Missouri Department of Natural Resources

DRAFT
MEETING SIX MINUTES
VAPOR RECOVERY STAKEHOLDER WORKGROUP
February 17, 2009
10:00 a.m. to 3:00 p.m.
Bennett Springs Conference Room
1730 E. Elm Street
Jefferson City

1. Opening comments/Introductions

Attendees at the meeting include the following:
Nicole Eby, Air Pollution Control Program
Paul McConnell, Air Pollution Control Program
Bud Pratt, Air Pollution Control Program
Tami Spears, Air Pollution Control Program
Richard Vani, Kansas City Regional Office
Milo Daub, Kansas City Health Department
Bill Ruppel, St. Louis Regional Office
Ari Yarovinski, St. Louis County Department of Health
Brian Adams, Springfield-Greene County Health Department
John Albert, Department of Agriculture
Todd Burkhardt, Neumayer Equipment
Kris Stutko, Boeing
Mark Jordan, Wallis Companies
Jessica Christiansen, Wallis Companies
Mark Werthman (by conference call), Chrysler LLC

Nicole Eby opened the meeting by stating Ron Leone, with the Missouri Petroleum Marketers & Convenience Store Association (MPCA), mentioned wide-spread use in the MPCA newsletter. It is a national initiative for petroleum marketers to get rid of Stage II because of wide-spread use being in use. Basically they are showing the incompatibility with Onboard Refueling Vapor Recovery (ORVR) and Stage II and advocating the states get rid of Stage II now. As previously discussed, Missouri is the exception to the rule regarding Stage II. Nicole isn't certain Missouri will implement Stage II in any new areas but we still have the big emissions benefit even after wide-spread use has occurred. Therefore, Missouri will keep it for a while.
Bud Pratt added that Ron is erroneous. ORVR is not incompatible with balance systems. Nicole stated she clarified that in an email to Ron. Nicole said the article in the newsletter does not even argue that, instead it is based on the assumption everyone uses some type of vacuum assist system. Nicole made sure Ron understood Missouri does not use those systems and we do get the extra benefit from it. Nicole went on to say Missouri is the only state she is aware of that uses all balance.

2. Summary of last meeting
   - Discussion of minutes

     Nicole asked the group members if there are any comments on minutes from the last meeting. She has received comments from a couple of members. No one from the group responded so Nicole then asked the group if anyone had any thing they wanted to discuss before moving on to Missouri Performance Evaluation Test Procedures (MOPETP).

     Nicole told John Albert the feeling she had gotten from Jim Kavanaugh, the Air Pollution Control Program (APCP) Director, is that he does not want to give the impression that facilities with Above-ground Storage Tanks (ASTs) do not have to do as good of a job as everyone else. So setting the limit less may not be an option but Nicole feels in the interim we can find something that works better than what is currently in place. The feedback she received is that if facilities in the nonattainment areas cannot meet the standards set, then those facilities have to come up with some equipment that does meet the standards or get rid of their ASTs. This will be gradual and the APCP will phase it in just like everything else.

     John mentioned the bottom line is if facilities retain ASTs (which he believes will be done), then an issue that will have to be addressed at some point is that this is a huge impact on the industry at a time when he doesn't feel it will be viewed as taken very well by many. John is not necessarily referring to the transfer of fuel, but the matter of storing it over a season. John agrees with Nicole that facilities will either have to get rid of the ASTs or Missouri will have to set a new standard. He feels this is a very big issue. Nicole acknowledged she is aware this is a big issue and pointed out that it happened in St. Louis.

     John stated there were not many ASTs in St. Louis to get rid of in the nonattainment area. There are still ASTs in the nonattainment area just not in the "proper" area.

     Mark Jordan asked John how many ASTs he believes exist in the St. Louis area. John replied he thinks approximately 70 that are regulated. There are more than that but there are approximately 70 tanks regulated in the nonattainment area in St. Louis. Ari Yarovinski asked John what tank capacity he is referring to and John stated mostly bulk facilities. John knows of only a couple (not very many) in the nonattainment area that is for retail. Bill Ruppel stated all of those will mostly be less than 1000 gallons. John agreed the majority of them would be but there are some that are large storage tanks. Ari stated he only knows of one in the county in Eureka, which is Home Service Oil.

     John reiterated the majorities are bulk but regardless of the numbers they still need to be addressed.

     Ari asked if bulk storage tanks are part of the rule or is it going to be separate in a different rule. Nicole replied that Bob Randolph of the APCP is still trying to determine if there is an applicable Maximum Achievable Control Technology

(MACT) for every one out there so they fall under some regulation. If they fall under a regulation that won't lessen the vapor recovery regulation, then it is somewhat

2. Summary of last meeting
   - Discussion of minutes (Continued)

     redundant to have it in this rule. If that is the case then it will be left out of this rule. If that is not the case then it will still have to be written into the rule. In previous discussions no one had any input on it because no one really understood why it was part of this rule to begin with, but if anyone in the group knows of things that need to be changed Nicole is willing to take that input at this time. At this point so many MACTs have been implemented that any kind of fuel storage should fall under something. Right now the question is whether or not those regulations are more or less stringent than what Missouri currently has.
   - Presentation and discussion of new information related to previous discussions

     Ari asked what is going to happen after this meeting. Nicole replied that it will take the APCP a couple of months to work on a draft rule then she will send the draft rule to the workgroup members and the workgroup will reconvene to discuss the draft rule before it is submitted to the U.S. Environmental Protection Agency (EPA).

     Richard Vani asked if Nicole will be submitting it as three rules. Nicole will try to present it two formats the first time to determine which the workgroup prefers. She believes the content will be the same whether it is in three rules or one rule, only the format will be different.

     Richard stated the Chapter Two rule is very difficult to read. It is really hard to find a particular area.

     Nicole also stated if bulk plants have to be put back in that would make it four separate rules. She is assuming that would be a separate rule from the rest of them.

     Bud noticed one of the rules was for delivery vehicles and drivers and he thinks this can be combined with bulk plants. Nicole agreed that it could be combined into one. She stated the reason it was proposed to put it out that way is because the drivers/trucks have such a different set of standards than new stations or the plants that this information would be useful for them.

3. New topics for discussion
   - MOPETP

     Nicole stated that Richard asked for a quick background on MOPETP and why it came to be.

     Bud explained previously Missouri had a Stage II system and it was determined that the vapor assist systems were not doing their job. A person could see the vapors pouring out of these systems, either at the interface or at the P/V valve. This was a constant issue. So Missouri went into negotiations with California and told them our experiences and they gave a muted response due to some political situation. Missouri decided they didn't want their station owners investing in a control mechanism that doesn't work. The station owners liked it because it didn't have the biggest bellows.

Remember at that time bellows were a much larger and stiffer piece of equipment. So Missouri station owners didn't want to expose the public to those bellowed systems

3. New topics for discussion
   - MOPETP (Continued)

found on the balance systems, which were all being changed over. Most of the violations at that time were on bellow tears and maintenance on the bellows. Therefore, the station owners found if they didn't have a bellows then they could sidestep the regulation. First, that wasn't the case and second, it didn't seem to work so Missouri decided to ban vapor assist systems, which caused other issues. The negotiation came down to Missouri had to develop a means of determining what met our standards since they had California certification. When Missouri banned the vapor assist systems it slowed down the entire industry in St. Louis as far as changing over to vapor assist. It took some time for Missouri to write something similar to a code of regulations book on how to test power plants, etc. Bud used his contacts in California and got them to submit their staff plan for testing vapor assists in an overall environment rather than just at the interface. That had been their mistake. Balance came first so they wrote the regulations and then they put them in the statutes and they are stuck with them. The statute stated something such as if at the interface you obtain 98% efficiency or some efficiency above 90. Therefore, California had to claw out of the laws of the testing procedure and submit a test procedure that covered the bubble in the entire station. Missouri took California's 1995 rough draft, which never got enacted, and we started rewriting that document to fit our standards here in Missouri and to facilitate us getting in between manufacturers and the customers. That became the MOPETP and they didn't imagine it becoming as big as it did because they didn't imagine ORVR or all the other possibilities (and there are more coming). So MOPETP has to keep moving as technology moves. That brings us up to today. Missouri has a full MOPETP which can be viewed electronically and has a caveat that at anytime the standard may change. In that period of time P/V valves went to an order of ten tighter emissions standards, and nozzles went to an order of ten tighter standards. The entire manufacturing industry shifted as California released their new standard, which in some cases are extremely rigid. The only differences Bud sees between California and Missouri is first, when Missouri collects data on a manufacturers product and then they have a P/V valve when they are really only testing a Stage 1 system, we don't throw away that data when they screw up. We work with the manufacturer and try to determine what the problem may have been and try to use as much of the old data as possible and often we just make them restart with a sys tem that is going to be tight from that point on. We ensure that what ever was done to make it tight ends up being a condition in the approval. It really gives the regulatory agency a close association with the vapor recovery equipment manufacturers when they know they have to go through the regulatory agency to get approvals every time they change their product. They will pay attention when they are contacted and told they are putting "nozzle end" on both ends of the hose, etc and

it could be a cause for decertification. The manufacturer will then explain what they did to fix the problem rather than just ignoring the regulatory agency.

3. New topics for discussion
   - MOPETP (Continued)

     Richard clarified that the current California Air Resources Board (CARB) is more stringent than MOPETP.

