

Necessity Findings

10 CSR 10-6.110 Reporting Emission Data, Emission Fees, and Process Information. This rulemaking would reference the applicable year or years for the emission fee set in the rule. A similar rulemaking will be required at least every three (3) years to establish the year or years that the fee applies to. Adding the calendar year to the rule and updating this rule at least every three (3) years will ensure the requirements in section 643.079 of the Missouri Revised Statutes for setting emission fees are met. There will be no change to the fees at this time. This rulemaking would also clarify the information required in emission reports and the requirements for types and frequency of reports submitted to the Air Program for Emissions Inventory Questionnaire (EIQ) purposes.

- No 60-day comment period is necessary since this rule action does not prescribe any environmental limits or standards. The rulemaking is administrative in nature.
- While affected entities would include any installation, including any small business, that is required to obtain a construction permit or operating permit, the rulemaking editorial and administrative updates will provide businesses clarity on data elements to report, the types and frequency of EIQ submittals, and the emission fee applicable year.
- Public hearing expected May of this year
- Expected to be effective October of this year

10 CSR 10-6.130 Controlling Emissions During Episodes of High Air Pollution Potential. This rulemaking would make necessary changes to the rule that provides the state emergency plan for dealing with episodes of high air pollution throughout the state. The state emergency plan is required by the U.S. Environmental Protection Agency and Missouri Statute. Necessary changes include updating a table to remove the pollutant concentration breakpoints that become inaccurate each time the National Ambient Air Quality Standards change, and clarifying the existing requirement for sources to provide the Department with an emissions reduction plan in the event of a purple or maroon alert. To date, an alert at these Air Quality Index levels has not occurred. At the same time, a statement regarding the closure of all entertainment functions and facilities would be removed from the vehicle usage red alert level procedure and a large portion of the rule text will be reorganized into tables to enhance clarity, consistency, and user friendliness. The Air Pollution Control Program does not expect this rulemaking to be controversial because it does not impose any new requirements.

- Draft rulemaking text and Regulatory Impact Report were out for a 60-day comment period - **started December 5th and closed February 3rd**.
- While this rule applies to all sources and premises throughout the state with air emissions that contribute to applicable pollutants, this rulemaking could be viewed as mostly affecting industrial sources required to submit an emission reduction plan upon request since the rulemaking clarifies this original requirement of the rule.

Examples of potentially affected industry sectors include, power plants, cement and lime kilns, manufacturing facilities, and metallurgical processing plants. However, industrial sources would only be affected if an episode of very high air pollution (purple alert or maroon emergency alert) should occur and if the Director requests a plan. Clarification of the requirement and the plan objectives is beneficial to any industry that may be asked for a plan.

- Public hearing expected June of this year
- Expected to be effective November of this year

10 CSR 10-6.345 Control of NO_x Emissions From Upwind Sources. This rulemaking would rescind this expired rule. The rule's purpose was to protect air quality in the St. Louis area by addressing nitrogen oxides (NO_x) sources proposed for construction outside and upwind of the St. Louis nonattainment area. Subsection (1)(C) states the rule will expire five years from the December 30, 2006 effective date. Since the five-year period has ended, the rule is no longer effective. Other NO_x restrictions remain in place helping protect St. Louis air quality, including the Clean Air Interstate Rule (CAIR) annual and seasonal NO_x trading programs, and the 1-hour NO₂ National Ambient Air Quality Standard. This rule was never included in the Missouri State Implementation Plan since it was not permanent, and the U.S. Environmental Protection Agency has expressed no concerns about rescinding it.

- No 60-day comment period is necessary since this rule action does not prescribe any environmental limits or standards. This rulemaking is administrative in nature.
- Not aware of any sources affected by this rule.
- Public hearing expected May of this year
- Expected to be effective October of this year

10 CSR 10-6.390 Control of NO_x Emissions From Large Stationary Internal Combustion Engines. This rulemaking would correct a wording error in the rule text and move the definitions in this rule over to the general definitions rule to maintain the general definition rule consolidated approach. A recent review of the Air Program's rule comment file revealed a rule comment note from staff advising that this wording error needs to be corrected.

- No 60-day comment period is necessary since this rule action does not prescribe any environmental limits or standards. This rulemaking is administrative and editorial in nature.
- Owners and operators of large stationary internal combustion engines located in the Eastern portion of Missouri could be affected by the rulemaking. However, since the rulemaking is administrative and editorial in nature there are no additional requirements on those owners and operators.

