

STATE OF MISSOURI Jeremiah W. (Jay) Nixon, Governor • Sara Parker Pauley, Director
DEPARTMENT OF NATURAL RESOURCES

www.dnr.mo.gov

DEC 13 2011

Mr. Karl Brooks
Regional Administrator
U.S. EPA, Region VII
901 North Fifth Street
Kansas City, KS 66101

Dear Mr. Brooks:

The Missouri Air Conservation Commission has recently revised or promulgated the following air quality plan contained in the Missouri State Implementation Plan (SIP). The following is enclosed for your review and approval into the SIP:

Revision to the Missouri State Implementation Plan - Section 110 Infrastructure Requirements for the 2008 Lead National Ambient Air Quality Standard

This revision to the SIP is to satisfy the requirements of Section 110 of the federal Clean Air Act Amendments of 1990 throughout the state for the Lead air quality standard that was revised by the U.S. Environmental Protection Agency (EPA) on October 15, 2008. Section 110(a) of the Act requires that each state submit to EPA a SIP revision for the implementation, maintenance, and enforcement of each new or revised NAAQS within three years of the promulgation of the new or revised standard. This plan demonstrates that Missouri has the infrastructure necessary to implement these Section 110 infrastructure requirements for the 2008 revised Lead standard via the referencing of specific corresponding applicable state statutes, regulations, programs or resources.

The commission adopted the enclosed plan action on December 8, 2011 after considering program staff testimony at the public hearing. No comments were received during the hearing or public comment period. The commission has full legal authority to develop the SIP pursuant to Section 643.050 of the Missouri Air Conservation Law. The state followed all applicable administrative procedures in proposing and adopting the plan action. Enclosed are the required SIP submittal elements for determination of plan completeness per 40 CFR Part 51, Appendix V.

In order to comply with Attachment A of the "Regional Consistency for the Administrative Requirements of State Implementation Plan Submittals and the Use of Letter Notices" memo dated April 6, 2011, a searchable pdf version of this document will be emailed to the EPA Regional Office and will be posted on our website at <http://dnr.mo.gov/env/apcp/stateplans.htm> under the "Lead 2008 Standard" subheading.

Mr. Karl Brooks
Page Two

The Missouri Department of Natural Resources requests that the Environmental Protection Agency amend the SIP to incorporate this plan.

Thank you for your attention to this matter. If you have any questions regarding this submittal, please contact Wendy Vit, Missouri Department of Natural Resources' Air Pollution Control Program at P.O. Box 176, Jefferson City, MO 65102 or by phone at (573) 751-4817. E-mail inquiries may be forwarded to wendy.vit@dnr.mo.gov.

Sincerely,

AIR POLLUTION CONTROL PROGRAM

Original signed by Kyra L. Moore

Kyra L. Moore
Director

KLM:jw

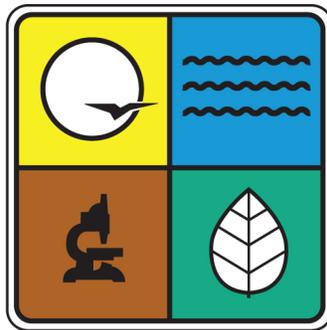
Enclosures: Copy of Plan
Copy of commission signature page certifying Missouri Air Conservation
Commission adoption
Copy of public hearing notice
Copy of public hearing transcript introductory statement
Copy of proposal for adoption -- no comments received

c: Missouri Air Conservation Commission

**Section 110 Infrastructure Requirements
for the
2008 Lead National Ambient Air Quality Standard**

A Missouri State Implementation Plan Revision

**Adoption
December 8, 2011**



**MISSOURI
DEPARTMENT OF
NATURAL RESOURCES**

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List of Acronyms and Abbreviations

BACT	Best Available Control Technology
BART	Best Available Retrofit Technology
CAA	Clean Air Act
CFR	Code of Federal Regulations
CSR	Code of State Regulations (Missouri)
DNR	Department of Natural Resources (“the Department”)
EPA	U.S. Environmental Protection Agency
GHG	Greenhouse Gases
MACC	Missouri Air Conservation Commission
MOEIS	Missouri Emissions Inventory System
NAAQS	National Ambient Air Quality Standard
NSR	New Source Review
PSD	Prevention of Significant Deterioration
RSMo	Revised Statutes of the State of Missouri
SIP	State Implementation Plan
FY	fiscal year
$\mu\text{g}/\text{m}^3$	micrograms per cubic meter

1. EXECUTIVE SUMMARY

1.1 Introduction & Purpose

The purpose of this document is to fulfill the requirements of Section 110 of the Clean Air Act (CAA). Section 110 of the CAA requires that each state submit to the U.S. Environmental Protection Agency (EPA) a state implementation plan (SIP) revision for the implementation, maintenance, and enforcement of each new or revised national ambient air quality standard (NAAQS). The intent of the CAA in requiring this plan submittal pursuant to Section 110(a)(1), is to obligate the state to demonstrate that it has the ability, authority, and resources to implement the infrastructure elements listed in Section 110(a)(2) for each criteria pollutant. For this reason, these Section 110 plan submittals are commonly referred to as ‘infrastructure SIPs’. This document is the State of Missouri’s infrastructure plan for the newly revised 2008 Lead NAAQS.

A. 2008 Revised Lead NAAQS

On October 15, 2008, the EPA promulgated a revised NAAQS for the criteria pollutant Lead (Pb). The revision strengthened the primary and secondary standards tenfold, decreasing the standards for airborne lead from 1.5 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) to $0.15 \mu\text{g}/\text{m}^3$.

B. State Area Designations

The Clean Air Act requires Missouri to recommend lead area designations based on air quality monitoring data. Because of the lowered standard, some areas of the state were required to establish monitoring networks that previously were not required to do so. As a result, the EPA is making the area designation determinations in two rounds: an initial round based on the previous monitoring network and a second round a year later using data from the newly deployed monitors.

On December 28, 2009, Missouri submitted its first round recommendations to the EPA. The recommendations included keeping the Herculaneum nonattainment area in Jefferson County as the Herculaneum city limits and adding a nonattainment area around the Buick smelter and mine in Dent, Iron, and Reynolds Counties. Additionally, the State recommended certain county portions around each of these two nonattainment areas as unclassifiable until monitoring data was available from the new samplers that were in place by January 1, 2010. The recommendation also included unclassifiable areas in the Old Lead Belt (St. Francois County) and the Tri-State area (Jasper and Newton Counties). The EPA concurred with our recommendations in its first round final determinations published on November 16, 2010.

In a letter to the Governor dated June 14, 2011, EPA outlined its preliminary decision for the second round of designations. EPA proposed to keep the nonattainment area designations unchanged from the first round. No monitoring data from any of the four newly-monitored areas (portions of five counties) indicated a violation of the NAAQS. The EPA gave the State until August 15, 2011, to respond with any comments prior to finalizing this second round no later than October 14, 2011. On July 13, 2011, Missouri responded in agreement with these recommendations.

More information on Missouri's Lead area boundary designation recommendations may be found at: <http://dnr.mo.gov/env/apcp/naqsboundarydesignations.htm>

1.2 Plan Summary

Section 110(a)(1) of the CAA requires that a state to submit an infrastructure plan such as this within three years of the promulgation of the revised criteria pollutant standard. The Missouri Department of Natural Resources (hereafter, 'the Department') is currently and separately developing attainment plans for Missouri's two Lead nonattainment areas under the 2008 Lead NAAQS as required by Section 110(a)(2)(I) of the CAA. However, Title I Part D of the CAA governs the timing and other necessary specific elements of these nonattainment area plans. Therefore, the Lead attainment plans will follow the timing schedule allowed per Section 172 of the CAA, not the timing requirement of Section 110(a)(1) and are not part of this document.

This document is administrative in nature and demonstrates Missouri's ability and authority to implement each of the infrastructure elements pursuant to Section 110 of the CAA outlined below for the 2008 revised Lead standard via the referencing of specific corresponding applicable state statutes, regulations, programs or resources.

2. INFRASTRUCTURE REQUIREMENTS

This section of the plan provides an explanation of how the State of Missouri fulfills each applicable Section 110(a)(1) and (2) infrastructure element requirement of the CAA.

