



**COMMENTS AND RESPONSES ON
PROPOSED AMENDMENT**

10 CSR 10-5.390

**CONTROL OF EMISSIONS FROM THE MANUFACTURE OF PAINTS, VARNISHES,
LACQUERS, ENAMELS, AND OTHER ALLIED SURFACE COATING PRODUCTS
AND**

RECOMMENDATION FOR ADOPTION

On March 26, 2020, the Missouri Air Conservation Commission held a public hearing concerning the proposed amendment to 10 CSR 10-5.390 Control of Emissions From the Manufacture of Paints, Varnishes, Lacquers, Enamels, and Other Allied Surface Coating Products. The following is a summary of comments received and the Missouri Department of Natural Resources' Air Pollution Control Program corresponding responses. Any changes to the proposed amendment are identified in the responses to the comments.

The Missouri Department of Natural Resources' Air Pollution Control Program recommends the commission adopt the rule action as revised.

NOTE 1 - Legend for rule actions to be voted on is as follows:

- * *Shaded Text - Rule sections or subsections unchanged from Public Hearing. This text is only for reference.*
- * *Unshaded Text - Rule sections or subsections that are changed from the proposed text presented at the Public Hearing, as a result of comments received during the public comment period.*

NOTE 2 - All unshaded text below this line will be printed in the Missouri Register.

**Title 10—DEPARTMENT OF
NATURAL RESOURCES**

Division 10—Air Conservation Commission

**Chapter 5—Air Quality Standards and Air Pollution Control Rules Specific to the St.
Louis Metropolitan Area**

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2016, the commission amends a rule as follows:

10 CSR 10-5.390 is amended

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2020 (45 MoReg 25-27). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program (Air Program) received five (5) comments on this proposed rulemaking: one (1) comment from Air Program staff and four (4) comments from the U.S. Environmental Protection Agency (EPA).

COMMENT #1: Air Program staff commented that the title of Method 25A in subsection (5)(C) should not include the words "as Carbon" so that the title reads, "Determination of Total Gaseous Organic Concentration Using a Flame Ionization Analyzer."

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the Department is revising the rule language in subsection (5)(C).

COMMENT #2: EPA commented that:

The Rulemaking Report for each rule indicates that the state is removing the use of unnecessarily restrictive words. However, the reports do not clarify how the state determined that the words were unnecessarily restrictive, which of the deleted words are being removed because they are unnecessarily restrictive, or how any rule changes made to eliminate the unnecessary restrictive words impact the stringency of the SIP approved language. The state should provide additional information supporting the rule language revisions.

RESPONSE: As indicated in the Rulemaking Report, this rulemaking does not change any requirements. It has no impact on the stringency of the rule. This rule amendment includes the removal of the word "shall" in three instances. "Shall" is considered a restrictive term. In the places where this term was removed, it was not necessary to the meaning of the rule.

Department staff carefully considered each change to regulatory language with the intent of maintaining the meaning of the language approved in the State Implementation Plan (SIP). This comment prompted additional review of each instance to again confirm there is no impact on the stringency of the SIP. The Department made no changes to the proposed rule language as a result of this comment.

COMMENT #3: EPA commented that:

The MoDNR has proposed removing the following language from section (3) of the rule (shown in ~~strikeout~~ text):

(3) General Provisions. No owner or operator of a manufacturing installation subject to this rule and producing the products listed in section (1) shall cause or allow the manufacture of these products unless the operating equipment meets the requirements contained in this rule and without adhering to operating procedures specified in this

rule and operating procedures recommended by the equipment manufacturer and approved by the director.

The current SIP approved language not only prohibits a subject installation from manufacturing if the equipment doesn't meet the operating limits and operating procedure of the rule, but it also prohibits a subject installation from manufacturing if it doesn't meet operating procedures recommended by the manufacturer or otherwise approved by the director. By removing the proposed language above, the rule could be read as less stringent. This change in the SIP's stringency would require a 110(l) demonstration. A SIP revision submission without the required demonstration could be considered incomplete. Additionally, the Code of Federal Regulations at 40 CFR Part 51, appendix V, requires that the SIP revision submission, including the technical demonstration, be provided to the public and a hearing made available. The EPA recommends that the state provide the necessary 110(l) demonstration to the public for its review prior to submitting the rule revision to the EPA as a SIP revision if necessary, in accordance with the state's public notice procedures.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the Department is revising the rule language in section (3) to include the SIP-approved language.

COMMENT #4: EPA commented that:

By removing the words "on a daily basis" from "remove 85% on a daily basis" in paragraph (3)(A)4, the state is changing the stringency of the SIP approved language. That is, without the words "on a daily basis," the state may now be allowing for a removal efficiency of 85% on an annual basis. If the removal efficiency calculation is being changed from a daily basis to an annual basis, the state would be allowing higher emissions daily than what is currently approved into the SIP. Daily emissions such as volatile organic compounds can be an important factor for summertime ozone formation and emission rates can be highly temperature dependent. This change in the SIP's stringency would require a 110(l) demonstration. A SIP revision submission without the required demonstration could be considered incomplete. Additionally, the Code of Federal Regulations at 40 CFR Part 51, appendix V, requires that the SIP revision submission, including the technical demonstration, be provided to the public and a hearing made available. The EPA recommends that the state provide the necessary 110(l) demonstration to the public for its review prior to submitting the rule revision to the EPA as a SIP revision if necessary, in accordance with the state's public notice procedures.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the Department is revising the rule language in paragraph (3)(A)4. to retain the words "on a daily basis."

COMMENT #5: EPA commented that:

The state has retained the requirement for daily records at subsection (4)(A). Due to the rule language revisions described below, it is unclear if these daily records are necessary for determining compliance with the rule or for determining

applicability of the rule to a source. The state should review the use of the word “daily” throughout the rule to ensure that any proposed deletions would not impact the stringency of the SIP and ensure clarity of the rule for the regulated community and the public.

RESPONSE: The Department reviewed the two uses of the word “daily” throughout the rule. The Department addressed the first use in paragraph (3)(A)4. in the response to Comment #4. The second use appears in subsection (4)(A). To improve user friendliness, clarity, and consistency with all air rules, the Department reorganized the entire rule into the Air Program’s standard rule format. The Department copied the exact language from former section (6)(C) and added it to the new standard section (4), Reporting and Record Keeping. Reporting and record keeping requirements are for the purpose of complying with the rule, which is consistent in meaning with the former section (6), Compliance Methods and Recordkeeping. Therefore, this change to rule format does not impact the stringency of the rule. The Department made no changes to the proposed rule language as a result of this comment.

