



Missouri  
Department of  
Natural Resources

**MEETING FOUR MINUTES  
VAPOR RECOVERY STAKEHOLDER WORKGROUP  
NOVEMBER 13, 2008  
10:00 am to 3:00 pm  
Ha Ha Tonka Conference Room  
1730 East Elm Street  
Jefferson City**

1. Opening comments/Introductions

Attendees at the meeting include the following:

Nicole Eby, Air Pollution Control Program  
Bud Pratt, Air Pollution Control Program (joined the meeting after lunch)  
Paul McConnell, Air Pollution Control Program  
Tami Spears, Air Pollution Control Program  
Darell Eversole, J.D. Street and Company  
Markus Lambert, City of St. Louis Division of Air Pollution Control  
Ari Yarovinski, St. Louis County Department of Health  
Todd Burkhardt, Neumayer Equipment  
Jessica Christiansen, Wallis Companies  
Mark Jordon, Wallis Companies  
John Albert, MDOA Weights and Measures  
Kris Stutko, Boeing  
Milo Daub, Kansas City Health Department Air Quality Section  
Ron Leone, Missouri Petroleum Marketers & Convenience Store Association  
Bill Ruppel, St. Louis Regional Office  
Brian Adams, Springfield-Greene County Department of Health  
Mark Werthman (by conference call), Chrysler, LLC  
Richard Vani, Kansas City Regional Office

Nicole opened the meeting by passing out to the group the agenda and new copies of the draft rule in the format the group has been discussing with most of the wording from the old rule, and asking the group if anyone had any opening comments, to which no one in the group responded.

2. Summary of last meeting

- Discussion of minutes

Nicole asked the group if anyone had any comments from the last meeting.

Richard Vani had one question about the date that Stage I goes into effect with Subpart CCCCC. Richard thought the date would be January 10<sup>th</sup> and the minutes say September.

Nicole explained the handout she gave staff at the beginning of the meeting is what can be used for reference when the group begins to discuss the rules.

Todd Burkhardt verified that Richard is correct and that the date he was referring to pertained to the new sources.

Nicole mentioned she obtained clarification about defining Stage I. Nicole stated the group will be using the U.S. Environmental Protection Agency's (EPA) definition,

Vapor Recovery Workgroup Meeting Four Minutes  
Page Two

## 2. Summary of last meeting

- Discussion of minutes (Continued)

which is also the definition of PEI. Nicole also received guidance from EPA concerning where Stage I ends and the guidance was that Stage I ends at the tank and does not include any of the underground piping to the system. Nicole did not receive clear guidance on any of the other issues discussed previously regarding type of equipment and whether co-axial drop tubes are to be used or not. Nicole looked for information on Above-ground Storage Tank (AST) equipment and did not find anything. She asked the group if anyone else in the group had found any information on this issue, to which no one responded. Nicole also sent a couple of emails and is still waiting for responses.

Todd asked Nicole to whom did she send the emails.

Nicole responded that she had sent one to Grenville and also looked on Husky's website. She asked Todd if he had any luck finding any information.

Todd stated he did not and does not believe anyone will have anything like that.

Nicole stated she had looked on some of the less-known vender websites and still did not find anything. She explained that the group's AST questions have been elevated to the next level and the department has not come to any conclusive decisions on them and anyone's input is more than welcome.

John Albert asked if anyone had given Nicole any indication if they are considering changing the performance standards for ASTs, other than just giving an efficiency rate.

Nicole stated she has not gotten any information concerning that.

John replied the group needs to provide a performance standard that is different than the existing for underground because it is not practical. He does not feel like it will be anything the group can move on except with processors, etc.

Todd stated the problem with processors is the temperatures in Missouri do not work well with them.

Nicole stated as far as the non-attainment rules the group is working on, considering the situation as a whole, there is no way to phase out ASTs in Missouri. The group will have to come up with another solution. It may be a possibility for the non-attainment areas (the maintenance areas) like in St. Louis the rule doesn't say a facility can not have an AST, but the equipment is not available for them so they have been phased out slowly.

Todd stated there would need to be a separate list of equipment available for ASTs that won't be CARB or MOPETP approved.

Nicole stated that is basically why there are no ASTs in St. Louis. The department held an internal meeting and discussed the issue for a while and one possibility was if

facilities can bring equipment to the department that works for ASTs and meets our standards the department would let the facilities keep it.

John asked the group to concentrate on the Kansas City area. He listed the ASTs regulated by Weights and Measures: There are 54 ASTs in Cass County, 41 in Clay

Vapor Recovery Workgroup Meeting Four Minutes  
Page Three

### 3. Summary of last meeting

- Discussion of minutes (Continued)

County, 47 in Clinton County, 33 in Jackson, and 23 in Platte. All of which are using the Underground Storage Tank (UST) type of vents. Things that are CARB approved and have a much lower pressure setting than the typical type of vents used in any other portion of the state. John believes more fugitive emissions are being lost during the summer. John feels the group needs to come up with an alternative.

Nicole stated this has been discussed and the only solution they could come up with is phasing them out.

Richard asked if anyone makes a p/v valve that cracks at a higher pressure.

