



STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Jeremiah W. (Jay) Nixon, Governor • Sara Parker Pauley, Director

www.dnr.mo.gov

JUL 1 2013

Mr. Karl Brooks
Regional Administrator
U.S. EPA, Region VII
11201 Renner Blvd.
Lenexa, KS 66219

Dear Mr. Brooks:

The Missouri Department of Natural Resources requests that the U.S. Environmental Protection Agency (EPA) amend the Missouri State Implementation Plan (SIP) to incorporate the following enclosed plan:

Section 110 Infrastructure Requirements for the 2008 Ozone National Ambient Air Quality Standard (NAAQS)

This revision to the SIP addresses the requirements of Section 110 of the federal Clean Air Act (CAA) throughout the state for the ozone NAAQS revised on March 27, 2008. This plan is intended to satisfy all Section 110(a) elements for the 2008 ozone NAAQS except for Section 110(a)(2)(D)(i)(I), often referred to as the “good neighbor” or “interstate transport” provisions. However, as discussed in Section 2.2.D. of the plan, Missouri does demonstrate that it has the infrastructure and authority in place to address this CAA requirement if EPA quantifies a significant contribution obligation for Missouri under the 2010 ozone NAAQS in the future.

The Missouri Air Conservation Commission adopted the enclosed plan action on June 27, 2013 after considering program staff testimony at the public hearing. Two written comments were received from the EPA during the public comment period. The commission has full legal authority to develop the SIP pursuant to Section 643.050 of the Missouri Air Conservation Law. The state followed all applicable administrative procedures in proposing and adopting the plan action. Enclosed are the required SIP submittal elements for determination of plan completeness per 40 CFR Part 51, Appendix V.

In order to comply with Attachment A of the “Regional Consistency for the Administrative Requirements of State Implementation Plan Submittals and the Use of Letter Notices” memo dated April 6, 2011, a searchable pdf version of this document will be emailed to the EPA Regional Office and will be posted on our website at <http://www.dnr.mo.gov/env/apcp/sips.htm> under the “Ozone 2008 Standard” subheading.

Mr. Karl Brooks
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Thank you for your attention to this matter. If you have any questions regarding this submission, please contact Wendy Vit, Missouri Department of Natural Resources' Air Pollution Control Program at P.O. Box 176, Jefferson City, MO 65102 or by phone at (573) 751-4817. E-mail inquiries may be forwarded to wendy.vit@dnr.mo.gov.

Sincerely,

AIR POLLUTION CONTROL PROGRAM

Original signed by Kyra L. Moore

Kyra L. Moore
Director

KLM:mlc

Enclosures: Copy of Plan
Copy of commission signature page certifying Missouri Air Conservation
Commission adoption
Copies of public hearing notice
Copy of public hearing transcript introductory statement
Copy of proposal for adoption – (summary of comments and responses)

c: Missouri Air Conservation Commission

**Section 110 Infrastructure Requirements for the
2008 Ozone
National Ambient Air Quality Standard**

A Missouri State Implementation Plan Revision

Missouri Air Conservation Commission
Adoption
June 27, 2013



**MISSOURI
DEPARTMENT OF
NATURAL RESOURCES**

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List of Acronyms and Abbreviations

Air Program	Air Pollution Control Program
CAA	Clean Air Act
CAIR	Clean Air Interstate Rule
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

1. EXECUTIVE SUMMARY

1.1 Introduction & Purpose

The purpose of this document is to fulfill the requirements of Section 110 of the Clean Air Act (CAA). Section 110 of the CAA requires that each state submit to the U.S. Environmental Protection Agency (EPA) a state implementation plan (SIP) revision for the implementation, maintenance, and enforcement of each new or revised national ambient air quality standard (NAAQS). The intent of the CAA in requiring this plan submittal pursuant to Section 110(a)(1), is to obligate the state to demonstrate that it has the ability, authority, and resources to implement the infrastructure elements listed in Section 110(a)(2) for each criteria pollutant. For this reason, these Section 110 plan submittals are commonly referred to as ‘infrastructure SIPs’. This document is the State of Missouri’s infrastructure plan for the 2008 ozone NAAQS.

On January 15, 2013, the EPA published in the *Federal Register* findings of failure to submit for several states, including Missouri, that had not submitted a SIP to address the applicable elements of CAA Section 110 for the 2008 ozone NAAQS (78 FR 2882). Page 2884 of this notice specifies that the finding of failure to submit does not apply to elements addressing Section 110(a)(2)(D)(i)(I) of the CAA, often referred to as the “good neighbor” or “interstate transport” provisions of the infrastructure SIP. In this notice, the EPA recognized that its efforts to reconsider the 2008 8-hour ozone NAAQS delayed and complicated the efforts of some states to develop and submit these infrastructure SIPs, but stated that EPA is nevertheless required by court order to make these findings. The findings of failure to submit established a 24-month deadline for the EPA to promulgate federal implementation plans (FIPs) to address the outstanding SIP elements unless, prior to that time, the affected states submit and the EPA approves, a SIP that corrects the deficiency. This plan addresses all Section 110 elements for the 2008 ozone NAAQS for which EPA has issued this finding of failure to submit.

This plan is not intended to fully satisfy the requirements of Section 110(a)(2)(D)(i)(I) of the CAA. However, as discussed in part 2.2.D.i of this document, Missouri does demonstrate that it has the infrastructure in place to address the requirements of CAA Section 110(a)(2)(D)(i)(I), if EPA quantifies a significant contribution obligation for Missouri under the 2008 ozone NAAQS in the future.

