

## RECOMMENDATION FOR ADOPTION

### MISSOURI STATE IMPLEMENTATION PLAN REVISION –

#### **Infrastructure Elements for the 2015 Ozone Standard**

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

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

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

## EXECUTIVE SUMMARY

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

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

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

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

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

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

**COMMENTS AND RESPONSES ON**  
**MISSOURI STATE IMPLEMENTATION PLAN REVISION**  
**Infrastructure Elements for the**  
**2015 Ozone Standard**

The public comment period for the Infrastructure Elements for the 2015 Ozone Standard opened on December 31, 2018 and closed on February 7, 2019. Revisions to the proposed plan were made as a result of comments.

The following is a summary of comments received and the Missouri Department of Natural Resources' Air Pollution Control Program's (air program's) corresponding responses. Any changes to the proposed state implementation plan (SIP) revision are included in the response to comments.

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

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

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

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

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

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

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