2.1 Plan Submittal and Timing Requirements: Section 110(a)(1)

Section 110(a)(1) of the CAA requires that states submit to EPA plans to implement, maintain and enforce each of the NAAQS promulgated by EPA within three years after promulgation of a new or revised standard.

This document is the State of Missouri's plan to implement, maintain and enforce the revised 2008 Lead NAAQS.

2.2 Infrastructure Elements: Section 110(a)(2)

Section 110(a)(2) of the CAA states that each SIP submittal shall be adopted by the state after a reasonable notice and public hearing.

In accordance with this provision, prior to submittal to the EPA, this plan is undergoing a public hearing before the Missouri Air Conservation Commission on October 27, 2011. The plan was posted for public review and comment at least 30 days prior at <http://www.dnr.mo.gov/env/apcp/stateplanrevisions.htm> Detailed below are the other infrastructure elements:

A. Enforceable Emission Limits & Control Measures: Sec. 110(a)(2)(A)

Section 110(a)(2)(A) of the CAA requires SIPs to include enforceable emission limits and other control measures, means or techniques, schedules for compliance and other related matters as needed to implement, maintain and enforce each NAAQS.

The State of Missouri's Statutes and regulations, via the Air Conservation Law and Air Pollution Control Rules, authorize the Department to regulate air quality and implement air quality control regulations. Chapter 643 of the Revised Statutes of the State of Missouri (RSMo) is dedicated to Air Conservation Law. These statutes authorize the establishment of necessary regulations to execute these laws. Timetables for compliance are also found in these rules as appropriate. These Air Conservation Commission rules are codified in Title 10, Division 10 of the Missouri Code of State Regulations (CSR).

The Missouri Air Conservation Law is available for viewing at:
<http://www.moga.mo.gov/statutes/chapters/chap643.htm>

The Missouri air pollution control rules are available for viewing at:
<http://www.sos.mo.gov/adrules/csr/current/10csr/10csr.asp#10-10>

Section 643.030 RSMo authorizes the "Air Conservation Commission of the State of Missouri", also known as the Missouri Air Conservation Commission (MACC), to control air pollution,

which is defined in Section 643.020 RSMo to include air contaminants, which cause or contribute to injury to public health or welfare.

Section 643.050 RSMo authorizes the MACC to classify and identify air contaminants. Furthermore, Section 643.050 of the Air Conservation Law authorizes the MACC to regulate the use of air contaminant sources and to establish emissions limitations for air contaminant sources. In the Air Conservation Commission rules, Subsection (2)(A) of 10 CSR 10-1.010 *General Organization* reiterates the MACC's responsibility to establish air quality control regions as well as adopt, promulgate, amend and rescind rules. Section (4) of 10 CSR 10-1.010 tasks Department staff with carrying out the policies of the MACC:

The director of the DNR, the staff director of the Air Pollution Control Program and the program staff enforce the rules and implement the policy of the Air Conservation Commission.

Below are some other references to state rules used to implement and enforce the NAAQS:

- 10 CSR 10-6.020 *Definitions and Common Reference Tables* is used to define terms, such as 'NAAQS' and 'criteria pollutants or standards,' necessary to classify pollutants and implement and enforce standards.
- Section (12) of 10 CSR 10-6.030, *Sampling Methods for Air Pollution Sources* establishes the appropriate sampling method for Lead from air pollution sources to be the EPA's Test Method 12. Similarly, Subsections (4)(G) and (O) of 10 CSR 10-6.040 *Reference Methods* refer to the appropriate respective federal reference method for determining the concentration of Lead in the ambient air.
- 10 CSR 10-6.050 *Start-Up, Shutdown, and Malfunction Conditions* provides that sources may submit information relating to excess emissions during startup, shutdown or malfunction events, but expressly provides that nothing in this rule limits the ability of the Department or the MACC to take appropriate enforcement action.
- Specifically to create control measures for Lead, State rule 10 CSR 10-6.120 *Restriction of Emissions of Lead From Specific Smelter-Refinery Installations* provides specific Lead emission limitations for both Doe Run's Herculaneum primary smelter and the Resource Recycling Division (Buick secondary smelter).

Infrastructure plans are not intended to identify nonattainment emission controls. Emissions limitations and other control measures to attain the 2008 Lead NAAQS in areas designated nonattainment are being developed separately and are due on a different schedule from the Section 110 infrastructure elements and will be reviewed and acted upon through a separate process. Nonetheless, Missouri has demonstrated its ability to establish and enforce emissions limitations and control measures within nonattainment area plans under the previous or 1978 Lead standard:

- A 2007 Consent Judgment and its 2009 amendment for the Doe Run Company's Herculaneum primary lead smelter sets forth time schedules for completion of control strategies to reduce lead emissions. This Consent Judgment is at the core of the 2007 Lead SIP Revision for the Herculaneum area. Since the control strategies of this SIP revision were implemented in the spring of 2008, the Herculaneum area has been in continual compliance with the 1978 Lead NAAQS. The 2007 Consent Judgment may be viewed at: <http://dnr.mo.gov/env/apcp/docs/consentjdgmnt.pdf>
- The construction permits (numbered 012005-008 and 062011-044) for Doe Run's Buick secondary (recycling) smelter include enforceable emission limitations for several pollutants, including Lead.
- For decades, Missouri has been at the forefront of the nation's Lead mining, processing, recycling and distribution industries. Consequently, the Department has had a prominent history of Lead plan development and implementation. More information on Missouri's Lead SIPs may be found at: <http://dnr.mo.gov/env/apcp/sips.htm#lead>

B. Ambient Air Quality Monitoring: Section 110(a)(2)(B)

Section 110(a)(2)(B) of the CAA requires SIPs to include provisions to provide for establishment and operation of ambient air quality monitors, collection and analysis of ambient air quality data, and making these data available to EPA upon request.

The State of Missouri operates and maintains an extensive air quality monitoring network for various pollutants with over 100 instruments at more than 50 locations. There are 16 air quality monitoring sites statewide tasked with collecting data on Lead in the ambient air.

Within the state Air Conservation Law, Section 643.050 RSMo provides the general authority necessary for Missouri to fulfill the requirements of Section 110(a)(2)(B) of the CAA. This is itemized further within the Code of State Regulations: For the purposes of air quality monitoring data collection and submittal, Subsection (2)(A) of 10 CSR 10-1.010 *General Organization* restates the MACC's statutory authority to develop facts and require the submission of relevant information. Additionally, Subsection (2)(D) of this rule outlines the roles, duties and obligations of the Air Pollution Control Program. Responsibilities relevant to air quality monitoring outlined in this rule include –

- Obtain air quality data, update EPA AIRS (Air Information Retrieval System, now referred to as Air Quality System) database and disseminate data.
- Coordinate with the laboratory services program for the establishment and maintenance of air monitoring sites.
- Provide modeling and air quality data for other sections in the program.
- Conduct and coordinate Ambient Air Monitoring network Reviews.
- Maintain the air monitoring SIP
- Coordinate air quality data input from local air pollution control agencies and the laboratory services program.
- Prepare the air quality annual report.

Thus, as authorized, the Air Pollution Control Program maintains an Air Quality Monitoring unit which was created to fulfill the requirements of Section 110(a)(2)(B) for the 2008 Lead NAAQS. Furthermore, Missouri's current Lead air quality monitoring network meets or exceeds the minimum requirements of the 2008 standard.

EPA regulations requires states to prepare and submit an annual monitoring network plan containing a periodic network assessment review, In accordance with this rule, found at 40 CFR 58 Part B, Missouri's 2011 proposed air quality monitoring network plan is available at: <http://dnr.mo.gov/env/apcp/monitoring/monitoringnetworkplan.pdf> Also, visit EPA Region 7's Air Quality Monitoring Network plan site for more information or to review Missouri's previous approved network plans: http://www.epa.gov/region07/air/quality/quality.htm#mo_air

For more information on Air Quality Monitoring from the Department's Environmental Service Program, please visit: <http://dnr.mo.gov/env/esp/aqm/esp-aqa.htm>

A map of the statewide Lead monitoring network along with the state's current Lead Air Quality data and analysis may be found at: <http://dnr.mo.gov/env/apcp/docs/leadmonitordata.pdf>

C. Enforcement & Construction Permit Programs: Sec. 110(a)(2)(C)

Section 110(a)(2)(C) of the CAA requires states to include a program for i.) enforcement of all SIP measures and ii.) the regulation of construction of new or modified stationary sources to meet Prevention of Significant Deterioration (PSD) and nonattainment New Source Review (NSR) requirements.

i. Enforcement Program

The Department's Air Pollution Control Program staffs and implements a vigorous Compliance/Enforcement Section. Additionally, the Department's Division of Environmental Quality has considerable staff resources at its 5 regional and numerous satellite offices to coordinate complaints and inspections. Furthermore, the State has delegated authority to 4 local air pollution control agencies.

