

APPENDIX H

Public Participation Documents

APPENDIX H – Public Participation Documents

This appendix will be updated as items become available to include documentation of public opportunities to participate in the review [and comment on the development] of the Jackson County Nonattainment Area Plan for the 2010 1-Hour Sulfur Dioxide (SO₂) National Ambient Air Quality Standard (NAAQS). Items to be included are: Notice of Public Hearing on June 25, 2015 and Posting of the Nonattainment Area Plan and all Appendices at least 30 days prior to the public hearing, Notice of the opportunity to comment for the duration of the comment period, Public Hearing Transcript of Oral Testimony, and the Summary of Written Comments and Responses and Recommendation for Adoption.

Bechtel, Cheri

From: Missouri DNR <MODNR@public.govdelivery.com>
Sent: Friday, May 22, 2015 2:33 PM
To: Lovejoy, Victoria; Alexander, Jennifer; Archer, Larry; Moore, Kyra; Bungart, Renee; Bechtel, Cheri; Terlizzi, Gena; Vit, Wendy
Subject: Courtesy Copy: Missouri Air Conservation Commission - June 25, 2015 Public Hearing

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MISSOURI AIR CONSERVATION COMMISSION WILL HOLD PUBLIC HEARING

JEFFERSON CITY, MO -- The Missouri Air Conservation Commission will hold a public hearing on Thursday, June 25, 2015 beginning at 9 a.m. at the Governor Office Building, 200 Madison Street, Conference Room 450, Jefferson City, Missouri. The commission will hear testimony related to the following proposed action(s):

- * 10 CSR 10-6.261 (New Rule) Control of Sulfur Dioxide Emissions

This new rule will set enforceable environmental conditions and emission limits necessary to address the U.S. Environmental Protection Agency's 1-hour sulfur dioxide (SO₂) National Ambient Air Quality Standard (NAAQS) of 75 parts per billion (ppb) [75 Federal Register (FR) 35520, June 22, 2010]. The rule is a core component of the Missouri State Implementation Plans (SIPs) for the Jackson and Jefferson County SO₂ nonattainment areas. In addition, this proposed rule incorporates all necessary existing provisions from 10 CSR 10-6.260 Restriction of Emission of Sulfur Compounds (i.e., provisions in place prior to the 1-hour SO₂ NAAQS) in order to consolidate SO₂ requirements and reduce confusion for Missouri's SO₂ emission sources.

- * 10 CSR 10-6.260 (Rescission) Restriction of Emission of Sulfur Compounds

This rulemaking will rescind the current rule. The department's Air Pollution Control Program is proposing a new sulfur dioxide (SO₂) rule, 10 CSR 10-6.261 Control of Sulfur Dioxide Emissions, that addresses requirements for sources affected by the U.S. Environmental Protection Agency's initial 1-hr SO₂ National Ambient Air Quality Standard nonattainment designations. That new rule also

carries forward requirements as is from 10 CSR 10-6.260 needed to maintain existing levels of SO₂ control in areas outside nonattainment areas.

The above rule action will be submitted to the U.S. Environmental Protection Agency for removal from the Missouri State Implementation Plan.

* Missouri State Implementation Plan Revision –Nonattainment Area Plan for the 2010 1-Hour Sulfur Dioxide National Ambient Air Quality Standard – Jackson County Sulfur Dioxide Nonattainment Area

The main purpose of this SIP revision is to address Clean Air Act Amendments of 1990 (CAAA) section 172(c) and section 191(a) plan requirements as applicable to the Jackson County 2010 1-Hour Sulfur Dioxide (SO₂) Nonattainment Area (NAA). The plan's main control strategy includes the reduction of SO₂ emissions by 95 percent from the largest source in the NAA. The plan also relies on SO₂ emission limits for several other large sources in the area through federal regulation or state rulemaking. All emission limitations necessary for demonstrating compliance will be enforceable through the Missouri SO₂ rulemaking, 10 CSR 10-6.261, Control of Sulfur Dioxide Emissions.

If the Commission adopts the action(s), it will be the Department's intention 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 <http://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 written or email comments for the record until 5 p.m. on July 2, 2015. 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 written and email 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) 526-3420. 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.

You are subscribed to the Air Public Notices topic for Missouri Department of Natural Resources. This information has recently been updated, and is now available at the link below. Thank you for your interest in the Air Public Notices.

