



## **Vapor Recovery Stakeholder Workgroup**

**Aug. 26, 2008**

Governor Office Building

Conference Room 315

200 Madison St.

Jefferson City

### 1. Welcome and Introductions conducted by Nicole Eby

Attendees at the meeting include the following:

Nicole Eby, Air Pollution Control Program

Tami Spears, Air Pollution Control Program

Steve Feeler, Air Pollution Control Program

Dave Lamb, Air Pollution Control Program

Paul McConnell, Air Pollution Control Program

Bud Pratt, Air Pollution Control Program

Heather Peters, Hazardous Waste Program

Katie Hirtz, St. Louis County Department of Health

Ari Yarovinski, St. Louis County Department of Health

Mark Werthman, Chrysler LLC

Midge Winkler, General Motors

Kris Stutko, Boeing

Mark Jordan, Wallis Companies

Todd Burkhardt, Neumayer Equipment

Hani Hamzeh, St. Louis Regional Office

Bill Ruppel, St. Louis Regional Office

John Albert, MDOA Weights and Measures

Mike Miller, Kansas City Regional Office

Richard Vani, Kansas City Regional Office

Brian Adams, Springfield-Greene County Department of Health

Jami Gay, Springfield-Greene County Department of Health

Ramona Clemens, Springfield-Greene County Department of Health

Katina Stewart, City of St. Louis Division of Air Pollution Control

Markus Lambert, City of St. Louis Division of Air Pollution Control

Milo Daub, Kansas City Health Department's Air Quality Section

### 2. Background Information provided by Nicole Eby

Nicole stated the ACP is opening up both 10 CSR 10-2.260 and 10-5.220 to clarify them and make them consistent with each other.

- Purpose of Workgroup provided by Steve Feeler & Paul McConnell

Steve stated he would like everyone in the workgroup to work cooperatively. The workgroup may not come to a consensus but the purpose of the meetings is to take the ideas, decide what is best and to write a new rule considering the

comments and ideas provided. Steve pointed out Nicole Eby is the facilitator of the workgroup and will be keeping everyone focused on the meeting topics. Any topics that attendees would like to address in future meetings can be discussed with Nicole. Steve also mentioned the rulemaking process is not quick so it may take a couple of years from this meeting date before the process is finished. Steve suggested Paul McConnell explain to the workgroup the rulemaking process. Paul explained the process noting a 60 day notice has to be provided, then the rule will go through the public hearing stage (which is 30 days), then a

- Purpose of Workgroup (Continued)

public hearing before the Missouri Air Conservation Committee (MAACC) will be held. Next the rule will go through an adoption stage, the effective date and finally be submitted in the State Implementation Plan (SIP) to the U.S.

Environmental Protection Agency (EPA) for approval.

Steve noted if someone does not like the rule the program writes they always have the option to attend the public hearing and voice their concerns or present them during the public comment period.

Dave Lamb noted the rules are part of the SIP, therefore, the workgroup needs to be careful not to relax the language of the rule so much that EPA would deny it.

In the end it needs to be a SIP-approvable rule.

Paul stated he would like a good rule written and would like the rules to be clearer and less confusing.

- History and Overview of Vapor Recovery in MO provided by Steve Feeler and Nicole Eby

Steve noted the vapor assist systems were not as efficient as they should be, so the department developed the Missouri Performance Evaluation Test Procedure (MOPETP) to effectively weed out systems that were not working properly. The current rule is hard to understand and the workgroup needs to start from ground level and work their way up. Steve would like everyone to be open minded about how this process will be handled.

### 3. Workgroup Strategy

- General format of meetings

Nicole stated the format for each meeting will be to recap the previous meeting, discuss the new focus topic, and decide what needs to be done during the time in between meetings. Nicole picked the topic for this meeting, but would like to get input for the next. Someone in the group mentioned Onboard Refueling Vapor Recovery (ORVR) and Nicole stated the group may need to discuss whether it is an issue or not.

- Establishing priorities

Nicole would like input from everyone in the workgroup stating what their top three priorities for the meetings are.

- Focus of each meeting

Nicole would like the group's focus to be on rewriting the Vapor Recovery rule and any issues the group does not have answers for.

- Attendance

Nicole informed the group their attendance at the workgroup meetings is not mandatory, but if an individual would like an active voice in the rule they will need to attend. She pointed out that individuals will still have the public comment period but that input would be more valuable during the process.