10 CSR 10-5.390 Control of Emissions From the Manufacturing of Paints, Varnishes, Lacquers, Enamels, and Other Allied Surface Coating Products

- (3) General Provisions. No owner or operator of a manufacturing installation subject to this rule and producing the products listed in section (1) shall cause or allow the manufacture of these products unless the operating equipment meets the requirements contained in this rule and without adhering to operating procedures specified in this rule and operating procedures recommended by the equipment manufacturer and approved by the director.
- (A) Operating Equipment and Operating Procedure Requirements.
1. Tanks storing VOCs with a vapor pressure greater than or equal to ten kilopascals (10 kPa) or one and one-half pounds per square inch (1.5 psi) at twenty degrees Celsius (20 °C), shall be equipped with pressure/vacuum conservation vents set at plus or minus two-tenths kilopascals (± 0.2 kPa) or twenty-nine-thousandths pounds per square inch (± 0.029 psi), except where more effective air pollution control is used and has been approved by the director. Stationary VOC storage containers with a capacity greater than two hundred fifty (250) gallons shall be equipped with a submerged-fill pipe or bottom fill, except where more effective air pollution control is used and has been approved by the director.
 2. Covers shall be installed on all open-top tanks used for the production of non-water-based coating products and remain closed except when production, sampling, maintenance, or inspection procedures require operator access.
 3. Covers shall be installed on all tanks containing VOCs used for cleaning equipment and remain closed except when operator access is required.
 4. All vapors from varnish cooking operations shall be collected and passed through a control device which removes at least eighty-five percent (85%) on a daily basis of the VOCs from these vapors before they are discharged to the atmosphere.
 5. All grinding mills shall be operated and maintained in accordance with manufacturers’ specifications. The manufacturers’ specifications shall be kept on file and made available to the director upon request.

6. The polymerization of synthetic varnish or resin shall be done in a completely enclosed operation with the VOC emissions controlled by the use of surface condensers or equivalent controls.
 - A. If surface condensers are used, they must be maintained to ensure a ninety-five percent (95%) overall removal efficiency for total VOC emissions when condensing total VOC of a vapor pressure greater than twenty-six millimeters of Mercury (26 mmHg) (as measured at twenty degrees Celsius (20 °C)).
 - B. If equivalent controls are used, the VOC emissions must be reduced by an amount equivalent to the reduction which would be achieved under subparagraph (3)(A)6.A. of this rule. Any owner or operator desiring to use equivalent controls to comply with this subsection shall submit proof of equivalency as part of the control plan required under paragraph (3)(B)1. of this rule. Equivalent controls may not be used until proof of equivalency has been submitted to the department and approved by the director.
- (5) Test Methods. The following test methods may be used to demonstrate compliance with this rule as appropriate, based on gas stream composition:
 - (C) Method 25A—Determination of Total Gaseous Organic Concentration Using a Flame Ionization Analyzer of 40 CFR 60, Appendix A-7, as specified in 10 CSR 10-6.030(22); or

**COMMENTS AND RESPONSES ON
PROPOSED AMENDMENT
10 CSR 10-6.061
CONSTRUCTION PERMIT EXEMPTIONS
AND
RECOMMENDATION FOR ADOPTION**

On March 26, 2020, the Missouri Air Conservation Commission held a public hearing concerning the proposed amendment to 10 CSR 10-6.061 Construction Permit Exemptions. The following is a summary of comments received and the Missouri Department of Natural Resources' Air Pollution Control Program corresponding responses. Any changes to the proposed amendment are identified in the responses to the comments.

The Missouri Department of Natural Resources' Air Pollution Control Program recommends the commission adopt the rule action as revised.

NOTE 1 - Legend for rule actions to be voted on is as follows:

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**Title 10—DEPARTMENT OF
NATURAL RESOURCES**

Division 10—Air Conservation Commission

**Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air
Pollution Control Regulations for the Entire State of Missouri**

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2016, the commission amends a rule as follows:

10 CSR 10-6.061 is amended

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2020 (45 MoReg 27-32). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program (Air Program) received six (6) comments from three (3) sources: the U.S. Environmental Protection Agency (EPA), the Regulatory Environmental Group for Missouri (REGFORM), and Newman, Comley and Ruth P.C.

COMMENT #1: EPA commented that:

The Rulemaking Report for each rule indicates that the state is removing the use of unnecessarily restrictive words. However, the reports do not clarify how the state determined that the words were unnecessarily restrictive, which of the deleted words are being removed because they are unnecessarily restrictive, or how any rule changes made to eliminate the unnecessary restrictive words impact the stringency of the SIP approved language. The state should provide additional information supporting the rule language revisions.

RESPONSE: As indicated in the Rulemaking Report, this rulemaking does not change any requirements. It has no impact on the stringency of the rule. This rule amendment includes the removal of the word "shall" in ten instances and "required" in two instances. "Shall" and "required" are considered restrictive terms. In the places where these terms were removed, they were not necessary to the meaning of the rule.

Department staff carefully considered each change to regulatory language with the intent of maintaining the meaning of the language approved in the State Implementation Plan (SIP). This comment prompted additional review of each instance to again confirm there is no impact on the stringency of the SIP. The Department made no changes to the proposed rule language as a result of this comment.

COMMENT #2: EPA commented that:

The EPA would like to be clear that subparagraph (3)(A)2.D is not SIP approved and should not be submitted for inclusion into the SIP, as previously discussed. Additionally, the state's rule language at (3)(A)2. E.(II) is different than the SIP approved rule language. The state withdrew its request to approve its changes to (3)(A)2. E.(II) into the SIP in a May 11, 2011, letter to Region 7's then Regional Administrator, Karl Brooks, because of approvability concerns. As this language has not been revised to address those approvability concerns, the EPA requests that this portion of the rule not be submitted as a SIP revision also. Approvability concerns included but were not limited to what is meant by "temporary", record keeping requirements, lack of a demonstration of the protection of air quality, and enforceability provisions.

RESPONSE: The Department acknowledges this reminder. The Department made no changes to the proposed rule language as a result of this comment.

COMMENT #3: EPA commented that:

The EPA recommends that instead of deleting the good housekeeping requirements under (3)(A)2.V. (I) and adding it under (3)(A)2.V. (IV), the good housekeeping requirements should be added under (3)(A)2.V. so that it applies to each of the four types of operations. If the state continues to remove the good housekeeping requirements from (3)(A)2.V. (I), then the state must explain why that type of operation no longer needs to use good housekeeping requirements in a 110(l) demonstration. A SIP revision submission without the required demonstration could be considered incomplete. Additionally, the Code of Federal Regulations at 40 CFR Part 51, appendix V, requires that the SIP revision submission, including the technical demonstration, be provided to the public and a hearing made available. The EPA recommends that the state provide the necessary 110(l) demonstration to the public for its review prior to submitting the rule revision to the EPA as a SIP revision if necessary, in accordance with the state's public notice procedures.