A. 2008 Ozone NAAQS

On March 27, 2008, the EPA promulgated a revised NAAQS for the criteria pollutant ground-level ozone. The revision strengthened the primary and secondary standards, decreasing the ozone standard from 0.08 parts per million (ppm) to 0.075 ppm, based on the 3-year average of the annual fourth-highest 8-hour daily maximum concentrations.

B. State Area Designations

The CAA requires Missouri to recommend ozone boundary designations based on air quality monitoring data. In March 2009, Missouri submitted its original boundary recommendation for the 2008 ozone NAAQS to EPA. Based on 2005-2007 monitoring data, the following parts of the state were recommended as nonattainment at that time:

Kansas City: Cass, Clay, Clinton, Jackson, Platte Counties;

St. Louis: Franklin, Jefferson, Lincoln, St. Charles, and St. Louis Counties and the City of St. Louis;

Ste. Genevieve: Ste. Genevieve County; and

Southeast Missouri: Perry County.

In September 2009, the EPA announced it would reconsider the 2008 8-hour ozone NAAQS and informed the states of this plan. In January 2010, EPA proposed strengthening the 2008 primary 8-hour ozone standard of 75 parts per billion (ppb) to a range of 60-70 ppb. EPA put the area boundary designation process on hold throughout 2010 and much of 2011 while the 2008 ozone standard was being reconsidered.

In September 2011, after President Obama halted the reconsideration of the 2008 ozone standard, EPA moved forward with finalizing designations for this standard and gave states the opportunity to submit revised recommendations based on the most recent monitoring data. On December 8, 2011, Missouri submitted a revised recommendation to the EPA. Based on 2008-2010 data, the only monitors in the state violating the 2008 ozone standard were located in the St. Louis area. The revised recommendation was to designate the City of St. Louis and the Counties of St. Louis, St. Charles, Jefferson, and Franklin as nonattainment and the remainder of the state attainment/unclassifiable.

In a letter to the Governor dated December 8, 2011, EPA outlined its preliminary decision for the designations in Missouri. EPA's designation proposal was the same as the state's recommendation to designate the City of St. Louis and the Counties of St. Louis, St. Charles, Jefferson, and Franklin as nonattainment and all other areas of the state as attainment/unclassifiable. The EPA finalized these designations in May of 2012.

More information on Missouri's ground-level ozone boundary designation recommendations may be found at: <http://dnr.mo.gov/env/apcp/naaqsboundarydesignations.htm>

1.2 Plan Summary

Section 110(a)(1) of the CAA requires states 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 areas under the 2008 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 attainment 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 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 2008 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.

This document is the State of Missouri's plan to implement, maintain and enforce the revised 2008 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, prior to submittal to the EPA, this plan underwent a public hearing before the Missouri Air Conservation Commission (MACC) on May 30, 2013. The plan was posted online for public review and comment by April 30, 2013 at the following web address: <http://www.dnr.mo.gov/env/apcp/stateplanrevisions.htm>. The public comment period was open through June 6, 2013, which was 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 State of 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 MACC rules are codified in Title 10, Division 10 of the Missouri Code of State Regulations (CSR).

The Missouri Air Conservation Law is available for viewing at:
<http://www.moga.mo.gov/statutes/chapters/chap643.htm>

The Missouri Air Conservation Commission rules are available for viewing at:
<http://www.sos.mo.gov/adrules/csr/current/10csr/10csr.asp#10-10>

Section 643.030 RSMo authorizes the "Air Conservation Commission of the State of Missouri", also known as 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. In the MACC rules, 10 CSR 10-1.010 *General Organization* reiterates the MACC's responsibility to establish air quality control regions as well as adopt, promulgate, amend and rescind rules. 10 CSR 10-1.010 also tasks department staff with carrying out the policies of the MACC:

The director of the DNR, the staff director of the Air Pollution Control Program and the program staff enforce the rules and implement the policy of the Air Conservation Commission.

Below are some other references to MACC rules used to implement and enforce the NAAQS. Ozone is a secondary pollutant, meaning that it is formed in the ambient air when oxides of nitrogen (NO_x) and volatile organic compounds (VOC) chemically react in the presence of sunlight. Therefore, NO_x and VOC are considered precursors to ozone, and many of the rules listed below control emissions of these two precursor pollutants:

- 10 CSR 10-6.020 *Definitions and Common Reference Tables* is used to define terms, such as 'NAAQS' and 'criteria pollutants or standards,' necessary to classify pollutants and implement and enforce standards.
- Section (7) of 10 CSR 10-6.030, *Sampling Methods for Air Pollution Sources* establishes the appropriate sampling method for nitrogen oxides (NO_x) from air pollution sources to be the EPA's Test Method 7. Section (14) of 10 CSR 10-6.030, *Sampling Methods for Air Pollution Sources* establishes the appropriate sampling methods for VOC from air pollution sources. Similarly, Subsections (4)(D) and (4)(N) of 10 CSR 10-6.040 *Reference Methods* refers to the appropriate respective federal reference method for determining the concentration of ozone in the ambient air.
- 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 10-6.070 *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 that all federal new source performance standards are incorporated into the SIP.

