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NATURAL RESOURCES

Michael L. Parson, Governor

Carol S. Comer, Director

APR 11 2019

Mr. Jim Gulliford
Regional Administrator
U.S. EPA, Region VII
11201 Renner Boulevard
Lenexa, KS 66219

Dear Mr. Gulliford:

The Missouri Department of Natural Resources' Air Pollution Control Program (air program) hereby submits the following Missouri State Implementation Plan Revision for your approval:

Infrastructure Elements for the 2015 Ozone Standard

Through this submission, the air program is requesting that EPA take the following action:

Approve Missouri's SIP as meeting all of the infrastructure requirements of Section 110(a)(2) for the 2015 8-hour Ozone NAAQS except for Sections 110 (a)(2)(D)(i)(I) and 110(a)(2)(I), which will be addressed in separate SIP submittals.

The Missouri Air Conservation Commission adopted this plan at the March 28, 2019 commission meeting. The commission has full legal authority to develop state implementation plans pursuant to Section 643.050 of the Missouri Air Conservation Law. The air program held a public hearing for the plan on January 31, 2019. The air program accepted comments on the redesignation request from December 31, 2018 through February 7, 2019. During the public comment period, the air program received three (3) comments from the U.S. Environmental Protection Agency (EPA). A summary of the comments received and our responses is attached.

Enclosed are the required submittal elements for determination of plan completeness per 40 CFR Part 51, Appendix V. The air program is providing a searchable pdf version of this document through EPA's State Planning Electronic Collaboration System (SPECS) and the air program will post the complete submittal package on our website at:

<https://dnr.mo.gov/env/apcp/ozone.htm>.

Thank you for your attention to this matter. If you have any questions regarding this submittal, please contact Ms. Emily Wilbur with the Missouri Department of Natural Resources' Air



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Mr. Jim Gulliford
Page Two

Pollution Control Program at P.O. Box 176, Jefferson City, MO 65102 or by telephone at (573) 751-4817.

Sincerely,

AIR POLLUTION CONTROL PROGRAM



Darcy A. Bybee
Director

DAB: clc

Enclosures:

Copy of plan
Copy of commission signature page certifying Missouri Air Conservation Commission adoption
Copy of public hearing notices
Copy of public hearing transcript introductory statement
Copy of recommendation for adoption
Copy of the summary of comments and responses

c: Missouri Air Conservation Commission
File# 2015-O3-2 Infra

Missouri State Implementation Plan Revision

Infrastructure Elements for the 2015 Ozone Standard

**Prepared for the
Missouri Air Conservation Commission**



**Adoption
March 28, 2019**

**Missouri Department of Natural Resources
Division of Environmental Quality
Air Pollution Control Program
Jefferson City, Missouri**

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Table of Contents

EXECUTIVE SUMMARY	1
1. BACKGROUND AND PLAN SUMMARY.....	2
1.1 2015 OZONE NAAQS.....	2
1.2 STATE AREA DESIGNATIONS	2
1.3 PLAN SUMMARY	3
2. INFRASTRUCTURE REQUIREMENTS.....	4
2.1 PLAN SUBMITTAL AND TIMING REQUIREMENTS: SECTION 110(A)(1).....	4
2.2 INFRASTRUCTURE ELEMENTS: SECTION 110(A)(2)	4
A. <i>Enforceable Emission Limits & Control Measures: Sec. 110(a)(2)(A).....</i>	<i>4</i>
B. <i>Ambient Air Quality Monitoring: Section 110(a)(2)(B).....</i>	<i>10</i>
C. <i>Enforcement & Construction Permit Programs: Sec. 110(a)(2)(C)</i>	<i>11</i>
ii. Enforcement Program.....	11
iii. Prevention of Significant Deterioration Program	12
iv. Minor New Source Review	13
D. <i>Interstate Transport: Section 110(a)(2)(D).....</i>	<i>13</i>
i. Section 110(a)(2)(D)(i)(I).....	14
ii. Section 110(a)(2)(D)(i)(II)	14
iii. Section 110(a)(2)(D)(ii).....	15
E. <i>Adequate Resources: Section 110(a)(2)(E).....</i>	<i>15</i>
i. Personnel and Funding	15
ii. State Boards.....	17
iii. Assurances of State Responsibility for All Plan Provisions	18
F. <i>Stationary Source Monitoring System: Section 110(a)(2)(F)</i>	<i>19</i>
i. Monitoring Systems	19
ii. Periodic Reporting Requirements.....	20
iii. Correlation of Reports and Public Availability	20
G. <i>Emergency Authority: Section 110(a)(2)(G).....</i>	<i>20</i>
i. Exemption Request - Missouri Portions of Priority 1 Regions Designated Attainment for Ozone.....	21
H. <i>Future SIP Revision Authority: Section 110(a)(2)(H)</i>	<i>22</i>
I. <i>Nonattainment Area Plans: Section 110(a)(2)(I).....</i>	<i>22</i>
J. <i>Consultation with Government Officials, Public Notification, and PSD and Visibility Protection:</i> <i>Section 110(a)(2)(J).....</i>	<i>23</i>
i. Consultation with Identified Officials on Certain Actions	23
ii. Public Notification	23
iii. Prevention of Significant Deterioration.....	24
iv. Visibility Protection.....	24
K. <i>Air Quality Modeling: Section 110(a)(2)(K).....</i>	<i>25</i>
L. <i>Permitting Fees: Section 110(a)(2)(L).....</i>	<i>25</i>
M. <i>Consultation / Participation of Local Entities: Section 110(a)(2)(M)</i>	<i>26</i>
3. CONCLUSION	27

List of Acronyms and Abbreviations

air program	Air Pollution Control Program
CAA	Clean Air Act
CFR	Code of Federal Regulations
CSR	Code of State Regulations
department	Missouri Department of Natural Resources
director	Director of the department, unless specified otherwise
EPA	U.S. Environmental Protection Agency
ESP	Environmental Services Program
MACC	Missouri Air Conservation Commission
MACC rules	Missouri regulations in Title 10, Division 10 of the CSR
Missouri Air Law	Missouri Air Conservation Law
MOEIS	Missouri Emissions Inventory System
NAAQS	National Ambient Air Quality Standard
NO _x	Oxides of Nitrogen
NSR	New Source Review
PM _{2.5}	Fine Particulate Matter – less than or equal to 2.5 microns in diameter
ppb	parts per billion
ppm	parts per million
PSD	Prevention of Significant Deterioration
RSMo	Revised Statutes of Missouri
SIP	State Implementation Plan
SO ₂	Sulfur Dioxide
VOC	Volatile Organic Compounds

EXECUTIVE SUMMARY

The purpose of this plan is to address Clean Air Act (CAA) Sections 110(a)(1) and 110(a)(2) for the 2015 Ozone National Ambient Air Quality Standard (NAAQS). These sections of the CAA direct states to develop a state implementation plan (SIP), commonly referred to as an “infrastructure SIP”, that provides for the implementation, maintenance, and enforcement of the NAAQS. These CAA sections include the specific infrastructure SIP requirements that are due within 3 years after promulgation of a new or revised NAAQS. In 2015, EPA revised the primary and secondary ozone NAAQS to 0.070 parts per million based on an 8-hour averaging time.

This plan demonstrates that Missouri has the resources and authority to implement the 2015 ozone NAAQS for all areas of the state, through state laws and regulations. This SIP revision is administrative in nature and does not establish new requirements for this revised NAAQS.

This plan follows the guidance released in a September 13, 2013 EPA memo (2013 guidance memo) entitled “Guidance on infrastructure State Implementation Plan (SIP) Elements under CAA Sections 110(a)(1) and 110(a)(2).” The required Section 110 Infrastructure Elements addressed in this plan include:

- Emission Limitations and Other Control Measures
- Ambient Air Quality Monitoring/Data System
- Programs for Enforcement of Control Measures and for Construction or Modification of Stationary Sources
- Adequate Resources and Authority, Conflict of Interest, and Oversight of Local Governments and Regional Agencies
- Stationary Source Monitoring and Reporting
- Emergency Episodes
- SIP Revisions
- Plan Revisions for Nonattainment Areas
- Consultation with Government Officials, Public Notification, and Prevention of Significant Deterioration (PSD) and Visibility Protection
- Air Quality Modeling and Submission of Modeling Data
- Permitting Fees
- Consultation and Participation by Affected Local Entities

In addition to addressing all of these required infrastructure elements, Missouri is also requesting pursuant to 40 CFR 51 Subpart H, for EPA to exempt all ozone attainment areas in the state that are currently classified as priority 1 from the requirement to develop a prescriptive ozone emergency episode contingency plan.

This plan is not intended to satisfy the requirements of Sections 110(a)(2)(D)(i)(I) or 110(a)(2)(I) of the CAA. Missouri is addressing the requirements dealing with interstate transport and nonattainment area requirements for the 2015 ozone NAAQS in a separate plan.

1. Background and Plan Summary

1.1 2015 Ozone NAAQS

On October 26, 2015, the EPA finalized a revised NAAQS for the criteria pollutant ground-level ozone¹. The revision strengthened the primary and secondary standards, decreasing the ozone standard from 0.075 parts per million (ppm) (The 2008 8-hour Ozone NAAQS) to 0.070 ppm (The 2015 8-hour Ozone NAAQS), based on the 3-year average of the annual fourth-highest 8-hour daily maximum concentrations. This newly revised ozone NAAQS was effective on December 28, 2015.

1.2 State Area Designations

The CAA requires states to recommend boundary designations for areas in their state within one year after EPA promulgates a new or revised NAAQS. On September 30, 2016, the air program submitted area boundary recommendations to EPA for the 2015 ozone NAAQS. The air program largely based the recommendation on the most recent quality assured and certified ambient air monitoring data at the time of submittal, which included the years 2013-2015.

EPA was expected to issue final designations for the 2015 ozone NAAQS in October of 2017; however, on June 28, 2017, EPA announced that it was using its authority under the CAA to extend by one year the deadline for promulgating initial area designations for the ozone NAAQS.² Based on this announced delay, the air program reevaluated Missouri's recommendations based on the most recent data at the time. This included the state's preliminary air quality monitoring data from the 2017 ozone season. Based on 2015-2017 ozone monitoring data, only one monitor in the state, located in St. Charles County, was in violation of the 2015 ozone standard.

While the air program was in the process of reevaluating the initial boundary recommendations, EPA reversed its decision to delay the designations by one year and announced that they would begin promulgating designations under the 2015 ozone NAAQS as expeditiously as practicable.³

After EPA withdrew the extension, the air program submitted a letter to EPA requesting that the EPA not act on Missouri's 2016 submission because Missouri planned to revise the initial boundary recommendations based on the most recent information available. The air program then submitted revised boundary recommendations for the 2015 ozone standard to EPA in February of 2018.