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State Plan Actions

□ » » **Air Pollution Control Program**

On Public Notice | Proposed for Adoption



On Public Notice

Missouri State Implementation Plan Revision - Infrastructure Elements for the 2012 Annual PM_{2.5} Standard

This plan addresses infrastructure elements for the 2012 Annual Fine Particulate Matter (PM_{2.5}) 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 2012 Annual PM_{2.5} NAAQS through state laws and regulations. This plan is administrative in nature and does not establish any new requirements.

Infrastructure Elements for the 2012 Annual PM_{2.5} Standard

Submit Comments Now

A public hearing is scheduled for this plan action on August 27, 2015. Comments about this plan action will be accepted through close of business on September 3, 2015.

Proposed Options for Area Boundary Recommendations for the 2010 1-Hour Sulfur Dioxide Standard: July 2016 Designations

The purpose of this draft document is to solicit public comment on possible recommendations for area designations (e.g., attainment, nonattainment, unclassifiable) for the 2010 1-hour SO₂ standard. This document addresses four parts of the State of Missouri: the areas surrounding the Sikeston Power Station, Sibley Generating Station, Ameren Labadie Energy Center and the SO₂ monitor located in Iron County, Missouri. The proposed options are based on technical evaluations of these areas using air quality modeling and monitoring data. The U.S. Environmental Protection Agency (EPA) identified these four areas as meeting the criteria specified in the March 2, 2015 Federal Consent Decree for the next round of SO₂ designations. The Air Program intends to submit recommendations to the EPA in September 2015, and EPA will make a final decision on designations for these areas by July 2, 2016. This action will not be submitted for inclusion in the Missouri State Implementation Plan.

Proposed Options for Area Boundary Recommendations for the 2010 1-Hour Sulfur Dioxide Standard

Appendix A

Appendix B

Appendix C

Appendix D

Appendix E

Appendix F

Submit Comments Now

A public hearing is scheduled for this plan action on August 27, 2015. Comments about this plan action will be accepted through close of business on September 3, 2015.

Proposed for Adoption

Missouri State Implementation Plan Revision –Nonattainment Area Plan for the 2010 1-Hour Sulfur Dioxide National Ambient Air Quality Standard – Jackson County Sulfur Dioxide Nonattainment Area

The main purpose of this SIP revision is to address Clean Air Act Amendments of 1990 (CAAA) section 172(c) and section 191(a) plan requirements as applicable to the Jackson County 2010 1-

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Report an Environmental Concern

Meet the Air Pollution Control Program Director

Hour Sulfur Dioxide (SO₂) Nonattainment Area (NAA). The plan's main control strategy includes the reduction of SO₂ emissions by 95 percent from the largest source in the NAA. The plan also relies on SO₂ emission limits for several other large sources in the area through state rulemaking. All emission limitations necessary for demonstrating compliance will be enforceable through the proposed Missouri SO₂ rulemaking, 10 CSR 10-6.261, *Control of Sulfur Dioxide Emissions* (to be presented for adoption on August 3, 2015).

A public hearing was held for this plan action (as well as the proposed Missouri SO₂ rulemaking mentioned above) on June 25, 2015. Comments about this plan action were accepted through the close of business on July 2, 2015. Revisions to the plan have been made as a result of comments received. The plan will be presented to the Missouri Air Conservation Commission for adoption on August 3, 2015. The revised plan and appendices are listed below along with a summary of the comments received and the corresponding responses from the Department.

Jackson County SO₂ Nonattainment Area Plan 

- Appendix A** 
- Appendix B** 
- Appendix C** 
- Appendix D** 
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- Appendix H** 
- Appendix I** 
- Appendix J** 

Summary of Comments and Responses 

By Division

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- Division of Environmental Quality
- EIERA
- Missouri Geological Survey
- Missouri State Parks

Explore by Topic

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DEPARTMENT OF NATURAL RESOURCES
STATE OF MISSOURI
AIR CONSERVATION COMMISSION

In Re:)
)
10 CSR 10-6.261 (new rule) Control of)
Sulfur Dioxide Emissions)
)
10 CSR 10-6.260 (rescission) Restriction))
of Emission of Sulfur Compounds)
)
Missouri State Implementation Plan)
Revision-Nonattainment Area Plan for the)
2010 1-Hour Sulfur Dioxide National)
Ambient Air Quality Standard-Jackson)
County Sulfur Dioxide Nonattainment Area)

Public Hearing

June 25, 2015

1. ~~Paul. All right. Next we'll have Bob Randolph~~
2. ~~with the Missouri State Implementation Plan~~
3. ~~Revision - Nonattachment Area Plan for the 2010~~
4. ~~One-Hour Sulfur Dioxide National Ambient Air~~
5. ~~Quality Standard - Jackson County Sulfur Dioxide~~
6. ~~Nonattainment Area.~~

7 (Witness sworn.)

