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Paul J. Miller, Executive Director

August 9, 2022

Michael S. Regan, Administrator
U.S. Environmental Protection Agency
EPA Docket Center, Mail Code 28221T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Attention: Docket ID No. EPA–HQ–OAR–2020–0371

Re: *National Emission Standards for Hazardous Air Pollutants: Gasoline Distribution Technology Review and Standards of Performance for Bulk Gasoline Terminals Review: Proposed Rule*

Dear Administrator Regan:

The Northeast States for Coordinated Air Use Management (NESCAUM) offer the following comments on the "National Emission Standards for Hazardous Air Pollutants: Gasoline Distribution Technology Review and Standards of Performance for Bulk Gasoline Terminals Review: Proposed Rule" [87 Fed. Reg. 35608-35642 (June 10, 2022)] (hereinafter the "Proposed Rule").

NESCAUM is the regional association of air pollution control agencies representing Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. Our member agencies have the primary responsibility in their states for implementing clean air programs that achieve the public health and environmental protection goals of the federal Clean Air Act.

NESCAUM commends EPA for including an assessment of state emission control requirements for gasoline bulk terminals in the technology review for the Proposed Rule. Several NESCAUM states have adopted or are currently developing requirements for limiting emissions from this source category in response to concerns about contributions to ozone formation, health impacts, and odors associated with those facilities.

The Proposed Rule notes that "many of these sources [bulk terminals] are located in highly populated areas where the communities surrounding these facilities already have the potential to be overburdened from multiple sources of air pollution." [87 Fed. Reg. 35627] Moreover, the demographic screening analysis presented in the Proposed Rule demonstrates that "the proportion of the population of people of color living in proximity to these facilities is significantly higher than the national average." [87 Fed. Reg. 35637-35638] NESCAUM is concerned that EPA did not include an assessment of the health impacts of Hazardous Air Pollutant (HAP) emissions from these sources on residents of nearby neighborhoods in the Proposed Rule; the health impact analysis was limited to the impact of ozone formation from

emitted Volatile Organic Compounds (VOCs). Similarly, costs associated with HAP health impacts were not considered in the cost effectiveness analysis.

NESCAUM is also concerned that a significant source of emissions from this source category, emissions during maintenance operations and other procedures that require full or partial emptying of tanks, including landing and cleaning/degassing operations, were not addressed in this revision. Several states currently require control of and/or restrict the timing of those operations. Uncontrolled emissions from those operations contribute substantially to annual and seasonal emissions of VOCs and HAPs from these facilities and can cause ambient benzene levels that exceed short-term health benchmarks for that HAP. EPA should ensure that emissions from maintenance processes and other procedures that require full or partial emptying of tanks are reported clearly and accurately and should add appropriate limitations on those emissions to the Proposed Rule.

The following issues are discussed in more detail below.

1. EPA should evaluate risks from bulk terminal emissions to residents of nearby neighborhoods, including overburdened communities, to inform decisions about whether the stringency of the proposed requirements is sufficient.
2. The cost effectiveness analysis in the Proposed Rule is overly conservative.
3. EPA should increase the frequency of required leak monitoring.
4. EPA should amend the Proposed Rule to limit emissions during roof landings and tank cleaning operations/degassing events.
5. EPA should regulate heated asphalt storage tanks to address odors and HAP impacts from those facilities.

1. EPA should evaluate risks from bulk terminal emissions to residents of nearby neighborhoods, including overburdened communities, to inform decisions about whether the stringency of the proposed requirements is sufficient.

EPA did not evaluate the risk from exposure to HAP emissions from gasoline distribution emissions. The Proposed Rule states that:

> Monetization of the benefits of reductions in cancer incidences requires several important inputs, including central estimates of cancer risks, estimates of exposure to carcinogenic HAP, and estimates of the value of an avoided case of cancer (fatal and non-fatal). Due to methodology and data limitations, we did not attempt to monetize the health benefits of reductions in HAP in this analysis. [87 Fed. Reg. 35637]

Assessing risks is essential to determine whether the proposed requirements are adequately stringent to protect public health, as well to inform cost effectiveness calculations. EPA routinely evaluates cancer and noncancer health risks associated with HAP sources, as well as the benefit of reduction of those risks as a consequence of implementation of regulatory requirements. For instance, in the recent Notice of Proposed Rulemaking on the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Coal- and Oil-Fired Electric Utility Steam Generating Units [85 Fed. Reg. 31286-31320], EPA quantified and monetized risks associated with covered

facilities for several health endpoints, including cancer and cardiovascular and neurobehavioral effects. EPA also routinely assesses cancer risks associated with HAP emissions in residual risk assessments required by §112(f)(2) of the Clean Air Act.

