

Necessity Findings

10 CSR 10-6.220 Restriction of Emission of Visible Air Contaminants. The purpose of this rulemaking is to remove a statement from the compliance and performance testing provisions that does not meet Clean Air Act requirements. This statement could be interpreted as allowing for exemptions in federally enforceable emission limits through the state director's discretion. This action was initiated by a petition received by the U.S. Environmental Protection Agency (EPA) concerning the treatment of excess emissions by sources during startup, shutdown, or malfunction conditions. EPA responded to the petition by proposing a State Implementation Plan (SIP) Call that requires us to fix this deficiency in the rule (final SIP Call is expected May 2015). At the same time, the following changes would also be made to the rule:

- Add exemptions for power plants complying with Mercury and Air Toxics Standards (MATS) and operating a particulate matter Continuous Emissions Monitor System (CEMS), sources regulated by the boiler Maximum Achievable Control Technology (MACT) regulation, fugitive emissions subject to 10-CSR 10-6.170, and units combusting clean fuels such as natural gas.
- Add monitoring and recordkeeping requirements for sources without Continuous Opacity Monitoring Systems (COMS).
- Add an exemption from monitoring and recordkeeping requirements for units with small amounts of particulate emissions.
- Expand the internal combustion engine exemption to include all internal combustion engines.
- Clarify that this rule applies to outdoor emissions and does not apply to indoor emissions or water vapor.
- Remove definitions in this rule that can be found in 10 CSR 10-6.020 Definitions and Common Reference Tables.

The Air Program has worked closely with the Air Program Advisory Forum to provide input on this rulemaking.

- Draft rulemaking text and Regulatory Impact Report are out for 60-day comment period - **started October 21st and closes December 20th.**
- Affects sources of visible emissions (primarily particulate matter) in entire state. Examples are power plants, painting facilities, any facility with a non-gas fired boiler or heater, grain elevators, landfills, and wood products manufacturing facilities.
- Public hearing expected May of next year.
- Expected to be effective October of next year

10 CSR 10-6.070 New Source Performance Regulations, **10 CSR 10-6.075** Maximum Achievable Control Technology Regulations, and **10 CSR 10-6.080** Emission Standards for Hazardous Air Pollutants. These rule amendments will incorporate by reference federal regulations promulgated by the U.S. Environmental Protection Agency from January 1, 2013 through December 31, 2013, as published by the Office of the Federal Register. Annual updates to these three regulations are an EPA requirement to approve the state's authority to administer its Title V permits program. The program does not anticipate any risks to human health, public welfare, and/or the environment associated with these proposed rulemakings. These rulemakings do not impose additional obligations beyond the federal requirements.

- No 60-day comment period was necessary since these rule actions adopt requirements in federal regulations 40 CFR parts 60, 63, and 61 subparts without variance.
- Affects entities in entire state.
- Public hearing expected March of next year.
- Expected to be effective August of next year