- 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 that all federal emissions standards for HAPs are incorporated into the SIP.
- 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 Benzene emissions, which is both a HAP and a VOC.
- 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 10-6.130 *Controlling Emissions During Episodes of High Air Pollution Potential* establishes federal breakpoint values for the air quality index for several air pollutants including ozone. This rule requires that the air quality index be reported to the public in large Metropolitan Statistical Areas on a daily basis and establishes procedures and emissions reductions objectives for episodes when the air quality index reaches certain breakpoint levels.
- 10 CSR 10-6.200 *Hospital, Medical, Infectious Waste Incinerators* provides emission limits for these types of sources including NO_x emissions limits. This rule also provides approved EPA test methods to demonstrate compliance with emissions limits.
- 10 CSR 10-6.230 *Administrative Penalties* establishes penalties for sources that violate Air Pollution Control Program permit conditions, Missouri Air Law, or any rule of the MACC.
- 10 CSR 10-6.310 *Restriction of Emissions From Municipal Solid Waste Landfills* establishes emission control requirements to control non-methane organic compound emissions from municipal solid waste landfills that exceed a specific emissions capacity.
- 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 10-6.362 *Clean Air Interstate Rule Annual NO_x Trading Program* establishes requirements in order to satisfy the state's SIP obligations to address interstate transport of NO_x emissions as a precursor to fine particulate matter (PM_{2.5}) concentrations from electric generating units. Although this rule was written to limit NO_x emissions as a

precursor to PM_{2.5} concentrations in downwind states, the NO_x emissions limits provide co-benefits for ozone concentrations.

- 10 CSR 10-6.364 *Clean Air Interstate Rule Seasonal NO_x Trading Program* establishes requirements in order to satisfy the state's SIP obligations to address interstate transport of NO_x emissions as a precursor to ground-level ozone concentrations from electric generating units and a small number of non-electric generating boilers.
- 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.

In addition to 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 and Kansas City 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. This Ozone Infrastructure SIP revision is not intended to address nonattainment areas for the 2008 ozone NAAQS; however, these rules 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 2008 ozone standard throughout the state because they reduce the overall level of precursor emissions that can be transported great distances to impact downwind monitors.

As stated above, infrastructure plans are not intended to identify nonattainment emission controls. Emissions limitations and other control measures to bring areas designated nonattainment back into attainment of the 2008 ozone NAAQS are being developed under a separate SIP submittal with its own schedule and process.

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 State of Missouri operates and maintains an extensive air quality monitoring network for various pollutants with over 100 instruments at more than 50 locations. There are currently over 20 air quality monitoring sites statewide tasked with collecting data on ozone in the ambient air.

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. This is itemized further within the MACC rules: For the purposes of air quality monitoring data collection and submittal, 10 CSR 10-1.010 *General Organization* restates the MACC's statutory authority to investigate facts and require the submission of relevant information. Additionally this rule

outlines the roles, duties and obligations of the Air Program. Responsibilities relevant to air quality monitoring outlined in this rule include –

- Obtain air quality data, update EPA AIRS (Air Information Retrieval System, now referred to as Air Quality System) database and disseminate data
- Coordinate with the Environmental Services Program (ESP), which provides the MACC and Air Program Staff with specific laboratory services for the establishment and maintenance of air monitoring sites
- Provide air quality data for other sections in the program
- Conduct and coordinate Ambient Air Monitoring network reviews
- Maintain the air monitoring SIP
- Coordinate air quality data input from local air pollution control agencies and the ESP
- Prepare the air quality annual report

Thus, as authorized, the Air Program maintains an Air Quality Monitoring Unit which was created to fulfill the requirements of Section 110(a)(2)(B) for the 2008 ozone NAAQS. Furthermore, Missouri's current ozone air quality monitoring network meets or exceeds the minimum requirements of the 2008 standard.

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, Missouri's 2012 air quality monitoring network plan is available at: <http://dnr.mo.gov/env/apcp/monitoring/monitoringnetworkplan.pdf>. Also, visit EPA Region 7's Air Quality Monitoring Network plan site for more information or to review Missouri's previously approved network plans: http://www.epa.gov/region07/air/quality/quality.htm#mo_air

In addition to the required submittal of the annual monitoring network plan 40 CFR 58 also requires a formal monitoring network assessment to be performed and submitted to EPA every five (5) years. The Air Program last performed and submitted to EPA a formal monitoring network assessment in 2010 as required by 40 CFR 58 Part D. The next monitoring network assessment for the State of Missouri is expected to be performed and submitted in 2015.

For more information on Air Quality Monitoring laboratory services from the department's ESP, please visit: <http://dnr.mo.gov/env/esp/aqm/esp-aqa.htm>

The state's current ozone air quality data and analysis for Missouri ozone monitoring network may be found at: <http://dnr.mo.gov/env/apcp/docs/ozonemonitordata.pdf>

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) minor new source review, and (3) 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.

i. Enforcement Program

The Department's Air Program staffs and implements a vigorous Compliance/Enforcement Section. Additionally, the department's Division of Environmental Quality maintains considerable staff resources at its five (5) regional and numerous satellite offices to coordinate complaints and inspections.

The Missouri statutes provide authority for the department to enforce the requirements of the Missouri Air Law, and any MACC rules, permits, or final compliance orders issued under the provisions of that law. For example, 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.

In the MACC rules, 10 CSR 10-1.010 *General Organization*, reinforces this authority. This rule authorizes the MACC to conduct investigations, make orders and determinations, and refer alleged violations to the attorney general. Similarly, this rule empowers the director to investigate complaints, issue abatement orders, recommend legal action be taken by the attorney general and enforce provisions of the Missouri Air Law. Lastly, this rule establishes the Air Pollution Control Program's Compliance/Enforcement Section and clearly delineates its duties in fulfillment of Section 110(a)(2)(C) of the CAA.

ii. Minor New Source Review

Missouri has a minor permit program to review smaller sources (See 10 CSR 10-6.060(6)) to ensure, among other things, that such new and modified sources will not interfere with the ozone NAAQS attainment. Sources with the potential to emit above the *de minimis* level are required to do an ambient air impact analysis to show that they are not adversely impacting the NAAQS. 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. (See the definition of *de minimis* in the definitions rule at 10 CSR10-6.020(2)(D)5. and Table 1 of 6.020(3)(A)). In accordance with Section (5) of 10 CSR 10-6.060, the department may also require impact analyses for sources lower than these levels that may be likely to adversely affect air quality.

iii. Prevention of Significant Deterioration Program

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.

