June 12, 2013

Docket ID No. EPA-HQ-OAR-2011-0135
Air and Radiation Docket and Information Center
Environmental Protection Agency
Mailcode: 2822T
1200 Pennsylvania Ave. NW.
Washington, DC 20460

Dear Sir/Madam,

The Utah Air Quality Board (the Board), as authorized by Utah Statute, appointed by our Governor and approved by our Senate, is the rule-making authority and policy setting body for air quality-related issues in Utah. As members of the Board, we welcome the opportunity to comment on the proposed Tier 3 Vehicle Emissions and Fuel Standards Program (Tier 3 Program). Based on the information provided in the public notice, the Board supports the proposed Tier 3 Program as being a potential crucial tool to assist in attaining and maintaining the National Ambient Air Quality Standards (NAAQS), in order to protect public health and maintain and enhance the quality of life of the people of the state.

Utah faces recurrent episodic air quality challenges for ozone and PM$_{2.5}$. The state currently has three non-attainment areas for the PM$_{2.5}$ NAAQS. In those areas, on-road mobile sources are currently one of the largest source categories for emissions of NO$_x$ and Volatile Organic Compounds (VOCs). However, by federal statute, the state is preempted from setting vehicle emission standards, leaving us with limited options for reducing on-road mobile source emissions.

The proposed Tier 3 Program fills this gap by providing a means of greatly reducing NO$_x$, VOCs, and direct PM$_{2.5}$ from on-road mobile sources. Specifically, the proposed Tier 3 Program will reduce combined NO$_x$ and non-methane organic gas (NMOG, a subset of VOC) emission standards by 80 percent on a fleet average basis and particulate emission standards by 70 percent on a per-vehicle basis.

The Board recognizes that the proposed Tier 3 Program addresses the vehicle and its fuel as an integrated system. The proposed low-sulfur gasoline component (Tier 3 Gasoline) – which would reduce sulfur content to an average of 10 ppm – is required to enable the advanced emissions
reduction technologies that will be installed on new vehicles by automobile manufacturers beginning in 2017. In addition to enabling these advanced pollution cutting technologies, the Board recognizes that the Tier 3 Gasoline with 10 ppm sulfur content will also yield immediate and significant emissions reductions in our existing fleet of vehicles beginning on the day the fuel becomes available at the pump. We support the penetration of Tier 3 Gasoline into the market in Utah as soon as possible.

The Board further recognizes that the low-sulfur gasoline component of the proposed Tier 3 Program will require significant investments by Utah’s petroleum refineries. The Board supports EPA’s efforts to mitigate the economic impacts of the Tier 3 Gasoline on this industry, including, but not limited to, providing an averaging, banking, and trading (ABT) program to spread out the cost of these investments and proposing hardship provisions and flexibility provisions (e.g., delayed implementation) for small volume refineries such as those found in Utah. Recognizing the benefits of Tier 3 Gasoline on mobile sources, we also encourage the final rule to allow minor increases of emissions from the production of Tier 3 Gasoline to be offset by the reduction from mobile source fleet-wide emissions within the nonattainment area. This offset would only be allowed following the application of Best Available Control Technology (BACT) or Lowest Achievable Emission Rate (LAEER) technology to any changes to the refining operations. The Board encourages EPA to continue to work with national and local petroleum refiners to address lingering concerns; to identify additional operational safeguards, if necessary; and to protect the economic vitality of this critical industry in Utah.

Finally, the Board encourages EPA to provide additional analytical tools to the Utah Division of Air Quality in a timely manner to help the division and its partner agencies further assess the specific benefits and limitations of the proposed Tier 3 Program in helping the state attain and maintain the NAAQS through its planning efforts.

Sincerely,

Stephen C. Sands II, Chair
Utah Air Quality Board