

COMMENTS AND RESPONSES ON

PROPOSED AMENDMENT

10 CSR 10-6.220

RESTRICTION OF EMISSION OF VISIBLE AIR CONTAMINANTS

AND

RECOMMENDATION FOR ADOPTION

On July 28, 2016, the Missouri Air Conservation Commission held a public hearing concerning the proposed amendment to 10 CSR 10-6.220 Restriction of Emission of Visible Air Contaminants. The following is a summary of comments received and the Missouri Department of Natural Resources' Air Pollution Control Program corresponding responses. Any changes to the proposed amendment are identified in the responses to the comments.

The Missouri Department of Natural Resources' Air Pollution Control Program recommends the commission adopt the rule action as proposed.

NOTE 1 - Legend for rule actions to be voted on is as follows:

- * *Shaded Text - Rule sections or subsections unchanged from Public Hearing. This text is only for reference.*
- * *Unshaded Text - Rule sections or subsections that are changed from the proposed text presented at the Public Hearing, as a result of comments received during the public comment period.*

NOTE 2 - All unshaded text below this line will be printed in the Missouri Register.

**Title 10—DEPARTMENT OF
NATURAL RESOURCES**

Division 10—Air Conservation Commission

**Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air
Pollution Control Regulations for the Entire State of Missouri**

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo Supp. 2013, the commission amends a rule as follows:

10 CSR 10-6.220 Restriction of Emission of Visible Air Contaminants is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 2, 2016 (41 MoReg 555-557). No changes were made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received seven (7) comments from five (5) sources: Buzzi Unicem USA, the Boeing Company, an AECOM consultant representing the air committee of the St. Louis Regional Chamber Environmental Council, Kansas City Power and Light (KCPL), and AMEREN.

COMMENT #1: Buzzi Unicem USA commented that they operate two (2) Portland cement kilns in Missouri. The proposed changes to remove continuous opacity monitors (COMs) requirements from electric generating units (EGUs) subject to 40 Code of Federal Regulations (CFR) 63, Subpart UUUUU and boilers regulated under 40 CFR 63, Subparts DDDDD and JJJJJ also apply to Portland cement kilns regulated under 40 CFR 63, Subparts LLL and EEE. Kilns regulated under Subpart LLL do not have an opacity limit and are required to use particulate matter continuous parameter monitoring systems (CPMS) to monitor particulate matter (PM) emissions. Kilns regulated under Subpart EEE that use baghouses to control emissions do not have an opacity limit and are required to use a bag leak detection system (BLDS) to monitor PM emissions. The COMs at these plants are redundant systems for monitoring PM emissions and present additional maintenance, recordkeeping, and reporting burdens for Portland cement kilns. Buzzi Unicem USA recommends modifying 10 CSR 10-6.220 to remove the COM requirement for Portland cement kilns that meet these requirements.

RESPONSE: The Department of Natural Resources' Air Pollution Control Program appreciates this comment. In order to add an exemption for Portland cement kilns to this rule the department needs to prove that the exemption is not a relaxation of regulation in order for EPA to approve the amendment. For example, the exemption for power plants and boilers was proposed after reviewing particulate matter/opacity correlations in several compliance assurance monitoring (CAM) plans submitted to the department as part of the operating permit process. This data supported a correlation between compliance with 40 CFR Subparts UUUUU, DDDDD and JJJJJ and compliance with opacity limitations. We do not currently have this data for cement kilns to prove the correlations between compliance with 40 CFR Subparts LLL and EEE and compliance with opacity limitations. If Buzzi Unicem, or another entity, submits the applicable information the department will review the information and may propose the exemption in a future rule amendment. However, in order to move forward with this rule amendment in a timely manner we are not currently including this modification to the regulation. No changes were made to the rule language as a result of this comment.

Due to the similarity in the following three (3) comments, one (1) response is presented.

