



**AIR PROGRAM ADVISORY FORUM**  
**Tuesday, February 3, 2008**  
**Meeting Notes**

**Presentations – available on web:**

Climate Change Update

Paul Myers

**Brief Updates:**

Clean Air Interstate Rule (CAIR)

On December 23, 2008, the U.S. Court of Appeals for the D.C. Circuit remanded the Clean Air Interstate Rule (CAIR) to EPA without vacatur of CAIR “so that EPA may remedy CAIR’s flaws in accordance with” the court’s July 2008 opinion vacating CAIR. Essentially CAIR remains in effect while EPA proceeds with a new rule. MDNR intends to amend the current 10 CSR 10-6.350, *Emission Limitations and Emissions trading of Oxides of Nitrogen*, to provide a “backstop” in case of a future CAIR vacatur. See Rulemaking Process for more details on 10-6.350.

Questions regarding CAIR included how to apply for apply for early reduction credits and credits assigned to tire-derived fuel burners. The department is researching the appropriate form to utilize and will respond to the forum email list and the CAIR email list with the applicable information by the end of February 2008. The applications are due to MDNR by May 1, 2009.

- Early Reduction Credits (ERCs), 96.143 of the Federal Rules - any CAIR NOx unit that achieves NOx emission reductions in 2007 and 2008 (and are not necessary to comply with any State or Federal emissions limitation for those years) may request ERCs and allocation of CAIR NOx allowances from the Compliance Supplement Pool (CSP).
- Tire Derived Fuels (TDFs) are mentioned in 10 CSR 10-6.362, CAIR Annual NOx Trading Program, under the CSP paragraph. Units that burn TDFs in Buchanan, Jackson, or Jasper counties that combust at least 100,000 tires in each of the years 2007 and 2008 are eligible to request CAIR NOx Annual allowances from the compliance supplement pool.

Clean Air Mercury Rule (CAMR)

As of 2/10/09 (from an email from the Environmental Council of States):

*Administration Withdraws Mercury Petition Before Supreme Court*

Acting Solicitor General Edwin Kneedler asked the Supreme Court February 6 to dismiss the Bush Administration's request for review of its controversial Clean Air Mercury Rule for power plants. In a two-page motion, Kneedler noted that "Since the petition for a writ of certiorari was filed, EPA has decided, consistent with the court of appeals' ruling, to develop appropriate standards to regulate power plant emissions under Section 7412." That decision negates the need to review the court of appeals' decision. The electric utility industry, represented by the Utility Air Regulatory Group, still has a request to hear this case pending before the Supreme Court.



**Missouri Department of Natural Resources**  
Air Pollution Control Program

### Rulemaking Process

If you know of any regulations that need updating, please send comments to Jim Kavanaugh. When submitting comments on rules open for public comment, the department requests the responder make the comments as specific as possible and provide as much documentation as possible to allow the department to justify any rule actions.

To see which rules are on public notice or to send comments via email, please go to: <http://www.dnr.mo.gov/env/apcp/rulemaking.htm> and <http://www.dnr.mo.gov/env/apcp/RulesDev.htm>

