Mr. Robert L. Greco, III  
Group Director  
Downstream & Industry Operation  
American Petroleum Institute  
1220 L Street, N.W.  
Washington, D.C. 20005

Dear Mr. Greco:


In responding to your request, we note that the procedures the EPA has followed for the Tier 3 proposal meet, and exceed, all legal requirements, including requirements in the Clean Air Act for publication of the proposed rule in the Federal Register and public participation opportunities such as the public comment period and public hearing. The EPA provided early notice and public access to the Tier 3 proposal and docket and held two public hearings, going beyond the procedural steps required by law, to promote transparency and public participation in the Tier 3 rulemaking. Nonetheless, we have decided to provide an extension of the comment period to July 1, 2013.

We considered several factors in reviewing your request. As noted above, the proposal was prominently posted and available for public review upon signature, on March 29, 2013. API was provided with specific notice of the proposal’s availability at that time. Thus, with this extension, commenters will have, as a practical matter, over 90 days to review the proposed rulemaking. In addition, we provided notice in the Federal Register on April 8, 2013 of the location of the docket, the dates for the public hearings, and the duration of the comment period. The EPA has complied with all legal requirements regarding the timing for comments. With our decision to extend the comment period to July 1, 2013, although not legally mandated, we have also provided more than thirty days since the date of publication of the notice of proposed rulemaking. We conclude that commenters have been provided sufficient time to review and provide comments on the proposed rule.

Further, there are several factors that weigh against providing all of the additional time requested. As discussed in the notice of proposed rulemaking, the air quality improvements from the Tier 3 program will be critical for states to attain and maintain the existing health-based National Ambient Air Quality Standards (NAAQS). In addition, it is important for the Tier 3 program to be closely aligned with the California LEV III program, including the timing of implementation, to avoid unnecessary burdens on the auto manufacturing industry. Allowing the comment period to be extended beyond July 1 could endanger the timely implementation of this program and reduce compliance leadtime for regulated parties.
In consideration of all of these factors and the importance of completing the rule as soon as possible, while giving serious consideration to your request, we are extending the comment period to July 1.

In addition to the two public hearings that the EPA held on April 24, 2013, in Philadelphia and April 29, 2013, in Chicago, API requested that the EPA schedule a third public hearing. We do not intend to hold an additional public hearing. However, my staff are available to meet with representatives from API and member companies if you wish to present further comments on the proposed rule.

API also requested information about the number of Tier 2 sulfur credits remaining in circulation. We are in the process of considering this request.

EPA will publish a notice shortly in the Federal Register notifying the public of this limited extension of the comment period. Thank you for your participation in this important rule.

Sincerely,

[Signature]

Christopher Grundler, Director
Office of Transportation and Air Quality