December 10, 2019

Ms. Emily Wilbur
Chief, Air Quality Planning Section
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102-0176

Dear Ms. Wilbur:

The Mid-America Regional Council (MARC) Air Quality Program supports the development and implementation of air quality policy in the bi-state Kansas City region and offers the following comments on the Missouri Department of Natural Resources’ (MoDNR) Regulatory Impact Report (RIR): 10 CSR 10-2.330 Control of Gasoline Reid Vapor Pressure (Low RVP rule).

Executive Order 17-03 Red Tape Reduction Review requires a review of every regulation to affirm that it is essential to the health, safety, and welfare of Missouri residents. In response, MDNR performed an evaluation of the low RVP rule put in place to lower the volatility of gasoline in the summer months to help offset the effect of summer temperatures upon the VOC emissions from gasoline.

MARC’s Air Quality Program appreciates the periodic review of SIP air quality control measures in order to ensure relevance, applicability, and effectiveness. While currently in attainment for ozone, it is only by the slimmest margins within the current 70 ppb ozone standard, thus any potential revisions to the SIP must be carefully evaluated to ensure that backsliding does not occur.

Additionally, in cooperation with the states of Kansas and Missouri, MARC’s Air Quality Forum is charged with coordinating alignment between the two states SIPs. Ideally, MARC would be engaged in early conversations regarding any changes to air pollution control measures for the Kansas City region which are necessary to fulfill this charge. Therefore, we respectfully request than an effort be made to align Missouri’s timeline under this executive order with completion of KDHE’s modeling assessment on the rule rescission expected in January 2020 in order to align the SIP revision processes and allow for more time to conduct a regional bi-state discussion on the matter.

The MARC Air Quality Program, with input from the Air Quality Forum, submits the following comments on the RIR:

- MARC has examined the various transportation inputs used in the MOVES modeling assessment and considers them to be fair for the Kansas City region.
- MARC acknowledges that:
  - Model results show a decrease of NOx and VOC emissions from 2017 to 2020 associated with fleet turnover and improved emissions technology, and
Model results show that the low RVP rule provides only a slight reduction to both NOx and VOC emissions, therefore MDNR believes that the effect of the rule rescission is not significant enough to “interfere with attainment or maintenance of the 2015 ozone NAAQS.”

- The analysis only considers changes in mobile emissions without regard to other regional emissions sources of NOx and VOCs. While the increases appear to be small, the exact location and diurnal timing associated with mobile based emissions may have an influence greater than the quantity would suggest. Produced during periods of heavy congestion, the evening commute in particular generates a surge of precursors when the weather is most conducive for ozone production. The addition of emissions at this time has the effect of supercharging the baseline level which has developed over the course of the day from VOC and NOx precursors contributions sourced by all sectors (Transportation, Power Generation, Industry, etc.)

- Formation of ozone requires NOx and VOC precursor emissions in the presence of conducive weather conditions (i.e. hot, dry, still). We have neither modeling nor monitoring specific to the ozone precursors, therefore it cannot be asserted with confidence that the region’s current ability to achieve attainment is due to successful pollution controls rather than anomalous weather. During the last five ozone seasons, each year recorded above average precipitation. Over this time, the region averaged 8.7 inches above normal annually (26.7% above normal). If our current attainment status is substantially due to weather, then the region may be eliminating efforts to reduce emissions at a time when we should still be striving to find additional innovative methods of curbing precursors even further. In the absence of photochemical analyses showing precursor levels, ground level ozone development and the geographic distribution of limiting precursor(s), there seems insufficient evidence to make the determination that this rule is unnecessary.

- To avoid any potential backsliding, if this rule is rescinded, the MoDNR should provide some new active measure that would replace (or improve upon) the reductions lost through eliminating the rule. i.e. Repeal and Replace. In the event that the rule is rescinded, and the next ozone season experiences a violation of the standard - what steps would MoDNR take ensure the Kansas City region stays in attainment?

- Please clarify/explain this statement in Section 5: “Inaction would result in the continuation of overly burdensome compliance provisions.” What are the specific costs associated with compliance provisions? Has the sampling and testing not been efficiently streamlined and routinized over the last 18 years?

MARC appreciates this opportunity to comment on the Regulatory Impact Report (RIR): 10 CSR 10-2.330 Control of Gasoline Reid Vapor Pressure. If you have questions or would like to discuss these comments, please contact Karen Clawson, MARC Air Quality Program Manager at 816.701.8255 or kclawson@marc.org

Sincerely,

Ron B. Achelpohl, P.E.
Director of Transportation & Environment