These duties are furthered outlined by Paragraph (2)(D)5. of 10 CSR 10-1.010 *General Provisions* which establishes the Air Pollution Control Program's Permit Section.

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 and Greenhouse Gases.

Missouri also has a minor permit program to review smaller sources (See 10 CSR 10-6.060(6)) to ensure, among other things, that such new and modified sources will not interfere with the ozone NAAQS attainment. Sources with the potential to emit above the *de minimis* level are required to do an ambient air impact analysis to show that they are not adversely impacting the NAAQS. 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. (See the definition of *de minimis* in the definitions rule at 10 CSR10-6.020(2)(D)5. and Table 1 of 6.020(3)(A)). In accordance with Section (5) of 10 CSR 10-6.060, the Department may also require impact analyses for sources lower than these levels that may be likely to adversely affect air quality.

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, this element need not be addressed in this infrastructure plan. Nonattainment area plan elements are to be submitted in their own separate plans and will be addressed appropriately there.

Therefore, Missouri has satisfied the requirements of Section 110(a)(2)(C) of the CAA for the 2008 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 insure 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)

Missouri provides assurance that the state has the infrastructure in place to address all of the elements under of Section 110(a)(2)(D)(i)(I) of the CAA, if EPA quantifies a significant contribution obligation for Missouri under the 2008 ozone NAAQS in the future. Ground- level

ozone concentrations are impacted significantly by regional transport. This means that ozone precursor emissions can travel hundreds of miles before reacting and transforming into ground-level ozone. For this reason, addressing the element of Section 110(a)(2)(D)(i)(I) of the CAA regarding significant contribution to ozone nonattainment areas and interference with maintenance of the ozone NAAQS in downwind states is a very complex task that has been addressed historically by federal regulation. For example, in the past EPA has developed federal emission trading programs that limit ozone season NO_x emissions at the regional and state levels ensuring that the states participating in these programs eliminate their significant impact to downwind states, thus fulfilling their requirements under Section 110(a)(2)(D)(i)(I) of the CAA. The current federal emission trading program in place is the Clean Air Interstate Rule (CAIR) Seasonal NO_x Trading Program. Missouri's federally approved SIP includes the rule 10 CSR 10-6.364 *Clean Air Interstate Rule Seasonal NO_x Trading Program*. This rule was written in accordance with the federal CAIR Seasonal NO_x Trading Program (40 CFR 96.301 – 40 CFR 96.388), and addresses ozone season NO_x emissions in Missouri and thus is designed to eliminate Missouri's significant impact to downwind states' ozone nonattainment and maintenance areas. In 2009, CAIR was remanded to EPA by the U.S. District of Columbia Circuit Court of Appeals. Since then, EPA has addressed the remand by proposing and finalizing the Cross-State Air Pollution Rule (CSAPR) to replace CAIR in addressing interstate transport obligations.

Prior to CSAPR implementation, the U.S. District of Columbia Circuit Court of Appeals stayed CSAPR in December 2011, and directed EPA to continue to implement CAIR until the legal decision regarding CSAPR is resolved. In August 2012, the U.S. District of Columbia Circuit Court of Appeals issued a decision vacating CSAPR and directed EPA to continue to implement CAIR until they can implement a new replacement rule that addresses the Court's concerns. It is noted, that EPA had petitioned the court requesting a rehearing *en banc* of the court decision to vacate CSAPR, and that on January 24, 2013 the U.S. District of Columbia Circuit Court of Appeals denied the petition for the rehearing *en banc*.

Per the August 2012 Court decision to vacate CSAPR,

An upwind State will not know what it needs to do to meet its good neighbor obligation until it learns the level of air pollution in downwind States, and further learns how much it is contributing to the problems in the downwind States. EPA plays the critical role in gathering information about air quality in the downwind States, calculating each upwind State's good neighbor obligation, and transmitting that information to the upwind State. With that information, the upwind State can then determine how to meet its good neighbor obligation in a new SIP or SIP revision. (EME HOMER CITY GENERATION, L.P. vs. ENVIRONMENTAL PROTECTION AGENCY, August 21, 2012)

Furthermore, on November 19, 2012, EPA issued a memorandum regarding [“Next Steps for Pending Redesignation Requests and State Implementation Plan Actions Affected by the Recent Court Decision Vacating the 2011 Cross-State Air Pollution Rule.”](#) In this memo, Ms. Gina McCarthy with the EPA noted that “the recent CSAPR decision made certain holdings regarding the requirement for states to submit SIPs addressing the provisions of CAA Section 110(a)(2)(D)(i)(I), the good neighbor provision that addresses upwind emissions linked to

NAAQS attainment problems in downwind states. The decision states that a SIP cannot be deemed deficient for failing to meet the good neighbor obligation before the EPA quantifies that obligation.” Ms. Gina McCarthy further declared that “at this time the EPA does not intend to make findings that states failed to submit SIPs to comply with Section 110(a)(2)(D)(i)(I). To the extent states may inquire about their obligations to submit SIPs addressing this provision, we believe it would be appropriate to convey that at this time we do not intend to make such findings with respect to section 110(a)(2)(D)(i)(I).” As noted previously in this document, the finding of failure to submit issued to Missouri on January 15, 2013 for the 2008 ozone infrastructure SIP did not apply to Section 110(a)(2)(D)(i)(I).