An assessment of the risk associated with bulk terminal HAP emissions is particularly important because those sources are frequently located near residential neighborhoods. In the Proposed Rule, EPA estimates that at least 5.9 million people reside within 5 kilometers (km) of the major source gasoline distribution facilities subject to 40 CFR part 63, subpart R [87 Fed. Reg. 35618], and at least 35.7 million people live within 5 km of large bulk storage tanks at area source gasoline distribution facilities subject to 40 CFR part 63, subpart BBBBBB [87 Fed. Reg. 35619]. Moreover, the Proposed Rule states that a demographic screening analysis "shows that the proportion of the population of people of color living in proximity to these facilities is significantly higher than the national average." [87 Fed. Reg. 35637-35638] The analysis estimated that 59% and 54% of residents living within 5 km of major and area gasoline distribution facilities, respectively, are people of color, as compared to 40% in the nation as a whole. The EPA analysis determined that the percentages of people living below the poverty level, people without a high school diploma, and people living in linguistic isolation are also elevated in neighborhoods within 5 km of those sources.

EPA also notes that communities surrounding gasoline distribution facilities, "may already be overburdened by air pollution from multiple sources." [87 Fed. Reg. 35618] This is the case in many areas of the NESCAUM region. For instance, the Rhode Island Department of Environmental Management's (RIDEM's) Community Scale Air Toxics Monitoring Project for the Port of Providence and Surrounding Communities identified a wide range of air pollution sources located in the vicinity of the gasoline distribution facilities in the Port of Providence area, including a power plant, natural gas substations, an asphalt plant, a medical waste processing facility, scrap metal recycling facilities, cement plants, a chemical distributor, metal finishers and fabricators, and heated asphalt storage tanks. Interstate 95, which passes through that section of Providence, is also a major source of air pollution in the area. Residents in nearby neighborhoods are disproportionately people of color and have lower incomes and higher rates of childhood asthma than residents of other Rhode Island communities.[1]

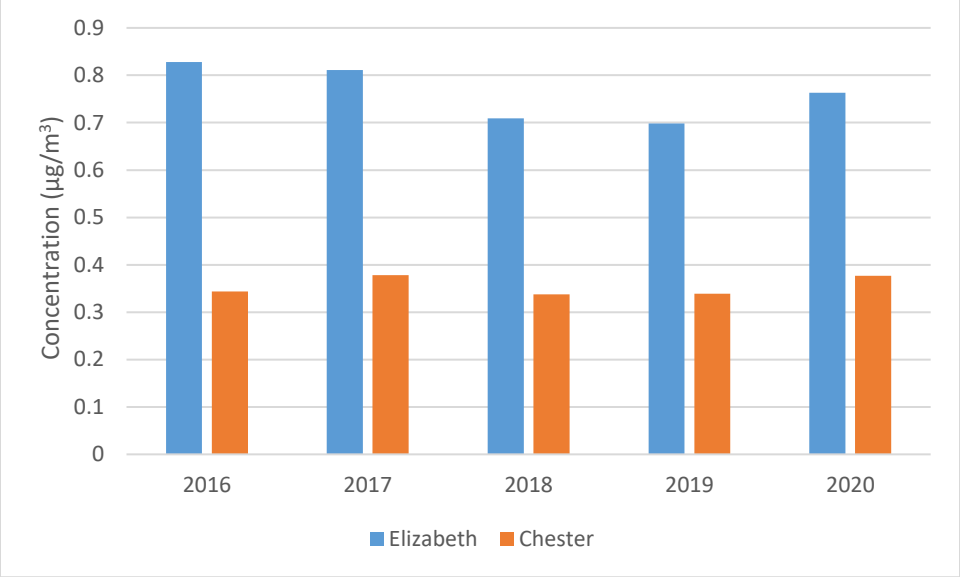
Similarly, a study by the New York State Department of Environmental Conservation (NYSDEC) in the South End neighborhood of Albany, which was completed in October 2019, found high levels of benzene attributable to terminals in the Ports of Albany and Rensselaer. Both Ports are in or adjacent to environmental justice (EJ) communities that are also burdened by a major highway and other industrial sources.[2]

