Congress of the United States
Washington, DC 20515

July 24, 2013

Ms. Gina McCarthy
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Re: EPA Proposed Rule: Revisions to Existing Requirements and New Requirements for Secondary Containment and Operator Training (EPA–HQ–UST–2011–0301)

Dear Ms. McCarthy:

We are writing to express our concern about the U.S. Environmental Protection Agency's (EPA) proposed rule amending 40 CFR Parts 280 and 281; Revisions to Existing Requirements and New Requirements for Secondary Containment and Operator Training (EPA–HQ–UST–2011–0301), published in the Federal Register on November 18, 2011. In light of the regulatory cost impact of the proposed rule on small businesses, we respectfully request that the EPA withdraw the proposed rule and form a Small Business Advocacy Review (SBAR) panel.

After doing its own evaluation of the economic impacts of the proposed rule, the EPA estimated a compliance cost of $900 which they conclude would not constitute a significant economic impact on small businesses. However, according to industry experts, a more realistic estimate of the cost of compliance is $6,960 annually which could be particularly burdensome, especially since much of the convenience store industry is comprised of small businesses. Many of those businesses who were interviewed by EPA as part of the cost evaluation tell us that the scope of evaluation was not adequate to determine the full impact of the proposed rule.

Also, the Small Business Administration's (SBA) Office of Advocacy was not contacted as contemplated by the Regulatory Flexibility Act, and EPA has not had the benefit of a Small Business Regulatory Enforcement Fairness Act (SBREFA) panel process to evaluate the costs and benefits of the proposed rule. We believe EPA would benefit from the panel and the expertise of the industry in assessing costs and perhaps finding a more effective and economical tank release and monitoring program.

Ultimately, the discrepancy between the agency cost estimates and the industry estimates cause us concern and warrants further evaluation. We respectfully suggest that the proper remedy would be to withdraw the proposed rule and form a Small Business Advocacy Review (SBAR) panel to address the issues raised.

Thank you for your consideration. We look forward to hearing from you.

Sincerely,

Gregg Harper
Member of Congress

John Barrow
Member of Congress

Leonard Lance
Member of Congress

Mike Simpson
Member of Congress

Tim Griffin
Member of Congress

Steve Womack
Member of Congress

Renee Ellmers
Member of Congress

Mark Amodei
Member of Congress

Alan Nunnelee
Member of Congress

Bill Cassidy
Member of Congress

Mike Pompeo
Member of Congress

Robert E. Latta
Member of Congress

Marsha Blackburn
Member of Congress

Steve Pearce
Member of Congress

Rick Crawford
Member of Congress

Gus Bilirakis
Member of Congress

Lee Terry
Member of Congress

Tom Cotton
Member of Congress

Tom Latham
Member of Congress

Adam Kinzinger
Member of Congress

Steve Daines
Member of Congress

Billy Long
Member of Congress

Paul A. Gosar
Member of Congress

Jason Chaffetz
Member of Congress

Rob Bishop
Member of Congress

Walter Jones
Member of Congress

Jeff Duncan
Member of Congress

Mick Mulvaney
Member of Congress

David P. Roe, M.D.
Member of Congress

Cory Gardner
Member of Congress

Cathy McMorris Rodgers
Member of Congress

Brett Guthrie
Member of Congress

Robert B. Aderholt
Member of Congress

Bill Johnson
Member of Congress

Bill Huizenga
Member of Congress

Mo Brooks
Member of Congress

Virginia Foxx
Member of Congress

Greg Walden
Member of Congress

Mike Rogers (AL)
Member of Congress

Daniel Webster
Member of Congress

Adrian Smith
Member of Congress

Ann Wagner
Member of Congress

Mike Rogers (MI)
Member of Congress

Steve Southerland II
Member of Congress

Rodney Davis
Member of Congress

Markwayne Mullin
Member of Congress

Todd Rokita
Member of Congress

Kevin Cramer
Member of Congress

Martha Roby
Member of Congress

Blaine Luetkemeyer
Member of Congress

Gene Green
Member of Congress

Vicky Hartzler
Member of Congress

Todd Young
Member of Congress

Jackie Walorski
Member of Congress

Steven Fincher
Member of Congress

Scott DesJarlais
Member of Congress

Diane Black
Member of Congress

Jim Matheson
Member of Congress

CC:
Ms. Carolyn Hoskinson
Director
Office of Underground Storage Tanks