     Bud stated in several ways CARB is more stringent. One of the ways it is more stringent that is most important is the new Enhanced Vapor Recovery (EVR) Stage II system will have a processor on every single system. On vapor assists systems this is reasonable but on a balance system it gets a little grey. Balance systems are only a problem if the station shuts down and stops fueling ORVR cars for 24 or 48 hours. That is when the station then has a vapor growth and they open up the P/V valve and it just goes out. No one wants those vapors to go out but the question is enough of it escaping for them to pay approximately $20,000 additional for a vapor processor. Bud pointed out he has been tightening down these systems for years and feels Missouri stations have come a long way. He would like to at least postpone this and believes he can do it because long ago Missouri established themselves as a testing state. In the EPA's guidance it originally stated if you are a testing state then you do not have to follow California rigidly. You do have to have a system of testing that is equal to California, which is kind of a grey area. Bud also feels he has done a pretty good job of protecting the stations in Missouri from processors so far and dripless nozzles and In-station Diagnostics (ISD). Any of these California ideas are good ideas if you don't involve the cost and hassle of having all of those sorts of things. Bud envisions in the future that Stage II Vapor Recovery is viable until at least 2030. Until enough vehicle miles traveled by ORVR cars overwhelms what Stage II Vapor Recovery would have gotten from original cars. Sometime in the future maybe Missouri will be forced to add some sort of processor. Hopefully we can pick one that is the least expensive. Bud recently read that one of California's VST has an EVR Stage II system that has a semi-permeable membrane (for $20,000) and then on the vent stack it has a polisher carbon bed absorber. He is unsure what the cost would be to add that on. If we can go in the direction California is going and say our system is evolving and every year is getting better but still be four years behind California products will be developed that really will work and they will be cheaper. If we have to go to that then we have to go to it, but we won't have to go to it for at least five years. Bud has tried to keep Missouri about five years behind California, keep a close eye on how it is going and what the problems are, and see what happens. The MOPETP gives Missouri this latitude because we changed our status. We are not just an "anything CARB says" state. It used to be a cheap way out for Kentucky and other areas but it's not any more. The station owners have taken the blunt of this because of Missouri being a smaller outfit and now, even with the protection Bud has provided, we are definitely going in the "Quik Trip" mode. Stations are going to be

bigger and have more groceries than gas profit. Bud asked the group if any one had any specific questions.

3. New topics for discussion
   - MOPETP (Continued)

     Mark Jordan asked if Missouri still has a statutory requirement that we can only select from California certified equipment.
     Bud replied yes, it does have to be CARB certified before it is Missouri certified.
     Nicole added that our current rule states "currently CARB certified," which is one of the big issues that the group needs to address. Mark mentioned the group discussed this at the previous meeting.
     Jessica Christiansen stated she misunderstood and thought if it went through Missouri testing it was suffice.
     Nicole stated this is one of the big problems because the of the way the rule is currently written if a piece of equipment gets CARB decertified then it is automatically decertified in Missouri as well. Mark Jordan stated this is how we got to the workgroup because the enhancement of Stage I swivel adapters means the older ones are no longer certified in California.
     Bud pointed out that they are still using it because he knows if they do top notch maintenance on it then it still works in the neighborhood of 95 to 98%.
     Nicole pointed out part of the problem is two things. One is the current CARB certification, which the group has to deal with. Even though Bud knows it is working like it is supposed to we have to deal with that in the rule making. Nicole asked Bud if she is correct in stating currently Missouri is not using any P/V valves that are currently approved by CARB.
     Bud stated no, Missouri has approved Husky P/V valves. We would have had OPW but OPW failed in California and after several failures, instead of fixing the problem in the approximate $40 P/V valve, they decided to go to an electronic valve. Bud isn't sure what it will cost yet but he is pretty certain it won't cost $40.

     Nicole asked John if this P/V valve is what he had seen recently in Florida. John stated he did not see the valve but did see some components that were supposedly going into the valve, but nothing was discussed concerning the price. The person John spoke with told him that the electronic valve is already CARB certified.
     Bud stated the OPW electronic valve is not CARB certified. John stated he is referring to Franklin Fueling. Bud stated the Franklin Fueling Stage I system is approved with a Husky valve and nothing else. Bud thinks this is odd because of the change from a 523 OPW, which is grandfather approved to the new 623. From looking at it Bud thinks the 623 is a better valve but they won't bring it to him to test it because they don't want to spend the money testing a valve they intend to discontinue in favor of the electronic valve.
     Richard asked Bud about the Husky 5885.

Bud stated it is currently on a Cosco South and it is about to be approved. They added a screen so they can't get stuff that blows up from the driver's mistake up the vent pipe and into the little seal. Bud believes it is essentially the same valve with a

3. New topics for discussion
   - MOPETP (Continued)

spring. So he engineering reviewed it and found that all that needed to be done is see it work for 30 to 90 days and it has been on the thing for well over 90 days and it is working very well. Bud added it will be MOPETP approved very soon.

***After returning to the office, Nicole was able to get further clarification from Bud on this issue. While this is not part of the actual minutes the APCP felt it is important to include this clarification.
This is quoted directly from an e-mail from Bud dated February 20, 2008: "I said that the OPW 523 is 'grandfathered'…(It was CARB certified and MOPETP approved) that the OPW 623 is not passing CARB certification (although it is supposedly a better valve), and that OPW is now pursuing some as yet to be revealed electronic version. So at this moment if a GDF has an existing old OPW 523**,** that is passing the tests**,** they may keep it. At this moment, there is only the Husky 4885 P/V valve MOPETP approved. No new OPW models are approved.

If you are replacing a P/V valve you should be replacing with a Husky 4885 valve. Husky has, with the 4885 valve, the only CARB certified and MOPETP approved P/V valve. Husky is very close to receiving their MOPETP approval on the 5885 (same as 4885 with a screen to protect the bottom of the valve). The VR world is in transition and manufactures have not had enough time to fully meet the CARB EVR standards let alone our MOPETP approval. In the near future I would suspect that the new Husky 5885 valve will again be the only EVR certified MOPETP approved valve. This situation will continue until OPW comes to us with their version of the CARB EVR certified valve."
This means there are no P/V valves in use in Missouri that are both currently CARB certified and MOPETP approved.***

John asked Bud, when he was talking about Missouri getting rid of Stage II in the future, if that is based on the number of average vehicles fueling On-board versus the one that doesn't have On-board.
Bud replied yes. There has been a big discussion at the EPA of what congress meant when they said "wide spread use." It has been decided when the figures for Stage II Vapor Recovery with incompatibilities reaches ORVRs figure (Bud estimates in approximately 2020) then they are willing to let Stage II go without considering it back sliding.
John asked if the incompatibilities Bud is referring to is the fresh air taken in during the vapor assist. Bud said yes, they are referring to vapor assists without a processor. Bud pointed out that vapor assists with a processor works, although it costs a fortune. That would also be very expensive if it didn't include ISD as well. When Bud refers

to continuous monitoring that is done during the MOPETP that basically means monitoring pressures and comparing the barometric pressures and temperature changes, etc. Everything else is done in the MOPETP manually. In California, they

3. New topics for discussion
   - MOPETP (Continued)

build it into the dispenser. ISD has air over liquid (A over L) ingestion monitors, continuous pressure monitors, continuous temperature monitors, fail safes and recording capabilities. Computer systems that sit outside are prone to issues such as cold weather, lightening, someone running into them with a vehicle, etc. Although from a scientific point of view, it would be handy to have all of that information. The inspector uses a laptop to plug into the ISD system and sees everything that has happened that got recorded. Therefore, the inspector can determine station by station which one has a problem and try to fix the issue. Missouri has a little more faith. We know what problems Stage I have and we know what problems Stage II usually has. After a few tests Missouri inspectors can mostly determine what shape a station is in. Bud feels an ISD is even more economically unreasonable than processors. However, continuous monitoring might be a short substitute and it only requires two instruments to communicate with each other. A laptop may or may not be used to access it as long as the regulated community allows the department to access it. In Bud's opinion he feels these are the kinds of things not quite completely invented yet. Much like the dripless nozzle, it is still in the grey area between existing and mythology. Bud doesn't want Missouri and the gasoline station owner to have to pay for the research. Therefore, if he can keep them where they are at for another three to five years the kinks will all be worked out and then it will be California's cost for the research and manpower. Bud pointed out that California has 180 people that just do the CARB certification testing, therefore, they have the manpower to tackle these kinds of technology driving regulations. Missouri does not have the manpower. Nicole asked the group after having the information Bud provided if there is anybody in the workgroup that would propose or like to go to straight CARB certification. Mark Jordan stated that Bud mentioned the incompatibility with the fresh air intake on the back assist and asked how that process works. He asked if ORVR is simply a canister that filters the vapors or is it an actual vapor assist system on its own. Bud replied that it is not a vapor assist system. It is a very complex balance system. It is also proprietary, so the operator gets a lot of 'trust me it works' stuff. For example, Chevy's is not exactly like Chrysler's and Chrysler's is not exactly Nissan's. However, when they were testing them, they basically worked. What they do is set up a liquid seal so when fueling it is not actually hitting the tank's full surface, instead it is hitting a small column of gasoline. When more gasoline is put on it, it shoves the gasoline back down and over the P-trap and down into the thing. This causes a raise in pressure in the gas tank, which then has a vent that goes to the carbon bed generally located in the hood area. Then when the car is driven it purges the carbon bed area by sucking clean air through it. After the clean air goes through it

and picks up gasoline it then goes into the fuel injection system. That is the general way it works but Bud doesn't know exactly how each one works.