8 MR. RANDOLPH: Good morning,
9 Mr. Chairman, members of the Commission. My name
10 is Bob Randolph. I am employed with the Planning
11 Section of the Air Pollution Control Program
12 located at 1659 East Elm Street in Jefferson City,
13 Missouri.

14 I'm here to present testimony for the
15 proposed State Implementation Plan revision to
16 address the federal Clean Air Act Section 172(c)
17 requirements for the Jackson County sulfur dioxide
18 nonattainment area. Excerpts from the plan
19 revision start on page 105 of your briefing
20 document.

21 In June 2010, EPA revised the primary
22 sulfur dioxide standard to 75 parts per billion on
23 a one-hour basis to reduce exposure to short-term
24 high concentrations of sulfur dioxide. This was
25 the first revision since the initial sulfur dioxide

1 standard was issued in 1971. At the same time, EPA
2 revoked both the existing 24-hour and annual
3 standards. This proposed plan addresses the 2010
4 one-hour sulfur dioxide standard.

5 The Air Pollution Control Program
6 currently oversees the operation of eight sulfur
7 dioxide monitors throughout Missouri. This map
8 depicts these monitors, represented as blue dots,
9 and the existing sulfur dioxide monitors located in
10 neighboring states, represented as green dots.

11 For the initial round of designations
12 per the one-hour sulfur dioxide standard, EPA
13 designated two partial-county nonattainment areas
14 in Missouri, which are also shown on this map.
15 Portions of both Jackson County and Jefferson
16 County were designated nonattainment based on 2007
17 through 2009 monitoring data that showed these
18 areas were violating the one-hour sulfur dioxide
19 standard. For reference, the associated violating
20 monitors are represented as red dots on the map.

21 The Commission adopted the Jefferson
22 County sulfur dioxide nonattainment area plan on
23 May 28, 2015, and the Air Program submitted the
24 plan to the United States Environmental Protection
25 Agency the following day. The information

1 presented today addresses only the proposed plan
2 for the Jackson County nonattainment area.

3 This slide includes the current
4 schedule for the Jackson County sulfur dioxide
5 nonattainment area plan. The plan was made
6 available for review and comment May 22, 2015, and
7 the comment period closes July 2nd, 2015.

8 The proposed plan will be presented
9 for adoption August 3rd and submitted to the
10 Environmental Protection Agency later this year
11 after the proposed new sulfur dioxide rule
12 10 CSR 10-6.261 is published in the Code of State
13 Regulations, projected by the end of 2015.

14 Affected facilities must comply with
15 the control strategy requirements included in the
16 proposed plan no later than January 1st, 2017.
17 This control strategy implementation date is
18 intended to ensure the violating monitor is in
19 compliance with the one-hour sulfur dioxide
20 standard by the attainment date of October 2018.

21 These compliance dates are firm
22 deadlines set by the Environmental Protection
23 Agency and are not contingent on when the
24 nonattainment area plans are submitted. I note
25 this because the department did not meet the

1 April 6th deadline for submitting plans for the
2 initial round of sulfur dioxide nonattainment areas
3 due to many factors. EPA is aware of this delay,
4 and we are working to submit the plan as soon as
5 possible.

6 This map depicts the Jackson County
7 nonattainment area boundary and the violating
8 Troost Avenue monitor. Since sulfur dioxide is a
9 located pollutant, monitors are typically source-
10 oriented, which is the case for the violating
11 monitor in Jackson County.

12 The Troost Avenue monitor is
13 approximately three-quarters of a mile from Veolia
14 Energy, which is the largest source of sulfur
15 dioxide emissions in the nonattainment area.
16 Veolia operates a district heating and cooling
17 system that provides steam, hot water and/or
18 chilled water to industrial, commercial,
19 governmental and residential facilities in the
20 downtown Kansas City area. Currently, two of the
21 four Veolia boilers combust coal to provide steam
22 for process heating, comfort heating or hot water.