John stated there is not one that will meet the decay tests. The other issues that override it are the emergency vents and things like the secondary protection devices for the storage tank and this gets into a much higher category, even over 16 ounces, so it comes back to the same thing, environmental and safety never go hand in hand.

Weights and Measures didn't care that much because they are more safety oriented and they really don't care about the fugitive emissions. They do care about keeping the two and a half pounds out of the tank for several reasons. The first reason being because the operator loses an incredible amount of fuel through evaporation where it didn't have a two and a half pound working pressure tank with an eight ounce vent.

John pointed out that there are a lot more fugitive emissions during the month of August than there would be on five transport loads exchanging liquid to vapor. John was not able to get information from the University of Missouri on the study they did on tanks that did not have any pre-p/v or that have an atmospheric vent. John does remember that it was a substantial amount of loss over an entire summer. John believes the group still has a big void to fill with the manufacturers.

Todd and Mark Jordan both stated there will not be enough incentive for the manufacturers to invest any money in this.

Todd believes the group will have to take the best of what is out there and tell facilities this is what is recommended and this is the choices out there.

John stated this is his point about the performance standards. If the group can modify what the decay has to be and what the average efficiency is then the group may be able to come to a reasonable compromise for above-ground systems.

Nicole stated she hasn't gotten any better answers either.

John believes the group needs more accessible information from the EPA.

Nicole stated she is getting unclear answers from the EPA.

Mark Jordan asked if it is safe to say that the only solution other than changing the standards is processors?

John believes at this point it is. Even with processors, depending on the application, there are some other things to be reviewed there, as well, because when a processor is used and the facility has a “tank farm” with multiple Class I tanks, they tend to want to manifold those for the processor to serve several pieces. Now, with the alternative fuels and the different things offered, there are issues with that because they can no

Vapor Recovery Workgroup Meeting Four Minutes  
Page Four

## 2. Summary of last meeting

- Discussion of minutes (Continued)

longer manifold E-85, etc. because of problems with condensation, which is primarily what that is doing anyway. There are also other issues with refrigeration units with the ethanol and alcohol blends. What John is looking for is a tag unit that will say “non-reversible” denaturing.

Nicole asked Todd to explain what he meant when he mentioned the temperature affecting the processors.

Todd replied that years ago Missouri tried the Healy’s which are made for California and they did not work well with the humidity and temperature changes in Missouri.

Nicole asked Todd if he thinks the situation is the same with newer processors.

Todd stated yes it is, manufacturers will not look into making these at all.

Mark Jordan stated it will only condense water vapor on the vacuum side of the processor.

John stated it does “crack it out” and this is the St. Louis trial and error stuff they have already gone through and they went through a lot of gas.

Todd added that it is so expensive.

Nicole stated everyone agrees that if it isn’t going to work and it is expensive, that won’t make any sense at all.

Nicole brought up another topic of discussion from the previous meeting, which are exemptions for flex fuel such as where the exemption will begin. She did not receive a definite answer, however, tentatively anything that will require use of a flex fuel vehicle will be exempt (anything above E10). This issue will eventually need to be elevated to the EPA for clarification. The wording may have to state if this fuel is designed only for use of a flex fuel vehicle. The APCP director was uncomfortable stating that is exactly what we will do without some clear guidance and research.

Mark Jordan asked Todd if anyone is making a dispenser that will offer conventional blend of gasoline and ethanol in varying ratios.

Nicole believes those would have to use Stage II.

John believes the group will continue to see E30s and E20s, therefore, field studies should be done to find out how much vapor loss is actually occurring. Once the field studies are conducted the group could come to a reasonable conclusion concerning how much fugitive emissions are being taken out of the environment. John also believes this would be fairly easy to accomplish because the Kansas City program is already in place and operational. It would only be a matter of putting some of the old vents back on, leaving some of the new vents on and see what the trade off will be.

Todd stated Peterbuilt is making (currently for California) a tube cleaner that goes through carbon filters that lets the tank breathe when it needs to and take in air when it needs to take in air. Todd believes this is something that Neumayer Equipment could try modifying for an above-ground tank.

Vapor Recovery Workgroup Meeting Four Minutes  
Page Five

3. Summary of last meeting

- Discussion of minutes (Continued)

John agreed that there may be some technology that already exists with minor modification that may work well. John believes the group needs to conduct a pilot study or field work to obtain real numbers to give to the EPA.

Todd asked John how it would be possible to get the vapors back to the tank without a feed port.

John stated for the vapor return this is a good point. Some things will be easy to modify with a manway. If a tank has extra manways it won't be a big issue. However, at this time, government has required all above-ground tank owners to install oil fill arms, gauges, pressure vacuum, and emergency vents in several different ports. Before long, the tank owners no longer have any available ports. It would be necessary to maintain a vapor port large enough for the withdraw/fill lines, which would be at least another two to two and a half inches. If the facility has a manway, this would not be a big modification. However, if the facility does not have a manway(?), then they would conduct "hot work" on these tanks. This would require the tanks to be cut. John is not sure of what the percentage is of tanks in the state will need to be retrofit able with vapor return lines without "hot work" being done on them. Currently, there is only one location within the state that does "hot tack" work. Paul McConnell asked if it is possible to use a "bundee" to punch a hole in it and then seal it.

