

*U. S. Environmental Protection Agency, EPA West (Air Docket)
1200 Pennsylvania Ave., NW., Room 3334, Mail Code 6102T
Washington, D.C., 20460
Attn: E-Docket ID No. EPA-HQ-OAR-2004-0094*

May 4, 2007

Re: Comments on Proposed Amendments to the General Provisions to the NESHAP regarding the 1995 “Once In Always In” (OIAI) policy for MACT standards

In the January 3, 2007 Federal Register, the Environmental Protection Agency (EPA) published proposed amendments to the national emission standards for hazardous air pollutants (NESHAP). Under the amendments, a major source can become an area source at any time provided that the potential to emit for the source is below the major source thresholds.

The Independent Liquid Terminals Association (ILTA) supports this proposed action by EPA. This proposed amendment would allow a facility, initially permitted as a major source and later with a reduced potential to emit below major source thresholds, to operate under requirements appropriately reflecting current operations. A facility having the potential to emit of more than the major source threshold will be required to continue operating under the maximum available control technology (MACT) and NESHAP standards. Such a practice reflects sound logic.

Of the facilities that once exceeded the MACT threshold whose potential to emit has subsequently dropped well below this threshold, many hold such a minimal likelihood of again reaching the MACT threshold that they should by any standard be released from the major source standards. As an example, MTBE alone required many facilities to become designated as major sources. As most of these facilities no longer or intend to again handle MTBE, they should not be required to remain within the provisions of the MACT standard.

ILTA represents 76 companies and partnerships that operate bulk liquid storage terminals in 41 states, as well as internationally. Their nearly 500 domestic terminal facilities are located in ports and along rivers, canals and pipelines. They serve the vital economic purpose of transferring liquid products from one transportation mode to another. Products handled by our members include crude oil, petroleum products and a wide variety of chemicals, as well as ethanol, biodiesel, vegetable oils, molasses and fertilizers.

You may contact Peter Weaver with questions or for further information at (202) 420-8176.