Gasoline Distribution Facilities/Standards of Performance for Bulk Gasoline Terminals: U.S. House of Representatives Subcommittee on Environment Members Request U.S. EPA Finalization of Reconsideration of NESHAP



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A November 9th Energy Marketers of America ("EMA") publication described and attached a letter sent by Members of the Subcommittee on Environment of the United States House of Representatives Energy and Commerce Committee to the United States Environmental Protection Agency ("EPA") Administrator recommending:

… reconsidering the burdensome aspects of the air quality standards applicable to gasoline distribution facilities under the National Emission Standards for Hazardous Air Pollutants ("NESHAP") and New Source Performance Standards ("NSPS") programs of the Clean Air Act ("CAA"), particularly the annual cargo tank vapor tightness certification requirements.

The letter asks that EPA as part of its upcoming rulemaking:

… harmonize these requirements across the relevant CAA programs at 1.0 to 2.5 inches of water pressure drop over a five-minute period.

The seven Congressional Members joining the letter include:

- Gary Palmer
- Laurel Lee
- Randy Weber, Sr.
- Nicholas Langworthy
- Gabe Evans
- John Joyce, M.D.
- Robert Latta

EPA had published in the September 28th Federal Register a proposed rule/reconsideration of a final rule (collectively, "Proposal") that is reconsidering the various provisions of the May 8, 2024 NESHAP for

Gasoline Distribution Technology Reviews and NSPS Review for Bulk Gasoline Terminals final rule ("2024 Final Rule").See 91 Fed. Reg. 61175.

Key provisions of 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.

EMA in a prior publication 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 stated that this requirement was significantly more stringent than the prior standards. The trade association 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.

The November 9th letter by the Congressional Members states in part:

… In discussions with small business owners in our respective states, we were made aware of the technical challenges and costly operational changes required to comply with the current 0.5-inch threshold set by the 2024 rule. When certification becomes harder to achieve, more time-consuming, and more expensive, the consequences are not limited to the cargo tank operator. They ripple through the entire fuel supply chain, affecting the availability and cost of gasoline delivered to retail stations, businesses, and consumers across the country.

The Congressmen urge EPA to finalize the Proposal with a harmonized 1.0 to 2.5-inch standard as a more workable and reliable approach. In addition, they ask EPA to exercise enforcement discretion and consider delaying the current compliance deadlines while its reconsideration rulemaking proceeds.

A copy of the November 9th letter can be found here.