



PENNSYLVANIA STATE ASSOCIATION OF TOWNSHIP SUPERVISORS

April 19, 2021

**To Whom it May Concern**

**U.S. EPA**

**Docket ID No. EPA-HQ-OAR-2020-0448**

*Comments on E15 Compatibility with Underground Storage Tanks*

The Pennsylvania State Association of Township Supervisors represents Pennsylvania's 1,454 townships of the second class and is committed to preserving and strengthening township government and securing greater visibility and involvement for townships in the state and federal political arenas. Townships of the second class cover 95% of Pennsylvania's land mass and represent more residents — 5.5 million Pennsylvanians — than any other type of political subdivision in the commonwealth.

PSATS strongly supports safety requirements for underground storage tanks, including those that will enhance storage tanks safety, provided that these rules are balanced with a review of the required cost. Our members have hundreds of these tanks that are used to store fuel for township fleets. These fleets are very small to medium-size and are used to provide essential governmental functions, including public safety, road maintenance and construction, and codes enforcement. We believe this rulemaking would impose additional costs on our members for maintaining their tanks without a safety benefit.

We agree that compatibility between tanks and component materials must equal or exceed the biofuel percentage of the stored fuels. Under current rules, all UST systems must be compatible with the substance stored. If a UST tank will be used to store biofuels, a notify of intent to store must be filed by the tank owner, compatibility must be documented, and records must be kept.

Our concern is that our members have existing tanks which are not compatible with the use of ethanol blends up to 100 percent. As we understand the rulemaking, if our members needed to replace any of the component parts, they would need to purchase biofuel compatible parts up to E100 *even if their tank was not compatible with E100 and the member had no intention of storing E100 because their fleet is not compatible with it.*

We view this rulemaking as an unneeded and ineffective unfunded mandate with phantom benefits for this reason and do not see a safety benefit for this requirement for UST owners who will not be using E100 or even E25. Instead, it would unnecessarily require UST owners to purchase premium component parts, which could lead to delayed replacement and have the unintended consequence of creating systems that are functioning with component parts that need replacement.

PENNSYLVANIA STATE ASSOCIATION OF TOWNSHIP SUPERVISORS

Use of the proposed piecemeal approach only works to increase overall cost, as the environmental benefit of a higher cost hose or other component is not realized until the whole system is upgraded.

We must also question the requirement that all new tanks be compatible with 100 percent biofuels. Due to the lack of vehicles, particularly work trucks, that are compatible with 100 percent biofuels, we believe this is another unnecessary and expensive mandate for keeping fuel that is substantially less than 100 percent biofuels. While we agree that the most efficient way to require these upgrades is when the entire tank is upgraded, we would suggest a lower standard, such as E25 compatible versus E100 compatible. Again, we are concerned that this is an unfunded mandate and could lead to tanks not being replaced in a timely manner.

For liability reasons, a supplier would not dispense its product into a tank that the pumper cannot verify will properly contain the dispensed product. As such, if the concentration of biofuel increases as the agency expects, then we will see the private sector require the needed improvement as a business risk management decision that also benefits the environment.

Again, we do not believe this regulation is appropriate for tanks for public entities that are maintaining fleets for purely governmental purposes. Instead, we would suggest a few alternatives:

- Create a trigger for compatibility within the regulations when the current tank does not meet important safety-derived ethanol concentrations for the fuel that the owner would like to store in it.
- Establish a *de minimus* level below which these required upgrades are not required, such as for small and medium sized public entity tank owners using storing fuel exclusively for their fleets.

In addition, such regulations should be accompanied by financial support, such as a loan or grant program there should also be a loan or grant program to help local governments fund any required upgrades.

Thank you for the opportunity to comment on this proposed rulemaking.

Sincerely,



David M. Sanko  
Executive Director

cc: Senator Gene Yaw  
Representative Daryl Metcalfe  
Kris Shiffer, Pennsylvania Department of Environmental Protection