as what they are using to regulate new sources. Fundamentally, that is unfair to our industry. When you build a new facility, it's a cheaper design, and building the latest pollution control is more affordable than going back and restructuring a facility that has been on-site for years. EPA doesn't think that is the case and is trying to work some strategies around that, but fundamentally it's more costly to retrofit than to buy something new. Even with that being the case, EPA is expecting existing sources to be modified to be similar to newer facilities.

This 153-page EPA "proposal" in the Federal Register has no proposed regulatory language. It is a misnomer for this to be called a proposed rule. It should be called an advanced notice of proposed rulemaking because no rule language is even proposed. It is anticipated that perhaps in February, EPA will make a supplementary proposal that will contain the regulatory language. We expect to be given another 60-day timeframe to comment and then once that rule goes final, sometime at the end of 2022, people can challenge the rules in court.

In years past, the industry uniformly opposed regulating methane directly and regulating existing sources. Two of the significant supporters alongside us, API (American Petroleum Institution) and AXPC (American Exploration & Production Council), have changed course. Last year, API & AXPC announced that they would not oppose the regulation of methane or existing sources. A lot of this was driven by stockholders within their associations and their lenders. When this rule is finalized, their associations may challenge certain technical aspects, but it is unlikely they be fighting for the low production well exemption or regulation on existing sources. This leaves EKOGA and the other associations that have been working together since 2015 to challenge the anticipated regulations. We will continue to pool our resources to keep EPA in check.

EPA is proposing to eliminate the low production well exemption that the Technical Rule implemented. While we are not hopeful that the low production well exemption will be retained, we may be able to retain some relief for smaller sources. The Low Production Well Exemption is based on throughput production levels. With this amount of production, you get this number of emissions, and if you are below the 15-barrel equivalent, you have an exemption. EPA says there is more of a correlation between the types of equipment, the amount of equipment used, the number of valves, and the ability for valves and the things of that nature to leak than volume and pressure through a well site. They're going to be

Continued on page 12

more specific analyses and actual measures of emissions. This would lead those to have to count their emissions at their well site, and then what you have to comply with or how frequently you have to do your surveys is going to be a function of how many emissions you have at that site.

EPA is proposing that if you have less than three tons per year of emissions at the well site you will not have to monitor for leaks, but you still have to calculate and demonstrate you're still below three tons per year. This measurement is still being defined, but it will probably be a function of emission factors from the different pieces of equipment. It will be a site-specific calculation based on emission factors. It will require an actual calculation on each site to determine your annual emissions are. They are discussing things like emissions malfunctions and other things that could get sites above those three tons as possible. These are potential problems that we are challenging and trying to make sure our members won't have to face. EPA has not given the states how long they will have to comply with their proposal and get their plans together. This will also leave the states responsible for following these regulations and making an inventory for everyone within said state. This process is as close as four years if everything is passed and these regulations are required. Maybe less.

EKOGA will do whatever it takes to defend our members against these regulations. With the help of individuals like James D. Elliot and many others, we will continue to push forward in our efforts to show how important our industry and members are to this country. Please feel free to reach out to any of our board members to express any of your concerns. We are stronger together!

This article was written with the assistance of attorney James Elliott of Spilman Thomas & Battle, PLLC, whose primary areas of practice are civil and criminal environmental law with experience in appellate and district court litigation, agency rulemaking, compliance counseling, and administrative adjudication with special emphasis on Clean Air Act matters for the oil and natural gas industry.



*EKOGA wishes you, your employees and your loved ones
peace and joy this Christmas Season
and prosperity throughout the coming year.*

*Thank you for your continued support and partnership.
We look forward to working with you for many years to come.*

Tom, Becky, Judy, Tina, and Collin

presumptive standards, once finalized, as the standards of performance in a State plan, the EPA could approve such a plan as meeting the requirements of CAA section 111(d) and the finalized EG, if the plan meets all other applicable requirements. In this way, the presumptive standards included in the EG serve a function similar to that of a model rule,⁸ because they are intended to assist States in developing their plan submissions by providing States with a starting point for standards that are based on general industry parameters and assumptions. The EPA believes that providing these presumptive standards will create a streamlined approach for States in developing plans and the EPA in evaluating State plans. However, the EPA’s action on each State plan submission is carried out via rulemaking, which includes public notice and comment. Inclusion of presumptive standards in the EG does not seek to pre-determine the outcomes of any future rulemaking.

