

**COMMENTS AND RESPONSES ON  
PROPOSED RESCISSION OF**

**10 CSR 10-2.310**

**CONTROL OF EMISSIONS FROM THE APPLICATION OF UNDERBODY  
DEADENERS**

**AND**

**RECOMMENDATION FOR RESCISSION**

On March 29, 2018, the Missouri Air Conservation Commission held a public hearing concerning the proposed rescission of rule 10 CSR 10-2.310 Control of Emissions from the Application of Automotive Underbody Deadeners. The following is a summary of comments received and the Missouri Department of Natural Resources' Air Pollution Control Program corresponding responses. Any changes to the proposed rescission are identified in the responses to the comments.

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

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

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**Title 10—DEPARTMENT OF  
NATURAL RESOURCES**

**Division 10—Air Conservation Commission**

**Chapter 2—Air Quality Standards and Air Pollution Control Rules Specific to the Kansas  
City Metropolitan Area**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2016, the commission rescinds a rule as follows:

**10 CSR 10-2.310 Control of Emissions from the Application of Automotive Underbody Deadeners is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 262). No changes were made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Missouri Department of Natural Resources' Air Pollution Control Program (APCP) received five (5) comments on this rulemaking from the U.S. Environmental Protection Agency (EPA).

Due to the following five (5) comments all regarding suggestions for addressing antibacksliding, one (1) response can be found at the end of these five (5) comments.

**COMMENT #1:** EPA commented that the rule does not specifically say if it would or would not apply to a new or modified applicator of underbody deadener with potential emissions of Volatile Organic Compounds (VOCs) greater than one-hundred (100) tpy upon start-up.

**COMMENT #2:** EPA commented that a potential way for the Department to demonstrate that this State Implementation Plan (SIP) revision would not interfere with attainment of the National Ambient Air Quality Standards might be to provide an explanation of how its SIP-approved Prevention of Significant Deterioration (PSD) program would ensure that the start-up of a new source or modification of an existing source would be controlled in at least an equivalent manner as would be required by this rescinded rule.

**COMMENT #3:** EPA commented that if in the event the start-up of a new source or modification to an existing source would not be applicable under PSD but would otherwise be an applicable source under this rescinded rule, the Department should provide a demonstration of the potential emissions from such sources and make a determination about their potential impact on air quality.

**COMMENT #4:** EPA commented that the Department could supplement this demonstration by providing information on why it believes no new or modified source will start-up (i.e., are underbody deadeners no longer sprayed onto vehicles? If still spray applied, do they no longer have VOCs?).

**COMMENT #5:** EPA noted that Maximum Available Control Technology (MACT) Subpart IIII for Surface Coating of Automobiles and Light-Duty Trucks has provisions for underbody anti-chip coatings and deadeners which may provide a backstop. The Department could demonstrate that the associated limits on hazardous air pollutants (HAPs) also limit VOCs. The Department may want to evaluate further to see if this MACT rule could address the proposed rescission of this Reasonably Available Control Technology (RACT) rule.

**RESPONSE:** The program's State Implementation Plan submission will provide discussion to support this rescission. No changes were made to this rule as a result of this comment.

**COMMENTS AND RESPONSES ON  
PROPOSED RESCISSION OF  
10 CSR 10-2.360  
CONTROL OF EMISSIONS FROM BAKERY OVENS  
AND  
RECOMMENDATION FOR RESCISSION**

On March 29, 2018, the Missouri Air Conservation Commission held a public hearing concerning the proposed rescission of rule 10 CSR 10-2.360 Control of Emissions From Bakery Ovens. The following is a summary of comments received and the Missouri Department of Natural Resources' Air Pollution Control Program corresponding responses. Any changes to the proposed rescission are identified in the responses to the comments.

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

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**Title 10—DEPARTMENT OF  
NATURAL RESOURCES**

**Division 10—Air Conservation Commission**

**Chapter 2—Air Quality Standards and Air Pollution Control Rules Specific to the Kansas  
City Metropolitan Area**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2016, the commission rescinds a rule as follows:

**10 CSR 10-2.360 Control of Emissions From Bakery Ovens is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 262). No changes were made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Missouri Department of Natural Resources' Air Pollution Control Program (APCP) received four (4) comments on this rulemaking from the U.S. Environmental Protection Agency (EPA).

Due to the similarity of the following four (4) comments, one (1) response can be found at the end of these four (4) comments.

**COMMENT #1:** EPA commented that the Rulemaking Report indicates that this rule only applied to one (1) source up promulgation, the Wonder Bread facility, and that source is no longer active. However, the rule does not name a specific facility. Furthermore, the rule applies to all installations which have the uncontrolled potential to emit (PTE) more than one-hundred (100) tons per year (tpy) or two-hundred fifty (250) kg per day of volatile organic compounds (VOCs), and that the rule shall apply to new or modified commercial bakeries whose potential emissions of VOCs are greater than one-hundred (100) tpy upon start-up. Since the rule language indicates that any commercial bakery oven source greater than 100 tpy of VOCs are subject to this rule and the Rulemaking Report only names the existing source at the time of the rule, the Department should clearly state that no other sources were subject to this rule at any time and thus all potential emissions impact from affected facilities have been taken into consideration.