John stated this would not be an option. The tank shell is a "UL142" design and the nozzle has to be specifically installed and reinforced. It is specific and any penetration of the shell modifications that would take place would have to meet the "UL" certification.

Bill Ruppel pointed out St. Louis has some aviation tanks above ground. The only modification needed for the return line was to simply to tie them into the vent line at the base of the vent stack.

John stated this can be done; however, a problem with a lot of ASTs is the owner is already utilizing that vent for a cable. If a vent is already being utilized, this activity would be considered an obstruction.

Bill stated most of those in St. Louis are horizontal tanks.

John agreed in a lot of cases this will work to continue into existing vent lines.

Weights and Measures do not have a problem with this at all as long as there is not any other type of device in that area. John pointed out that because of the

requirements, most tank owners will have some other device in there. Because of the requirements the tank owners were forced to use every nozzle they own.

Nicole stated she will discuss the possibility of conducting pilot studies with the APCP Director, and will continue trying to obtain real guidance from the EPA.

John stated with or without the EPA, he would like to go ahead and pursue something along the lines of a pilot study. At some point the EPA will have to address the issue

Vapor Recovery Workgroup Meeting Four Minutes  
Page Six

2. Summary of last meeting

- Discussion of minutes (Continued)

and if the state government does not have the data, then they will be that much further behind.

Nicole agreed and believes the EPA is not the only people the group will have to address this issue with.

John would like to get the preliminaries out of the way, which would save time in the long run.

Nicole agreed and asked if anyone else had any issues from the last meeting, to which she did not receive any responses.

- Presentation and discussion of new information related to previous discussions

3. New topics for discussion

Nicole stated the plan for this meeting was to follow a recommendation to discuss what in the rule goes where and try to make necessary corrections/modifications. Nicole explained that Paul put together a rule in the format the group has been discussing (please see the handout titled Draft 10-6.XXX Control of Petroleum Liquid Storage, Loading and Transfer).

Paul stated the red print pertains to the St. Louis rules, the blue pertains to the Kansas City rule, the green print is in both rules, and the black print is for wording that is in the definition rule and words that are split between one or the other that can be used either way. Paul pointed out the references have not been fine tuned because the references listed in the general provisions subsections will disappear within the subsections due to the group trying to create them to stand alone. This should make it easier for clarification purposes.

Nicole stated the group will start with Stage II because it is one that only pertains to the St. Louis non-attainment area and it should go quickly.

Ari stated he has specific comments on the Stage II but would like some time to prepare his comments.

- Stage II portion of rule

Darell Eversole started the discussion by stating St. Louis is basically “there.”

Nicole agreed and also mentioned there is some wording, etc. that needs attention.

She went on to say that some things need to be moved to the Bulk Facilities Section out of the Stage II portion.

Nicole started with one change previously discussed is no longer requiring fuel invoices at the stations.

Ari agreed these are troublesome for the inspectors because the fuel invoices cannot be enforced by local agencies. Ari also stated RFG gasoline cannot be enforced by local agencies either.

Nicole stated notification can be provided to Weights and Measures concerning the issue, just as the department and local agencies are currently doing.

Vapor Recovery Workgroup Meeting Four Minutes  
Page Seven

3. New topics for discussion

- Stage II portion of the rule (Continued)

Mark Jordan asked if the department and local agencies could enforce that, what information it would provide.

Nicole replied she believes the original intent was to look for RVP/RFG. However, a lot of times the invoices do not indicate either.

Bill stated approximately ten years ago, the SLRO inspectors found invoices that were not stamped with RFG or they contained the wrong information, and the regional office wrote a Notice of Violation and forwarded them to the Department of Agriculture's Weights and Measures.

Nicole asked John if he would like for it to still be part of the rule for the department and local agencies to continue to look for fuel invoices when conducting inspections. John stated Weights and Measures has this included in their rule for several reasons including RFG.

Nicole stated Weights and Measures will require stations to have it for their purposes anyway and the local agencies and DNR have not come up with any real reason for them to have it.

John stated they seldom have to use it, but their biggest issue is on Emergency Response and when in the process of reconciling inventory.

Jessica Christiansen pointed out this has nothing to do with the local agency and the department's inspections.

John agreed.

Nicole stated she believes most facilities are able to provide invoices if requested.

John agreed the facilities are good about this.

Mark Jordan pointed out that there is a fuel standard requirement in the non-attainment zone.

Nicole reiterated this was the intent of originally including it in the rule.

Jessica stated she could see this being more useful when there was still the "summer blend" but maybe not as useful now.

John stated that more often than not, if it comes from a location such as Scott City, the bill of lading and the destination do not match the final location anyway.

Nicole doesn't believe this would trigger anything for the inspectors.

Darell stated Nicole was calling it an invoice, however, the facility is required to keep the three most current BOLs, which would show what gas was on location.

Nicole stated it is basically the documentation to show the last four deliveries.  
Darell asked if this was an invoice or a BOL.  
Nicole replied that either one would suffice.  
Bill clarified that the inspectors are just looking for something that shows the last four deliveries of each product.  
Todd asked if the group is taking that out of the rule.

Vapor Recovery Workgroup Meeting Four Minutes  
Page Eight

3. New topics for discussion

- Stage II portion of the rule (Continued)

Nicole replied that the department would like to take it out of the department's part of the rule so the inspectors do not have to ask for it. The facilities will still have the Department of Agriculture's requirements for it.