In a letter to the Governor dated April 30, 2018, EPA outlined their final decision for boundary designations in Missouri under the 2015 ozone standard. Under the final boundary designations for the 2015 ozone NAAQS, EPA designated the City of St. Louis, the Counties of St. Louis and St. Charles, and Boles Township in Franklin County as nonattainment and all other areas of the state as attainment/unclassifiable. EPA published these final designations in the Federal Register on June 4, 2018.⁴

¹ 80 FR 65292, October, 26, 2015

² 82 FR 29246, June 28, 2017

³ 82 FR 37318, August 10, 2017

⁴ 83 FR 25776, June 4, 2018

More information on Missouri's ground-level ozone boundary designation recommendations and EPA's corresponding responses and decisions is available on the air program's public website.

1.3 Plan Summary

Section 110(a)(1) of the CAA requires states to submit an infrastructure plan such as this within three years of the promulgation of the revised criteria pollutant standard. The Missouri Department of Natural Resources (hereafter, 'the department') is currently and separately developing attainment plans for Missouri's ozone nonattainment area under the 2015 ozone NAAQS as required by Section 110(a)(2)(I) of the CAA. However, Title I Part D of the CAA governs the timing and other necessary specific elements of these nonattainment area plans. Therefore, the ozone nonattainment area plans will follow the timing schedule allowed per Section 172 of the CAA, not the timing requirement of Section 110(a)(1) and are not part of this document.

This plan is also not intended to satisfy the requirements of Section 110(a)(2)(D)(i)(I) of the CAA. Missouri is addressing these requirements dealing with interstate transport for the 2015 ozone NAAQS in a separate plan.

This document is administrative in nature and demonstrates that Missouri has the ability and authority to implement each of the infrastructure elements pursuant to Section 110 of the CAA as outlined below for the 2015 ozone NAAQS via the referencing of specific corresponding applicable state statutes, regulations, programs or resources.

2. INFRASTRUCTURE REQUIREMENTS

This section of the plan provides an explanation of how the State of Missouri fulfills each applicable Section 110(a)(1) and (2) infrastructure element requirement of the CAA.

2.1 Plan Submittal and Timing Requirements: Section 110(a)(1)

Section 110(a)(1) of the CAA requires that states submit to EPA plans to implement, maintain and enforce each of the NAAQS promulgated by EPA within three years after promulgation of a new or revised standard. The air program has, in prior submittals, documented its authority and ability to provide for the implementation, maintenance, and enforcement of primary and secondary air quality standards, as well as to adopt enforceable emission limitations and control measures to meet the primary and secondary standard and to update both state rules and the SIP, as necessary.

This document is the State of Missouri's plan to implement, maintain and enforce the 2015 ozone NAAQS.

2.2 Infrastructure Elements: Section 110(a)(2)

Section 110(a)(2) of the CAA states that each SIP submittal shall be adopted by the state after a reasonable notice and public hearing.

In accordance with this provision, the Missouri Air Conservation Commission (MACC) will hold a public hearing prior to adoption of this SIP revision and subsequent submittal to EPA. The air program notified the public and other interested parties of the public hearing and comment period at least thirty (30) days prior to the public hearing for this SIP revision. Specifically –

- Notice of availability of the proposed SIP revision was posted on the air program's website by December 31, 2018.
- The MACC held a public hearing to receive comments for this SIP revision on January 31, 2019, beginning at 9:00 am at the Elm Street Conference Center, 1730 E. Elm Street – Lower Level, Jefferson City, MO 65101.
- The air program opened a public comment period after posting the proposed SIP revision on the air program's website on December 31, 2018. The public comment period closed on February 7, 2019, seven (7) days after the public hearing.

A. Enforceable Emission Limits & Control Measures: Sec. 110(a)(2)(A)

Section 110(a)(2)(A) of the CAA requires SIPs to include enforceable emission limits and other control measures, means or techniques, schedules for compliance and other related matters as needed to implement, maintain and enforce each NAAQS. The 2013 guidance memo specifies that states should identify existing SIP provisions or new SIP provisions that limit emissions of the applicable criteria pollutant and its precursors.

The MACC rules are codified in Title 10, Division 10 of the Missouri Code of State Regulations (CSR). Missouri has defined the term National Ambient Air Quality Standard for use in state

regulations, and the definition encompasses the 2015 ozone NAAQS. See 10 CSR 10-6.020 *Definitions and Common Reference Tables*.

Title 10, Division 10 Chapter 6 of the Missouri CSR includes numerous rules that control emissions of ozone precursors at emission sources throughout the entire state and have been approved into Missouri's SIP or submitted to EPA for SIP approval. Below is a list of MACC rules that apply to the entire state and control ozone precursor emissions at sources within the state.

The air program notes that the MACC has recently adopted amendments for many of the rules listed below. These actions were pursuant to Executive Order 17-03, requiring a review of every state regulation to affirm the regulation is essential to the health, safety, or welfare of Missouri residents. With all state regulation amendments submitted for inclusion in Missouri's SIP, the department ensures the amendments will have no negative impact on air quality, they meet CAA Sections 110(l) and 193 requirements related to anti-backsliding, and they will have no negative impact on the state's ability to implement and enforce the NAAQS. The current SIP approved versions of the rules listed below satisfy Missouri's requirements under Section 110(a)(2)(A) of the CAA. In addition, when EPA provides SIP approval for any or all of the amendments to these rules that the MACC has recently adopted, they will still satisfy this CAA element.

Statewide SIP-approved rules that control ozone precursors

- 10 CSR 10-6.045, *Open Burning Requirements* establishes restrictions on open burning that apply throughout the entire state, thus controlling emissions of NO_x and VOC that result from open burning activities.
- 10 CSR 10-6.050 *Start-Up, Shutdown, and Malfunction Conditions* provides that sources may submit information relating to excess emissions during startup, shutdown or malfunction events, but expressly provides that nothing in this rule limits the ability of the department or the MACC to take appropriate enforcement action.
- 10 CSR 10-6.060 *Construction Permits Required* provides construction permit requirements for new emission sources and existing sources that make modifications.
- 10 CSR 10-6.130 *Controlling Emissions During Episodes of High Air Pollution Potential* provides the department director with authority to identify emergency air pollution episodes and take necessary actions to mitigate the episodes as expediently as possible.
- 10 CSR 10-6.330 *Restriction of Emissions from Batch-Type Charcoal Kilns* establishes emissions limits for various air pollutants, including VOCs, from these types of sources that operate in the state.
- 10 CSR 10-6.372 *Cross-state Air Pollution Rule NO_x Annual Trading Program* was recently amended by the MACC. The current SIP-approved version of the rule only provides the allowance allocation procedure for this program. The newly amended rule includes all of the federal Cross State Air Pollution Rule (CSAPR) NO_x Annual Trading Program requirements. Upon EPA's approval of the amendment, the rule will become

part of Missouri's SIP and will control NO_x emissions throughout the year from fossil-fuel-fired power plants that serve generators with 25 MW capacity or greater.

- 10 CSR 10-6.374 *Cross-state Air Pollution Rule NO_x Ozone Season Group 2 Trading Program* has recently been amended by the MACC. The rule is not currently SIP-approved. The newly amended rule will include all of the federal CSAPR NO_x Ozone Season Group 2 Trading Program requirements. Upon EPA's approval of the amendment, the rule will become part of Missouri's SIP and will control NO_x emissions during the high-ozone season from fossil-fuel-fired power plants that serve generators with 25 MW capacity or greater.
- 10 CSR 10-6.380 *Control of NO_x Emissions From Portland Cement Kilns* provides NO_x emissions limits for these types of sources that operate in the state.
- 10 CSR 10-6.390 *Control of NO_x Emissions From Large Stationary Internal Combustion Engines* provides NO_x emissions limits for these types of sources that operate in the state.

The following three rules in the CSR apply statewide, but are not part of Missouri's SIP and are not being offered for inclusion in the SIP because the requirements are already codified in federal regulations. These rules also help to control ozone precursors in the state and Missouri has accepted delegation of authority to enforce the vast majority of these requirements. These three rules include:

- 10 CSR 10-6.070 *New Source Performance Regulations* incorporates by reference numerous federal standards applicable to new sources for numerous source categories and is routinely updated/amended to ensure Missouri has the delegation of authority to enforce these federal requirements.
- 10 CSR 10-6.075 *Maximum Achievable Control Technology Regulations* incorporates by reference federal standards for hazardous air pollutants (HAPs) found in 40 CFR Part 63, which are applicable to new and existing sources for hundreds of source categories. While these standards regulate HAPs, many also restrict VOC emissions because many VOCs are also HAPs. This rule is routinely updated/amended to ensure Missouri has the delegation of authority to enforce these federal requirements.
- 10 CSR 10-6.080 *Emissions Standards for Hazardous Air Pollutants* incorporates by reference federal standards for HAPs found in 40 CFR Part 61. There are several standards that apply to the control of vinyl chloride and benzene emissions, which both are HAPs and VOCs. This rule is also routinely updated/amended to ensure Missouri has the delegation of authority to enforce these federal requirements.

In addition to all the rules listed above, the State of Missouri has dozens of rules to control NO_x and VOC emissions that are specific to the St. Louis (St. Louis City and Jefferson, St. Charles, Franklin and St. Louis Counties) and Kansas City (Clay, Jackson, and Platte Counties) areas of the state. These rules were written as part of the SIP in an effort to bring these areas, which had

been designated nonattainment for previous ozone standards back into attainment with such standards. Below is a list of MACC rules that apply to the Kansas City and St. Louis areas that control ozone precursors from emission sources.

- *10 CSR 10-2.205 Control of Emissions From Aerospace Manufacture and Rework Facilities* establishes VOC controls and work practices for these sources in the Kansas City area.
- *10 CSR 10-2.210 Control of Emissions From Solvent Metal Cleaning* establishes VOC controls and work practices for sources in the Kansas City area that use metal cleaning solvents.
- *10 CSR 10-2.220 Liquefied Cutback Asphalt Paving Restricted* is a rule that restricts the application of liquefied cutback asphalt in the Kansas City area during the warm half of the year as a VOC control measure.
- *10 CSR 10-2.230 Control of Emissions From Industrial Surface Coating Operations* establishes VOC limits for industrial surface coating operations in the Kansas City area.
- *10 CSR 10-2.260 Control of Petroleum Liquid Storage, Loading and Transfer* applies throughout the Kansas City area and requires Stage I vapor recovery at gas stations, and also establishes other work practice standards for storage, loading, and transfer of petroleum liquids that control VOC emissions.
- *10 CSR 10-2.290 Control of Emissions From Rotogravure and Flexographic Printing Facilities* establishes VOC control requirements for these types of printing facilities located in the Kansas City area.
- *10 CSR 10-2.300 Control of Emissions From the Manufacturing of Paints, Varnishes, Enamels, and Other Allied Surface Coating Products* establishes VOC control requirements for these types of sources in the Kansas City area.
- *10 CSR 10-2.320 Control of Emissions From Pesticides and Herbicides* establishes VOC control requirements for manufacturers of pesticides and herbicides that are located in the Kansas City area.
- *10 CSR 10-2.330 Control of Gasoline Reid Vapor Pressure* controls VOC emissions by establishing Reid Vapor Pressure Requirements for gasoline sold in the Kansas City area.
- *10 CSR 10-2.340 Control of Emissions From Lithographic Printing Installations* establishes VOC control requirements for these types of printing facilities located in the Kansas City area.
- *10 CSR 10-2.385 Control of Heavy Duty Diesel Idling Emissions* establishes restrictions for the idling of heavy-duty diesel vehicles in the Kansas City area.

