

**COMMENTS AND RESPONSES ON
PROPOSED AMENDMENT**

10 CSR 10-6.165

RESTRICTION OF EMISSION OF ODORS

AND

RECOMMENDATION FOR ADOPTION

On April 24, 2014, the Missouri Air Conservation Commission held a public hearing concerning the proposed amendment to 10 CSR 10-6.165 Restriction of Emission of Odors. 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.*
- * *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 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 Supp. 2013, the commission amends a rule as follows:

10 CSR 10-6.165 Restriction of Emission of Odors is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 17, 2014 (39 MoReg 732). 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.

10 CSR 10-6.165 Restriction of Emission of Odors.

- (1) Applicability. This rule shall apply to any person that causes, permits, or allows emission of odorous matter throughout the state of Missouri, except—
 - (A) The provisions of section (3) of this rule shall not apply to the emission of odorous matter from the pyrolysis of wood in the production of charcoal in a Missouri-type charcoal kiln;
 - (B) The provisions of section (3) of this rule shall not apply to the emission of odorous matter from the raising and harvesting of crops nor from the feeding, breeding, and management of livestock or domestic animals or fowl with the exception of Class IA concentrated animal feeding operations; and
 - (C) The provisions of this rule shall not apply to emissions of odorized natural gas, or the chemicals used to achieve the regulated odorization of natural gas, inherent to the operations of a natural gas utility.
- (2) Definitions. Definitions of certain terms specified in this rule may be found in 10 CSR 10-6.020.
- (3) General Provisions. No person may cause, permit, or allow the emission of odorous matter in concentrations and frequencies or for durations that odor can be perceived when one (1) volume of odorous air is diluted with seven (7) volumes of odor-free air for two (2) separate trials not less than fifteen (15) minutes apart within the period of one (1) hour. This odor evaluation shall be taken at a location outside of the installation's property boundary.
 - (A) Control of Odors from Class IA Concentrated Animal Feeding Operations. Notwithstanding any provision in any other regulation to the contrary, all Class IA concentrated animal feeding operations shall operate under an odor control plan describing measures to be used to control odor emissions that are necessary to maintain compliance with the odor performance standard described in section (3). All new Class IA concentrated animal feeding operations and any operation that expands to become a Class IA concentrated animal feeding operation shall obtain approval from the department for an odor control plan at least sixty (60) days prior to commencement of operation.
 1. The odor control plan shall contain the following:
 - A. A listing of all sources of odor emissions and description of how odors are currently being controlled;
 - B. A listing of all potentially innovative and proven odor control options for reducing odor emissions. Odor control options may include odor reductions achieved through: odor prevention, odor

- capture and treatment, odor dispersion, add-on control devices, management practices, modifications to feed-stock or waste handling practices, or process changes;
- C. A detailed discussion of feasible odor control options for odor emissions. The discussion shall include options determined to be infeasible. Determination of infeasibility should be well documented and based on physical, chemical, and engineering principles demonstrating that technical difficulties would preclude the success of the control option;
 - D. A ranking of feasible odor control options from most to least effective. Ranking factors shall include odor control effectiveness, expected odor reduction, energy impacts, and economic impacts;
 - E. An evaluation of the most effective odor control options. Energy, environmental, and economic impacts shall be evaluated on a case-by-case basis;
 - F. Description of the odor control options to be implemented to reduce odor emissions;
 - G. A schedule for implementation. The schedule shall establish interim milestones in implementing the odor control plan prior to the implementation deadline if the plan is not implemented at one time; and
 - H. An odor monitoring plan.
2. The Missouri Department of Natural Resources' Air Pollution Control Program shall review and approve or disapprove the odor control plan.
- A. After the program receives an odor control plan, they shall perform a completeness review. Within thirty (30) days of receipt, the program shall notify the plan originator if the plan contains all the elements of a complete odor control plan. If found incomplete, the program shall provide the originator a written explanation of the plan's deficiencies.
 - B. Within sixty (60) days after determining an odor control plan submittal is deemed complete, the program shall approve or disapprove the plan. During this sixty (60)-day technical review period, the program may request additional information needed for review. If the plan is disapproved, the program shall give the plan originator a written evaluation explaining the reason(s) for disapproval.
- (B) Existing odor control plans shall be amended within thirty (30) calendar days of either—
- 1. A determination by the staff director that there has been a violation of any requirement of this rule; or
 - 2. A determination by the staff director that an amended odor control plan is necessary to address recurring odor emissions.
- (4) Reporting and Record Keeping. Odor control plans shall be reviewed and updated as necessary a minimum of every five (5) years from the date last approved or when a

modification occurs. In lieu of a full plan update, a letter may be provided to the department stating that a review was performed and the existing odor control plan is adequate. This review letter or odor control plan update shall be due to the department six (6) months before the current odor control plan expires or at least thirty (30) days prior to the modification occurring with the following provisions:

- (A) All existing odor control plans shall be updated by March 31, 2011; and
- (B) Any person may petition the department to be removed from the odor control plan requirement based on documentation that the odor source has been removed.

- (5) Test Methods. Measurements shall be made with a Nasal Ranger as manufactured by St. Croix Sensory Inc. or by a similar instrument or technique that will give substantially similar results, or as approved by the department.