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President



NPRA

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February 3, 2005

Margo T. Oge, Director
Office of Transportation and Air Quality
Office of Air and Radiation
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W. (6401A)
Washington, D.C. 20460

Mobile Source Air Toxics rule amendments
NPRM, 70 FR 640
EPA Docket OAR-2002-42

Dear Ms. Oge:

The National Petrochemical & Refiners Association (NPRA) appreciates this opportunity to offer comments on EPA's proposed amendments to the default baseline values in the Mobile Source Air Toxics (MSAT) rule. NPRA is a trade association with about 450 members who own or operate virtually all U.S. refining capacity, as well as petrochemical manufacturers who operate similar manufacturing processes. NPRA's refining members include large integrated refiners, large independent refiners, and regional independents as well as small refiners.

It is possible to enjoy reliable and affordable fuel supplies while enhancing the nation's environmental achievements. America's standard of living and overall economic health are closely linked to the availability of energy at reasonable prices. Our nation currently faces significant challenges as it balances growing energy demands from all consuming sectors with its commitment to a cleaner environment. However, the orderly evolution of cleaner-burning fuels and adequate fuel supplies can be achieved only if energy and environmental policymaking is integrated and the costs and benefits are carefully weighed in the context of their impact on energy supplies.

NPRA urges policymakers in the Administration to carefully review the supply side of the energy equation and not to take adequate energy supply for granted. The MSAT rule imposes requirements on the refining industry without adequate regard for its impact on refining flexibility or short-term gasoline producibility.

The proposed effective date for the revised default baseline for conventional gasoline is not expected to cause problems. However, the Agency proposes that the revised, more stringent default baseline for RFG would be effective starting January 1, 2005. This proposed effective date for RFG should be delayed to the beginning of the next compliance period after promulgation, not retroactively to a compliance period that has already started.



Page Number 2

2/3/05

EPA understands that lead time is a consideration. This concern is clearly stated in the NPRM (70 FR 643):

The proposed revised RFG default baseline value is slightly more stringent than the current value, and does require lead time and feasibility considerations. While it was evident from our initial rulemaking that there would be an adjustment to the default baseline values, EPA believes it is reasonable to provide an appropriate amount of lead time for affected parties to consider and plan for compliance with the new standards. This primarily affects those parties subject to the default RFG baseline who are planning to produce or import RFG during 2005.

Evidently, the proposed effective date of January 1, 2005 for the revised, more stringent RFG default baseline value is an inadvertent mistake.

NPRA supports the Agency's use of the batch performance method to calculate default values. We agree that the batch performance method is appropriate and that the fuel parameter method is flawed and invalid because the fuel parameter method introduces inaccuracies in the averaging calculations from the non-linear aspects of the complex model.

Sincerely yours,

A handwritten signature in black ink that reads "Bob Slaughter". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Bob Slaughter
President

cc: C. Brunner (EPA)