RESPONSE AND EXPLANATION OF CHANGE: The Department intended for the good-housekeeping requirements to be listed under part (3)(A)2.V.(I) as they were previously SIP-approved under the same part and apply to only the batch mixing of inks, coatings, or paints. As a result of this comment the provisions have been moved to the proper location under part (3)(A)2.V.(I).

Due to similar concerns expressed in the following three comments, the Department is providing one response below.

COMMENT #4: EPA commented that:

The rule text at section (2) includes the insertion of several definitions. However, one of the new definitions (facility) is different than what is provided in the state's 10 CSR 10-6.020, *Definitions and Common Reference Tables*. For clarity, the EPA recommends that these definitions match. If definitions are purposefully different, then the MoDNR should explain which definition supersedes and why. Additionally, at section (2), the MoDNR has added definitions of "Liquefied petroleum gas" and "natural gas," but it is not clear what the MoDNR is basing the definitions on. For example, the definition of "natural gas," which is not already defined at 10 CSR 10-6.020, is close to the definition of "natural gas" in the code of federal regulations at 40 CFR Part 63, subpart LLL, but isn't an exact match. The EPA recommends that the state utilize already promulgated definitions that suit the purpose of the state's rule, where it can. Where it can't, the state should provide reasoning why the definition is appropriate for use in the state's rule and meets the requirements of the CAA.

COMMENT #5: REGFORM commented that:

REGFORM understands that the Air Pollution Control Program (APCP) is moving the definition of "actual emissions" from the definitions section (10 CSR 10-6.020) to the Construction Permit Exemption section (10 CSR 10-6.061). Although the APCP is not proposing to change the definition of "actual emissions," the move caught our attention since the DNR definition of "actual emissions" contains language that is at odds with the federal definition of "baseline actual emissions" which our member facilities rely on when evaluating air construction projects.

The federal definition of “baseline actual emissions” in our view reflects the actual current practice of MDNR when calculating a permittee's baseline actual emissions. The DNR definition of “actual emissions” lacks the detail found in the federal PSD definition and does not conform to the current PSD definition for actual emissions post-WEPCO which allows a 5-year look back for EGUs and a 10-year look back for non-EGUs without Director approval. The federal definition of “baseline actual emissions” is found in 40 CFR § 52.21(b)(48) and has been incorporated by reference in the Construction Permit Rule (10 CSR 10-6.060).

Our concern is that by incorporating the definition of “actual emissions” into 10 CSR 10-6.061 (Construction Permit Exemptions) with “look back” language that contradicts the federal CFR definition of "baseline actual emissions") the APCP could be creating a problem for our members who rely on the federal definition since the federal rule is incorporated by reference into 10 CSR 10-6.060 (Construction Permit rule) rather than 10 CSR 10-6.061 (Construction Permit Exemptions). We respectfully ask that the APCP provide clarification by comment and guidance that moving the definition of “actual emissions” to the Construction Permit Exemptions rule will not impact facility reliance on the federal PSD definition of “baseline actual emissions” for purposes of determining the appropriate look back period and review.

COMMENT #6: Newman, Comley and Ruth P.C. commented that the reference to the federal definitions for “Animal Feeding Operation” (AFO) and “Concentrated Animal Feeding Operation” (CAFO) were being deleted from the livestock exemption, and suggested the Department consider referencing the AFO and CAFO definitions adopted by the Missouri Clean Water Commission.

RESPONSE AND EXPLANATION OF CHANGE: The Air Program maintained a single definitions rule, 10 CSR 10-6.020, Definitions and Common Reference Tables, from 1974 through 1993. The 1990 Clean Air Act Amendment resulted in several new state rules, many of which had numerous and very specific definitions. The Air Program changed to the method of including definitions within the new rules while leaving the definitions for the older rules in the definitions rule. This led to a great deal of confusion until 2010 when the Air Program returned to the original method of having all definitions in one general definitions rule, 10 CSR 10-6.020. The consolidation of all definitions became effective in August 2011. Unfortunately, this too failed as a method of clarifying which definitions apply to various uses of terms throughout the air rules. The Red Tape Reduction review and subsequent amendment of the majority of state air rules offered an opportunity to efficiently move the SIP-approved definitions from the general definitions rule into the specific rule for which each term was defined originally. This rule, 10 CSR 10-6.061, originated in 2003 and included no specific definitions within the rule text, but the rule language referred to the 10 CSR 10-6.020 definitions, all of which are SIP-approved.

This rule, 10 CSR 10-6.061, Construction Permit Exemptions, is directly tied to 10 CSR 10-6.060, Construction Permits Required, which contains relevant and SIP-approved definitions including the incorporation by reference of applicable federal definitions. Therefore, with additional consideration and review in response to these comments, the Air Program is removing the proposed definitions from 10 CSR 10-6.061 and instead referring to the SIP approved definitions in 10 CSR 10-6.060 inclusive of the federal definitions incorporated by reference. In regard to the comment on the definitions of Animal Feeding Operation and Concentrated Animal Feeding Operation, the Department will re-establish the

reference to the federal definitions in subparagraph (3)(A)2.D. and appropriately incorporate them by reference.

10 CSR 10-6.061 Construction Permit Exemptions

- (2) Definitions. Definitions for certain terms used this rule are found in 10 CSR 10-6.060, Construction Permits Required.
- (3) General Provisions. The following construction or modifications are exempt from the requirement to obtain a permit under 10 CSR 10-6.060:
 - (A) Sources of Emissions.
 1. The following combustion equipment that emits only combustion products and produces less than one hundred fifty (150) pounds per day of any air contaminant:
 - A. Combustion equipment using exclusively natural gas, liquefied petroleum gas, or any combination of these with a heat input capacity of less than ten (10) million British thermal units (Btus) per hour;
 - B. Combustion equipment with a heat input capacity of less than one (1) million Btus per hour;
 - C. Drying or heat treating ovens with less than ten (10) million Btus per hour heat input capacity provided the oven does not emit pollutants other than the combustion products and the oven is fired exclusively by natural gas, liquefied petroleum gas, or any combination thereof; and
 - D. Oven with a total production of yeast-leavened bakery products of less than ten thousand (10,000) pounds per operating day heated either electrically or exclusively by natural gas firing with a maximum heat input capacity of less than ten (10) million Btus per hour.
 2. The following establishments, systems, equipment, and operations:
 - A. Office and commercial buildings, where emissions result solely from space heating by natural or liquefied petroleum gas with a heat input capacity of less than twenty (20) million Btus per hour. Incinerators operated in conjunction with these sources are not exempt unless the incinerator operations are exempt under another section of this rule;
 - B. Comfort air conditioning or comfort ventilating systems not designed or used to control air pollutant emissions;
 - C. Equipment used for any mode of transportation;
 - D. Livestock markets and livestock operations, including animal feeding operations and concentrated animal feeding operations as those terms are defined under 40 CFR 122.23 promulgated as of July 1, 2017, and hereby incorporated by reference in this rule, as published by the Office of the Federal Register. Copies can be obtained from the U.S. Publishing Office Bookstore, 710 N. Capitol Street NW, Washington DC 20401. This rule does not