COMMENT #2: The Boeing Company commented that they support the changes to this rule. This rulemaking has been in work for several years with much collaboration among commenters in conjunction with the department's staff. This process used to gather comments for the rulemaking during the development stage was really quite good and resulted in a really helpful rule. Boeing Company particularly supports the clean fuel exemption because they have multiple stacks at their facility, only a few of which actually have any ability to generate opacity.

With the rule changes, monitoring can focus on things that generate excess opacity. The monitoring schedule can be set in the operating permit or construction permit based on the unit risk of opacity violation.

COMMENT #3: The AECOM consultant, representing the air committee of the St. Louis Regional Chamber Environmental Council, commented that they support the proposed rule changes and reiterate the Boeing Company comments. To represent the entirety of the committee and point sources, area sources also appreciate the changes and support the changes that will be helpful in the day-to-day operations of members.

COMMENT #4: AMEREN commented that they are supportive of the proposed revisions to the opacity rule that recognizes that, in certain cases, opacity monitoring is unnecessary. The proposed revisions also recognize advances in technology as well as recent environmental regulations. In particular, AMEREN supports the requirement that opacity monitoring systems are not needed for facilities that are required to comply with the Mercury and Air Toxics Standards rule and have installed particulate matter continuous emissions monitoring systems on ten (10) electric generating units. They fully support the exemption for emission units burning clean fuels that will never exceed the emission limitations in the rule. In summary, AMEREN commends the Missouri Department of Natural Resources for the proposed revisions to the opacity rule and urges the State of Missouri to finalize and implement the revisions as soon as possible.

RESPONSE: The program appreciates the positive feedback. No changes were made to the rule language as a result of these comments.

COMMENT #5: KCPL suggested alternative subsection (3)(A) and (3)(B) language for a much clearer definition of the six (6)-minute block averaging period and the potential exemption of one (1) averaging period per hour up to sixty percent (60%) opacity.

RESPONSE: Section (3) of this rule establishes the requirements that applicable visible emission sources must meet. Subsections (3)(A) and (3)(B) provides the visible emission requirements and an allowable exception. Subsection (3)(E) requires that compliance determination for applicable sources must use opacity measurements taken in accordance with the test methods in Section (5). The actual test method includes specific language to convey the same thoughts provided in the alternative language suggested. Therefore, no changes were made to the rule language as a result of this comment.

COMMENT #6: KCPL requested to maintain EPA Method 22 as an allowed test method as an expedient preliminary screen to identify cases where opacity is above the standard before Method 9 is applied.

RESPONSE: Method 22 is being removed from the rule because it only provides qualitative measurements of visible emissions rather than quantitative measurements needed to determine compliance. Applicable sources can still use Method 22 for their own purposes or as required in their permits. No changes were made to the rule language as a result of these comments.

COMMENT #7: KCPL requested that alternative test methods not be required to be incorporated into the rule and state implementation plan (SIP) prior to implementation. Typically, alternative test method approvals are granted on a case by case basis by letter to all relevant parties without rule or SIP change.

RESPONSE: The EPA requires that alternative test methods be approved by the director and EPA as well as being incorporated into the rule and the SIP. Therefore, no changes were made to the rule language as a result of this comment.

10 CSR 10-6.220 Restriction of Emission of Visible Air Contaminants

PURPOSE: This rule specifies the maximum allowable opacity of visible air contaminant emissions, unless specifically exempt or regulated by 10 CSR 10-6.070 and requires the use of continuous monitoring systems (CMS) on certain air contaminant emission units.

