



May 30, 2006

Docket ID No. EPA-HQ-OAR- 2005-0036
Air Docket, Environmental Protection Agency
Mailcode: 6102T
1200 Pennsylvania Ave., NW
Washington, D.C. 20460

Re: Comments on Proposed Control of Hazardous Air Pollutants from Mobile Sources

The Lane Regional Air Protection Agency (LRAPA) appreciates the opportunity to comment on the proposed revisions to the mobile source air toxics (MSAT) rule. We agree with EPA that mobile source emissions of hazardous air pollutants are a very serious problem and that substantial reduction of benzene content of gasoline is a critical component of the national air toxics strategy. However, we have serious concerns with the proposed benzene content standard based on the following four issues.

Health. The EPA National-scale Air Toxics Assessment (NATA) indicates that benzene is the most significant air toxic for cancer risk and that mobile sources are the major source of benzene. Benzene concentrations in the Pacific Northwest have been among the highest in the nation. For example, benzene concentrations at our air toxics monitoring station in Eugene, Oregon, averaged over ten times the NATA cancer benchmark concentration during 2002-2005 as summarized in the attachments.

Equity. Not surprisingly, based on the high ambient benzene concentrations outlined above, refineries providing gasoline to our area have the highest benzene content in the nation. The EPA proposal, which would allow refiners to average, bank, and trade (ABT) to meet the standard nationally, would cause this inequity to continue.

Technology. Section 202(l) of the Clean Air Act requires EPA to reduce benzene from motor fuels to the greatest extent achievable. We believe that proven technology is commercially available to reduce benzene content substantially lower than proposed by EPA.

Opportunity. It is critical that EPA maximize this opportunity to reduce benzene in fuel. Benzene is the major cancer risk driver in the nation. Most of the benzene emissions are from mobile sources. The MSAT rule revisions are our greatest opportunity to reduce benzene to safe levels.

Our specific recommendations are:

- A national average refiner average benzene standard of 0.52 percent, instead of the EPA-proposed 0.62 percent; and
- An upper limit per-gallon benzene cap no higher than 1.3 percent.

We share the concerns outlined by the Puget Sound Clean Air Agency in their comments on the EPA proposal. The PSCAA comments provide more detail on the basis for our recommendations.

Thank you for the opportunity to comment.

