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Gasoline Distribution Facilities/Standards of Performance for Bulk Gasoline Terminals: U.S. Environmental Protection Agency Proposed Reconsideration of NESHAP

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The United States Environmental Protection Agency ("EPA") published in the September 28th Federal Register a proposed rule/reconsideration of a final rule (collectively, "Proposal") that is reconsidering various provisions of the May 8, 2024, National Emission Standards for Hazardous Air Pollutants ("NESHAP") Gasoline Distribution Technology Review and New Source Performance Standards ("NSPS") Review for Bulk Gasoline Terminals final rule ("2024 Final Rule"). See 91 Fed. Reg. 61175.

Key provisions in the 2024 Final Rule that EPA is reconsidering include:

- Operating limits and continuous compliance requirements for air emission control devices.
- Vapor tightness requirements for gasoline cargo tanks.

The Energy Marketers of America ("EMA") September 25th edition of their publication *Weekly Review* notes that that EMA undertook extensive advocacy before EPA and Congress regarding the technical feasibility and operational impacts of the 2024 Final Rule.

The Arkansas Oil Marketers Association is a state chapter of EMA.

EMA's September 25th *Weekly Review* specifically references the Proposal's replacement of the 2024 Final Rule limits with the graduated pressure-drop limits of 1.0 to 2.5 inches of water column, depending on cargo tank compartment size. The 2024 Final Rule was noted to have established a graduated pressure-drop limit of 0.5 to 1.25 inches of water column over a five-minute test period, depending on compartment size.

EMA states that this requirement was significantly more stringent than the prior standards. The trade association is stated to have raised concerns that limits at the low end of that range could not be reliably demonstrated using EPA Method 27 under real-world operating conditions. This is stated to have included providing EPA with:

... information and data regarding the difficulties experienced by fuel marketers and cargo tank operators, including the effects of temperature fluctuations and limitations in the test method that could result in false test failures, unnecessary retesting, and premature equipment replacement.

EPA recognizes that almost 42% of the gasoline distribution in the United States qualify as small businesses.

Industrial Source Categories affected by the Proposal include:

- Petroleum Refineries.
- Petroleum Bulk Stations and Terminals.
- Pipeline Transportation of Refined Petroleum Products.
- Other Warehousing and Storage.

A copy of the Federal Register notice can be found [here](#).