



**COMMENTS AND RESPONSES ON
PROPOSED REVISION TO**

MISSOURI STATE IMPLEMENTATION PLAN –

**Nonattainment Area Plan for the
2010 1-Hour Sulfur Dioxide National Ambient Air Quality Standard -
Jackson County Sulfur Dioxide Nonattainment Area**

The public comment period for the proposed revision to the Missouri State Implementation Plan (SIP) for the *Nonattainment Area Plan for the 2010 1-Hour Sulfur Dioxide National Ambient Air Quality Standard - Jackson County Sulfur Dioxide Nonattainment Area* opened on May 22, 2015 and closed on July 2, 2015. Revisions to the proposed plan were made as a result of comments.

The following is a summary of comments received and the Missouri Department of Natural Resources' Air Pollution Control Program's (Air Program's) corresponding responses.

SUMMARY OF COMMENTS: During the public comment period for the proposed plan, the Air Program received oral comments from the following sources: Ameren Missouri, the Missouri Chapter of the Sierra Club, and one citizen. All three oral commenters testified during the public hearing before the Missouri Air Conservation Commission (MACC) on June 25, 2015. Written comments were also received on July 2, 2015 from Ameren Missouri, the U.S. Environmental Protection Agency (EPA), and Washington University School of Law Interdisciplinary Environmental Clinic on behalf of Sierra Club (Washington University). In addition, the Sierra Club submitted letters from 78 citizens on June 25, 2015.

COMMENT #1: EPA commented that the draft Jackson County sulfur dioxide (SO₂) nonattainment area plan does not provide sufficient specificity regarding what the state will do if the area fails to attain the 1-hour SO₂ standard by the attainment date or achieve reasonable and further progress to attainment. EPA recommends that the plan be revised to identify the specific steps the state will take, including a time frame for action if the standard is violated or reasonable further progress is not achieved.

RESPONSE AND EXPLANATION OF CHANGE: As mentioned in the Jackson County SO₂ nonattainment area plan, the Air Program relied on EPA 1-hour SO₂ nonattainment SIP guidance (April 23, 2014) and notes that much of Section 8.1 (Contingency Measures) mirrors EPA guidance. As the guidance states, SO₂ presents special considerations unique to directly-emitted pollutants. The Jackson County SO₂ nonattainment area plan modeling and attainment analyses are based on allowable emissions for all modeled sources. This is a conservative assumption likely to assure attainment without triggering contingency measures.

In addition, the Air Program notes that further plan evaluation (including dispersion modeling and attainment analyses targeting the same, as well as additional, large SO₂ sources near the current Jackson County SO₂ nonattainment area) will be required per the March 2015 federal Consent

Decree and the pending federal Data Requirements Rulemaking. Additional nonattainment area plan revision requirements, permitting requirements, and monitoring requirements will further assure future compliance with the 1-hour SO₂ standard.

New discussion of contingency measures to provide the requested specificity, including a table of contingency triggers and steps, has been added to the Jackson County SO₂ nonattainment area plan as a result of this comment.

COMMENT #2: EPA commented that using a variability analysis of less than 99% in establishing the 30-day rolling average for KCPL – Hawthorn 5 provides the facility a higher emission allowance than contemplated by the methodology which is designed to ensure that the 30-day rolling average is commensurate with the 1-hour emissions that modeled NAAQS compliant ambient air concentrations. EPA recommends the department should follow the approach EPA outlined in guidance for establishing longer than 1-hour averaging periods.

RESPONSE: The approach in the proposed Jackson County SO₂ nonattainment area plan lies within the bounds of EPA guidance. The April 23, 2014 EPA guidance allows for flexibility in establishing longer than 1-hour averaging periods – without a binding requirement to complete variability analyses using only the 99th percentile for establishing 30-day rolling averages. KCPL provided information on their operations documenting the need for a 30-day rolling average. The Air Program reviewed and approved the variable operational data and rationale for the KCPL – Hawthorn 5 variability analysis based on this flexibility discussed in EPA guidance. As an example, EPA guidance states that 1-hour emission limits for SO₂ nonattainment area plans do not always require a level at or below the critical emission value. Specifically, the EPA guidance states, “An hour where emissions are above the critical value does not mean that a NAAQS exceedance is occurring in that hour.” This and related discussion per cited EPA guidance allows flexibility to accommodate emissions variability as documented and reviewed for KCPL – Hawthorn 5.