Designated facilities located in Indian country would not be encompassed within a State’s CAA section 111(d) plan. Instead, an eligible Tribe that has one or more designated facilities located in its area of Indian country would have the opportunity, but not the obligation, to seek authority and submit a plan that establishes standards of performance for those facilities on its Tribal lands. If a Tribe does not submit a plan, or if the EPA does not approve a Tribe’s plan, then the EPA has the authority to establish a Federal plan for that Tribe. A summary of the proposed EG for existing sources (EG OOOOc) for the oil and natural gas sector is presented in Table 3. See sections XI and XII of this

preamble for a complete discussion of the proposed EG requirements.

As discussed above for the proposed NSPS OOOOb, the EPA is considering including additional sources as affected facilities in a potential future supplemental rulemaking proposal⁹ under CAA section 111(b). The EPA is also considering including these additional sources as designated facilities under the EG in OOOOc in a potential future supplemental rulemaking proposal under CAA section 111(d). As with the proposed NSPS OOOOb, the EPA is evaluating the potential for establishing EG applicable to abandoned and unplugged wells, blowdown emissions associated with pipeline pig launchers and receivers, and tank truck loading operations (assuming the EPA establishes NSPS for these emissions points). As described in section XIII of this preamble, the EPA is soliciting information to assist in this effort.

3. Proposed Amendments to 2016 NSPS OOOOa, and CRA-Related CFR Updates

The EPA is also proposing certain modifications to the 2016 NSPS OOOOa to address certain amendments to the VOC standards for sources in the production and processing segments finalized in the 2020 Technical Rule. Because the methane standards for the production and processing segments and all standards for the transmission and storage segment were removed from the 2016 NSPS OOOOa via the 2020 Policy Rule prior to the finalization of the 2020 Technical Rule, the latter amendments apply only to the 2016 NSPS OOOOa VOC standards for the production and processing segments. In this proposed rulemaking, the EPA also is proposing to apply some of the 2020

Technical Rule amendments to the methane standards for all industry segments and to VOC standards for the transmission and storage segment in the 2016 NSPS OOOOa. These amendments are associated with the requirements for well completions, pneumatic pumps, closed vent systems, fugitive emissions, alternative means of emission limitation (AMELs), onshore natural gas processing plants, as well as other technical clarifications and corrections. The EPA also is proposing to repeal the amendments in the 2020 Technical Rule that (1) exempted low production well sites from monitoring fugitive emissions and (2) changed monitoring of VOC emissions at gathering and boosting compressor stations from quarterly to semiannual, which currently apply only to VOC standards (not methane standards) from the production and processing segments. A summary of the proposed amendments to the 2016 OOOOa NSPS is presented in section X of this preamble.

Lastly, in the final rule for this action, the EPA will update the NSPS OOOO and OOOOa provisions in the CFR to reflect the CRA resolution’s disapproval of the final 2020 Policy Rule, specifically, the reinstatement of the OOOO and OOOOa requirements that the 2020 Policy Rule repealed but that came back into effect immediately upon enactment of the CRA resolution. The EPA is waiting to make the updates to the CFR text until the final rule simply because it would be more efficient and clearer to amend the CFR once at the end of this rulemaking process to account for all changes to the 2012 NSPS OOOO and 2016 NSPS OOOOa at the same time. In accordance with 5 U.S.C. 553(b)(3)(B), the EPA is not soliciting comment on these updates.