Bill stated one of the major time consumers is trying to go through a facility's records.

John added this is especially a problem when the records are not kept on-site.

Nicole noted according to the department's rule, they have to be kept on-site.

Mark stated this limits industries' ability to go to a paperless structure, which they are desperately trying to do.

Nicole replied that the department would like to see that happen, too, it just seems to be a slow process.

Nicole stated another topic to discuss is self inspection logs. What is required by the rule is very vague.

Mark Jordan requested this not be taken out due to Wallis Companies spending a lot of money on that software.

Nicole replied that she does not want to remove it from the rule, instead she would like it to be more clear.

Ari stated St. Louis County would like to have a separate paragraph for self inspections, including a statement about loading GDF (?) to keep these forms on line, if necessary.

Nicole believes that is understandable.

Mark Jordan asked if it would be required for everyone to keep an on-line version.

Ari and Nicole both replied that would not be a requirement.

Jessica stated Wallis Companies would like the on-line reporting be included as some of the inspectors are a little confused when they stop at Wallis Companies' stations and a manager states that the report is on the computer or that Jessica has it at the corporate office.

Nicole agreed it needs to be clear that if a manager does not have access to it, it can be sent over email, etc.

Ari asked Nicole if everything in the existing rule will be worded as it is on the last page; Section C, "Reporting and Record Keeping/Owner/Operator Compliance" (please see the handout titled Draft 10-6.XXX Control of Petroleum Liquid Storage, Loading and Transfer). Ari mentioned that the existing rule contains bigger chapters.

Nicole replied that everything that is in the existing rule is here, it has just been divided up into Stage I and Stage II. Nicole pointed out that there is a separate section containing Reporting and Record Keeping for Stage II.

Ari noted he is afraid if an agency has specific comments they will not be able to figure out where it is at.

Nicole stated the group can discuss some of the general comments but she will give everyone an hour and 30 minutes for lunch so they can read through the handout. She does feel some of it needs to be rearranged. She also felt like anyone from the

Vapor Recovery Workgroup Meeting Four Minutes  
Page Nine

### 3. New topics for discussion

- Stage II portion of the rule (Continued)

St. Louis area has been dealing with the rule long enough to be familiar with what is provided in the handout.

Paul stated the APCP tried to standardize the time that the records are supposed to be kept, which is noted in black ink. Paul referenced page four of the handout, Section 3(E), "Test Methods" is noted in black ink with question marks because he believed there is something that should be in the rule, therefore, if someone wanted to clip this one section for future reference, everything would be in that one section. This is what the rule writer is trying to do with each of the subsections. Paul pointed out there will be duplications of this information as they are included in the various subsections.

Ari stated the definitions are fine, however, he does question the General Provisions, Gasoline Loading and Gasoline Transfer portion.

Paul asked Ari to look at Subsection V of the original rule. It should be in those sections.

Ari stated the only comment the county has concerning Stage I would be on Page 5, 3.A.(III), where it states, "The Missouri sticker is placed on the upper left portion of the back end of the vessel." The inspectors complain the sticker is placed too high.

Ari asked if this could be changed to the lower left portion.

Nicole agreed the sticker is impossible to read in the upper left portion.

Todd asked Darell if there is a reason the sticker could not be placed in the lower left portion.

Darell responded there is no reason it could not be placed in the lower left portion.

Nicole agreed this is a minor issue that should be easily fixed.

Ari moved on to the next comment from the county concerning the wording on page 13 under (C), Stage II, Section B, "All vapor recovery systems shall be maintained in good working order in accordance with the manufacturer's specifications and with no indication of visible liquid leaks." The inspectors state if this is so, there is no requirement for the facility to document anything. Ari explained the inspector's comments that someone could argue that a misaligned face plate should not be considered a violation that would "substantially impair a vapor recovery system." The county inspector would like to know if it is possible to eliminate the word "substantially."

Nicole agreed that anything that is not clearly defined should be left out or defined because it leaves the rule open for argument.

Mark Jordan suggested that the list generated by the APCP Director could state what is meant by “substantially impair” and describe every condition so that it is clear.

Nicole stated the only problem with that is at some point there will be an exception to that. An inspector will find a “substantial” leak someplace.

Todd suggested if that happened the list would just be upgraded and the inspectors can check for it in the future.

## Vapor Recovery Workgroup Meeting Four Minutes

### Page Ten

#### 3. New topics for discussion

- Stage II portion of the rule (Continued)

The group discussed future copies of the handout include page numbers. Nicole stated there would be quite a few modifications to the handout anyway and page numbers could be included.

Mark Werthman asked Paul how to tell what language was in the original rule versus what has been added in the handout.

Paul stated very little deletions or new language added, but this can be determined by the color coding. Paul reiterated that red is St. Louis, blue is Kansas City, green is both St. Louis and Kansas City combined. Any new language is bolded in black.

Ari’s next issue is under “Construction Permits,” number 4 (page 18), Section C (I)(a) states, “Complete diagrams...” and (b) states, “Plumbing diagrams...”. Ari would like to know what the difference is between the two. Ari feels (a) should be eliminated because (b) states everything needed.

Bill stated a thorough description is still necessary.

