



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 01 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

Richard A. Hyde, Executive Director
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, TX 78753

RE: No Action Assurance for the Loading of Tank Fuel Trucks at Petroleum
Distribution Terminals in Texas

Dear Director Hyde:

This letter is in response to the need for a No Action Assurance (NAA) to facilitate the distribution of fuel to the areas of Texas and Louisiana that were impacted by Hurricane Harvey. Specifically, because the shipment to some areas of critically needed fuel supplies is not currently possible due to damage to infrastructure and flooding, it is necessary to rely on tanker trucks in order to distribute fuel to these areas. I understand that because of the large number of tanker trucks that will be needed to provide an adequate supply of fuel to these areas, some tanker trucks may not be registered with distribution terminals as having completed all of the requisite testing for tank tightness and have the documentation to prove it as required by the Clean Air Act's New Source Performance Standards (NSPS), the National Emissions Standards for Hazardous Air Pollutants (NESHAP), and by the parallel provisions of the Texas State Implementation Plan (SIP).

The need for this request is to address severe fuel shortages that have resulted from damage caused by Hurricane Harvey to the fuel distribution systems in Texas and Louisiana. In light of this emergency situation, EPA will exercise its discretion not to pursue enforcement for violations of the tank tightness and documentation requirements of 40 C.F.R. Part 60, Subpart XX, 40 C.F.R. Part 63, Subpart R, and 30 Tex. Admin. Code sections 115.234-.235.

This NAA is in effect commencing September 1, 2017, and terminates on September 15, 2017, at 11:59 PM CDT. EPA reserves the right to revoke or modify the NAA if the EPA believes that such action is necessary to protect public health and the environment. This NAA does not apply to any other federal requirements that may apply to regulated activities other than those listed above.

As a condition of this no action assurance, tank truck owners and operators shall ensure that all trucks meet all other relevant Federal and state safety standards. Nothing in this NAA is intended to override state or local authorities.

The issuance of an NAA for this period of time is in the public interest. Through today's NAA, the EPA is continuing its commitment to address the very difficult circumstances caused by Hurricane Harvey.

If you have any questions about this NAA, please contact Phillip A. Brooks, at 202-564-0652 or brooks.phillip@epa.gov.

Sincerely,



Lawrence Starfield
Acting Assistant Administrator

cc: Samuel Coleman, P.E., Acting Regional Administrator, EPA Region 6