- *10 CSR 10-5.040 Control of Emissions From Hand-Fired Equipment* establishes work practice standards for the use of hand-fired fuel-burning equipment at commercial facilities located in the St. Louis area.
- *10 CSR 10-5.220 Control of Petroleum Liquid Storage, Loading and Transfer* applies throughout the St. Louis area and requires Stage I vapor recovery at gas stations, and also establishes other work practice standards for storage, loading, and transfer of petroleum liquids that control VOC emissions.
- *10 CSR 10-5.295 Control of Emissions From Aerospace Manufacture and Rework Facilities* establishes VOC controls and work practices for these sources in the St. Louis area.
- *10 CSR 10-5.300 Control of Emissions From Solvent Metal Cleaning* establishes VOC controls and work practices for sources in the St. Louis area that use metal cleaning solvents.
- *10 CSR 10-5.310 Liquefied Cutback Asphalt Paving Restricted* is a rule that restricts the application of liquefied cutback asphalt in the St. Louis area during the warm half of the year as a VOC control measure.
- *10 CSR 10-5.330 Control of Emissions From Industrial Surface Coating Operations* establishes VOC limits for industrial surface coating operations in the St. Louis area.
- *10 CSR 10-5.340 Control of Emissions From Rotogravure and Flexographic Printing Facilities* establishes VOC control requirements for these types of printing facilities located in the St. Louis area.
- *10 CSR 10-5.350 Control of Emissions From Manufacture of Synthesized Pharmaceutical Products* establishes VOC control requirements for pharmaceutical manufacturing facilities in the St. Louis area.
- *10 CSR 10-5.381 On-Board Diagnostics Motor Vehicle Emissions Inspection* requires passenger vehicles registered in the St. Louis area to pass an emission inspection every two years to ensure the proper function of emission controls on the vehicles.
- *10 CSR 10-5.385 Control of Heavy Duty Diesel Idling Emissions* establishes restrictions for the idling of heavy-duty diesel vehicles in the St. Louis area.
- *10 CSR 10-5.390 Control of Emissions From the Manufacturing of Paints, Varnishes, Enamels, and Other Allied Surface Coating Products* establishes VOC control requirements for these types of sources in the St. Louis area.
- *10 CSR 10-5.420 Control of Equipment Leaks From Synthetic Organic Chemical and Polymer Manufacturing Plants* establishes requirements to control leaks of VOC emission from synthetic organic chemical and polymer manufacturing equipment located

in the St. Louis area.

- *10 CSR 10-5.442 Control of Emissions From Lithographic and Letterpress Printing Operations* establishes VOC control requirements for these types of printing facilities located in the St. Louis area.
- *10 CSR 10-5.451 Control of Emissions from Aluminum Foil Rolling* establishes work practice standard, material requirements, and control equipment specifications to control VOC emissions from aluminum foil rolling mills in the St. Louis area.
- *10 CSR 10-5.490 Municipal Solid Waste Landfills* requires these types of landfills in the St. Louis area to monitor their non-methane organic compound emissions and install controls if emissions exceed a certain threshold.
- *10 CSR 10-5.500 Control of Emissions From Volatile Organic Liquid Storage* limits the VOC emissions from vessels in the St. Louis area that store volatile organic liquids.
- *10 CSR 10-5.510 Control of Emissions of Nitrogen Oxides* establishes reasonably available control technology requirements for major sources of NO_x located in the St. Louis area.
- *10 CSR 10-5.530 Control of Volatile Organic Compound Emissions From Wood furniture Manufacturing Operations* limits the VOC emissions from manufacturers of wood furniture in the St. Louis area.
- *10 CSR 10-5.540 Control of Emissions From Batch Process Operations* establishes VOC control requirements for batch process operations located in the St. Louis area.
- *10 CSR 10-5.550 Control of Volatile Organic Compound Emissions From Reactor Processes and Distillation Operations Processes in the Synthetic Organic Chemical Manufacturing Industry* establishes VOC control requirements for reactor processes and distillation processes in the St. Louis area.

This Ozone Infrastructure SIP revision is not intended to address nonattainment areas for the 2015 ozone NAAQS; however, the Title 10, Division 10 Chapter 2 and Chapter 5 rules listed above were written for nonattainment areas under previous ozone standards and are still in place to control ozone precursor emissions in the state's two most highly populated areas. These rules also support the maintenance of the 2015 ozone standard throughout the state because they reduce the overall level of precursor emissions that can transport and impact downwind areas.

As stated above, infrastructure plans are not intended to identify nonattainment emission controls. The air program will develop any necessary emissions limitations and other control measures to bring areas designated nonattainment back into attainment of the 2015 ozone NAAQS under a separate SIP submittal process with its own unique schedule.

B. Ambient Air Quality Monitoring: Section 110(a)(2)(B)

Section 110(a)(2)(B) of the CAA requires SIPs to include provisions to provide for establishment and operation of ambient air quality monitors, collection and analysis of ambient air quality data, and making these data available to EPA upon request. The 2013 guidance memo specifies that states should identify existing SIP provisions or new SIP provisions that provide the air agency with the authority and responsibility to perform the following actions:

- Monitor air quality for the relevant NAAQS pollutant(s) at appropriate locations in accordance with the EPA's ambient air quality monitoring network requirements.
- Submit data to the EPA's Air Quality System (AQS) in a timely manner in accordance with 40 CFR part 58.
- Provide to the EPA Regional Office information regarding air quality monitoring activities, including a description of how the air agency has complied with monitoring requirements, and an explanation of any proposed changes to the network. Submission of annual monitoring network plans consistent with the EPA's ambient air monitoring regulations is one way of providing this information.
- Obtain the EPA's approval of any planned changes to monitoring sites or to the network plan, consistent with applicable requirements in 40 CFR 58.14.

The department operates an extensive network of ambient air monitors to comply with the CAA and its amendments. The Ambient Air Quality Monitoring Network for the State of Missouri consists of State and Local Air Monitoring Stations (SLAMS), Special Purpose Monitoring Stations (SPMS), and National Core (NCore) monitoring stations consistent with requirements in federal regulation 40 CFR 58.10. Missouri's SIP approved rule, 10 CSR 10-6.040 Reference methods, incorporates by reference EPA's approved ambient monitoring methods for determining the concentration of PM_{2.5} in the ambient air, and these methods are followed by the air program when operating the states ambient air quality monitoring network.

Within the Missouri Air Law, Section 643.050 RSMo provides the general authority necessary for Missouri to fulfill the requirements of Section 110(a)(2)(B) of the CAA.

The air program's Air Quality Analysis Section performs many duties in fulfillment of Missouri's requirements under Section 110(a)(2)(B) of the CAA. Some of these duties include –

- Coordinate with the Environmental Services Program (ESP) and local air pollution control agencies when applicable on establishing and maintaining ambient air monitoring sites and collecting ambient air data.
- Develop and implement the annual Monitoring Network Plan and coordinate Ambient Air Monitoring Network Reviews.
- Review and approve permit applicant ambient air quality monitoring Quality Assurance Project Plans.
- Conduct and provide emissions and air quality analysis.
- Update and maintain the air quality monitoring, emissions, and other databases.

EPA regulations require states to prepare and submit an annual monitoring network plan containing a periodic network assessment review, In accordance with this rule, found at 40 CFR

58 Part B, the air program's Air Quality Analysis Section developed the 2018 annual monitoring network plan that fulfills Missouri's monitoring requirements for air pollutants, including ozone. The air program developed this plan and submitted it to EPA in June of 2018. The air program then revised the plan and resubmitted it to EPA in August of 2018. Per the air program's 2018 annual monitoring network plan, the state currently operates 23 air quality monitoring sites statewide tasked with collecting data on ozone in the ambient air.

The air program's website currently includes a link to the 2018 monitoring network plan along with links to all of Missouri's annual monitoring network plans dating back to 2007.

In addition to the required submittal of the annual monitoring network plan, 40 CFR 58 also requires states to perform a formal monitoring network assessment and submit it to EPA every five (5) years. The air program last performed and submitted to EPA a formal monitoring network assessment in 2015 as required by 40 CFR 58 Part D. Missouri's next formal monitoring network assessment is scheduled for completion in 2020. The air program's website includes a link to Missouri's EPA approved 2015 five-year monitoring network assessment.

C. Enforcement & Construction Permit Programs: Sec. 110(a)(2)(C)

Section 110(a)(2)(C) of the CAA requires states to include a program or mechanism for (1) enforcement of all SIP measures, (2) the regulation of construction of new or modified major stationary sources to meet Prevention of Significant Deterioration (PSD) and nonattainment New Source Review (NSR) requirements, and (3) minor new source permitting programs.

ii. Enforcement Program

The 2013 guidance memo specifies that states should identify existing SIP provisions or new SIP provisions that provide for enforcement of those emission limits and control measures that the air agency has identified in its submission for purposes of satisfying CAA 110(a)(2)A.

The air program maintains a vigorous Compliance/Enforcement Section. Additionally, the department's Division of Environmental Quality maintains considerable staff resources at its five (5) regional offices to coordinate complaints and inspections.

The Missouri's statutes and regulations, via the Missouri Air Conservation Law (Missouri Air Law) and MACC Rules, authorize the department to regulate air quality and implement air quality control regulations. Chapter 643 of the Revised Statutes of the State of Missouri (RSMo) is dedicated to Missouri Air Law. These statutes authorize the establishment of necessary regulations to execute these laws. Timetables for compliance are also found in these regulations as appropriate.

The Missouri Air Law is available online at Missouri's Revisor of Statutes webpage. The MACC rules are available online at Missouri's Secretary of State webpage.

Section 643.030 RSMo authorizes the MACC to control air pollution, which is defined in Section 643.020 RSMo to include air contaminants, which cause or contribute to injury to public health or welfare.

Section 643.050 RSMo authorizes the MACC to classify and identify air contaminants. Furthermore, Section 643.050 of the Missouri Air Law authorizes the MACC to regulate the use of air contaminant sources and to establish emissions limitations for air contaminant sources.

