



November 20, 2002

Mr. David Lopez, Director
Oil Pollution Center (Mail Code 5203G)
U.S. Environmental Protection Agency
Ariel Rios Federal Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: RIN 2050-AC62 Final Rule; Clarification of "Loading Rack"

Dear Mr. Lopez:

This letter comes on behalf of the Automotive Oil Change Association (AOCA) and reflects the concerns of the ad-hoc automotive service sector coalition whose members include AOCA, the National Automobile Dealers Association (NADA), and the Automotive Service Association (ASA). The automotive service sector, comprised primarily of small businesses, would have faced extreme hardship without the impending Environmental Protection Agency (EPA) clarification to the definition of "loading rack" as it is used in the final rule entitled *Oil Pollution Prevention and Response; Non-Transportation-Related Onshore and Offshore Facilities* (67 Fed. Reg. 47042; July 17, 2002). We very much appreciate your decision to provide this necessary clarification.

Automotive Service Sector Background

AOCA represents approximately 3,000 independent fast lube facilities in forty-eight states and nine countries. AOCA members, virtually all of whom are classified as small businesses according to Small Business Administration size standards, provide automotive services with an emphasis on the provision of oil changes. NADA represents 20,000 franchised automobile and truck dealers who sell new and used motor vehicles and engage in service, repair and parts sales. Together they employ in excess of 1,000,000 people nationwide, yet more than 60% are small businesses as defined by the Small Business Administration. ASA is the largest not-for-profit trade association of its kind, internationally serving more than 12,000 member-businesses, representing over 65,000 professionals from all segments of the automotive service industry.

Definition of "Loading Rack"

Facilities in the automotive service sector utilize fairly small motor oil storage containers, primarily aboveground storage tanks and drums ranging from 55 to 1,600 gallon capacity, which are filled and/or emptied by means of a hose attached to a transport vehicle. None of the facilities represented by AOCA, NADA or ASA have "loading racks" as that term is commonly understood in the oil industry. Until 2001, neither the SPCC regulation itself nor EPA enforcement activities gave us any idea that EPA considered automotive service facilities to be

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Mr. David Lopez
Director, EPA Oil Pollution Center
11/20/2002
Page 2 of 2

covered under provisions specifically related to the elaborate piping structures associated with the mechanisms of multi-million gallon tank farms.

In our view, if the regulatory text for subsection 112.7(h) in the final rule applies to automotive service facilities, then it was published without proper notice and comment. An excellent indicator of lack of notice is the glaring lack of commentary against the interpretation on behalf of the automotive service sector in response to the various proposals over the last decade. If we'd had a clue that EPA planned to treat "loading rack" as interchangeable with "loading area," the roar would have been deafening. First, it is unlikely that external facility secondary containment around loading/unloading areas could be achieved within the limited space involved without impacting facility operations and violating building and fire codes. Second, the cost to retrofit existing automotive service facilities (including engineering and legal fees) could easily exceed the cost of building brand new facilities. This is a price tag small businesses simply cannot afford.

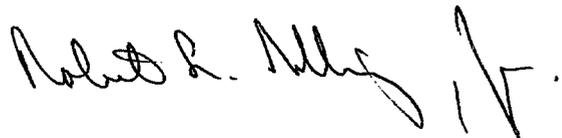
It is our understanding that the EPA clarification currently in development will specify that "loading rack" refers to either a facility loading/unloading with a "hard piping or structure" or a bulk facility loaded/unloaded with a hose. Bulk storage in this context would refer to storage for further distribution; i.e., not the kind of storage associated with the automotive service sector. Again, we are both relieved and grateful that EPA is taking the opportunity to resolve this industry-breaking issue on its own initiative. Should you require additional information or industry input in general, please contact the undersigned. We would be happy to arrange a conference call or meeting for you with members of the ad-hoc automotive service sector coalition.

Thank you for your continued attention to this matter.

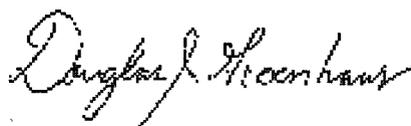
Sincerely,



Joanna L. Johnson
AOCA Policy Advisor



Robert L. Redding, Jr.
ASA Washington, D.C. Rep.



Douglas I. Greenhaus
NADA, Director of Environment Health & Safety