



Missouri
Department of
Natural Resources

**COMMENTS AND RESPONSES
AND
RECOMMENDATION FOR ADOPTION**

**PROPOSED REVISION TO
BOUNDARY RECOMMENDATION OF
NONATTAINMENT AND UNCLASSIFIABLE AREAS PER THE
2010 1-HOUR SULFUR DIOXIDE NATIONAL AMBIENT AIR QUALITY STANDARD**

In June 2010, the U.S. Environmental Protection Agency (EPA) promulgated a revision to the National Ambient Air Quality Standard (NAAQS) for sulfur dioxide (SO₂) which established a new 1-hour standard of 75 parts per billion based on the 3-year average of the 99th percentile (or the 4th highest per year) of the 1-hour daily maximum concentrations. This new standard replaced all previous SO₂ primary, or health-based, standards including the 24-hour and annual standards.

Missouri originally submitted boundary recommendations for the 1-hour SO₂ NAAQS to EPA on July 19, 2011. The original recommendation based on 2007-2009 monitoring data was to designate portions of Greene, Jackson, and Jefferson Counties nonattainment and the remainder of the state unclassifiable. A summary of the original sulfur dioxide boundary recommendation, as well as the unabridged original boundary recommendation and technical support document, are available at <http://dnr.mo.gov/env/apcp/naaqsboundarydesignations.htm>.

Based on the most recent certified 2010-2012 monitoring data, the monitors in the Springfield area in Greene County are no longer in violation of the 1-hour SO₂ NAAQS and should be recommended for designation as unclassifiable. Missouri is therefore amending its original 2011 recommendation and technical support document. The proposed Jackson and Jefferson County nonattainment areas are unchanged from the original recommendation. A summary of the revised recommendation is below:

Jefferson County Nonattainment Area

Herculaneum and Festus townships and the Missouri portions of Valmeyer and Selma townships west of the Mississippi River/Jefferson County line with the state of Illinois [see Figure 1].

Jackson County Nonattainment Area

The portion of Jackson County bounded by the county line on the north, the state of Kansas on the west, Interstate-435 on the east and the following southern boundary line – that part of Jackson County north of Interstate-670 and Interstate-70 from the Kansas border to the intersection with Interstate-435 [see Figure 2].

Unclassifiable Area

All other counties in the state of Missouri, including remaining portions of Jefferson and Jackson counties are recommended as unclassifiable.

The complete revised recommendation is posted at <http://dnr.mo.gov/enf/apcp/stateplanrevisions.htm>. It includes the maps of the recommended nonattainment areas, the county by county list of recommended area designations, and a summary of 2010-2012 certified air quality monitoring data for Greene County.

The Missouri Department of Natural Resources' Air Pollution Control Program recommends the commission adopt the revised area boundary recommendation as proposed. If the commission adopts this revised recommendation, it will be the department's intention to submit it to EPA in order to finalize the initial round of nonattainment area designations for this standard by June 2013. It will not be submitted for inclusion in the Missouri State Implementation Plan.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received no comments regarding the proposed revision to the 2010 Sulfur Dioxide Boundary Recommendation.

**COMMENTS AND RESPONSES
AND
RECOMMENDATION FOR ADOPTION**

**PROPOSED REVISION TO
THE MISSOURI STATE IMPLEMENTATION PLAN —
SECTION 110 INFRASTRUCTURE REQUIREMENTS FOR THE
2010 NITROGEN DIOXIDE
NATIONAL AMBIENT AIR QUALITY STANDARD**

On March 28, 2013, the Missouri Air Conservation Commission held a public hearing in Jefferson City, Missouri concerning this proposed revision to the Missouri State Implementation Plan (SIP) for the Section 110 Infrastructure Requirements for the 2010 Nitrogen Dioxide (NO₂) National Ambient Air Quality Standard (NAAQS). Section 110(a)(1) of the federal Clean Air Act requires states to submit an implementation plan revision such as this after the promulgation of a new or revised NAAQS to address the implementation, maintenance, and enforcement infrastructure elements of Section 110(a) for that NAAQS. This plan is administrative in nature and demonstrates Missouri's ability and authority to implement these infrastructure elements for the 2010 revised NO₂ standard via the referencing of specific corresponding applicable state statutes, regulations, programs or resources. Ten (10) comments were received concerning this proposed plan during the public comment period. Revisions were made to the plan as a result of these public comments.

The document has not been printed in the briefing document due to its volume. The complete document, as amended, 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://www.dnr.mo.gov/env/apcp/stateplanrevisions.htm>.

The Missouri Department of Natural Resources' Air Pollution Control Program recommends the commission adopt the plan action as amended. If the commission adopts this plan action, it will be the department's intention to submit this plan to the U.S. Environmental Protection Agency for inclusion in the Missouri State Implementation Plan.

SUMMARY OF COMMENTS: The department's Air Pollution Control Program received 10 comments from the U.S. Environmental Protection Agency (EPA).

COMMENT #1: The EPA commented that the department may want to consider including 10 CSR 10-6.010 *Ambient Air Quality Standards* in the list of rules in Section 2.2.A. of the document.