TABLE 2—SUMMARY OF PROPOSED BSER AND PROPOSED STANDARDS OF PERFORMANCE FOR GHGS AND VOC [NSPS OOOOb]

Affected source	Proposed BSER	Proposed standards of performance for GHGs and VOCs
Fugitive Emissions: Well Sites with Baseline Emissions >0 to <3 tpy ¹ Methane.	Demonstrate actual site emissions are reflected in calculation.	Perform survey to verify that actual site emissions are reflected in calculation.
Fugitive Emissions: Well Sites ≥3 tpy Methane.	Monitoring and repair based on quarterly monitoring using OGI ² .	Quarterly OGI monitoring following appendix K. (Optional quarterly EPA Method 21 monitoring with 500 ppm defined as a leak). First attempt at repair within 30 days of finding fugitive emissions. Final repair within 30 days of first attempt.
(Co-proposal) Fugitive Emissions: Well Sites with Baseline Emissions ≥3 to <8 tpy Methane.	Monitoring and repair based on semi-annual monitoring using OGI.	Semiannual OGI monitoring following appendix K. (Optional semiannual EPA Method 21 monitoring with 500 ppm defined as a leak). First attempt at repair within 30 days of finding fugitive emissions. Final repair within 30 days of first attempt.

⁸ The presumptive standards are not the same as a Federal plan under CAA section 111(d)(2). The EPA has an obligation to promulgate a Federal plan if a state fails to submit a satisfactory plan. In such

circumstances, the final EG and presumptive standards would serve as a guide to the development of a Federal plan. See section XIV.F. for information on Federal plans.

⁹ A supplemental proposal would include an updated RIA.

TABLE 2—SUMMARY OF PROPOSED BSER AND PROPOSED STANDARDS OF PERFORMANCE FOR GHGS AND VOC—
Continued
[NSPS OOOOb]

Affected source	Proposed BSER	Proposed standards of performance for GHGs and VOCs
(Co-proposal) Fugitive Emissions: Well Sites with Baseline Emissions ≥8 tpy Methane.	Monitoring and repair based on quarterly monitoring using OGI.	Quarterly OGI monitoring following appendix K. (Optional quarterly EPA Method 21 monitoring with 500 ppm ³ defined as a leak).
Fugitive Emissions: Compressor Stations	Monitoring and repair based on quarterly monitoring using OGI.	First attempt at repair within 30 days of finding fugitive emissions. Final repair within 30 days of first attempt. Quarterly OGI monitoring following appendix K. (Optional quarterly EPA Method 21 monitoring with 500 ppm defined as a leak).
Fugitive Emissions: Well Sites and Compressor Stations on Alaska North Slope.	Monitoring and repair based on annual monitoring using OGI.	First attempt at repair within 30 days of finding fugitive emissions. Final repair within 30 days of first attempt. Annual OGI monitoring following appendix K. (Optional annual EPA Method 21 monitoring with 500 ppm defined as a leak).
Fugitive Emissions: Well Sites and Compressor Stations.	(Optional) Screening, monitoring, and repair based on bimonthly screening using an advanced measurement technology and annual monitoring using OGI.	First attempt at repair within 30 days of finding fugitive emissions. Final repair within 30 days of first attempt. (Optional) Alternative bimonthly screening with advanced measurement technology with annual OGI monitoring following appendix K.
Storage Vessels: A Single Storage Vessel or Tank Battery with PTE ⁴ of 6 tpy or More of VOC.	Capture and route to a control device	95 percent reduction of VOC and methane.
Pneumatic Controllers: Natural Gas Driven that Vent to the Atmosphere.	Use of zero-emissions controllers	VOC and methane emission rate of zero.
Pneumatic Controllers: Alaska (at sites where onsite power is not available—continuous bleed natural gas driven).	Installation of low-bleed pneumatic controllers.	Natural gas bleed rate no greater than 6 scfh. ⁵
Pneumatic Controllers: Alaska (at sites where onsite power is not available—intermittent natural gas driven).	Monitor and repair through fugitive emissions program.	OGI monitoring and repair of emissions from controller malfunctions.
Well Liquids Unloading	Perform liquids unloading with zero methane or VOC emissions. If this is not feasible for safety or technical reasons, employ best management practices to minimize venting.	Each affected well that unloads liquids employ techniques or technology(ies) that eliminate or minimize venting of emissions during liquids unloading events to the maximum extent.
		<p>Co Proposal Options:</p> <p><i>Option One</i>—Affected facility would be defined as every well that undergoes liquids unloading.</p> <ul style="list-style-type: none"> —If the method is one that does not result in any venting to the atmosphere, maintain records specifying the technology or technique and record instances where an unloading event results in emissions. —For unloading technologies or techniques that result in venting to the atmosphere, implement BMPs⁶ to ensure that venting is minimized. —Maintain BMPs as records, and record instances when they were not followed. <p><i>Option Two</i>—Affected facility would be defined as every well that undergoes liquids unloading using a method that is not designed to eliminate venting.</p> <ul style="list-style-type: none"> —Wells that utilize non-venting methods would not be affected facilities that are subject to the NSPS OOOOb. Therefore, they would not have requirements other than to maintain records to document that they used non-venting liquids unloading methods. —The requirements for wells that use methods that vent would be the same as described above under Option 1.
Wet Seal Centrifugal Compressors (except for those located at single well sites).	Capture and route emissions from the wet seal fluid degassing system to a control device or to a process.	Reduce emissions by 95 percent.
Reciprocating Compressors (except for those located at single well sites).	Replace the reciprocating compressor rod packing based on annual monitoring (when measured leak rate exceeds 2 scfm ⁷) or route emissions to a process.	Replace the reciprocating compressor rod packing when measured leak rate exceeds 2 scfm based on the results of annual monitoring or collect and route emissions from the rod packing to a process through a closed vent system under negative pressure.