- In between meetings

Nicole listed the link to the website for the meetings and noted the website had been emailed to everyone. The website will contain background information. The meetings schedule, agendas, and minutes will also be posted. She told everyone she created an e-mail group consisting of all members and that she would make sure each member had the same contact list. Nicole also indicated

In between meetings (Continued)

there may be work needed between meetings as follow up, or in preparation for upcoming meetings. She stated she would make sure everyone understood what was expected of them before each meeting ended.

#### 4. Open Discussion

Ari Yarovinski asked if the workgroup is writing a new rule or re-writing the old one. Ari feels the group needs to decide because of the new Maximum Achievable Control Technology (MACT) standard.

Steve stated the group can discuss it and also discussed some possibilities for implementing the new standards, including use of contractors that are already inspecting underground storage tanks to inspect some facilities

Ari asked if the group has the option to leave the door open and make changes in the rule. Bud Pratt stated it is always an option to make changes to the rule but it is a lengthy and cumbersome process.

Steve suggested the group re-write the rule and if department adopts the new MACT standard, then a new rule can be written to cover the standard. Nicole recommended the group keep the new standards in mind and make sure the new rules meet the suggested standards of the new federal regulations.

Paul suggested including the new MACT standard in the rule.

Nicole explained the MACT rule subpart “CCCCC” for those who were not familiar with it basically requires Stage I nationwide based on a facilities gasoline throughput.

Todd Burkhardt mentioned most of Neumayer’s customers choose to install Stage I equipment, but there are some with out it.

Mark Jordan stated all of Wallis Companies equipment have Stage I.

Steve requested to change the discussion to finding out everyone’s main issue with the current rule.

The discussion started with Mark Jordan who stated he would like to see clarification of the requirements for enhanced vapor recovery on Stage I and the cost/benefit of making these changes. He is also looking to understand the rule better.

Kris Stutko mentioned the cutoff on capacity of tanks. She is interested in what size tanks would be subject to regulation.

Milo Daub would like a clear direction to follow for conducting inspections.

Midge Winkler would like a clearer understanding and clarification of the rule specifically the initial fueling portions.

Brian Adams stated, as a regulatory agency, the group needs to make the rule clearer.

Discussion began among the group concerning attainment and nonattainment areas. Steve asked Dave when the designation of the nonattainment areas will be released. David projected in March of 2010.

After the discussion returned to the problems with the current rule, Mark Werthman mentioned the ORVR and initial fueling at automobile manufacturing plants.

Ari stated he would like to see attention to the small details in the new rule and would like specifics that are now written in policy included in the rule.

#### 4. Open Discussion (Continued)

Katie Hirtz stated she currently references written policy to facilities in violation, but she would rather quote a rule or show an individual the rule instead of a policy.

Richard Vani mentioned the Chapter Two regulations and would like the testing to be every two and a half years instead of every two years. Richard also suggested the small tanks that are not at gas stations be exempted from pressure/vacuum valve testing, and petroleum storage tanks at bulk facilities and terminals be put in a separate rule. Richard believes these items should be taken out of the Stage I rules.

Mike Miller would like to see changes to scheduling testing every two and a half years instead of two years. Mike also mentioned that 80% of the pressure/vacuum (p/v) valves fail tests. Todd believes the p/v valves tested in Kansas City have this problem of failing tests due to Kansas City not having any Stage II regulations. Bud Pratt suggested most of the valves failed due to not being properly cleaned.

Markus Lambert did not have any concerns with the current regulations.

Dave Lamb did not have any direct concerns, but believes the rule needs to be clearly written and something that can be included in the SIP. Dave suggested having the same rule at a state level as there is at the federal level.

Jami Gay did not have an opinion about the current rule.

Tami Spears did not have an opinion about the current rule.

Bill Ruppel suggested creating an enforceable rule with consistency across the state concerning permitting, etc (i.e. the five year plan in St. Louis versus the two year plan in Kansas City).

Heather Peters did not have any comments to make concerning the current rule, but defined her function as part of the workgroup is to provide facilitation in the process of making a better rule.

John Albert stated the current rule contains conflicts concerning the designing of systems. He mentioned a study conducted by the University of Missouri that can provide data regarding emissions. John believes consistency is very important. He also mentioned the Department of Agriculture rule concerning overfill

requirements for above-ground storage tanks (ASTs), is not consistent with balance systems. John stated 40% of the stations in Missouri have ASTs. Hani Hamzeh stated the group needs to create something enforceable. Bud Pratt mentioned issues with the general format. He suggested splitting the different facilities and writing the rule(s) accordingly. Bud believes this will make it easier for the industry. Todd Burkhardt would like information on how best to advise customers to build their stations. He also mentioned he would like the group to address the issue of requiring certified contractors, and would like a more formal notification process such as reminder letters when testing is required. Paul McConnell stated the new rule needs to be user friendly. Katina Stewart would like a format change in the new rule. Katina likes the idea of separate rules to maintain compliance.