incorporate any subsequent amendments or additions. In addition, all manure storage and application systems associated with livestock markets or livestock operations, that were constructed on or before November 30, 2003. This exemption includes any change, installation, construction, or reconstruction of a process, process equipment, emission unit, or air cleaning device after November 30, 2003, unless such change, installation, construction, or reconstruction involves an increase in the operation's capacity to house or grow animals;

- E. Grain handling, storage, and drying facility which—
- (I) Is in noncommercial use only (used only to handle, dry, or store grain produced by the owner) if—
 - (a) The total storage capacity does not exceed seven hundred fifty thousand (750,000) bushels;
 - (b) The grain handling capacity does not exceed four thousand (4,000) bushels per hour; and
 - (c) The facility is located at least five hundred feet (500') from any recreational area, residence, or business not occupied or used solely by the owner;
 - (II) Is in commercial or noncommercial use and—
 - (a) The total storage capacity of the new and any existing facility(ies) does not exceed one hundred ninety thousand (190,000) bushels;
 - (b) Has an installation of additional grain storage capacity in which there is no increase in hourly grain handling capacity and that utilizes existing grain receiving and loadout equipment; or
 - (c) Is a temporary installation used for temporary storage as a result of exceptional events (e.g., natural disasters or abundant harvests exceeding available storage capacity) that meets the following criteria:
 - I. Outside storage structures shall have a crushed lime or concrete floor with retaining walls of either constructed metal or concrete block. These structures may be either oval or round and must be covered with tarps while storing grain. These structures may be filled by portable conveyor or by spouts added from existing equipment;
 - II. Existing buildings may be filled by portable conveyors directly or by overhead fill conveyors that are already in the buildings;
 - III. The potential to emit from the storage structures is less than one hundred (100) tons of each pollutant;

- IV. The attainment or maintenance of ambient air quality standards is not threatened; and
 - V. There is no significant impact on any Class I area;
- F. Restaurants and other retail establishments for the purpose of preparing food for employee and guest consumption;
 - G. Wet sand and gravel production facility that meets the following criteria:
 - (I) Processed materials are obtained from subterranean and subaqueous beds where the deposits of sand and gravel are consolidated granular materials resulting from natural disintegration of rock and stone;
 - (II) Maximum production rate is less than five hundred (500) tons per hour;
 - (III) All permanent roads within the facility are paved and cleaned, or watered, or properly treated with dust-suppressant chemicals as necessary to achieve good engineering control of dust emissions; and
 - (IV) Only natural gas is used as a fuel when drying;
 - H. Equipment solely installed for the purpose of controlling fugitive dust;
 - I. Equipment or control equipment which eliminates all emissions to the ambient air;
 - J. Equipment, including air pollution control equipment, but not including an anaerobic lagoon, that emits odors but no regulated air pollutants;
 - K. Residential wood heaters, cookstoves, or fireplaces;
 - L. Laboratory equipment used exclusively for chemical and physical analysis or experimentation, except equipment used for controlling radioactive air contaminants;
 - M. Recreational fireplaces;
 - N. Stacks or vents to prevent the escape of sewer gases through plumbing traps for systems handling domestic sewage only. Systems which include any industrial waste do not qualify for this exemption;
 - O. Noncommercial incineration of dead animals, the on-site incineration of resident animals for which no consideration is received or commercial profit is realized as authorized in section 269.020.6, RSMo;
 - P. The following miscellaneous activities:
 - (I) Use of office equipment and products, not including printing establishments or businesses primarily involved in photographic reproduction. This exemption is solely for office equipment that is not part of the manufacturing or production process at the installation;
 - (II) Tobacco smoking rooms and areas;

- (III) Hand-held applicator equipment for hot melt adhesives with no volatile organic compound (VOC) in the adhesive formula;
 - (IV) Paper trimmers and binders;
 - (V) Blacksmith forges, drop hammers, and hydraulic presses;
 - (VI) Hydraulic and hydrostatic testing equipment; and
 - (VII) Environmental chambers, shock chambers, humidity chambers, and solar simulators provided no hazardous air pollutants are emitted by the process;
- Q. The following internal combustion engines:
- (I) Portable electrical generators that can be moved by hand without the assistance of any motorized or non-motorized vehicle, conveyance, or device;
 - (II) Spark ignition or diesel fired internal combustion engines used in conjunction with pumps, compressors, pile drivers, welding, cranes, and wood chippers or internal combustion engines or gas turbines of less than two hundred fifty (250) horsepower rating; and
 - (III) Laboratory engines used in research, testing, or teaching;
- R. The following quarries, mineral processing, and biomass facilities:
- (I) Drilling or blasting activities;
 - (II) Concrete or aggregate product mixers or pug mills with a maximum rated capacity of less than fifteen (15) cubic yards per hour;
 - (III) Riprap production processes consisting only of a grizzly feeder, conveyors, and storage, not including additional hauling activities associated with riprap production;
 - (IV) Sources at biomass recycling, composting, landfill, publicly owned treatment works (POTW), or related facilities specializing in the operation of, but not limited to, tub grinders powered by a motor with a maximum output rating of ten (10) horsepower; hogs, shredders, and similar equipment powered by a motor with a maximum output rating of twenty-five (25) horsepower; and other sources at such facilities with a total throughput less than five hundred (500) tons per year; and
 - (V) Land farming of soils contaminated only with petroleum fuel products where the farming beds are located a minimum of three hundred feet (300') from the property boundary;
- S. The following kilns and ovens:
- (I) Kilns with a firing capacity of less than ten (10) million Btus per hour used for firing ceramic ware, heated exclusively by natural gas, liquefied petroleum gas, electricity, or any combination thereof; and