The Missouri statutes provide authority for the Department to enforce the requirements of the Air Conservation Law, and any regulations, permits, or final compliance orders issued under the provisions of that law. For example, Section 643.080 RSMo authorizes the Department to issue compliance orders for violations of the law, rules promulgated thereunder (which includes rules comprising the Missouri SIP), and conditions of permits (which includes permits under SIP-approved permitting programs).

Section 643.085 RSMo authorizes the Department to assess administrative penalties for violations of the statute, regulations, permit conditions, or administrative orders. Section 643.151 RSMo authorizes the MACC to initiate civil actions for these violations, and to seek penalties and injunctive relief to prevent any further violation. Section 643.191 RSMo provides for criminal penalties for knowing violations of the statute, regulations or permit conditions, in addition to other acts described in that section.

In the State regulations governing the MACC, 10 CSR 10-1.010 *General Organization*, reinforces this authority. Subsection (2)(A) of this rule authorizes the MACC to make investigations, make orders and determinations, and refer alleged violations to the county prosecutor or attorney general. Similarly Subsection (2)(B) empowers the director to investigate complaints, issue abatement orders, recommend legal action be taken by the attorney general and enforce provisions of the Air Conservation Law. Lastly, 10 CSR 10-1.010(2)(D)2. establishes the Air Pollution Control Program's enforcement section with subparagraphs A. through J. clearly delineating its duties in fulfillment of Section 110(a)(2)(C) of the CAA.

ii. Prevention of Significant Deterioration Program

To prevent significant deterioration of air quality, by statute, the construction of subject air pollution sources without the appropriate permit is unlawful. To this end, Section 643.075 RSMo authorizes the Department to operate a construction permit program and establishes the corresponding functions of that program including fee collecting provisions.

These duties are furthered outlined by Paragraph (2)(D)5. of 10 CSR 10-1.010 *General Provisions* which establishes the Air Pollution Control Program's Permit Section.

Missouri has adopted all necessary provisions to ensure the protection of the Lead standard using the Prevention of Significant Deterioration Program (PSD) under State rule 10 CSR 10-6.060 *Construction Permits Required*. Missouri has a long-standing and fully implemented New Source Review (NSR) permitting program for new major sources and significant modifications of existing sources. This NSR or Construction Permit program in any attainment area is referred to as a PSD permitting program and is governed by Section (8) of 10 CSR 10-6.060. One of the major components of the PSD program is the implementation of Best Available Control Technology (BACT) on new major sources or significant modification of existing major sources. Missouri has been delegated full authority to implement the PSD program by the EPA for all NSR regulated pollutants including Lead and Greenhouse Gases (GHG).

Missouri also has a minor permit program to review smaller sources (See 10 CSR 10-6.060(6)) to ensure, among other things, that such new and modified sources will not interfere with the Lead NAAQS attainment. Sources with the potential to emit above the *de minimis* level are required to do an ambient air impact analysis to show that they are not adversely impacting the NAAQS. The *de minimis* level for Lead is 0.6 tons per year. (See the definition of *de minimis* in the definitions rule at 10 CSR10-6.020(2)(D)5. and Table 1 of 6.020(3)(A)). In accordance with Section (5) of 10 CSR 10-6.060, the Department may also require impact analyses for sources lower than these levels that may be likely to adversely affect air quality.

Missouri's NSR permitting program also addresses major sources and modifications in nonattainment areas pursuant to Section (7) of 10 CSR 10-6.060. However, this element need not be addressed in this infrastructure plan. Nonattainment area plan elements are to be submitted in their own separate plans and will be addressed appropriately there. Paragraph 2.2.I. of this document below further discusses the nonattainment area element.

Therefore, Missouri has satisfied the requirements of Section 110(a)(2)(C) for the 2008 Lead NAAQS through its approved NSR program enabled by state rule 10 CSR 10-6.060.

D. Interstate Transport: Section 110(a)(2)(D)

Section 110(a)(2)(D)(i) of the CAA requires SIPs to include provisions prohibiting any source or other type of emissions activity in one state from contributing significantly to nonattainment in, or interfering with maintenance by, another state with respect to the NAAQS, or from interfering with measures required in another state to prevent significant deterioration of air quality or to protect visibility. Similarly, Section 110(a)(2)(D)(ii) of the CAA requires that the SIP insure compliance with the applicable requirements of Sections 126 and 115, relating to interstate and international pollution abatement.

Section 643.050.3(7) RSMo authorizes the MACC to be Missouri's representative in all matters pertaining to interstate air pollution.

Lead is not a typical criteria pollutant. Unlike most criteria pollutants, Lead air pollution is no longer regional in nature. Lead pollution tends to be highly localized and does not transport long distances. Since the outlawing of leaded gasoline in the 1980's, Lead air pollution is now characterized mainly by single, discrete stationary sources of Lead primarily pertaining to the lead production, processing and recycling industries. Lead is a very dense element and Lead, as an air pollutant, is generally in the form of particulate matter. Consequently, Lead has a very high concentration dispersion gradient and, due to this, settles out of the air over a relatively short distance. These physical properties prevent Lead emissions from experiencing the same travel or formation phenomena as PM_{2.5} or ozone. In other words, there is a sharp decrease in Lead concentrations, at least in the coarse fraction, as the distance from a Lead source increases. Even from rather large sources of Lead, at about 2 miles from the source, the impact to ambient air quality can be very minimal. For example, at one time, the Herculaneum Lead nonattainment area was defined as a one-mile radius circle centered on the source's main stack. Now, the nonattainment boundaries are the city limits of Herculaneum. The boundaries were initially changed merely to make them more clearly legally defined.

Missouri, being in the center of the country, is not near enough to any international borders to have any impact to any other country from Lead air pollution, thus the element of Section 110(a)(2)(D) of the CAA regarding international transport under the 2008 Lead NAAQS does not apply. Similarly, and for the reasons mentioned above, Missouri would only have an impact to another state's Lead NAAQS attainment or maintenance if one of these discrete stationary sources were very near a state border. The Doe Run primary smelter facility in Herculaneum is on the banks of the Mississippi River and the State of Illinois is just across the river. The Herculaneum facility is the only Lead source in Missouri near enough to a state border to even have the potential for an impact on another state's ambient air.

On November 16, 2010 EPA finalized its first round of Lead nonattainment area designations. On June 15, 2011, EPA proposed its second round of designations. This second round of designations is intended to be finalized in October 2011. In neither of these rounds did EPA designate or propose any area in the State of Illinois in the proximity of Herculaneum, Missouri, to be nonattainment for Lead under the 2008 NAAQS. For more information on EPA's Lead designations see: <http://www.epa.gov/leaddesignations/>

Nevertheless, Missouri has taken specific actions to prevent Lead air emissions from affecting our neighbor to the East:

- As mentioned above in paragraph 2.2.A. of this document on Control Measures, Missouri developed and implemented a 2007 SIP Revision along with a 2009 Building Ventilation / Lead particle capture, control and containment plan supplement, with new control strategies to demonstrate attainment of the 1978 Lead NAAQS in the Herculaneum area. For the 2007 SIP Revision see: <http://dnr.mo.gov/env/apcp/docs/2007revision.pdf> For the 2009 Supplement visit: <http://dnr.mo.gov/env/apcp/docs/2009drh-leadsip.pdf>
- Primary Smelter Shutdown: In light of the 2008 Lead standard, the State of Missouri entered into a Consent Decree with the Doe Run Company and the EPA in October 2010. As part of the terms of this Consent Decree, Doe Run has agreed to cease smelting operations at its Herculaneum facility. The sinter plant will shut down by December 31, 2013 while the blast furnace operations will cease by April 30, 2014. Doe Run has subsequently announced that it plans to implement a new alternative lead ore processing technology on their Herculaneum site. This “new lead metal technology” is an extremely low lead-emitting hydrometallurgical, not a smelting or pyrometallurgical, process.
- The Department has received a construction permit application from the Doe Run Company for this new low Lead emitting facility. The application is being reviewed to the fullest extent of the permitting regulations. The application review is near completion and the permit is scheduled to be issued in the autumn of 2011.
- Missouri, in coordination with the Doe Run Company, is currently developing a SIP Revision to demonstrate attainment of the 2008 Lead NAAQS based on this new technology.