**COMMENT #2:** EPA commented that a potential way for the Department to demonstrate that this State Implementation Plan (SIP) revision would not interfere with attainment of the National Ambient Air Quality Standards (NAAQS) might be to provide an explanation of how its SIP approved Prevention of Significant Deterioration (PSD) program would ensure that the start-up of a new source or modification of an existing source would be controlled in at least an equivalent manner as would be required by this rescinded rule.

**COMMENT #3:** EPA commented that if in the event the start-up of a new source or modification to an existing source would not be applicable under PSD but would otherwise be an applicable source under this rescinded rule, the Department should provide a demonstration of the potential emissions from such sources and make a determination about their potential impact on air quality.

**COMMENT #4:** EPA commented that the Department could supplement this demonstration by providing information on why it believes no new or modified source will start-up (i.e., is there new technology such that commercial bakery ovens no longer emit VOC levels that would trigger this rule?).

**RESPONSE:** The program's State Implementation Plan submission will provide discussion to support this rescission. No changes were made to this rule as a result of this comment.

**COMMENTS AND RESPONSES ON  
PROPOSED RESCISSION OF  
10 CSR 10-3.160  
RESTRICTION OF EMISSION OF FLUORIDES FROM DIAMMONIUM PHOSPHATE  
FERTILIZER PRODUCTION  
AND  
RECOMMENDATION FOR RESCISSION**

On March 29, 2018, the Missouri Air Conservation Commission held a public hearing concerning the proposed rescission of rule 10 CSR 10-3.160 Restriction of Emission of Fluorides From Diammonium Phosphate Fertilizer Production. The following is a summary of comments received and the Missouri Department of Natural Resources' Air Pollution Control Program corresponding responses. Any changes to the proposed rescission are identified in the responses to the comments.

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

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**Title 10—DEPARTMENT OF  
NATURAL RESOURCES**

**Division 10—Air Conservation Commission**

**Chapter 3—Air Pollution Control Rules Specific to the Outstate Missouri Area**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2016, the commission rescinds a rule as follows:

**10 CSR 10-3.160 Restriction of Emission of Fluorides From Diammonium Phosphate Fertilizer Production is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 262-263). No changes were made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Missouri Department of Natural Resources' Air Pollution Control Program (APCP) received a total of one (1) comment from one (1) source: The U.S. Environmental Protection Agency (EPA).

**COMMENT #1:** EPA commented that this rule is approved into the state's Clean Air Act (CAA) 111(d) plan and as such is not subject to the anti-backsliding requirements of CAA 110(l) and 193. However, the Rulemaking Report does not specify how the removal of this rule would or would not impact its 111(d) plan. We recommend some description of how the rescission of this rule would not hamper the state's ability to implement or reduce the effectiveness of the state's 111(d) plan.

**RESPONSE:** The program's State Implementation Plan submission will provide discussion on how the rescission of this rule would not hamper the state's ability to implement or reduce the effectiveness of the state's 111(d) plan. No changes were made to the rule as a result of this comment.

**COMMENTS AND RESPONSES ON  
PROPOSED RESCISSION OF  
10 CSR 10-5.120  
INFORMATION ON SALES OF FUELS TO BE PROVIDED AND MAINTAINED  
AND  
RECOMMENDATION FOR RESCISSION**

On March 29, 2018, the Missouri Air Conservation Commission held a public hearing concerning the proposed rescission of rule 10 CSR 10-5.120 Information on Sales of Fuels to be Provided and Maintained. The following is a summary of comments received and the Missouri Department of Natural Resources' Air Pollution Control Program corresponding responses. Any changes to the proposed rescission are identified in the responses to the comments.

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

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**Title 10—DEPARTMENT OF  
NATURAL RESOURCES**

**Division 10—Air Conservation Commission**

**Chapter 5—Air Quality Standards and Air Pollution Control Rules Specific to the St.  
Louis Metropolitan Area**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2016, the commission rescinds a rule as follows:

**10 CSR 10-5.120** Information on Sales of Fuels to be Provided and Maintained **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 263). No changes were made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Missouri Department of Natural Resources' Air Pollution Control Program (APCP) received a total of one (1) comment from one (1) source: The U.S. Environmental Protection Agency (EPA).

**COMMENT #1:** EPA commented that the Rulemaking Report indicates that this rule is obsolete due to other federal and state regulations that control emissions rather than fuels. In addition, the intent of the rule is focused on record keeping and tracking of fuel oil sales and ash content of coal sales. The EPA recognizes that this rule does not control emissions; however, the Department could provide information regarding the specific federal and state rules as referenced in the Rulemaking Report that have replaced the need for this rule and indicate that there are record keeping requirements as part of those rules.

