

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF OCEAN ENERGY MANAGEMENT
GULF OF MEXICO REGIONAL OFFICE**

BOEM NTL No. 2020-G01

Effective Date: October 1, 2020

NOTICE TO LESSEES AND OPERATORS OF FEDERAL OIL, GAS, AND SULPHUR
LEASES IN THE GULF OF MEXICO OUTER CONTINENTAL SHELF

**Air Quality Information Requirements for Exploration Plans, Development
Operations Coordination Documents, and Development and Production Plans
in the Gulf of Mexico Region**

The Bureau of Ocean Energy Management (BOEM) is reissuing and updating this Notice to Lessees and Operators (NTL) to comply with Executive Order (E.O.) 13891 of October 9, 2019, Promoting the Rule of Law Through Improved Agency Guidance Documents, and the Office of Management and Budget (OMB) Memorandum, M-20-02, implementing the E.O.

This guidance document cancels and supersedes the Air Emission Information portion of NTL-2008-G04, *Information Requirement for Exploration Plans and Development Operations Coordination Documents*, Effective Date May 5, 2008 (pages 13 – 17), and will remain in effect until it is cancelled or until a subsequent version is issued. This guidance document has no effect on the other portions of NTL 2008-G04.

Introduction

The United States Department of the Interior (DOI), Bureau of Ocean Energy Management (BOEM) reviews Exploration Plans (EPs), Development Operations Coordination Documents (DOCDs), and Development and Production Plans (DPPs) for compliance with applicable air quality laws and regulations. BOEM has responsibility for these reviews in the Gulf of Mexico westward of 87°30' W. longitude, whereas the U.S. Environmental Protection Agency (USEPA) has responsibility for the associated air quality reviews in other areas. In addition to reviewing EPs, DOCDs, and DPPs for compliance with BOEM's regulations, BOEM considers potential air quality impacts along with other potential environmental impacts that it analyzes under the National Environmental Policy Act (NEPA). The following guidance is intended to facilitate lessees' and operators' accurate and complete submittal of necessary emissions information to facilitate BOEM's timely review of EPs, DOCDs and DPPs.

Background

The following are the laws and regulations applicable to BOEM's air quality reviews in the Gulf of Mexico:

- The Department of the Interior’s (DOI) authority to regulate OCS air emissions comes from the Outer Continental Shelf Lands Act (OCSLA) (43 U.S.C. § 1334 (a)(8)), which requires the Secretary of the Interior to promulgate regulations for compliance with the National Ambient Air Quality Standards (NAAQS) pursuant to the Clean Air Act (42 U.S.C. §§ 7401 *et seq.*) to the extent that authorized activities significantly affect the air quality of any state. Section 328 of the Clean Air Act (42 U.S.C. § 7627) determines the geographical extent to which the OCSLA air quality regulations apply.
- BOEM’s air quality regulations can be found in 30 CFR Part 550 Subparts B and C. Subpart B of Part 550 describes the information that should be included in an EP, DOCD, or DPP. Subpart C of Part 550 describes BOEM’s regulations for pollution prevention and control. Before conducting operations on the OCS, leaseholders must (among other requirements) submit and receive approval for activity-specific plans. The EPs, DOCDs, and DPPs address these activities, which are regulated in 30 CFR §§ 550.218, 550.249, 550.302, 550.303, and 550.304. The purpose of these regulations is to ensure that activities authorized in BOEM approved plans (i.e., EPs, DOCDs, or DPPs) do not significantly affect the air quality of any state and do not affect any state’s ability to comply with the NAAQS or their USEPA-approved State Implementation Plan (SIP).
- NEPA requires federal agencies, including BOEM, to evaluate and consider the environmental impact of, and alternatives to, major federal actions affecting the human environment (42 U.S.C. §§ 4321 *et seq.*).

Air Emissions Information (30 CFR 550 Subparts A, B and C)

1. Projected Emissions.

- a. When calculating peak hourly and total annual emissions in an EP, DOCD, or DPP, pursuant to § 550.218 or 550.249, calculate the maximum projected emissions generated by each source on the facility and, separately, support vessel(s) within 25 miles of the facility, pursuant to § 550.224(b) and 550.257(b). Only the total facility emissions will be compared to the Emission Exemption Thresholds (EETs). Calculate the air emissions using Form [BOEM-0138](#) for EPs and Form [BOEM-0139](#) for DOCDs and DPPs. These forms are on BOEM’s website at <https://www.boem.gov/BOEM-OCS-Operation-Forms/>. Submit the forms with the EP, DOCD, or DPP in both PDF and Excel formats. If available, please provide the same on-site identification code used for sources listed in the forms.

2. Maximum Emissions.

- a. Sections 550.218(a) and 550.249(a) require that you base the emissions on the maximum rated capacity of the equipment associated with your activities, but you may use modified emissions factors if you propose using emission reduction measures. If you base your emissions calculations on the use of emission reduction measures or modified emission factors, you will need to submit the

worksheets and the documentation described in Sections 3 and 4, Emission Reduction Measures and Verification of Nondefault Emission Factors.

