



*National Biodiesel Bo.*  
605 Clark Ave.  
P.O. Box 104898  
Jefferson City, Missouri 65110-4898  
(573) 635-3893 *pi*  
(573) 635-7913 *fa*

Public Comment  
UST Regulations  
Deadline: 1/2/12 by 5:00 PM



January 2, 2012

**Via Electronic Filing**

Jeanie Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor, Sacramento, CA 95814

SUBJECT: Comment Letter – Proposed UST Regulations

The National Biodiesel Board (NBB), the trade association for the U.S. Biodiesel Industry, is pleased to submit the following comments regarding the proposed UST Regulations under section 2631 Article 3 (commencing with section 2360), chapter 16, division 3, title 23 of the California Code of Regulations.

NBB supports the proposed regulatory action for new underground storage tank design, construction, and monitoring requirements, without modification.

We do have two suggestions for future work or consideration in the area of UST approvals specific to biodiesel and biodiesel blends, but do not believe the future work or consideration should impact approval process of the proposed regulations.

NBB would also like to take this opportunity to commend the California Water Board leadership and staff for their hard work, dedication, and commitment to this rulemaking. The Water Board staff has done an exemplary job of working with the technical community on this issue. This is a common sense rulemaking which is needed due to the long lead time for the development and approval of protocols for new fuels that are being developed—and the subsequent testing of these new fuel to those new protocols. It is testament to the dedication of the Water Board staff that these regulations will be completed well in advance of the expiration of the temporary variance in June 2012, even in the face of furloughs and shorter working hours.

NBB is currently working cooperatively with UL and the US Department of Energy on various testing protocols used by UL and other third party listing agencies to determine if the existing protocols used for petroleum diesel are sufficient for biodiesel or whether they should be modified. NBB is also working to determine whether the existing data available on biodiesel or petroleum diesel is sufficient to meet the listing needs, or whether further testing may be needed for blends over B20.

NBB efforts dating back to 1993 have focused on securing ASTM standards and research to secure biodiesel and biodiesel blends acceptance with the diesel engine and vehicle community. We now have ASTM International specifications for pure biodiesel (ASTM D6751) and for finished blends of biodiesel and petroleum diesel of B20 and lower (ASTM D7467, ASTM D975). Over the last 19 years, biodiesel and biodiesel blends have been successfully transported, stored, blended and utilized in a variety of petroleum diesel applications and in a variety of blend levels in the US, largely without incident.

The success of biodiesel's use is largely based upon two factors. First, B20 and lower blends have been the predominant blend levels used as these blends are compatible with existing diesel equipment and infrastructure. At the 2010 Petroleum Equipment Institute annual trade show, virtually every company contacted by NBB indicated their tanks, pumps, and dispensers were fully compatible with B20 (a few foreign companies were not aware of biodiesel so were un-able to say anything one way or the other), and several indicated compatibility up to B100.

Second, the National Biodiesel Board has done an excellent job of educating biodiesel, petroleum diesel and fuel users on the proper considerations for storage and use of blends over B20. Biodiesel in high concentrations has shown to adversely affect some rubbers and plastics, so these materials are not recommended for use with high blends of biodiesel (see [www.biodiesel.org](http://www.biodiesel.org)). Prolonged contact with some metals can accelerate the degradation of biodiesel (as well as petroleum diesel), thus such metals are not recommended as materials of construction for systems carrying high blends of biodiesel. The degradation of high level blends of biodiesel depends upon contact time and long term exposure. Since petroleum diesel also exhibits degradation in the presence of these same metals they are not common in fuel systems and metal related issues have been rare.

Due to the lack of problems or incidents regarding the storing and blending of biodiesel in the market over the last 19 years, the need for additional research or investigation in this area was not viewed as a critical element for this relatively new industry. Indeed, the need for third party listings or approvals for this type of equipment was not widely recognized by the industry until recently. Over the past 19 years, the US biodiesel industry has strived to address technical issues and needs up front, and to do so through high caliber research conducted by the best in the industry. This research has also been conducted in collaboration with critical stakeholders, such as petroleum, engine, and regulatory interests.

In conclusion, the biodiesel industry is dedicated to the trouble-free use of biodiesel and biodiesel blends, and we look forward to continuing our efforts with UL, the California Water Board and others in this area in the future.

The following page contains two suggestions for future work or consideration in the area of biodiesel UST's, neither of which should be cause for delay of the existing proposal.

**NBB Suggestions for Future Work and Consideration.**

1. In the United States Environmental Protection Agency's (US EPA) guidance, "Compatibility of Underground Storage Tank Systems with Biofuel Blends," dated July 5, 2011, EPA amended the regulation to allow for another option that is not an option under the proposed California UST Regulations: Use of another method determined by the implementing agency to sufficiently protect human health and the environment. EPA stated they will work with states to further evaluate other acceptable options. The National Renewable Energy Laboratory is in the process of completing a report outlining the current status of biodiesel equipment approvals, including available materials compatibility data. This report may contain as much data on biodiesel—if not more—than is available from the current UL third party data used to approve gasoline and petrodiesel fuel in existing equipment. We would encourage the Board to consider in the future a third party report such as that being prepared by NREL as an accepted option in addition to the proposed alternatives for complying with California UST regulations.
2. We also encourage the board to consider approval of biodiesel blends of B20 and lower, potentially of B20 and higher, in single wall underground storage tanks that are currently used in commerce for petrodiesel. Such a determination could be based in part, on a third party study such as that being conducted by NREL on biodiesel. Based on the existing data, there does not appear to be any more risk of UST leakage with B20 and lower blends—potentially with higher blends—than there is with conventional petrodiesel.

Once again, we do not believe consideration of either of the suggestions above should delay the issuance of the current proposal. The current proposal should be approved immediately and prior to the expiration of the existing variance.

We thank the Water Board, its leadership, and its staff for their efforts in this important area.

Sincerely,

A handwritten signature in black ink that reads "Steve Howell". The signature is written in a cursive, flowing style.

Steve Howell  
Technical Director  
National Biodiesel Board