Section 643.080 RSMo authorizes the department to issue compliance orders for violations of the Missouri Air Law, MACC rules promulgated thereunder (which includes rules comprising the Missouri SIP), and conditions of permits (which includes permits under SIP-approved permitting programs).

Section 643.085 RSMo authorizes the department to assess administrative penalties for violations of the statute, MACC rules, permit conditions, or administrative orders. Section 643.151 RSMo authorizes the MACC to initiate civil actions for these violations, and to seek penalties and/or injunctive relief to prevent any further violation. Section 643.191 RSMo provides for criminal penalties for knowingly violating requirements of the applicable statutes, MACC rules, or permit conditions, in addition to other acts described in that section.

MACC rules that have been approved into Missouri's SIP that provide for the enforcement of state air regulations include the following:

- *10 CSR 10-6.030 Sampling Methods for Air Pollution Sources* establishes the appropriate sampling methods for emissions in stack gases for ozone precursors.
- *10 CSR 10-6.060 Construction Permits Required* provides construction permit requirements for new emission sources and existing sources that make modifications.
- *10 CSR 10-6.065 Operating Permits* establishes the applicable requirements to be included in each permitted source's operating permit for all pollutants emitted by the source.
- *10 CSR 10-6.110 Reporting Emission Data, Emission Fees, and Process Information* establishes emission reporting requirements for sources operating in the state along with applicable fees for pollutants emitted by sources operating in the state.
- *10 CSR 10-6.180 Measurement of Emissions of Air Contaminants* gives the air program director the authority to require emission tests from sources of emissions and also to perform emission tests at any emission source in the state.
- *10 CSR 10-6.280 Compliance Monitoring Usage* includes the approved monitoring methods for determining whether sources are complying with their emission limits.

iii. Prevention of Significant Deterioration Program

The 2013 guidance memo specifies that states should identify existing SIP provisions or new SIP provisions that demonstrate that one or more air agencies has the authority to implement a comprehensive PSD permit program under CAA title I part C, for all PSD-subject sources located in areas that are designated attainment or unclassifiable for one or more NAAQS.

To prevent significant deterioration of air quality, the construction of subject air pollution sources without the appropriate permit is unlawful by statute. To this end, Section 643.075 RSMo authorizes the department to operate a construction permit program and establishes the corresponding functions of that program including fee collecting provisions.

Missouri has adopted all necessary provisions to ensure the protection of the ozone NAAQS using the PSD program under state rule 10 CSR 10-6.060 *Construction Permits Required*. Missouri has a long-standing and fully implemented New Source Review (NSR) permitting program for new major sources and significant modifications of existing sources. This NSR or Construction Permit program in any attainment area is referred to as a PSD permitting program and is governed by Section (8) of 10 CSR 10-6.060. One of the major components of the PSD program is the implementation of Best Available Control Technology (BACT) on new major sources or significant modification of existing major sources. Missouri has been delegated full authority to implement the PSD program by the EPA for all NSR regulated pollutants including ozone.

Missouri's NSR permitting program also addresses major sources and modifications in nonattainment areas pursuant to Section (7) of 10 CSR 10-6.060. However, the air program is not addressing this element in this infrastructure plan. Nonattainment area plan elements are submitted in their own separate plans and the state will address this requirement appropriately there.

iv. Minor New Source Review

The 2013 guidance memo specifies that states should identify existing SIP provisions or new SIP provisions that govern the minor source pre-construction program that regulates emissions of the relevant NAAQS.

Missouri also has a minor permit program to review sources and projects that exceed NSR permitting thresholds. Sources with the potential to emit above the *de minimis* level are required to obtain a minor permit under this program. The *de minimis* level for NO_x as an ozone precursor is 40 tons per year and the *de minimis* level for VOC as an ozone precursor is also 40 tons per year.

Therefore, Missouri has satisfied the requirements of Section 110(a)(2)(C) of the CAA for the 2015 ozone NAAQS through its approved NSR/PSD program enabled by state rule 10 CSR 10-6.060.

D. Interstate Transport: Section 110(a)(2)(D)

Section 110(a)(2)(D)(i) of the CAA requires SIPs to include provisions prohibiting any source or other type of emissions activity in one state from contributing significantly to nonattainment in, or interfering with maintenance by, another state with respect to the NAAQS, or from interfering with measures required in another state to prevent significant deterioration of air quality or to protect visibility. Similarly, Section 110(a)(2)(D)(ii) of the CAA requires that the SIP ensure compliance with the applicable requirements of Sections 126 and 115, relating to interstate and international air pollution abatement.

i. Section 110(a)(2)(D)(i)(I)

The air program is currently developing a separate SIP submission to address Missouri's interstate transport requirements under CAA Section 110(a)(2)(D)(i)(I) for the 2015 ozone NAAQS, which are often referred to as the Good Neighbor SIP obligations.

ii. Section 110(a)(2)(D)(i)(II)

The 2013 guidance memo specifies that states should identify existing SIP provisions or new SIP provisions that prevent emissions of any regulated pollutant from interfering with any other air agency's comprehensive PSD permitting program, which encompass all PSD regulated pollutants, including and in addition to the 2015 ozone NAAQS. The 2013 guidance memo also specifies that states must have approved SIP provisions to adequately address any contribution from sources in their state that impacts visibility program requirements in other states.

Missouri provides assurance that the SIP includes provisions to satisfy all of the elements under Section 110(a)(2)(D)(i)(II) of the CAA. To address the PSD element of interstate transport (Section 110(a)(2)(D)(i)(II) of the CAA), as previously stated, Missouri maintains a fully implemented NSR/PSD program for new major sources and major modifications in both the attainment and nonattainment areas of the state for the 2015 ozone NAAQS (see part 2.2.C.ii. of this document).

The Missouri SIP also includes provisions to protect visibility in Class I areas in downwind states, and in Missouri, as required under 110(a)(2)(D)(i)(II). Missouri has made numerous SIP submissions to address the state's obligations to protect visibility in Class areas as required by the CAA, also known as the Regional Haze Program requirements. The department submitted Missouri's initial Regional Haze SIP to EPA in 2009 and provided EPA formal supplemental information on the SIP in early 2012. Then in June of 2012, EPA promulgated a limited approval of the plan, limited disapproval of the plan, and a federal plan to address the limited disapproval.⁵ In August of 2014, Missouri submitted a 5-Year Progress Report as required by the federal Regional Haze Rule, and EPA promulgated approval for the progress report in September of 2016.⁶ The limited disapproval of Missouri's Regional Haze plan and the corresponding federal plan had stemmed from lengthy federal litigation over certain federal emission control requirements that Missouri had relied upon as part of its original Regional Haze SIP submission, specifically the requirements included in the federal Clean Air Interstate Rule and the federal Cross-State Air Pollution Rule. In July of 2017, Missouri provided a letter to EPA clarifying that the state's Regional Haze SIP relies on the emission control requirements in the federal Cross-State Air Pollution Rule to achieve the NO_x and SO₂ emission reductions from electric generating units needed to address the state's Regional Haze obligations that were the subject EPA's June 2012 limited disapproval. Then, on September 24, 2018, EPA finalized the full approval of the State of Missouri's Regional Haze Plan.⁷ In this action, EPA also withdrew the June 2012 federal plan and promulgated approval of the Regional Haze portions of several of Missouri's infrastructure SIPs (such as this one) including Missouri's infrastructure plans for the 2008 Ozone, the 2010 Nitrogen Dioxide (NO₂), the 2010 SO₂, and the 2012 Fine Particulate

⁵ 77 FR 38007, June 26, 2012

⁶ 80 FR 58410, September 29, 2015

⁷ 83 FR 48342, September 24, 2018

Matter (PM_{2.5}) NAAQS. Based on the full approval of Missouri's Regional Haze SIP, Missouri satisfies the requirements of the CAA for states to prevent any future, and remedy any existing, anthropogenic impairment of visibility in mandatory Class I areas caused by emissions of air pollutants located over a wide geographical area. The federal Regional Haze Rule requires a comprehensive analysis of each state's regional haze SIP every 10 years and a progress report every 5 years. Missouri intends to provide the state's next full Regional Haze SIP revision by July 31, 2021.

iii. Section 110(a)(2)(D)(ii)

The 2013 guidance memo specifies emission sources in a state cannot contribute to air pollution in amounts that endanger public health or welfare in a foreign country per Section 115 of the CAA. The guidance memo also specifies that each state's SIP must include provisions that require all PSD-subject sources to notify neighboring air agencies of potential impacts from the source per Section 126 of the CAA.

Section 115 of the CAA grants EPA the authority to make a finding that a state contributes to air pollution problems in foreign countries. Missouri, located in the center of the country, is not near enough to any international borders to have a significant impact to any other country from PM_{2.5} air pollution. Furthermore, there are no final findings under section 115 of the CAA against Missouri with respect to the 2015 ozone NAAQS, thus the element of Section 110(a)(2)(D)(ii) of the CAA pertaining to Section 115 of the CAA regarding international transport under the 2015 ozone NAAQS does not apply.

Section 643.050.3(7) RSMo authorizes the MACC to be Missouri's representative in all matters pertaining to interstate air pollution abatement. Consistent with 110(a)(2)(D)(ii) of the CAA pertaining to requirements under Section 126 of the CAA, the state's construction permit rule (10 CSR 10-6.060) requires that all affected states receive notice prior to the commencement of any construction or modification of a source that triggers PSD permitting requirements. The rule also requires the department to notify affected states anytime a draft PSD permit is made available for public comment.

E. Adequate Resources: Section 110(a)(2)(E)

Section 110(a)(2)(E) of the CAA requires that SIPs provide for the following: (1) necessary assurances that the state (and other entities within the state responsible for implementing the SIP) have adequate personnel, funding, and authority under state or local law to implement the SIP, and that there are no legal impediments to such implementation; (2) state compliance with the requirements relating to state boards, pursuant to section 128 of the Act; and (3) necessary assurances that the state has responsibility for implementation of any plan provision for which it relies on local governments or other entities to carry out that portion of the plan.

i. Personnel and Funding

The 2013 guidance memo specifies that the SIP should provide necessary assurances that the air agency has adequate personnel and funding to implement the 2015 ozone NAAQS. The infrastructure SIP should identify the organizations that will participate in developing, implementing, and enforcing the EPA-approved SIP provisions relating to the 2015 ozone NAAQS. Available resources to these participating organizations should also be identified in the

SIP and the SIP should provide assurance that the resources are adequate to support the required actions of the organizations relating to the 2015 ozone NAAQS.