Ari agreed and stated the two, (a) and (b), should be combined.

Todd suggested it be changed to, “...scope of work...”

Ari and Bill agreed “...scope of work...” would be better language.

Paul stated this had been brought about because of the moveable “blueprints” in the build up.

Todd asked Ari if he only needed to see the vapor lines.

Ari agreed that is correct.

Ari then moved on to the county’s next concern, which was on page 21 of the handout, Section E (I)(a), “Modifications that require breaking concrete in an area that may affect the vapor lines.” Ari stated there is a policy concerning this part of the rule and how much distance is required. Ari feels that policy should be included in the rule at this section.

Nicole agreed and encouraged all group members to bring up any policy she may have forgotten to mention or include.

Todd asked if there is a book containing the list of policies that could be shared with the group.

Nicole replied that she has three books she will bring to the next meeting.

Todd mentioned there should not be any policies left once the rule is written.

Ari stated some of the policies are very specific, such as trap tanks (new stations cannot be installed with trap tanks), this is listed in the policy but Ari does not see the need for it in the new rule because this will not be a common issue.

Todd stated he does see a need to include this policy in the rule because there are always new or out-of-town contractors that will try to build a station with a trap tank. Paul suggested the group concur and make a list of what the group would like to see codified.

Mark Jordan asked if there is a minimum slope that is required in a vapor return in a new construction diagram.

Vapor Recovery Workgroup Meeting Four Minutes  
Page Eleven

### 3. New topics for discussion

- Stage II portion of the rule (Continued)

Bill responded one quarter of an inch per foot.

Mark Jordan stated that in itself eliminates the ability to install a trap tank. Therefore, he suggested the group codify the design requirements stating new construction installations need to have one quarter of an inch per foot of slope in the vapor return.

Ari stated if the group touches any of them, it is supposed to be included in the rule.

However, if there are three books of policies, they cannot all be included in the rule.

Mark Jordan believes over 50 percent of the policies are duplicates.

Nicole stated they are duplicates or no longer relevant.

Ari suggested someone work on those policies and possibly bring the most important ones to the next meeting. Ari then asked the group to return to Ari's topic of combining Section C (I)(a) and (b).

Mark Jordan believes the second one was written as a catch all because a station possibly could do something that would affect the vapor lines that didn't break concrete. For example, if a waterline is being replaced from the city line to the building.

Markus Lambert agreed.

The group discussed the possibilities of a station breaking or grinding concrete.

Todd asked if the rule included anything about core drilling.

Bill and Ari believe it is included.

Todd felt the group needed to decide what to do about the replaceable spill containers. The multiport manholes to get to the top of the tank to replace the spill container that is damaged. Todd pointed out concrete is not broken to do that so a permit should not be needed.

Ari agreed a permit would not be needed if it is inside the manhole and the station is able to maintenance it.

Todd asked if regular maintenance could be conducted with out a permit as long as the station is not breaking concrete.

Kris Stutko asked what requirements are in place if ten to fifteen feet is off of the station owner's property or if the vapor lines run right next to the street. Kris asked the group if they put the ten to fifteen requirement in the rule and another facility besides the station owner decides to break concrete, then who would be responsible

for the violation if concrete is broken. Would it be the station owner or the facility that broke concrete?

Mark Jordan stated it would depend who is regulated in the rule. If the other facility does not own or operate underground storage tanks then there would be no authority to regulate the facility.

The group discussed how to deal with situations where non-regulated facilities unaware of the rule that may perform construction or break concrete within ten to fifteen feet of a station.

Vapor Recovery Workgroup Meeting Four Minutes  
Page Twelve

3. New topics for discussion

- Stage II portion of the rule (Continued)

Nicole stated the group will need to work on this issue and steered the group to the next item of concern.

Ari referred to page 22 of the handout, item (III). The county would like for the group to include something about the emergency permits in this section of the rule.

Mark Jordan asked Ari if he was referring to stations conducting construction before requesting the permit.

Ari stated he believes the group should include something in the rule that addresses construction being conducted by a station owner due to an environmental emergency such as an open leak onto the ground or in the ambient air, or if it is a safety emergency such as spill containment that creates traffic problems, the regulatory agency can authorize the applicant to perform the construction before the actual construction permit is issued.

Nicole believes this has never been an issue, however, she agrees with Ari that something should be included in the rule.

Next, Ari referred to the bottom of page 22, item (b), "The operating permit is renewable every five years..." The county would like for this to remain in the rule.

Nicole added that the permit is also renewable after construction. She also pointed out that the new Maximum Achievable Control Technology (MACT) standard states every three years.

Ari suggested the group add language stating, "...five years or until further notice."

Nicole stated another issue would be that the MACT standard only requires Stage I testing. She asked what the difference is between this testing and testing the whole system. Bill stated the only difference is back-pressure testing is not conducted on Stage I. Leak decay testing and p/v valve testing is conducted.

Todd clarified that if a facility conducted Stage I testing, they would need to block off all of their Stage II.

Nicole asked if it was just as easy to do the entire testing.

Todd replied that it is not, instead it is a lot harder to do a test on a Stage II system because all of the nozzles come into play.

Bill stated any of the three tests could be conducted. Stage I does not need the back-pressure blockage test because there is no piping going back to the tanks from the pumps.