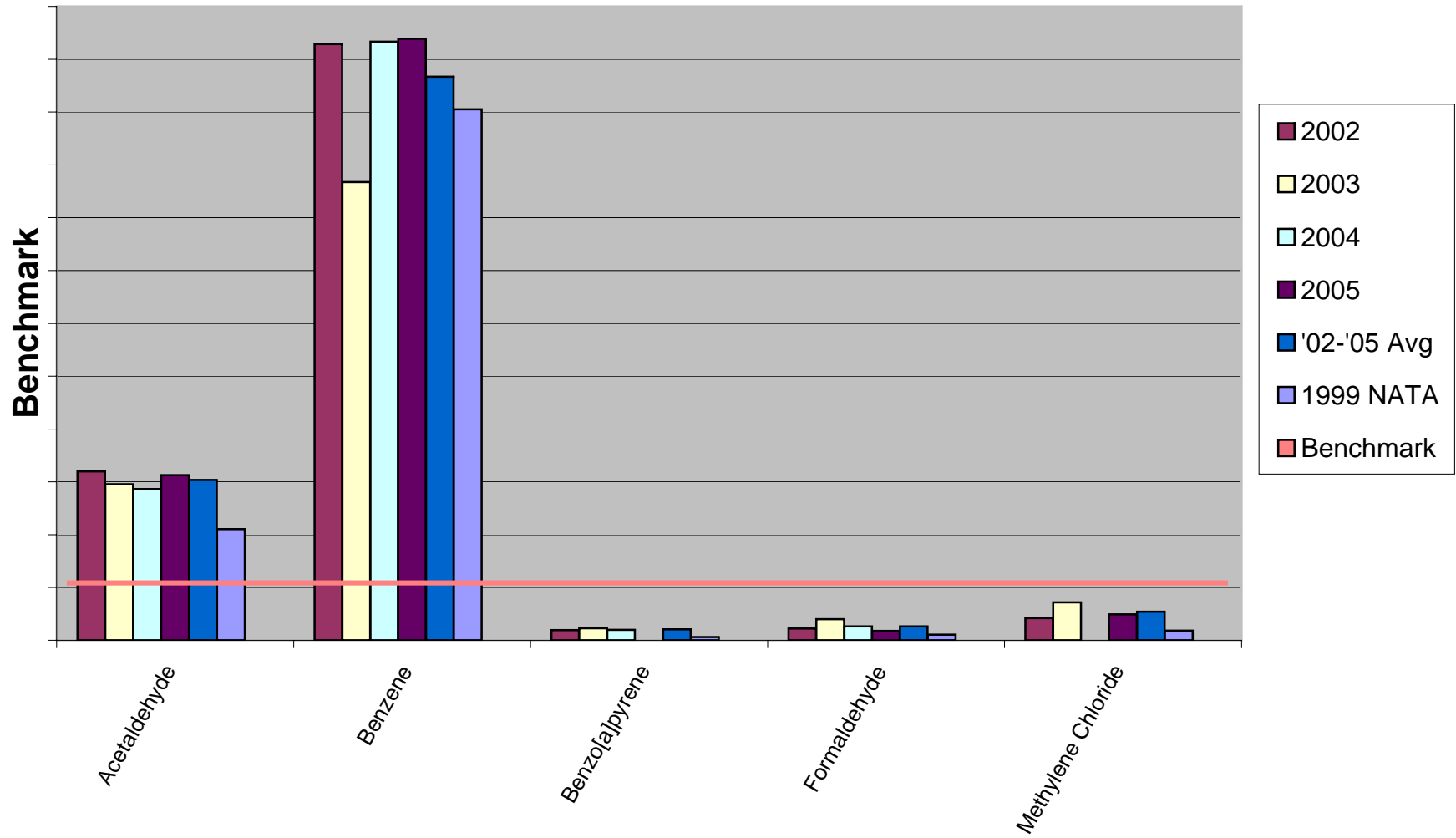
Sincerely,

Merlyn L. Hough, PE, DEE
LRAPA Director

Enclosures

Amazon Park Air Toxics

Annual averages against NATA benchmarks



Sample Date and Time	Minimum Det. Limit	1999 NATA Benchmark	1999 NATA Modeled	Eugene (Oregon) Amazon Park (AMZ) Mean				Average
				2002	2003	2004	2005	
Acetaldehyde	0.03	0.49	1.03	1.56	1.45	1.40	1.53	1.49
Arsenic 10µm	0.0001	0.0005	0.0121	NA	NA	0.0007	0.0007	0.0007
Benzene	0.32	0.13	1.31	1.47	1.13	1.48	1.49	1.39
Benzo[a]pyrene	0.0003	0.0017	0.0001	0.0003	0.0004	0.0003	NA	0.00
Bromomethane	0.39	6	0.10	NA	0.34	NA	NA	0.34
Cadmium 10µm	0.0001	0.00134	0.0001	NA	NA	0.00014	0.00011	0.00012
Carbon Disulfide	0.31	-	NA	NA	NA	0.28	0.29	0.28
Chloromethane	0.21	123	1.25	0.70	0.88	1.29	1.28	1.04
Cobalt 10µm	0.0001	0.5	0.0001	NA	NA	0.0001	0.0001	0.0001
Formaldehyde	0.02	11	1.17	2.42	4.40	2.91	1.92	2.91
Lead 10µm	0.001	-	0.001	NA	NA	0.002	0.002	0.002
Manganese 10µm	0.001	0.1	0.0001	NA	NA	0.01	0.01	0.01
Methylene Chloride	0.35	2.5	0.47	1.06	1.82	NA	1.24	1.37
n-Hexane	0.35	164	0.39	NA	NA	0.26	0.21	0.24
Naphthalene	0.0003	0.03	0.05	0.0022	0.0016	0.0021	NA	0.0020
Nickel 10µm	0.001	0.0571	0.0001	NA	NA	0.0006	0.0006	0.0006
Toluene	0.38	384	3.61	4.54	3.51	4.40	3.88	4.08
Xylenes	0.43	102	2.04	2.49	3.01	3.26	2.50	2.82

all values in ug/m3



Working together for clean air

May 19, 2006

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Comments on
Proposed Control of Hazardous Air Pollutants from Mobile Sources

EXECUTIVE DIRECTOR
Dennis J. McLerran

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Marina Cofer-Wildsmith

Thank you for the opportunity to comment on the proposed revisions to the mobile source air toxics (MSAT) rule. The Puget Sound Clean Air Agency appreciates that EPA is proposing changes that will further reduce harmful MSAT emissions and exposures. We also appreciate that the proposed rule attempts to incorporate a range of MSAT exposure scenarios, including near-roadway, in-vehicle, homes with attached garages, and gas can exposures.

While we're encouraged that overall benzene content in gasoline will be reduced with the proposed content standard, we question the averaging, banking, and trading (ABT) program as an agency in the PADD5 geographic region. We encourage EPA to further reduce the average benzene content and set an upper benzene content limit.

We have serious concerns that the proposed benzene content standard, with its averaging, banking, and trading (ABT) program, is not protective of human health in PADD5. Refineries in our area have the highest benzene content in the country. We appreciate that the proposed rule would result in substantial reduction in benzene content in our area. However, the average PADD5 production content would be 1.04% benzene by volume *after* implementation of the rule, well above levels *already* achieved in other areas of the country in 2003.¹ This level will also be as much as twice the concentration achieved in other areas of the country under the proposed rule. Benzene is a known carcinogen; a proposal that allows such geographically disproportionate emissions and exposures is not protective of areas that will continue to have high benzene content.