### Rulemaking Updates

- Control of Heavy Duty Diesel Vehicle Idling Emissions (Idle Reduction Rules): The final idling regulations were published in the Code of State Regulations on January 29, 2009 (Thursday). These regulations will go into effect on February 28, 2009 in the following areas:
  - Kansas City: Clay, Platte and Jackson
  - St. Louis: City of St. Louis, and the counties of St. Louis, St. Charles, Jefferson and Franklin
- Process Weight Rule, 10 CSR 10-6.400 – the rule with changes developed through the forum was filed with the Secretary of State's office on September 9, 2008. The rule was adopted by the Missouri Air Conservation Commission February 3, 2009 and will become effective on May 30, 2009.
- SO<sub>2</sub> RACT Rules -10 CSR 10-5.570 Control of Sulfur Emissions from Stationary Boilers and 10 CSR 10-6.260 Restriction of Emissions of Sulfur Compounds. The proposed rulemakings will establish sulfur dioxide (SO<sub>2</sub>) requirements for industrial boilers and establish an SO<sub>2</sub> emission limit for primary lead smelters in the St. Louis non-attainment area in compliance with the federal Clean Air Fine Particle Implementation Rule. These rules are available for public comment through April 2, 2009.
- Open Burning Rule, 10 CSR 10-6.045 –This revision would allow open burning in a nonattainment area so long as the burning would not be detrimental to air quality standards. Another proposed change to the rule would allow open burning of certain trade waste when it is in the best interest of the general public or is the safest and most feasible method of disposal. Examples would be explosive trade waste that cannot be safely transported off site or trade waste that results from natural disasters such as floods and tornadoes. The rule is scheduled to go to public hearing on March 26, 2009. If adopted the rule becomes effective August 30, 2009.
- 10 CSR 10-6.350, Emission Limitations and Emissions trading of Oxides of Nitrogen. This rule revision proposes to remove the sunset provision of this rule. The sunset provision was originally placed in the rule due to the Clean Air Interstate Rules essentially taking over the requirements of 10-6.350. Although CAIR is now back in effect, the department is proposing to remove the sunset provision to keep the requirements in place if CAIR does not remain in effect. It is the department's intention to have this rule as a backstop in the event CAIR does not remain in effect. It is not the intention to have both this rule and CAIR in effect. Only one rule will apply to an applicable source. The public hearing was held February 3, 2009 and comments are accepted through February 10, 2009.



## Missouri Department of Natural Resources

### Air Pollution Control Program

- Indirect Heating Rules, 10 CSR 10-2.040, 3.060, 4.040, 5.030 and 6.405. As presented to the forum several months ago, the department proposed to consolidate the first four rules into one new rule, 6.405, in order to provide consistent rules throughout the state. This rule was expected to be filed on February 2, 2009, but has been put on hold while the department considers the comments received from several industries. The department received several comments from electric generating units (EGU's) who did not support the removal of the averaging option and requested that a workgroup be formed to further discuss the proposed rule.
- Federal Updates – new Incorporation by Reference (IBR). The department has changed IBR to use Federal Register (FR) notices, which will allow the department to adopt federal regular diesel. This is scheduled to go into effect on February 28, 2009.

### House Bill 470

Establishes the Missouri Global Warming Solutions Act of 2009 to reduce carbon dioxide emissions. Find the status of the bill at:

<http://house.mo.gov/content.aspx?info=/bills091/bills/HB470.htm>

### Mark Your Calendars

- 2009 Midwest Energy & Climate Policy Conference at the Garden - Missouri Botanical Garden, on June 1<sup>st</sup> and 2<sup>nd</sup>.  
<http://www.armstrongteasdale.com/Events/MidwestEnergy-ClimateConference.gif>
- 3<sup>rd</sup> Annual REGFORM Air Seminar, in coordination with MDNR, is scheduled for November 5, 2009. Location to be announced.

### St. Louis County

St. Louis County of Health's Air Pollution Control Program has a new webpage:

<http://www.stlouisco.com/doh/environ/airpollut.html>

### MOEIS System

- The department has a new improved MOEIS system in place. Please visit the following web site for details:  
<http://www.dnr.mo.gov/env/apcp/moeis/MoEISinstructions.htm>
- There are 8 MoEIS training workshops to assist you in completing Emissions Inventory Questionnaire. More classes will be offered if needed. Please see the following link for available dates:  
<http://www.dnr.mo.gov/env/apcp/moeisworkshop.htm>

### **Future Meetings**

\*Thursday April 30 1:00 to 3:00 Roaring River/Bennett Springs Conference Room

\*Thursday June 25 1:00 to 3:00 Roaring River/Bennett Springs Conference Room

Thursday September 17 10:00 to noon Bennett Springs Conference Room

\*Thursday Dec 3 1:00 to 3:00 in Roaring River/Bennett Springs Conference Room

\*\* Meeting same day and location as Missouri Air Conservation Commission Meeting.

Depending on the commission meeting agenda, the forum meeting may be rescheduled to start at 1:30 pm instead of 1:00 pm.