



January 11, 2021

Mr. Kenneth McQueen
Regional Administrator
Region VI
United States Environmental Protection Agency

Submitted via www.regulations.gov

Re: *Public Notice of State of Texas' Submittal to EPA of Request for Partial National Pollutant Discharge Elimination System (NPDES) Program Authorization for Oil and Gas Discharges (EPA–R06–OW–2020–0608; FRL–10017–34–Region 6)*

Dear Regional Administrator McQueen:

The American Exploration and Production Council (AXPC) appreciates the opportunity to comment on the United States Environmental Protection Agency's (EPA or the Agency) Public Notice of the State of Texas' Submittal of Request for Partial NPDES Program Authorization for Oil and Gas Discharges, 85 Fed. Reg. 76,073 (Nov. 27, 2020). AXPC supports the State of Texas's request.

AXPC is a national trade association representing largest independent oil and natural gas exploration and production companies in the United States. Dedicated to safety, science, and technological advancement, AXPC members strive to deliver affordable, reliable energy to consumers while positively impacting the economy and the communities in which we live and operate. As part of this, AXPC members understand the importance of ensuring positive environmental and public-welfare outcomes and responsible stewardship of the nation's natural resources.

AXPC supports efforts at both the state and federal level to encourage an expanded range of responsible discharge options for treated oil and gas wastewater. AXPC urges all policymakers to continuously weigh the costs and benefits of the various options for oil and gas wastewater and to seek those options that are the least costly and burdensome on operators to encourage these reuse, recycle, and renewal efforts. AXPC is confident that, through cooperation between EPA, the states, the oil and natural gas industry, and other stakeholders, we can identify opportunities to protect water quality, public health, and resource scarcity by expanding treatment of oil and gas wastewater for reuse, recycling, and safe renewal into the hydrologic cycle. AXPC believes it is important to note that Texas's request for permitting authority would not change the substance of any applicable water quality standards or source-category specific effluent limits. Additionally, AXPC notes that the Memorandum of Agreement between EPA and TCEQ that accompanies the State's application will ensure an appropriate delineation of federal and state authority.

The Clean Water Act provides that EPA shall approve a state's request to administer its own discharge permitting program, so long as the state in question has the required legal authorities. *See* 33 U.S.C. § 1342(b). That is the case here, and so EPA should promptly grant Texas' request. The State of Texas

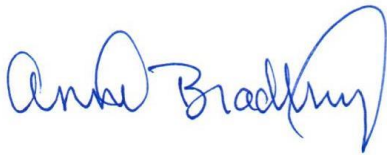
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has now had a generation of experience in capably administering its NPDES permit program for other types of discharges, and AXPC is confident in Texas' ability to appropriately do so for treated oil and gas discharges as well.

The Texas Commission on Environmental Quality (TCEQ) is a highly sophisticated state agency with unique and in-depth knowledge, as to both quality and quantity, of local surface waters. AXPC believes that unifying NPDES permitting responsibilities under TCEQ will help provide a unified, streamlined regulatory experience for companies under TCEQ's jurisdiction. This will ensure responsible, environmentally sound resource development and minimize unnecessary or counterproductive regulatory burdens while providing a vital resource. AXPC commends the cooperation between TCEQ and EPA with regard to preparing and announcing this request for authorization and believes it will stand as an example of how the state and federal governments can work together to achieve the best outcome for all concerned.

AXPC supports the State of Texas' application for NPDES authority over oil and gas discharges and encourages EPA to grant the application. Thank you for the opportunity to comment, and please do not hesitate to contact us with any questions.

Sincerely,

A handwritten signature in blue ink that reads "Anne Bradbury". The signature is fluid and cursive, with a large loop at the end of the last name.

Anne Bradbury
CEO
American Exploration & Production Council