



Missouri Department of Natural Resources  
**Regulatory Impact Report**  
In Preparation For Proposing  
Amendment 10 CSR 10-6.390

Applicability: Pursuant to Section 640.015 RSMo, “all rulemakings that prescribe environmental conditions or standards promulgated by the Department of Natural Resources...shall... be based on the regulatory impact report...” This requirement shall not apply to emergency rulemakings pursuant to section 536.025 or to rules of other applicable federal agencies adopted by the Department “without variance.”

Determination: The Missouri Department of Natural Resources has determined this rulemaking prescribes environmental conditions or standards and verifies that this rulemaking is not a simple unvarying adoption of rules from other federal agencies. Accordingly, the Department has produced this regulatory impact report which will be made publicly available for comment for a period of at least 60 days. Upon completion of the comment period, official responses will be developed and made available on the agency web page prior to filing the proposed rulemaking with the Secretary of State. Contact information is at the end of this regulatory impact report.

1. Describe the environmental conditions or standards being prescribed.

This proposed will add a twenty-five (25) ton exemption for spark-ignited (SI) internal combustion (IC) engines similar to the exemption currently in the rule for compression ignition (CI) IC engines, and clarify in section (1) the reporting, recordkeeping, and compliance requirements that are applicable to units meeting the 25-ton threshold for both SI and CI affected units. If the twenty-five (25) ton exemption is exceeded, emission rate limits in this rule must be met in accordance with the U.S. Environmental Protection Agency (EPA) once in always in (OIAI) policy. At the same time, a list of compliance methods comparable to those found in federal IC engines rules at 60.4243(a)(2)(iii), 60.4243(b)(2)(ii), 60.4243(h), and 60.4211(b) are being added in section (5), which sources can use to verify they are meeting the 25-ton threshold. Section (4) will be reformatted to remove the same redundant word in each term ("emissions" is being removed from "emissions inspection" and "emissions corrective maintenance") and annual reporting submittals to the Program will be removed to ease industry reporting burden. At the same time, a statement in the subsection (3)(F) that allowed excessive emissions due to startup, shutdown, and malfunction conditions not to be included in ozone season NO<sub>x</sub> emission calculations is being removed for consistency with the U.S. Environmental Protection Agency (EPA) start-up, shutdown, or malfunction policy. In addition, the monitoring requirements in subsection (3)(E) will be moved to the Test Methods section to meet standard Air Program rule formatting.

2. A report on the peer-reviewed scientific data used to commence the rulemaking process.

No scientific data was used to commence the rulemaking process.

3. A description of the persons who will most likely be affected by the proposed rule, including persons that will bear the costs of the proposed rule and persons that will benefit from the proposed rule.

This rulemaking affects sources that own or operate large stationary internal combustion engines in the eastern 1/3 of Missouri. Examples of regulated entities include electric power generators, transmitters, or distributors; on-site electric power generators; medical hospitals; and pump and compressor stations at both large and small businesses. We are aware of two (2) sources, Monsanto and Kennett with several engines, however other sources under the 25-ton threshold may be affected should they decide to use one of the other compliance options being added in the proposed rule. Additionally, the twenty-five (25) ton exemption for SI IC engines will provide flexible options for compliance for the one (1) affected source located in the eastern 1/3 of Missouri; Kennett Generating Plant. It is expected that their emissions will be below the proposed twenty-five (25) ton exemption. This proposed rule does not add stricter requirements or limits beyond what's currently in place but affected facilities will benefit from additional flexibility in the emission measurement approaches for compliance determinations. Sources under the 25-ton threshold will continue to be exempt from the NO<sub>x</sub> emission limits. In addition, clarifying requirements for exempt units in section (1), reformatting section (4) and moving section (3) monitoring requirements to the Test Methods section aid rule comprehension and understanding. No affected sources will incur additional costs.

4. A description of the environmental and economic costs and benefits of the proposed rule.

While this rulemaking establishes a list of compliance methods for units meeting the twenty-five (25) ton threshold, it is not expected to add new requirements because it only codifies existing methods (continuous emissions monitoring and stack tests) and adds other more flexible options when compliance data based on one of the existing methods is not feasible to obtain. This rulemaking will enable affected units to more clearly determine their requirements if the twenty-five (25) ton threshold applies, aid understanding by making other rule requirements more straightforward and add clarity to the Test Methods section. Sources under the 25-ton threshold will continue to be exempt from the NO<sub>x</sub> emission limits. In addition, adding a twenty-five (25) ton exemption for SI IC engines provides flexibility to operate and the affected facility is expected to meet this exemption.