TABLE 2—SUMMARY OF PROPOSED BSER AND PROPOSED STANDARDS OF PERFORMANCE FOR GHGS AND VOC—
Continued
[NSPS 0000b]

Affected source	Proposed BSER	Proposed standards of performance for GHGs and VOCs
Pneumatic Pumps: Natural Gas Processing Plants. Pneumatic Pumps: Production Segment ...	A natural gas emission rate of zero Route diaphragm and piston pneumatic pumps to an existing control device or process.	A natural gas emission rate of zero from diaphragm and piston pneumatic pumps. 95 percent control of diaphragm and piston pneumatic pumps if there is an existing control or process on site. 95 percent control not required if (1) routed to an existing control that achieves less than 95 percent or (2) it is technically infeasible to route to the existing control device or process.
Pneumatic Pumps: Transmission and Storage Segment.	Route diaphragm pneumatic pumps to an existing control device or process.	95 percent control of diaphragm pneumatic pumps if there is an existing control or process on site. 95 percent control not required if (1) routed to an existing control that achieves less than 95 percent or (2) it is technically infeasible to route to the existing control device or process.
Well Completions: Subcategory 1 (non-wildcat and non-delineation wells).	Combination of REC ⁸ and the use of a completion combustion device.	Applies to each well completion operation with hydraulic fracturing. REC in combination with a completion combustion device; venting in lieu of combustion where combustion would present safety hazards. Initial flowback stage: Route to a storage vessel or completion vessel (frac tank, lined pit, or other vessel) and separator. Separation flowback stage: Route all salable gas from the separator to a flow line or collection system, re-inject the gas into the well or another well, use the gas as an onsite fuel source or use for another useful purpose that a purchased fuel or raw material would serve. If technically infeasible to route recovered gas as specified above, recovered gas must be combusted. All liquids must be routed to a storage vessel or well completion vessel, collection system, or be re-injected into the well or another well. The operator is required to have (and use) a separator onsite during the entire flowback period.
Well Completions: Subcategory 2 (exploratory and delineation wells and low-pressure wells).	Use of a completion combustion device ..	Applies to each well completion operation with hydraulic fracturing. The operator is not required to have a separator onsite. Either: (1) Route all flowback to a completion combustion device with a continuous pilot flame; or (2) Route all flowback into one or more well completion vessels and commence operation of a separator unless it is technically infeasible for a separator to function. Any gas present in the flowback before the separator can function is not subject to control under this section. Capture and direct recovered gas to a completion combustion device with a continuous pilot flame. For both options (1) and (2), combustion is not required in conditions that may result in a fire hazard or explosion, or where high heat emissions from a completion combustion device may negatively impact tundra, permafrost, or waterways.
Equipment Leaks at Natural Gas Processing Plants.	LDAR ⁹ with bimonthly OGI	LDAR with OGI following procedures in appendix K.
Oil Wells with Associated Gas	Route associated gas to a sales line. If access to a sales line is not available, the gas can be used as an onsite fuel source, used for another useful purpose that a purchased fuel or raw material would serve, or routed to a flare or other control device that achieves at least 95 percent reduction in methane and VOC emissions.	Route associated gas to a sales line. If access to a sales line is not available, the gas can be used as an onsite fuel source, used for another useful purpose that a purchased fuel or raw material would serve, or routed to a flare or other control device that achieves at least 95 percent reduction in methane and VOC emissions.
Sweetening Units	Achieve SO ₂ emission reduction efficiency.	Achieve required minimum SO ₂ emission reduction efficiency.