To address the Prevention of Significant Deterioration element of interstate transport, Missouri reiterates that it has a fully implemented NSR/PSD program for new major sources and major modifications in both the attainment and nonattainment areas of the State for the 2008 Lead NAAQS (see part 2.2.C.ii. of this document). Furthermore, consistent with Section 126 of the CAA, Missouri regulations require that affected states receive notice prior to the commencement of any construction or modification of a source. Section (6) of 10 CSR 10–6.060 *Construction Permits Required* provides that the review of all PSD permit applications follow the procedures of 10 CSR 10–6.060(12)(A), Appendix A. Paragraph 10 CSR 10-6.060(12)(A)11. requires that the permitting authority notify affected states once a draft permit goes out for public comment.

Lead as an air pollutant is not considered to be a cause of concern for visibility issues and therefore the visibility impact element of Section 110(a)(2)(D) of the CAA is not applicable to the Lead NAAQS. Because of Lead’s high density and very fast settling rate, significant visibility impacts from Lead emissions are limited to short distances. Missouri has no significant Lead sources in the relative vicinity of any Class I areas. In addition, Lead is not directly regulated under the visibility program of the CAA (Sections 169(A) and (B)). Moreover, although Lead can be a component of coarse and fine particles, Lead comprises a small fraction of coarse and fine particles. When evaluating the extent that Lead could impact visibility, Lead-

related visibility impacts were found to be insignificant (e.g., less than 0.10%). [*Ambient Pb's Contribution to Class 1 Area Visibility Impairment*, 6/17/2011, Mark Schmidt, EPA-OAQPS.]

In August 2009, Missouri submitted a regional haze SIP to the EPA which addresses BART (Best Available Retrofit Technology) pursuant to Title I Part C of the CAA. As part of this regional haze SIP, the Department's Air Pollution Control Program (Air Program) conducted a BART screening evaluation which concluded the Doe Run Herculaneum facility does not impair visibility in Class 1 areas.

E. Adequate Resources: Section 110(a)(2)(E)

Section 110(a)(2)(E) of the CAA requires that SIPs provide for the following: (1) necessary assurances that the state (and other entities within the state responsible for implementing the SIP) have adequate personnel, funding, and authority under state or local law to implement the SIP, and that there are no legal impediments to such implementation; (2) requirements that the state comply with the requirements relating to state boards, pursuant to section 128 of the Act; and (3) necessary assurances that the state has responsibility for implementation of any plan provision for which it relies on local governments or other entities to carry out that portion of the plan.

i. Personnel

The Department's Air Program has adequate personnel to carry out the required state implementation plans. As discussed above in Paragraph 2.2.A. of this document, Missouri Air Conservation Law empowers the Missouri Air Conservation to control air pollution and promulgate appropriate regulations. Missouri state regulations assign the Department and the Air Program the task of carrying out the MACC's policy. 10 CSR 10-1.010 outlines the organization and administrative aspects of the Program. The Air Program personnel who develop and implement SIPs consist primarily of environmental specialists and environmental engineers. To support SIP development and implementation, 10 CSR 10-1.010(2)(D)3. provides that the appropriate Air Program personnel shall –

- Collect the emission inventory and maintains the emission database.
- Coordinates with the laboratory services program for the establishment and maintenance of air monitoring sites.
- Provide modeling, air quality analysis and maintain the air monitoring SIP.

Additionally, 10 CSR 10-1.010(2)(D)4. establishes the Air Program's Planning Section to, among other things, –

- Develop and propose rules, amendments and rescissions to be adopted by the MACC.
- Meet all public participation requirements of state and federal laws involving rulemaking and SIP revisions
- Provide SIP coordination and maintenance and prepare SIP revisions.

The program's Air Quality Monitoring personnel are described in paragraph 2.2.B. of this document. Additional support for monitoring and air quality assurance data comes from the Department's Environmental Services Program.

As addressed above in part 2.2.C.i. of this document, 10 CSR 10-1.010(2)(D)2. describes the Enforcement Section's duties. Some of these duties include –

- Performing or overseeing source compliance testing.
- Determining and tracking compliance of air pollution sources.
- Resolving violations through out-of-court settlements with the assistance of the attorney general's office.

The Permit Section was introduced in part 2.2.C.ii. of this document. According to 10 CSR 10-1.010(2)(D)5., some of the section's other responsibilities include –

- Receiving, evaluating, and making recommendations to the director to approve, approve with conditions, or deny applications for construction permits.
- Processing operating permit applications, amendments, and modifications in a timely manner according to the rules and requirements
- Maintaining the Missouri Clean Air Act Title V Program to ensure continued authorization of the program in Missouri.

ii. Funding

The Air Program receives funding from several mechanisms that support the implementation of the SIP. Section 643.079 RSMo requires the Missouri Air Conservation Commission to set an annual air pollution emission fee to fund the reasonable cost of administering this law. This law provides for the deposit of the fees into appropriate subaccounts for implementing the corresponding various programs. For example, there is a subaccount for the Title V operating permit program used for Title V activities and a subaccount for non-Title V activities. There are no significant changes to these funding streams anticipated for the foreseeable future.

Also, there is the basic federal support grant is made under authority of Section 105 of the CAA. Funds provided under this authority (with require state matching funds), do not fully support all the activities necessary to maintain primacy for the delegated programs. Other grants (e.g. Section 103 of the CAA) and other state sources (e.g. matching funds from General Revenue and Air Fees) are used to support the core functions. As a result, grant workplans contain only those activities that are paid for with the federal funding and corresponding state matching funds.

iii. Authority

Chapter 643 RSMo provides the authority necessary to carry out the state implementation plan requirements. Missouri has asserted that it has the authority to implement the SIP for the 2008 Lead standard in paragraph 2.2.A. of this document. See that section for more details. Moreover, the State has delegated authority to four local air pollution control agencies.

iv. Conflicts of Interest

Section 110(a)(2)(E) of the CAA also provides that the state must meet the requirements of Section 128 of the CAA, relating to representation on state boards and conflicts of interest by members of such boards.

This particular provision is not related to promulgation or revision of any NAAQS, and therefore, Missouri need not show specifically that it meets this requirement with respect to the infrastructure SIP for the 2008 Lead standard. However, the following discussion shows how Missouri generally meets the requirements of Section 128 of the CAA.

Section 128 requires that a SIP implementing body which approves permits or enforcement orders under the CAA must have at least a majority of members who represent the public interest.

Section 643.040 RSMo of the Missouri Air Conservation Law creates the Air Conservation Commission and states that –

All members shall be representative of the general public and shall have an interest in and knowledge of air conservation and the effects and controls of air contaminants.

and

The commission shall establish rules of procedure which specify when members shall exempt themselves from participating in and voting on issues before the commission due to potential conflict of interest.

Consequently, the Missouri Air Conservation Commission Operation Policies manual (www.dnr.mo.gov/env/apcp/MACC_Policy.pdf) states that–

Commissioners will avoid both actual and perceived conflicts of interest in their quasi-judicial role and will avoid ex parte contact with other parties, including department staff, to pending disputes.

If a commissioner publicly takes or expresses a position on a specific issue, party or permit that later comes before the commission on an appeal, the commissioner will recuse himself on the record from any discussion, deliberation, or decision making on the issue.

The Operations Policies manual also states that “Commissioners shall comply with all applicable statutory requirements regarding conflict of interest, including RSMo Chapter 105.”

