

Congress of the United States
Washington, DC 20515

May 22, 2023

The Honorable Michael Regan
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

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 BBBB]. We are concerned with the adverse economic impacts the proposed modification to NESHAP 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 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 BBBB 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 BBBB 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 eliminating 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 Subpart 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,



Kevin Cramer
United States Senator



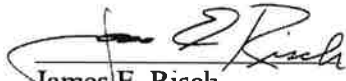
John Joyce, M.D.
Member of Congress



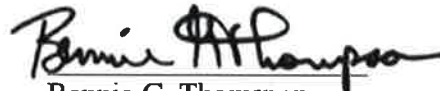
Shelley Moore Capito
United States Senator



Angie Craig
Member of Congress



James E. Risch
United States Senator



Bennie G. Thompson
Member of Congress



Pete Ricketts
United States Senator



Gary Palmer
Member of Congress



John Barrasso, M.D.
United States Senator



Mike Gallagher
Member of Congress



Mike Braun
United States Senator



Tracey Mann
Member of Congress



Bill Cassidy, M.D.
United States Senator



Michael Guest
Member of Congress



Michael S. Lee
United States Senator



Mike Ezell
Member of Congress



John Kennedy
United States Senator



Tim Burchett
Member of Congress



Dan Sullivan
United States Senator



Robert B. Aderholt
Member of Congress



Ted Budd
United States Senator



Marcus J. Molinaro
Member of Congress



Lisa Murkowski
United States Senator



Mike Flood
Member of Congress



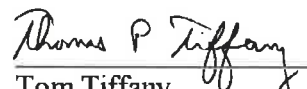
Mike Crapo
United States Senator



Greg Pence
Member of Congress



Charles E. Grassley
United States Senator



Tom Tiffany
Member of Congress



Lindsey O. Graham
United States Senator



Cynthia M. Lummis
United States Senator



Roger Marshall, M.D.
United States Senator



Thom Tillis
United States Senator



Roger F. Wicker
United States Senator



John Boozman
United States Senator



Joni K. Ernst
United States Senator



John Hoeven
United States Senator



Mariannette Miller-Meeks
Member of Congress



Trent Kelly
Member of Congress



Steve Womack
Member of Congress



Pete Stauber
Member of Congress



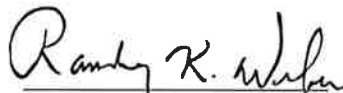
Richard Hudson
Member of Congress



William Timmons
Member of Congress



Mike Rogers
Member of Congress



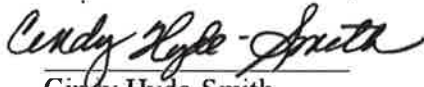
Randy Weber
Member of Congress



JD Vance
United States Senator



Glenn "GT" Thompson
Member of Congress



Cindy Hyde-Smith
United States Senator



Kelly Armstrong
Member of Congress



Deb Fischer
United States Senator



Earl L. "Buddy" Carter
Member of Congress



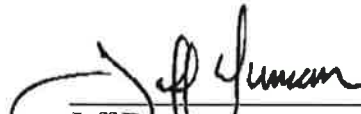
James Lankford
United States Senator



Glenn Grothman
Member of Congress



Ron Johnson
United States Senator




Jeff Duncan
Member of Congress



Ted Cruz
United States Senator



Andy Barr
Member of Congress



Steve Daines
United States Senator




Guy Reschenthaler
Member of Congress

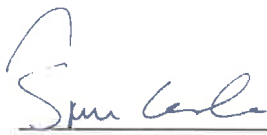


M. Michael Rounds
United States Senator




Stephanie Bice
Member of Congress


John Thune
United States Senator


Tom Cole
Member of Congress

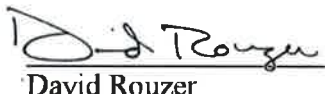

Katie Boyd Britt
United States Senator

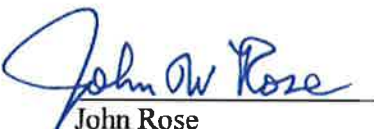

Russ Fulcher
Member of Congress

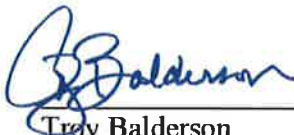

Markwayne Mullin
United States Senator


Bill Johnson
Member of Congress

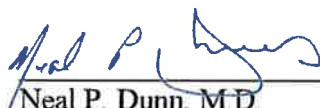

Cliff Bentz
Member of Congress



David Rouzer
Member of Congress

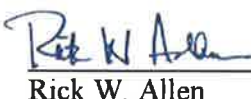

John Rose
Member of Congress


Troy Balderson
Member of Congress

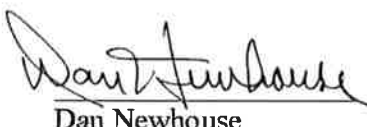

John R. Moolenaar
Member of Congress


Neal P. Dunn, M.D.
Member of Congress


Lori Chavez-DeRemer
Member of Congress


Rick W. Allen
Member of Congress


Julia Letlow
Member of Congress

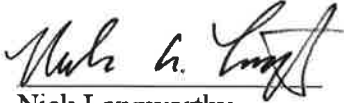

Dan Newhouse
Member of Congress



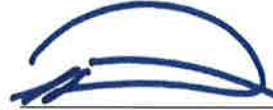
Garret Graves
Member of Congress



Mike Lawler
Member of Congress



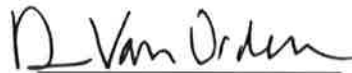
Nick Langworthy
Member of Congress



Scott DesJarlais
Member of Congress



Debbie Lesko
Member of Congress



Derrick Van Orden
Member of Congress



Brad Finstad
Member of Congress



Lauren Boebert
Member of Congress