As shown in Figure 1, concentrations of benzene measured at the New Jersey Department of Environmental Protection (NJDEP) air monitoring site in Elizabeth, New Jersey, which is located in an area that has been designated as an Overburdened Community in accordance with

[1] Rhode Island Department of Environmental Management, Community Scale Air Toxics Monitoring Project – Port of Providence and Surrounding Communities, revised March 7, 2022. Available at: http://www.dem.ri.gov/programs/air/port-providence.php. Accessed July 14, 2022.
[2] New York State Department of Environmental Conservation, Albany South End Community Air Quality Study, October 2019. Available at: https://www.dec.ny.gov/chemical/108978.html. Accessed July 19, 2022.

the New Jersey EJ Law [N.J.S.A. 13:1D-157],[3] are on average, approximately twice those measured at the state's background monitor in Chester, New Jersey. Although the higher benzene levels at the Elizabeth site are partially attributable to traffic on the nearby New Jersey Turnpike, several large bulk storage facilities located on both sides of the Turnpike also likely contribute to those elevated levels.

Figure 1. Annual Average Benzene Concentrations at New Jersey Monitoring Sites



EPA concludes in the Proposed Rule that the updated requirements "are anticipated to improve human health exposures for most populations, including for surrounding communities with EJ concerns. Based on these analyses of potentially exposed populations and actions taken to reduce adverse human health impacts, the EPA anticipates that this action is not likely to result in disproportionate impacts on minority populations and/or low-income populations[.]" [87 Fed. Reg. 35638]

In 2021, the EPA Administrator directed Agency staff to "(t)ake immediate and affirmative steps to incorporate environmental justice considerations into their work, including assessing impacts to pollution-burdened, underserved, and Tribal communities in regulatory development processes and *considering regulatory options to maximize benefits to these communities* [emphasis added]."[4] While it is true, as represented in the Proposed Rule, that any reduction in emissions is likely to reduce exposures to impacted residents, the analysis, which does not attempt to characterize risks, is inadequate to inform a determination of whether those measures fulfill the Administrator's directive to consider options to maximize benefits to these communities. In the absence of such an assessment, EPA should select regulatory options that reduce exposures to the maximum extent practicable, even if the calculated cost of such

[3] New Jersey Department of Environmental Protection Office of Environmental Justice, "What are Overburdened Communities (OBC)?" Available at: https://www.nj.gov/dep/ej/communities.html. Accessed July 29, 2022.
[4] Message from EPA Administrator Michael Regan to EPA Employees dated April 7, 2021. Available at: https://www.epa.gov/sites/default/files/2021-04/documents/regan-messageoncommitmenttoenvironmentaljustice-april072021.pdf.

requirements is somewhat higher than those for the proposed options. EPA should also conduct an assessment to evaluate the residual risk to affected communities after adoption of those controls.

2. The cost effectiveness analysis in the Proposed Rule is overly conservative.

As discussed above, the proposed control requirements are not based on reducing risks to an acceptable level. They are also not based on the availability of controls, because, although EPA evaluated state requirements for this source category, the Proposed rule would not adopt the most stringent state requirements. Instead, EPA used cost effectiveness analyses to determine the stringency of the requirements. Therefore, it is essential that the cost effectiveness analyses be as robust as possible.

NESCAUM has identified three aspects of the cost effectiveness analysis in the Proposed Rule that may lead to an overestimate of costs or an underestimate of benefits associated with adoption of potential control measures. First, in setting emission limits, EPA assessed the costs associated with implementation of alternative limits as compared to the status quo. For area sources subject to 40 CFR part 63, subpart BBBBBB, analysis compares the costs associated with the proposed loading rack vapor collection and processing system emission limit of 35 mg total organic compound per liter of gasoline loaded (mg/L), as well as the alternative more stringent limitations of 10 and 1 mg/L, with the existing limitation in that subpart of 80 mg/L. The NESHAP emissions limit applies to gasoline terminals with throughput of 250,000 gallons per day or greater at area sources.