- (1) Applicability. This rule applies to all sources of visible emissions, excluding water vapor, throughout the state of Missouri with the exception of the following:
- (A) Internal combustion engines;
 - (B) Wood burning stoves or fireplaces used for heating;
 - (C) Fires used for recreational or ceremonial purposes or fires used for the noncommercial preparation of food by barbecuing;
 - (D) Fires used solely for the purpose of fire-fighter training;
 - (E) Smoke generating devices when a required permit (under 10 CSR 10-6.060 or 10 CSR 10-6.065) has been issued or a written determination that a permit is not required has been obtained;
 - (F) The pyrolysis of wood for the production of charcoal in batch-type charcoal kilns (Emissions from batch-type charcoal kilns shall comply with the requirements of 10 CSR 10-6.330 Restriction of Emissions From Batch-Type Charcoal Kilns);
 - (G) Truck dumping of nonmetallic minerals into any screening operation, feed hopper, or crusher;
 - (H) Emission units regulated by 10 CSR 10-6.070 and the provisions of 40 CFR 60, promulgated as of July 1, 2013, and hereby incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions;
 - (I) Any open burning that is exempt from open burning rule 10 CSR 10-6.045;
 - (J) Emission units regulated by 40 CFR 63 subpart DDDDD—*National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters* that meet one (1) of the following criteria:
 - 1. Constructed or reconstructed after June 4, 2010;
 - 2. The unit is subject to a ten percent (10%) opacity limit as described in Table 4 of 40 CFR 63 subpart DDDDD; or
 - 3. The unit is in Table 2 of 40 CFR 63 subpart DDDDD and has a filterable particulate matter limitation of less than or equal to 4E-02 pounds per million British thermal units (lbs/MMBtu);
 - (K) Fugitive emissions subject to 10 CSR 10-6.170;
 - (L) Any emission unit burning only natural gas, landfill gas, propane, liquefied petroleum gas, digester gas, or refinery gas;

- (M) Emission units regulated by 40 CFR 63 subpart JJJJJ—*National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources* that meet all of the following criteria:
 1. Constructed or reconstructed after June 4, 2010;
 2. In compliance with the 3.0E-02 lbs/MMBtu filterable particulate matter emission limit described in Table 1 of 40 CFR 63 subpart JJJJJ or maintaining opacity to less than or equal to 10 percent (10%) as described in Table 3 of 40 CFR 63 subpart JJJJJ; and
 3. Demonstrating compliance with a continuous monitoring system (CMS), including a continuous emission monitoring system (CEMS), a continuous opacity monitoring system (COMS), or a continuous parameter monitoring system (CPMS);
- (N) Emission units regulated by 40 CFR 63 subpart UUUUU—*Mercury and Air Toxics Standards*, and demonstrating compliance with a particulate matter continuous emission monitoring system; and
- (O) Emission units that are contained within and emit only within a building space. This does not include emission units with a collection device vented outside the building space.

(2) Definitions. Definitions of certain terms specified in this rule may be found in 10 CSR 10-6.020.

(3) General Provisions.

(A) Visible Emissions Limitations.

1. Maximum Visible Emissions Limitations. Unless specified otherwise in this rule, no owner or operator shall cause or permit to be discharged into the atmosphere from any emission unit, not exempted under this rule, any visible emissions greater than the limitations in the following table for any continuous six (6)-minute period as measured by the test method used to demonstrate compliance with this rule:

| Area of State | Visible Emission Limitations | |
|--------------------------------|------------------------------|--------------------|
| | Existing Emission Units | New Emission Units |
| Kansas City Metropolitan Area | 20% | 20% |
| St. Louis Metropolitan Area | 20%* | 20% |
| Springfield-Greene County Area | 40% | 20% |
| Outstate Area | 40% | 20% |

* Exception: Existing emission units in the St. Louis metropolitan area that are not incinerators and emit less than twenty-five (25) lbs/hr of particulate matter shall be limited to forty percent (40%) opacity.

2. Visible Emissions Limitations, Exceptions Allowed In One (1) Continuous Six (6)-Minute Period. The visible emissions limitations in the following table shall be allowed for one (1) continuous six (6)-

minute period in any sixty (60) minutes as measured by the test method used to demonstrate compliance with this rule:

| Area of State | Visible Emission Limitations, Exceptions | |
|--------------------------------|--|--------------------|
| | Existing Emission Units | New Emission Units |
| Kansas City Metropolitan Area | 60% ** | 60% ** |
| St. Louis Metropolitan Area | 40% | 40% |
| Springfield-Greene County Area | 60% ** | 60% ** |
| Outstate Area | 60% | 60% |

** This exception does not apply to existing and new incinerators in the Kansas City metropolitan area and Springfield-Greene County.

