



September 28, 2011

Mr. Joseph Jakuta
Ozone Transport Commission
Hall of States
444 North Capitol St., Suite 638
Washington, DC 20001

Re: Comments on Proposed Non-road Anti-idling Rule

Dear Mr. Jakuta:

These comments are being filed on behalf of the Marcellus Shale Coalition (MSC), a regional trade association with international membership. The MSC was formed in 2008 and is currently comprised of nearly 250 producing, mid-stream and associate members who are fully committed to working with local, county, state and federal government officials and regulators to facilitate the development of the natural gas resources in the Marcellus geological formation. Our members represent many of the largest and most active companies in natural gas production, transmission, and gathering in the country, as well as the suppliers and contractors who service the industry.

The MSC respectfully submits to the Ozone Transport Commission these comments regarding the Proposed Non-road Anti-idling Rule.

Comments

In January 2011, the United States Environmental Protection Agency (EPA) published a notice proposing a revised primary ozone NAAQS ranging from 0.060 to 0.070 parts per million (ppm) to protect public health and a new cumulative, seasonal secondary standard ranging from 7-15 ppm-hours to protect sensitive vegetation and ecosystems. EPA was expected to revise the primary and secondary ozone NAAQS in September 2011. However, on September 2, 2011, President Obama directed EPA to wait until 2013 for the regularly scheduled review of the ozone limit before finalizing it.

On September 9, 2011, Pennsylvania Department of Environmental Protection Secretary Krancer issued a press release indicating that, as a member of the Commission, he agreed that issuing the interim ozone standard now would have been problematic. He indicated that the standard would have created needless regulatory uncertainty and was not supported by the best science.

The Commission has issued a charge to the mobile, stationary and area source and modeling committees to identify the measures and develop model rules, if necessary, for consideration by the Commission in November 2011. The Commission may consider final action during its

annual meeting on November 10, 2011, which would commit signatory states to pursue the adoption and implementation of control strategies.

In light of the actions by the President Obama and the Secretary Krancer, we believe that the Ozone Transport Commission should not take any action to adopt and implement this proposed rule before required to do so to meet NAAQA established by the EPA.

If the Ozone Transport Commission chooses to move forward and implement the proposed rule before required to do so to meet NAAQA established by the EPA, we would offer the following comments on the proposed rule as it currently reads:

- The non-applicability section should be revised so that nonroad diesel engines in use at oil and gas exploration and production facilities and operations are not subject to idling time limits.

Oil and gas exploration and production facilities employ a wide range of nonroad diesel engines to support various functions including hydraulic fracturing, cementing, solids control, waste management and water treatment. Coordinating these types of operations is a complex, staged task that at times requires swift responses to real-time geological data and pressure readings. The ability of nonroad diesel engines to ramp up quickly under these conditions is critical to protecting workers and the environment during these operations. Accordingly, owners and operators typically idle the nonroad diesel engines in operation at oil and gas exploration and production facilities so as to be able to deploy these engines at full capacity in less than five minutes. Idling during these operations is even more critical in the OTC region during the winter months when cold temperatures can increase start-up time for nonroad diesel engines.

Based on the above, we request that the OTC add to the list of exempt equipment described in Section Env-A XXXX.03 Non-Applicability, the following category: “any equipment associated with oil and gas exploration and production facilities and operations.”

- It is unclear how the proposed rule relates to multiple non-road engines performing functions as an integral part of an overall system. In various applications, multiple non-road engines are operated in a series to provide an operation that cannot be achieved by a single engine. During an operation, the need for power may vary and ready-reserve power in the series of non-road engines is required to perform the purpose of the overall operation. In this configuration, at any given time during an overall operation, one or more of the engines in the series may be intermittently at "idle" as measured by RPM or horsepower output but providing ready-reserve power to the operation for the purpose for which the series was designed.

When applied to multiple engines supporting a common operation, the definition of idling should exclude all engines in the operation when one or more is performing a function for which the system was designed. Performance of a function for which the engine was designed should consider use of engines in series and should be determined on the system level and not on the individual engine level.

We respectfully ask the Ozone Transport Commission to consider our comments. Please contact me if you have any questions or if I can provide any additional information.

Very truly yours,

A handwritten signature in blue ink, appearing to read "K. Z. Klaber".

Kathryn Z. Klaber
President and Executive Director