Nicole asked if the regulation should required that part of the testing every three years. Todd disagreed. He felt it would be difficult to keep track of what stations need to be methodically checked every three years and what tanks have to be looked at every five years and ten years.

Nicole stated the options will be limited and she suspects it will be full testing every three years or partial testing every three and every six coordinate.....

Vapor Recovery Workgroup Meeting Four Minutes  
Page Thirteen

3. New topics for discussion

- Stage II portion of the rule (Continued)

The group discussed the amount of testing and how often would be appropriate. Mark suggested move the full test to a six year cycle and conduct the Stage I test every three years and it can be caught on the full test every six years.

Ari stated a full test would be necessary after construction.

The group agreed.

Nicole asked the group if there is a significant advantage to not conducting full testing. Mark Jordan and Ari both agreed that there is a significant financial advantage.

The group reverted back to the discussion of requiring a permit if a facility is not breaking concrete. Nicole asked if there is a description of what is considered regular maintenance and what is not.

Ari and Bill stated yes there is a policy.

Nicole suggested the group make a chart/list of what is considered regular maintenance.

Bill doesn't believe it is possible to list every item because the group cannot predict every situation that may arise.

Ron Leone agreed not all situations could be listed but the group could provide some certainty and less discretion so that those impacted by the rule know what rules they are expected to play by.

Mark Jordan suggested including a reference to a list in the rule.

Ron asked his members in attendance to help provide the list.

Nicole suggested the APCP or one of the local agencies put together a tentative list and then have the group review and discuss it.

Ari switched the group conversation back to the discussion concerning every three or five years. He asked what the group decided.

Nicole stated she does not believe the group will have a choice about testing the Stage I equipment every three years.

The group discussed the possibility of changing from three and five to three and six years. Nicole stated if Mark Jordan's suggestion of three and six years is an option the group likes, then she will elevate the idea for presentation to the EPA.

The group continued to discuss the issue and Nicole asked if anyone had any other suggestions besides Mark Jordan's.

Ari asked Todd to provide the group with a brief description of how much it costs the facility to conduct Stage I and Stage II testing.

Todd stated if a facility only has to conduct Stage I testing it would save approximately \$1700. As the facilities move to the EVR, the facility will also save all of the emissions that currently come out of the top of the tank because that is much better equipment than what is currently available.

Ari believes Stage II causes more damage than Stage I.

Darell provided a scenario with five year testing. If the facility tests the entire system on the fifth year, would the facility be extended another three years.

Vapor Recovery Workgroup Meeting Four Minutes  
Page Fourteen

### 3. New topics for discussion

- Stage II portion of the rule (Continued)

Mark Jordan stated it would then be three, two, three on the Stage I.

Nicole suggested running the two scenarios through department management and see what guidance she can receive. The group felt this would be sufficed and the discussion moved to the next issue.

Ari referred to page 23 under Section 5, A(II). Ari asked Nicole to describe what type of documentation is the rule referring to.

Nicole replied that Bud Pratt would be the best person to answer Ari's question.

Ari stated he would ask Bud about it. Ari does not believe this section of the rule applies to the St. Louis area, but it should possibly apply to the rest of the state.

Nicole noted there is a section in the Stage I part of the rule that is almost word for word except it states 98 percent, which would be applicable to the rest of the state.

The applicability for Stage II will only be for the St. Louis non-attainment area.

Therefore, if it is not needed for St. Louis it can be taken out of this section of the rule.

Todd asked if that means regulatory agencies will not make station owners in the non-attainment area install MOPETP approved equipment.

Nicole stated yes.

Todd asked if this meant a facility located in Cabool would not be required to use OPW type spill containers.

Nicole stated currently, this is correct. Nicole clarified that Cabool is not in a non-attainment area. Todd agreed and Nicole stated currently a Cabool facility would only need to meet the existing MACT requirements.

Todd reminded the group that Bud had previously stated he would like to require the entire state to only install MOPETP approved equipment.

Nicole stated this is one reason why the department decided to separate the area source standards. Implementing an entire program that checks all equipment in the state is not feasible. Nicole does not believe the department will gain the staff needed to implement these rules. Nicole suggested the group members can advise the station owners to use the MOPETP approved equipment.

Ari asked the group to keep in mind they are discussing the initial operating permit.

Nicole looked at the handout and stated she thought there was a section for existing operating permits when the rule that doesn't already have Stage II is implemented. Nicole thought the group should look at all existing...

Ari stated this was not for St. Louis County.

Nicole stated when the rule was originally put into effect; this section was for existing facilities.

Mark Jordan clarified that it does not in St. Louis.

Nicole stated until new counties are added to the new non-attainment area. Nicole thought maybe it should be kept in the rule.

### Vapor Recovery Workgroup Meeting Four Minutes Page Fifteen

#### 3. New topics for discussion

- Stage II portion of the rule (Continued)

Ari moved on to the next issue and reference the top of page 24, section (V), "Demonstrate that the installation maintains a system of record keeping that meets the staff director's requirements; and..." Ari asked what system is this referring to.

Nicole responded the reference is to self inspections.

Ari did not think it was referring to self inspections. He understood it to include the entire package, such as permits, etc.

Nicole asked if the wording should read, "...that meets the requirements of..."