Consistent with the court’s decision and this memo issued by EPA, to meet the requirements of Section 110(a)(2)(D)(i)(I) of the CAA, Missouri provides assurances it will continue implementing CAIR until EPA finds that Missouri is significantly contributing to downwind states’ nonattainment or maintenance areas under the 2008 ozone NAAQS and determines a level of emissions that eliminates such significant contribution. If EPA makes such a finding and determines such a level of emissions, Missouri’s intention would be to revise the SIP to control emissions to address Missouri’s significant contribution.

Missouri has demonstrated its ability to implement interstate transport rules in a timely fashion in response to past federal requirements relating to interstate transport. For example, Missouri responded to the NO_x SIP call in a timely fashion by developing a statewide NO_x rule as well as a rule to implement the federal NO_x budget trading program back in the early 2000s. Similarly, as discussed above, the State developed three separate CAIR rules in order to incorporate the federal CAIR Programs into the Missouri SIP. Finally, prior to the CSAPR litigation, Missouri had proposed a SIP revision to assume allocation authority under CSAPR that was later withdrawn after CSAPR was stayed by the federal court. These past actions by the state to work in a timely manner to revise the SIP in response to federal requirements demonstrate the state’s authority, infrastructure, and willingness to address interstate transport for all NAAQS, including ozone, when EPA determines such action is required.

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

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 2008 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). On June 26, 2012, EPA published final approval of the State of Missouri Regional Haze Plan, which was submitted in August 2009, with supplemental information provided in February 2012 (77 FR 38007, June 26, 2012). All associated Regional Haze Plan documents are available in the regulatory docket under the following docket identification number: EPA–R07–OAR–2012–0153. EPA determined the plan submitted by 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 State of Missouri intends to provide a five-year progress report for the Regional Haze Plan by August of 2014, and a SIP revision by July 31, 2018, and a revision every ten years thereafter. More information regarding Missouri's Regional Haze Plan can be found on the following website: <http://www.dnr.mo.gov/env/apcp/sips.htm#regionalhaze>.

In addition, as stated above, EPA has been directed by the U.S. District of Columbia Circuit Court of Appeals to continue implementing CAIR until a replacement rule can be implemented to address the court's concerns. Missouri has three CAIR rules including 10 CSR 10-6.362 *Clean Air Interstate Rule Annual NO_x Trading Program* 10 CSR 10-6.364 *Clean Air Interstate Rule Seasonal NO_x Trading Program*, and 10 CSR 10-6.366 *Clean Air Interstate Rule SO₂ Trading Program*. These rules control emissions of NO_x and SO₂ from electric generating units operating in Missouri, which provides further protection of visibility in Class I areas located in Missouri and downwind states.

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

Missouri provides assurance that the SIP includes provisions to satisfy the elements of Section 110(a)(2)(D)(ii) of the CAA. Missouri, being in the center of the country, is not near enough to any international borders to have a significant impact to any other country from ozone air pollution, 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 2008 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, MACC rules require that affected states receive notice prior to the commencement of any construction or modification of a source. Section (6) of 10 CSR 10-6.060 *Construction Permits Required* provides that the review of all PSD permit applications follow the procedures of 10 CSR 10-6.060(12)(A), Appendix A. This rule also requires that the permitting authority notify affected states once a draft 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

The Air Program has adequate personnel to carry out the required SIPs. As discussed above in paragraph 2.2.A. of this document, Missouri Air Law empowers the MACC to control air pollution and promulgate appropriate regulations. MACC rules assign the department and the Air Program the task of carrying out the MACC's policy. 10 CSR 10-1.010 *General Organization* outlines the organization and administrative aspects of the Air Program. The Air

Program personnel who develop and implement SIPs consist primarily of environmental specialists and environmental engineers. To support SIP development and implementation, 10 CSR 10-1.010 provides that the appropriate Air Program personnel shall –

- Develop and quality assure the emissions inventory for the purposes of the EPA National Emissions Inventory as well as Air Program use
- Coordinate with the department’s ESP and local air pollution control agencies for the establishment, operation, and maintenance of air monitoring sites
- Develop and implement the annual monitoring network plan and coordinate ambient air monitoring network reviews

Additionally, 10 CSR 10-1.010 establishes the Air Program’s Planning Section to, among other things –

- Develop and propose rules, amendments and rescissions to be adopted by the MACC
- Meet all public participation requirements of state and federal laws involving rulemaking actions and SIP revisions
- Provide SIP coordination and maintenance, and prepare SIP revisions

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

As addressed above in part 2.2.C.i. of this document, 10 CSR 10-1.010 describes the Enforcement Section’s duties. Some of these duties include –

- Perform or oversee source compliance testing
- Track and determine compliance of air pollution sources
- Resolve 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. According to 10 CSR 10-1.010, some of this section’s additional responsibilities include –

- Receive, evaluate, and make recommendations to the Air Program director to approve, approve with conditions, or deny applications for construction permits
- Process operating permit applications, amendments, and modifications in a timely manner according to the MACC rules and requirements
- Maintaining the Missouri CAA Title V Program to ensure continued authorization of the program in Missouri

ii. 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. matching funds from General Revenue 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.

iii. Authority

Chapter 643 RSMo provides the authority necessary to carry out the state implementation plan requirements. Missouri has asserted that it has the authority to implement the SIP for the 2008 ozone NAAQS in paragraph 2.2.A. of this document. See that section for more details.

iv. Conflicts of Interest

Section 110(a)(2)(E) of the CAA also provides 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 proposed approval of this SIP submission on April 10, 2013 (78 FR 21281). This SIP revision implements 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 2008 ozone NAAQS. Missouri's Section 128 SIP can be found online at the following website:
<http://www.dnr.mo.gov/env/apcp/docs/sect-128-epa-submittal1.pdf>.