- (II) Electric ovens or kilns used exclusively for curing or heat-treating provided no hazardous air pollutants (HAPs) or VOCs are emitted;
- T. The following food and agricultural equipment:
 - (I) Equipment used in agricultural operations to grow crops;
 - (II) Equipment used exclusively to slaughter animals. This exemption does not apply to other slaughterhouse equipment such as rendering cookers, boilers, heating plants, incinerators, and electrical power generating equipment;
 - (III) Commercial smokehouses or barbecue units in which the maximum horizontal inside cross-sectional area does not exceed twenty (20) square feet;
 - (IV) Equipment used exclusively to grind, blend, package, or store tea, cocoa, spices, or coffee;
 - (V) Equipment with the potential to dry, mill, blend, grind, or package less than one thousand (1,000) pounds per year of dry food products such as seeds, grains, corn, meal, flour, sugar, and starch;
 - (VI) Equipment with the potential to convey, transfer, clean, or separate less than one thousand (1,000) tons per year of dry food products or waste from food production operations;
 - (VII) Storage equipment or facilities containing dry food products that are not vented to the outside atmosphere or which have the potential to handle less than one thousand (1,000) tons per year;
 - (VIII) Coffee, cocoa, and nut roasters with a roasting capacity of less than fifteen (15) pounds of beans or nuts per hour, and stoners or coolers operated with these roasters;
 - (IX) Containers, reservoirs, tanks, or loading equipment used exclusively for the storage or loading of beer, wine, or other alcoholic beverages produced for human consumption;
 - (X) Brewing operations at facilities with the potential to produce less than three (3) million gallons of beer per year; and
 - (XI) Fruit sulfuring operations at facilities with the potential to produce less than ten (10) tons per year of sulfured fruits and vegetables;
- U. Batch solvent recycling equipment provided the recovered solvent is used primarily on-site, the maximum heat input is less than one (1) million Btus per hour, the batch capacity is less than one hundred fifty (150) gallons, and there are no solvent vapor leaks from the equipment which exceed five hundred (500) parts per million;
- V. The following surface coating and printing operations:
 - (I) Batch mixing of inks, coatings, or paints provided—

- (a) The operations do not occur at an ink, coatings, or paint manufacturing facility;
 - (b) Good housekeeping is practiced, spills are cleaned up as soon as possible, equipment is maintained according to manufacturer's instruction, and property is kept clean;
 - (c) All waste inks, coating, and paints are disposed of properly; and
 - (d) Prior to disposal, all liquid waste is stored in covered containers;
- (II) Any powder coating operation, or radiation cured coating operation where ultraviolet or electron beam energy is used to initiate a reaction to form a polymer network;
 - (III) Any surface-coating source that employs solely nonrefillable hand-held aerosol cans; and
 - (IV) Surface coating operations utilizing powder coating materials with the powder applied by an electrostatic powder spray gun or an electrostatic fluidized bed;
- W. The following metal working and handling equipment:
- (I) Carbon dioxide (CO₂) lasers, used only on metals and other materials that do not emit a HAP or VOC in the process;
 - (II) Laser trimmers equipped with dust collection attachments;
 - (III) Equipment used for pressing or storing sawdust, wood chips, or wood shavings;
 - (IV) Equipment used exclusively to mill or grind coatings and molding compounds in a paste form provided the solution contains less than one percent (1%) VOC by weight;
 - (V) Tumblers used for cleaning or deburring metal products without abrasive blasting;
 - (VI) Batch mixers with a rated capacity of fifty-five (55) gallons or less provided the process will not emit hazardous air pollutants;
 - (VII) Equipment used exclusively for the mixing and blending of materials at ambient temperature to make water-based adhesives provided the process will not emit hazardous air pollutants;
 - (VIII) Equipment used exclusively for the packaging of lubricants or greases;
 - (IX) Platen presses used for laminating provided the process will not emit hazardous air pollutants;
 - (X) Roll mills or calendars for rubber or plastics provided the process will not emit hazardous air pollutants;
 - (XI) Equipment used exclusively for the melting and applying of wax containing less than one percent (1%) VOC by weight;
 - (XII) Equipment used exclusively for the conveying and storing of plastic pellets; and

- (XIII) Solid waste transfer stations that receive or load out less than fifty (50) tons per day of nonhazardous solid waste;
- X. The following liquid storage and loading equipment:
 - (I) Storage tanks and vessels having a capacity of less than five hundred (500) gallons; and
 - (II) Tanks, vessels, and pumping equipment used exclusively for the storage and dispensing of any aqueous solution which contains less than one percent (1%) by weight of organic compounds. Tanks and vessels storing the following materials are not exempt:
 - (a) Sulfuric or phosphoric acid with an acid strength of more than ninety-nine percent (99.0%) by weight;
 - (b) Nitric acid with an acid strength of more than seventy percent (70.0%) by weight;
 - (c) Hydrochloric or hydrofluoric acid with an acid strength of more than thirty percent (30.0%) by weight; or
 - (d) More than one (1) liquid phase, where the top phase contains more than one percent (1%) VOC by weight;
- Y. The following chemical processing equipment or operations:
 - (I) Storage tanks, reservoirs, pumping, and handling equipment, and mixing and packaging equipment containing or processing soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions, provided appropriate lids and covers are utilized; and
 - (II) Batch loading and unloading of solid phase catalysts;
- Z. Body repair and refinishing of motorcycles, passenger cars, vans, light trucks, heavy trucks, and other vehicle body parts, bodies, and cabs, provided—
 - (I) Good housekeeping is practiced; spills are cleaned up as soon as possible, equipment is maintained according to manufacturers' instructions, and property is kept clean. All waste coatings, solvents, and spent automotive fluids including, but not limited to, fuels, engine oil, gear oil, transmission fluid, brake fluid, antifreeze, fresh or waste fuels, and spray booth filters or water wash sludge are disposed of properly. Prior to disposal, all liquid waste shall be stored in covered containers. In addition, all solvents and cleaning materials shall be stored in closed containers;
 - (II) All spray coating operations shall be performed in a totally enclosed filtered spray booth or totally enclosed filtered spray area with an air intake area of less than one hundred (100) square feet. All spray areas shall be equipped with a running fan during spraying, and the exhaust air shall either be vented through a stack to the atmosphere or recirculated

