



**Amoco Petroleum Products  
Supply and Logistics Business Group**

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July 2, 1997

Environmental Quality Board  
Rachel Carson State Office Building  
12th Floor  
400 Market Street  
Harrisburgh, PA 17105-8468

**Proposed Rulemaking -- Gasoline Volatility (25 PA CODE CHS. 121, 126 and 139)**

Dear Sir/Madam:

Amoco is pleased to provide written comments regarding your proposed amendments which would limit the volatility of gasoline sold in the Pittsburgh-Beaver Valley Area during the ozone season. We offer our comments in a constructive manner in order to help facilitate the stakeholder recommendations. Specific comments on individual program components follow:

**May 1 through September 30 Compliance Period**

In order to have the Pittsburgh program compatible with surrounding gasoline programs, we recommend that the state adopt a compliance period identical to the Federal RVP program requirements for conventional gasoline and for reformulated gasoline (RFG). Compatibility with the Federal programs will help ensure that unusual supply problems will not occur. The compliance period requirements should thus read:

Conventional gasoline --  
terminal: 9.0 psi on May 1  
7.8 psi on June 1  
service station: 7.8 psi on June 1

Reformulated gasoline --  
terminal: VOC-controlled RFG on May 1  
service station: VOC-controlled RFG on June 1

Compliance period end date: September 15 (for both conventional gasoline and RFG)

### Ramp-up and Ramp-down periods

The Department requested comments on whether to include a ramp-up and ramp-down period for terminal operators, retail outlets and others in the distribution system to implement the compliance fuel requirements.

We recommend against ramp-up and ramp-down requirements. Such ramp-up and ramp-down requirements add unnecessary complexity to the transition between seasons. We recommend that the above required compliance dates -- i.e., May 1, June 1, September 15 -- be defined whereby the required fuel is to be in compliance at the terminals and service stations, and let the distribution system determine how best to comply in the most efficient and cost effective manner. This system has worked well in many areas for the past several years.

### Emission Reduction Credits

We recommend against a program involving the generation of emission reduction credits when reformulated gasoline is sold rather than 7.8 RVP gasoline. Such a credit program is more complex and expensive to administer for both the marketer and the State. It would involve additional sampling, testing, recordkeeping, reporting and state auditing requirements, which translate into additional program costs.

### Downstream Enforcement Tolerance

The proposed rulemaking is silent on the matter of any downstream enforcement tolerance, which is an integral part of both the Federal RVP program and Federal RFG program. In both of these Federal programs, the downstream RVP enforcement tolerance is 0.3 psi. We recommend that the final rule be explicit in the matter of the allowable downstream enforcement tolerance.

### Program Enforcement

The proposed rulemaking allows the option of selling reformulated gasoline rather than 7.8 psi conventional gasoline. The Board correctly requests comments on the sampling and testing protocol to determine whether gasoline dispensing facilities selling mixtures of 7.8 RVP gasoline and RFG comply with the regulations. We recommend that the State adopt an enforcement program similar to the program adopted by the state of Michigan for the Detroit area where RFG is an option in their 7.8 RVP program.

The State of Michigan enforcement procedures are basically as follows:

1. If the field analysis shows the RVP is 7.8 or less, the gasoline will be deemed to be in compliance with the RVP requirements.

2. If the field analysis shows the RVP is above 7.8 psi but not more than 8.8 psi and the product contains between 9.0 and 10.0 percent ethanol by volume, the gasoline will be deemed to be in compliance with the RVP requirements.
3. If the field analysis shows the RVP is between 7.8 and 8.3 psi, the bills of lading and other delivery documents will be subject to review by the department to determine the source of the product. If the bills of lading and other delivery documents show RFG was delivered, the product will be deemed to be in compliance with the RVP requirements.

### Dispenser Pump Labelling

The proposed rule contains a labelling requirement for gasoline dispensed at any retail outlet. We recommend against any such dispenser pump labelling requirement because neither the Federal RVP program nor the Federal RFG program contains a pump labelling requirement. A pump labelling requirement provides the consumer no significant useful information, and adds additional labelling and label maintenance cost.

Please call if you have any questions or if we can be of additional assistance.

Sincerely,



Robert J. Schaefer  
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November 30, 1998

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**Proposed Amendments to Gasoline Volatility Requirements for the Pittsburgh Area**

Amoco is pleased to provide written comments regarding your proposed amendments which will eliminate the use of Federal reformulated gasoline (RFG) as a compliant fuel in the Pittsburgh-Beaver Valley Area during the ozone season. Amoco is one of the largest marketers of gasoline in the Pittsburgh area and will be directly and substantially impacted by this rulemaking.