Note, however, that the New Source Performance Standards (NSPS) subpart XX limit of 35 mg/L is already applicable to loading rack emissions for all bulk gasoline terminals with gasoline throughput greater than 75,700 liters per day (20,000 gallons per day) except for a facility, "the construction or refurbishment of which was commenced before December 17, 1980, and which was not constructed or refurbished after that date." [40 CFR Ch. I, § 60.502] Therefore, the only facilities that would be subject to more stringent loading rack emissions limits as a result of the proposed change in the area source limit to 35 mg/L would be facilities with throughputs of at least 250,000 gallons per day with vapor control systems that have been in place without refurbishment since 1980. All other facilities, including those with throughputs of 20,000 – 250,000 gallons per day that were constructed or refurbished since that date, are already required by the NSPS to operate vapor control systems that meet the proposed NESHAPS limit. While the number of facilities that are currently operating vapor control systems that are at least 42 years old and have not been refurbished in that time period is unknown, it is unlikely that the proportion of sources that meet those criteria is substantial enough to justify the use of 80 mg/L as a baseline for evaluating the cost effectiveness of additional controls.

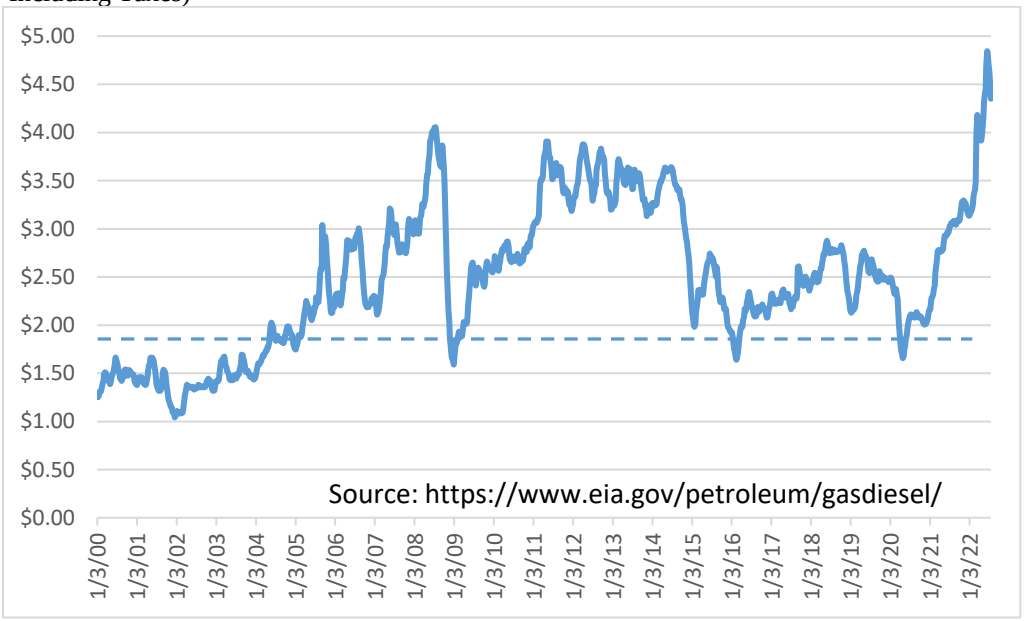
As discussed above, NESCAUM is also concerned that there was no attempt to quantify and monetize health benefits associated with reduction of HAP emissions. If EPA is truly unable to quantify those benefits, decisions about alternatives should not rely solely on the cost effectiveness analysis and should also consider nonmonetized health benefits.

NESCAUM also believes the cost effectiveness evaluations may substantially underestimate the gasoline prices used to calculate credits associated with product recovery, even without consideration of recent price increases. The Proposed Rule states that EPA calculated gasoline prices from US Energy Information Administration (EIA) data as follows:

> The VOC recovery credit was calculated based on the average retail price of regular conventional gasoline in 2019, which was $2.50/gallon, and that 60 to 70 percent of retail price is for taxes and distribution/marketing costs (*https://www.eia.gov/petroleum/gasdiesel/*; EIA, 2021). Therefore, we estimated the value of gasoline recovered to be $1.50/gallon ($2.50 × 0.60). Using a density of gasoline of 6.25 lb/gallon, this yields a VOC credit of $480/ton [($1.50/6.25) × 2000]. [87 Fed. Reg. 35617, n. 4]

