

National Association of Clean Air Agencies

January 9, 2007

Air and Radiation Docket
Docket ID No. EPA-HQ-OAR-2006-0406
U.S. Environmental Protection Agency
EPA Docket Center, Mailcode 6102T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Sir/Madam:

On behalf of the National Association of Clean Air Agencies (formerly known as STAPPA and ALAPCO), thank you for this opportunity to comment on the proposed National Emission Standards for Hazardous Air Pollutants for Gasoline Distribution Bulk Terminals, Bulk Plants, Pipeline Facilities, and Gasoline Dispensing Facilities, which were published in the *Federal Register* on November 9, 2006 (71 *Federal Register* 66064). The National Association of Clean Air Agencies (NACAA) is the national association of air pollution control agencies in 54 states and territories and over 165 metropolitan areas across the country.

Gasoline distribution and dispensing cause significant emissions of hazardous air pollutants (HAPs), including benzene (a carcinogen) and ethylene dichloride (EDC), among others. In fact, according to EPA, gasoline facilities “contributed approximately 36 percent of the national urban emissions of benzene and 2 percent of the EDC from stationary sources at areas sources” (71 *Federal Register* 66066). Additionally, these activities and facilities emit pollutants that contribute to the fine particulate problem in this country. It is clear that effective, nationwide controls are necessary to reduce the risk to public health from exposure to emissions from this source category. Accordingly, NACAA recommends that EPA strengthen its proposal for controlling emission from gasoline distribution and dispensing facilities. The following are details to support this recommendation.

Recommended Regulatory Alternative

EPA has proposed two regulatory alternatives and has requested comment on a third. Regulatory Alternative 1 would require submerged fill pipes, seals, leak detection and recordkeeping and reporting procedures at bulk gasoline terminals, pipeline facilities and bulk gasoline plants nationally. Regulatory Alternative 2 calls for the provisions in Alternative 1, along with requirements for submerged fill pipes at gasoline dispensing facilities in urban areas. Neither alternative calls for vapor balancing requirements. Finally, Regulatory Alternative 3 calls for the provisions in the first two alternatives, as well as the requirement that all gasoline dispensing facilities located in Urban 1 areas¹ utilize vapor balancing when loading gasoline into their storage tanks (Stage 1 vapor controls).

¹ Urban 1 areas are counties in metropolitan statistical areas with a population greater than 250,000.

NACAA believes the use of vapor balancing is very important in the reduction of hazardous air pollutants from the gasoline distribution and dispensing source category. Submerged filling by itself is inadequate, since the fumes that are generated will not be captured. In fact, EPA itself recognizes the benefits of vapor balancing: “[t]he use of vapor balanced loading of storage tanks achieves significantly more HAP reductions compared to submerged filling” (71 *Federal Register* 66073).

Accordingly, NACAA recommends that EPA select Regulatory Alternative 3, but require its application nationwide, not just in urban areas. Additionally, NACAA recommends that vapor balancing be required at gasoline distribution facilities nationwide, as well as at gasoline dispensing locations.

We believe that EPA should require effective controls on all the points of the gasoline distribution and dispensing chain, as some state and local agencies have done. EPA indicated in the preamble that “most States regulate some or all of the emissions points at area sources in this gasoline distribution source category.” These controls are readily available, effective, reliable, feasible and beneficial in controlling gasoline vapors and should be in place across the country. In some areas, facilities already have submerged fill drop tubes and many also have the fittings necessary for vapor balancing. Therefore, employing these controls will not be difficult for those facilities; moreover, it appears EPA has overestimated the costs of requiring them. Additionally, since EPA focused on the air toxics reductions (rather than the combined air toxics and particulate-precursor reductions), it is likely that the agency also underestimated the benefits of these controls.

While many existing state and local programs to control emissions from this source category are very effective, it is still very important that EPA establish federal requirements that apply nationwide. The Clean Air Act requires EPA to regulate area sources of hazardous air pollutants. The fact that some state and local agencies already regulate these sources does not relieve EPA of its obligation to reduce emissions under Section 112. In addition, many state and local agencies cannot be more stringent than the federal government. Once a federal rule is promulgated, some agencies must change their regulations to make them consistent with those of the federal government, which could result in backsliding if the state or local rule was more stringent to begin with. Furthermore, even if a state or local agency is allowed to adopt programs that are more stringent than federal rules, state and local regulations can change in the future for a variety of reasons. In the absence of specific requirements in the federal rule, there would be nothing to prevent backsliding by the sources if a state or local rule changes in the future. NACAA urges EPA to explicitly include in federal rules those beneficial components of state and local regulations that EPA is expecting to contribute to the control of emissions from the source category in question.

Nationwide Applicability

EPA’s proposal seeks comment on whether the requirements should apply only to those facilities in urban areas. NACAA believes the requirements should apply nationwide, rather than just in urban areas. The impacts of emissions from gasoline distribution and dispensing facilities

are localized and would be similar for most urban and rural areas. In order to be closer to customers, gasoline dispensing facilities are typically located in residential areas, whether urban or not. Accordingly, there would likely be exposed populations residing nearby. For example, EPA estimates that near homes within 200 meters of gas stations, concentrations of benzene, toluene, ethylbenzene and xylene are 1.5 to 4 times higher than background levels in urban areas.² Clearly, then, gasoline-dispensing facilities pose unacceptable risks to the surrounding community in both urban and rural settings.

The cost of controlling these facilities would also be the same in rural or urban settings as well. Because the costs and environmental impacts are the same, there does not appear to be any rationale for treating rural and urban facilities differently. Therefore, NACAA recommends that controls, practices and recordkeeping be required for this source category nationwide (i.e., in urban and rural areas alike).

In summary, NACAA recommends that EPA select Regulatory Alternative 3, with the addition of calling for vapor balancing for gasoline distribution facilities and applying the requirements nationwide, rather than restricting them to urban areas.

Thank you for this opportunity to comment on the proposal. Please contact us if we can provide additional information.

Sincerely,



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Michigan
Co-Chair
NACAA Air Toxics Committee



Robert Colby
Chattanooga, Tennessee
Co-Chair
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² EPA Proposed Rule – Control of Hazardous Air Pollutants from Mobile Sources (March 29, 2006)