

Control of Hazardous Air Pollutants from Mobile Sources

Summary and Analysis of Comments

Chapter 1 General Position Statements

Assessment and Standards Division
Office of Transportation and Air Quality
U.S. Environmental Protection Agency

1. GENERAL POSITION STATEMENTS

What We Proposed:

The following comments relate in general to the Notice of Proposed Rulemaking (NPRM). The comments in this section are not on any specific aspect of the proposed rule; rather, they are directed to the general substance of the proposal. More detailed proposal items, and their corresponding comments, can be found in later sections of this Summary and Analysis of Comments.

For more information on the proposed rule, see 71 FR 15804 (March 29, 2006): [[link to: http://www.epa.gov/otaq/regs/toxics/msat-nprm-fr.pdf](http://www.epa.gov/otaq/regs/toxics/msat-nprm-fr.pdf)].

1.1 Supports Rule

What Commenters Said:

A number of commenters expressed general support for the proposed rule. These commenters cited the air quality and health benefits that would result from its implementation and some described the air quality problems they have experienced personally and in their own communities. Some commenters also noted that they believed that the approach of addressing both the vehicles and the fuel as a “system” was necessary to achieve the greatest emission reductions. In addition, some commenters stated that they were in support of a more streamlined fuel benzene standard. As noted below in section 1.2, some commenters believed that the rule either went too far or did not go far enough. However, commenters in general stated that they support the reduction of benzene emissions.

Letters:

Alliance of Automobile Manufacturers (Alliance) OAR-2005-0036-0881, 0379 (hearing)
American Lung Association OAR-2005-0036-0365 (hearing)
American Lung Association OAR-2005-0036-0868
American Petroleum Institute (API) OAR-2005-0036-0336 (hearing testimony), -0884,
DSD International Inc. OAR-2005-0036-0377, -0383
Engine Manufacturers Association (EMA) OAR-2005-0036-0810
Environmental Defense OAR-2005-0036-0868
Independent Fuel Terminal Operators Association OAR-2005-0036-1007
Lane Regional Air Protection Agency (LRAPA) OAR-2005-0036-0848, -0974
Manufacturers of Emission Controls Association (MECA) OAR-2005-0036-0808
Natural Resources Defense Council OAR-2005-0036-0868
Northeast States for Coordinated Air Use Management (NESCAUM) OAR-2005-0036-
0369 (hearing testimony), -0993
Oregon Toxics Alliance OAR-2005-0036-0948
Portable Fuel Container Manufacturers Association (PFCMA) OAR-2005-0036-0819
Private Citizens

STAPPA/ALAPCO OAR-2005-0036-0378 (hearing testimony), -0836
Sunoco OAR-2005-0036-0806
Toyota Technical Center OAR-2005-0036-0773
U.S. PIRG OAR-2005-0036-0868

Our Response:

We appreciate the comments that these commenters provided. With the MSAT2 rule, we are finalizing standards for passenger vehicles, gasoline, and portable fuel containers (such as gas cans). These standards will significantly reduce emissions of many air toxics, such as: hydrocarbons, including benzene, 1,3-butadiene, formaldehyde, acetaldehyde, acrolein, and naphthalene. The fuel benzene standard and hydrocarbon standards for vehicles and portable fuel containers will together reduce total emissions of air toxics by 330,000 tons in 2030, including 61,000 tons of benzene. Mobile sources were responsible for 68% of benzene emissions in 1999. As a result of this final rule, in 2030 passenger vehicles will emit nearly 45% less benzene, portable fuel containers will emit 45% less benzene, and gasoline will have 38% less benzene overall. We believe that significant air quality and health benefits will result from implementation of the MSAT2 rule.

1.2 Opposes Rule

What Commenters Said:

Rule is too stringent

In general, commenters stated that they believed that the proposed stringency was adequate or was not stringent enough.

However, some refiners (namely those that will likely be considered small refiners, and those in the Western U.S.) commented that they believe that the proposed rule is too stringent. We also received many comments from those in the refining industry who commented that the rule does not provide enough lead time for compliance with the program requirements.

We also received comments from some vehicle manufacturers which stated that the proposed requirements for vehicles will be challenging.

Rule is too costly

As stated below in the specific chapters regarding the vehicle and gasoline benzene control (Chapters 3 and 4, respectively), some of the potentially regulated entities commented negatively on the costs of the rule. Specifically, many gasoline refiners commented that the rule will be too costly given the fact that they have been subject to other fuel regulations recently (such as the Tier 2 gasoline, Highway Diesel, Nonroad Diesel, and the upcoming Renewable

Fuels Standard rules). Those in the vehicle industry commented that new testing and phase-in schedule requirements would lead to significantly increased costs for vehicle manufacturers.