3. New topics for discussion
   - MOPETP (Continued)

Bill explained that the problem is that no vapors are available. If an assist system is being used all it is doing is sucking air until it gets to the pump then it is pressurizing it from there. Therefore, it is basically adding pressure and fresh air in to the tank, which is going to cause more vapor growth. Bill has actually experienced having an Underground Storage Tank (UST) cap blown out of his hand when he popped the cap off of the old coaxial on an Amoco V1 system because the pressure was so high in that tank.

Bud stated usually at stations in St. Louis when the fill ports are opened they suck air. Generally they are somewhere in the area of two to three inches negative pressure, at least until they quit pumping.

Nicole made sure the group understands Bud's explanation of the system and went on to state since Missouri does not have vacuum assist and doesn't plan to have it in the near future the incompatibility will not be too much of an issue.

Nicole stated the group has been directed to work on or fix two legal points and then she would like input from everyone on issues they see. The one legal issue is the CARB certification. It really does create a legal problem in the area where if the equipment doesn't have current CARB certification then technically Missouri is not supposed to be using it. The other issue that is creating a legal problem is that the MOPETP is a floating document. Nicole doesn't think the testing procedures will have to be set in stone, they can be modifiable, but the MOPETP has to be part of the rule.

Bud stated the way he perceives it is that the MOPETP process is described in the rule everywhere as the way to determine a system of components acceptability in Missouri. The executive summary could be included in the rule but it would be several pages.

Nicole believes the concern is the MOPETP is changed at will without consultation.

Bud stated it isn't changed at will because it is too much work to do that.

Mark Werthman stated they strongly recommend the test procedures be included in the rule.

Nicole said that is one of the legal issues being discussed. She also said she would like to leave her opinion out of it and asked if there were other issues/problems.

Bill asked what MOPETP really needs from CARB besides UL and Fire Marshal certification. Ari added data is needed as well. Bill doesn't feel Missouri needs full CARB certification in terms of following every detail CARB wants to include.

Mark stated the group could take the approach that CARB approves things and Missouri station owners use things that CARB approves. Later, CARB will decertify things because they have found something better. Mark Jordan asked why couldn't

Missouri's rule be written to say if it was ever approved for use in California it can still be used in Missouri, but we can't use anything that was not at one point in time approved or certified in California. Bill stated that is what he was trying to say.

3. New topics for discussion
   - MOPETP (Continued)

     Ari said Missouri could disapprove of something if the equipment is really bad.
     Mark Jordan replied that Missouri could always not approve something that California approved because we already have that flexibility. However, if the issue is that we are concerned that we are still using things that are no longer approved in California and our statute says only CARB certified equipment can be used, then let's change the statute to say Missouri can use anything that was ever approved in California whether it is currently approved or not.
     Ari asked Bud if he uses any data from CARB on the MOPETP testing. Bud replied that he generally asks for CARB data in the beginning of a full MOPETP system test. He wouldn't do it for a breakaway, but for a full system test he would ask for the data and they would provide their CARB data. Generally, this is a problem because getting things from California is not easy. The whole idea is to test it under our watchful eye to be sure something hasn't happened similar to what happened to BP Amoco. Ari clarified that Bud doesn't really need that data. Bud stated he could do without their data and collects his own data.
     Ari asked if it will cost the company more than the normal testing fees.
     Jessica also asked if it would take longer testing time frames. Bud replied no, it would not because it would take at least 180 days and no one has ever finished in 180 days.
     Mark Jordan stated no one is making any equipment specific for Missouri.
     Bud added that is a point he wants to discuss later and went on to say if we were to certify things that have not been CARB certified we would be creating another pathway to the market place for the vapor recovery manufacturers. He doesn't think that is a good idea because it will then get real expensive as they start to build Missouri stuff and possibly other states.
     Bill added Missouri just doesn't have the manpower to do that.
     Mark Jordan stated the only draw back to saying something such as, "Missouri stations will use whatever has been approved for use in California (whether it currently is or not)," is that at some point in time the manufacturers will stop making this stuff if it has been decertified in California. But to the extent that they have no investment to continue to produce it if it is still available for use in Missouri then their investment in the approval process in California has already been a sunk cost, the plants are already configured to make the stuff, so they would have a smaller market but they probably would continue to sell it. Bud said that is a possibility that he is not qualified to say one way or the other.

Ari asked if there is an example of the equipment that was recently decertified in California that we are still using here. Mark Jordan mentioned the fill port adaptors, Bill mentioned OPW nozzles, and Bud mentioned P/V valves.

3. New topics for discussion
   - MOPETP (Continued)

     Mark Jordan stated the entire Enhanced Stage I Vapor Recovery is. He doesn't know if Missouri would decide to do that on their own because there may be opportunities to improve our performance.

     Bud said that is the point he wanted to talk about with Mark Jordan's suggestion to state if a piece of equipment was ever CARB certified. Previously, coaxial had been CARB certified and he definitely doesn't want those used again.

     Mark Jordan said the determination about what is used comes from a global list of what California has ever approved, but if Missouri doesn't want coaxial used here even if it was ever approved in California, the MOPETP can be used to state that it can not be used here.

     Jessica agreed and stated it would still have the flexibility.

     Mark Jordan then pointed out with this situation Missouri would still have the authority to say, "This is what we are going to approve for use in Missouri but we are not going to be taking something off of our list just because California took it off of theirs." If Missouri isn't using coaxial that shouldn't create an opportunity to try re-introducing something that is not already approved in the MOPETP.

     Ari added everything that is on Missouri's list now is good equipment that has been tested and ready to go. The question is if California says something on our list is not good but the MOPETP still says that it is good. Ari says the group is not discussing the entire equipment that is CARB approved, the group is talking about the part that is MOPETP approved.

     Bud stated California is now studying the permeability of hoses and how much Volatile Organic Compounds (VOCs) escape through the hose. Bud can't imagine that would be a lot but suspects California is so embarrassed about not being able to fix the vapor assist problem that they have gone overboard. He believes they will keep going overboard for a while.

     Bill says his impression is that they want the systems to be 100% efficient.

     (Mark Werthman excused himself from the meeting until after lunch.)

     Richard stated currently in Chapter Two of the rule states, "…MOPETP and CARB approved…" He asked Nicole if it could be changed to read, "…MOPETP approved…"

     Bud replied that it essentially could be done. He said that was added during a transition from everything being CARB approved. When the MOPETP was introduced the rule stated it had to be both. Richard clarified that it could just state "…MOPETP approved…" Bud agreed and suggested that it would also state,

"MOPETP will only accept CARB approved equipment…" Richard agreed and Bud added it is kind of redundant the way it is now.
Richard stated that way the people that are using the 523 P/V valves won't be out of compliance with the rule. Currently they are out of compliance with the rule.

3. New topics for discussion
   - MOPETP (Continued)

     Mark Jordan pointed out another advantage to eliminating that statutory requirement is that MOPETP could decide Missouri will use equipment in one geography and different equipment in another geography. Ari and Bud were unsure about this and Ari asked Mark Jordan what he meant. Mark Jordan explained the reason California is leading because it has the biggest problem. They are sitting in a basin and their climate is different. Therefore, they have different needs and will ultimately go in a different direction then what the rest of the states need. Missouri has areas not yet designated as nonattainment that might be and we may have to address some problems there but even in Missouri the geographies are different. From the stand point of writing a rule Mark Jordan believes it would be easier to say, "here are the requirements, if you are in a nonattainment zone they are the same no matter where the nonattainment zone is." Or it and say that the state can determine what areas it would like to regulate. For example, if you have two P/V valves that were originally approved for California and they have now decertified both of those valves, and one is being used and is working in Kansas City but a different one is being used in St. Louis. Mark Jordan asked why couldn't the state make that determination.
     Bud replied that the state catches a lot of trouble for that kind of thing, therefore, they steer clear of it anyway they can. However, Mark Jordan's basic concept of saying, "…if it's MOPETP approved it can stay MOPETP approved regardless of what California does until MOPETP determines that it is no longer functioning close enough to the current level of technology…" might help solve the problem.
     Nicole stated one of the things she was going to bring up is that one of the current problems is we say, "okay, you can keep using this…" or "no, you can't use this…" but we don't really have a clearly defined process for doing that.
     Ari would like to bring one more point to the discussion. The group is talking about some equipment that was grandfathered approximately 20 or 25 years ago such as some dispensers that are approved. Ari's question is (concerning mostly pumps only) does Missouri need to install a really good dispenser or really good equipment in the St. Louis area or should we keep old ones.
     Todd Burkhardt stated not as long as the old ones pass pressure/decay tests. It is just piping for dispenser.
     Bud said he thought Ari was referring to what used to be known as Exhibit Five and is now Exhibit Ten, which is the "cracker box" with a hose, a retractor and splitter.

Ari said he is talking about some kind of "Slumber J" dispenser that has never been approved. In reality, owners alone are trying to avoid them. So we are face with the situation where owners want to put more modern pumps.

Mark Jordan said those problems are going to go away because those dispensers are not going to be able to be upgraded for PCI compliance anyway.

The group discussed how gas station owners still use old equipment while it is harder for them to find replacement parts. Nicole clarified the idea the group is trying to

3. New topics for discussion
   - MOPETP (Continued)

relay is that sooner or later they won't be able to get the parts if they don't upgrade to the newest and best things. Bud stated even though it costs the station owners $30,000 to $70, 000 a dispenser and asked if he was quoting the correct amount.

Several in the group said that is high. Nicole added the station owners are doing it even though the regulation did not require them to do it. Mark Jordan stated a person can buy a dispenser now that cost more than the average car price.