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 April 10, 2013 action regarding the State's Section 128 SIP revision, EPA is proposing to approve 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

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. Here is the link to Chapter 105 RSMo:

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

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 monitor emissions from stationary sources and to submit periodic emission reports. It also requires that the state correlate the source reports with emission limitations or standards established under the CAA and make reports available for public inspection.

The requirements of this element are fulfilled through the Missouri Air Law and by various 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.

Also, Section 643.192.2 RSMo requires an annual report that summarizes changes in air quality.

As discussed in paragraph 2.2.A. of this document, establishes the appropriate sampling method for nitrogen oxides (NO_x) from air pollution sources to be the EPA's Test Method 7. Section (14) of 10 CSR 10-6.030, *Sampling Methods for Air Pollution Sources* establishes the appropriate sampling methods for VOC from air pollution sources. All of these referenced sampling methods are prescribed in 40 CFR Part 60 Appendix A.

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. In turn, the Air Program submits the emissions data 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 NO_x and VOC emissions data, 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 including contingency plans to implement the emergency provisions in their SIPs.

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.

In fulfillment of this element and by using this statutory authority, the MACC has adopted appropriate corresponding emergency regulations, to include some of the following:

- 10 CSR 10-1.010 *General Organization* enlists the MACC to develop, and the director to enact, air pollution emergency alert procedures.
- For many pollutants, including ozone, Missouri's SIP-approved rule 10 CSR 10-6.130 *Controlling Emissions During Episodes of High Air Pollution Potential* establishes action levels and contingency measures for ozone and other 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. The rule establishes action levels for one-hour and eight-hour average ozone concentrations. The action levels and associated contingency measures vary depending on the level of ozone concentrations in a particular area.

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.

In addition to its general enabling authority, as discussed in paragraph 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.

This is codified in the MACC rules by 10 CSR 10-1.010 *General Organization* which enables the MACC to promulgate and revise rules as necessary. This rule restates the director's responsibility to submit revisions of the SIP to the EPA for approval.

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 for areas designated as nonattainment areas, states must meet applicable requirements of Part D of the CAA, relating to SIP requirements for designated nonattainment areas.

This document is a statewide ozone infrastructure plan and is not intended by Missouri to meet its obligations for its ozone nonattainment areas. 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 an ozone nonattainment area plan separately for the St. Louis nonattainment area.

J. Consultation Process, Public Notification et al.: 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 prevention of significant deterioration of air quality and visibility protection. For the reasons stated below,

Missouri has addressed the applicable requirements of Section 110(a)(2)(J) of the CAA for the 2008 ozone NAAQS:

i. Interagency Consultation

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, Subsection (12)(B) of 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. As discussed in paragraph 2.2.G. of this document in regards to emergency authority, MACC rules are established requiring the development and implementation of air pollution emergency alert procedures including provisions for public notification of elevated levels of various air pollutants, and suggestions for measures which can be taken by the public to reduce emissions.

As previously stated, Section 643.050.3(6) RSMo requires the MACC to coordinate and consult with all interested parties or groups.

In fulfillment of this sub-element, and as already addressed in greater detail in paragraph 2.2.B. (Ambient Air Quality Monitoring) of this document, the Department has processes in place to report all air quality monitoring data, not just exceedances. In addition, specifically for ozone air quality data, the public is notified via the Department's website where exceedances are highlighted: <http://dnr.mo.gov/AQDS/index.do>

iii. Title I Part C of the CAA Requirements: Prevention of Significant Deterioration and Visibility

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 the applicable federal code by reference.

With respect to the visibility component of Section 110(a)(2)(J) of the CAA, the visibility element has already been addressed in paragraph 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.

As previously stated, Missouri has three CAIR rules to control emissions of NO_x and SO₂ from electric generating units operating in Missouri, which provides protection of visibility in Federal Class I Areas located in Missouri and downwind states. Finally, on June 26, 2012, EPA published final approval of the State of Missouri’s Regional Haze Plan, which was submitted in August 2009, with supplemental information provided in February 2012 (77 FR 38007, June 26, 2012).

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 infrastructure to perform of air quality modeling is found in the Missouri Air Law: Section 643.050 RSMo provides the authority to secure necessary scientific and technical services as well as to conduct studies, investigations and research.

As stated throughout this document, 10 CSR 10-1.010 *General Organization* details the various duties of Air Program staff. This rule establishes air quality modeling functions for the Air Program. 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 several staff in the Planning Section’s SIP Unit, to fulfill the requirements of Section 110(a)(2)(K) of the CAA for the 2008 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 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* which is discussed in greater detail in part 2.2.C.ii. of this document.

Appropriate subaccounts for the Title V program are discussed in part 2.2.E.iii. of this document. Therefore, Missouri has satisfied the requirements of Section 110(a)(2)(L) of the CAA for the 2008 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.

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 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, Small Business Compliance Advisory Committee meetings, and in meetings with Metropolitan Planning Organizations throughout the state.

In summary, Missouri has satisfied the requirements of Section 110(a)(2)(M) of the CAA for the 2008 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 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 2008 NAAQS for ozone. Furthermore, this plan demonstrates that with the exception of requirements under Section 110(a)(2)(D)(i)(I) of the CAA, which are discussed in detail in part 2.2.D.i of this document, 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.

