



Necessity Findings

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

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

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

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

- Public hearing expected May of next year
- Expected to be effective November of next year

10 CSR 10-6.040, *Reference Methods*. This rulemaking will update the incorporation by reference date for ambient air monitoring methods to include the latest Federal Register notices. Two of these notices promulgated existing methods as new Federal equivalency Methods (FEMs) for monitoring the following air pollutants: lead, nitrogen dioxide, PM_{2.5}, PM₁₀, and particulate matter between 2.5 microns and 10 microns. With these actions, EPA determined these FEMs may now be used to measure these pollutants. In addition, EPA finalized a new federal reference method for measuring lead in total suspended particulate matter and, at the same time, designated it as a new FEM. Adding the latest Federal Register promulgation dates to this rule will allow use of the most recent FEMs to meet state requirements. This rulemaking does not impose any additional requirements, but is intended to assist and benefit sources, the Missouri Department of Natural Resources, and other state agencies in determining compliance with National Ambient Air Quality Standards by providing seven (7) additional equivalent methods. This rulemaking will also remove the term "ambient air" from all areas in the rule where the term is not used in a reference method title. This change will remove a redundant term as each reference method already specifies the procedures necessary to measure pollutant concentrations of the ambient air. The amendment is administrative in nature.

- No 60-day comment period is necessary since this rule action will substantially repeat existing federal standards.
- Any source that emits NO₂, PM_{2.5}, PM₁₀, PM_{10-2.5}, or lead could be affected as well as any state or federal agency measuring these pollutant concentrations. These sources could use the new FEMs for compliance and testing or opt to utilize existing FEMS.
- Public hearing expected March of next year
- Expected to be effective August of next year

10 CSR 10-6.165, *Restriction of Emission of Odors*. This rulemaking will remove the definitions of "Modification" and "Class IA concentrated animal feeding operation" found in this rule, since these two definitions can be found in the general definitions rule, 10 CSR 10-6.020. The Department of Natural Resources' definition for Class IA concentrated animal feeding

operation changed in 2012 when the Water Pollution Control Program amended 10 CSR 20-6.300 to maintain consistency with federal regulations for animal feeding operations. The definitions are being removed from the odor rule because they were added to the general definitions rule as part of the Air Program's consolidation of all air rule definitions. When the general definitions rule is next opened, we will amend the table values and categories for Class IA concentrated animal feeding operations to match the Water Pollution Control program rule 10 CSR 20-6.300.

- No 60-day comment period is necessary since this rule action does not prescribe any environmental limits or standards. The rulemaking is administrative in nature and results in no additional requirements.
- Sources that produce excessive odor could be affected by the rulemaking. However, since the rulemaking is administrative in nature there are no additional requirements on those sources.
- Public hearing expected March of next year
- Expected to be effective August of next year