



May 24, 2019

Lauren Kasparek
Oceans, Wetlands and Communities Division
Office of Water (4502-T)
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Re: Comments on Clean Water Act Section 401 Water Quality Certification Rulemaking [Docket ID No. EPA-HQ-OW-2018-0855]

To whom it may concern:

The Independent Petroleum Association of America ("IPAA") submits the following comments for pre-proposal recommendations on the forthcoming Clean Water Act ("CWA") Section 401 Water Quality Certification rulemaking and guidance from the U.S. Environmental Protection Agency ("EPA").

IPAA represents the thousands of companies that drill 95 percent of America's onshore and offshore oil and natural gas wells. America's independents produce 54 percent of American oil and produce 85 percent of American natural gas. While most IPAA members will not apply directly for a Sec. 401 permit, our members are affected by the process. When some states misuse their authority as part of a cooperative process, permits are denied and needed infrastructure to transport natural gas is not built.

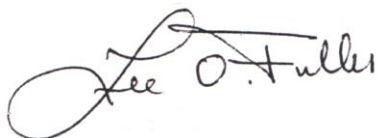
IPAA supports the comments submitted by the Interstate Natural Gas Association of America ("INGAA"). Like INGAA, IPAA supports effective implementation of the CWA and protection of the nation's waterways. States and tribes play a critical role in ensuring this common objective. Section 401 provides states an important and distinct role in the environmental review of interstate natural gas pipelines. EPA's effort to clarify and provide additional direction on the administration of Section 401 will benefit the process.

IPAA supports the April 10, 2019 Executive Order on Promoting Energy Infrastructure and Economic Growth in calling on EPA to review Sec. 401 and the related regulations and guidance. Based on several recent cases in which a state has denied a permit necessary for construction on an interstate natural gas pipeline, IPAA agrees with the focus on: (i) the need to promote timely federal-state cooperation and collaboration; (ii) the appropriate scope of water quality reviews; (iii) types of conditions that may be appropriate to include in a certification; (iv) expectations for reasonable review

times; and (v) the nature and scope of information states and authorized tribes may need to act on the requested permit.

IPAA members have the opportunity to continue to produce America's abundant natural gas resources. These resources reduce greenhouse gas emissions, allow for increased use of renewable energy sources by providing necessary backup power, and reduce energy costs for residential and commercial consumers. However, these benefits cannot be realized without the pipelines to transport natural gas to markets. IPAA supports this review to ensure the appropriate balance in federal and state review of Sec. 401 permits.

Respectfully submitted,

A handwritten signature in black ink that reads "Lee O. Fuller". The signature is fluid and cursive, with a large initial "L" and "F".

Lee O. Fuller
Executive Vice President