

## Focus on Fuels

### In This Issue

[TM&C Services](#)

[Tier 3 Proposed Regulations Comments](#)

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### TM&C Services in Fuel Regulations

TM&C provides a full range of services in its fuels regulatory practice. Some of these services are listed below:

- Preparing, reviewing and submitting fuels reports, including CDX submissions.

If you want to submit comments to the EPA concerning the proposed Tier 3 Gasoline Sulfur Regulations and/or the other supplemental changes to the regulations, you must submit your comments by Monday, July 1, 2013. Your company or association will issue its official responses on the requirements of the Tier 3 Gasoline Sulfur Regulations. However, you might want to review and comment on the proposed regulations changing the reporting dates and the procedures for moving to performance based property testing.

### Tier 3 Proposed Regulations Comments

Besides the regulations for the Tier 3 Gasoline Sulfur Regulations, the EPA is proposing other "technical" amendments to the regulations in its proposed rule for the Control of Air Pollution from Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards (78FR98, May 21, 2013, 29816 - 30191). Two of these operationally based technical amendments are the changes to report due dates and the certification of test procedures for gasoline and diesel properties that must be measured to comply with the regulations.

The change in the reporting date for the fourth quarter and annual reports could significantly impact those who report to the EPA under 40 CFR 79 & 80. The reporting deadline for those reports is being pushed back by a month to March 31. The reporting deadline for the first quarter of the year is being pushed back by only a day to June 1. In addition, the reporting deadline for attestation reports remains the same at May 31. Those involved in generating and submitting reports to the EPA

- Facility audits for compliance with fuels programs.
- Interaction with EPA to pose fuels related questions.
- Industry specialist assistance for required gasoline attestations.
- Industry specialist assistance for in-line blending audits.
- Assistance in setting up a fuels compliance group/program.
- Personnel reviews of compliance related groups.
- Compliance status reviews and recommendations .
- Negotiations/consultation during EPA enforcement actions.
- 3rd Party Engineering reviews.
- Due diligence reviews of facilities and companies in RFS RINs Program.

should note that based on these new reporting deadlines, the months of April and May will become even busier for you. You may want to comment that extending the deadline for attestation reports by a month to June 30 would reduce your workload.

Under the proposed regulations, after November 29, 2014, the determination of sulfur in gasoline must be performance-based, and other gasoline tests must be by the approved method or be performance-based. The performance-based approval procedures are similar to those for the diesel sulfur determination. However, the EPA has added the additional step that the performance-based procedures require an "independent third-party scientific review and written report, and verification of the information provided". The report and verification requires a site visit and review "by an independent chemist and statistician who has received at least a bachelor's degree in science from an accredited college in the United States with professional work experience in the petroleum or oxygenate field".

If you wish to comment on the regulations, the Docket ID is EPA-HQ-OAR-2011-0135. Comments can be filed on line at [www.regulations.gov](http://www.regulations.gov) - follow the on-line instructions for submitting comments - or by email to [A-and-R-docket@epamail.epa.gov](mailto:A-and-R-docket@epamail.epa.gov). EPA requests that you identify yourself and provide contact information somewhere in the comments you provide.

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