Bill said the last time he spoke with a repair guy they were well over $7000 just trying to get the station to pass. They spent so much they were almost forced to spend more to get it to pass than to make it worth the effort. Last fall, he told the owners their permit expires in March and they will want to get rid of those dispensers, especially since the company is planning on remodeling. Apparently it didn't work so they paid big.

Mark Jordan stated the intersection of the PCI compliance deadline, which is June of 2010, is going to force a lot of people to make some difficult decisions. Mostly they can avoid it if they simply don't take debit cards and some people will do that.

Ari clarified that Mark is saying there is no sense in doing that.

Mark Jordan replied he doesn't think that can be incorporated into a regulation but it is something to be aware of. For them it is a huge amount of money and as they start working through their locations there will be some dispensers they will be able to simply change out parts and meet the requirement and there will be others they will have to realize they what it currently costs to put parts in them and they can't get the new boards for them so they will end up putting in new equipment. He doesn't yet know what that is going to cost.

Ari stated they have been discussing public gas stations so what about private gas stations where they use the boards for splitters. He clarified that the new regulation doesn't affect them at all.

Mark Jordan stated it is for their own use so they aren't required to do anything.

Todd mentioned those private stations still have to do pressure/decay tests.

Nicole asked Ari what he was asking in relevance to the testing requirements. She asked if Ari is suggesting to get rid of them.

Ari stated that he agreed with Mark Jordan that if they are going to lose them in a year or so anyway then he doesn't think it needs to be put in writing.

Mark Jordan stated he doesn't know how much gas is sold at retail versus how much is used privately but he is guessing it is less than one percent.
Ari clarified what he meant was on some of the mom and pop stations it is very difficult to fix that.
Mark Jordan said his personal opinion is that over the next 18 to 24 months we will see a lot of people shaken out between the economy and the new requirement deadline.

3. New topics for discussion
   - MOPETP (Continued)

Nicole said what she thought it sounded like they were discussing is that this is once approved always approved, or some process by which we say this is no longer approved or both.
Jessica said she thinks both.
Mark Jordan said he thinks the MOPETP should have the authority to make a decision that we won't have this in Missouri anymore. Jessica added that Missouri needs to have our own decertification process though.
Ari said he is trying to understand how to figure out that equipment is no longer good to use.
Mark Jordan explained that Missouri may not have a problem with equipment that California has decertified. We might decide that we are going to use that equipment for a certain period of time and then a few years from now we might decide we need to make improvements to our own air quality and we could go the same direction as California because we still have to choose from what they have approved, but when to change out and go to EVR would be Missouri's decision and is not triggered by when California decertifies equipment. Therefore, it isn't that the equipment is no good anymore it's just that there is something better and we should be able to decide based on our requirements when we will make changes. This is the same with in-station diagnostics and processors. Maybe some day we will need those but the cost benefit does not make sense for us to do that now.
Jessica added that Bud continuously keeps track of what comes out of California so if they say something has failed there and they are decertifying it, Bud will follow up with why that is occurring and whether or not that would be an issue in Missouri.. She isn't sure if there is a clear method to go through and say a breakaway, for example isn't going to be good anymore. But when conducting pressure/decay tests or MOPETP procedures looking at the equipment, maybe there is a way to determine this.
Ari felt like until the parameters of pressure decay/leak decay and back pressure tests change, the equipment should still be good.
Mark Jordan added until Missouri feels like we need to change those parameters they should be able to use the equipment and went on to state if a piece of equipment is approved for use in California then there probably isn't a question of whether or not it

became defective it is more likely that California found something better. There is nothing wrong with that equipment, it serves the purpose it was approved for, but California found something that is tighter and more efficient.
Ari believes California's reason for decertify a piece of equipment is to push people to purchase and install new equipment more than the old equipment is not good anymore.
Bill added they were possibly forced to decertify most of that equipment.

3. New topics for discussion
   - MOPETP (Continued)

Bud stated the process of the assist vapor recovery rule changed and California was sued, which is why they dropped the hammer and started making all of these changes. Once they got started Bud feels they went too far. However, it is a matter of time. Twenty years from now if you look back at what the group is discussing the equipment will look different than today and it will have higher standards, etc.
Nicole stated she is bringing up the example no one else has brought up, which is EVR. Three years ago we had a huge issue. Missouri's standards for efficiency have not changed yet we are trying to push a technology advance. Everybody agrees the EVR we currently have is a better system. However, she doesn't think everyone agrees that our old systems need to be replaced because they are still meeting the standards that are required.
Mark Jordan added as long as the old systems are properly maintained.
Bud said this is a big caveat.
Nicole agreed and said but that is our point of contention and disagreement and it is what the group needs to try figuring out, which is how to deal with that issue. If the rule is going to mandate they get rid of an old system then we have to provide a good reason why.
Bud said the reason why is because 90% of the stations do not put the effort into maintenance such as every time they have a delivery they have a man tightening the fill adaptors and vapor adaptors. That is a problem. It is an innate weakness of the old system. When it is tuned up and when it goes through MOPETP testing everything is put in the "perfect" mode. But that's not how the equipment is used or how everything happens day to day at the station. The new EVR Stage I system has components that keep the MOPETP standards longer. Not forever but longer. Therefore, a station that would start out at 98% and then start declining to unacceptable would now go a much longer period of time and maybe never decline as far as it had in the past. That is the kind of thing that happens and it happens at a smaller level rather than just saying, "The system gets 98% efficiency." Yes, but can it withstand?
Nicole asked if anyone else would like to make the argument on this.
Mark Jordan stated if he was a regulator instead of part of the industry and if we were going to ask everyone to replace certain systems then we would tell them what they

will get for it, which is how some of these meetings got started. So if the regulating community says to the regulated community, "Missouri is obligated to improve our air quality by X." When Bud says 98% he is talking about the rated operated efficiency. The practical efficiency is something less than that because of these short comings in maintenance. Swivel adapters will take care of a certain percentage of that and get us closer to that rated operating efficiency. The regulated community already knows what it is going to cost, but he still doesn't know, which he did receive some numbers as to what those costs are, but practically speaking what percentage

3. New topics for discussion
   - MOPETP (Continued)

increase do we get from what they are currently operating versus where we go with EVR. For example we get two percentage points multiplied by the number of stations in a nonattainment zone, here is the number of tons and here is what those tons cost us. There are other industries that contribute these compounds to our problem, so what are some of the things they might do that would be a lot less expensive per ton than what we might do. He isn't sure if it is real or not but the perception in the industry is that every time we need to make an improvement in air quality it is the gasoline industry that gets tag for doing it. He is sure the regulators have heard that before and while the perception is there, whether or not it is correct, Mark Jordan can't answer that question.

Bud replied that the gasoline industry is "low hanging fruit" but it is much better than it was. There is a world of difference between the levels of emissions from the average station in 1989 compared to the station's average emissions of today. The gasoline industry has contributed to huge reductions in emissions. Bud said they are also correct in thinking at some point they have come a long way and maybe it is time for paint shops or power plants to come a little further. To actually come up with an exact figure is hard to do. The exact figure would be subject to some engineer's whim on assumptions. So he would say "I assume there will be X amount of gallons pumped through this station," which may or may not be relevant to the station. Then he makes more assumptions and uses a calculator and comes out with an engineered certified tonnage. I wouldn't bet my paycheck on that number so it becomes somewhat irrelevant other than as a tool to try comparing. It can so easily be swayed with a couple of assumptions from anything a scientist would call reality.

Richard wanted to make the point that when the companies do the leak decay test, even with the coaxial, they do past the test.

Bud stated that test is a bogus test in Kansas City because the California test had to be modified to put the dust caps on. In a sense, Kansas City is just testing dust caps.

Richard said the Kansas City stations have P/V valves.

Bud agreed but also stated a coaxial system is open. An open system can't pass a Pressure Leak/Decay test the way a St. Louis station passes it.

Richard asked if Bud meant as apposed to a two point.

Bill added even the poppet coaxial cannot perform the way those in St. Louis do.

Ari stated St. Louis tests their stations without dust caps.
Bud said that is why Kansas City gets a false test. At the time he agreed to that modification in the test procedures.
Jessica went back to what Nicole had said and asked why the group is trying to get a tighter standard on the EVR if the Missouri standards haven't changed.
Bud said Nicole was not exactly correct in and of the fact that for current MOPETP approval the standards have changed. That is why he is has to buy everyone new instruments in the regulatory community.

3. New topics for discussion
   - MOPETP (Continued)

Jessica clarified for MOPETP approval today has become more stringent than it was.
Bud reiterated that MOPETP approval is more stringent today than it was two years ago. It is chasing California. On P/V valves, that was successful because Husky can build a P/V valve that meets it. OPW seems to be stumbling around. He would still like to see a dripless nozzle. Other members of the group agreed. Bud added that certain parts of California's approach have worked really well while other parts have yet to prove themselves. They are backing off on time limits for certain things because of that.
Mark Jordan stated if a person could get a dripless nozzle to work in California where they have a lot less humidity the chances of that nozzle working in Missouri probably will not be the same.
Bud replied there are other issues involved. Every fill port is not the same despite federal regulations. There are changes in fill ports that cause the gasoline to come up and cover the outside of the nozzle as well as the inside and now there are abundantly more milliliters of gasoline that have to drain off before it is a dripless nozzle.
John asked how big of a contributor is that compared to vapor emissions. He believes that is almost going back to the "weeping" hose.
Bud said he doubts if it will get to that level of emissions but Stage II Vapor Recovery has never been a tonnage per each individual thing. It has been more like a big mono-lift. That little point doesn't stand the scrutiny for tonnages.
Mark Jordan asked if a drop is evaporated then how many tons of VOCs does a drop translate into.
Bud replied that it wouldn't hit tons but a drop would probably make the entire meeting room unacceptable, which is a lot of cubic feet of air.
Richard stated on the Stage I setup, actually when people fill up their cars with gasoline is where most of the gasoline vapors come from. Bud added half is gotten from Stage I and half from Stage II. Richard went on to say people will spend a lot of money changing the equipment when in reality all the vapors come from filling up the car with gasoline.
Mark Jordan stated that is a good point because to go from Stage I, non-EVR where there is no Stage II is a complete waste of money. To try to make a couple of percentage points improvement in the efficiency of a Stage I system when only Stage

I is being used versus the investment of converting to Stage II where dramatic improvement can be made, it would be ridiculous in an area that is not Stage II to go to swivel adaptors on fill ports.

