

## **Appendix R**

### Control Option 47

#### **Reduced Gasoline Volatility (VOCs)**

Reducing fuel volatility is one means of reducing mobile source VOC emissions. At the current time, Federal Clean Air Act requirements limit Denver area summertime gas to 7.8 psi RVP. EPA could be petitioned to reduce this limit.

#### Benefits:

Reduced VOC emissions. However, this control strategy does not directly control NO<sub>x</sub> emissions, so it is unknown what the anticipated impact would be to the RNMP's nitrogen deposition rate. Additional mobile source modeling would need to be conducted to determine possible emission reductions from this control strategy.

#### Feasibility:

Under section 211(c)(4)(A) of the Act, "no State or political subdivision" can prescribe non-identical motor vehicle fuel regulations. EPA can waive this preemption if it approves the otherwise preempted fuel standard into a SIP subject to the State making a "necessity" showing. See Section 211(c)(4)(C)(i) of the Act.

Under the Energy Policy Act (EPA) Amendments to the Clean Air Act, Colorado would be allowed to adopt a 7.0 psi low RVP program in their SIP provided they met the required "necessity" showing. The controlling language here is "... a necessity showing." The likely "need" used here would probably be that the Denver EAC area violates the 8-hour ozone standard in 2007 and is designated non-attainment. It could be anticipated that all other potential conventional control strategies would be implemented first. For example; lowering the threshold level of tons per year necessary for sources to apply RACT, increasing the stringency of the I/M program so that more vehicles are found and repaired, lowering the threshold of non-attainment NSR and/or increasing the offset ratio, etc.

If, however, the Denver EAC area attains the 8-hour ozone standard in 2007 and EPA designates the area as attainment in April, 2008, a "need" for these more stringent standards may be hard to demonstrate. EPA's Office of Transportation and Air Quality (OTAQ) and Office of General Counsel (OGC) have advised that States' authority to adopt more stringent RVP programs (or other fuel controls), under section 211(c)(4)(C) of the Act, for EAC areas remains unconstrained subject of course to a showing of necessity under section 211(c)(4)(C)(i) of the Act, and now the restrictions placed by the EPA Act.

Additional restrictions on EPA's authority to waive preemption have been placed by the EPA Act Amendments of August 2005. One pertinent restriction is the Petroleum Administration for Defense District (PADD) restriction under section 211(c)(4)(c)(v)(V) of the Act, which precludes EPA from approving a State's request to adopt a fuel if that fuel is not already approved into a SIP in the applicable PADD. The 7.0 psi RVP program is exempt from this restriction. OTAQ and OGC have been discussing both the "necessity" showing requirement under section 211(c)(4)(C)(i) of the Act, and the new EPA Act restrictions in our proposed approval of the 7.0 psi program for the Southeast MI nonattainment area. See 71 FR 46879 (August 15, 2006). States generally adopt low-RVP controls for purposes of addressing the

ozone NAAQs. EPA is not aware of a low-RVP program being used as a control for "nitrogen deposition."

Finally, Colorado could pursue a voluntary-implementation low-RVP gasoline program with the applicable refiners (lower than 7.0 psi). This was actually done previously when, by an EPA waiver, the allowable metro-Denver summer time RVP was 9.0 psi and the State was able to gain the cooperation of the refining industry to instead market a summer time RVP of 8.5 psi.