

**MEMORANDUM**

**DATE:** January 8, 2013

**TO:** Motor Vehicle Fuel Dispensing Facility Owners and Operators

**FROM:** Kyra L. Moore, Director *KLM*  
Air Pollution Control Program

**RE:** Policy Memorandum 2013-01  
Stage II Vapor Recovery – Phase out beginning **March 15, 2013**, for Gasoline Dispensing Facilities subject to 10 CSR 10-5.220 *Control of Petroleum Liquid Storage, Loading and Transfer*

With this policy memorandum, the Missouri Department of Natural Resources' Air Pollution Control Program is allowing gasoline dispensing facilities subject to 10 CSR 10-5.220 *Control of Petroleum Liquid Storage, Loading and Transfer* to begin decommissioning their Stage II vapor recovery systems starting no earlier than **March 15, 2013**. This will provide the option for those facilities that have expiring Operating Permits to delay testing until decommissioning is complete.

- Facilities must apply for a construction permit in order to initiate the decommissioning process.
- Construction permit applications for removing Stage II equipment may be submitted beginning the date of this memo.
- Applications should be submitted per the usual process to either the department's St. Louis Regional Office or the St. Louis County Health Department, as appropriate. The Air Pollution Control Program will accept and process the permits on a first-come, first-serve basis with start dates for construction no sooner than March 15, 2013.
- The St. Louis County Department of Health may establish different procedures based on staffing ability etc.
- Facility must decommission its entire existing Stage II system in accordance with all applicable steps listed in the Petroleum Equipment Institute's *Recommended Practices for Installation and Testing of Vapor Recovery Systems at Vehicle-Fueling Sites, PE/RP300-09, Section 14, Decommissioning Stage II Vapor Recovery Piping*.
- Once the construction permit is approved, and issued, the department will work with the facility to schedule the testing required to allow decommissioning. This will occur no sooner than March 15, 2013.

- Testing will be subject to the schedule of the Department of Natural Resource and St. Louis County of Health staff and the availability of qualified contractors. Please be aware there may be some delay or backlog.
- After the facility has completed the required testing, the department will issue a new operating permit.
- Other provisions of 10 CSR 10-5.220, including Stage I requirements, remain in effect.
- The department's Air Pollution Control Program is utilizing enforcement discretion in allowing decommissioning, with the above procedures, prior to official approval of the demonstration document to EPA and regulatory changes to 10 CSR 10-5.220. Therefore, if any deviations of these procedures occur, without prior approval from the department, appropriate enforcement action may occur.

The Air Pollution Control Program intends to hold a stakeholder meeting in the St. Louis area in February 2013 to discuss potential changes to 10 CSR 10-5.220 as well as answer questions and provide further guidance on procedures for Stage II removal. We will provide information about the meeting, and applicable reference documents, via the Vapor Recovery listserv. If you do not receive the emails from the listserv, you can sign up using the red envelope on the following web page: <http://www.dnr.mo.gov/env/apcp/stageii/stage2.htm>

The history and justification for this action is a May 16, 2012 final rule from the U.S. Environmental Protection Agency (EPA) allowing states to phase out their Stage II Vapor Recovery Programs. The state must submit a State Implementation Plan revision to EPA including an analysis of the emissions impact of eliminating Stage II, a plan to address any resulting emissions increase and revisions to the state's Stage II regulation. This regulation has no impact on Stage I system requirements.

The department's Air Pollution Control Program has provided an early the draft version of the demonstration to EPA which shows that decommissioning of the Stage II Vapor Recovery Program will not have a significant negative impact on air quality in the St. Louis ozone nonattainment area. The draft demonstration adheres to EPA guidance released on August 7, 2012, titled *Guidance on Removing Stage II Gasoline Vapor Control Programs from State Implementation Plans and Assessing Comparable Measures*. We are working with EPA to finalize the document and obtain EPA's feedback on the approvability of this document. This technical support document will also be available for public review and comment as part of the formal rulemaking for revising 10 CSR 10-5.220.

The draft demonstration provided to EPA and other related documents on this topic are available at: <http://www.dnr.mo.gov/env/apcp/vaporrecovery/epawidespreaduserule.htm>

If you have any questions, please contact Nicole Eby at (573) 751-6415.

KLM:nev