Bud stated he disagrees with Mark because half of the emissions happen at the point when the delivery vessel plugs in his delivery adaptor onto the swivel adaptor.

Mark Jordan agreed and clarified when discussing a station that has no Stage I or Stage II and all of the vapors are going into the atmosphere, and then there is a station in Kansas City that has Stage I, all be it not EVR Stage I and it does not have Stage II

3. New topics for discussion
   - MOPETP (Continued)

then 50% of the vapors at that station have been captured. It doesn't make sense to switch that to EVR and get 52%. Bud stated 98% of the vapors are captured on that side. Mark Jordan said that would be obtained on that side but for the total site they are still blowing half of it into the atmosphere. If a station owner is going to spend $10, 000 to $12, 000 to get an extra percentage or two more efficiency versus the $30, 000 to $40,000 it would take to re-pipe that site with Stage II. Dollar for dollar, re-piping is going to buy you a lot more. He isn't saying Missouri does Stage II in Kansas City but that is kind of how the industry wants to look at this. If we have to improve air quality let's spend the money where we will get the most bang for the buck. Putting EVR on a Stage I system when there is no Stage II system at all is a waste of money.

Bill suggested the group look at it another way. He describes a scenario where a driver drops 6000 gallons of gas into a Stage I system. The driver is using the Stage I properly, the P/V valve is holding and all of the vapors are being returned to that truck. This happens in approximately 30 minutes. Bill asked how long it will take an average station to sell 6000 gallons worth of gas through its pumps.

Mark Jordan stated a day.

Bill said the group has to consider that is 30 minutes versus 24 hours. The group also has to consider the vapors that are escaping during the non-Stage II refueling process going into On-board system cars, coming out of the vehicle tank, and the ten gallons of gasoline that has been put into that tank. In other words, it is still not as near of a large hit vapor wise.

Mark Jordan said he doesn't know how many cars have those On-board systems. He asked if it is 50% at this point.

John and Bill both think there is less than that. Bud said to think about how many cars there are that are older than 1998.

Bill mentioned a scenario with leaking seals. The driver has all three tanks open (even with the two point system) and the driver has stuck all three tanks and just left the caps off. There is also a bad gasket, which is a source of emissions.

Mark Jordan stated there is more emissions that come out of the three cups of gasoline that get dumped in the spill bucket than will ever be recovered from a drip-free nozzle or anything else. If a station is not cleaning out their spill buckets and

there is gallon of product in it, when the sun hits that lid it is a huge issue. He believes their retail folks hate them because this is the big ugly elephant in every company. For most retailers, the driver that drops product is employed by a different company. Therefore, if the retailer is not on-site when the driver drops product and they don't catch them and ask them to empty the spill bucket. Mostly, Wallis believes if it is rain water it is the store's responsibility. If it is gasoline, it's the transport division's responsibility (Wallis does 70% of their own haul). To try to get a driver to conscientiously empty the spill bucket, put it in something that is easily

3. New topics for discussion
   - MOPETP (Continued)

tracked, doesn't work. Wallis now sends their technicians out every couple of weeks and they bale those things out but then they don't have anything to do with the product that is removed. Previously, people used to use an absorb sock and stick it in there. Once it was full they took it out and hung it on the side of the dumpster door where it would all evaporate. The cheapest way to take care of this issue is to keep people from letting fuel accumulate in the spill buckets.

Bud replied stating the spill bucket issue is an issue been aware of for a while. The only answer he has is to pass a law that driver's have to empty the bucket (clean it out) but then what does the driver do with a gallon 60% water and 40% gasoline mixture. The only answer from a regulatory stance is the retailer has a company such as Safety Kleen come pick it up.

Mark Jordan stated his point is a facility could spend $12,000 per location and install fancy swivel spill buckets on them and if there is still product in those spill buckets we have not accomplished one thing.

John mentioned it is surprising how many people don't hook up. It happens daily and as many safeguards as possible could be installed but the human element is hard to get around. It isn't enforceable because we can't hire someone to follow around all of the transport drivers.

Bud added the inspectors in St. Louis do follow around the transport drivers from time to time.

Bill continued the discussion by stating there are times when he will stop at night just to let the drivers know the inspectors are there. In the Designated Person training, they try to emphasize to the owners these issues.

Mark Jordan clarified that drivers are not required to attend that class.

Nicole said they are not required to attend the class but she would like to set something up for the drivers.

Bill said he tells the retailers if a driver comes in and doesn't hook up properly, he suggests they go out and tell the driver. However, if the driver is delivering at 2:00 a.m., no one will be there to even notice. This brought about discussion within the group and Nicole ended it by stating it is an enforcement issue that is aside from the workgroup discussions.

Todd asked what the rule says about who is responsible.

Nicole replied that both the station and the delivery driver are responsible. Again, the group discussed the issue further and Nicole brought the discussion back to the matter at hand.

Ari asked another question regarding CARB certification; he understands the new MACT standard promulgated CARB as the main authority.

Nicole stated not that she is aware of.

Jessica asked Bud if the MOPETP standards have become more stringent, but the pressure/decay standards have not when a test is conducted. Bud replied no, they are

3. New topics for discussion
   - MOPETP (Continued)

pretty standard. Jessica clarified that MOPETP is more stringent on the testing side than the field testing. Bud said yes, the field testing is different than MOPETP testing.

Ari said it is a different test than the MOPETP. Every MOPETP test is supposed to be finished with a pressure/decay test. So the test in South County is a final test, which Ari will use as his test to issue the permits.

Jessica stated if he is requiring the new EVR system on the testing standard that already works with the current equipment that would be a problem.

Nicole stated it is time for lunch and Bud won't be attending the meeting after lunch, therefore, she asked if there are any other questions for Bud.

Ari stated the group did not discuss Nicole's second question. He asked if the MOPETP needs to be a part of the rule.

Nicole replied that it has to be, it isn't open for discussion. Internally, the APCP will have to figure out a way to leave it flexible enough to change the testing requirements/testing standards. She has been directed that the MOPETP will no longer be a stand alone document.

Ari asked if it is required to put the entire book in the rule.

Nicole replied that it will be incorporated by reference. She believes what is meant by this is the MOPETP will not be able to be changed without some sort of approval first. She isn't sure if this means a rule change or what else it may mean.

Bud stated that is what he has been fighting because that is what messed up California. Long before they changed they knew their testing procedures for vapor assist systems were not useable. However, their law, which was based on the testing procedures for balance systems, stated the interface had to be tested and if the interface is good then everything is good. They engineered the vapor assist system around the interfaces.

Mark Jordan asked Bud if he would rather not have MOPETP incorporated into the rule or that he would.

Bud stated he would like to have the word MOPETP defined and incorporated into the rule but he would like to keep the MOPETP document alive outside of the state rule.

Mark Jordan then asked if MOPETP could be added to the rule with a statement similar to "…as MOPETP deems appropriate these specifications can change from time to time…" without limiting the movement forward.
Nicole and Bud both were unsure if that can be done. Mark Jordan added that attorneys do it all the time. Nicole stated this issue was taken to the department's attorney and they said as is, not working.
Ari said his understanding is if MOPETP is completely incorporated in the rule then changes can not be made to it.

3. New topics for discussion
   - MOPETP (Continued)

Bud stated if it is completely incorporated then no, changes can not be made to the rule as technology moves forward, which would require completely going through a rule change and that will take a minimum of two years.
Ari stated he doesn't think it makes sense to do that.
Bud stated he doesn't see any good reason to have it in the rule. Anyone can obtain a copy of the current MOPETP.
Mark Jordan asked if the authority to MOPETP can be incorporated in the rule instead of specifying the current test procedures.
Bud replied that is what the legal people have not figured out yet.
Todd suggested having a board similar to the workgroup to approve changes or inclusions. Bud stated that is what the workgroup is for. Todd clarified that the rule could state the board has to approve any changes. Bud mentioned the Technical Review Committee currently does this.
Paul McConnell stated when the workgroup first started he was trying to stress State Implementation Plan (SIP) approvability. His idea was to first make the MOPETP set in stone on a certain date then if changes were going to come about they would be reviewed by a committee, which would consist of the APCP, the EPA, the regulated community, and the state's legal council. If the committee came to a consensus then the MOPETP date would change as new changes in the MOPETP were incorporated to allow it to float. The key is there has to be a start date in a rule and every time the start date is changed there is a rule action. Therefore, if the MOPETP is incorporated by reference as a document into a rule it will have a start date. Once the MOPETP is amended the date is changed and that date has to be updated in the rule. This is where the problem occurs.
Mark Jordan asked if a mechanism can be incorporated within the rule that updates it without having to come back to the rule every time.
Paul stated that was his initial intentions when he mentioned the four entities of the group approve doing it that way to index the date up to the current MOPETP, which will allow it to float.
Mark Jordan clarified that it is currently an issue not having something included in the rule. How it is done isn't necessarily an issue. Mark believes there has to be a

way to include it without locking the current testing procedures and having to go to a new rule every time it needs to be changed. Maybe there is a way to structure it to include it by a process or committee, or a comment period, etc. Therefore it can be a changeable document without going back to through the rule changing process every time it is changed.
Bud doesn't believe the EPA will show up for the committee and Nicole stated the EPA only has to be invited, they aren't required to participate. Mark Jordan added if the EPA is invited then they approve the action by not attending the committee meeting.