Ari suggested the rule state the station owner maintain records of the operating and construction permits, the designated person certificate, and self-inspection reports.

Nicole asked if it states anything about meeting the requirements of a regular inspection because then it would fall under that.

Ari does not have anyone from the county office check these in the field because the county has their own records. He does not feel the facility needs to keep the record.

Bill referred to page 15 of the handout, Section G, "Reporting and Record Keeping." Bill stated he is not sure how the current rule phrases this section.

Paul stated since this portion is printed in red on the handout, then it should be verbatim.

Nicole confirmed that it was and stated it could be referenced to this section.

Ari agreed.

Mark Jordan asked if this is the same section that will reference maintaining records on-line or electronically.

Nicole stated it was.

Kris asked about all of the exemptions, the rule states, "...500 hundred/250 gallons..."

Nicole stated this is a subject of debate.

Kris asked if the group had come to an agreement on this.

Nicole stated SIP approval would need to be obtained for 500 but that is what the group is working toward. She believes if even the group took this out of these rules, they would still fall under throughput for the federal regulations.

John stated they would, especially for bulk plants and terminals.

Nicole is not sure if this question has been brought to the attention of the EPA, but the idea that had been discussed was that making things consistent in the Kansas City area would be saving some emissions in other places.

Kris asked who wants the 250.

Nicole stated it is part of the implementation plan approval for the Kansas City maintenance area.

Ari stated his last issue is on page 24 of the handout, Section 6, "Owner/Operator Compliance." One of the county inspectors asked what this section is about and are they supposed to check something that proves the owner is in compliance. If not, why is this included in the rule?

### Vapor Recovery Workgroup Meeting Four Minutes Page Sixteen

#### 3. New topics for discussion

- Stage II portion of the rule (Continued)

Paul stated he has asked that question internally because this is new to him and if something is codified that does not apply to the rule, then why is it included in the rule?

Nicole stated that just because something is included in the rule does not mean the inspectors have to check for it at every inspection.

Kris stated industry is being asked to comply with the rule, then shouldn't this be brought up somewhere else.

Nicole explained sometimes things are included in the rule in order to put the responsibility back onto the owner/operator instead of us to check and make sure they are doing it. This does not mean if they get caught doing something they shouldn't be doing, they will not get into trouble just because an inspector does not check it every six months on an inspection.

Nicole explained if the group decides a particular section is not important in the rule and plan to take it out, the group needs to be sure it is documented. Therefore, if the group approaches the subject again in the future and decides that section will pertain to another issue, then the group will have documentation to show when and why it was removed.

#### Break for Lunch

Ari has one last issue concerning closed stations that is not currently included in the rule but he would like it added. Ari pointed out there are several stations in St. Louis County that are closed and can be opened at anytime because the owner is looking for a dealer. Ari would like something in writing that states if a station has been closed for more than six months and then re-opens, it will have to be retested.

Bill believes there is a policy statement stating a facility does have to obtain a new permit if the facility is closed more than six months.

The group discussed county fees and Nicole pointed out the department can not restrict the county fees.

Nicole asked Ari if the St. Louis County fees are as high as other state's fees.

Ari stated yes, possibly worse.

Nicole asked the group if the cost of retesting is significant in the scheme of things. Several group members replied yes and Ari stated the county fees are more than the test itself.

Mark Jordan explained the situation Ari is referring to is if a company owns a station and a dealer fails quickly and then the station owner tries to find another dealer. In the meantime the station is closed. Mark pointed out that hoses and nozzles do not last a day if a station is closed. All of the equipment is removed immediately because someone will take it if the owner does not. The station owner would rather keep the station operating because it is easier to have a continuum of operation. The station

Vapor Recovery Workgroup Meeting Four Minutes  
Page Seventeen

### 3. New topics for discussion

- Stage II portion of the rule (Continued)

owner does not look at that as a change of ownership of the property, which is another fee structure. However, if the station is closed and it is a dealer owned/operated property, and the dealer decides to sell the property, then the cost of reopening that station for the new owner is substantial. Someone has to pay the transfer fees, it has to be re-tested, etc.

Nicole asked if it would be helpful to the facility owners if they did not have to worry about a state operating permit.

Ari stated he prefers for the stations to remain open, therefore, the county cannot request a re-test. Even though Bill stated this is a policy in the policy books, Ari feels it should be included in the rule.

Nicole agreed with Ari, but asked the group if they want that policy in the rule.

Ari stated he would like it in the rule.

Nicole asked Ari if he wants a facility to re-test if it has been closed more than six months.

Mark Jordan feels a station should be re-tested if it has been closed more than six months.

Todd agreed that the facilities themselves would not want the station to sit closed for six months.

Bud stated the department has the right to require testing because they think something is "funky." Therefore, just because a station had a test one year ago does not eliminate the facility from testing at the department's demand.

Ari asked Bud if this requirement is listed in the rule.

Bud stated it is a basic department/APCP policy.

Nicole explained to Bud that the group is trying to eliminate the policy from the rule.

Bud suggested the policy be built into the rule.

Bill stated there is one section in the rule that leaves the door open. He believes it is in the same section he cited earlier in the meeting, where the staff member can recommend special testing to the program as well as provide a list of reasons why this should be done.