Rule is too lenient

Some commenters stated that, in general, they believe that the proposal is too lenient—the rule is insufficient, does not go far enough in air toxics control, and/or provides too much lead time for regulated entities. These comments are presented in more detail in the specific chapters regarding the vehicle, gasoline benzene, and portable fuel container requirements (Chapters 3, 4, and 5, respectively), and in the air quality discussions in Chapter 2. Further, as discussed in more detail in Chapter 7, some commenters specifically argued that EPA’s MSAT2 proposal falls short of meeting the requirements of Clean Air Act section 202(l).

A number of commenters stated that the Pacific Northwest has the dirtiest gasoline in the country. The commenters stated that this gasoline contains 10 times the benzene found in other oil, and that Northwest refineries have been exempted from EPA regulations that require benzene removal in other parts of the country. The commenters urged EPA to strengthen the rule to provide greater benzene reductions for this area of the country.

Letters:

Ad Hoc Coalition of Small Business Refiners OAR-2005-0036-0686
Alaska Department of Environmental Conservation, Division of Air Quality (ADEC) OAR-2005-0036-0975
Alliance of Automobile Manufacturers (Alliance) OAR-2005-0036-0881
American Lung Association (ALA) OAR-2005-0036-0365
American Petroleum Institute (API) OAR-2005-0036-0366, 0367
Association of International Automobile Manufacturers (AIAM) OAR-2005-0036-0973
BP OAR-2005-0036-0824, 0837
Countrymark Cooperative, LLP OAR-2005-0036-0471
Energy Future Coalition (EFC) OAR-2005-0036-0840
Engine Manufacturers Association (EMA) OAR-2005-0036-0810
Environmental Defense, Natural Resources Defense Council (NRDC), U.S. PIRG, American Lung Association (ALA) OAR-2005-0036-0868
ExxonMobil Refining & Supply Company OAR-2005-0036-0772, -1013
Flint Hills Resources (FHR) OAR-2005-0036-0862
Giant Industries, Inc. OAR-2005-0036-0831, -0883
Hess Corporation OAR-2005-0036-0769
Illinois EPA (IL EPA) OAR-2005-0036-0830
Lane Regional Air Protection Agency (LRAPA) OAR-2005-0036-0848
Marathon Petroleum Company LLC (MPC) OAR-2005-0036-1008
Mitsubishi Motors R&D of America OAR-2005-0036-0882
Mothers & Others for Clean Air OAR-2005-0036-0991
Municipality of Anchorage, Department of Health and Human Services (Anchorage) OAR-2005-0036-0976
National Petrochemical and Refiners Association (NPRA) OAR-2005-0036-0809

New Jersey Department of Environmental Protection, Division of Air Quality (NJDEP) OAR-2005-0036-0829

New York State Department of Environmental Conservation (NYDEC) OAR-2005-0036-0722

NESCAUM OAR-2005-0036-0993, -0369

Oregon Department of Environmental Quality (ODEQ) OAR-2005-0036-0987

Oregon Toxics Alliance (OTA) OAR-2005-0036-0948

Private Citizens *various*

Puget Sound Clean Air Agency OAR-2005-0036-0780

Silver Eagle Refining, Inc. OAR-2005-0036-0839

Sinclair Oil Corporation, Flying J. Inc., Suncor Energy (U.S.A.) Inc., and Tesoro Corporation OAR-2005-0036-0989, -1011

STAPPA/ALAPCO OAR-2005-0036-0836, -0378

TEIR Associates, Inc. OAR-2005-0036-0838, 1012

Toyota Technical Center (TTC) OAR-2005-0036-0773

United Refining Company OAR-2005-0036-0827

United States Senator Ron Wyden et al

United States Senator Michael Enzi et al

Washington State Department of Ecology OAR-2005-0036-0950

Wisconsin Department of Natural Resources, Bureau of Air Management (WDNR) OAR-2005-0036-0828

Our Response:

We continue to believe that the program that we are finalizing today is necessary, and is achievable (within the meaning of CAA section 202(l)) in the time frame allowed; further, as discussed in Chapter 2, this program provides significant air quality benefits from MSAT reductions. We also believe that the lead time being offered is necessary for the manufacturing and fuel industries to be able to comply with the rule. For an in-depth description of the feasibility of the standards, please refer to Chapters 3, 4, and 5 (vehicle, gasoline benzene, and portable fuel containers, respectively) of this Summary and Analysis of Comments, and Chapters 5, 6, and 7 of the Regulatory Impact Analysis (RIA). Further, as discussed in greater detail in Chapter 7 of this document, we believe that the standards being finalized for the MSAT2 program are fully consistent with CAA section 202(l).