Specifically, Section 105.452 RSMo outlines prohibited acts by elected and appointed public officials and employees. Section 105.454 RSMo provides additional prohibited acts (and exceptions) by elected or appointed public officials and employees. Chapter 105 RSMo is applied to the Missouri Air Conservation Commission, as well as the director of the Missouri Department of Natural Resources. Here is the link to Chapter 105 RSMo:

<http://www.moga.mo.gov/STATUTES/C105.HTM>

The department’s Administrative Policies and Procedures manual states that no department employee should–

“engage in any personal, business, or professional activity or receive or retain any direct or indirect financial interest that places them in a position of conflict between their private interests and the public interests of the department related to the duties and responsibilities of their jobs.”

F. Stationary Source Monitoring System: Section 110(a)(2)(F)

Section 110(a)(2)(F) of the CAA requires states to establish a system to monitor emissions from stationary sources and to submit periodic emission reports. It also requires that the state correlate the source reports with emission limitations or standards established under the Act and make reports available for public inspection.

The requirements of this element are fulfilled through Missouri's Air Conservation Law and by various requirements within Title 10, Division 10 of the state regulations. For example, Section 643.050.1(3)(a) RSMo authorizes the State—

To require persons engaged in operations which result in air pollution to monitor or test emissions and to file reports containing information relating to rate, period of emission and composition of effluent.

Also, Section 643.192.2 RSMo requires an annual report that summarizes changes in air quality.

As discussed in paragraph 2.2.A. of this document, Missouri rule 10 CSR 10-6.030 incorporates various EPA reference methods for testing source emissions, including emissions of Lead. Using these particular reference methods for Lead emissions, 10 CSR 10-6.120 *Restriction of Emissions of Lead From Specific Lead Smelter-Refinery Installations* has stack testing and reporting requirements for certain stationary sources of Lead emissions in Missouri.

10 CSR 10-6.110 *Reporting Emission Data, Emission Fees, and Process Information* requires permitted sources to determine and file an annual report on air pollutant emissions. In turn, the Air Program submits the emissions data to the EPA's publicly-available National Emissions Inventory database and uses the data for tracking progress towards maintaining the NAAQS, developing control and maintenance strategies, identifying sources and general emission levels, and determining compliance with emission regulations as well as other EPA requirements. The Air Program also makes data, including Lead emissions data, available to the public upon request.

Lastly, to satisfy the public reporting requirements of this element, 10 CSR 10-6.210 *Confidential Information* specifically excludes emissions data from confidential treatment. Under that rule emissions data includes information regarding monitoring results required to be reported by sources under Missouri's air pollution control rules.

G. Emergency Authority: Section 110(a)(2)(G)

Section 110(a)(2)(G) of the CAA requires states to provide for authority to address activities causing imminent and substantial endangerment to public health or welfare or the environment including contingency plans to implement the emergency provisions in their SIPs.

The State's ability and authority to enact emergency provisions consistent with element 110(a)(2)(G) is once again found in both Missouri air statutes and the CSR. At the core of the statutory authority is Section 643.090 RSMo which authorizes the MACC or the director to

declare an emergency where the ambient air, due to meteorological conditions and a buildup of air contaminants, may present an “emergency risk” to public health, safety, or welfare. The MACC or director may, with the written approval of the governor, by order prohibit, restrict or condition all sources of air contaminants contributing to the emergency condition, during such periods of time necessary to alleviate or lessen the effects of the emergency condition. The statute also enables the MACC to promulgate implementing regulations. Even in the absence of an emergency condition, Section 643.090 allows the director to issue “cease and desist” orders to specific persons engaging in activities which involve a discharge of air contaminants, or a risk of air contamination, that presents a danger to public health or welfare.

In fulfillment of this element and by using this statutory authority, the MACC has adopted appropriate corresponding emergency regulations, to include some of the following:

- 10 CSR 10-1.010 *General Organization* enlists the MACC to develop, and the director to enact, air pollution emergency alert procedures.
- For many pollutants other than Lead, including ozone, Missouri’s federally SIP-approved rule 10 CSR 10-6.130 *Controlling Emissions During Episodes of High Air Pollution Potential* establishes action levels and contingency measures for ozone and other pollutants. This rule specifies the conditions that establish an air pollution alert, watch or emergency and the associated procedures and emissions reduction objectives for dealing with each. The rule establishes action levels for one-hour and eight-hour average concentrations. The action levels and associated contingency measures vary depending on the level of ozone concentrations in a particular area.

H. Future SIP Revision Authority: Section 110(a)(2)(H)

Section 110(a)(2)(H) of the CAA requires states to have the authority to revise their SIPs in response to changes in the NAAQS, availability of improved methods for attaining the NAAQS, or in response to an EPA finding that the SIP is substantially inadequate to attain the NAAQS.

In addition to its general enabling authority, as discussed in paragraph 2.2.A. of this document, Section 643.050 RSMo, also authorizes the MACC to—

Prepare a general comprehensive plan for the prevention, abatement and control of air pollution

Section 643.055 RSMo further authorizes the MACC to promulgate rules, and establish standards and guidelines, to ensure that the state complies with the provisions of the federal CAA. Moreover, this provision specifically addresses the necessity of a state implementation plan developed to bring a nonattainment area into compliance and to maintain compliance when needed to have an EPA approved plan.

This is codified in the state regulations by 10 CSR 10-1.010 *General Organization* which enables the MACC to promulgate and revise rules as necessary. Paragraph (2)(B)9. of this rule restates the director’s responsibility to submit revisions of the SIP to the EPA for approval.

Lastly, as mentioned previously in part 2.2.E.i. of this document, the Air Program's Planning Section was created specifically to develop and coordinate SIP revisions in satisfaction of Section 110(a)(2)(H) of the CAA.

I. Nonattainment Area Plans: Section 110(a)(2)(I)

Section 110(a)(2)(I) of the CAA requires that in the case of a plan or plan revision for areas designated as nonattainment areas, states must meet applicable requirements of Part D of the Act, relating to SIP requirements for designated nonattainment areas.

This document is a statewide Lead infrastructure plan and is not intended by Missouri to meet its obligations for its two Lead nonattainment areas. Pursuant to Part D of the CAA, nonattainment SIPs are due on a different schedule than infrastructure SIPs (See EPA's guidance in regards to infrastructure SIPs in the promulgation of the revised Lead standard, 73 FR 67034, note 13, Nov. 12, 2008). Therefore, this plan does not address Section 110(a)(2)(I) as this element is not applicable here. SIP submittals containing control measures developed specifically for attaining the relevant standard are due at the time the nonattainment area planning elements are due (18 months following designation). Missouri is currently developing two Lead nonattainment area plans separately.

J. Consultation Process, Public Notification et al.: Section 110(a)(2)(J)

Section 110(a)(2)(J) of the CAA requires SIPs to meet the applicable requirements of the following CAA provisions: (1) section 121, relating to interagency consultation regarding certain CAA requirements; (2) section 127, relating to public notification of NAAQS exceedances and related issues; and (3) Part C of the Act, relating to prevention of significant deterioration of air quality and visibility protection. For the reasons stated below, Missouri has addressed the applicable requirements of Section 110(a)(2)(J) for the 2008 Lead NAAQS:

i. Interagency Consultation

For the purpose of implementing air pollution control responsibilities, Section 643.050.3(6) RSMo requires the MACC, to—

Advise, consult, and cooperate with other agencies of the state, political subdivisions, industries, other states and the federal government, and with interested persons or groups.

Missouri also has appropriate interagency consultation regulations in NSR permit program. For instance, Subsection (12)(B) of 10 CSR 10-6.060 requires that when a permit goes out for public comment, the permitting authority must provide notice to local air pollution control agencies, the chief executive of the city and county where the installation or modification would be located, any comprehensive regional land use planning agency, any state air program permitting authority, and any Federal Land Manager whose lands may be affected by emissions from the installation or modification.

ii. Public Notification

Section 127 of the CAA requires public notification during periods of NAAQS exceedances. As discussed in paragraph 2.2.G. of this document in regards to emergency authority, there are state

rules requiring the development and implementation of air pollution emergency alert procedures including provisions for public notification of elevated levels of various air pollutants, and measures which can be taken by the public to reduce concentrations.

As previously stated, Section 643.050.3(6) RSMo requires the MACC to coordinate and consult with all interested parties or groups.