¹ tpy (tons per year).

TABLE 20—SUMMARY OF PROPOSED EG SUBPART OOOOC PRESUMPTIVE NUMERICAL STANDARDS

Designated facility	Proposed presumptive mass-based standards in the draft emissions guidelines for GHGs
Storage Vessels: Tank Battery with PTE of 20 tpy or More of Methane.	95 percent control.
Pneumatic Controllers: Natural Gas Driven that Vent to the Atmosphere.	VOC and methane emission rate of zero.
Wet Seal Centrifugal Compressors	95 percent control.
Pneumatic Pumps: Natural Gas Processing Plants	Zero natural gas emissions from diaphragm and piston pneumatic pumps.
Pneumatic Pumps: Locations Other Than Natural Gas Processing Plants.	95 percent control of diaphragm pneumatic pumps if there is an existing control or process on site. 95 percent control not required if (1) routed to an existing control that achieves less than 95 percent or (2) it is technically infeasible to route to the existing control device or process.
Associated Gas from Oil Wells	Route associated gas to a sales line. In the event that access to a sales line is not available, the gas can be used as an onsite fuel source, used for another useful purpose that a purchased fuel or raw material would serve, or routed to a flare or other control device that achieves at least 95 percent control.

For these designated facilities, State plans would generally be expected to establish standards of performance that reflect these numerical presumptive standards, if included in the final EG. Further, for these designated facilities, the EPA is proposing to require that the standards of performance be expressed in the same form as the numerical presumptive standards set forth in Table 20. For example, for storage vessels that are part of a tank battery with a PTE of 20 tpy or more of methane, the EPA is proposing a numerical presumptive standard of 95-percent control. Accordingly, if finalized as proposed, States would be required to submit a plan that includes numerical standards of performance for these designated facilities expressed in the same form as the presumptive standard of 95 percent control. As described in this proposal and the associated supporting materials

in the docket, the EPA has extensively and rigorously performed technical analyses in order to determine the appropriate proposed BSER for each set of designated facilities. The form of the numerical expression of the degrees of emission limitation achievable through application of the BSERs, and the associated presumptive standards, are a result of these technical analyses. The EPA believes that requiring States to maintain the same form of numerical standard in their plans will preserve the integrity of the BSERs and avoid analytic issues that are likely to arise if EPA is required to determine whether a different form of numerical standard submitted by a State has the same level of stringency as the final EG. Accordingly, having a uniform form of standard of performance will help streamline the States' development of their plans, as well as the EPA's review

of those plans, since there will be fewer variables to evaluate in the development and review of each standard of performance. The EPA solicits comment on its proposal to require State plans to include numerical standards of performance for these designated facilities that are in the same form as the numerical presumptive standards, and whether EPA should additionally allow States to include a different form of numerical standards for these facilities so long as States demonstrate the equivalency of such standards to the level of stringency required under the final EG.

For the following designated facilities, the EPA is proposing to translate the degree of emission limitation achievable through application of the BSER into the presumptive standards shown in Table 21.

