

May ____, 2023

Dear Administrator Regan:

We write regarding the Environmental Protection Agency's (EPA) proposed rule to revise the current requirements for small gasoline bulk plants under the National Emission Standards for Hazardous Air Pollution [NESHAP Subpart BBBBBB (small bulk gasoline plants)]. We are concerned with the adverse economic impacts Subpart BBBBBB could impose on small business energy marketers, specifically in rural America and areas subject to extreme weather.

Gasoline is typically shipped to customers daily in cargo tank vehicles that pick-up product at a large supply terminal and deliver a full truckload directly into customer storage tanks. However, some customers, including state and local governments, farmers, ranchers, commercial end-users, and first responders, require a smaller volume of gasoline than a full truckload on an even less frequent delivery schedule. In those instances, our constituents'—small, family-owned companies'—bulk storage plants are used as intermediaries. Small gasoline bulk plants, as well as straight trucks or tank wagons, factor into the small gasoline distribution segment.

If finalized, this rulemaking would require the installation of gasoline vapor balancing equipment for delivering to a bulk storage plant and loading a cargo tank wagon at virtually all small, intermediate storage bulk plants. The compliance costs associated with the proposed NESHAP Subpart BBBBBB rule would make the intermediate storage of gasoline at and its distribution from these bulk plants unworkable. This infeasibility is directly tied to the rule's proposal to lower the compliance threshold for small gasoline bulk plants from 20,000 gallons per day of actual throughput to just 4,000 gallons of daily maximum design capacity. Since the proposed threshold in the NESHAP Subpart BBBBBB rule is based on a theoretical maximum design capacity rather than actual daily throughput, almost every small bulk plant in the nation would be negatively impacted by its requirements – forcing them to downsize, close, or face the high cost of compliance. In other words, we see this proposal inevitably and implicitly leading to higher fuel costs or the elimination of intermediate gasoline storage at small bulk plants, impacting supply to end users offering vital services to their local communities and potentially cutting off whole communities during an emergency.

We hope the EPA will withdraw provisions of the proposed NESHAP BBBBBB rule applied to small bulk plant facilities and convene a Small Business Advocacy Review panel to actively engage small business energy marketers in a meaningful discussion on the full extent of the regulatory impact of the proposed rule, as required under the Small Business Regulatory Enforcement Fairness Act. We understand that the EPA takes its mission seriously. However, we hope the EPA will be mindful of its statutory obligation to understand the impact of this rule on small business interests and the American people.

Sincerely,

[Member(s) of Congress]