3. New topics for discussion
   - MOPETP (Continued)

Paul reiterated if the committee of the four groups were all in agreement, using a comment period, either in an amendment or not, it would become a living document.
Bud stated it seems onerous.
Mark Jordan stated not as onerous as rewriting the rule every two years.

Break for lunch.

After reconvening, Nicole stated the group will continue on from where they were at before the break. She asked the group if anyone would like to add anything to the previous discussion.
Ari said the group hasn't gotten a clear answer from Nicole. He asked if it is possible to get that MOPETP part in the rule resolved like Mark Jordan suggested (not including the entire MOPETP document in the rule).
Nicole replied that she hopes so, however, having the MOPETP the way it currently stands is what allowed a change to be made without any input from the industry in making the requirements stricter and trying to impose stricter requirements that no one had agreed to.
Mark Jordan asked which requirements. Ari asked if it was on the requirements on the test itself or the requirements from a couple of years ago when Bud wanted to put everyone on EVR.
Nicole replied she believes it is the same thing because it was the EVR requirements that pushed forward the testing. She asked if she is incorrect about that.
Ari said he thinks he and Nicole are talking about two separate issues. He also stated the MOPETP itself as a test procedure could have its own requirements; more or less stringent. The industry does not care as much about how to perform the MOPETP test itself. What happens after approval is a different story because then the industry is involved 100%. So if that requirement on Stage I EVR exists right now, they are already supposed to spend thousands of dollars. This is why Ari believes it is two separate issues.
Mark Jordan stated MOPETP is not the one that determines the performance of the system in the field. MOPETP determines what the requirements are for approving

equipment for use in the field. Therefore, if the requirements are their testing procedures and their tolerances of P/V valves the industry probably doesn't care about those requirements. However, when the group is talking about pressure/decay tests Mark Jordan doesn't believe that is the MOPETP that determines what those requirements are.

Jessica stated that was what she was asking before because Bud was saying the MOPETP has become more stringent with the equipment standards that can be approved. However, the actual pressure/decay standards have not changed. Therefore, they are independent.

3. New topics for discussion
   - MOPETP (Continued)

Bill clarified that Jessica is referring to the rule requiring 95% efficiency and 98% efficiency has kind of been put into the MOPETP without input from anyone in the industry. Jessica agreed with Bill.

Nicole stated what Bud had said was the standards in the state regulation have not changed. However, the standards in the MOPETP have changed for all practical intense purposes for how it applies to the industry but not getting any benefit from it.

Mark Jordan stated if MOPETP changes the standards for approved equipment having to meet certain tolerances (whether it is called a percentage or not) that has not changed the requirement. He thinks if the requirement for achieving compliance/vapor recovery is going to change it can change whether or not Missouri has the MOPETP or not. That requirement should be separate from the testing of equipment requirements. That is what the MOPETP is; the testing requirements for equipment approved for use in the state of Missouri. If the group decides to change the efficiency from 95% to 98% for Missouri, that is a separate requirement than the MOPETP. Mark Jordan agrees that by increasing the requirements for the equipment tested in fact improves the efficiency of the systems in the field. He thinks what Bud would tell the group is that this is happening because we know the practical efficiency in the field is not the same as the rated efficiencies. So Missouri is making improvements because the state is approving equipment that keeps that efficiency longer than it did before.

Jessica stated it is a problem if those standards do not trickle over to what is actually required such as EVR. Mark replied that EVR is a way to achieve a higher percentage.

Nicole said the point the group is back to is that the requirements have not changed in Missouri but the MOPETP requirements have changed at no one's discretion.

Mark said he doesn't think anyone in the industry cares if they build a new store that EVR equipment is now being installed. Everyone in the industry is doing it. He doesn't think any one in the industry has a problem installing on a new station the latest and greatest equipment approved for use.

Nicole replied that is true at this time, but asked what if the latest and greatest is an ISD or processor. Nicole said it needs to be dealt with. EVR is being used as an example because that is exactly how it happened.

Mark Jordan then that would have a conversation associated with it. If Missouri de-coupled themselves from California and decided to use whatever was ever approved in California then the MOPETP could state for example, "…for any new station put in the ground we are going to use Stage I EVR. They could also choose (if warranted) to use processors or ISDs but they don't have to. The cost benefit would have to be considered. Mark Jordan believes the difference in putting EVR on a new station versus what was previously used is insignificant. It almost doesn't matter so everyone is willing to use the EVR. Therefore, when referring to a new station or

3. New topics for discussion
   - MOPETP (Continued)

taking out tanks and replacing them, the rule could be the new EVR equipment must be installed, not what had previously been approved. That rule could be written to state stations that have the original Stage I are grandfathered but new stations have to put in EVR and no one will complain.

Ari said his understanding is that the MOPETP does not require the industry to install that equipment. Mark added that the industry is doing it anyway. Ari went on to say that MOPETP states "…this equipment is good for use in the State of Missouri…" that there is nothing that requires stations to use it.

Nicole pointed out that was implemented as a temporary measure to resolve an issue that had come up. That was never meant to be a permanent fix to the issue.

Mark stated it was all done by letter. There is nothing in the rule that requires EVR to be installed.

Nicole stated that is her point. The industry was blown out of the water because Missouri has no process for this process. Ari stated he doesn't believe the workgroup wants to change that and Nicole thinks Missouri needs to allow for some flexibility but at the same time she does not want industry to get blown out of the water again.

Jessica clarified that Missouri needs a process in place for change.

Mark Jordan stated industry wasn't really blown out of the water. It was an attempt at blowing industry out of the water and it landed where it made the most sense. From a parts standpoint, he believes there is a $300 difference from what was previously used to what is currently being used in EVR. He thinks it makes no sense at all to go back to the old stuff if a facility is digging up the entire station anyway. It was the, "We are going to all be using this by such and such date…" that required the station owners to go into stations they hadn't planned to touch and spending $10,000 to $12,000.

Nicole asked Mark Jordan if he would like a process to be able to give his input on that before being told what to do.

Mark Jordan stated it depends on how that process works because when looking back they did have a process. The industry was told what they had to do, they all

complained and then everyone agreed to meet and figure it out. Nicole replied that she doesn't want to go through the arguing.
Ari believes the industry and the regulating agencies would have a discussion on that every time. The department has to have the authority to implement that but there needs to be a procedure on how to do that.
Nicole agrees and added it needs to be a written procedure.
Paul asked what kind of time frame is there between constructing a station or breaking concrete at an old station to repair something.
Mark Jordan's answer was that it depends. If it is a station that has mediocre volume, it is making money and it will never be rebuilt or replaced; then there is no reason to dig that up. He believes the problem with writing a procedure is that the procedure

3. New topics for discussion
   - MOPETP (Continued)

will need some finality. It won't require to station owners to dig up their stations but new stations will go with EVR and EVR will be phased in everywhere for ten years. Then some of the stations won't be dug up in ten or 20 years. However, at any station that kind of work is already planned, there won't be problem putting it in. The problem with a procedure is that it doesn't allow for a lot of flexibility.
Jessica asked Nicole if she is talking about more of a procedure to announce changes.
(Mark Werthman rejoined the group by conference call.)
Nicole stated she is talking about a procedure for implementing new standards.
Paul asked if it would be more trouble to word it as "…upon breaking concrete, state of the art equipment must be put in…"
Jessica said that would depend on where the station owner is breaking concrete at.
Mark added if a station owner is breaking concrete to fix a spill bucket that had been hit by a snow plow, which might entail cutting the concrete three feet around the bucket, removing the broken bucket and threading on a new bucket, that would be a lot less money than installing the newest equipment. The issue with the EVR is that from the top of a tank to the bottom of where that riser is threaded in, because the new equipment is deeper means digging all the way down to the bottom of the tank. When a station owner breaks concrete to fix a spill bucket it may cost $2500 including the vapor test and the construction permit. If a requirement is set that states when breaking concrete the station owner has to install an EVR system everywhere that would cost approximately $12,000.
Nicole added if that is spread out over various construction projects the station owner isn't incurring a large expense all at one time.
Ari reminded Mark Jordan the group is discussing EVR. He suggested imagining a scenario where Missouri gets a dripless nozzle tomorrow. The nozzle will cost $1000 a piece. Ari honestly doesn't think the industry wants to hear "in 12 months all stations need to be equipped with those dripless nozzles…" because it would cost the station owners a fortune. Even for changes such as that it is supposed to have a procedure. The state or MOPETP commission could command to use this equipment.