- b. Sections 550.218(a)(3) and 550.249(a)(4) require that you base the projected emissions on the maximum rated capacity of the equipment and throughput of the facility. Run time on production equipment must be operating at 24 hours a day, 365 days per year. If there is equipment with matching back-ups and the equipment and back-ups will not operate simultaneously, then demonstrate in the forms that the combined equipment operates for a total of 24 hours a day, 365 days a year.
- c. Sections 550.218(a) and 550.249(a) require that you base the emissions calculations on the duration of the proposed exploration, development, and production activities.
- d. Sections 550.218 (a)(4) and 550.249(a)(5) require that if you have not determined the specific drilling unit(s) you will use, but you know the type of drilling unit, you must use the maximum emission estimates for the type of drilling unit(s) that you will use. BOEM recommends that you use the maximum horsepower values of any unit in your fleet. If you are not sure what the maximum horsepower is, it is recommended using the values in BOEM’s most recent emissions inventory.
- e. The rated horsepower reported in the forms should match that on the nameplate attached to the actual equipment.

3. Emission Reduction Measures.

- a. If your calculation of the maximum projected emissions includes emissions reduction measure(s), you must follow 550.218(b) and 550.249(b). BOEM recommends that you use the format below to describe the emission reduction measure(s).

Emission Source	Reduction Control Method	Amount of Reduction	Monitoring System
Compressor	Clean burn technology	100 tons NO _x /year	Periodic stack test
Prime Mover	Low sulphur fuel	10 tons SO ₂ /year	Visual check of fuel color and fuel receipts
Prime Mover	Actual fuel consumption	300 tons NO _x /year	Fuel log
Generator	Actual run time	100 tons NO _x /year	Run time log

- b. You may use actual fuel usage information (e.g., run times, fuel consumption). If you do, provide 6 to 12 months of data for determining the average fuel usage.
- c. The actual fuel usage you use in the emissions calculations on the forms cannot be less than the average fuel usage.
- d. Please note that if you use reduced run times or reduced fuel, BOEM will apply mitigations that require annual filing. BSEE may take enforcement action if the reduction is exceeded or there is no annual submittal.

4. Verification of Nondefault Emission Factors.

If you use any emission factors less than the values contained in the forms (BOEM-0138 for EPs and BOEM-0139 for DOCDs and DPPs) in your calculation of the projected emissions, provide documentation supporting the use of the smaller emission factors. However, if the actual emission factor is known to be greater than the default emission factor, use the actual emission factor (see Sections 550.218(a)(2) and 550.249(a)(3)). Please note that if you use a nondefault emission factor that is lower than the default, BOEM might apply mitigations that require stack testing, resulting in a potential BSEE enforcement action if the reduction is exceeded or no stack testing results are presented when applicable.

5. Distance to Shore for Emission Exemption Thresholds (EETs).

Map your distance in statute miles to shore using the same coordinate system as used in the lease sale documents for your lease.

6. Non-Exempt Facilities.

If the calculated maximum projected emissions of the facility, with emissions reduction measures (if included), is greater than the respective EET calculated at § 550.303(d), provide a description of how you will comply with 30 CFR § 550.303(e) through (i), as applicable.

7. Modeling Report.

If you are required by 30 CFR § 550.303 to model projected air emissions, use a model approved by BOEM's Director and consult any applicable modeling guidelines in conducting the modeling and preparing the report, as described in BOEM NTL 2020-N02 (available at <https://www.boem.gov/guidance>). Provide two copies of the modeling report and the modeling results, along with a digital copy of the input and output files (including the meteorological data you used in the modeling), or a reference to the report, files, and results if they have already been submitted to the BOEM GOMR.

8. Best Available Control Technology (BACT)

The term “BACT” is defined in §§ 550.105 and 550.302 and, in the context of air quality management, generally refers to the use of control technology that minimizes air pollution emissions by changing a process to prevent air pollution and/or installing air pollution control equipment. According to § 550.303(g) and (h), BACT is to be applied when projected emissions significantly affect the air quality of any state. The most common form of BACT offshore is the vapor recovery unit.

9. Review of Facilities with Emissions Below the EET.

As stated in 30 CFR § 550.303(j), if the Regional Supervisor determines, or an affected state submits information to the Regional Supervisor that demonstrates in the judgment of the Regional Supervisor, that projected emissions from an otherwise exempt facility will either individually or in combination with other facilities in the area significantly affect the air quality of an onshore area, then the Regional Supervisor will require the lessee to submit additional information to determine whether emission control measures are necessary. The lessee must be given the opportunity to present information that demonstrates that the exempt facility is not significantly affecting the air quality of an onshore area of the state to the Regional Supervisor.