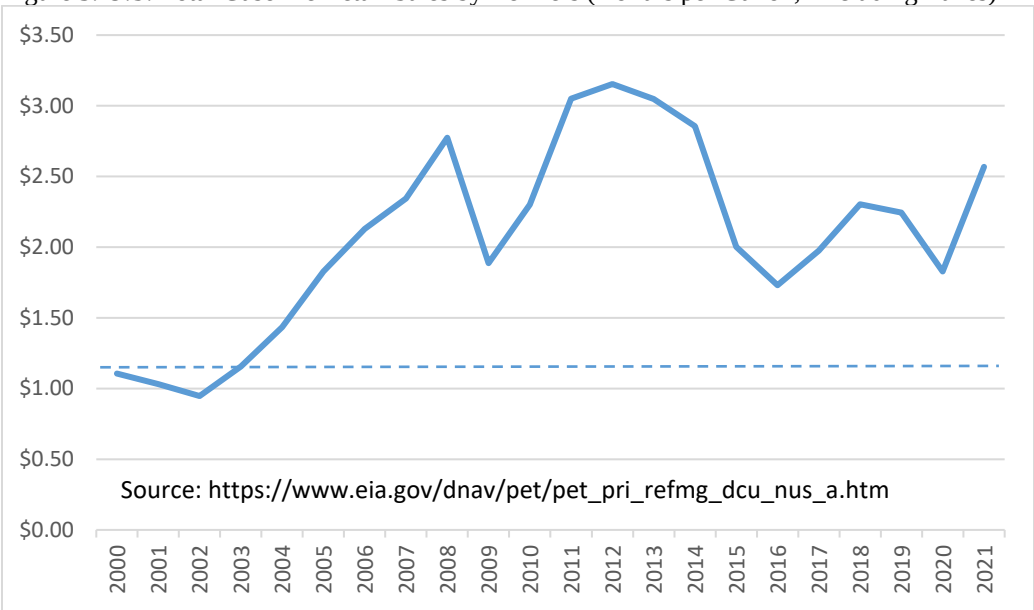
However, the EIA data referenced by EPA show that retail prices of regular conventional gasoline, with taxes included, have frequently risen higher than $2.50 per gallon (including taxes), even before the 2021-2022 price increases, as shown in Figure 2.

Figure 2. Weekly U.S. Regular Conventional Retail Gasoline Prices (Dollars per Gallon, Including Taxes)



The Proposed Rule uses as further evidence a statement that EIA data show that, "(t)he average refiner's wholesale spot price [which exclude taxes] for all gasoline types in 2019 was $1.85/gallon." [87 Fed. Reg. 35617, n. 4] As shown in Figure 3, those EIA data show that the refiner's price for all gasoline types, excluding taxes, was higher than $1.85/gallon in all but two years since 2000 and was higher than the $1.50/gallon after-tax price used by EPA in the cost effectiveness calculations in all years in that period.

Figure 3. U.S. Total Gasoline Retail Sales by Refiners (Dollars per Gallon, Excluding Taxes)



Any underestimation of the cost of gasoline would lead to an underestimate of the savings associated with product recovery, resulting in less favorable control option cost effectiveness calculations. This is a particular issue for the emission limit proposed for large area source bulk gasoline terminals, as the cost effectiveness index calculated using the $1.50/gallon price for recovered product, as shown in Table 6 of the Proposed Rule, was $12,170 per ton of HAP reduced for an emissions limit of 10 mg/L, which is considerably more stringent than the proposed limit of 35 mg/L. Use of a higher gasoline price would likely reduce the index for that option to below the threshold of $10,000/ton of HAP that EPA uses in the Proposed Rule to identify cost effective controls.

EPA also uses a cost effectiveness analysis to justify the proposed loading rack emission limit of 10 mg/L for modified and reconstructed sources in the new NSPS subpart XXa. However, that limit is less stringent than requirements for reconstructed sources that have been successfully implemented in some NESCAUM states.

As an example, loading rack emissions are limited to 2 mg/L in the permits for five reconstructed bulk terminals in Massachusetts and stack tests conducted at those facilities have demonstrated compliance with that restriction. The Vapor Recovery Units (VRUs) at those facilities consist of a Regenerative Activated Carbon Bed Adsorption System, along with Vacuum Assist Negative Pressure Technology (VANPT) to reduce emissions through valve stems, flanges, and tank leaks. The permits also require those facilities to operate electronic interlocks at each loading bay and visible and audible alarms in the yard and the control room to prevent tank truck loading when the minimum required vacuum pressure at the tank truck/VANPT interface of three inches water column or the VRU emission limit is reached or exceeded. The vacuum pressure at each loading bay is monitored and recorded continuously.