Ari suggested maybe the workgroup should establish procedures how to go to requirements from the state or the MOPETP recommendations. Ari also suggested discussing this if Nicole would like to. Nicole stated she would like some ideas.
Ari then stated when the industry receives a letter like that after approval tends to put everyone in shock. Nicole added she doesn't want to do that again.
Mark Jordan replied that he agrees with that but also pointed out the department could have as many Technical Review Committee meetings as they want and to him if that is a requirement and we had a process in place when the requirement came out, and followed that process, he looks at the efficiency to be obtained from Stage I Vapor Recovery to Stage I EVR as a marginal improvement in capturing VOCs. Even if we have a process he would still say, "I don't care about the process. You're asking us to

3. New topics for discussion
   - MOPETP (Continued)

spend $12,000 at these stations (whatever the time frame is) to go from 90% to 92%. What other opportunities are out there for us to get better efficiencies, or on a 'per metric ton' where else can we go after these VOCs."
Ari said his understanding is if the state is going to implement that procedure then they will come up with some numbers for the industry. They will not say, "Do it or die."
Mark Jordan pointed out that everyone needs gasoline. Sooner or later it costs the consumer the money either that or the stations go out of business. He also mentioned the debate about automatic temperature compensation and how they finally determined that the cost of implementing automatic temperature compensation wasn't worth the benefit to the consumer because it was going to be the consumer that paid for it. If enough retailers go out of business because they can not afford to make the required improvements, the ones that stay in business are going to recover their expenses one way or another. It is economics.
John agreed and compared it to the four year study that California insisted on doing that came back to one thing, the economics.
Mark said the inspectors drive around and look at stations all of the time. He asked the inspectors in the group how many of the stations inspected do they think are on the edge of being in or out of business in 24 hours. It is supply and demand. If the stations go out of business the business goes to the ones that stay in. So they are going to recover their costs otherwise they shut down. If the regulation says, "…here is the procedure but by 2015 EVR will be required in St. Louis." Those that can't afford to make it will go out of business and those that can afford it will recover that money from their customers or they go out of business themselves.
Ari said that is a good point, however, if it changes the station owners will get a letter before the requirements change and they can prepare themselves to fight the change if they want to. So if the state wants to implement a new requirement then they need to prepare themselves to fight for that with facts.

Nicole added if the department has a clearly defined procedure then they would more likely be more prepared to argue their point and would have already made a determination of how cost effective the change will be.
Mark Jordan agreed with Nicole that is how the procedure should be. If the government tells the public the air quality is not healthy, it leads to illness and needs to be cleaned up and then they present possible solutions to implement improvement in the power plant business, the paint business and the gasoline business. Mark would like to know which one of these improvements makes the most economic sense for society to bare the cost because ultimately that is where it is coming from.
Ari believes if the group can implement a procedure it will be to the industry's benefit. So if there are different nozzles, breakaways or P/V valves the station

3. New topics for discussion
   - MOPETP (Continued)

owners won't be forced to replace them, but if there are significant changes such as retrofitting then those will be required.
Nicole added that CARB has a definition of major construction and she thinks that would be important to include in the rule somewhere.
Richard mentioned any rule that is promulgated has to have a fiscal note. Part of that fiscal note should say is it will cost X amount per ton to reduce the VOCs. If it is too high then the amount is taken into consideration. The department does not expect someone to pay $40,000 for a ton of VOC reduction. So when there is a workgroup one of the things discussed is how much will it cost per ton to reduce the VOCs. Richard is positive that is why Subpart CCCCCC is not as astringent as this regulation because there is no way to justify it. He did a rule in Kansas City on bakeries and had to figure out how much per ton it will cost the company to put in a thermal oxidizer and the ovens. The industry was allowed to include their figures and it was all taken under consideration.
Mark Jordan added that there is a statute that requires a regulatory impact report is provided before a rule is promulgated. Those don't always meet the statutory requirement.
Richard replied that is where industry plays an important role. The industry has to provide their point of view.
Jessica and Mark both stated they tried in previous situations and both agree if the procedures are followed properly it should work.
Richard stated it is Paul's job to provide that fiscal note.
Paul stated there are two of them, the rulemaking report, which is considered minor and there is also the regulatory impact report. If both reports are reviewed together there isn't much difference in the two. The industry can comment on both reports and both reports should hold the same weight in consideration.
Nicole tried to clarify that the fiscal note is required for the rule but a fiscal note was not required to implement stricter standards on the MOPETP.

Jessica explained that is because the MOPETP is just a floating document, therefore, it currently isn't following any procedure.
Richard pointed out if it is used then it circumvents the process. Jessica and Nicole agreed and Jessica added there are no checks and balances in the MOPETP.
Mark went back to asking what is it that MOPETP has regulatory authority over. He believes the MOPETP only has the authority to determine what equipment is approved for use in Missouri.
Nicole stated she agrees and it is a testing procedure.
Mark Jordan added OPW and Franklin Fueling may want to be included in the workgroup meeting to know what the impact to them would be on their requirements for obtaining approval, but as a retailer, the tighter those standards are the better off the retailer is. It may change the cost of that equipment a little but the company has

3. New topics for discussion
   - MOPETP (Continued)

to decide if they can make it work economically. The retailers aren't really going to care if MOPETP increases the requirements on their testing to narrow the tolerances on the equipment they approve in Missouri.
Ari stated that is a good point and we may face the situation to make it less stringent. He is completely against putting the entire MOPETP in the rule because the MOPETP needs flexibility.
(changed tape)
Kris Stutko stated if OPW 523 is still good (even though technically it is not) and a the state wants to get rid of it and make everyone use the $300 Husky one, it seems like the process would be to decertify the OPW one not just certify the Husky one. If it is on the list it's fair game for any station to use. This is an issue because if a facility doesn't want to spend $12,000 they will spend the $3000 for this system. In order to do that the other one has to be decertified. Kris asked how to go about decertifying it and getting everyone to agree on decertifying it.
Todd pointed out those valves are still passing. The point of MOPETP is to find the equipment that won't pass and don't let facilities use the equipment that won't pass. So if there is equipment that still passes there is nothing wrong with that.
Mark Jordan believes the state feels (outside of MOPETP) Missouri needs to achieve a higher efficiency then there are several different ways to go about it. One way might be to improve the efficiency of the equipment that is approved for use in Missouri but in a sense what we would be doing is raising the requirements through the back door by raising the requirements for the equipment. He doesn't know if there is a need for us to improve the efficiency of the system currently in place.
Nicole stated she doesn't know if there is a need either.
Mark Jordan stated if Missouri is at 95% and the federal government requires being at 98% then we know we have to make up three percent. One way is to look at the MOPETP and require that it approves equipment at a higher performance level and decertify equipment that doesn't meet that level, or Missouri could decide to go to a

different industry. The regulations should be what drive the changes of the requirements within MOPETP not the MOPETP driving the rest of the program.
Jessica replied that is what is taking place (the MOPETP is driving the regulation). She asked Nicole to explain that relationship when something comes out of MOPETP how does that trickle down to what the inspectors do in the field.
Ari stated it depends on what it is and if it is expensive. If it is a breakaway, valve or a nozzle, you can buy it you can use it, but if it is EVR Stage I it is a different story. It depends on whether it is a major construction or a small change like Nicole said.
Jessica said their decision whether to include it or exclude it from the rule depends on what the relationship is and how it will play out. If it is going to be whatever is recommended for MOPETP goes into what the state is regulating then there probably should be a process and should go through a change process.

3. New topics for discussion
   - MOPETP (Continued)

Ari suggested including the wording "major construction" and "small changes" in the whole rule and then when MOPETP recommends something it should state in the approval letter if it is for major construction or if it is for regular maintenance. If it's for regular maintenance the retailer can decide whether or not to purchase it. If it is major construction the next step would be to set up a TRC or group meeting and get it issued.
Mark Jordan mentioned when discussing CARB it is the California Air Resources Board. We don't think of them as a separate testing entity from their Air Pollution Control Program. CARB is CARB. So Missouri has the APCP and the MOPETP as a kind of subunit of the APCP that determines what equipment is approved for use in Missouri. He believes the APCP sets the standard as to what efficiency the state wants to achieve and the MOPETP determines what equipment can be used in Missouri in this industry (MOPETP does not test equipment for other industries like CARB does). For example if the APCP has targeted efficiency by 2015 of 98% then we can determine what equipment the MOPETP needs to put into place to achieve that efficiency. Currently, the MOPETP is directing the change in efficiency by the equipment it approves.
Ari disagreed and stated the approval letter comes from the APCP.
Mark Jordan said that happens after the MOPETP has already looked at it and said this is what Missouri should be using.
Ari stated it's not "should" be using, this is what they command to use.
Todd said all they are doing is starting with a list and just adding things to that list. If a facility wants to buy something on that list they can buy it. They are not saying what the facilities should or shouldn't use.
Ari said sometimes there are major issues in St. Louis such as eliminating coaxial Stage I.
Mark Jordan replied Ari is right but the letter that came out that stated Missouri is now required to put in EVR when a facility breaks concrete came from the MOPETP,

it did not come from the APCP. Ari disagreed and said it came from the APCP as it had the program logo on it. Mark Jordan said Steve Feeler, the APCP's Compliance/Enforcement Section Chief, may have signed the letter but he did so after it came from the MOPETP. Ari agreed but pointed out the group currently needs to try to separate those issues.

Nicole stated she believes Mark Jordan and Ari are saying same thing yet in different ways.

Mark Jordan stated the MOPETP should not be driving what the requirement is. The MOPETP should be responding to the APCP who is stating, "…this is the set goal, this is what we want to achieve now identify the equipment that will help us achieve it."

3. New topics for discussion
   - MOPETP (Continued)

Ari agreed and said it needs to be put it in writing. He said what he is trying to avoid pushing it forward but instead to push it back. If we put it in the rule and it stays as it currently is and then it comes from the program. The industry will fight for another three years to have another workgroup to change it back. It cannot be fixed to the wall. It is supposed to have some movement. It needs to be somewhat flexible.