Compliant with 643.055 RSMo, the Missouri Air Conservation Commission has determined that this action is needed to have a U.S. Environmental Protection Agency approved State Implementation Plan.

The Revision to the State Implementation Plan – Section 110 Infrastructure Requirements for the 2008 Ozone National Ambient Air Quality Standard is hereby adopted by the Missouri Air Conservation Commission this 27th of June, 2013.

Original signed by Commissioners:	
Jack C Baker	Chairman
Gary J Pendergrass	Vice Chairman
Mark Garnett	Member
David C. Zimmermann	Member

_____, Member

_____, Member

_____, Member

Jay Nixon, Governor
Sara Parker Pauley, Director

Air Pollution Control Program



State Plan Actions

[On Public Notice](#) | [Proposed for Adoption](#)

On Public Notice

Missouri State Implementation Plan Revision - Section 110 Infrastructure Requirements for the 2008 Ozone National Ambient Air Quality Standard

This plan was developed to fulfill the requirements of Section 110(a) of the Clean Air Act for the revised 2008 National Ambient Air Quality Standard (NAAQS) for ozone. Section 110(a)(1) requires states to submit a state implementation plan (SIP) 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)(2) for that NAAQS. On January 15, 2013, the EPA published in the *Federal Register* findings of failure to submit for several states, including Missouri, that had not made any submission to address the applicable elements of Section 110 for the 2008 Ozone NAAQS (78 FR 2882). However, this finding did not apply to Section 110(a)(2)(D)(i)(I), the “interstate transport” provisions of the infrastructure SIP. This plan is administrative in nature and demonstrates Missouri’s ability and authority to implement all Section 110 elements for the 2008 Ozone NAAQS for which EPA has issued this finding of failure to submit via the referencing of specific corresponding applicable state statutes, regulations, programs or resources.

A public hearing is scheduled for this plan action on May 30, 2013. Comments about this plan action will be accepted through the close of business on June 6, 2013.

[Section 110 Infrastructure SIP for the 2008 Ozone NAAQS](#)
[Submit Comments](#)

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Missouri State Implementation Plan Revision - Section 110 Infrastructure Requirements for the 2010 Sulfur Dioxide (SO₂) National Ambient Air Quality Standard

This plan was developed to fulfill the requirements of Section 110(a) of the Clean Air Act for the newly revised 2010 National Ambient Air Quality Standard (NAAQS) for Sulfur Dioxide (SO₂). Section 110(a)(1) requires states to submit a state implementation plan (SIP) 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)(2) for that NAAQS. This plan is administrative in nature and demonstrates Missouri’s ability and authority to implement these infrastructure elements for the 2010 SO₂ NAAQS via the referencing of specific corresponding applicable state statutes, regulations, programs or resources.

A public hearing is scheduled for this plan action on May 30, 2013. Comments about this plan action will be accepted through the close of business on June 6, 2013.

[Section 110 Infrastructure SIP for the 2010 SO2 NAAQS](#)
[Submit Comments](#)

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Proposed for Adoption

The below items will be presented for adoption at the April 25, 2013, Missouri Air Conservation Commission meeting.

Missouri State Implementation Plan - Section 110 Infrastructure Requirements for the 2010 Nitrogen Dioxide (NO2) National Ambient Air Quality Standard

This plan was developed to fulfill the requirements of Section 110(a) of the Clean Air Act for the newly revised (2010) National Ambient Air Quality Standard (NAAQS) for Nitrogen Dioxide (NO2). Section 110(a) (1) requires states to submit a state implementation plan (SIP) 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)(2) 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.

A public hearing on this plan action was held on March 28, 2013. Comments about this plan action were accepted through the close of business April 4, 2013. Revisions to the plan have been made as a result of comments received. The revised plan is listed below along with a summary of the comments received and the corresponding responses from the Department.

[2010 NO2 Infrastructure SIP](#)

[Summary of Comments and Responses](#)

This plan is scheduled for adoption at the April 25, 2013, Missouri Air Conservation Commission meeting.

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Proposed Revision to the Boundary Recommendation of Nonattainment and Unclassifiable Areas per the 2010 1-hour Sulfur Dioxide (SO2) National Ambient Air Quality Standard

The U.S. Environmental Protection Agency is moving forward with finalizing designations under the 2010 1-hour Sulfur Dioxide (SO2) NAAQS. Based on the 2010-2012 monitoring period, Missouri plans to submit a revised area boundary recommendation as an amendment to the original boundary recommendation and technical support document submitted to EPA on July 19, 2011. Based on the most recent certified 2010-2012 data from the three SO2 monitors operating in Greene County, the Springfield area is no longer in violation of the 1-hour SO2 NAAQS and will be recommended for designation as unclassifiable.

A public hearing on this plan action was held on March 28, 2013. Comments about this plan action were accepted through close of business April 4, 2013. No comments were received. The revised boundary recommendation is listed below.

[2010 1-hour SO2 Boundary Recommendation](#)

This recommendation is scheduled for adoption at the April 25, 2013, Missouri Air Conservation Commission meeting.

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Bechtel, Cheri

From: Missouri DNR <MODNR@public.govdelivery.com>
Sent: Wednesday, April 24, 2013 11:18 AM
To: Bechtel, Cheri
Subject: Courtesy Copy: Missouri DNR Air Public Notices Update

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

This bulletin was sent to the following groups of people:

Subscribers of Air Public Notices (450 recipients)



Having trouble viewing this email? [View it as a Web page.](#)



Below is a notice for items being presented for public hearing at the May 30, 2013 Missouri Air Conservation Commission meeting. If you have any questions, please contact Wendy Vit with the Air Pollution Control Program at (573) 526-3167 or wendy.vit@dnr.mo.gov.

