May 10, 2013

CERTIFIED MAIL
Mr. Robert Perciasepe
Acting Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Subject: Request for an Extension of the Public Comment Period on EPA’s Proposal for Tier 3 EPA-HQ-OAR-2011-0135

Dear Mr. Perciasepe:

We are writing to request the Agency extend the public comment period on EPA’s Proposed Tier 3 gasoline standards to allow 90 days following publication in the Federal Register.

Since its recent announcement on March 29, 2013, the Tier 3 rulemaking has been handled in a very unusual manner and appears to be outside the process as provided for in the Clean Air Act. The Agency recently held two public hearings which were only announced in an April 8 Supplemental Federal Register notice along with the June 13, 2013, comment period end date. However, the Notice of Proposed Rulemaking (NPRM) has not yet been published in the Federal Register. This is a significant departure from the normal rulemaking process which sets both the hearing date and written comment period in the Federal Register NPRM publication. We are concerned that the process currently being followed will not allow stakeholders sufficient time to evaluate the rule and its accompanying information. We believe this is particularly important for a rule as complex as this one with the sheer volume of information to be digested.

Furthermore, the pre-publication version of the proposed rule is 938 pages in length, the draft regulatory impact analysis is 532 pages long and there are over 250 pages of technical support documentation. This is all in addition to over 750 supporting documents which were added to the docket several weeks after the rule was issued. In this time-frame, it is not feasible for us to be able to thoroughly review and provide thoughtful responses to EPA’s requests for comment included throughout the proposal.

EPA had been purporting to issue the Tier 3 proposal well before now but was delayed in its efforts to issue the rule. Now that the proposal has been signed, it appears the EPA is attempting to rush the process. The delay in getting the proposed rule issued should not shorten the public review and input process. This rule covers a broad range of provisions including tailpipe emission standards, new certification fuel specifications, new gasoline specifications, E85, and performance based testing methods. It is essential that more time be provided for review and comment.
The recently announced comment period ending June 13, 2013, falls well short of the necessary time for us to be able to fully evaluate the proposed changes that will significantly impact our operations. We ask the Agency to extend the public comment period and allow 90 days following publication in the Federal Register.

Sincerely,

Robert A. Herman
Senior Vice President, Health, Safety and Environment

CC:

Ms. Gina McCarthy
Assistant Administrator

Mr. Chris Grundler
Director, Office of Transportation and Air Quality

Mr. Paul Machiele
Director, Center for Fuel Programs