23 The one-hour sulfur dioxide standard
24 violations at the Troost Avenue monitor are largely
25 attributable to Veolia Energy as well as several

1 additional large sources in the modeled domain.
2 The Troost Avenue monitor continues to be in
3 violation of the standard with a design value of
4 150 parts per billion for the three-year period
5 2012 through 2014.

6 This chart shows the projected
7 three-year design value for the Troost Avenue
8 monitor based on the preliminary data through
9 May 11, 2015. Based on the modeled control
10 strategy discussed later in this presentation, this
11 monitor is expected to be in compliance with the
12 health-based one-hour sulfur dioxide standard on or
13 before the attainment date of October 2018.

14 This map depicts the location of the
15 area's largest sulfur dioxide emitting sources
16 located in Missouri, specifically Veolia Energy and
17 the Kansas City Power & Light's Hawthorn and Sibley
18 stations, as well as Independence Power and Light's
19 Blue Valley station. Apart from Veolia Energy, the
20 remaining largest sulfur dioxide sources are
21 electrical generating units.

22 This map includes the BPU - Quindaro
23 and BPU - Nearman facilities located in Kansas that
24 were also monitored as interactive sources for the
25 Jackson County nonattainment area. The map

1 indicates the location of each of these modeled
2 sources, in green, with respect to the violating
3 Troost Avenue monitor, in red. Veolia Energy is
4 located within the northwestern corner of the
5 nonattainment area boundary, as represented by the
6 asterisk.

7 The required control strategy for the
8 Jackson County nonattainment area consists of three
9 elements. The main element is the reduction of
10 allowable sulfur dioxide emissions by 95 percent
11 from Veolia Energy.

12 Second, the plan relies on new sulfur
13 dioxide emission limits and unit-specific fuel
14 requirements for the Kansas City Power & Light's
15 Hawthorn and Sibley stations and Independence
16 Power & Light's Blue Valley station, made permanent
17 and enforceable through the state rulemaking
18 associated with this plan.

19 Third, the plan requires the delivery
20 of ultra low sulfur diesel throughout Jackson
21 County. These new limits and requirements are
22 intended to prevent future exceedances of the
23 one-hour sulfur dioxide standard at the Troost
24 Avenue monitor and throughout the nonattainment
25 area.

1 Modeling results presented in the
2 proposed plan and in the next slide indicate no
3 violations of the one-hour sulfur dioxide standard
4 throughout the nonattainment area. For reference,
5 the one-hour sulfur dioxide standard of 75 parts
6 per billion is equivalent to 196.73 micrograms per
7 cubic meter.

8 The compliant modeled scenario
9 accounts for the emissions reduction at Veolia
10 Energy, the new limits at the three Missouri EGUs,
11 and the delivery of ultra low sulfur diesel
12 throughout Jackson County, Missouri.

13 The modeled scenario also includes
14 new sulfur dioxide limits negotiated between the
15 Kansas Department of Health and Environment and two
16 Kansas BPU sources in consultation with the EPA and
17 the department. The Kansas Department of Health
18 and Environment is submitting these requirements to
19 the Environmental Protection Agency separately from
20 this plan.

21 The color variance in this map shows
22 the concentration gradient in the nonattainment
23 area, but all receptors shown are below the
24 one-hour sulfur dioxide standard of 75 parts per
25 billion or 196.73 micrograms per cubic meter.

1 Veolia Energy is shown on the map for
2 reference, as well as the violating Troost Avenue
3 monitor. Furthermore, modeling of allowable
4 conditions for all modeled sources shows that there
5 are no violations of the standard throughout the
6 entire Jackson County sulfur dioxide nonattainment
7 area.

8 The proposed Jackson County sulfur
9 dioxide nonattainment area plan relies on the
10 substantial 95 percent reduction of allowable
11 sulfur dioxide emissions from Veolia Energy. Based
12 on this reduction and the remaining control
13 measures required by January 1st, 2017 for sources
14 impacting the nonattainment area, the Troost Avenue
15 monitor is expected to attain the standard on or
16 before October 2018.

17 The department asserts the plan's
18 control strategy and analysis are both protective
19 of public health and compliant with the one-hour
20 sulfur dioxide standard.

21 The proposed Jackson County sulfur
22 dioxide nonattainment area plan includes all
23 required elements for a complete one-hour sulfur
24 dioxide nonattainment area plan.

