



February 16, 2010

Via e-mail: a-and-r-Docket@epa.gov
Environmental Protection Agency
EPA Docket Center, 2822T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: Reconsideration of Proposed Rule for Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities, 40 CFR Part 63 Subpart BBBBBB and CCCCCC, Docket No. EPA-HQ-OAR-2006-0406

Dear Mr. Shedd:

The International Liquid Terminals Association (ILTA) is pleased to submit additional comments on the above-referenced Environmental Protection Agency (EPA) proposed rule, as published in the *Federal Register (FR)* on December 15, 2009.

ILTA is an international trade association that represents eighty-one commercial operators of bulk liquid terminals, aboveground storage tank facilities, and pipeline companies located in the United States and 42 other countries. In addition, ILTA includes in its membership more than three hundred companies that supply products and services to the bulk liquid storage industry.

ILTA member facilities include deepwater, barge, and pipeline terminals whose bulk liquid commodities are essential to the national and international economies. These terminals interconnect with and provide services to the various modes of bulk liquid carriers, including oceangoing tankers, barges, tank trucks, rail cars, and pipelines. The commodities handled include petroleum products, chemicals, crude oil, renewable fuels, asphalt, animal fats and oils, vegetable oils, molasses, and fertilizers. Customers who store products at these terminals include oil producers, chemical manufacturers, product manufacturers, food growers and producers, utilities, transportation companies, commodity brokers, government agencies, and the military.

The American Petroleum Institute (API) has submitted comments in this docket regarding several clarifications that EPA presented in the *FR* notice, including those related to process tanks and the redefinition of gasoline to effectively include denatured ethanol and generic transmix. ILTA is a co-signer of that submission. One additional issue not included in those comments is presented below.

Performance Test Requirements and Administrator Approval for CMS Plans, 63.11092

Under the proposed amendments, EPA would require a continuous monitoring system (CMS) for any performance test option chosen under 63.11092 subparagraph (a). This would extend CMS requirements to a population of control devices that had not been previously understood to be subject to the rule. The original rule promulgated in January 2008 stated that a CMS was only required for performance tests under (a)(1) and excluded those addressed under (a)(2) and (a)(3). In EPA's proposed rule, 63.11092 subparagraphs (b) and (b)(1) have been rewritten from the original rule. The result is that CMS would now be required for all facilities covered under (b)(1) through (5).

In addition, as contained in (b)(4) and (b)(5), the proposed rule adds an 'Administrator Approval' step that had not previously been required for sources employing (a)(2) or (a)(3) in lieu of (a)(1). This change would add an approval step to a population of control devices that were not previously deemed subject to this requirement.

Given EPA's departure from initial language of the rule, EPA should allow three years from the date of publication of the final amendments for facilities to comply with all provisions of (b)(1) through (5), including the requirement for Administrator Approval, for those facilities that intend to utilize (a)(2) or (3).

We appreciate the opportunity to submit these comments. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'R. Peter Weaver', is centered on the page.

R. Peter Weaver
Director of Regulatory Compliance and Safety
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