- back into the shop through a carbon adsorption system. All carbon adsorption systems shall be properly maintained according to the manufacturer's operating instructions, and the carbon shall be replaced at the manufacturer's recommended intervals to minimize solvent emissions; and
- (III) Spray booth, spray area, and preparation area stacks shall be located at least eighty feet (80') away from any residence, recreation area, church, school, child care facility, or medical or dental facility;
- AA. Sawmills processing no more than twenty-five (25) million board feet, green lumber tally of wood per year, in which no mechanical drying of lumber is performed, in which fine particle emissions are controlled through the use of properly engineered baghouses or cyclones, and which meet all of the following provisions:
 - (I) The mill shall be located at least five hundred feet (500') from any recreational area, school, residence, or other structure not occupied or used solely by the owner of the facility or the owner of the property upon which the installation is located;
 - (II) All sawmill residues (sawdust, shavings, chips, bark) from debarking, planing, saw areas, etc., shall be removed or contained to minimize fugitive particulate emissions. Spillage of wood residues shall be cleaned up as soon as possible and contained such that dust emissions from wind erosion and/or vehicle traffic are minimized. Disposal of collected sawmill residues must be accomplished in a manner that minimizes residues becoming airborne. Disposal by means of burning is prohibited unless it is conducted in a permitted incinerator; and
 - (III) All open-bodied vehicles transporting sawmill residues (sawdust, shavings, chips, bark) shall be covered with a tarp to achieve maximum control of particulate emissions;
 - BB. Internal combustion engines and gas turbine driven compressors, electric generator sets, and water pumps, used only for portable or emergency services, provided that the maximum annual operating hours shall not exceed five hundred (500) hours. Emergency generators are exempt only if their sole function is to provide backup power when electric power from the local utility is interrupted. This exemption only applies if the emergency generators are equipped with a non-resettable meter, and operated only during emergency situations and for short periods of time to perform maintenance and operational readiness testing;
 - CC. Commercial dry cleaners; and
 - DD. Carving, cutting, routing, turning, drilling, machining, sawing, sanding, planing, buffing, or polishing solid materials, other than materials containing any asbestos, beryllium, or lead greater than one percent (1%) by weight as determined by Material Safety Data

Sheets (MSDS), vendor material specifications and/or purchase order specifications, where equipment—

- (I) Directs a stream of liquid at the point where material is processed;
- (II) Is used only for maintenance or support activity not conducted as part of the installation’s primary business activity;
- (III) Is exhausted inside a building; or
- (IV) Is ventilated externally to an operating cyclonic inertial separator (cyclone), baghouse, or dry media filter. Other particulate control devices such as electrostatic precipitators or scrubbers are subject to construction permitting or a permit-by-rule, unless otherwise exempted.

3. Construction or modifications that meet the requirements of subparagraph (3)(A)3.B. of this rule for each hazardous air pollutant and the requirements of subparagraph (3)(A)3.A., (3)(A)3.C., or (3)(A)3.D. of this rule for each criteria pollutant. The director may require review of construction or modifications otherwise exempt under paragraph (3)(A)3. of this rule if the emissions of the proposed construction or modification will appreciably affect air quality or the air quality standards are appreciably exceeded or complaints involving air pollution have been filed in the vicinity of the proposed construction or modification.

A. At maximum design capacity the proposed construction or modification shall emit each pollutant at a rate of no more than the amount specified in Table 1.

TABLE 1. Insignificant Emission Exemption Levels

Pollutant	Insignificance Level (lbs per hr)
Particulate Matter 10 Micron (PM ₁₀) (Emitted solely by equipment)	1.0
Sulfur Oxides (SO _x)	2.75
Nitrogen Oxides (NO _x)	2.75
Volatile Organic Compounds (VOCs)	2.75
Carbon Monoxide (CO)	6.88

B. At maximum design capacity, the proposed construction or modification will emit a hazardous air pollutant at a rate of no more than one-half (0.5) pound per hour, or the hazardous emission threshold as established in subsection (12)(J) of 10 CSR 10-6.060, whichever is less.

C. Actual emissions of each criteria pollutant, except lead, will be no more than eight hundred seventy-six (876) pounds per year.

D. Actual emissions of volatile organic compounds that do not contain hazardous air pollutants will be no more than four (4) tons per year.

**COMMENTS AND RESPONSES ON
PROPOSED AMENDMENT
10 CSR 10-6.070
NEW SOURCE PERFORMANCE REGULATIONS
AND
RECOMMENDATION FOR ADOPTION**

On March 26, 2020, the Missouri Air Conservation Commission held a public hearing concerning the proposed amendment to 10 CSR 10-6.070 New Source Performance Regulations. The following is a summary of comments received and the Missouri Department of Natural Resources' Air Pollution Control Program corresponding responses. Any changes to the proposed amendment are identified in the responses to the comments.

The Missouri Department of Natural Resources' Air Pollution Control Program recommends the commission adopt the rule action as proposed.

NOTE 1 - Legend for rule actions to be voted on is as follows:

- * *Shaded Text - Rule sections or subsections unchanged from Public Hearing. This text is only for reference.*
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NOTE 2 - All unshaded text below this line will be printed in the Missouri Register.

**Title 10—DEPARTMENT OF
NATURAL RESOURCES**

Division 10—Air Conservation Commission

**Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air
Pollution Control Regulations for the Entire State of Missouri**

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2016, the commission amends a rule as follows:

10 CSR 10-6.070 New Source Performance Regulations is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2020 (45 MoReg 32-33). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received no comments on the proposed amendment.

**COMMENTS AND RESPONSES ON
PROPOSED AMENDMENT
10 CSR 10-6.075
MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY REGULATIONS
AND
RECOMMENDATION FOR ADOPTION**

On March 26, 2020, the Missouri Air Conservation Commission held a public hearing concerning the proposed amendment to 10 CSR 10-6.075 Maximum Achievable Control Technology Regulations. The following is a summary of comments received and the Missouri Department of Natural Resources' Air Pollution Control Program corresponding responses. Any changes to the proposed amendment are identified in the responses to the comments.

The Missouri Department of Natural Resources' Air Pollution Control Program recommends the commission adopt the rule action as proposed.

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**Title 10—DEPARTMENT OF
NATURAL RESOURCES**

Division 10—Air Conservation Commission

**Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air
Pollution Control Regulations for the Entire State of Missouri**

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2016, the commission amends a rule as follows:

10 CSR 10-6.075 Maximum Achievable Control Technology Regulations is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2020 (45 MoReg 33). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received no comments on the proposed amendment.

**COMMENTS AND RESPONSES ON
PROPOSED AMENDMENT
10 CSR 10-6.080
EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS
AND
RECOMMENDATION FOR ADOPTION**

On March 26, 2020, the Missouri Air Conservation Commission held a public hearing concerning the proposed amendment to 10 CSR 10-6.080 Emission Standards for Hazardous Air Pollutants. The following is a summary of comments received and the Missouri Department of Natural Resources' Air Pollution Control Program corresponding responses. Any changes to the proposed amendment are identified in the responses to the comments.