**May 1 RVP Requirement at the Terminal**

In 126.301(b), terminals are required to comply with the 7.8 psi RVP requirement by May 1. This contradicts the requirements of the federal volatility requirements which state that terminals are required to demonstrate 9.0 psi compliance on May 1. The State has not demonstrated in their attainment SIP the need for an RVP requirement more stringent than the federal requirement.

On June 11, 1990, the EPA issued a final rule for Phase II summertime volatility requirements which we operate under today for conventional gasoline. Specifically, see 55 FR 23658, "Volatility Regulations for Gasoline and Alcohol Blends Sold In Calendar Years 1992 and Beyond." In this rule, the EPA states, "In the resulting system of standards, all states will receive 9.0 psi RVP gasoline during May. In addition, all states will have an unchanging standard from June through September 15."

Attachment 1 contains the Phase II RVP schedule defining the RVP requirements for each of the states for the months of May through September. Note that in each case, the required RVP for May is 9.0 psi.

In addition, the EPA issued a set of Questions & Answers on November 1993 to further assist in the implementation of the federal RVP rule. Specifically, on Page 2, the following question and answer appeared --

Question: "Can an upstream facility located in a 7.8 psi standard area that supplies gasoline to 7.8 psi standard areas store and dispense 9.0 psi RVP gasoline during the month of May, without violating the volatility regulations?"

Answer: "The volatility regulations set the RVP standard for all facilities in all areas at 9.0 psi for the month of May, even those areas that have a 7.8 psi standard for the month of June 1 to September 15. Therefore, any facility may store or distribute gasoline whose RVP is 9.0 psi or below during the month of May. However, upstream facilities located in 7.8 psi areas that are supplying 7.8 psi areas, must have for distribution gasoline that is in compliance with the 7.8 psi standard on June 1."

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Regarding federal preemption, state governments are preempted under Section 211(c)(4)(C) of the Clean Air Act from prescribing a control regarding a fuel characteristic or component that is not identical to a federal control promulgated under Section 211(c)(1) that is applicable to the same characteristic or component. However, a state can require, through a SIP revision, a more stringent RVP standard for a particular area if the EPA finds that the more stringent standard is necessary to achieve the NAAQS for ozone and approves the SIP revision.

Pennsylvania submitted an attainment plan SIP for ozone for the Pittsburgh-Beaver Valley Nonattainment Area on December 29, 1997. While the SIP states that changes in the program implementation dates were made in order to make it consistent with the Federal fuel program dates, it is silent on why the RVP required on May 1 needs to be different (i.e., 7.8 psi) than the federal Phase II RVP program (i.e., 9.0 psi) which governs for conventional gasoline everywhere else in the country. The SIP makes no demonstration of why the more stringent 7.8 psi RVP is required at the terminal on May 1. Absent such a demonstration, USEPA cannot approve the more stringent requirement.

We therefore strongly recommend that the May 1 RVP requirement at the terminal be changed from 7.8 psi to 9.0 psi. This recommended change in no way changes or diminishes the requirement that the gasoline must meet a 7.8 psi RVP requirement at retail during June 1 through September 15. Also, as we commented in our July 2, 1997 letter, see Attachment 2, regarding the previous proposed rulemaking on this same issue, compatibility with the Federal program also assures that unusual supply problems do not occur.

#### Recordkeeping

In 126.302(c), the Department has proposed that all points in the gasoline distribution network be required to keep records onsite. Amoco supports the recommendation of the Associated Petroleum Industries of Pennsylvania that retail records be allowed to be kept nearby offsite, e.g., district office or terminal facility. Amoco's retail facilities have extremely limited storage space. A district office or terminal facility would be able to provide the retail documents in a timely manner.

Please call if you have any questions or if we can be of additional assistance.

Sincerely,



Robert J. Schaefer  
(312) 856-5963

Attachments

(1) Applicable Standards <sup>1</sup> 1989-1991.

(2) Applicable Standards <sup>2</sup> 1992 and Subsequent Years.

<sup>1</sup> Standards are expressed in pounds per square inch (psi).