RESPONSE: The program has initiated a rulemaking process to incorporate the 2010 NO₂ NAAQS into the table of standards in 10 CSR 10-6.010; however, since the rule has not yet been amended, it is not appropriate to include it in the list of state rules listed in Section 2.2.A. of the NO₂ infrastructure SIP. The program asserts that not having the 2010 NO₂ NAAQS listed in the table in 10 CSR 10-6.010 in no way impedes the state's authority to implement, enforce, and maintain the 2010 NO₂ NAAQS. As stated in the plan, the state's definition rule 10 CSR 10-6.020 includes definitions for criteria pollutants and national ambient air quality standards to ensure that all regulations pertaining to criteria pollutants or NAAQS, including permitting

requirements, also apply to the revised 2010 NO₂ NAAQS. The plan also references state statutes that provide the Missouri Air Conservation Commission the authority to implement and enforce all NAAQS including the 2010 NO₂ NAAQS. No changes to the proposed plan were made as a result of this comment.

COMMENT #2: The EPA commented that the department may want to consider providing a more generic timeline for the operation of the near road NO₂ ambient monitoring network as these monitors are subject to funding availability and may need to be delayed as the result of potential federal funding reductions.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the plan has been changed by revising the language in Section 2.2.B. to add a more generic timeline for the operation of the near road NO₂ monitors and make clear that these are subject to EPA funding and requirements.

COMMENT #3: The EPA commented that the department could include information regarding the five year monitoring assessment that the department performs in Section 2.2.B. of the plan as a provision that helps satisfy the requirements of this Clean Air Act element.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, language has been added to Section 2.2.B. of the plan to include information regarding the five year monitoring assessment review.

COMMENT #4: The EPA commented that Section 2.2.C. of the plan could be reorganized into three subsections to more clearly address the three requirements under Section 110(a)(2)(C) of the Clean Air Act.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, Section 2.2.C. of the plan has been reorganized into three parts to more clearly address the three requirements under this Section.

COMMENT #5: The EPA commented that they intended to take action on Section 2.2.D of the plan in a manner consistent with the November 19, 2012 memo issued by Gina McCarthy as this section relates to interstate transport provisions.

RESPONSE AND EXPLANATION OF CHANGE: The November 19, 2012 Gina McCarthy memo was issued to EPA regions in order to communicate EPA's intentions for several issues that arose as a result of the U.S. District of Columbia Circuit Court of Appeals' decision to vacate the Cross-State Air Pollution Rule. Specifically, in the memo Ms. McCarthy stated that in regards to infrastructure SIPs, EPA does not intend to make a finding of failure to submit a SIP to comply with Section 110(a)(2)(D)(i)(I) of the Clean Air Act, commonly referred to as the "good neighbor provision" because the court stated in the decision that a SIP cannot be deemed deficient for failing to meet the good neighbor obligation before the EPA quantifies that obligation. As a result of this comment, the language in the introduction of the plan, Section 2.2.D. of the plan, and the conclusion of the plan have been revised. As part of these revisions, the technical demonstration (including both appendices) that the Missouri SIP satisfies the requirements of Section 110(a)(2)(D)(i)(I) of the Clean Air Act was removed. Instead, language was added demonstrating that the state has the infrastructure and authority in place to address this requirement if EPA quantifies a significant contribution obligation for the 2010 NO₂ NAAQS in the future.

COMMENT #6: The EPA commented that the department should reorganize Section 2.2.D. of the plan to make clear how the state is addressing each of the three sub-elements in Section 110(a)(2)(D) of the Clean Air Act.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, Section 2.2.D. of the plan has been reorganized into three parts to address the requirements of 110(a)(2)(D)(i)(I), 110(a)(2)(D)(i)(II), and 110(a)(2)(D)(ii) separately in order to provide further clarity to the state's response under each of these sub-elements of the Clean Air Act.

COMMENT #7: The EPA commented that the department could also cite the state's rules which require electric generating units to comply with the Clean Air Interstate Rule (CAIR) to provide additional assurance that the state is satisfying the requirements for visibility under Section 110(a)(2)(D)(i)(II).

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, Section 2.2.D. of the plan has been revised to include language regarding the State's CAIR rules as additional assurance that the visibility requirements under Section 110(a)(2)(D)(i)(II) are satisfied.

COMMENT #8: The EPA commented that in addition to citing the state's SIP submittal for Section 128 the department could list the specific provisions that were included in that submittal in order to address the conflict of interest sub-element of Section 110(a)(2)(E) of the Clean Air Act.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, Section 2.2.E. of the plan has been revised to include specific provisions from the Section 128 SIP revision that was submitted to EPA in July of 2012.

COMMENT #9: The EPA commented that the department may want to consider including a reference to 10 CSR 10-6.030 *Sampling Methods* in Section 2.2.F. of the plan, which establishes appropriate sampling methods from air pollution sources.

RESPONSE AND EXPLANATION OF CHANGE: The proposed plan already included a reference to this rule in Section 2.2.F. of the rule; however, as a result of this comment, additional language has been added to Section 2.2.F. to further discuss 10 CSR 10-6.030 and how it relates to this Clean Air Act element.

COMMENT #10: The EPA commented that the department could also cite the state's rules which require electric generating units to comply with the Clean Air Interstate Rule (CAIR) to provide additional assurance that the state is satisfying the requirements for visibility under Section 110(a)(2)(J) as it relates to visibility requirements under Title I Part C of the Clean Air Act.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, Section 2.2.J. of the plan has been revised to include language regarding the State's CAIR rules as additional assurance that the visibility requirements under Section 110(a)(2)(J) as it relates to visibility requirements under Title I Part C of the Clean Air Act are satisfied.