The Missouri Department of Natural Resources' Air Pollution Control Program recommends the commission adopt the rule action as proposed.

NOTE 1 - Legend for rule actions to be voted on is as follows:

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**Title 10—DEPARTMENT OF
NATURAL RESOURCES**

Division 10—Air Conservation Commission

**Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air
Pollution Control Regulations for the Entire State of Missouri**

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2016, the commission amends a rule as follows:

10 CSR 10-6.080 Emission Standards For Hazardous Air Pollutants is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2020 (45 MoReg 33-34). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received no comments on the proposed amendment.

**COMMENTS AND RESPONSES ON
PROPOSED AMENDMENT**

10 CSR 10-6.270

ACID RAIN SOURCE PERMITS REQUIRED

AND

RECOMMENDATION FOR ADOPTION

On March 26, 2020, the Missouri Air Conservation Commission held a public hearing concerning the proposed amendment to 10 CSR 10-6.270 Acid Rain Source Permits Required. The following is a summary of comments received and the Missouri Department of Natural Resources' Air Pollution Control Program corresponding responses. Any changes to the proposed amendment are identified in the responses to the comments.

The Missouri Department of Natural Resources' Air Pollution Control Program recommends the commission adopt the rule action as proposed.

NOTE 1 - Legend for rule actions to be voted on is as follows:

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**Title 10—DEPARTMENT OF
NATURAL RESOURCES**

Division 10—Air Conservation Commission

**Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air
Pollution Control Regulations for the Entire State of Missouri**

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2016, the commission amends a rule as follows:

10 CSR 10-6.270 Acid Rain Source Permits Required is amended

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2020 (45 MoReg 34-35). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program (Air Program) received one (1) comment from the U.S. Environmental Protection Agency (EPA).

COMMENT #1: EPA commented that they had reviewed the draft rule text and rulemaking report for this rule and had no comments.

RESPONSE: The Department appreciates EPA's review of the proposed rule text and rulemaking report. The Department made no changes to the proposed rule language as a result of this comment.

**COMMENTS AND RESPONSES ON
PROPOSED AMENDMENT**

10 CSR 10-6.405

**RESTRICTION OF PARTICULATE MATTER EMISSIONS FROM FUEL BURNING
EQUIPMENT USED FOR INDIRECT HEATING**

AND

RECOMMENDATION FOR ADOPTION

On March 26, 2020, the Missouri Air Conservation Commission held a public hearing concerning the proposed amendment to 10 CSR 10-6.405 Restriction of Particulate Matter Emissions From Fuel Burning Equipment Used for Indirect Heating. The following is a summary of comments received and the Missouri Department of Natural Resources' Air Pollution Control Program corresponding responses. Any changes to the proposed amendment are identified in the responses to the comments.

The Missouri Department of Natural Resources' Air Pollution Control Program recommends the commission adopt the rule action as revised.

NOTE 1 - Legend for rule actions to be voted on is as follows:

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**Title 10—DEPARTMENT OF
NATURAL RESOURCES**

Division 10—Air Conservation Commission

**Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air
Pollution Control Regulations for the Entire State of Missouri**

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2016, the commission amends a rule as follows:

10 CSR 10-6.405 is amended

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2020 (45 MoReg 35-36). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program (Air Program) received two (2) comments from the U.S. Environmental Protection Agency (EPA).

COMMENT #1: The EPA commented that:

The Rulemaking Report for each rule indicates that the state is removing the use of unnecessarily restrictive words. However, the reports do not clarify how the state determined that the words were unnecessarily restrictive, which of the deleted words are being removed because they are unnecessarily restrictive, or how any rule changes made to eliminate the unnecessary restrictive words impact the stringency of the SIP approved language. The state should provide additional information supporting the rule language revisions.

RESPONSE: As indicated in the Rulemaking Report, this rulemaking does not change any requirements. It has no impact on the stringency of the rule. This rule amendment includes the removal of the word "shall" in seven instances. "Shall" is considered a restrictive term. In the places where this term was removed, it was not necessary to the meaning of the rule.

Department staff carefully considered each change to regulatory language with the intent of maintaining the meaning of the language approved in the State Implementation Plan (SIP). This comment prompted additional review of each instance to again confirm there is no impact on the stringency of the SIP. The Department made no changes to the proposed rule language as a result of this comment.

COMMENT #2: The EPA commented that:

The state has revised the rule language at subsection (2)(A) from "If any source subsequently is altered, repaired, or rebuilt at a cost of thirty percent (30%) or more of its replacement cost, exclusive of routine maintenance, it shall no longer be existing but shall be considered as new" to "If any source is subsequently altered, repaired, or rebuilt at a cost of thirty percent (30%) or more of its replacement cost, exclusive of routine maintenance, it is no longer existing and considered as new." The EPA recommends that the state revise its proposed changes to increase clarity, such as "If any source is subsequently altered, repaired, or rebuilt at a cost of thirty percent (30%) or more of its replacement cost, exclusive of routine maintenance, it is no longer considered an existing source but will be considered a new source."

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the Department is revising the proposed rule language in subsection (2)(A) to reflect EPA's suggestion.

10 CSR 10-6.405 Restriction of Particulate Matter Emissions From Fuel Burning Equipment Used for Indirect Heating

(2) Definitions.

(A) Existing—Any source which was in being, installed, or under construction on the date provided in the following table:

Area of State	Construction date began on or before
Kansas City Metropolitan Area	February 15, 1979*
St. Louis Metropolitan Area	February 15, 1979*
Springfield-Greene County Area	September 24, 1971
Outstate Area	February 24, 1971

*Exception: If any source subsequently is altered, repaired, or rebuilt at a cost of thirty percent (30%) or more of its replacement cost, exclusive of routine maintenance, it no longer is considered an existing source but will be considered a new source.

**COMMENTS AND RESPONSES ON
PROPOSED RESCISSION OF
10 CSR 10-2.330
CONTROL OF GASOLINE REID VAPOR PRESSURE
AND
RECOMMENDATION FOR RESCISSION**

On March 26, 2020, the Missouri Air Conservation Commission held a public hearing concerning the proposed rescission of rule 10 CSR 10-2.330 Control of Gasoline Reid Vapor Pressure. The following is a summary of comments received and the Missouri Department of Natural Resources' Air Pollution Control Program corresponding responses. Any changes to the proposed rescission are identified in the responses to the comments.