- (B) Failure to meet the requirements of subsection (3)(A) solely because of the presence of uncombined water shall not be a violation of this rule.
- (C) Compliance Determination. Compliance for any emission unit to which this rule applies shall be determined from opacity measurements taken in accordance with subsection (3)(D) or (3)(E) of this rule. If opacity measurements taken by a non-department qualified observer differ from visual measurements taken by a qualified department observer, the qualified department observer's opacity measurements shall be used to determine compliance.
- (D) The following emission units shall install a CMS in accordance with subsection (3)(F) of this rule:
 1. Unless exempt under section (1) of this rule, coal-fired steam generating units with maximum heat input rate greater than two hundred fifty (250) million British thermal units (Btus)/hour. Exemption: Coal-fired steam generating units that have an annual boiler capacity factor of thirty percent (30%) or less are exempt from this requirement; and
 2. Portland cement calcining kiln operations.
- (E) Unless otherwise specified in this rule, owners or operators shall have the opacity of visible emissions determined by one (1) of the methods in section (5) of this rule.
- (F) Continuous Monitoring Requirements. Sources with emission units that are required to install a CMS must select one (1) of the following options:
 1. Install, calibrate, and maintain a COMS according to the following conditions:
 - A. Source operating time includes any time fuel is being combusted and/or a fan is being operated;
 - B. Cycling time. Cycling times include the total time a monitoring system requires to sample, analyze, and record an emission measurement. Continuous monitoring systems for measuring opacity shall complete a minimum of one (1) cycle of operation (sampling, analyzing, and data recording) for each successive ten (10)-second period;

- C. Certification. All COMS shall be certified by the director after review and acceptance of a demonstration of conformance with 40 CFR 60, Appendix B, Performance Specification 1;
 - D. Audit authority. All COMS shall be subject to audits conducted by the department, and all COMS records shall be made available upon request to department personnel; or
 - 2. Install, calibrate, and maintain an alternative CMS according to the following conditions:
 - A. All alternative CMS, monitoring systems requirements, system locations, reporting and record keeping requirements, and procedures for operation and maintenance must be approved by the staff director and the U.S. Environmental Protection Agency (EPA); and incorporated into this rule and the state implementation plan (SIP) prior to implementation;
 - B. Demonstrate that a requirement of paragraph (3)(F)1. or section (4) of this rule cannot be practically met; and
 - C. Demonstrate that the alternative CMS produces results that adequately verify compliance.
 - (G) If a CMS is malfunctioning, a non-department qualified observer measurement may be used as a temporary substitute.
 - (H) Time Schedule for Compliance.
 - 1. All new emission units shall comply when operations begin; and
 - 2. All existing emission units shall comply as of the effective date of this rule.
- (4) Reporting and Record Keeping.
- (A) COMS Reporting. Owners or operators required to install COMS shall submit a quarterly written report to the director. All quarterly reports shall be postmarked no later than the thirtieth day following the end of each calendar quarter and shall include the following emissions data:
 - 1. A summary including total time for each cause of excess emissions and/or monitor downtime;
 - 2. Nature and cause of excess emissions, if known;
 - 3. The six (6)-minute average opacity values greater than the opacity emission requirements (The average of the values shall be obtained by using the procedures specified in the Reference Method used to determine the opacity of the visible emissions);
 - 4. The date and time identifying each period during which the COMS was inoperative (except for zero and span checks), including the nature and frequency of system repairs or adjustments that were made during these times; and
 - 5. If no excess emissions have occurred during the reporting period and the COMS has not been inoperative, repaired or adjusted, this information shall be stated in the report.
 - (B) COMS Records to be Maintained. Owners or operators of affected emission units shall maintain a file (hard copy or electronic version) of the following

information for a minimum of two (2) years from the date the data was collected:

1. All information reported in the quarterly summaries; and
2. All six (6)-minute opacity averages and daily Quality Assurance (QA)/Quality Control (QC) records.