In fulfillment of this sub-element, and as already addressed in greater detail in paragraph 2.2.B. (Ambient Air Quality Monitoring) of this document, the Department has processes in place to report all air quality monitoring data, not just exceedances. In addition, specifically for Lead air quality data, the public is notified via the Department's website where exceedances are highlighted: <http://dnr.mo.gov/env/apcp/docs/leadmonitordata.pdf>

iii. Part C Requirements: Prevention of Significant Deterioration and Visibility

In part 2.2.C.ii. of this document, the Department has previously noted how the Missouri SIP meets the PSD requirements by establishing a state rule which incorporates much of the federal code by reference.

With respect to the visibility component of section 110(a)(2)(J), the visibility element has already been addressed in paragraph 2.2.D. of this document pertaining to interstate transport, which demonstrates how Lead contributes insignificantly to visibility issues. Moreover, since Missouri must meet Title I Part C of the CAA requirements separately and independently from this plan and since the visibility requirements (in contrast to the PSD element) of Title I Part C are not directly related to the promulgation of, or revision to, a NAAQS, the visibility element is considered to be outside the scope of infrastructure SIP actions required pursuant to Section 110(a) of the CAA.

In other words, because of the specific independent SIP requirements contained in Sections 169A and 169B of the CAA (Title I Part C), the visibility protection requirements are not "applicable requirements" within the meaning of Section 110(a)(2)(J) and Missouri's infrastructure SIP is not required to be revised with respect to visibility protection merely due to promulgation of a revised Lead NAAQS.

Lastly, as stated previously, Missouri has submitted separately to the EPA in August 2009 a regional haze SIP which addresses BART pursuant to Title I Part C of the CAA. The BART screening evaluation contained therein concluded that the Doe Run Herculaneum facility does not impair visibility in Class 1 areas.

K. Air Quality Modeling: Section 110(a)(2)(K)

Section 110(a)(2)(K) of the CAA requires SIPs to provide for the performance of air quality modeling as the Administrator may prescribe for the purpose of predicting the ambient air quality impacts for any NAAQS and to provide for the submission of modeling related data to EPA upon request.

The infrastructure to perform of air quality modeling is found in the state law: Section 643.050 RSMo provides the authority to secure necessary scientific and technical services as well as to conduct studies, investigations and research.

As stated throughout this document, 10 CSR 10-1.010 *General Organization* details the various duties of Air Program staff. Subparagraph 10 CSR 10-1.010(2)(D)3.G. establishes air quality modeling and air quality analysis functions for the Air Program. The Department employs air quality modeling staff in both the Planning and Permits Sections of the Air Program. Routine modeling staff duties include performing air quality modeling and related activities, such as collecting, quality assuring, analyzing model input data specific to impacted facilities – including but not limited to emissions data, meteorology, topography, geographic coordinates data, etc., and coordinating such efforts with the EPA.

Thus, as authorized, the Air Program utilizes air quality modeling staff, including several staff in the Planning Section’s SIP Unit, to fulfill the requirements of Section 110(a)(2)(K) for the 2008 Lead NAAQS.

L. Permitting Fees: Section 110(a)(2)(L)

Section 110(a)(2)(L) of the CAA requires SIPs to require the owner or operator of each major stationary source to pay the permitting authority a fee(s) per the Administrator’s approval of a fee program under Title V.

The Department’s fee-collecting authority is found at Section 643.079 RSMo. In addition, the Air Program has a fully EPA-approved Title V operating permit program as authorized by Section 643.078 RSMo. The approved fee program for major stationary sources in Missouri includes permit application fees as codified in 10 CSR 10-6.065 *Operating Permits*, and annual Emissions Inventory Questionnaire fees pursuant to 10 CSR 10-6.110 *Reporting Emission Data, Emission Fees, and Process Information*. In addition to the fees directly related to implementation and enforcement of Missouri’s Title V program, additional construction permit fees are assessed and collected per state rule 10 CSR 10-6.060 *Construction Permits Required* which is discussed in greater detail in part 2.2.C.ii. of this document.

Appropriate subaccounts for the Title V program are discussed in part 2.2.E.iii. of this document. Therefore, Missouri has satisfied the requirements of Section 110(a)(2)(L) for the 2008 Lead NAAQS through its approved Title V program and collection of fees authorized by the applicable state statutes and regulations.

M. Consultation / Participation of Local Entities: Section 110(a)(2)(M)

Section 110(a)(2)(M) of the CAA requires SIPs to provide for consultation and participation by local political subdivisions affected by the plan.

As noted in the part of this document (2.2.J.i.) regarding interagency consultation, Section 643.050 RSMo requires the MACC to consult and coordinate with political subdivisions. Also pursuant to this statute, some of the other relevant powers and duties of the MACC include–

- holding public hearings as required by Sections 643.010 to 643.190 RSMo

- working with any board, department or other agency of any political subdivision or state or the federal government to secure necessary scientific, technical, administrative and operation services; providing assistance to political subdivisions.

Furthermore, Subparagraph (2)(D)4.B. of state rule 10 CSR 10-1.010 directs the Air Program's Planning Section to—

Meet[s] all public participation requirements of state and federal laws involving rulemaking and SIP revisions.

In addition to public hearings required by Missouri statutes and rules for certain activities including rulemakings, permits and variances, the MACC regularly conducts public hearings for all SIP elements submitted to EPA and routinely conducts public outreach meetings and coordination efforts with political subdivisions, industries and interested persons and groups.

As an example of coordination activities with local entities, the program consults with and participates in Air Quality Forum meetings with major source industry, Small Business Compliance Advisory Committee meetings, and in meetings with Metropolitan Planning Organizations throughout the state.

In summary, Missouri has satisfied the requirements of Section 110(a)(2)(M) for the 2008 Lead NAAQS through the public hearing, outreach and coordination efforts outlined in state statutes and regulations as executed by the Missouri Air Conservation Commission and the Department.

3. CONCLUSION

The state of Missouri acknowledges its responsibilities related to Section 110(a) of the CAA. Through this plan, the State of Missouri hereby certifies that it has the authority and resources to implement, maintain and enforce the 2008 revised NAAQS for Lead. Furthermore, this plan demonstrates that the State has addressed and fulfilled all the applicable requirements of Sections 110(a)(1) and (2) of the CAA in regard to this revised standard.

Pursuant to 643.055 RSMo, the Missouri Air Conservation Commission has determined that this action is needed to have a U.S. Environmental Protection Agency approved State Implementation Plan.

The Revision to Section 110 Infrastructure Requirements for the 2008 Lead National Ambient Air Quality Standard is hereby adopted by the Missouri Air Conservation Commission this 8th day of December, 2011.

<p>Original signed by commissioners</p> <p>Mark Garnett</p> <p>David C. Zimmerman</p> <p>Gary J Pendergrass</p> <p>Jack C Baker</p> <p>Ronald Boyer</p>	, Chairman
	, Vice Chairman
	, Member
	, Member
	, Member
<hr/>	, Member
<hr/>	, Member

Jay Nixon, Governor
Sara Parker Pauley, Director

Air Pollution Control Program

State Plan Actions

On Public Notice | Proposed for Adoption

On Public Notice

The following proposed state plan actions are on public notice and comments are being accepted through the closing dates listed below.

Revised 2008 8-Hour Ozone Standard Boundary Recommendation

- Revised 2008 8-hour Ozone Standard Boundary Recommendation

On Sept. 22, 2011, the U.S. Environmental Protection Agency released a memorandum to clarify for states the status of the 2008 Ozone National Ambient Air Quality Standard. In this document, EPA explicitly stated that the current standard is 0.075 parts per million, or 75 parts per billion. EPA also announced their intentions to move forward with designations under the 2008 National Ambient Air Quality Standard, starting with the recommendations made by states in 2009, and then updating them with the most current, certified air quality data from the 2008 - 2010 monitoring period.

Based on the 2008-2010 monitoring period, Missouri is submitting a revised area boundary recommendation as an amendment to the original boundary recommendation and technical support document submitted to EPA in March 2009. This revision will recommend the following:

- Nonattainment - St. Louis City and St. Charles, St. Louis, Franklin and Jefferson Counties.
- Attainment - Lincoln, Ste. Genevieve, Perry, Greene, Cass, Clay and Clinton Counties.
- Attainment/unclassifiable - all other counties in the state of Missouri.