25 As the proposed new Missouri sulfur

1 dioxide rule requirements are implemented, the Air
2 Program plans additional evaluation of data from
3 existing sulfur dioxide monitors as well as
4 additional modeling analyses. These additional
5 data and analyses may result in revisions to this
6 plan as appropriate in the future.

7 If the Commission adopts this plan,
8 the department intends to submit it to the
9 Environmental Protection Agency for inclusion in
10 the Missouri State Implementation Plan.

11 Mr. Chairman, this concludes my
12 testimony. I will be happy to address any
13 questions you may have regarding this nonattainment
14 area plan.

15 CHAIRMAN ZIMMERMANN: Does anybody
16 have any questions?

17 We have three people that wish to
18 speak on this issue. Steven Whitworth, Senior
19 Director of Ameren.

20 (Witness sworn.)

21 MR. WHITWORTH: Good morning,
22 Commissioners, Air Quality staff. My name is Steve
23 Whitworth. I'm employed by Ameren as Senior
24 Director - Environmental Policy and Analysis. I'm
25 here today representing Ameren Missouri to testify

1 in support of the proposed SO2 rule.

2 This rule will include new emission
3 limits that are more stringent for our Rush Island,
4 Meramec and Labadie Energy Center, but are
5 consistent, as was mentioned, with our agreement
6 with DNR as part of the Herculanum, Jefferson
7 County State Implementation Plan, as well as our
8 commitment to maintain air quality emissions levels
9 that will meet and exceed the compliance
10 limitations, this as well as our commitment to
11 install additional air monitoring systems to
12 demonstrate and continue to ensure that the air
13 quality meets the emission standards in compliance
14 with state and federal regulations.

15 Thank you for your time this morning
16 and allowing me to testify. I'm available for any
17 questions you may have.

18 CHAIRMAN ZIMMERMANN: Any questions?

19 Thank you.

20 All right. Next, Sarah Campbell,
21 Sierra Club.

22 (Witness sworn.)

23 MS. CAMPBELL: All right. My name is
24 Sarah Campbell. I live in Kansas City, Missouri,
25 in the Jackson County nonattainment zone. I live

1 downtown in the heart of that nonattainment zone.

2 I have adult onset asthma and am
3 unable to open my windows, living downtown, and
4 have to have special air purifiers to help me
5 breathe in my apartment.

6 Downtown Kansas City has a lot of
7 amenities, but -- and people are in a one-year
8 waiting list to move downtown, but they have no --
9 most of them have no idea of the dangerous air
10 quality downtown.

11 So with -- there's over 50,000 of us
12 living down there. Jackson County has the highest
13 rates of asthma-related hospitalizations and
14 emergency room visits in the Kansas City region,
15 and both are significantly higher than the region
16 or the rest of the state.

17 We can't afford to wait until January
18 to wait on Veolia to submit their plan to reduce
19 SO2. People are struggling to breathe now.

20 Thank you.

21 CHAIRMAN ZIMMERMANN: Next we have
22 Gretchen Waddell-Barwick from the Sierra Club.

23 (Witness sworn.)

24 MS. WADDELL-BARWICK: Good morning.

25 My name is Gretchen Waddell-Barwick. I am with the

1 Missouri chapter of the Sierra Club. And while I
2 will allow our legal team to provide our formal
3 comments, I'm here to provide petitions from
4 concerned citizens in Kansas City about the state
5 of air quality in Jackson County and specifically
6 Veolia Energy.

7 Thank you.

8 CHAIRMAN ZIMMERMANN: Thank you. Do
9 we have anyone else who wishes to speak in open
10 session, or the public hearing? Sorry. If not, is
11 there a motion to close the public hearing?