The Missouri Department of Natural Resources' Air Pollution Control Program recommends the commission adopt the rule action as proposed.

NOTE 1 - Legend for rule actions to be voted on is as follows:

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**Title 10—DEPARTMENT OF
NATURAL RESOURCES**

Division 10—Air Conservation Commission

**Chapter 2—Air Quality Standards and Air Pollution Control Rules Specific to the
Kansas City Metropolitan Area**

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2016, the commission rescinds a rule as follows:

10 CSR 10-2.330 Control of Gasoline Reid Vapor Pressure is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 18, 2020 (45 MoReg 312). No changes were made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the Code of State Regulations.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received three (3) comments from three (3) sources: Missouri Corn Growers Association (MCGA), Mid-America Regional Council (MARC) Air Quality Forum, and the U.S. Environmental Protection Agency (EPA).

COMMENT #1: The MCGA supports the rescission of 10 CSR 10-2.330 Control of Gasoline Reid Vapor Pressure as proposed and provided the following comment:

This existing rule places unnecessary and burdensome restrictions and requirements on many businesses in the Kansas City area, specifically impacting those that supply, sell, or transport motor vehicle fuel for use in the Kansas City area. The regulation at 10 CSR 10-2.330 currently limits the volatility of motor vehicle gasoline, as measured by Reid Vapor Pressure, in the former Kansas City maintenance area during the summertime. However, modeling demonstrates that these burdensome restrictions are unnecessary. Even with the rule rescission, the area will stay below the 2017 actual emission levels and will not interfere with continued attainment of the 2015 ozone standard.

The Red Tape Reduction effort was intended to reduce burdensome regulations and time-consuming paperwork when they provide minimal enhancements to our natural resources and public health protection. Unnecessary restrictions impact business growth and interfere with improving our economy. Therefore, failure to rescind the rule would perpetuate an overly burdensome and unnecessary compliance provision in Missouri's regulations. Given the Missouri Air Conservation Commission's analysis and conclusion that there will be no significant economic or environmental costs due to the proposed rule rescission, the Missouri Corn Growers Association believes rescinding the rule is essential and would demonstrate a responsible governmental action.

RESPONSE: The Department thanks the MCGA for providing comments for this rule and appreciates the support to rescind the rule. The Department made no changes to the proposed rule language as a result of this comment.

COMMENT #2: The MARC Air Quality Forum supports the development and implementation of air quality policy in the bi-state Kansas City region and provided the following comments:

MARCs Air Quality Program appreciates the periodic review of SIP air quality control measures in order to ensure relevance, applicability, and effectiveness. We recognize that these analyses must show that proposed changes to SIP control measures will not interfere with our regions ability to maintain the 2015 ozone NAAQS. MARC acknowledges that the model results show 1) a decrease of NO_x and VOC emissions from 2017 to 2020 associated with fleet turnover and improved emissions technology, and 2) that the low RVP rule provides only a slight reduction to both NO_x and VOC emissions. However, while MDNR believes that the effect of the rule rescission is not significant enough to interfere with

attainment or maintenance of the 2015 ozone NAAQS, the MARC Air Quality Forum has concerns that the state is removing a tool that does provide some air quality benefit to our region.

The Kansas City region has struggled to meet the EPA's National Ambient Air Quality Standards (NAAQS) for ozone pollution for many years. Over the last five ozone seasons 2015-2019, our region has benefited from an abnormally long period of weather patterns producing above average rainfall depressing ground level ozone formation. Thus, while the region is currently designated in attainment for the 2015 standard and monitored values reflect a 2019 design value of 68 ppb, the 2018 design value of 70 ppb suggests that we continue to barely attain this standard and must work to reduce ozone precursor emissions from all sources to remain in compliance. While our air quality is regulated based on the NAAQS for ozone, the scope of MARC's Air Quality Program extends beyond the NAAQS and reflects the third main purpose associated with producing a SIP to prevent air quality deterioration for areas that are in attainment with the NAAQS. This purpose encourages us to continue pursuing clean air levels above and beyond the NAAQS to ensure the health and vitality of our residents and decrease the risk of violating the NAAQS due to factors out of our control. Thus, any increase in criteria pollutants due to the rescission of this control measure is a continued concern.

We are also concerned that there are not currently any strategies ready to replace low RVP in the event that the region was to fall out of compliance with the NAAQS. The diminished utility of the Low RVP rule due to vehicle and fuel advancements, coupled with the Kansas City region's year-to-year design values that continue to skirt the 2015 ozone NAAQS, necessitates that the states of Missouri and Kansas, in partnership with EPA and the MARC Air Quality Forum, coordinate and prioritize finding a new path forward that includes a new generation of pollution control strategies to ensure the Kansas City region stays in compliance of the NAAQS. Falling out of compliance could necessitate more costly control measures. When reviewing the costs and benefits of this action, we encourage carefully weighing the financial costs which would be incurred should the region fall back into nonattainment against the cost to continue compliance provisions. The risk associated with taking this action could result in significant and widespread financial consequences not acknowledged in the RIR.

RESPONSE: The Department understands and appreciates the MARC Air Quality Program's role in proactively addressing Kansas City's air quality beyond NAAQS requirements. The Department's analysis of the proposed rescission demonstrates that the requirements included in the rule no longer are necessary to maintain compliance with any previous ozone standard, even without any replacement emission reductions. In addition, pursuant to section 643.055.1, RSMo, the Department cannot establish rules that are stricter than those required by the federal Clean Air Act, as amended, unless necessary to bring a nonattainment area into compliance and to maintain compliance with a standard. Because the Kansas City area is in compliance with the 2015, and previous, ozone standards the area is not a nonattainment area for any ozone standard.

The Department notes that multiple emission reductions from stationary sources have occurred since 2017, including power-plant closures and emission-improving fuel changes at various industrial sources within and near the Kansas City area. These additional emission reductions

provide an additional margin of safety beyond what is seen in the provided mobile-source modeling analysis. This gives even greater assurance the area will remain in compliance with the 2015 ozone standard after the rescission of the rule.

In the event of a recorded violation of the 2015 ozone standard, the Department would evaluate the meteorology and emissions activity leading to the elevated ozone levels to determine whether and what type of action and/or emission control might be necessary to ensure compliance with the standard is maintained in the area. The Department made no changes to the proposed rule language as a result of this comment.

COMMENT #3: EPA commented that they had reviewed the draft rule text and rulemaking report for this rule and had no comments.

RESPONSE: The Department appreciates EPA's review of the proposed rule and rulemaking report. The Department made no changes to the proposed rule language as a result of this comment.