TABLE 21—SUMMARY OF PROPOSED EG SUBPART OOOOC PRESUMPTIVE NON-NUMERICAL STANDARDS

Designated facility	Proposed presumptive non-numerical standards in the draft emissions guidelines for GHGs
Fugitive Emissions: Well Sites—>0 to <3 tpy methane	Perform fugitive emissions survey and repair to demonstrate actual site emissions are reflected in calculation.
Fugitive Emissions: Well Sites—≥3 tpy methane	Quarterly OGI monitoring following appendix K. (Optional quarterly EPA Method 21 monitoring with 500 ppm defined as a leak). First attempt at repair within 30 days of finding fugitive emissions. Final repair within 30 days of first attempt.
(Co-proposal) Fugitive Emissions: Well Sites—≥3 to <8 tpy methane.	Semiannual OGI monitoring following appendix K. (Optional semiannual EPA Method 21 monitoring with 500 ppm defined as a leak). First attempt at repair within 30 days of finding fugitive emissions. Final repair within 30 days of first attempt.
(Co-proposal) Fugitive Emissions: Well Sites—≥8 tpy methane.	Quarterly OGI monitoring following appendix K. (Optional quarterly EPA Method 21 monitoring with 500 ppm defined as a leak). First attempt at repair within 30 days of finding fugitive emissions. Final repair within 30 days of first attempt.
Fugitive Emissions: Compressor Stations	Quarterly OGI monitoring following appendix K. (Optional quarterly EPA Method 21 monitoring with 500 ppm defined as a leak). First attempt at repair within 30 days of finding fugitive emissions. Final repair within 30 days of first attempt.
Fugitive Emissions: Well Sites and Compressor Stations on Alaska North Slope.	Annual OGI monitoring following appendix K. (Optional annual EPA Method 21 monitoring with 500 ppm defined as a leak). First attempt at repair within 30 days of finding fugitive emissions. Final repair within 30 days of first attempt.
Fugitive Emissions: Well Sites and Compressor Stations..	(Optional) Alternative bimonthly screening with advanced measurement technology and annual OGI monitoring following appendix K.
Pneumatic Controllers: Alaska (at sites where onsite power is not available—continuous bleed natural gas driven).	Natural gas bleed rate no greater than 6 scfh.
Pneumatic Controllers: Alaska (at sites where onsite power is not available—intermittent natural gas driven).	Monitor and repair through fugitives program.
Reciprocating Compressors	Replace the reciprocating compressor rod packing based on annual monitoring (when measured leak rate exceeds 2 scfm) or route emissions to a process.
Equipment Leaks at Gas Plants	Bimonthly OGI LDAR program (NSPS VVa as optional alternative).

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EKOOGA
EASTERN KANSAS OIL & GAS ASSOCIATION

Kansas Oil & Gas Day Legislative Breakfast

**Kansas Oil & Gas Day
Legislative Reception**

**Kansas State Capitol
1st Floor
300 SW 10th Avenue
Topeka, Kansas
(North Wing)**

EKOOGA is sponsoring the annual legislative breakfast for the 16th straight year on Wednesday, January 19, 2022. The event will be in the North Wing of the State Capitol on the 1st floor from 7:30 to 9:30 a.m. Breakfast will be offered to all Kansas lawmakers and governmental decision-makers and all EKOOGA members who attend.

Need a Hotel???

A special group rate for rooms have been secured at the Ramada Convention Center Downtown Topeka. A special group rate of \$89 will be available for the evening of Tuesday, January 18, 2022. The Ramada Convention Center Downtown Topeka is located at 420 SE 6th Street, Topeka, Kansas 66607. Reservations can be made at 785-234-5400 or 800-432-2424 and refer to group code Kansas Independent Oil & Gas. Reservations made after January 7, 2022 will be accepted on a space available basis.



Kansas Oil and Gas Legislative Day January 19, 2022

EKOGA sponsors the annual legislative breakfast at the start of the legislative session. **The event will be in the North Wing of the State Capitol on the 1st floor from 7:30 to 9:30 a.m.** A Kansas country breakfast is offered to all Kansas lawmakers and government decision makers. This will be our 16th year of sponsoring this event. Please mark your calendars and attend, it gives you a great opportunity to talk with your local legislator on issues regarding our business. A room block has been made at the Ramada Convention Center in downtown Topeka 785-234-5400.