Personnel

The air program has adequate personnel to implement the 2015 ozone NAAQS. As discussed above in subsection 2.2.A. of this document, Missouri Air Law empowers the MACC to control air pollution and promulgate appropriate regulations. The air program is tasked with carrying out the MACC's policy. The air program personnel who develop and implement SIPs consist primarily of environmental specialists and environmental engineers. The air program is divided into Sections, all of which perform specialized tasks in the day-to-day operations necessary to carry out the Missouri Air Law and implement Missouri's SIPs. The duties and responsibilities of four (4) of these Sections are outlined below:

The Air Quality Analysis Section performs the following types of day-to-day tasks –

- Develop and quality assure the emissions inventory for EPA National Emissions Inventory submittal and program use
- Provide analysis of emissions and ambient air quality
- Update and maintain the air quality monitoring and emissions databases
- Coordinate with the department's ESP for the establishment, operation and maintenance of air monitoring sites
- Develop and implement the Air Monitoring Network Plan and coordinate Ambient air Monitoring Network reviews

The air program's Air Quality Monitoring personnel are described in subsection 2.2.B. of this document. Additional support for monitoring and air quality assurance data comes from the department's ESP.

The air program's Planning Section is responsible for, among other things,–

- Developing and proposing rules, amendments and rescissions for MACC adoption
- Meeting all public participation requirements of state and federal laws involving rulemaking actions and SIP revisions
- Providing SIP coordination and maintenance, and preparing SIP revisions
- Conducting air quality modeling to support rule and SIP actions

As addressed above in part 2.2.C.i. of this document, some of the duties of the air program's Compliance/Enforcement Section include –

- Performing or overseeing source compliance testing
- Tracking and determining compliance of air pollution sources
- Resolving violations through out-of-court settlements with the assistance of the Attorney General's Office

The Permit Section was introduced in part 2.2.C.ii. of this document. Additional responsibilities of this section include –

- Receiving, evaluating, and making recommendations to the air program director to approve, approve with conditions, or deny applications for construction permits
- Processing operating permit applications, amendments, and modifications in a timely

- manner according to the rules and requirements
- Maintaining the Missouri CAA Title V Program to ensure continued authorization of the program in Missouri

Funding

The air program receives funding from several mechanisms that support the implementation of the SIP. Section 643.079 RSMo requires the MACC to establish an annual air pollution emission fee to fund the reasonable cost of administering the Missouri Air Law. This statute provides for the deposit of fees into appropriate subaccounts for implementing the corresponding various programs. For example, there is a subaccount for the Title V operating permit program used for Title V activities and a subaccount for non-Title V activities. There are no significant changes to these funding streams anticipated for the foreseeable future.

Also, the basic federal support grant is made under authority of Section 105 of the CAA. Funds provided under this authority (with required state matching funds), do not fully support all the activities necessary to maintain primacy for the delegated programs. Other grants (e.g. Section 103 of the CAA) and other state sources (e.g. state matching funds and Air Fees) are used to support the core functions. As a result, grant work plans contain only those activities that are paid for with the federal funding and corresponding state matching funds.

ii. State Boards

Section 110(a)(2)(E) of the CAA also stipulates that the state must meet the requirements of Section 128 of the CAA, relating to representation on state boards and conflicts of interest by members of such boards.

In August 2012, the State of Missouri submitted a Section 128 SIP revision to EPA. EPA finalized approval of this SIP submission in June of 2013.⁸ This SIP revision demonstrated that Missouri is implementing all of the requirements of Section 128 of the CAA and is applicable for all pollutants, thus satisfying this element of the infrastructure SIP for the 2015 ozone NAAQS.

The following discussion shows how Missouri generally meets the requirements of Section 128 of the CAA.

Section 128 requires that a SIP implementing body which approves permits or enforcement orders under the CAA must have at least a majority of members who represent the public interest. It also requires that any potential conflict of interest by members of such board or body be adequately disclosed. In their June 21, 2013 action regarding the State's Section 128 SIP revision, EPA approved the following rules and statutes into the Missouri SIP.

- Missouri Air Law Section 643.040.2 RSMo, which states that –

All members shall be representative of the general public and shall have an interest in and knowledge of air conservation and the effects and controls of air contaminants.

and

⁸ 78 FR 37457, June 21, 2013

The commission shall establish rules of procedure which specify when members shall exempt themselves from participating in and voting on issues before the commission due to potential conflict of interest.

- 10 CSR 10-1.020 Commission Voting and Meeting Procedures Sections (1) and (2).

This rule requires that prior to discussion and/or vote on any rule/variance, appeal or order; all members of the MACC shall disclose any potential conflict of interest as defined under Sections 105.450-105.482 RSMo. This rule also states that if members have a conflict of interest they shall be excluded from voting on the matter unless they fully inform the MACC of the interest and the MACC determines that the interest is not so substantial as to be deemed likely to affect the integrity of the services that the state expects of MACC members.

and

- Sections 105.450, 105.452, 105.454, 105.462, 105.463, 105.466, and 105.472 RSMo.

These Sections of RSMo define and outline prohibited acts by elected and appointed public officials and employees. Chapter 105 RSMo is applied to the MACC, as well as the director of the department. The following is a link to Chapter 105 RSMo:

<http://www.moga.mo.gov/STATUTES/C105.HTM>

In addition to the Sections of RSMo included above that summarize Missouri's EPA approved CAA Section 128 SIP, which prohibit elected and appointed public officials and employees from engaging in activities where a conflict of interest exists. Section 105.483(5) RSMo 2014 requires the director, each assistant deputy director, the general counsel, and the chief purchasing officer of each department, division and agency of state government to file a financial interest statement, thus requiring the disclosure of all potential conflicts of interest, and Section 105.485 RSMo 2014 specifies the information to be included in such financial interest statements. When Missouri submitted to EPA its infrastructure SIP for the 2012 PM_{2.5} NAAQS in 2015 it strengthened its Section 128 SIP by proffering for inclusion in Missouri's SIP these two additional Missouri statutes relating to conflicts of interest that would equally apply to all current and future NAAQS so long as the statutes remain in effect. When EPA promulgated their initial approval for the substantial majority of Missouri's 2012 PM_{2.5} infrastructure SIP, they also approved into Missouri's SIP these additional statutory provisions relating to conflict of interest.⁹

iii. Assurances of State Responsibility for All Plan Provisions

The 2013 guidance memo states that the infrastructure SIP should provide necessary assurances that the state has responsibility for implementation of any plan provision for which it relies on local governments or other entities to carry out that portion of the plan.

Chapter 643 RSMo provides the authority necessary to carry out the SIP requirements. Missouri has asserted that it has the authority to implement the SIP for the 2015 ozone NAAQS in subsection 2.2.A. of this document.

⁹ 82 FR 47147, October 11, 2017

The Missouri Air Law allows for and compels the MACC to encourage political subdivisions with certificates of authority to handle air pollution problems within their respective jurisdictions to the extent possible and practicable and to provide assistance to political subdivisions in handling these issues. Further Section 643.140 allows for political subdivisions with a certificate of authority to carry out provisions consistent with Missouri Air Law. However, the statute specifically states that the MACC may enforce the provisions of Missouri Air Law and its rules promulgated thereunder in any city or county with a certificate of authority. Finally, the statute also provides that if the MACC determines at any time that an ordinance, order or rule is inconsistent with or is being enforced in a manner inconsistent with the provisions of Missouri Air Law or any rule thereunder, in any city or county holding a certificate of authority, the commission may suspend or repeal the certificate of authority. Thus, Missouri Air Law provides that the state is ultimately responsible for any plan provision, even those where it allows for or relies upon local governments or other entities to carry out such provisions, which in turn satisfies this requirement under CAA Section 110(a)(2)(E).

F. Stationary Source Monitoring System: Section 110(a)(2)(F)

Section 110(a)(2)(F) of the CAA requires states to establish a system to (1) monitor emissions from stationary sources, (2) submit periodic emission reports on the nature and amounts of emissions from such sources, and (3) correlate the source reports with emission limitations or standards established under the CAA and make reports available for public inspection.

i. Monitoring Systems

The 2013 guidance memo states that the SIP should provide for a program of periodic testing and inspection of stationary sources, to provide for the identification of allowable test methods, and to exclude any provision that would prevent the use of credible evidence of noncompliance.

This requirement is fulfilled through the Missouri Air Law and by requirements within the MACC rules. For example, Section 643.050.1(3)(a) RSMo authorizes the state–

To require persons engaged in operations which result in air pollution to monitor or test emissions and to file reports containing information relating to rate, period of emission and composition of effluent.

As discussed in subsection 2.2.A. of this document, *10 CSR 10-6.030 Sampling Methods* incorporates various EPA reference methods for testing source emissions, including emissions of NO_x, VOCs, as well as others.

In addition, *10 CSR 10-6.180 Measurement of Emissions of Air Contaminants* gives the air program director the authority to require emission tests from sources of emissions and also to perform emission tests at any emission source in the state. Another MACC rule, *10 CSR 10-6.280 Compliance Monitoring Usage*, includes the approved monitoring methods for determining whether sources are complying with their emission limits and establishes that such methods may presumptively be used as creditable evidence that a violation at a source has occurred.

ii. Periodic Reporting Requirements

The 2013 guidance memo specifies that the infrastructure SIP should include air agency requirements that provide for the periodic reporting of emissions and emissions-related data by sources to the air agency.

The authority to meet this requirement is fulfilled through the Missouri Air Law and by requirements within the MACC rules. Section 643.050 (3) (a) grants the MACC the authority–

To require persons engaged in operations which result in air pollution to monitor or test emissions and file reports containing information relating to rate, period of emission and composition.

10 CSR 10-6.110 Reporting Emission Data, Emission Fees, and Process Information requires permitted sources to file an annual report on air pollutant emissions to include emissions data, process information, and annual emissions fees.

Missouri's approved Title V permitting program also provides assurance that Missouri meets the periodic reporting requirements of CAA Section 110(a)(2)(F). MACC rule *10 CSR 10-6.065 Operating Permits* specifies that all emission monitoring and reporting requirements be included in the operating permits for all Title V sources in the state thus making such requirements enforceable through the SIP and satisfying this infrastructure SIP element.

iii. Correlation of Reports and Public Availability

The 2013 guidance states that the infrastructure SIP should reference and describe existing air agency requirements that provide for correlation of emission reports with applicable emission limitations or standards and the public availability of emission reports by sources.

The air program submits the emissions data from sources in the state to the EPA's publicly available National Emissions Inventory database and uses the data for tracking progress towards attaining and maintaining the NAAQS, developing control and maintenance strategies, identifying sources and general emission levels, and determining compliance with emissions regulations as well as other EPA requirements. The air program also makes data, including all NO_x and VOC emissions data from permitted sources available to the public upon request.

Lastly, to satisfy the public reporting requirements of this element, *10 CSR 10-6.210 Confidential Information* specifically excludes emissions data from confidential treatment. Under that rule, emissions data includes monitoring results from required monitors. Therefore, information regarding monitoring results from required monitors must be reported by sources under MACC rules.