(5) Test Methods.

- (A) Qualified observer in accordance with 10 CSR 10-6.030(9)(A), [~~Reference~~] Method 9—Visual Determination of the Opacity of Emissions from Stationary Sources.
- (B) Photogrammetric opacity measurement in accordance with EPA Method ALT-082— Digital camera opacity technique.
- (C) A modification of the test methods listed in subsections (5)(A) or (5)(B) of this rule. Any modification of a test method listed in subsections (5)(A) or (5)(B) of this rule must be approved by the director and the EPA; and incorporated into this rule and the SIP prior to implementation.

**COMMENTS AND RESPONSES ON
PROPOSED AMENDMENT**

10 CSR 10-6.210

CONFIDENTIAL INFORMATION

AND

RECOMMENDATION FOR ADOPTION

On July 28, 2016, the Missouri Air Conservation Commission held a public hearing concerning the proposed amendment to 10 CSR 10-6.210 Confidential Information. The following is a summary of comments received and the Missouri Department of Natural Resources' Air Pollution Control Program corresponding responses. Any changes to the proposed amendment are identified in the responses to the comments.

The Missouri Department of Natural Resources' Air Pollution Control Program recommends the commission adopt the rule action as proposed.

NOTE 1 - Legend for rule actions to be voted on is as follows:

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**Title 10—DEPARTMENT OF
NATURAL RESOURCES**

Division 10—Air Conservation Commission

**Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air
Pollution Control Regulations for the Entire State of Missouri**

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo Supp. 2013, the commission amends a rule as follows:

10 CSR 10-6.210 Confidential Information is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2016 (41 MoReg 742-743). No changes were made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received one comment from the Regulatory Environmental Group for Missouri (REGFORM).

COMMENT #1: REGFORM commented that they support the revisions to this rule. They emphasized to the commission and staff that this rule is very important for many companies, especially for companies in competitive industries. REGFORM emphasizes that these rule changes help streamline this important process for protecting confidential business information or trade secrets.

RESPONSE: The program appreciates the positive feedback. No changes were made to the rule language as a result of these comments.

10 CSR 10-6.210 Confidential Information

- (1) **Applicability.** This rule shall apply to all business information requested to be designated confidential under Chapter 643, RSMo.
- (2) **Definitions.** Definitions of certain terms specified in this rule may be found in 10 CSR 10-6.020.
- (3) **General Provisions.** Any information or records submitted or obtained pursuant to Chapter 643, RSMo, is subject to public disclosure unless a request for confidentiality is made by the person submitting the information or records and the request has been approved pursuant to the following procedures;
 - (A) **Procedures.**
 1. An owner or operator who wishes to claim confidentiality for any information submitted pursuant to this rule or other rules of the commission should submit a claim of confidentiality when the information is initially submitted. Failure to submit a claim of confidentiality when the information is initially submitted may result in public disclosure.
 2. The claim of confidentiality shall be accompanied by a justification that the information is entitled to confidential treatment.
 3. When information claimed to be confidential is being submitted with a permit application, emissions report, or any other documentation containing information subject to public disclosure, a separate version that may be viewed by the public shall be provided by the owner or operator.
 4. Upon receipt of a claim of confidentiality, the director shall evaluate the claim and inform the owner or operator that the claim has been approved, or that a preliminary decision has been made to deny the claim in whole

or in part. Until that time in which the claim is reviewed it shall be held in confidence.

