



Resolution

A Resolution of the Missoula City-County Air Pollution Control Board Regarding Oxygenated Fuel Program Enforcement for the Winter of 2022-2023.

WHEREAS, the US Environmental Protection Agency (EPA) designated Missoula as a carbon monoxide non-attainment area in 1978, following the adoption of the 1977 amendments to the Clean Air Act; and

WHEREAS, vehicle exhaust was identified as one of the primary contributors to Missoula's violation of the national ambient air quality standard (NAAQS) for carbon monoxide; and

WHEREAS, Missoula failed to attain the NAAQS before the 1990, at which time the federal Clean Air Act designated Missoula as a moderate non-attainment area and required Missoula adopt an oxygenated fuel program; and

WHEREAS, at the time, oxygenated fuel used in the winter months helped vehicles burn fuel more efficiently and thereby produce less carbon monoxide; and

WHEREAS, the vehicle fleet has changed over time, with the vast majority of vehicles currently using technology such as catalytic converters and fuel injection that burn fuel more efficiently than older vehicles with carburetors; and

WHEREAS, Missoula also realigned the Brooks, South, Russell intersection (once known as malfunction junction) which was the site of the high carbon monoxide readings; and

WHEREAS, Missoula's last recorded violation of the carbon monoxide NAAQS was in 1991; and

WHEREAS, after 20 years of no exceedances of the NAAQS, EPA allowed Missoula to stop carbon monoxide monitoring in 2011; and

WHEREAS, based on the improvements and air monitoring results, the EPA redesignated Missoula as attainment in 2007, requiring two 10-year maintenance plans; and

WHEREAS, EPA approved Missoula's first 10-year maintenance plan in 2007 and required Missoula to continue the oxygenated fuel program because the modeling showed a possibility of violating the standard under worst case scenario conditions; and

WHEREAS, EPA approved Missoula's second 10-year maintenance plan in 2018, but required Missoula to continue the oxygenated fuel program because we did not have the necessary modeling to show that Missoula would not violate the standard under worst case scenario conditions; and

WHEREAS, the EPA recently provided the Missoula City-County Air Pollution Control Program (Air Program) staff an example of the modeling that would be required to demonstrate that Missoula no longer needs to continue the oxygenated fuel program; and

WHEREAS, the Air Program worked with the Missoula Metropolitan Planning Organization to complete the necessary modeling, and that modeling shows that Missoula will remain in compliance with the NAAQS for carbon monoxide without the oxygenated fuel program; and

WHEREAS, the oxygenated fuel program costs blenders over \$11,000 per year; and

WHEREAS, since oxygenated fuels do not currently reduce Missoula's carbon monoxide levels, oxygenated fuel program compliance monitoring and enforcement lack a scientific basis; and




WHEREAS, some retailers have complained that lack of enforcement puts those who comply at an economic disadvantage; and

WHEREAS, the currently proposed update of the Missoula Air Pollution Control Program rules will allow Missoula to suspend the oxygenated fuels program (rules 10.103 through 10.109) within one year of EPA authorizing Missoula to cease the program; and

WHEREAS, the Air Program staff anticipate final adoption of the proposed rules and EPA approval of the Air Program's demonstration that the oxygenated fuels program is no longer necessary within the current fiscal year;

NOW THEREFORE BE IT RESOLVED, in anticipation of being given the approval by EPA to cease the oxygenated fuels program and suspend the rules as early as November 2022, the Missoula City-County Air Pollution Control Board directs the department not to collect registration fees or fund the oxygenated fuels program for the winter of 2022-2023. Due to lack of funding, the Board gives notice to the public that the department will not have the resources to monitor or enforce the requirements of the oxygenated fuel program this winter.

PASSED AND ADOPTED this 15th day of September, 2022.



Deborah Johnston, Acting Chair