Also, the Air Program will likely be required to evaluate KCPL – Hawthorn (and additional sources) in future rounds of SO₂ area designations as part of the pending federal Data Requirements Rule. To assess air quality impacts, additional evaluations and modeling analyses will include overlapping modeling domains for large and interactive modeled sources in the Kansas City area and beyond. No changes to the plan were made as a result of this comment.

COMMENT #3: Washington University, the Sierra Club, and several citizens commented that the proposed plan does not adequately protect public health in the nonattainment area and that the proposed plan’s control strategy should be implemented more quickly than January 1, 2017. In addition, the Sierra Club provided 78 citizen letters calling upon the DNR to create a plan that ensures protection of public health and not to wait until 2017 to see results.

RESPONSE: The Air Program strives to protect health in the development of all state plans, including the Jackson County SO₂ nonattainment area plan. EPA established January 1, 2017 as the date when emission controls, and associated emission reductions, must be fully operational in order to protect public health while allowing affected facilities reasonable time to make needed equipment and operational changes to comply. As detailed in the plan, the control strategy

includes a 95 percent reduction in allowable SO₂ emissions from Veolia Energy. Because Veolia Energy is also subject to the existing source requirements of the federal Industrial, Commercial and Institutional Boiler MACT [40 CFR 63 Subpart 5D], the 95 percent reduction (combined with reductions in air toxics) is expected to occur by the Boiler MACT compliance date of January 31, 2016. Realization of emission reductions in January 2016 from the largest SO₂ source located within the bounds of the Jackson County SO₂ nonattainment area will protect air quality and public health throughout the entire area – particularly within and near the nonattainment area. No changes to the plan were made as a result of these comments.

COMMENT #4: Washington University commented that the emission limits for Ameren Missouri Energy Center sources listed in Table I are not adequate to demonstrate attainment throughout the Jefferson County nonattainment area and that they should be substantially reduced before the rule is adopted. This comment was previously provided during the 60-day comment period on the draft rule text and Regulatory Impact Report as well as during the comment period on the Jefferson County SO₂ nonattainment area plan. Washington University incorporated by reference the previous two sets of comments in their comment letter submitted on the associated proposed new state SO₂ rule, which was presented at the same June 25, 2015 public hearing as the draft Jackson County SO₂ nonattainment area plan.

RESPONSE: The Air Program previously considered and responded to Washington University's comments submitted during the rule development phase of 10 CSR 10-6.261 and the public comment period for the Jefferson County SO₂ nonattainment area plan. The Table 1 SO₂ emission limits for the Ameren Missouri Energy Center sources are the same as those included in the 2015 Consent Agreement as part of the Jefferson County plan, which was adopted by the Air Conservation Commission on May 28, 2015 and submitted to EPA the following day. The SO₂ emission limits at the Ameren power plants are intended to support the continued attainment of the 1-hour SO₂ standard at the violating Mott Street monitor in Jefferson County. These limits, along with the other measures specified in the Jefferson County Plan, are intended to ensure attainment throughout the Jefferson County SO₂ nonattainment area. No changes to the Jackson County SO₂ nonattainment area plan were made as a result of this comment.

COMMENT #5: Ameren Missouri acknowledged that the Jefferson County SO₂ nonattainment area plan has already been submitted to EPA for review and approval on May 29, 2015, but provided additional discussion on various aspects of that plan, as well as on the Regulatory Impact Report for 10 CSR 10-6.261.

RESPONSE: The Air Program has already considered and responded to Ameren's previous sets of comments submitted during the rule development phase of 10 CSR 10-6.261 and the public comment period for the Jefferson County SO₂ nonattainment area plan. No changes to the Jackson County SO₂ nonattainment area plan were made as a result of this comment.