5. If a claim of confidentiality is denied in the preliminary review, the owner or operator will have fifteen (15) days from the date of the denial letter to submit further justification or comments to the director for consideration in the final decision on confidentiality. The director shall inform the owner or operator of his/her final decision on whether the claim will be denied in whole or in part within ten (10) working days of receiving the owner or operator's further justification or comments.
6. The owner or operator may appeal the director's final decision to deny a claim of confidentiality, in whole or part, to the administrative hearing commission pursuant to 621.250, RSMo, and 10 CSR 10-1.030. Upon the timely filing of a notice of appeal, the confidentiality of the information shall be preserved until the entry of a final order by the commission.
7. If the commission's final decision is to deny the claim of confidentiality, in whole or in part, the director shall treat the information as subject to public disclosure unless the owner or operator files a timely action for judicial review pursuant to 536.110, RSMo. If a timely action for judicial review is filed, the confidentiality of the information shall be preserved until adjudication of the matter upon judicial review.
8. A claim of confidentiality under this rule shall be approved if—
 - A. The owner or operator has asserted a business confidentiality claim that has not expired by its terms or been withdrawn;
 - B. The owner or operator has satisfactorily shown that it has taken reasonable measures to protect the confidentiality of the information and that it intends to continue to take those measures;
 - C. The information is not, and has not been, reasonably obtained without the owner's or operator's consent by other persons (other than governmental bodies) by use of legitimate means (other than discovery based on a showing of special needs in a judicial or quasi-judicial proceeding);
 - D. No statute specifically requires public disclosure of the information;
 - E. The information is not emission data that is required to be reported to the U.S. Environmental Protection Agency under 40 CFR 51.15 with the exception of the following data elements which can be claimed to be confidential with justification the department approves:
 - (I) Activity/throughput (for each period reported);
 - (II) Emission factor;
 - (III) Winter throughput (percent);
 - (IV) Spring throughput (percent);
 - (V) Summer throughput (percent);
 - (VI) Fall throughput (percent);
 - (VII) Design capacity (including boiler capacity, if applicable) (MHDR);

- (VIII) Primary capture and control efficiencies (percent); and
 - (IX) Total capture and control efficiency (percent); and
- F. The owner or operator has satisfactorily shown that—
- (I) Public disclosure of the information is likely to cause substantial harm to the business' competitive position; or
 - (II) The information was voluntarily submitted and if disclosed, the submitter would be reluctant to provide additional information to the director in the future. Information is voluntarily submitted if the facility has no statutory, regulatory, or contractual obligation to provide the information; or the director has no statutory, regulatory, or contractual authority to obtain the information under federal or state law; and
- (B) Conditions for Any Disclosure.
1. Public request. Upon receipt of a request from a member of the public for release of any information submitted under a claim of confidentiality, and for which the claim has not been finally denied, the director shall inform both the person making the request and the owner or operator that the request for the information is denied or that a tentative decision has been made to release the information. A preliminary decision to release the information shall be treated in the same manner as a preliminary decision to deny a claim of confidentiality under paragraphs (3)(A)4.–8. of this rule.
 2. Confidential and public information. If information entitled to confidentiality cannot reasonably be separated from information not entitled to confidentiality, all the information must be treated as subject to public disclosure.
 3. Public release. The director and his/her designees shall not release to the public, or place in the public file, any information for which a claim of confidentiality has been made until the procedures under paragraphs (3)(A)4.–8. and (3)(B)1. of this rule have been observed.
 4. Disclosure to local agencies. Information submitted under a claim of confidentiality, where the claim has not been finally denied, may be disclosed to local air pollution control agencies if—
 - A. The owner or operator is given prior notice fifteen (15) working days in which to obtain an order from a court of competent jurisdiction restraining or enjoining the disclosure to the local agency, and if no such order is obtained, or obtained and later dissolved; or
 - B. The local agency has ordinances or regulations respecting the treatment of confidential business information that is equivalent to this rule, the director provides notice to the owner or operator that the information is being disclosed to the local agency, and the director informs the local agency that the information is subject to a claim of confidentiality.