This draft amendment will be on public notice beginning on Sept. 27, 2011 and ending at the close of business on Nov. 3, 2011. An opportunity to present oral comments is available during the Oct. 27, 2011 public hearing held as part of the Missouri Air Conservation Commission meeting that begins at 9 am at the Missouri Department of Conservation's Northeast Regional Office, Conservation Classroom, 3500 S. Baltimore, Kirksville, Missouri. Written comments regarding this boundary area revision should be sent no later than Nov. 3, 2011, to the attention of Wendy Vit, Air Quality Planning Section Chief at P.O. Box 176, Jefferson City, MO 65102-0176 or by sending email to apcpsip@dnr.mo.gov.

Missouri State Implementation Plan Revision - Section 110 Infrastructure Requirements for the 2008 Lead National Ambient Air Quality Standard

- Missouri State Implementation Plan Revision - Section 110 Infrastructure Requirements for the 2008 Lead National Ambient Air Quality Standard

This plan was developed to fulfill the requirements of Section 110(a) of the Clean Air Act for the revised 2008 National Ambient Air Quality Standard for Lead. Section 110 (a)(1) requires states to submit a state implementation plan revision after the promulgation of a new or revised national air standard to address the implementation, maintenance and enforcement infrastructure elements of Section 110(a)(2) for that standard. This plan is administrative in nature and demonstrates Missouri's ability and authority to implement these infrastructure elements for the revised 2008 lead standard via the referencing and discussion of applicable state statutes, regulations, programs or resources.

This draft plan will be on public notice beginning on Sept. 27, 2011 and ending at the close of business on Nov. 3, 2011. An opportunity to present oral comments is available during the Oct. 27, 2011 public hearing held as part of the Missouri Air Conservation Commission meeting that begins at 9 a.m. at the Missouri Department of Conservation's Northeast Regional Office, Conservation Classroom, 3500 S. Baltimore, Kirksville, Missouri. Written comments regarding this plan revision should be sent no later than Nov. 3, 2011, to the attention of Wendy Vit, Air Quality Planning Section Chief at P.O. Box 176, Jefferson City, MO 65102-0176 or by sending email to apcpsip@dnr.mo.gov.

Missouri State Implementation Plan - Redesignation Demonstration and Maintenance Plan for the Missouri Portion of the St. Louis Nonattainment Area for the 1997 8-Hour Ground-Level Ozone National Ambient Air Quality Standard

- Redesignation Demonstration and Maintenance Plan for the Missouri Portion of the St. Louis Nonattainment Area for the 1997 8-Hour Ground-Level Ozone National Ambient Air Quality Standard
 - Appendix A
 - Appendix B
 - Appendix C
 - Appendix D
 - Appendix E
 - Appendix E-1
 - Appendix E-2
 - Appendix E-3
 - Appendix E-4
 - Appendix E-5
 - Appendix E-6
 - Appendix E-7
 - Appendix E-8
 - Appendix F
 - Appendix G

On April 30, 2004, the U. S. Environmental Protection Agency designated the Missouri counties of Franklin, Jefferson, St. Charles and St. Louis along with the City of St. Louis as a nonattainment area for the 1997 8-Hour Ozone National Ambient Air Quality Standard. Monitoring data shows that the violations of the standard are no longer occurring within the St. Louis region. Monitors located in the St. Louis metropolitan area have recorded three years of complete, quality assured ambient air quality monitoring data for 2008-2010, demonstrating attainment with the ozone standard. Now that the area has attained the standard, a redesignation request and maintenance plan for the St. Louis area is being submitted to EPA to redesignate the affected area to attainment for this NAAQS. This information will be on public notice beginning on Aug. 26, 2011 and ending at the close of business on Oct. 6, 2011. Written comments on this inventory should be sent to the attention of Wendy Vit, Air Quality Planning Section Chief at P.O. Box 176, Jefferson City, MO 65102-0176 or send email to apcpsip@dnr.mo.gov.

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Proposed for Adoption

There are currently no state action plans proposed for adoption.

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BEFORE THE AIR CONSERVATION COMMISSION
STATE OF MISSOURI

PUBLIC HEARING
TRANSCRIPT OF PROCEEDINGS
TAKEN ON BEHALF OF
THE MISSOURI AIR CONSERVATION COMMISSION
OCTOBER 27, 2011

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BEFORE THE AIR CONSERVATION COMMISSION
STATE OF MISSOURI

PUBLIC HEARING
TRANSCRIPT OF PROCEEDINGS

Thursday, October 27, 2011
9:00 a.m.
Missouri Department of Conservation
3500 South Baltimore
Kirksville, MO 63501

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APPEARANCES

Commissioners present:
David Zimmerman, Chairman
Gary Pendergrass
Ron Boyer
Jack Baker (appearing via telephone)

Court Reporter:
Melissa Bennett, MO CCR 1307(T)
Midwest Litigation Services
3432 West Truman Boulevard, Suite 207
Jefferson City, MO 65109
(573)636-7551

1 TRANSCRIPT OF PROCEEDINGS
 2 KYRA MOORE, being sworn, testified as follows:
 3 MS. MOORE: Chairman, members of the
 4 Commission, my name is Kyra Moore. I'm staff director
 5 of the Air Pollution Control Program within the
 6 Department of Natural Resources for the Air
 7 Conservation Commission. I work at 1659 East Elm
 8 Street in Jefferson City, Missouri 65101. Notice of
 9 this public hearing was posted on the Department of
 10 Natural Resources' web page. The notice was also
 11 distributed to approximately 300 citizens,
 12 organizations, corporations, associations, and elected
 13 officials. In addition, the four local air pollution
 14 control agencies, the U.S. Environmental Protection
 15 Agency, and the states of Illinois and Kansas were
 16 notified of this public hearing.

17 Chairman, this concludes my testimony.

18 COMMISSIONER ZIMMERMANN: Thank you. Can
19 we have Joe Winkelmann.

20 JOE WINKELMANN, being sworn, testified as follows:

21 MR. WINKELMANN: Chairman, members of the
 22 Commission, my name is Joe Winkelmann. I'm employed
 23 as an environmental engineer with the Air Pollution
 24 Control Program located at 1659 East Elm Street,
 25 Jefferson City, Missouri. I'm here today to present

1 this reason, the Section 110 plan submittals are
 2 commonly referred to as infrastructure SIP's. Elements of
 3 the infrastructure SIP include: Ability to implement
 4 enforceable emission limits and control measures, air
 5 quality monitoring, enforcement and construction
 6 permit programs, public notification/consultation
 7 process, and air quality modeling.

8 This plan is administrative in nature and
 9 demonstrates that Missouri has the infrastructure
 10 necessary to implement these required elements for the
 11 2008 revised lead standard via the referencing of
 12 specific corresponding applicable state statutes,
 13 regulations, programs, or resources.

14 Although some elements of this plan are
 15 pollutant specific, most of the infrastructure
 16 elements addressed within this proposed plan are
 17 general, institutional, or organizational in nature
 18 and would apply equally well to any of the criteria
 19 pollutants. For this reason, many portions of this
 20 plan may be used as a model for future infrastructure
 21 SIP's in the event of any newly promulgated or revised
 22 NAAQS. Some elements of this plan are informative in
 23 that they give an outline into the inner workings of
 24 the Air Program. There is also reference to state
 25 statutes and regulations that may not normally get

1 testimony for a proposed revision to the state
 2 implementation plan for the Section 110 infrastructure
 3 requirements of the 2008 National Ambient Air Quality
 4 Standard for Lynn (phonetic). The revision starts on
 5 page 107 of your briefing document.

6 The purpose of this revision is to satisfy
 7 the requirements of Section 110 of the federal Clean
 8 Air Act Amendments of 1990, hereafter referred to as
 9 the Act, throughout the state for the lead air quality
 10 standard that was revised by the U.S. Environmental
 11 Protection Agency in 2008. Section 110(a) of the Act
 12 requires that each state submit to EPA a SIP revision
 13 for the implementation, maintenance, and enforcement
 14 of each new or revised NAAQS within three years of the
 15 promulgation of the new or revised standard. On
 16 October 15, 2008, the EPA promulgated a revised NAAQS
 17 for lead. The revision strengthened the primary and
 18 secondary standards tenfold, decreasing the limits for
 19 airborne lead from 1.5 micrograms per cubic meter to
 20 .15 micrograms per cubic meter.

