

Construction Permit Rule Rewrite (10 CSR 10-6.060)

Susan Heckenkamp
New Source Review Unit Chief

Missouri Air Advisory Forum
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Primary Goals for Rule Rewrite

1. Improve ability for all to read and understand the permitting rule
2. Modernize the rule
3. Add ability for applicants to obtain a voluntary construction permit
4. Add provisions for a “general permit”

Goal #1: Improve ability to read and understand the rule

- Reorganize the rule so that it flows better
- Update rule to match what we consider to be the department's intent and historical interpretation
- Make rule language more intuitive, less chances for different interpretations
 - Use of plain language
 - Clarify language so that applicants know when they are subject to the permit rule
 - Clarify language so that applicants know which requirements apply to them (such as modeling)

Goal #2: Modernize the rule

- Make every line in the rule mean something
 - Several requirements have lost meaning over the years or were never implemented or fully utilized in the first place such as the “hourly de minimis” provision, “special case de minimis” and “unified review” section
 - Review all provisions, determine their need, and either update language or remove them from the rule
- Update rule to match current vernacular
- Allow for electronic submittal

Goal #3: Add Voluntary Permit Option

- Purpose: Gives an avenue for applicants to take practically enforceable limits in a construction permit
- Examples of applicable situations
 - Grandfathered installations (that did not initially require a permit) that would like to make control devices federally enforceable
 - Addition of insignificant emission increases (that do not require a permit on their own) to an installation-wide emission cap

Goal #3: Add Voluntary Option (cont.)

- Other applicable situations:
 - Make conditions in a consent decree permanent
 - Allow facilities to take HAP limits below major source levels
 - Others??

Goal #4: Add General Permit Rule

- The rule will outline the process used to establish permit criteria for a general permit
- The process outlined in the rule will be used to develop *pre-determined* control technology and associated emission limits for a source category.
- Similar to current permit-by-rule in that permit criteria is established upfront and a company can choose to adhere to the established criteria or obtain a site-specific permit.
- Differs from a permit-by-rule in that the permit-by-rule involves the rule-making process each time a new permit-by-rule for a source category is established; whereas, a general permit goes through the rule making process once and then public comment at a later date when an industry or emission unit-specific general permit is proposed.

General Permit Rule

In general:

- The general permit will serve as an alternative to a site specific permit.
- Sources will request coverage under a general permit
- A general permit will be the same as any construction permit except all the terms and conditions of the permit will be developed in advance.
- It is an EPA concept, has SIP approvability. EPA recently developed a general permit rule for the minor source program in Indian country
- It is easier to update general permit requirements, because it doesn't involve a rule change.

Other Possible Changes

- Add language to the rule that will allow Plant-wide Applicability Limits (PALs) for de minimis / minor sources

Not planning to change

- No plans to make any significant changes to Section (7), (8) or (9) which are the “major” permits (PSD, nonattainment NSR, case-by-case MACT).
 - May move relevant definitions to these sections



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Comments/Questions?