G. Emergency Authority: Section 110(a)(2)(G)

Section 110(a)(2)(G) of the CAA requires states to provide for authority to address activities causing imminent and substantial endangerment to public health or welfare or the environment. The 2013 guidance memo says that states should identify applicable statutes and SIP provisions

that provide the air agency with authority to restrain sources from causing or contributing to such air pollution emergencies.

The state's ability and authority to enact emergency provisions consistent with element 110(a)(2)(G) of the CAA is once again found in both Missouri Air Law and the MACC rules. At the core of the statutory authority is Section 643.090 RSMo which authorizes the MACC or the director to declare an emergency where the ambient air, due to meteorological conditions and a buildup of air contaminants, may present an "emergency risk" to public health, safety, or welfare. The MACC or director may, with the written approval of the governor, by order prohibit, restrict or condition all sources of air contaminants contributing to the emergency condition, during such periods of time necessary to alleviate or lessen the effects of the emergency condition. The statute also enables the MACC to promulgate implementing regulations. Even in the absence of an emergency condition, Section 643.090 RSMo allows the director to issue "cease and desist" orders to specific persons engaging in activities which involve a discharge of air contaminants, or a risk of air contamination, that presents a danger to public health or welfare.

The following state regulation also addresses this CAA provision:

- 10 CSR 10-6.130 *Controlling Emissions during Episodes of High Air Pollution Potential* establishes action levels and contingency measures for several criteria pollutants. This rule specifies the conditions that establish an air pollution alert, watch or emergency and the associated procedures and emissions reduction objectives for dealing with each.

Missouri's SIP fully addresses the plain language of the statutory CAA obligations of CAA Section 110(a)(2)(G) via Section 643.090 RSMo. Although CAA Section 110(a)(2)(G) does not require states to develop a contingency plan with prescriptive emission control actions to be taken in the event of an emergency air pollution episode, EPA's implementing regulations in 40 CFR 51 Subpart H, do require states to develop such plans for any air quality control region classified as priority 1, 1a, or 2. The regulation does not require states to develop these types of contingency plans for air quality control regions classified as priority 3. The state regulation cited above (10 CSR 10-6.130) applies statewide and satisfies the contingency plan requirement in all of Missouri's air quality control regions.

- i. Exemption Request - Missouri Portions of Priority 1 Regions Designated Attainment for Ozone

Missouri is divided into five air quality control regions, which are codified in 40 CFR 81. These five regions include the Missouri portion of the interstate Metropolitan St. Louis region, the Missouri portion of the interstate Metropolitan Kansas City region, the Southwest Missouri region, the Southeast Missouri region, and the Northern Missouri region. The Kansas City and St. Louis air quality control regions are classified as priority 1 for ozone. The other three regions are classified as priority 3 for ozone.

Pursuant to 40 CFR 51.152(d)(1), Missouri is requesting EPA to exempt all Missouri counties in the Kansas City air quality control region along with the entirety of Jefferson County and all of Franklin County except for Boles Township from the requirement to have an emergency episode contingency plan in place for ozone. This federal regulation allows the administrator to exempt any portion of a priority 1 region from the requirement to develop an emergency episode contingency plan if the area is designated attainment or unclassifiable for the applicable pollutant. Missouri's portion of the Kansas City air quality control region is designated attainment/unclassifiable for all ozone NAAQS. In addition, Jefferson County, and all Franklin County except for Boles Township are designated attainment for all ozone NAAQS. If EPA approves this exemption request, these portions of these priority 1 regions will no longer be required to have emergency episode contingency plans in place for ozone.

H. Future SIP Revision Authority: Section 110(a)(2)(H)

Section 110(a)(2)(H) of the CAA requires states to have the authority to revise their SIPs in response to changes in the NAAQS, availability of improved methods for attaining the NAAQS, or in response to an EPA finding that the SIP is substantially inadequate to attain the NAAQS. The 2013 guidance memo specifies that the infrastructure SIP should identify provisions that give the air agency authority to revise their SIP from time to time under such circumstances.

In addition to its general enabling authority, as discussed in subsection 2.2.A. of this document, Section 643.050 RSMo, also authorizes the MACC to—

Prepare a general comprehensive plan for the prevention, abatement and control of air pollution

Section 643.055 RSMo further authorizes the MACC to promulgate rules, and establish standards and guidelines, to ensure that the state complies with the provisions of the CAA. Moreover, this provision specifically addresses the necessity of a SIP to be developed to bring a nonattainment area into compliance and to maintain compliance when needed to have an EPA approved plan.

Lastly, as mentioned previously in part 2.2.E.i. of this document, the air program's Planning Section was created specifically to develop and coordinate SIP revisions in satisfaction of Section 110(a)(2)(H) of the CAA.

I. Nonattainment Area Plans: Section 110(a)(2)(I)

Section 110(a)(2)(I) of the CAA requires that in the case of a plan or plan revision, states must meet applicable requirements of Part D of the CAA, relating to SIP requirements for designated nonattainment areas. The 2013 guidance memo specifies that EPA does not expect infrastructure SIP submissions to address this element.

As stated in subsection 2.2.A of this document, infrastructure plans are not intended to identify nonattainment area emission controls. Pursuant to Part D of the CAA, nonattainment SIPs are

due on a different schedule than infrastructure SIPs. Therefore, this infrastructure plan does not address Section 110(a)(2)(I) as this element is not applicable for this type of SIP. SIP submittals containing control measures developed specifically for attaining the relevant standard are due at the time the nonattainment area planning elements are due (typically three (3) years following the designation of nonattainment areas for ozone). Missouri is currently developing 2015 ozone NAAQS nonattainment area plan separately for the St. Louis marginal ozone nonattainment area.

J. Consultation with Government Officials, Public Notification, and PSD and Visibility Protection: Section 110(a)(2)(J)

Section 110(a)(2)(J) of the CAA requires SIPs to meet the applicable requirements of the following CAA provisions: (1) Section 121, relating to interagency consultation regarding certain CAA requirements; (2) Section 127, relating to public notification of NAAQS exceedances and related issues; and (3) Title I Part C of the CAA, relating to PSD and visibility protection. For the reasons stated below, Missouri has addressed the applicable requirements of CAA Section 110(a)(2)(J) for the 2015 ozone NAAQS:

i. Consultation with Identified Officials on Certain Actions

The 2013 guidance memo specifies that the infrastructure SIP submission should show that there is an established process for consultation with general-purpose local governments, designated organizations of elected officials of local governments, and any federal land manager having authority over federal land to which the plan applies, consistent with CAA section 121, which lists the specific types of actions for which such consultation is required.

For the purpose of implementing air pollution control responsibilities, Section 643.050.3(6) RSMo requires the MACC, to—

Advise, consult, and cooperate with other agencies of the state, political subdivisions, industries, other states and the federal government, and with interested persons or groups.

Missouri also has appropriate interagency consultation regulations in the NSR permit program. For example, 10 CSR 10-6.060 requires that when a permit is made available for public comment, the permitting authority must provide notice to local air pollution control agencies, the chief executive of the city and county where the installation or modification would be located, any comprehensive regional land use planning agency, any state air program permitting authority, and any Federal Land Manager whose lands may be affected by emissions from the installation or modification.

ii. Public Notification

Section 127 of the CAA requires public notification during periods of NAAQS exceedances. The 2013 guidance memo states that the infrastructure SIP submission should show that the air agency does the following: regularly notifies the public of instances or areas in which the new or revised primary NAAQS was exceeded; advises the public of the health hazards associated with such exceedances; and enhances public awareness of measures that can prevent such exceedances and of ways in which the public can participate in regulatory and other efforts to improve air quality.

The air program maintains a robust publicly available webpage that meets all of the requirements of Section 127 of the CAA. The air program webpage includes links to the Missouri specific portions of EPA's AirNow webpage, which provides air quality forecasts for every region of the country based on evaluations and forecasts of monitored concentrations and meteorological information. In addition, the air program webpage provides near real-time ambient air monitoring data for all continuous ambient air monitoring systems with monitoring data summaries for ozone and other pollutants that are updated weekly for readers to view. Finally, the air program webpage includes a wealth of information about the health hazards associated with air pollution, particularly ozone along with tips and advice on measures that citizens and facility owners can take to help prevent exceedances of the NAAQS. The webpage also includes links to public notices for regulatory actions the air program is developing so that the public may participate in the regulatory process and finally links and information about state federal grant or financial aid programs that can help spur air pollution mitigation actions across the state.

iii. Prevention of Significant Deterioration

The 2013 guidance memo states that the approvability of an air agency's PSD program is essential to the approvability of an infrastructure SIP submission with respect to CAA section 110(a)(2)(J).

In part 2.2.C.ii. of this document, the department has noted how the Missouri SIP meets the PSD requirements by establishing a state rule which incorporates by reference the applicable federal code relating to PSD permitting.

iv. Visibility Protection

The 2013 guidance memo states that the EPA believes that there are no new visibility protection requirements under part C that result from a revised NAAQS. Therefore, there are no newly applicable visibility protection obligations pursuant to Element J after the promulgation of a new or revised NAAQS. Air agencies do not need to address the visibility component of Element J in an infrastructure SIP submission.

With respect to the visibility component of Section 110(a)(2)(J) of the CAA, the visibility element has already been addressed in subsection 2.2.D. of this document. In addition, since Missouri must meet Title I Part C of the CAA requirements separately and independently from this plan and because the visibility requirements (in contrast to the PSD element) of Title I Part C are not directly related to the promulgation of, or revision to, a NAAQS, the visibility element is considered to be outside the scope of infrastructure SIP actions required pursuant to Section 110(a) of the CAA.

In other words, because of the specific independent SIP requirements contained in Sections 169A and 169B of the CAA (Title I Part C), the visibility protection requirements are not "applicable requirements" within the meaning of CAA Section 110(a)(2)(J) and Missouri's infrastructure SIP is not required to be revised with respect to visibility protection merely due to promulgation of a revised ozone NAAQS.

K. Air Quality Modeling: Section 110(a)(2)(K)

Section 110(a)(2)(K) of the CAA requires SIPs to provide for the performance of air quality modeling as the EPA Administrator may prescribe for the purpose of predicting the ambient air quality impacts for any NAAQS and to provide for the submission of modeling related data to EPA upon request. The 2013 guidance memo specifies that states should identify the statutory or regulatory provisions that provide the air agency or official with the authority to perform the following actions along with a narrative explanation of how the provisions meet the requirements of this element: (1) conduct air quality modeling to predict the effect on ambient air quality of any emissions of any air pollutant for which a NAAQS has been promulgated, and (2) provide such modeling data to the EPA Administrator upon request.