Another example was a project for a repair and expansion of a loading rack at a bulk terminal in New Jersey in 2019. This project included a significant expansion to the loading racks and the installation of a new carbon adsorption/absorption VRU. The VRU consists of two identical adsorbers filled with activated carbon, one controlling vapors and one regenerating. This loading rack was permitted with a limit of 1.2 milligrams of VOC emitted per liter of product transferred.

State experience demonstrating the feasibility of more stringent control requirements at reconstructed facilities, including tighter emissions limitations and measures that reduce fugitive emissions, should be viewed by EPA as evidence of the cost-effectiveness of those requirements.

3. EPA should increase the frequency of required leak monitoring.

EPA is proposing to change leak detection requirements from monthly monitoring using any method – including audio, visual, or olfactory (AVO) methods – to periodic instrument monitoring, primarily with Optical Gas Imaging (OGI), combined with a general requirement to fix any leaks identified via AVO methods during the normal course of activities. Instrument monitoring would be required semi-annually for major sources and annually for area sources. EPA determined that instrument monitoring according to those schedules is cost effective because it would cost less than the current monthly AVO monitoring and would yield additional emission reductions. The Proposed Rule also evaluated more frequent instrument monitoring alternatives (quarterly for major sources and semi-annual for area sources) and determined that those options are not cost effective.

EPA calculated the cost effectiveness of leak detection monitoring as the cost of implementation per ton of VOC and HAP removed. Costs included annualized capital expenditures, operating costs, and credit for product recovery savings. NESCAUM's concerns about the fuel price used to calculate the product recovery credit are discussed above. Use of a higher fuel price would decrease the calculated costs because of higher product recovery savings.

Table 16 in the Proposed Rule shows a savings for semiannual monitoring for area sources of $254 per ton of VOC removed and $764 per ton of HAP removed relative to the baseline (monthly AVO monitoring). For major sources, the calculated cost effectiveness of quarterly monitoring compared to the AVO baseline is $203 per ton of VOC and $2,030 per ton of HAP.

However, instead of basing its cost effectiveness determination on a comparison to the baseline, as was done in the evaluation of the emission limits, EPA based its determination of the cost effectiveness of monitoring options on incremental cost effectiveness, (e.g., costs and removal associated with semiannual equipment monitoring compared to costs and removal for annual equipment monitoring). This results in much higher cost estimates for the options that include increased frequency of monitoring. NESCAUM believes that cost effectiveness should be calculated as a comparison to existing (baseline) conditions, not relative to other control options.

It is even more important to note that these calculations are averages and do not adequately consider the substantial impacts that undetected leaks can have on neighborhood air quality. In the NYSDEC South End Albany study mentioned above, elevated benzene levels were detected in the vicinity of the Port of Rensselaer in December 2017. In response to those results,

NYSDEC staff used a Forward Looking InfraRed (FLIR) camera to identify potential leaks from a nearby gasoline storage tank. Benzene concentrations returned to normal levels for that location after the owner addressed the results of the FLIR leak inspections.[5]

As discussed above and in the Proposed Rule, bulk terminals are frequently located near highly populated overburdened communities. Minimizing the length of time that neighbors are exposed to elevated HAP levels associated with leaks by increasing the frequency of monitoring is essential and in keeping with the Administrator's directive cited above that the Agency should consider **"**regulatory options to maximize benefits to these communities." Other methods, like fenceline or continuous monitoring, may also be viable alternatives for achieving this goal.

4. EPA should amend the Proposed Rule to limit emissions during roof landings and tank cleaning operations/degassing events.

The Proposed Rule allows for an extended compliance schedule for installation of fitting controls on external floating roofs because those installations require the degassing of the storage vessel. The Proposed Rule states that, "We are allowing up to 10 years in order to align the installation of the controls with a planned degassing event, to the extent practicable, to minimize the offsetting emissions that occur due to a degassing event solely to install the fitting controls." [87 Fed. Reg. 35634] This statement acknowledges that substantial emissions occur during degassing events.