10. Hydrogen Sulfide.

You must submit hydrogen sulfide concentration information. Any hydrogen sulfide concentrations greater than 500 parts per million will require you to conduct modeling as directed in 30 CFR §§ 550.215 and 550.245. Additional information is in NTL No. 2008-G04 or its successor.

11. Environmental Impact Analysis.

Information provided in your Environmental Impact Analysis (30 CFR §§ 550.227 and 550.261) is used in BOEM’s NEPA analysis. For example, if BOEM needs to prepare an environmental assessment (EA) on the submitted plan, then the information in the EIA is used to prepare the EA. Air emissions information should include:

Air Quality Related Value (AQRV) Analyses. Westward of 87°30' W there is one Class 1 Wilderness area along the coast of the Gulf of Mexico, the Breton National Wildlife Refuge. U.S. Fish and Wildlife Service (FWS) is responsible for management of the refuge. Please consult with the FWS for that area on AQRV analyses. Information provided is used in the NEPA analysis conducted as part of the EP, DOCD, or DPP plan review.

12. USEPA's Air Quality Jurisdiction.

For activities that fall within the USEPA's air quality jurisdiction, please submit the appropriate USEPA air permit number and all the BOEM-required air emission information accompanying an EP, DOCD, or DPP. See 30 CFR §§ 550.212(f), (l), (m), and (o), 550.218, 550.224(b), 550.225(b), 550.227, 550.242(g), (o), (p), and (s), 550.249, 550.257(b), 550.258(b), and 550.261.

Plans as Revised and Supplemented (30 CFR 550.283(a)(4) and 30 CFR 550.283(b)).

1. Revised OCS Plans.

If you propose to change your activities in a way that would increase their emissions to exceed the amount previously specified for a facility, you must submit a revision of the approved plan according to 30 CFR § 550.283(a)(4). All current and proposed air emissions must be included in the calculated emission amounts for the facility. For purposes of ensuring compliance with your plan, air emissions for the facility reported in the most recent submittal will supersede those previously approved initial, revised, and supplemental plans. Approval of the revision must be granted prior to emitting above the currently approved emission amounts.

2. Supplemental OCS Plans.

You must supplement your approved EP, DPP, or DOCD when you propose to conduct activities on your lease(s) or unit that require approval of a license or permit that is not described in your approved EP, DPP, or DOCD according to 30 CFR § 550.283(b). All current and proposed air emissions must be included in the calculated emission amounts for the facility. For purposes of determining compliance with your plan, air emissions for the facility reported in the most recent submittal will supersede those previously approved initial, revised, and supplemental plans. Approval of the supplemental plan must be granted prior to emitting above currently approved emission amounts.

Guidance Document Statement

BOEM issues NTLs as guidance documents in accordance with 30 CFR § 550.103 to clarify and provide more detail about certain BOEM regulatory requirements and to outline the recommended information to be provided in various submittals. Under that authority, this NTL sets forth policy on and interpretation of statutory, regulatory, lease, contractual, or plan approval provisions to provide a clear and consistent approach for complying with those provisions. If you wish to use an alternate method for compliance, you are encouraged to get feedback from BOEM staff on the adequacy of your proposal to comply with the regulation.

Except to the extent that provisions of this NTL derive from requirements established by statute, regulation or by a provision in the lease, they do not have the force and effect of law and are not meant to bind the public in any way. This NTL is intended only to provide clarity to the public regarding existing requirements under the law.

While this NTL includes recommendations and guidance, the recommendation and guidance provisions may be made mandatory through a lease stipulation or condition of approval from BOEM or BSEE. If you are issued a plan, permit or other authorization from BOEM or BSEE with a condition of approval, or a lease with a stipulation, requiring compliance with this NTL or identified portions thereof, you must implement those portions or all aspects of the NTL, if particular aspects are not singled out in the stipulation or condition of approval. Under such circumstances, you must implement and comply with the NTL (or identified portions thereof) regardless of whether the terms within the NTL would otherwise be a recommendation or request (e.g., use of the term “should” in the NTL will be considered “must” if required by the lease stipulation or condition of approval).

Paperwork Reduction Act of 1995 (PRA) Statement

This NTL provides clarification, description, and interpretation of requirements contained in 30 CFR Part 550, Subpart A, B, and C. An agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB Control Number. OMB has approved the information collection requirement in these regulations under OMB control numbers 1010-0057, 1010-0114, and 1010-0151. This NTL does not impose additional information collection requirements subject to the Paperwork Reduction Act of 1995.

Contacts

If you have questions regarding this NTL, please contact Stacie Merritt in the Gulf of Mexico OCS Region by email at stacie.merritt@boem.gov or by telephone at (504) 736-3276, or the Physical/Chemical Sciences Section in the Gulf of Mexico OCS Region by email at boem.pcass.airquality@boem.gov.

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