12 ~~COMMISSIONER PENDERGRASS: So moved.~~

13 ~~COMMISSIONER CARNETT: Second.~~

14 ~~CHAIRMAN ZIMMERMANN: Motion made and~~

15 ~~seconded to close the public hearing. Anyone on~~

16 ~~the question? I hear none. All those in favor say~~

17 ~~aye.~~

18 ~~(All Commissioners responded "aye".)~~

19 ~~CHAIRMAN ZIMMERMANN: Those opposed?~~

20 ~~(No response.)~~

21 ~~CHAIRMAN ZIMMERMANN: Ayes have it.~~

22 ~~(WHEREUPON, the public hearing~~

23 ~~concluded at 9:25 a.m.)~~

24

25

RECOMMENDATION FOR ADOPTION

PROPOSED REVISION TO

**MISSOURI STATE IMPLEMENTATION PLAN –
NONATTAINMENT AREA PLAN FOR THE 2010 1-HOUR SULFUR DIOXIDE
NATIONAL AMBIENT AIR QUALITY STANDARD –
JACKSON COUNTY SULFUR DIOXIDE NONATTAINMENT AREA**

On June 25, 2015, the Missouri Air Conservation Commission held a public hearing for a revision to the Missouri State Implementation Plan (SIP) entitled – Nonattainment Area Plan for the 2010 1-Hour Sulfur Dioxide National Ambient Air Quality Standard – Jackson County Sulfur Dioxide Nonattainment Area. A summary of comments received and the Air Program’s corresponding responses is included on the following page. 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. 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.

**COMMENTS AND RESPONSES ON
PROPOSED REVISION TO**

MISSOURI STATE IMPLEMENTATION PLAN –

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Update to August 3, 2015 MACC briefing document
Comments and Responses for Proposed 10 CSR 10-6.261 Control of Sulfur Dioxide Emissions and Proposed Jackson County Sulfur Dioxide (SO₂) Nonattainment Area Plan

On July 27, 2015, the Air Pollution Control Program received Veolia Energy Kansas City's (Veolia) formal request for up to a one-year extension to comply with the federal Industrial, Commercial and Institutional Boiler MACT [40 CFR 63 Subpart 5D]. We were not aware of this request until after publication of the August 3, 2015 Air Conservation Commission briefing document, and this development impacts two responses to comments. Because this extension request is pending review by the Air Program and U.S. Environmental Protection Agency (EPA), the timing of Veolia's implementation of measures to comply with the federal Boiler MACT is uncertain. Regardless of this development, Veolia must comply with the revised SO₂ emission limits in the proposed 10 CSR 10-6.261 and Jackson County SO₂ nonattainment area plan by January 1, 2017. Please see the amended response to comment #2 for proposed new rule 10 CSR 10-6.261 Control of Sulfur Dioxide Emissions, and a similar amended response to comment #3 for the proposed Jackson County SO₂ nonattainment area plan. These amended responses replace the respective response to the comments on pages 144, 157 and 158 of the August 3, 2015 briefing document. Air Program staff will also note these changes for both the proposed state SO₂ rule and proposed Jackson County SO₂ plan during the recommendation for adoption statements presented at the August 3, 2015 commission meeting.

10 CSR 10-6.261 Control of Sulfur Dioxide Emissions

COMMENT # 2: Washington University, the Sierra Club and several citizens commented that the proposed plan does not adequately protect public health in the nonattainment area and that the proposed plan's control strategy should be implemented more quickly than January 1, 2017. In addition, the Sierra Club provided letters from 78 citizens calling upon the DNR to create a plan that ensures protection of public health and not to wait until 2017 to see results.

RESPONSE: The Air Program strives to protect health in the development of all state plans, including the Jackson County SO₂ nonattainment area plan. EPA established January 1, 2017 as the date when emission controls, and associated emission reductions, must be fully operational in order to protect public health while allowing affected facilities reasonable time to make needed equipment and operational changes to comply. As detailed in the plan, the control strategy includes a 95% reduction in allowable SO₂ emissions from Veolia Energy. Realization of emission reductions from the largest SO₂ source located within the bounds of the Jackson County SO₂ nonattainment area will protect air quality and public health throughout the entire area – particularly within and near the nonattainment area. No changes to the rule were made as a result of these comments.

Jackson County Sulfur Dioxide Nonattainment Area Plan

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

RESPONSE: The Air Program strives to protect health in the development of all state plans, including the Jackson County SO₂ nonattainment area plan. EPA established January 1, 2017 as

July 30, 2015

the date when emission controls, and associated emission reductions, must be fully operational in order to protect public health while allowing affected facilities reasonable time to make needed equipment and operational changes to comply. As detailed in the plan, the control strategy includes a 95 percent reduction in allowable SO₂ emissions from Veolia Energy. Realization of emission reductions from the largest SO₂ source located within the bounds of the Jackson County SO₂ nonattainment area will protect air quality and public health throughout the entire area – particularly within and near the nonattainment area. No changes to the plan were made as a result of these comments.