Emissions during periods when tanks are partially or fully emptied, including roof landings and tank cleaning/degassing operations, have frequently been underreported or omitted from permit applications and annual emissions statements. In 2006, the Texas Commission on Environmental Quality (TCEQ) issued a memo identifying procedures for estimating emissions during maintenance operations, stating that, "(t)he TCEQ has identified that storage tank floating roof landing air emissions have probably been under reported" and "(t)his issue is of particular importance in that area as it may play a role in demonstrating attainment."[6] Underreporting of emissions associated with landing and degassing may be exacerbated by the lack of source classification codes (SCCs) for those operations.

The Connecticut Department of Energy and Environmental Protection (CT DEEP) recently modeled gasoline internal floating roof tank (IFRT) operating scenarios as part of a potential to emit (PTE)/New Source Review determination. CT DEEP modeled typical (not drain-dry) IFRT operations with representative standing and working losses and two roof landings, corresponding to the changeover from winter- to summer-blend gasoline and from summer- to winter-blend gasoline. When a single tank degassing/cleaning event was added to this operational scenario, the annual VOC emissions increased by more than a factor of two.

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[5] New York State Department of Environmental Conservation, Albany South End Community Air Quality Study, October 2019, p. 76. Available at: https://www.dec.ny.gov/chemical/108978.html. Accessed July 28, 2022.
[6] Texas Commission on Environmental Quality, "Air Emissions During Tank Floating Roof Landings." Interoffice Memorandum from D. Eden, Deputy Director, Office of Permitting, Remediation, and Registration; D.C. Schanbacher, P.E., Chief Engineer; and J. Steib, Deputy Director, Office of Compliance and Enforcement. December 5, 2006. Available at: https://www.tceq.texas.gov/assets/public/permitting/air/memos/tank_landing_final.pdf. Accessed July 18, 2022.

In conjunction with a 2016 expansion project, NJDEP evaluated emissions from a 140,000 bbl tank using EPA TANKS 4.09d. Emissions from routine operations were estimated at 0.86 tons VOC/year, roof landing emissions at 0.40 tons VOC/landing, and cleaning event emissions at 5.37 tons VOC/cleaning. The facility estimated that 0.312% of the VOC emissions were benzene. Using that estimate, routine operation emissions were estimated at 5.4 lb benzene/year, roof landing emissions at 2.5 lb benzene/landing, and cleaning event emissions at 33.5 lb benzene/cleaning.

Two of the NESCAUM state agencies, NYSDEC and NJDEP, have adopted the short-term exposure level for benzene developed by the California EPA Office of Environmental Health Hazard Assessment, 27 µg/m^3, for evaluating the acceptability of one-hour benzene impacts.[7,8] That health benchmark is based on non-cancer effects. Recent air toxics modeling of short-term emissions during tank refilling after a landing and the vapor space purge portion of a tank cleaning at gasoline terminals permitted by NYSDEC and NJDEP found fenceline one-hour air concentrations to be up to three times higher than the one-hour benzene non-cancer benchmark.

In the Proposed Rule, EPA is removing the current exemption of Startup, Shutdown and Malfunction (SSM) events from the NESHAP requirements [87 Fed. Reg. 35628] to comply with the Sierra Club v. EPA decision, [551 F.3d 1019 (DC Cir. 2008)]. However, a *de facto* exemption for emissions during routine operations that require full or partial emptying of tanks remains in effect because existing controls are not operable during those events. Testing is also not required during those periods.

In recognition of the substantial, often underreported, emissions of VOC and HAPs during operations that involve the full or partial emptying of tanks, several state and local agencies have adopted regulations that limit or prohibit maintenance operations during the ozone season and/or that require controls of emissions from landings and degassing/cleaning operations. The agencies include the South Coast Air Quality Management District;[9] Maine Department of Environmental Protection;[10] NJDEP;[11] and TCEQ.[12]

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[7] DAR-1, *Guidelines for the Evaluation and Control of Ambient Air Contaminants Under 6NYCRR Part 212*, February 12, 2021. Available at: https://www.dec.ny.gov/docs/air_pdf/dar1.pdf. Accessed July 18, 2022.

[8] New Jersey Department of Environmental Protection Division of Air Quality, Bureau of Evaluation and Planning Air Quality Evaluation Section, "Revisions to the NJDEP/DAQ Inhalation Toxicity Values and the Risk Screening Worksheet," June 2020. Available at: https://www.state.nj.us/dep/aqpp/downloads/risk/Chgs2020.pdf. Accessed July 18, 2022.