Lunch

#### 5. Focus on rule format

- Discussion of options
  - One state wide rule
    - Nicole stated this option would make the rule more consistent across the state. Brian Adams mentioned the open burning rule already follows this format. Mike Miller believes this option defeats the purpose of clarification. Richard Vani stated it would take too much time to create one rule. John Albert believes one rule would be much easier and fairer. Bill Ruppel mentioned the rule would need something included in it that applies to St. Louis only versus the rest of the state. Bill believes separating Stage I and Stage II will be almost impossible.
  - Separate but consistent rule for each affected area
    - Nicole stated this option would allow different regulations for each area (i.e. St. Louis versus Kansas City), Stage I or Stage II. Kris Stutko asked why the group is referring to it as Kansas City or St. Louis when it should be addressed as attainment or nonattainment areas. Someone in the group explained there are different levels of attainment and/or maintenance and different measures may be taken to reduce emissions in each area. Dave believes this will cause issues with inconsistency and it would be better to keep more flexibility in the rule. Steve pointed out that it does not make sense to re-write identical rules in different sections
  - One rule for Stage I, One for Stage II
    - This option would be similar to having one rule with different sections for Stage I, Stage II, bulk facilities and terminals, and initial fueling facilities.
  - Other Options
    - Brian Adams thought it might be easier to write one rule and have appendices for each area. Bill Ruppel reminded the group the rule has to satisfy the requirements of the federal government.

Bud Pratt believes it would be a mistake not to require a permit from all facilities.

Mark Jordan stated pointed out while he is not necessarily advocating stricter regulations it would be easiest for him to have something consistent as his company conducts business throughout the state.

Richard believes it would be easier to make changes to Chapter Two than include the Kansas City maintenance area regulations in Chapter Six.

Steve asked Dave if it is yet known which cities will be considered non-attainment areas.

Dave stated it is not yet known positively, however, Kansas City and St. Louis will for sure be considered non-attainment areas, it is just a matter of which counties in the Kansas City and St. Louis areas will be included. Springfield will possibly be included as a non-attainment area.

Steve stated it doesn't make sense to have two separate rules for Kansas City and St. Louis if the group plans to make the rules consistent. Steve also stated it is unrealistic to permit every facility due to lack of staff available to inspect every facility.

Mike thought it would be simplest to adopt the MACT rule by reference.

- Individual goals/tasks prior to next meeting (Continued)

Bud stated there would need to be a way of seeding out the bad equipment.

Steve asked if anyone is absolutely against having one rule with separate sections. No one objected, but Midge stated it would be easier for her if Stage I and Stage II are separately defined.

Nicole mentioned the group had not yet discussed the delivery issues/procedures and asked where they would get addressed.

Bud stated the rule would need a perfect and well defined delivery procedure and it should be included in the Stage I portion of the rule.

## 6. Wrap up

- Summarize this meeting
- Individual goals/tasks prior to next meeting

Steve assigned Bud to develop a rule structure/format and send it to the members of the workgroup within the next couple of weeks for their review.

Steve requested Bud to work with Nicole and Paul on this assignment.

Steve asked the group to send to Nicole their lists of three topics most important to discuss in the workgroup. Nicole asked everyone to prioritize their list, with the most important listed first.

Steve also requested everyone review the meeting minutes and send their comments to Nicole. Steve asked Tami when the minutes will be posted to the website. Tami stated she would have them completed by the end of the week.

- Goals for next meeting

Nicole stated the goals before the next meeting were to have a structure/format for the new rule to review and to have everyone's priorities compiled so the group can have a more specific agenda and know what it will

be well in advance of the next meeting. Nicole suggested it may be necessary to break into smaller groups to discuss some topics.

Steve asked Ari if the fee structure was the only difference between St. Louis County regulations and state regulations. Ari stated St. Louis County also regulates 250 gallon tanks. Katina stated there was no difference between the City of St. Louis regulations and state regulations, and Brian Adams stated he had recently been instructed to begin evaluating options for revenue including setting up a permit and fee structure.

Mark Jordan asked Dave if ethanol has had any impact on the monitors throughout the state. Dave responded that the department does not have a way to measure ethanol impacts specifically.

Meeting adjourned.