5. Disclosure to administrator. Information submitted under a claim of confidentiality, where the claim has not been finally denied, may be disclosed to the administrator provided the administrator agrees, pursuant to 40 CFR 2.215, that the information will be kept confidential.
6. Subpoenas for confidential information. The director shall respond to subpoenas and discovery requests for information submitted under a claim of confidentiality, if the claim has not been finally denied, in a manner that is designed to preserve the claim of confidentiality until a confidentiality determination is made by a court or other tribunal of competent jurisdiction.

(4) Reporting and Record Keeping. *(Not Applicable)*

(5) Test Methods. *(Not Applicable)*

RECOMMENDATION FOR ADOPTION

PROPOSED REVISION TO

MISSOURI STATE IMPLEMENTATION PLAN –

**REDESIGNATION REQUEST AND MAINTENANCE PLAN FOR THE ST. LOUIS
(MISSOURI) 2008 OZONE STANDARD NONATTAINMENT AREA**

On July 28, 2016, the Missouri Air Conservation Commission held a public hearing for a revision to the Missouri State Implementation Plan (SIP) entitled – Redesignation Request and Maintenance Plan for the St. Louis (Missouri) 2008 Ozone Standard 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. However, the summary is included 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

Missouri is submitting a revision to its State Implementation Plan (SIP) as a part of a formal request to the U.S. Environmental Protection Agency (EPA) to redesignate the Missouri portion of the St. Louis [St. Louis (MO)] nonattainment area to attainment for the 2008 ozone National Ambient Air Quality Standard (NAAQS). This SIP revision addresses all of the redesignation elements of the federal Clean Air Act Amendments of 1990 (CAA) Section 107(d)(3)(E), and includes a maintenance plan which demonstrates how the area will continue to comply with this NAAQS pursuant to the CAA Section 175A. The maintenance plan contains, among other things, an emissions inventory, future year emissions projections, Motor Vehicle Emissions Budgets (MVEBs) for transportation conformity and contingency measures.

Ozone air quality has dramatically improved in the St. Louis region as a result of the implementation of State and Federal control measures since the designation of the St. Louis area as marginal nonattainment in July 2012 [77 FR 30088]. On February 2, 2016, Missouri requested a “Clean Data Determination” from EPA to show that the entire St. Louis (MO) nonattainment area realized at least three consecutive ozone seasons (2013-2015) of complete, quality assured ambient air quality monitoring data demonstrating attainment with the 0.075 parts per million (ppm) 8-hour ozone NAAQS. These air quality improvements are due to permanent and enforceable emission control measures as demonstrated in this plan.

This maintenance plan provides for continued attainment of the 2008 8-hour ozone NAAQS in the St. Louis (MO) nonattainment area for the next ten years (i.e. until 2030). In the event of a violation of the 2008 ozone NAAQS, additional control options, called contingency measures, are listed in this plan that can be quickly implemented to prevent any future violations.

This plan includes emissions inventories analyses of the ozone precursors - Nitrogen Oxides (NO_x), Volatile Organic Compounds (VOCs) and Carbon Monoxide (CO)– for both the redesignation demonstration period (2011- 2014) and the maintenance plan period (2014 – 2030). These analyses show that emissions levels in the St. Louis nonattainment area will continue to decrease from attainment year 2014 levels, thereby maintaining the 2008 ozone NAAQS in future years. A part of the inventory has been set aside to create new MVEBs pursuant to Clean Air Act Section 176(c) for the St. Louis (MO) nonattainment area. Once approved by EPA, these new budgets will replace previously approved MVEBs.

COMMENTS AND RESPONSES ON

PROPOSED REVISION TO

MISSOURI STATE IMPLEMENTATION PLAN – Redesignation Request and Maintenance Plan for the St. Louis (Missouri) 2008 Ozone Standard Nonattainment Area

The public comment period for the proposed revision to the Missouri State Implementation Plan (SIP) for the *Redesignation Request and Maintenance Plan for the St. Louis (Missouri) 2008 Ozone Standard Nonattainment Area* opened on June 27, 2016 and closed on August 4, 2016. Revisions to the proposed plan were made as a result of comments. In addition, typographical errors were corrected as applicable.

