



SWEPI LP

Shell Exploration & Production Company
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April 9, 2012

VIA U.S. Mail and E-Mail

Joseph Jakuta
Ozone Transport Commission
Hall of the States
444 North Capitol Street
Suite 638
Washington, D.C. 20001

Re: OTC Model Rule: Nonroad Diesel Equipment Anti-Idling; Guidance for Implementation of Nonroad Idling Rule (March 9, 2012 Draft)

Dear Mr. Jakuta:

SWEPI, LP (Shell) submits the following comment to the above-referenced draft model rule and guidance being developed by the Ozone Transport Commission (Commission). Shell owns and operates oil and gas producing assets within the Ozone Transport Region and has a direct interest in how the draft model rule is formulated by the Commission and implemented by the member states in the region. We appreciate your consideration of these, as well as our previously submitted, comments on this rule.

Our previous comment noted that the Commission did not gather the necessary information from the oil and gas industry to ensure that this rule would not defeat its stated purpose by limiting the functions of engines for this industry. We support the revisions in the draft *Model Rule and Guidance for Implementation of Nonroad Idling Rule* that address these concerns.

The proposed *Guidance* now expressly acknowledges the inapplicability of the rule to oil and gas exploration and production facilities, providing in relevant part:

Examples that are not idling include:

For oil and gas exploration and production facilities, maintaining nonroad engines in a ready-reserve state. A ready-reserve state means an engine may not be performing work at all times, but must be ready to take over powering all or part of an operation at any time to ensure safe operation of a process.

This clarification of the scope of the rule is critical to oil and gas operations and should be expressly provided in the *Model Rule* as well as in the *Guidance*. While the revised definition of “idling” in the model rule provides some guidance as to scope of the rule, Shell strongly encourages the Commission to expressly exclude the operation of nonroad engines used in the oil and gas exploration and production facilities that are maintained in a ready reserve state in the non-applicability section of the rule, Env-A XXXX.03. The Commission may also want to reference this oil and gas engine exemption in the definition of “idling.” In either event, the model rules should expressly include this exemption to avoid any misunderstanding or misapplication of the model rules in any individual state.

The *Model Rule* should also include a general exemption in Env-A XXXX.06 to specify that the idling limit does not apply where the operation of such equipment is necessary for work-related mechanical, safety, or electrical operations.

Finally, the Commission should consider whether this model rule should be postponed to avoid needless regulatory uncertainty in light of the administration’s direction to EPA to wait until 2013 to review the primary ozone NAAQS.

We respectfully ask the Commission to consider our comments. I would be happy to discuss this further and provide information necessary for the Commission to understand the impact of an anti-idling rule on natural gas operations. Please feel free to contact me at (724) 778-9153 if I can be of further assistance.

Sincerely,



H. James Sewell
Environmental and Regulatory Team Lead