The infrastructure to perform of air quality modeling is found in the Missouri Air Law and the MACC rules. Section 643.050 RSMo provides the MACC authority to develop a general plan to prevent abate, and control air pollution. This statute also provides the MACC the authority to secure necessary scientific and technical services as well as to conduct studies, investigations and research. 643.055 RSMo grants the MACC the authority to promulgate rules and regulations to establish standards and guidelines to ensure that Missouri is in compliance with the provisions of the CAA. Two MACC rules further provide the infrastructure needed to ensure Missouri is able to require the submission of data utilized in air quality modeling or to require sources to submit air quality modeling analyses. 10 CSR 10-6.060 (12)(F) of *Construction Permits Required* requires the use of EPA-approved air quality models (e.g., those found in 40 CFR part 51, appendix W) for construction permitting. 10 CSR 10-6.110(4)(B) of *Reporting & Emission Data, Emission Fees, and Process Information*, requires specified sources of air pollution to report emissions to the department, which among other purposes may be utilized in modeling analyses.

The department employs air quality modeling staff in both the Planning and Permits Sections of the air program. Routine modeling staff duties include performing air quality modeling and related activities, such as collecting, quality assuring, and analyzing model input data specific to impacted facilities – including but not limited to emissions data, meteorology, topography, geographic coordinates data, etc., and coordinating such efforts with the EPA.

Thus, as authorized, the air program utilizes air quality modeling staff, including staff in the Planning Section's SIP Unit, to fulfill the requirements of Section 110(a)(2)(K) of the CAA for the 2015 ozone NAAQS.

L. Permitting Fees: Section 110(a)(2)(L)

Section 110(a)(2)(L) of the CAA includes a SIP requirement for the owner or operator of each major stationary source to pay the permitting authority a fee(s) per the EPA Administrator's approval of a fee program under Title V of the CAA. The 2013 guidance memo specifies that the infrastructure SIP should provide citations to the regulations providing for collection of permitting fees under the state's EPA-approved Title V permit program.

The department's fee-collecting authority is found at Section 643.079 RSMo. Also, the air program has a fully EPA-approved Title V operating permit program as authorized by Section 643.078 RSMo. The approved fee program for major stationary sources in Missouri includes permit application fees as codified in 10 CSR 10-6.065 *Operating Permits*, and annual Emissions

Inventory Questionnaire fees pursuant to 10 CSR 10-6.110 *Reporting Emission Data, Emission Fees, and Process Information*. In addition to the fees directly related to implementation and enforcement of Missouri's Title V program, additional construction permit fees are assessed and collected per state rule 10 CSR 10-6.060 *Construction Permits Required*.

Appropriate subaccounts for the Title V program are discussed in part 2.2.E.i. of this document. Therefore, Missouri has satisfied the requirements of Section 110(a)(2)(L) of the CAA for the 2015 ozone NAAQS through its approved Title V program and collection of fees authorized by the applicable state statutes and MACC rules.

M. Consultation / Participation of Local Entities: Section 110(a)(2)(M)

Section 110(a)(2)(M) of the CAA requires SIPs to provide for consultation and participation by local political subdivisions affected by the plan. The 2013 guidance memo states that as part of an infrastructure SIP submission, an air agency may simply identify its policies or procedures that allow and promote such consultation.

As noted in the part 2.2.J.i. of this document regarding interagency consultation, Section 643.050 RSMo requires the MACC to consult and coordinate with political subdivisions. Also pursuant to this statute, some of the other relevant powers and duties of the MACC include—

- Conduct public hearings as required by Sections 643.010 to 643.190 RSMo
- Coordinate with any board, department or other agency of any political subdivision or state or the federal government to secure necessary scientific, technical, administrative and operation services; provide assistance to political subdivisions

Furthermore, state rule *10 CSR 10-1.010 General Organization* directs the air program's Planning Section to—

Meet[s] all public participation requirements of state and federal laws involving rulemaking and SIP revisions.

In addition to public hearings required by Missouri statutes and rules for certain activities including rulemakings, permits and variances, the MACC regularly conducts public hearings for all SIP elements submitted to EPA. Additionally, air program staff, under the direction of the MACC, routinely conducts public outreach meetings and coordination efforts with political subdivisions, industries, and interested persons or groups.

As an example of coordination activities with local entities, the air program consults with and participates in Air Quality Forum meetings with major source industries and in meetings with several different metropolitan planning organizations throughout the state.

In summary, Missouri has satisfied the requirements of Section 110(a)(2)(M) of the CAA for the 2015 ozone NAAQS through the public hearing, outreach and coordination efforts outlined in state statutes and regulations as executed by the MACC and the department.

3. CONCLUSION

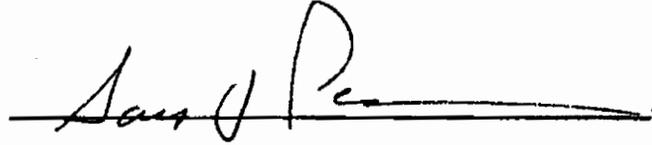
The State of Missouri acknowledges and fulfills its responsibilities related to Section 110(a) of the CAA. Through this plan, the State of Missouri hereby certifies that it has the authority and resources to implement, maintain and enforce the 2015 ozone NAAQS.

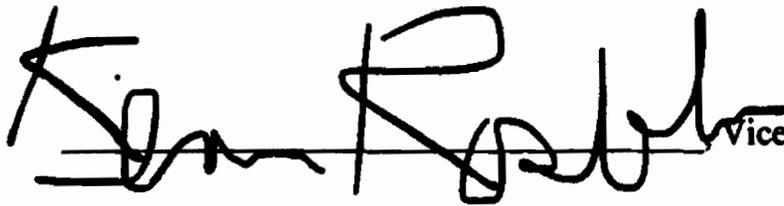
In addition to infrastructure elements addressed in this plan, Missouri is also requesting pursuant to 40 CFR 51 Subpart H, for EPA to exempt all ozone attainment areas in the state that are currently classified as priority 1 from the requirement to develop a prescriptive ozone emergency episode contingency plan.

Furthermore, this plan demonstrates that with the exception of requirements under Sections 110(a)(2)(D)(i)(I) and 110(a)(2)(I), which the state will address through separate SIP submissions, the state has addressed and fulfilled all the applicable requirements of Sections 110(a)(1) and (2) of the CAA in regard to this revised NAAQS.

The Missouri Air Conservation Commission **ADOPTS** the following action on this 28th day of March 2019:

Missouri State Implementation Plan Revision - Infrastructure Elements for the 2015 Ozone Standard

 _____, Chairman

 _____, Vice Chairman

 _____, Member

 _____, Member

_____, Member

_____, Member

_____, Member

Morgan, Cheri

From: Missouri DNR <MODNR@public.govdelivery.com>
Sent: Tuesday, December 18, 2018 10:31 AM
To: Morgan, Cheri; Maliro, Patricia; Schmidt, Connie; Downs, Jerry; brian.quinn@dnr.m.gov; Alexander, Jennifer; Lisa.Nahach@dnr.mo.gov; Gilmore, David; Hall, Stephen; wendy.vit@dnr.mo.gov; Stevens, Jeffrey; Payne, Stan; Bungart, Renee; Patterson, Connie; Moore, Kyra; Bybee, Darcy; Wieberg, Alicia; Beydler, Van
Subject: Courtesy Copy: Missouri Air Conservation Commission - January 31, 2019 Public Hearing

This is a courtesy copy of an email bulletin sent by Cheri Morgan.

This bulletin was sent to the following groups of people:

Subscribers of Air Public Notices (1311 recipients)



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Missouri Air Conservation Commission Will Hold Public Hearing

The Missouri Air Conservation Commission will hold a public hearing on Thursday, January 31, 2019 beginning at 9 a.m. at the Elm Street Conference Center, 1730 East Elm Street, Lower Level, Bennett Springs Conference Room, Jefferson City, Missouri. The commission will hear testimony related to the following proposed action(s):

- Missouri State Implementation Plan Revision - Infrastructure Elements for the 2015 Ozone Standard

This plan addresses infrastructure elements for the 2015 ozone 8-hour National Ambient Air Quality Standard (NAAQS), as required by Clean Air Act Section 110. The plan provides for the implementation, maintenance, and enforcement of this standard for all areas of the state. Missouri is demonstrating it has adequate resources and authority to implement the 2015 ozone NAAQS through state laws and regulations. Pursuant to Clean Air Act Section 110(a)(2)(G), this submission also requests the U.S. Environmental Protection Agency to exempt two areas in the state from the requirement to have a contingency plan in place for ozone emergency episodes. These two areas include the Kansas City air quality control region and the Missouri portion of the St. Louis air quality control region designated attainment under the 2015 ozone NAAQS. This plan does not address the Clean Air Act elements pertaining to nonattainment areas or interstate transport provisions for the 2015 ozone NAAQS. Missouri is developing separate plans to address those elements.

If the commission adopts the action(s), the department intends to submit the action(s) to the U.S. Environmental Protection Agency to be included in Missouri's State Implementation Plan unless otherwise noted above.

Documents for the above item(s) will be available for review at the Missouri Department of Natural Resources, Air Pollution Control Program, 1659 Elm Street, Jefferson City, (573) 751-4817 and in the Public Notices section of the program web site www.dnr.mo.gov/env/apcp/public-notice.htm. This information will be available at least 30 days prior to the public hearing date.

The department will accept comments for the record until 5 p.m. on February 7, 2019. Please send written comments to Chief, Air Quality Planning Section, Air Pollution Control Program, P.O. Box 176, Jefferson City, MO 65102-0176. Email comments may be submitted via the program web site noted above. All comments and public hearing testimony will be equally considered.

Citizens wishing to speak at the public hearing should notify the secretary to the Missouri Air Conservation Commission, Missouri Department of Natural Resources, Air Pollution Control Program, P.O. Box 176, Jefferson City, Missouri 65102-0176, or telephone (573) 751-7840. The department requests persons intending to give verbal presentations also provide a written copy of their testimony to the commission secretary at the time of the public hearing.

Persons with disabilities requiring special services or accommodations to attend the meeting can make arrangements by calling the program directly at (573) 751-4817, the Division of Environmental Quality's toll free number at (800) 361-4827, or by writing two weeks in advance of the meeting to: Missouri Department of Natural Resources, Air Conservation Commission Secretary, P.O. Box 176, Jefferson City, MO 65102. Hearing impaired persons may contact the program through Relay Missouri, (800) 735-2966.\TTY.

We'd like your feedback on the service you received from the Missouri Department of Natural Resources. Please consider taking a few minutes to complete the department's Customer Satisfaction Survey at surveymonkey.com/r/MoDNRsurvey. Thank you.