5. The probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenue.

There are no probable costs to the agency or any other agency as a result of the implementation and enforcement of the proposed rule and this rulemaking is not anticipated to affect state revenue.

6. A comparison of the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction, which includes both economic and environmental costs and benefits.

This proposed amendment will add a twenty-five (25) ton exemption for spark-ignited (SI) internal combustion (IC) engines similar to the exemption currently in the rule for compression ignition (CI) IC engines, and clarify in section (1) the reporting, recordkeeping, and compliance requirements that are applicable to units meeting the 25-ton threshold for both SI and CI affected units. If the twenty-five (25) ton exemption is exceeded, emission rate limits in this rule must be met. Exceedance of the proposed exemption follows guidance from the U.S. Environmental Protection Agency (EPA) and the once in always in (OIAI) policy. At the same time, a list of compliance methods comparable to those found in federal IC engines rules at 60.4243(a)(2)(iii), 60.4243(b)(2)(ii), 60.4243(h), and 60.4211(b) are being added in section (5), which sources can use to verify they are meeting the 25-ton threshold. Section (4) will be reformatted to make this section easier to read and understand and two (2) terms will be rephrased to remove the same redundant word in each term ") and annual reporting submittals to the Program will be removed to ease industry reporting burden. In addition, the monitoring requirements in subsection (3)(E) will be moved to the Test Methods section to meet standard Air Program rule formatting and a list of compliance methods will be added, retaining existing methods (continuous emissions monitoring and stack tests) and including additional, more flexible options. Sources under the 25-ton threshold will continue to be exempt from the NO<sub>x</sub> emission limits. No costs are expected with this proposed rule for any private or public entity. Inaction would result in both a less clear rule and less flexible compliance requirements.

7. A determination of whether there are less costly or less intrusive methods for achieving the proposed rule.

The department is not aware of a less costly or less intrusive method for achieving the proposed rule amendment.

8. A description of any alternative method for achieving the purpose of the proposed rule that were seriously considered by the department and the reasons why they were rejected in favor of the proposed rule.

The department did not consider any alternative methods as none were available.

9. An analysis of both short-term and long-term consequences of the proposed rule.

The short and long term consequences of the proposed rule amendment are more flexible compliance methods and rule requirements that are easier to interpret.

10. An explanation of the risks to human health, public welfare or the environment addressed by the proposed rule.

The purpose of the proposed rulemaking is to clarify conformance requirements for units subject to the twenty-five (25) ton exemption and aid understanding by making other rule requirements more straightforward. Nitrogen oxide (NO<sub>x</sub>) emission rates limits for sources greater than 25 tons are being retained, ensuring that air quality is preserved.

11. The identification of the sources of scientific information used in evaluating the risk and a summary of such information.

Not applicable.

12. A description and impact statement of any uncertainties and assumptions made in conducting the analysis on the resulting risk estimate.

Not applicable.

13. A description of any significant countervailing risks that may be caused by the proposed rule.

The department is not aware of any countervailing risks.

14. The identification of at least one, if any, alternative regulatory approaches that will produce comparable human health, public welfare or environmental outcomes.

An alternative approach was not identified.

15. Provide information on how to provide comments on the Regulatory Impact Report during the 60-day period before the proposed rule is filed with the Secretary of State.

Formal comments can be provided on either the Regulatory Impact Report or the draft rule text by sending them to the contact listed in question 16.

16. Provide information on how to request a copy of comments or the web information where the comments will be located.

Chief, Air Quality Planning Section  
Missouri Department of Natural Resources  
P.O. Box 176  
Jefferson City, MO 65102-0176

or

Missouri Air Conservation Commission  
P.O. Box 176  
Jefferson City, MO 65102-0176

or call: (573) 751-4817

Copies of formal comments made on either the Regulatory Impact Report or the draft rule text may be obtained by request from the contact listed above or by accessing the Rules In Development section at web site [www.dnr.mo.gov/env/apcp/RulesDev.htm](http://www.dnr.mo.gov/env/apcp/RulesDev.htm) for this particular rulemaking.