March 24, 2020

Ms. Emily Wilbur
Chief, Air Quality Planning Section
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65101-0176

Dear Ms. Wilbur:

The Mid-America Regional Council (MARC) Air Quality Forum 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).

MARC's Air Quality Program appreciates the periodic review of SIP air quality control measures in order to ensure relevance, applicability, and effectiveness. We recognize that these analyses must show that proposed changes to SIP control measures will not interfere with our region’s ability to maintain the 2015 ozone NAAQS.

MARC acknowledges that the model results show 1) a decrease of NOx and VOC emissions from 2017 to 2020 associated with fleet turnover and improved emissions technology, and 2) that the low RVP rule provides only a slight reduction to both NOx and VOC emissions. However, while 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 MARC Air Quality Forum has concerns that the state is removing a tool that does provide some air quality benefit to our region.

The Kansas City region has struggled to meet the EPA's National Ambient Air Quality Standards (NAAQS) for ozone pollution for many years. Over the last five ozone seasons 2015-2019, our region has benefited from an abnormally long period of weather patterns producing above average rainfall depressing ground level ozone formation.\(^1\) Thus, while the region is currently designated in attainment for the 2015 standard and monitored values reflect a 2019 design value of 68 ppb, the 2018 design value of 70 ppb suggests that we continue to barely attain this standard and must work to reduce ozone precursor emissions from all sources to remain in compliance.

While our air quality is regulated based on the NAAQS for ozone, the scope of MARC’s Air Quality Program extends beyond the NAAQS and reflects the third main purpose associated with producing a SIP—“to prevent air quality deterioration for areas that are in attainment with the NAAQS.”\(^2\) This purpose encourages us to continue pursuing clean air levels above and beyond the NAAQS to ensure the health and vitality of our residents and decrease the risk of

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\(^1\) All years exceeded (32.65") normal rainfall with three years at 44+

\(^2\) EPA.gov/ground-level-ozone-pollution/basics-sip-requirements
violating the NAAQS due to factors out of our control. Thus, any increase in criteria pollutants due to the rescission of this control measure is a continued concern.

We are also concerned that there are not currently any strategies ready to replace low RVP in the event that the region was to fall out of compliance with the NAAQS. The diminished utility of the Low RVP rule due to vehicle and fuel advancements, coupled with the Kansas City region’s year-to-year design values that continue to skirt the 2015 ozone NAAQS, necessitates that the states of Missouri and Kansas, in partnership with EPA and the MARC Air Quality Forum, coordinate and prioritize finding a new path forward that includes a new generation of pollution control strategies to ensure the Kansas City region stays in compliance of the NAAQS.

Falling out of compliance could necessitate more costly control measures. When reviewing the costs and benefits of this action, we encourage carefully weighing the financial costs which would be incurred should the region fall back into non-attainment against the cost to continue compliance provisions. The risk associated with taking this action could result in significant and widespread financial consequences not acknowledged in the RIR.

MARC appreciates this opportunity to comment on the proposed rescission of 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,

Scott Burnett
County Legislature, Jackson County, Missouri
Missouri Co-Chair, MARC Air Quality Forum

Angela Markley
Commissioner, Unified Government of Wyandotte County/Kansas City, Kansas
Kansas Co-Chair, MARC Air Quality Forum

Cc:

Jim Gulliford, EPA Region 7 Administrator
Mark Smith, EPA Region 7 Director, Air and Waste Management Division
Mike Jay, EPA Region 7 Chief, Air Planning and Development Branch
Kansas Department of Health and Environment, Bureau of Air