[9] South Coast Air Quality Management District, Regulation XI – Source Specific Standards, Rule 1149: "Storage Tank and Pipeline Cleaning and Degassing." Available at: http://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1149.pdf?sfvrsn=4. Accessed July 18 2022.

[10] Maine Department of Environmental Protection, Chapter 170, "Degassing Of Petroleum Storage Tanks, Marine Vessels, And Transport Vessels." Available at: https://www.maine.gov/sos/cec/rules/06/chaps06.htm. Accessed July 18, 2022.

[11] New Jersey Administrative Code Title 7, Chapter 27, Subchapter 16, "Control and Prohibition of Air Pollution by Volatile Organic Compounds." Available at: https://www.nj.gov/dep/aqm/currentrules/Sub%2016.pdf. Accessed July 18, 2022.

[12] Texas Administrative Code, Title 30, Part 1, Chapter 115, Subchapter F, Division 3, "Degassing Of Storage Tanks, Transport Vessels, And Marine Vessels." Available at: https://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=5&ti=30&pt=1&ch=115&sch=F&div=3&rl=Y. Accessed July 18, 2022.

In its 2008 regulation proposal package, NJDEP estimated that the adoption of requirements for control of emissions during roof landings in N.J.A.C. 7:27-16.2 (n),(o), and (p) would reduce VOC emissions in New Jersey by 1400 tons/year and requirements for control of cleaning/degassing emissions in N.J.A.C. 7:27-16.2 (q) would reduce VOC emissions by 265 tons/year.[13] NJDEP estimated that compliance with those regulations, along with additional tank requirements included in that package, would result in an increase of gasoline price at the pump of less than $0.01 per gallon, if all costs were passed on to the consumer.[14]

To minimize short-term impacts and contribution to ozone formation, EPA should adopt requirements for control of emissions during operations that involve the full or partial emptying of tanks, particularly for degassing and cleaning operations, and should limit or prohibit maintenance operations during the ozone season. In addition, EPA should assign SCCs to those operations and update emissions calculation methods and software to ensure that those emissions are more accurately reported.

5. EPA should regulate heated asphalt storage tanks to address odors and HAP impacts from those facilities.

The NESHAPs and NSPS addressed in this Proposed Rule are applicable only to gasoline terminals. NESCAUM states are also concerned about odors and health impacts associated with heated asphalt tanks, which are often located near gasoline terminals in neighborhoods that are overburdened by multiple source types. Control equipment, such as carbon beds and mist eliminators, appear to be effective in reducing those impacts at some facilities. Federal regulation of this category is necessary to ensure that all states have the authority to require such controls on new and existing asphalt tanks; this is especially essential for states that do not have odor regulations. EPA should adopt NESHAP requirements for this source category.

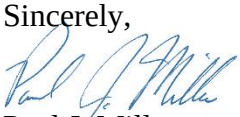
6. Summary

In summary, EPA should evaluate risks from bulk terminal emissions to residents of nearby neighborhoods, including overburdened communities, and that evaluation, along with an improved cost effectiveness analysis, should be used to inform decisions about whether the stringency of the proposed requirements is sufficient. An increased frequency of leak monitoring, as well as the consideration of alternative monitoring methods, should be employed to minimize the length of time that neighbors are exposed to elevated HAP levels associated with undetected leaks. To minimize short-term impacts and contribution to ozone formation, NESCAUM strongly recommends that EPA amend the Proposed Rule to require the control of emissions during operations that involve the full or partial emptying of tanks, particularly degassing and

[13] New Jersey Department Of Environmental Protection Division of Air Quality, "Air Pollution Control and Prohibition of Air Pollution by Volatile Organic Compounds and Oxides of Nitrogen" proposal package. NJDEP Docket Number: 10-08-07/643, Proposal Number: PRN 2008-260, p. 86. Available at: https://www.nj.gov/dep/rules/proposals/080408a.pdf. Accessed July 29, 2022.
[14] *Ibid.*, p. 81.

cleaning operations, and should limit or prohibit maintenance operations during the ozone season. In addition, EPA should regulate heated asphalt storage tanks to address odors and HAP impacts from those facilities.

Sincerely,



Paul J. Miller
Executive Director

cc: NESCAUM Directors
NESCAUM Air Toxics and Public Health Committee
Lynne Hamjian, Cynthia Greene, EPA R1
Rick Ruvo, Kirk Wieber, Matthew Laurita, EPA R2