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 comments from the following sources: Jack Jones (Missouri Air Conservation Commissioner), Mike Alesandrini of AECOM representing the St. Louis Regional Chamber of Energy and Environment Council, and the U.S. Environmental Protection Agency (EPA). The first two comments were received at the public hearing before the Missouri Air Conservation Commission (MACC) on July 28, 2016. Written comments were received on August 4, 2016 from EPA.

COMMENT #1: Jack Jones, a Missouri Air Conservation Commissioner, asked about the St. Louis area with respect to the 2015 ozone standard.

RESPONSE: The air program thanks the commissioner for his inquiry. The proposed plan addresses requirements for the redesignation of the St. Louis ozone nonattainment area to attainment under the 2008 ozone standard, which is 75 ppb over an 8-hour averaging period.

On October 1, 2015, EPA strengthened the standard to 70 ppb over an 8-hour averaging period. The air program has developed area boundary recommendations for the 2015 ozone standard, which is currently on public notice. A public hearing is scheduled for August 25, 2016 at the next MACC meeting in the St. Louis Regional Office. Parties interested in commenting may do so by September 1, 2016. For more information on this public comment period, please go to <http://dnr.mo.gov/env/apcp/stateplanrevisions.htm>. The air program intends to submit Missouri's area boundary recommendations to EPA by October 1, 2016. EPA will make a final decision on designations by October 1, 2017.

No changes to the plan were made as a result of this comment.

Comment #2: Mike Alesandrini of AECOM, on behalf of the St. Louis Regional Chamber of Energy and Environment Council, supported the redesignation recommendation as an appropriate action. The commenter was pleased to be a part of the process to get to redesignation. The commenter also reminded the commissioners of the progress made in the area toward lower ozone readings in the last 20 years. The commenter discussed how communication between business and regulatory entities has improved over the years such that EPA now believes the area is a model for other areas of the country. Staff and elected officials were praised in their efforts related to ozone.

RESPONSE: The air program appreciates the St. Louis Regional Chamber of Energy and Environment Council's support of the SIP revision for the St. Louis ozone nonattainment area. No changes to the plan were made as a result of this comment.

COMMENT #3: EPA asked that the version of the MOVES model used in Section 5.1.1, Onroad Mobile Source Future Emissions Inventory Development, be specified.

RESPONSE: The air program modified this section of the document to specify the MOVES version (2014a) used in the analysis of onroad mobile source emissions. The air program further notes that the change in emissions seen in the inventory is caused by the change in the methodology for determining vehicle miles traveled (VMT), not the specific version of MOVES.

COMMENT #4: EPA asked for clarification on the inclusion of banked carbon monoxide (CO) credits in Table 5-9 when Section 5.4, page 37, stated that carbon monoxide is not tied to ozone production.

RESPONSE: The air program modified this section of the document to clarify that CO is not the main driver of ozone formation and the banked CO emissions were added for informational purposes.

COMMENT #5: EPA asked for clarification on the possibility of banked emissions between the future years of 2014 and 2030 in Section 5.4. The comment also asked to clarify if the assumption is that no new banked emissions will occur.

RESPONSE: The air program modified this section of the document to explain that emissions can be banked in any year between 2014 and 2030. However, since future banked emissions cannot be predicted, the air program assumed no new banked emissions beyond 2014.

COMMENT #6: EPA asked for clarity in Section 5.4 on how the 2030 Ozone Season Day Banked Emissions (Table 5-10) are utilized.

RESPONSE: The air program modified this section of the document to provide additional explanation of how banked emissions were evaluated and considered in the future year emissions inventory. Further details were added to give perspective on the size of the banked emissions and their relevance to maintaining the ozone standard in 2030.