The proposed form of the rule, with its ABT program, will not motivate PADD5 refineries to reduce their benzene content sufficiently. According to EPA's regulatory impact analysis, six of the eight PADD5 refineries would likely rely on trading and continue to maintain benzene levels above the proposed 0.62% by volume average.² Fully half of PADD5 refiners would produce gasoline with an average content of 1.0% by volume or higher *after* the proposed rule is in effect. Additionally, very few PADD5 refiners are predicted to take advantage of early operation changes before 2011, with *none* moving into a level less than 1% by volume benzene.³

We recommend that EPA consider reducing the average benzene content to a level that would require refiners to apply maximum benzene reformat control. An average of 0.52% by volume is achievable if all refiners apply maximum benzene reformat control (either extraction or saturation equipment), proven technologies currently in use.⁴

Some conventional gasoline refiners are already achieving benzene concentrations well below 0.52%, as low as 0.29% by volume.⁵ EPA's own impact analysis notes that these technologies "have been demonstrated in many refineries since the mid-90s in the U.S. and should be considered by the refining community as commercially proven technologies."⁶

The 0.62% benzene content proposed in the standard is based on an average that's already achieved through the RFG program. We encourage EPA to take the opportunity with this proposed rule to further reduce exposure to benzene, improving upon levels already achieved. We have additional concerns that this 0.62% level explicitly allows refiners to rely on trading, "creating enough benzene credits to allow refiners in less economically favorable positions to purchase these credits on an on-going basis and use them for compliance purposes."⁷

EPA projects that a national average benzene content of 0.52% would result in a PADD5 average benzene content of 0.67% by volume, significantly less than the 1.04% by volume currently projected with the proposed rule.⁸ This level is clearly more protective of human health.

While requiring saturation and extraction equipment (average benzene content of 0.52%) will result in additional costs, the average nationwide cost is raised to only 0.36 cents per gallon.⁹ Also, the refining industry is well-positioned to recover octane that would be depleted through saturation technology, adding to its feasibility.¹⁰

We recommend that EPA consider setting an upper limit benzene "cap" in conjunction with the ABT program. An upper limit average for refiners will further prevent them from depending on trading credits to meet the proposed standard, and will diminish the potential for areas with disproportionately high benzene content and risk.

We understand the benefit of flexibility offered by EPA's proposed ABT system. An ABT with an upper limit would allow some trading and flexibility, but would also require that refiners take positive steps to reduce their benzene content.

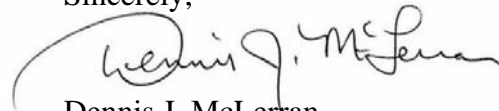
EPA's analysis shows that setting a cap as high as 1.3% by volume (the level currently required in RFG areas) results in a benzene content of 0.88% in PADD5, more protective than the 1.04% under the proposed rule.¹¹ EPA should consider setting the cap as low as 0.78% by volume, the level achievable by the highest-benzene-content-refinery that applies extraction or saturation.¹² We understand that, given batch variability, a per-gallon cap may be prohibitive. Nonetheless, an upper limit average for refiners, calculated annually, should be considered.

We appreciate EPA's extensive process to determine that a benzene content standard is likely the best way to effectively reduce MSATs. Nonetheless, we have concerns that lack of a comprehensive toxics performance standard may allow for future increases in other MSATs. The Agency agrees that, given a choice between MSATs to reduce in fuel, benzene is the most effectively reduced. We also understand the complexity in setting and complying with a performance standard, especially faced with a lack of current data. We encourage EPA to continue to develop a comprehensive dataset for Tier 2 vehicles so that greater confidence can be placed in Complex Model analyses. We appreciate EPA's acknowledgement of the possibility of applying an air toxics performance standard in addition to a fuel benzene content standard.¹³ This would serve as a backstop to ensure that overall toxics performance is maintained. We encourage EPA to continue to explore this option.

In summary, we understand that EPA is required under 202(1) to consider cost in this proposal. Nonetheless, we find that, given the human health risks associated with benzene exposure and the options available at costs of less than a few cents per gallon, EPA should strongly consider strengthening the benzene fuel content portion of the proposed rule.

Thank you again for the opportunity to comment. If you have any questions about these comments, please contact me at (206) 689-4004.

Sincerely,



Dennis J. McLerran
Executive Director

DJM/lh

cc: Puget Sound Clean Air Agency Board
STAPPA and ALAPCO

¹Federal Register. Part II, Environmental Protection Agency. 40CFR Parts 59, 80, 85, and 86. Control of Hazardous Air Pollutants From Mobile Sources; Proposed Rule. Vol.71/No. 60. March 29, 2006. Page 15868, Table VII.C-2.

²US Environmental Protection Agency (EPA). Regulatory Impact Analysis: Control of Hazardous Air Pollutants from Mobile Sources. EPA420-D-06-004. February 2006. Page 6-38, Table 6.5-2.

³EPA. Page 6-40. Table 6.5-4.

⁴EPA. Page 6-32.

⁵Federal Register. Page 15882, Figure VII.F-1.

⁶EPA. Page 6-30.

⁷Federal Register. Page 15866

⁸EPA. Page 9-38. Table 9.6-7.

⁹EPA. Page 9-35, Table 9.6-5.

¹⁰EPA. Page 6-57 through 6-59.

¹¹Federal Register. Page 15903. Table IX.A-2.

¹²EPA. Page 6-32. Figure 6.4-1.

¹³Federal Register. Page 15863.