<sup>2</sup> Standards are expressed in pounds per square inch (psi).

| State                | May | June | July | August | September |
|----------------------|-----|------|------|--------|-----------|
| Alabama              | 9.0 | 7.8  | 7.8  | 7.8    | 7.8       |
| Arizona              | 9.0 | 7.8  | 7.8  | 7.8    | 7.8       |
| Arkansas             | 9.0 | 7.8  | 7.8  | 7.8    | 7.8       |
| California           | 9.0 | 7.8  | 7.8  | 7.8    | 7.8       |
| Colorado             | 9.0 | 7.8  | 7.8  | 7.8    | 7.8       |
| Connecticut          | 9.0 | 9.0  | 9.0  | 9.0    | 9.0       |
| Delaware             | 9.0 | 9.0  | 9.0  | 9.0    | 9.0       |
| District of Columbia | 9.0 | 7.8  | 7.8  | 7.8    | 7.8       |
| Florida              | 9.0 | 7.8  | 7.8  | 7.8    | 7.8       |
| Georgia              | 9.0 | 7.8  | 7.8  | 7.8    | 7.8       |
| Idaho                | 9.0 | 9.0  | 9.0  | 9.0    | 9.0       |
| Illinois             | 9.0 | 9.0  | 9.0  | 9.0    | 9.0       |
| Indiana              | 9.0 | 9.0  | 9.0  | 9.0    | 9.0       |
| Iowa                 | 9.0 | 9.0  | 9.0  | 9.0    | 9.0       |
| Kansas               | 9.0 | 7.8  | 7.8  | 7.8    | 7.8       |
| Kentucky             | 9.0 | 9.0  | 9.0  | 9.0    | 9.0       |
| Louisiana            | 9.0 | 7.8  | 7.8  | 7.8    | 7.8       |
| Maine                | 9.0 | 9.0  | 9.0  | 9.0    | 9.0       |
| Maryland             | 9.0 | 7.8  | 7.8  | 7.8    | 7.8       |
| Massachusetts        | 9.0 | 9.0  | 9.0  | 9.0    | 9.0       |
| Michigan             | 9.0 | 9.0  | 9.0  | 9.0    | 9.0       |
| Minnesota            | 9.0 | 9.0  | 9.0  | 9.0    | 9.0       |
| Mississippi          | 9.0 | 7.8  | 7.8  | 7.8    | 7.8       |
| Missouri             | 9.0 | 7.8  | 7.8  | 7.8    | 7.8       |
| Montana              | 9.0 | 9.0  | 9.0  | 9.0    | 9.0       |
| Nebraska             | 9.0 | 9.0  | 9.0  | 9.0    | 9.0       |
| Nevada               | 9.0 | 7.8  | 7.8  | 7.8    | 7.8       |
| New Hampshire        | 9.0 | 9.0  | 9.0  | 9.0    | 9.0       |
| New Jersey           | 9.0 | 8.0  | 9.0  | 9.0    | 9.0       |
| New Mexico           | 9.0 | 7.8  | 7.8  | 7.8    | 7.8       |
| New York             | 9.0 | 9.0  | 9.0  | 9.0    | 9.0       |
| North Carolina       | 9.0 | 7.8  | 7.8  | 7.8    | 7.8       |
| North Dakota         | 9.0 | 9.0  | 9.0  | 9.0    | 9.0       |
| Ohio                 | 9.0 | 9.0  | 9.0  | 9.0    | 9.0       |
| Oklahoma             | 9.0 | 7.8  | 7.8  | 7.8    | 7.8       |
| Oregon               | 9.0 | 7.8  | 7.8  | 7.8    | 7.8       |
| Pennsylvania         | 9.0 | 9.0  | 9.0  | 9.0    | 9.0       |
| Rhode Island         | 9.0 | 9.0  | 9.0  | 9.0    | 9.0       |
| South Carolina       | 9.0 | 7.8  | 7.8  | 7.8    | 7.8       |
| South Dakota         | 9.0 | 9.0  | 9.0  | 9.0    | 9.0       |
| Tennessee            | 9.0 | 7.8  | 7.8  | 7.8    | 7.8       |
| Texas                | 9.0 | 7.8  | 7.8  | 7.8    | 7.8       |
| Utah                 | 9.0 | 7.8  | 7.8  | 7.8    | 7.8       |
| Vermont              | 9.0 | 9.0  | 9.0  | 9.0    | 9.0       |
| Virginia             | 9.0 | 7.8  | 7.8  | 7.8    | 7.8       |
| Washington           | 9.0 | 9.0  | 9.0  | 9.0    | 9.0       |
| West Virginia        | 9.0 | 9.0  | 9.0  | 9.0    | 9.0       |
| Wisconsin            | 9.0 | 9.0  | 9.0  | 9.0    | 9.0       |
| Wyoming              | 9.0 | 9.0  | 9.0  | 9.0    | 9.0       |