

June 26, 2020

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U.S. Environmental Protection Agency  
EPA Docket Center  
Air and Radiation Docket  
Docket ID No. EPA-HQ- OAR-2018-0227  
Mail Code 28221T  
1200 Pennsylvania Avenue NW  
Washington, DC 20460

To Whom It May Concern:

The National Association of Clean Air Agencies (NACAA) offers the following comments on the U.S. Environmental Protection Agency's (EPA's) Notice of Proposed Rulemaking (NPRM), "Fuels Regulatory Streamlining," which was published in the *Federal Register* on May 14, 2020 (85 Fed. Reg. 29,034). NACAA is the national, nonpartisan, non-profit association of air pollution control agencies in 41 states, including 115 local air agencies, the District of Columbia and four territories. The air quality professionals in our member agencies have vast experience dedicated to improving air quality in the U.S. These comments are based upon that experience. The views expressed in these comments do not represent the positions of every state and local air pollution control agency in the country.

NACAA supports EPA's intent to streamline fuel regulations but only if such streamlining in no way compromises the existing stringency and environmental and health protections of the current rules.

In this NPRM, EPA proposes to streamline, consolidate and modernize the agency's existing regulations for gasoline, diesel and other non-renewable fuels, including, among others, the reformulated gasoline, anti-dumping, diesel sulfur, gasoline benzene, gasoline sulfur, E15 misfueling mitigation and national fuel detergent programs. To prepare this proposal, the agency undertook a holistic review of its multiple fuel regulations in 40 CFR Part 80 and replaced them with a single set of integrated provisions contained in the new 40 CFR Part 1090. In doing so, EPA removed expired provisions; consolidated or eliminated redundant compliance provisions – including those that exist in every Part 80 fuel program – to create one set of requirements applicable across the entire array of fuel programs (excluding the Renewable Fuels Standards program); and deleted what it deemed to be unnecessary and outdated requirements. As a result, EPA says, overall compliance assurance will be enhanced; compliance costs for industry and EPA will be reduced; environmental performance and fuel quality will be maintained; and fuel fungibility will be improved, allowing for increased availability of fuel during times of disruption. Overall, the number of pages of regulations will be cut from 1,000 to 180, according to the agency.

EPA emphasizes that, “[w]hile this action proposes changes to many aspects of our fuel quality programs, there are several areas of the existing part 80 regulations that would remain unchanged. Most importantly, this action does not change the stringency of the existing fuel quality standards.”

NACAA has two specific comments regarding this proposal and one more overarching comment.

First, Subpart IIII of 40 CFR Part 60 includes a fuel requirement that cross references to Subpart I of Part 80: 40 CFR 60.4207 requires owners and operators to meet the fuel requirements in 40 CFR 80.510. Subpart I of Part 80 is among those that EPA proposes to eliminate in favor of new Part 1090, where fuel program requirements will be centralized. As EPA replaces the multiple fuel regulations in Part 80 with a single set of integrated provisions in Part 1090, the agency should also update cross references in regulations outside Part 80, including those in Subpart IIII of Part 60.

Second, NACAA suggests EPA consider placing limits on certain gasoline properties, such as Reid Vapor Pressure and aromatics and/or benzene as appropriate, such that the proposed fuels regulatory streamlining changes do not result in any emission backsliding or loss of benefits relative to the current program.

Overall, NACAA supports regulatory streamlining of the nation’s fuels programs as well as improved fungibility and compliance assurance. However, our support is contingent on any changes to achieve these purposes preserving all environmental benefits. NACAA opposes any changes that are contrary to EPA’s stated intent to not, in any way, modify the stringency of any existing standards or programs, including changes that would degrade the quality or environmental performance of the agency’s existing fuel standards, result in a loss of stringency of any current standards or requirements, relax enforcement or reduce compliance, allow for any backsliding or have any adverse impact on air quality and public health.

Thank you for the opportunity to provide comments on this proposal. If you have questions or would like further information, please do not hesitate to contact either of us or Nancy Kruger, NACAA’s Deputy Director.

Sincerely,



Steven E. Flint  
(New York)  
Co-Chair  
NACAA Mobile Sources and Fuels Committee



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(Placer County, CA)  
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