- Public hearing expected May of this year
- Expected to be effective October of this year

10 CSR 10-6.060 Construction Permits Required. This rulemaking would incorporate by reference three U.S. Environmental Protection Agency's (EPA's) federal rule revisions. The first revision finalized with Step 3 of the GHG Tailoring Rule on July 12, 2012 gives facilities subject to Greenhouse Gas (GHG) permitting the option of establishing plantwide applicability limitations (PALs) and documents that EPA is retaining the current GHG permitting thresholds for large sources only. Another revision would update the "regulated New Source Review (NSR) pollutant" definition to clarify that condensable particulate matter should be included when quantifying coarse particulate matter (PM₁₀) and fine particulate matter (PM_{2.5}). The third revision would remove EPA's grandfather provision that allowed certain sources to use PM₁₀ as a surrogate for PM_{2.5} during the transition to PM_{2.5} permitting. These incorporation by reference changes maintain consistency with federal permitting requirements. Other revisions include modifying the notification period for initial equipment start-up to improve tracking of new/modified equipment and testing and clarifying de minimis permit air quality analysis requirements. If a proposed federal rule which changes the treatment of fugitive emissions in major modification determinations is final in time to be included in this rulemaking, it would also be incorporated by reference to maintain consistency with federal permitting criterion. We are not aware of any issues or controversy with these incorporations by reference or other changes.

- No 60-day comment period is necessary since this rule action does not prescribe any environmental limits or standards.
- Large sources of GHG emissions would be impacted by the PAL revisions. Examples of potentially affected entities that would benefit from the permit streamlining offered by the new PAL option are those that use large amounts of fossil fuels, including utilities and facilities that produce cement, steel, and aluminum. - - The Air Program is not aware of any Missouri sources currently grandfathered under the PM₁₀ surrogate policy for the PSD program. - - Entities affected by additional rule language modifications in this proposal include those facilities that would require a new or updated construction permit. - - Changes to the NSR program for PM_{2.5} and the fugitive emissions rule, if it becomes final, would affect sources of particulate matter emissions including: electric services, chemical products, and natural gas liquids and transport.
- Public hearing expected May of this year
- Expected to be effective October of this year

10 CSR 10-6.400 Restriction of Emission of Particulate Matter From Industrial Processes. This rulemaking would provide a hierarchy of various compliance methods similar to one listed in another particulate matter rule (10 CSR 10-6.405), as was suggested by the U.S. Environmental Protection Agency. This amendment provides options for demonstrating compliance in addition to stack tests and also clarifies that this rule limits filterable particulate matter only. If this

change is not made, combustion sources may inadvertently include condensables which would increase total particulate matter emissions, making it more difficult for them to comply. This rulemaking will also remove definitions in this rule that can be found in 10 CSR 10-6.020 Definitions and Common Reference Tables.

- No 60-day comment period is necessary since this rule action does not prescribe any environmental limits or standards. This rulemaking is administrative and editorial in nature.
- Could affect any applicable source that emits particulate matter. Examples of affected source categories include smelters, grain dryers, sandblasting and wood products manufacturing.
- Public hearing expected May of this year
- Expected to be effective October of this year

10 CSR 10-5.570 Control of Sulfur Emissions from Stationary Boilers. This rulemaking would clarify that the sulfur dioxide (SO₂) emission limit for breweries applies only to the total SO₂ emissions from applicable units within an installation and not the total SO₂ emissions from the entire brewery installation. This change was suggested by the only source affected by this rulemaking. At the same time, definitions in this rule that can now be found in 10 CSR 10-6.020, Definitions and Common Reference Tables, would be removed.

- No 60-day comment period is necessary since this rule action does not prescribe any environmental limits or standards. This rulemaking is administrative and editorial in nature.
- This amendment would only affect one source, but the rulemaking is administrative and editorial in nature and no new requirements would be added.
- Public hearing expected May of this year
- Expected to be effective October of this year

10 CSR 10-6.040 Reference Methods. This rulemaking would update incorporations by reference to include the latest Federal Register promulgation dates. These recent Federal Register Notices add Federal Equivalency Methods (FEMs) for ambient monitoring of nitrogen dioxide and fine particulate matter; and two FEMs for laboratory analysis of lead. Adding the latest Federal Register promulgation dates to this rule will allow the latest FEMs to be used to meet state requirements. At the same time, ASTM Methods for determining parameters such as fuel, sulfur, and heat content will also be reviewed for accuracy and updated if needed.

- No 60-day comment period is necessary since this rule action does not prescribe any environmental limits or standards. The rulemaking is administrative in nature.

- Could affect any source that emits nitrogen dioxide, lead, or fine particulate matter or relies on any of the ASTM methods that may be updated with this rulemaking. These sources could use the new FEMs and/or ASTMs for compliance and testing.
- Public hearing expected June of this year
- Expected to be effective November of this year