21 The intent of the Act in requiring this
 22 plan submittal is to obligate the state to demonstrate
 23 it has the ability, authority, and resources to
 24 implement the infrastructure elements located in
 25 Section 110(a)(2) for each criteria pollutant. For

1 much attention because of their organizational, not
 2 regulatory, effect.

3 One example of an element in this plan that
 4 is pollutant specific is paragraph 2.2.D addressing
 5 interstate transport of lead. This paragraph
 6 discusses how lead's high density property causes it
 7 to have airborne characteristics radically different
 8 than other more dispersive and transportable criteria
 9 pollutants. Nonetheless, this plan goes on to show
 10 the steps that Missouri has taken to further mitigate
 11 the contribution of lead emissions to our neighbors.

12 An example from this plan that illustrates
 13 an element that is not particular to a specific
 14 pollutant is paragraph 2.2.D on adequate resources. [I
 15 believe the first paragraph mentioned should have been
 16 2.2-B. This is 2.2.B. It seems that's a mistake.] This
 17 paragraph contains parts addressing personnel,
 18 funding, authority, and conflicts of interest. For
 19 instance, the part on conflicts of interest reviews
 20 the corresponding statutes and policies for Commission
 21 members and staff members alike.

22 Infrastructure plans, however, do not
 23 directly address nonattainment areas. Recommendations
 24 for lead area designations were adopted by this
 25 Commission on December 3, 2009, and were subsequently

Lead

B. → corrected to 2.2-B by my stations

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1 approved by the EPA. As a result of those
 2 designations, there are two areas in the state in
 3 nonattainment with the 2008 standard: The city limits
 4 of Herculaneum and an area around the Buick Secondary
 5 Smelter in parts of Iron, Dent, and Reynolds Counties.
 6 The air pollution control program is currently and
 7 separately developing attainment demonstration plans
 8 for these lead nonattainment areas as required by
 9 Section 110(a)(2)(I) of the Act and as discussed in
 10 paragraph 2.2.1 of this plan. However, Title 1 Part D
 11 of the Act governs the timing and other necessary
 12 specific elements of these nonattainment area plans.
 13 Therefore, the lead attainment plans will follow the
 14 timing schedule allowed per Section 172 of the Act,
 15 not the timing requirement of Section 110(a)(1), and
 16 thus those plans are not part of this document.
 17 Through this proposed plan, the State of
 18 Missouri certifies that it has the authority and
 19 resources to implement, maintain, and enforce the 2008
 20 revised lead NAAQS. Furthermore, this plan
 21 demonstrates that the state has addressed and
 22 fulfilled all the applicable infrastructure
 23 requirements of Section 110(a) of the Act in regard to
 24 this revised standard.
 25 If the Commission adopts this -- this plan,

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1 it will be the Department's intention to submit it to
 2 the U.S. Environmental Protection Agency for inclusion
 3 in the Missouri State Implementation Plan.
 4 This concludes my testimony.
 5 Commissioners, I'll be happy to answer any questions.
 6 COMMISSIONER ZIMMERMANN: Does anyone have
 7 any questions?
 8 COMMISSIONER BOYER: No.
 9 COMMISSIONER ZIMMERMANN: Thank you. All
 10 right. We'll now have Tiffany Drake.
 11 TIFFANY DRAKE, being sworn, testified as follows:
 12 MS. DRAKE: Good morning, members of the
 13 Commission. My name is Tiffany Drake. I am employed
 14 with the Air Pollution Control Program as an
 15 environmental engineer. I work at 1659 East Elm
 16 Street, Jefferson City, Missouri. I am here today to
 17 present testimony on a revised 2008 8-Hour Ozone
 18 National Ambient Air Quality Standard, or NAAQS,
 19 boundary recommendation. The information for this
 20 revised recommendation begins on page 111 of your
 21 briefing document. The presentation I am about to
 22 cover begins on page 117 of your briefing document.
 23 Before I discuss the revised recommendation
 24 itself, I would like to review some of the history of
 25 the 2008 Ozone NAAQS. This presentation will cover

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1 what the 2008 Ozone NAAQS was set at and how that
 2 impacted different areas of Missouri. I will also
 3 review the original boundary recommendations that were
 4 adopted by this Commission in March of 2009 as well as
 5 what actions EPA has taken regarding the standard
 6 since March of 2009. Then I will discuss the most
 7 recent air quality assured air monitoring data, which
 8 is the basis of this revised recommendation. Finally,
 9 I will discuss what EPA has told the states in regards
 10 to the next steps under this standard.
 11 When the 2008 Ozone Standard was released
 12 in March of 2008, it was low -- it lowered the
 13 standard to .075 parts per million or 75 parts per
 14 billion or ppb. At that time many monitors across the
 15 state violated the standard. In order to reach out
 16 and educate many new areas of the state that could be
 17 impacted by the revised standard, the Air Pollution
 18 Control Program held stakeholder meetings in four
 19 different areas of the state. These areas included
 20 St. Louis, Kansas City, Springfield, and Perry County
 21 near Cape Girardeau. The public hearing for the
 22 proposed recommendation was held in December 2008, and
 23 the boundary recommendations based on 2006 to 2008
 24 quality assured ozone monitoring data were submitted
 25 to EPA by the March 2009 deadline.

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1 The map on this slide represents the
 2 recommended nonattainment boundaries submitted by the
 3 Department in March of 2009. As you can see, the St.
 4 Louis and Kansas City nonattainment areas included new
 5 counties of Lincoln, Clinton, and Cass. Sorry.
 6 That's a misprint. Perry and Ste. Genevieve Counties
 7 were each proposed as their own nonattainment areas,
 8 and St. Francis and Cape Girardeau Counties were
 9 recommended as unclassifiable. The remainder of the
 10 state was recommended as attainment/unclassifiable.
 11 Following the submissions of the area
 12 recommendations, in September of 2009, EPA announced
 13 its intention to reconsider the 2008 Ozone NAAQS. At
 14 that time EPA based its decision on the fact that
 15 their scientific advisory committee had recommended a
 16 range of 60 to 70 ppb for the ozone standard, but the
 17 standard was set at 75 ppb. Over the next two years,
 18 EPA delayed announcing the result of the
 19 reconsideration four times. EPA's final self-set
 20 deadline for the reconsideration was July 31, 2011.
 21 During that time period, EPA also issued a statement
 22 that they were delaying action on the 2008 boundary
 23 recommendations. Finally, on September 2 of 2011,
 24 President Obama issued a statement that he was
 25 suspending the reconsideration of the 2008 Ozone

**COMMENTS AND RESPONSES
AND
RECOMMENDATION FOR ADOPTION**

**PROPOSED REVISION TO
THE MISSOURI STATE IMPLEMENTATION PLAN —
SECTION 110 INFRASTRUCTURE REQUIREMENTS
FOR THE
2008 LEAD NATIONAL AMBIENT AIR QUALITY STANDARD**

On October 27, 2011 the Missouri Air Conservation Commission held a public hearing concerning the proposed revision to the Missouri State Implementation Plan (SIP) for the Section 110 Infrastructure Requirements for the 2008 Lead National Ambient Air Quality Standard (NAAQS). Section 110(a)(1) of the federal Clean Air Act requires states to submit an implementation plan revision such as this after the promulgation of a new or revised NAAQS to address the implementation, maintenance, and enforcement infrastructure elements of Section 110(a) for that NAAQS. This plan is administrative in nature and demonstrates Missouri's ability and authority to implement these infrastructure elements for the 2008 revised Lead standard via the referencing of specific corresponding applicable state statutes, regulations, programs or resources. No written or verbal comments were received concerning this proposed plan during the public comment period.

The document has not been reprinted in the briefing document as no changes were made from the proposal. The entire document is available for review at the Missouri Department of Natural Resources', Air Pollution Control Program, 1659 East Elm Street, Jefferson City, Missouri, 65101, (573)751-4817. It is also available online at <http://dnr.mo.gov/env/apcp/stateplanrevisions.htm>

The Missouri Department of Natural Resources' Air Pollution Control Program recommends the commission adopt the plan action as proposed. If the commission adopts this plan action, it will be the department's intention to submit this plan to the U.S. Environmental Protection Agency for inclusion in the Missouri State Implementation Plan.

SUMMARY OF COMMENTS: No written or verbal comments were received concerning this proposed SIP revision.