Company: _____

Address: _____ City: _____ St: _____ Zip: _____

Phone: _____ Email: _____

Attendees

Please include the following persons as attendees for Kansas Oil & Gas Legislative Day

Name: _____ Name: _____

Name: _____ Name: _____

I/we will contact the following legislator(s) with an invitation to attend the breakfast:

Senator: _____ Representative: _____

*Please consider inviting legislators for both your home and business address.

I/we would like to schedule a meeting with my legislator(s):

Senator: _____ Representative: _____

Sponsors

EKOGA is seeking sponsors for the Legislative Breakfast at \$250 each. Sponsors will be acknowledged at the event and on the EKOGA website.

_____ Yes, my company will serve as a sponsor.

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Please complete the registration form and return to EKOGA office by January 12, 2022
Mail: EKOGA, PO Box 678, Topeka, KS 66601-0678; Fax: 785-354-4374; or Email: ekoga@ekoga.org

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Canceled to Create a Culture *Warren Martin, Executive Director Kansas Strong*

Most people have become familiar with the term ‘cancel culture.’ The concept of canceling any idea, presentation, effort, etc., that departs from a small group of people’s idealistic (and often unrealistic) views of the way the world should be. Kansas Strong has become a victim of this cancel culture at the Kansas City Airport in an effort to create a culture that doesn’t exist.

Kansas Strong proudly placed several signs around the airport that stated, “Your trip made possible by oil and natural gas.” However, after a Twitter discussion between the chair of the KCMO Climate Protection Steering Committee and the new City Manager of Kansas City, those signs became the target of the cancel culture. They were removed just days before President Biden landed at the airport.



It was made clear to us that our signs conflicted with the messaging of the Airport Authority (City of Kansas City) and their efforts to implement a green energy initiative.

We in turn pled our ignorance of the initiative and requested that they verify exactly how many of their flights coming in and out of the airport are electric aircraft. We received no comment. It would seem that for our message to conflict with their initiative they would have to provide trips made possible by electric aircraft. And of course they don’t.

I was encouraged by one respondent sympathetic to their climate initiative who stated, “If this is propaganda, it’s the truest propaganda ever. I am all for solar-powered planes, but they don’t exist yet. It feels like your negative reaction to this sign is exactly why we need this sign. We can push for a better future without demonizing the current reality.”

Cancel culture efforts are often highlighted and the focus is erroneously on the messaging being canceled. What needs to be highlighted is the culture of those who are committing these acts and what they are trying to create. I say create because it usually doesn’t exist!

