



## Necessity Finding

**10 CSR 10-5.220, *Control of Petroleum Liquid Storage, Loading and Transfer*.** This rulemaking will remove the requirements for Stage II vapor recovery controls at gasoline dispensing facilities (GDFs) in the St. Louis area. Stage II systems control emissions of volatile organic compounds during vehicle refueling and have been an ozone-reduction measure since the late 1980s. In May 2012, the U.S. Environmental Protection Agency (EPA) determined that Onboard Refueling Vapor Recovery (ORVR) technology is in widespread use throughout the motor vehicle fleet for purposes of controlling motor vehicle refueling emissions. ORVR is an improved method of controlling the vapor displaced during refueling that is built into newer motor vehicles and makes Stage II controls obsolete. EPA's widespread use determination allowed states to remove Stage II controls if Clean Air Act anti-backsliding requirements are met to ensure air quality is not adversely impacted. A technical analysis, conducted in accordance with EPA guidance, shows removal of Stage II controls will not adversely affect St. Louis air quality and EPA has already given verbal concurrence to the analysis. This rulemaking to remove Stage II controls will also address the following items:

- The remaining Stage I systems will simply use the California Air Resources Board (CARB) vapor recovery program instead of the Missouri Performance and Test Procedures (MOPETP) for certification and testing procedures.
- Since aboveground storage tanks (AST) were not approved under MOPETP, language will be added to the rule to codify the prohibition on ASTs.
- Permitting provisions will be revised to address the decommissioning of Stage II systems and clarify the permitting requirements and fees for Stage I systems.

Initial meetings with stakeholders showed strong support for the removal of Stage II requirements as soon as practicable. Removal of the Stage II controls will benefit the owners and operators of GDFs by lowering their operating costs and improving their competitiveness with GDFs in the surrounding area that are not required to have Stage II systems.

- Draft rulemaking text and Regulatory Impact Report are out for 60-day comment period - **started September 27th and closes November 26th.**
- Affects all owners or operators of gasoline dispensing facilities in the St. Louis area. There are approximately 750 GDFs in the St. Louis area that became eligible for their Stage II control systems to be decommissioned.
- Public hearing expected May of next year
- Expected to be effective November of next year