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State Plan Actions

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On Public Notice

Missouri State Implementation Plan Revision - Infrastructure Elements for the 2015 Ozone Standard

This plan addresses infrastructure elements for the 2015 ozone 8-hour National Ambient Air Quality Standard (NAAQS), as required by Clean Air Act Section 110. The plan provides for the implementation, maintenance, and enforcement of this standard for all areas of the state. Missouri is demonstrating it has adequate resources and authority to implement the 2015 ozone NAAQS through state laws and regulations. Pursuant to Clean Air Act Section 110(a)(2)(G), this submission also requests the U.S. Environmental Protection Agency (EPA) to exempt two areas in the state from the requirement to have a contingency plan in place for ozone emergency episodes. These two areas include the Kansas City air quality control region and the Missouri portion of the St. Louis air quality control region designated attainment under the 2015 ozone NAAQS. This plan does not address the Clean Air Act elements pertaining to nonattainment areas or interstate transport provisions for the 2015 ozone NAAQS. Missouri is developing separate plans to address those elements. If the commission adopts the plan, the department intends to submit it to EPA for inclusion in the Missouri State Implementation Plan.

Infrastructure Elements for the 2015 Ozone Standard

Submit comments now

A public hearing for this plan action will be held on January 31, 2019. Comments about this plan action will be accepted through close of business on February 7, 2019.

Proposed for Adoption

None at this time.

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Air Pollution Control Program

P.O. Box 176

Jefferson City, MO 65102

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573-751-4817

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DEPARTMENT OF NATURAL RESOURCES
STATE OF MISSOURI

MISSOURI AIR CONSERVATION COMMISSION

IN RE:

MISSOURI STATE IMPLEMENTATION PLAN REVISION -
INFRASTRUCTURE ELEMENTS FOR THE 2015 OZONE STANDARD

Public Hearing
1730 East Elm Street
Lower Level
Bennett Springs Conference Room
Jefferson City, Missouri 65101
January 31, 2019

BEFORE:

Gary Pendergrass, Chair, Missouri Air Conservation
Commission
Ron Boyer, Missouri Air Conservation Commission
Kevin Rosenbohm, Missouri Air Conservation Commission
Mark S. Garnett, Missouri Air Conservation Commission (by
phone)
Darcy Bybee, Director of Staff, Missouri Air Conservation
Commission

Reported by:
Julie K. Kearns, CCR 993
Alaris

3432 West Truman Boulevard, Suite 207
Jefferson City, Missouri 65109
(573) 636-7551

1 P R O C E E D I N G S

2 (Hearing started at 9:34 A.M.)

3 CHAIRMAN PENDERGRASS: Next is public hearing.
4 The hearing will come to order. Let the record show the
5 following commissioners are present: Gary Pendergrass,
6 Ron Boyer, Kevin Rosenbohm and Mark Garrett.

7 The Air Conservation Commission of the State of
8 Missouri has called this public hearing pursuant to
9 Section 643.050.1(2) in accordance with Section 643.070,
10 Revised Statutes of Missouri, and EPA promulgated rule 40
11 CFR 51.102 for the purpose of hearing testimony related
12 to: Missouri State Implementation Plan Revision -
13 Infrastructure Elements for the 2015 Ozone Standard.

14 The hearing record will close at 5 P.M. on
15 February 7, 2019. Anyone who has not been scheduled to
16 appear, but who wishes to be heard should indicate that
17 you wish to speak on the sign-in sheets available at the
18 door.

19 Section 643.100 of the Missouri Statutes
20 provides that all oral testimony be given under oath and
21 recorded. Accordingly, when you are called to testify,
22 please present yourself to the court reporter first to be
23 sworn in. When you testify, please state your name,
24 business address and your occupation or affiliation.

25 If you have a prepared a statement, it would be

1 CHAIRMAN PENDERGRASS: Thank you. Cliff Li.

2 (Witness sworn.)

3 MR. LI: Good morning, Chairman, members of the
4 Commission. My legal name is Yunfeng Li and I go by the
5 nickname Cliff. I am employed as an Environmental
6 Engineer at the Missouri Department of Natural Resources'
7 Air Pollution Control Program located at 1659 East Elm
8 Street in Jefferson City, Missouri. I am here today to
9 present testimony for a proposed revision to the State
10 Implementation Plan (or SIP) for the Infrastructure
11 Elements of the 2015 Ozone National Ambient Air Quality
12 Standard (or NAAQS). The plan starts on page 157 of your
13 briefing document.

14 The purpose of this plan is to address Clean Air
15 Act Sections 110(a)(1) and 110(a)(2) for the 2015
16 eight-hour ozone NAAQS, which is 70 parts per billion.
17 These sections of the Clean Air Act direct states to
18 develop a SIP, commonly referred to as an infrastructure
19 SIP, that provides for the implementation, maintenance and
20 enforcement of the NAAQS. Section 110(a)(1) requires that
21 each state submit a plan such as this within three years
22 after the promulgation of the new or revised NAAQS, and
23 Section 110(a)(2) includes the specific elements that must
24 be addressed. This plan follows U.S. Environmental
25 Protection Agency (or EPA) guidance, specifically a

RECOMMENDATION FOR ADOPTION

MISSOURI STATE IMPLEMENTATION PLAN REVISION –

Infrastructure Elements for the 2015 Ozone Standard

On March 28, 2019, the Missouri Air Conservation Commission held a public hearing for the Missouri State Implementation Plan (SIP) revision entitled *–Infrastructure Elements for the 2015 Ozone Standard*. A summary of comments received and the air program’s corresponding responses is included on the following page(s). Revisions were made to the proposed plan as a result of comments received.

The revised plan has not been reprinted in the briefing document due to its volume. However, the Executive Summary is included below for reference. The entire revised plan is available for review at the Missouri Department of Natural Resources’ Air Pollution Control Program, 1659 East Elm Street, Jefferson City, Missouri, 65101, (573)751-4817. It is also available online at <http://dnr.mo.gov/env/apcp/stateplanrevisions.htm>.

The air program recommends the commission adopt the plan as revised. If the commission adopts this plan, the department intends to submit it to the U.S. Environmental Protection Agency for inclusion in the Missouri State Implementation Plan.

EXECUTIVE SUMMARY

The purpose of this plan is to address Clean Air Act (CAA) Sections 110(a)(1) and 110(a)(2) for the 2015 Ozone National Ambient Air Quality Standard (NAAQS). These sections of the CAA direct states to develop a state implementation plan (SIP), commonly referred to as an “infrastructure SIP”, that provides for the implementation, maintenance, and enforcement of the NAAQS. These CAA sections include the specific infrastructure SIP requirements that are due within 3 years after promulgation of a new or revised NAAQS. In 2015, EPA revised the primary and secondary ozone NAAQS to 0.070 parts per million based on an 8-hour averaging time.

This plan demonstrates that Missouri has the resources and authority to implement the 2015 ozone NAAQS for all areas of the state, through state laws and regulations. This SIP revision is administrative in nature and does not establish new requirements for this revised NAAQS.

This plan follows the guidance released in a September 13, 2013 EPA memo (2013 guidance memo) entitled “Guidance on infrastructure State Implementation Plan (SIP) Elements under CAA Sections 110(a)(1) and 110(a)(2).” The required Section 110 Infrastructure Elements addressed in this plan include:

- Emission Limitations and Other Control Measures
- Ambient Air Quality Monitoring/Data System
- Programs for Enforcement of Control Measures and for Construction or Modification of Stationary Sources
- Adequate Resources and Authority, Conflict of Interest, and Oversight of Local Governments and Regional Agencies
- Stationary Source Monitoring and Reporting
- Emergency Episodes
- SIP Revisions
- Plan Revisions for Nonattainment Areas
- Consultation with Government Officials, Public Notification, and Prevention of Significant Deterioration (PSD) and Visibility Protection
- Air Quality Modeling and Submission of Modeling Data
- Permitting Fees
- Consultation and Participation by Affected Local Entities

In addition to addressing all of these required infrastructure elements, Missouri is also requesting pursuant to 40 CFR 51 Subpart H, for EPA to exempt all ozone attainment areas in the state that are currently classified as priority 1 from the requirement to develop a prescriptive ozone emergency episode contingency plan.

This plan is not intended to satisfy the requirements of Sections 110(a)(2)(D)(i)(I) or 110(a)(2)(I) of the CAA. Missouri is addressing the requirements dealing with interstate transport and nonattainment area requirements for the 2015 ozone NAAQS in a separate plan.



COMMENTS AND RESPONSES ON

MISSOURI STATE IMPLEMENTATION PLAN REVISION

Infrastructure Elements for the 2015 Ozone Standard

The public comment period for the Infrastructure Elements for the 2015 Ozone Standard opened on December 31, 2018 and closed on February 7, 2019. 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. Any changes to the proposed state implementation plan (SIP) revision are included in the response to comments.

SUMMARY OF COMMENTS: During the public comment period for the proposed plan, the air program received 3 comments from the U.S. Environmental Protection Agency (EPA).

COMMENT #1: EPA commented that there are two typographical errors in the last sentence of the element (E) discussion on page 19 in the proposed plan.

RESPONSE AND EXPLANATION OF CHANGE: In response to this comment, the air program revised the proposed plan to fix the two typographical errors EPA identified.

COMMENT #2: EPA commented that subsections 2.G.i through 2.G.iii are unclear in whether the proposed plan is requesting EPA to exempt Kansas City and portions of the St. Louis air quality control regions now, or only in the event of a future action associated with the state's high air pollution episode rule. They also stated it was unclear if the proposed plan was requesting EPA to approve the "backstop" contingency plan for the St. Louis area now or only in the event of a future change to the state regulation. EPA suggested two alternative approaches to address the confusion. They suggested the air program should either rely upon the current state regulation, and remove the references to the exemption request, the potential future rulemaking, and the backstop contingency plan from the document, or remove the reliance on the current state regulation and request the exemption and approval of the contingency plan to take effect upon EPA approval.

RESPONSE AND EXPLANATION OF CHANGE: In response to this comment, the air program has removed from the proposed SIP revision, all of the references to the backstop contingency plan and the potential future amendment to the state's high air pollution episode rule. The plan now clearly addresses this Clean Air Act element based on the current regulation. However, the air program is keeping the exemption request for the Kansas City air quality control region and portions of the St. Louis air quality control region in the final SIP revision.

The air program believes the federal regulation allows EPA to act on this exemption request even though the state's high air pollution episode rule covers the entire state, including these areas.

COMMENT #3: EPA commented that the proposed plan should include additional references in its narrative of element K to strengthen its demonstration that it has satisfied the requirement for the SIP to provide for the performance of air quality modeling. EPA provided a list of four additional citations from Missouri Air Law and the code of state regulations that the air program could cite in the plan to strengthen its demonstration to address this Clean Air Act element.

RESPONSE AND EXPLANATION OF CHANGE: In response to this comment, the air program has revised the narrative in section 2.K. of the proposed SIP revision to include references to three of the four laws and regulations that EPA identified in their comment. This includes references to RSMo 643.055 and 10 CSR 10-6.060(12)(F), and 10 CSR 10-6.110 (4)(B). The air program did not include a reference to state rule 10 CSR 10-1.010 *General Organization*, because this state rule is not part of Missouri's SIP, nor is the air program proffering it for inclusion in the SIP through this SIP revision.