Nicole agreed and said allowing the flexibility needed but still not allowing certain flexibility is where the big problem arises. She said now that everyone has the picture she wants help finding the answer.

Mark stated he is sure there is an attorney in the government who can figure it out.

Nicole replied typically what the department's attorney does is just say, "Yes, it will" or "No, it won't" and "Do it on your own then we'll let you know." The APCP does all the work.

Paul asked if it needs to be written in such a way that all they are doing is listing specifications that have to be met. The equipment is irrelevant and the industry can use whatever equipment they want as long as they have tested those specifications. He asked if this thinking is correct and other members of the workgroup agreed.

Jessica said they give the recommendations or specifications and MOPETP says what equipment will do it. That should be all MOPETP does though.

Ari pointed out occasionally those modifications are significant. In those situations, big money is involved and to make it official the regulating agencies cannot just drop it on the industry.

Kris told Ari that is why a decertification process is needed because if the state is getting rid of coaxial or any kind of vapor assists system it is being taken off of the MOPETP list. Kris asked what the department has to go through to get equipment taken off the list. Ari replied that is a good point.

Nicole added if this went to Kansas City it would be more of an issue. The statement is "this was once approved but Missouri is moving to EVR, therefore, whatever was being used before will not be allowed." Nicole said there is already a process for

saying equipment can be used, but she believes the MOPETP needs a process for saying something can't be used anymore.
Ari told Nicole it could become a problem if a discussion is organized then possibly someone with the state is going to say, "we need to approve EVR Stage I and once it is approved from that point on the existing system does not work anymore." So it will be a dramatic process for both approval (if industry agrees) and disapproval.
Nicole said they will basically say the same thing. We would take everything but that EVR system off the list.
Bill said the other issue with this approval involves the equipment that does not work. If the manufacturer changed something and it doesn't do what it did with the MOPETP. He mentioned that Bud brought up the issue of a nozzle end at each end of

3. New topics for discussion
   - MOPETP (Continued)

the hose with Goodyear. There needs to be some way of making sure. Bud was able to bully them.
Nicole replied it would be easier to bully them if there was a regulation in place.
Bill agreed and gave the example the department could require the manufacturer to notify how they intend to fix the issue and not let it happen again or the department will pull the manufacturer's approval. This would require every Goodyear hose on every pump to have to be changed to a thermoid or whatever else is approved. That would cause a major issue for the company and they probably have a way to make Goodyear pay for it but it is still something the company is not going to want to go through.
Jessica said this kind of goes back to the decertification process. There needs to be something in place in case something comes up.
Paul asked how much difference would there be between the term 'decertification' and 'deadline date' that it can't be used anymore.
Bill stated he went through the issue with the V-1, the issue with coaxial, and the issues with the ASTs where the department basically set a date and required compliance. The department went through a lot of static because the industry was basically forced to do it.
Nicole replied that she can't say that will never happen. However, if there is a clear process for decertification that will help decide what that time frame will be at least the industry would know it is coming and the reasoning behind it.
Paul said he understands where Nicole is coming from but every time he looks into decertification in other states and he sees date.
Nicole believes that is just what Paul is seeing. She can't imagine there is no process for justifying that date.
Paul stated if the process is telling everybody you're going to reach a date at some time then that should just be a short sentence.

Jessica believes a process would be case dependent. The decision would be based on major or minor construction. If it is major, the question is what it will cost industry to make the change. That would help determine what the date would be. If it is considered a minor issue by the definition of minor it would be something like twelve months. There has to be a process to determine what that final deadline is.
Paul said this is excellent because the group is getting into what could be a process.
Kris suggested having a technical workgroup get together and one side determines it will cost $1000/ton. Another side determines it will cost $12,000/ton. That's how the group will start coming up with a deadline. Jessica agreed and added the cost versus benefit and how to do it.
Ari said his next question is unpleasant. Because the group is talking about separate areas (possibly separate rules), Ari would like to know how will St. Louis, Kansas

3. New topics for discussion
   - MOPETP (Continued)

City, Springfield, Joplin, and rural Missouri areas affect the MOPETP and the approval lists.
Nicole explained that what she thinks will happen is everyone that falls under the nonattainment rules that are being revised will have to switch over eventually. She asked the group to remember that the people not in a nonattainment/maintenance area do not have to meet the more stringent requirements.
Ari stated there are some situations where it is impossible to uphold the MOPETP standards. An example of this is ASTs. They are not approved at all so there needs to be a procedure to exclude some things from the MOPETP standards.
Nicole doesn't think anything will get excluded.
Mark Jordan asked if California has the same standards across the entire state. Ari and Nicole don't believe they do. Mark Jordan said CARB has the regulatory authority. There is no distinction between the California's statewide air pollution control program and a testing entity that deals in one part of the state. CARB can say San Francisco, San Diego, Los Angeles are all nonattainment zones and they have a separate set of requirements. However, in Eureka, California the air is pretty clear up there. Mark Jordan is pretty sure CARB doesn't require them to use the same equipment there that is required in the major cities. Circle K used to operate stores in northern California. Although it has been a long time ago when he was there, there would have been no economic benefit of making those stations comply with the same kind of rules as a major city such as Los Angeles.
Bill said one of the things CARB did approximately 14 years ago was establish requirements for Stage II throughout the state based on health requirement. That was basically dumped on the health department but CARB set the standards in that it had to be CARB approved equipment. So in all those little towns if the gas station had a throughput greater than 100,000 gallons they had to have it but the health department took over rather than the air districts such as Los Angeles or San Diego.

Mark Jordan asked if throughput was the threshold and they had stations below 100,000 gallons and they weren't required to use Stage II nozzles then why can't Missouri do the same thing.
Nicole did not understand Mark Jordan's question.
Mark Jordan explained the group seems to be stuck that Missouri will have a statewide rule and will have defined nonattainment zones yet some are worried that, by extending MOPETP's authority to determine what equipment is approved across the state, rural areas will now be required to use equipment that is on the list.
Nicole stated that isn't what she is suggesting. For example, Kansas City uses MOPETP approved P/V valves but they don't use a full MOPETP approved system. They would be required to do so. If Springfield were to fall into the nonattainment category, they would also be required to use MOPETP equipment.

3. New topics for discussion
   - MOPETP (Continued)

Ari stated Springfield does have some ASTs and will have to make changes. He asked Richard if Kansas City has some stations with ASTs greater than 1000 gallons. Richard said they do. Ari asked Richard if they have stations with coaxial hookups on Stage I. Richard said they do. Ari then said it was a very difficult time in St. Louis when the MOPETP was introduced.
Nicole replied that she understands Ari's issues and she suspects it will be a very difficult time in Kansas City as well. She reminded everyone that this is not her decision.
Mark Jordan asked what will be the cost benefit. He doesn't know anything about what the air quality is like in Kansas City today.
Richard said it is not as bad as St. Louis even with the Stage II in place. Kansas City is an attainment area and hasn't been nonattainment since approximately 1992. It is a different situation. St. Louis has stricter regulations for that reason.
Mark Jordan agreed and said it is that way because St. Louis needs the stricter regulations. He feels that should be what drives the program. If the goal is to reach attainment in all major metropolitan areas of Missouri, then that is where the efforts focus on. If St. Louis is still the worst after everything that has been done then the focus should be on St. Louis. That has to be a state-wide decision.
Nicole agrees and mentioned that is part of the process to go through in the rule making and SIP development, etc. She believes the MOPETP has been working backwards.
John added if the group looks at how small some of the contributors are on the stations that are above the threshold and the group look's at all those little factor's being discussed in this thing and then look at the one across the street that is slightly under the threshold and they contribute 50,000 times what some of the others do. He doesn't understand why it is either all or none.

Nicole said she doesn't disagree with John but it isn't her argument. She also mentioned Richard summed up some of the AST issues really well in an email to her and she sent that email along with the recommendations of the workgroup on up for review . Maybe the EPA will buy our suggestions and arguments it but the reality is if the EPA still thinks control measures are needed then that is what Missouri will have to do.

Ari agrees with Mark Jordan that there needs to be separate requirements for separate areas. He isn't even referring to Kansas City he is referring to possibly one station near St. Joseph where there is no sense for that station owner to install a two point Stage I system.

Nicole replied she isn't sure about that. That station may fall into the nonattainment/maintenance area where Missouri doesn't have these regulations then it wouldn't apply to them anyway. Otherwise, if they are in a

3. New topics for discussion
   - MOPETP (Continued)

nonattainment/maintenance area where this rule does apply then there is a reason for it.

The group had some mixed discussion about the wording of the rule requirements applying to the counties and Nicole quoted, "…this rule applies to St. Louis County, St. Louis City, Jefferson, Franklin, St. Charles, Kansas City, Jackson, Platte, and Clay counties. Depending on when the rule is presented and the determination is made about who will be in nonattainment and who will not counties may be added or subtracted from that but it would be those counties that will fall under the rule anyway. She asked the group if they have any more ideas or suggestions. There were none.

4. Wrap Up/To do's/What's Next?

Ari asked Nicole when the draft rule is finalized and sent to the members of the workgroup, will she give the group some time to respond to her and then meet again and discuss suggestions, or will she set up another meeting immediately.

Nicole said she would like to get something down on paper and she probably won't set a meeting date until she gets the draft sent to the workgroup for review. That will give the workgroup members a couple of months to look at the draft. She believes it will go through the department review before or at the same time the workgroup members review the draft.

Mark Jordan asked if Nicole had any time frame.

Nicole said possibly April for the draft rule and probably May or June before the next meeting will be held.

Adjourned.