MISSOURI AIR CONSERVATION COMMISSION WILL HOLD PUBLIC HEARING

JEFFERSON CITY, MO -- The Missouri Air Conservation Commission will hold a public hearing on Thursday, May 30, 2013 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):

- * 10 CSR 10-6.060 (amendment) Construction Permits Required
- * 10 CSR 10-5.570 (amendment) Control of Sulfur Emissions From Stationary Boilers
- * 10 CSR 10-6.345 (rescission) Control of NO_x Emissions From Upwind Sources

The above rule action will not be submitted for inclusion in the Missouri State Implementation Plan because the rule is not permanent and enforceable and never was intended to be part of the Missouri State Implementation Plan.

- * 10 CSR 10-6.400 (amendment) Restriction of Emission of Particulate Matter From Industrial Processes
- * 10 CSR 10-6.110 (amendment) Reporting Emission Data, Emission Fees, and Process Information

The above rule action will be submitted for inclusion in the Missouri State Implementation Plan and the Missouri Title V program.

- * 10 CSR 10-6.390 (amendment) Control of NO_x Emissions From Large Stationary Internal Combustion Engines
- * Missouri State Implementation Plan – Section 110 Infrastructure Requirements for the 2008 Ozone National Ambient Air Quality Standard
- * Missouri State Implementation Plan – Section 110 Infrastructure Requirements for the 2010 Sulfur Dioxide (SO₂) National Ambient Air Quality Standard

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 June 6, 2013. 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 DNR. This information has recently been updated, and is now available at the link below. Thank you for your interest in the Air Public Notices.

Update your subscriptions, modify your password or email address, or stop subscriptions at any time on your [Subscriber Preferences Page](#). You will need to use your email address to log in. If you have questions or problems with the subscription service, please contact support@govdelivery.com.

This service is provided to you at no charge by [Missouri DNR](#).

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DEPARTMENT OF NATURAL RESOURCES
MISSOURI AIR CONSERVATION COMMISSION

Public Hearing
1730 East Elm Street
Jefferson City, Missouri
May 30, 2013
9 a.m.

Before:

Jack Baker, Chairman
Mark S. Garnett
Gary Pendergrass
David Zimmerman

Reported by:

Melissa Bennett
Midwest Litigation Services
3432 West Truman Boulevard, Suite 207
Jefferson City, MO 65109
(573)636-7551

1 If the Commission adopts this rule action,
2
3 it will be the Department's intention to submit this
4
5 rule amendment to the U.S. Environmental Protection
6
7 Agency to replace the current rule that is the
8
9 Missouri State Implementation Plan. This concludes my
10
11 prepared testimony.

12
13 CHAIRMAN BAKER: Any questions? Thank you,
14
15 Paul. Missouri State Implementation Plan Section 110
16
17 infrastructure requirements. Miss Ashley.

18
19 (Ashley Jurgensmeyer was sworn.)

20
21 MS. JURGENSMEYER: Mr. Chairman, members of
22
23 the Commission, my name is Ashley Jurgensmeyer. I'm
24
25 employed with the Missouri Department of Natural

1 Resources' Air Pollution Control Program located at
2
3 1659 East Elm Street, Jefferson City, Missouri. I am
4
5 here today to present testimony for proposed revisions
6
7 to the Missouri State Implementation Plan, or SIP,
8
9 that address Section 110 infrastructure requirements
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11
12 for the 2008 National Ambient Air Quality Standard, or
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14 NAAQS, for ozone as well as the 2010 NAAQS for sulfur
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16 dioxide or SO2. The ozone plan starts on page 163,
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18 and the SO2 plan starts on page 167 of your briefing
19
20 document. If it pleases the Commission, I would like
21
22 to present both plans together because they have many
23
24 similarities.
25
26 Section 110(a) of the Clean Air Act
27
28 requires that each state submit to the U.S.



**COMMENTS AND RESPONSES
FOR
PROPOSED REVISION TO
THE MISSOURI STATE IMPLEMENTATION PLAN —
SECTION 110 INFRASTRUCTURE REQUIREMENTS FOR THE
2008 OZONE
NATIONAL AMBIENT AIR QUALITY STANDARD**

On May 30, 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 2008 Ozone 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 revised 2008 ozone standard via the referencing of specific corresponding applicable state statutes, regulations, programs, or resources. The following is a summary of comments received and the Missouri Department of Natural Resources' corresponding responses. Any changes to the proposed plan are identified in the responses to the comments.

SUMMARY OF COMMENTS: The department's Air Pollution Control Program received two (2) comments from the U.S. Environmental Protection Agency (EPA).

COMMENT #1: 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 and Section 2.2.D. of the plan has been revised. Language was added to clarify that the state has the infrastructure and authority in place to address this requirement if EPA quantifies a significant contribution obligation for the 2008 Ozone NAAQS in the future.

COMMENT #2: The EPA commented on Section 2.2.E. of the plan, suggesting that in addition to citing the state's SIP submittal for Section 128 of the Clean Air Act, the department could also note that EPA proposed approval of this SIP submission on April 10, 2013 (78 FR 21281).

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, Section 2.2.E. of the plan has been revised to include the EPA's proposed approval of the Section 128 SIP

revision that the state submitted to EPA in August of 2012. Additionally, the language in this section of the plan was revised to more clearly summarize the specific elements included in the Section 128 plan that EPA has proposed for approval into the Missouri SIP.