Brian Adams pointed out that it is in the rule on page 10, Section D, “Additional testing may also be required by the staff director in order to determine proper functioning of vapor recovery equipment.”

Brian and Ari agreed that this section of the rule mostly covers the issue.

Nicole stated if it is going to be the policy that a station will re-test if it is closed more than six months, then the group should go ahead and put it in the rule.

For his next issue, Ari referenced page 18 of the handout Section 4C(I), “Submit an application on a form supplied by the department for a permit to construct at least sixty days prior to beginning construction...”

Nicole asked what Ari he would like to see changed or edited in this section.

Ari responded he would like this section eliminated.

Vapor Recovery Workgroup Meeting Four Minutes  
Page Eighteen

### 3. New topics for discussion

- Stage II portion of the rule (Continued)

Nicole stated if the group does not have any requirement in there then someone will think everything is covered under an emergency permit and they do not have to apply prior to construction.

Ari suggested it be changed to 30 days and Nicole agreed.

Ari moved to his next issue by referencing page 18 of the handout, Section 4C(I)(c), “Current CARB executive orders for the proposed system and/or the system components...” Ari asked if this is necessary.

Paul stated this is just history and the dates could probably be removed from the rule.

The group discussed this and agreed that anything that can be removed to make it easy to read should be taken out.

Nicole asked the group if anyone has anything thing else they would like to discuss in the Stage II section today. She reminded everyone that the group can come back to it at another meeting, if necessary.

- Bulk plants and terminals

Bud asked Nicole if there has been any change to the instruction for the group to ignore Subparts BBBB and CCCCC.

Nicole replied that the group is not ignoring it, they just are not applying it statewide.

Bill asked if the Bulk Plants and Terminals belong under this rule or would it fit better under the area source rule because regional office inspectors never inspect these places.

Ari stated in a meeting several years ago, St. Louis County staff asked Chris Nagel if this could be changed. After the discussion, Chris contacted Kathrina and said they could do it.

Bill stated most of this section was left in the revised rule as it was written in the original rule. He believes this happened because no one understood why it was in there in the beginning and they were afraid to take it out.

John agreed with Bill on this reasoning.

Nicole stated it may have been included in this area because it wasn't included anywhere else.

Ari asked why include something in the rule that will not be enforced. Bud stated the department was going to enforce it; the county just wasn't going to inspect it. Bud added that the point source people can use this regulation. Bill and Bud discussed point source inspections and the bulk plants and terminal rules. Nicole asked if all facilities covered under this section were covered by some other rule at this point. Nicole explained that she foresees taking this issue to administration and if they find this is not covered anywhere else, a new rule won't be written to cover this, so it will need to stay in this rule. Therefore, if this is the answer she receives, Nicole asked the group if anyone notices any changes or modifications that need to be made to this existing section. Ari suggested someone read it and eliminate any unnecessary information.

Vapor Recovery Workgroup Meeting Four Minutes  
Page Nineteen

#### 4. New topics for discussion

- Bulk plants and terminals (Continued)

Todd asked Nicole if she knows exactly who this rule applies to and if she has a list of those customers.

Nicole stated she does not, but she could come up with a list.

Darell suggested having a general manager of the terminals go over the rule and see what they suggest.

John pointed out that all of the items listed in this section are currently being inspected by the Department of Transportation's Pipeline Safety.

Ari suggested tabling the discussion until the next meeting and the group agreed.

The group discussed self-inspections and how vague the requirement is for self inspection logs. Nicole asked the group if anyone would like to see that codified or clarified.

Mark Jordan believes to be explicit is better.

The group discussed how often these facilities should be inspected and everyone agreed that one standard inspection should be set for everyone.

Brian asked what the self-inspection forms look like. Bill explained the different types of self-inspection forms.

Nicole asked the group if they would like to see a standardized form. The group discussed and they do not feel this will be a viable option.

Nicole asked the group if they like the self-inspections just as they are and everyone agreed they do.

Ari suggested changing the wording "periodically" to "periodically but not less than once a month." The group agreed.

Ari stated at the next meeting he would like to discuss the violation list. He would like to include the violation list as an appendix in the rule.

Nicole stated as long as it can be amended without changing the entire rule, she does not see a problem with including it.

Bill asked Nicole if she would like for him to provide his current violation list.

Bud stated he would like that as Bill's is the most complete violation list he has seen. Nicole agreed and asked for it via email.

The group discussed the violation list. Nicole stated the group will need to look in to how they can incorporate things like this into the rule, but she does not think it will be a problem.

5. Wrap Up/To do's/Next Meeting

Nicole stated the group will wait with Stage I until the next meeting.

Ari feels at the next meeting the group should start with Stage II and the defects list.

Nicole replied that she is willing to go through the defects list at the next meeting, however, the group cannot spend too much time on Stage II because Stage I will take quite a bit of time. Nicole then asked if anyone had any words for the next meeting.

Vapor Recovery Workgroup Meeting Four Minutes

Page Twenty

4. Wrap Up/To do's/Next Meeting (Continued)

Ron suggested having the next meeting from 9:00 a.m. to 1:00 p.m. without taking a lunch.

Nicole stated the only reason the meetings are scheduled as they are is to make it easier for the folks that are coming in from out of town.

Adjourned.