



News Release

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NPRA FILES COMMENTS OPPOSING EPA'S PSD, GREENHOUSE GAS TAILORING RULE

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WASHINGTON, D.C. – NPRA, the National Petrochemical & Refiners Association, submitted comments December 23 to the Environmental Protection Agency (EPA) opposing its proposed rulemaking on “Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule.”

“The path to [Clean Air Act (CAA) greenhouse gas (GHG)] regulation that EPA has chosen is difficult, uncertain, and unnecessarily risky in these troubling economic times,” the Association states in its comments. **“The Tailoring Rule that is the subject of these comments is doomed to failure...”**

“Fortunately, the timing, manner, and content of EPA’s overall approach to regulating GHGs under the CAA is firmly with the Agency’s control. Our comments below outline ways in which EPA could proceed down alternative pathways that provide more sensible regulation without resort to extraordinary administrative law principles that cannot be applied in these circumstances. ...

“In sum, EPA is not required to follow the regulatory pathway the Agency has chosen to pursue in this proposed rulemaking or in the Section 202 rulemaking proposed in late September. The regulation of GHGs under authority of the Clean Air Act, as this course of action is being currently defined by EPA, undoubtedly represents the largest expansion of the Agency’s CAA authority since the enactment of the ‘modern’ CAA in 1970. Yet EPA has failed to provide the public with anything approaching a complete economic analysis of this seminal event. Instead, the Agency has ignored statutory obligations to conduct required and appropriate regulatory analysis, analysis that could outline alternatives to the course of regulation that EPA has chosen or demonstrate less costly approaches to any regulations that may ultimately be required.

“In addition, in this proposed rule, the Section 202 Rule, the 2008 ANPR and other documents, EPA posits deeply flawed legal theories for GHG regulation under the CAA. These legal theories could send the Agency down a path of applying GHG command and control technology to thousands of individual sources in the near-term and millions of individual sources in the longer run. The Agency must stop this rush to judgment and its headlong plunge into increasing the burdens on our economy.”



Recommendations to EPA from NPRA's Comments

- “EPA could interpret the CAA to trigger [Prevention of Significant Deterioration (PSD)] only once a NAAQS has been established for a pollutant. Under this interpretation, which is fully consistent with the CAA and EPA's regulations, the 202 Rule would result in GHGs only being subject to Best Available Control Technology (‘BACT’) requirements if a source otherwise triggers PSD for a criteria pollutant.
- “EPA could delay issuance of the 202 Rule until the agency and the states are better prepared to address GHG permitting. EPA could use this time to pursue streamlining of PSD and Title V requirements on an aggressive timescale to avert the large economic impacts that the Agency indicates Congress did not intend.
- “EPA can specify that under the 202 Rule the date when GHGs are considered subject to ‘actual control’ is when vehicle manufacturers must comply with an attribute-based standard for Model Year 2012. This will avoid an imminent PSD trigger for stationary sources and give states and EPA more time to address GHG permitting issues.”

– NPRA –

NPRA members include more than 450 companies, including virtually all U.S. refiners and petrochemical manufacturers. Our members supply consumers with a wide variety of products and services used daily in their homes and businesses. These products include gasoline, diesel fuel, home heating oil, jet fuel, lubricants and the chemicals that serve as “building blocks” in making everything from plastics to clothing to medicine to computers.