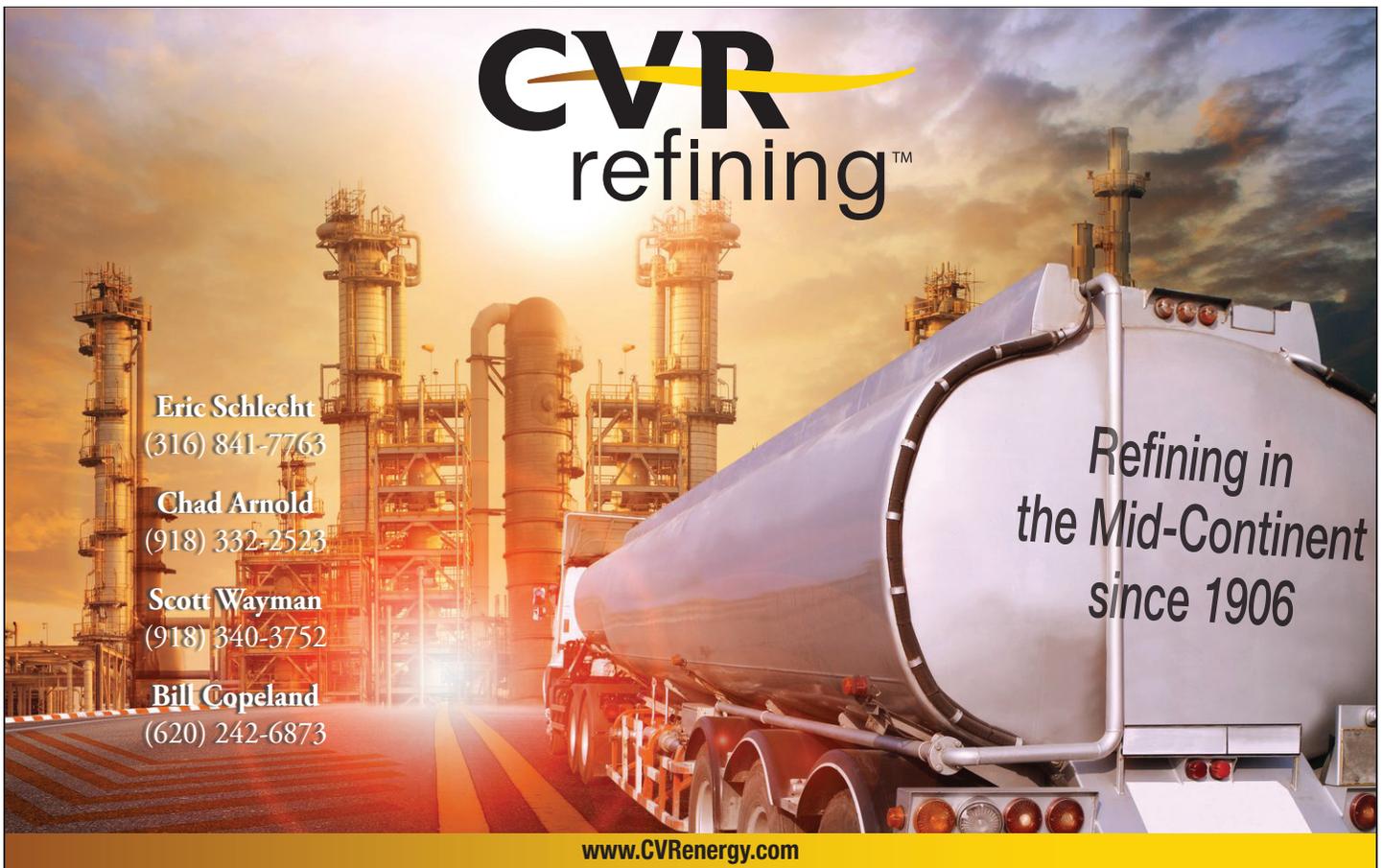
The Kansas City Airport is not 100% powered by solar, nor will it be anytime in the near future. There are no electric-powered commercial airliners. There is no possibility of renewables replacing fossil fuels worldwide anytime soon without devastating consequences.

The only way it could be possible is if all of us dramatically reduce the amount of energy we are utilizing every day. Research by Bjorn Lomborg shows that for it to even be remotely possible with just reduced fossil fuel usage, the average person would have to use less energy by 2050 than the average Albanian

did in 1980. That's not good. We'd have to limit our winter heating to 66 degrees and our summer cooling to 78 degrees. In addition, highway speeds would have to be dramatically reduced, and we would have access to far fewer flights. And that is just the tip of the iceberg to changes we would have to make. Is that the culture we want to create?

Cancel culture is really about creating something that doesn't exist under the absurd illusion that we will "figure it out" as we go. But what does exist in oil and natural gas is access to cheap, reliable energy today. Energy that is available, transportable, reliable and actually exists today. The fact is we are going to need all the energy we can get between now and 2050. We don't need to cancel any of it. To do so, is to cancel opportunity, initiative, access and social & fiscal mobility.

So, whether you like it or not, "Your Trip is Made Possible by OIL & NATURAL GAS." Enjoy your flight!

The advertisement features a background image of an oil refinery with several tall distillation columns and a large white tanker truck in the foreground. The sky is a mix of blue and orange, suggesting a sunrise or sunset. The CVR refining logo is prominently displayed in the upper center, with a yellow swoosh underlining the 'CVR' part. On the side of the tanker truck, the text "Refining in the Mid-Continent since 1906" is written in a black, serif font. On the left side of the image, four contact names and phone numbers are listed in a white, sans-serif font. At the bottom of the image, the website address "www.CVRenergy.com" is written in a black, sans-serif font on a yellow background.

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