

Regulatory Announcement

Notice of Proposed Rulemaking to Revise MSAT Default Baseline Values

The U.S. Environmental Protection Agency (EPA) is issuing a Notice of Proposed Rulemaking to revise the Mobile Source Air Toxics (MSAT) Rule default baseline values. This rulemaking also would correct an error in the MSAT reformulated gasoline (RFG) default baseline value published in the original rule.

Background

The final MSAT rule, published March 29, 2001 (as Control of Emissions of Hazardous Air Pollutants From Mobile Sources), requires that the annual average toxics performance level of gasoline produced or imported beginning in 2002 must be at least as clean as the average performance level of the gasoline produced or imported during the baseline period 1998-2000. The toxics performance level is determined separately for each refinery and importer, as well as separately for RFG and conventional gasoline.

The MSAT default baseline applies to the gasoline of those parties who cannot establish a unique individual MSAT baseline under the MSAT rules. Such parties may not have existed during the MSAT baseline period, or did not have sufficient gasoline production or import activity during that period. The default MSAT baseline is an estimate of the nationwide annual average toxics performance level of gasoline. At the

time of the rulemaking, toxics performance data from calendar year 2000 was not yet available. In the final rulemaking, we committed to revise the default MSAT baseline values once the 2000 data became available. This rulemaking would fulfill that commitment. We are proposing that the revised values be effective beginning with the 2005 compliance period.

This rulemaking would also correct an error in the original rule affecting the originally published RFG default baseline value. The correct value would be effective for the 2002-2004 compliance periods.

Health and Environmental Benefits

The final MSAT rule set gasoline toxic emission performance standards to ensure that refiners and importers maintain their average 1998-2000 gasoline toxic emission performance levels. This proposal to update the default MSAT baseline values would not change the environmental analyses discussed in the final MSAT rule.

Effect on Industry

The proposed revised conventional gasoline default baseline value is less stringent than the current conventional gasoline value. The proposed revised RFG default baseline value is slightly more stringent than the current RFG value. This outcome for RFG is not unexpected as the standards recently changed (in 2000) which increased the toxic performance standard from 16.5 percent reduction to a 21.5 percent reduction. Nonetheless, EPA expects this rule to have minimal economic consequences.

Public Participation Opportunities

We welcome your comments on this proposed rule. For instructions on submitting written comments, please see the *Federal Register* notice, which is available from the EPA Air Docket by calling 202-566-1742; please refer to Docket No. OAR-2002-0042. In addition, you can access the proposed rule and related documents on EPA's Office of Transportation and Air Quality (OTAQ) Web site at:

www.epa.gov/otaq/toxics.htm

Additionally, if requested within 20 days of publication in the Federal Register, we will conduct a hearing on this proposed rule.

For More Information

For further information on this proposed rule, please contact Christine Brunner at:

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