

**Update to August 3, 2015 MACC briefing document**  
**Comments and Responses for Proposed 10 CSR 10-6.261 Control of Sulfur Dioxide Emissions and Proposed Jackson County Sulfur Dioxide (SO<sub>2</sub>) Nonattainment Area Plan**

On July 27, 2015, the Air Pollution Control Program received Veolia Energy Kansas City's (Veolia) formal request for up to a one-year extension to comply with the federal Industrial, Commercial and Institutional Boiler MACT [40 CFR 63 Subpart 5D]. We were not aware of this request until after publication of the August 3, 2015 Air Conservation Commission briefing document, and this development impacts two responses to comments. Because this extension request is pending review by the Air Program and U.S. Environmental Protection Agency (EPA), the timing of Veolia's implementation of measures to comply with the federal Boiler MACT is uncertain. Regardless of this development, Veolia must comply with the revised SO<sub>2</sub> emission limits in the proposed 10 CSR 10-6.261 and Jackson County SO<sub>2</sub> nonattainment area plan by January 1, 2017. Please see the amended response to comment #2 for proposed new rule 10 CSR 10-6.261 Control of Sulfur Dioxide Emissions, and a similar amended response to comment #3 for the proposed Jackson County SO<sub>2</sub> nonattainment area plan. These amended responses replace the respective response to the comments on pages 144, 157 and 158 of the August 3, 2015 briefing document. Air Program staff will also note these changes for both the proposed state SO<sub>2</sub> rule and proposed Jackson County SO<sub>2</sub> plan during the recommendation for adoption statements presented at the August 3, 2015 commission meeting.

**10 CSR 10-6.261 Control of Sulfur Dioxide Emissions**

COMMENT # 2: 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 letters from 78 citizens 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 SO<sub>2</sub> 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% reduction in allowable SO<sub>2</sub> emissions from Veolia Energy. Realization of emission reductions from the largest SO<sub>2</sub> source located within the bounds of the Jackson County SO<sub>2</sub> nonattainment area will protect air quality and public health throughout the entire area – particularly within and near the nonattainment area. No changes to the rule were made as a result of these comments.

**Jackson County Sulfur Dioxide Nonattainment Area Plan**

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 letters from 78 citizens 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 SO<sub>2</sub> nonattainment area plan. EPA established January 1, 2017 as

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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 SO<sub>2</sub> emissions from Veolia Energy. Realization of emission reductions from the largest SO<sub>2</sub> source located within the bounds of the Jackson County SO<sub>2</sub> 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.