**RESPONSE:** The program's State Implementation Plan submission will provide discussion to support the information provided in the Rulemaking Report. No changes were made to this rule as a result of this comment.

**COMMENTS AND RESPONSES ON  
PROPOSED RESCISSION OF  
10 CSR 10-5.130  
CERTAIN COALS TO BE WASHED  
AND  
RECOMMENDATION FOR RESCISSION**

On March 29, 2018, the Missouri Air Conservation Commission held a public hearing concerning the proposed rescission of rule 10 CSR 10-5.130 Certain Coals to be Washed. The following is a summary of comments received and the Missouri Department of Natural Resources' Air Pollution Control Program corresponding responses. Any changes to the proposed rescission are identified in the responses to the comments.

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

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**Title 10—DEPARTMENT OF  
NATURAL RESOURCES**

**Division 10—Air Conservation Commission**

**Chapter 5—Air Quality Standards and Air Pollution Control Rules Specific to the St.  
Louis Metropolitan Area**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2016, the commission rescinds a rule as follows:

**10 CSR 10-5.130 Certain Coals to be Washed is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 263-264). No changes were made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Missouri Department of Natural Resources' Air Pollution Control Program (APCP) received two (2) comments from one (1) source: The U.S. Environmental Protection Agency (EPA).

Due to the following two (2) comments all regarding suggestions for supporting why the rescission does not impact the stringency of the State Implementation Plan, one (1) response can be found at the end of these two (2) comments.

**COMMENT #1:** EPA commented that the Rulemaking Report indicates that this rule is obsolete because provisions of three (3) other rules taken together (10 CSR 10-6.261 Control of Sulfur Dioxide Emissions; 10 CSR 10-5.570 Control of Sulfur Emissions From Stationary Boilers; and 10 CSR 10-6.405 Restriction of Particulate Matter Emissions From Fuel Burning Equipment Used for Indirect Heating) effectively limit the Sulfur Dioxide (SO<sub>2</sub>) and particulate matter (PM) emissions from coal-burning sources statewide. We recommend that the Department demonstrate how these state rules limit SO<sub>2</sub> and PM emissions in an equivalent or greater manner than the rule being rescinded. If in the event an applicability coverage gap exists the Department should describe the gap between sources that were covered under 10 CSR 10-5.130 and the sources that are subject to the current rules which the state is relying upon, and describe how these sources, such as minor sources would be controlled, or that the potential emissions from these sources uncontrolled would have a negligible impact on air quality overall. EPA notes that 10 CSR 10-6.261 is not State Implementation Plan (SIP) approved.

**COMMENT #2:** EPA commented that if applicable, the Department could describe whether there are any federal or other requirements that limit the ash content of coal such that the rescission of this rule would not impact the stringency of the SIP.

**RESPONSE:** The program's SIP submission will provide discussion to support that the rescission of the rule will not impact the stringency of the SIP. No changes were made to this rule as a result of this comment.

**COMMENTS AND RESPONSES ON  
PROPOSED RESCISSION OF  
10 CSR 10-5.450  
CONTROL OF VOC EMISSIONS FROM TRAFFIC COATINGS  
AND  
RECOMMENDATION FOR RESCISSION**

On March 29, 2018, the Missouri Air Conservation Commission held a public hearing concerning the proposed rescission of rule 10 CSR 10-5.450 Control of VOC Emissions from Traffic Coatings. The following is a summary of comments received and the Missouri Department of Natural Resources' Air Pollution Control Program corresponding responses. Any changes to the proposed rescission are identified in the responses to the comments.

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

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**Title 10—DEPARTMENT OF  
NATURAL RESOURCES**

**Division 10—Air Conservation Commission**

**Chapter 5—Air Quality Standards and Air Pollution Control Rules Specific to the  
St. Louis Metropolitan Area**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2016, the commission rescinds a rule as follows:

**10 CSR 10-5.450 Control of VOC Emissions from Traffic Coatings is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 264). No changes were made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Missouri Department of Natural Resources' Air Pollution Control Program received two (2) comments from two (2) sources: The Boeing Company and the U.S. Environmental Protection Agency (EPA).

**COMMENT #1:** The Boeing Company spoke in favor of the rule rescission. Since the federal rule became effective in 1998, Boeing is now confident that any paving contractor that Boeing uses cannot buy noncompliant coating anymore. The elimination of the state rule will unclutter our Title V permit compliance certification.

**RESPONSE:** The program appreciates Boeing's support of the rescission. No change was made to the rule as a result of this comment.

**COMMENT #2:** The EPA provided suggestions and comments to help ensure that any State Implementation Plan submission meets the requirements of Section 110(l) and 193 of the Clean Air Act. EPA commented that while the 150 gram limit on the VOC content of manufactured traffic coating is identical for the federal rule 40 CFR Part 59, Subpart D and the proposed rule rescission, that the Missouri Department of Natural Resources should also compare the applicability, the labeling requirements, and test method requirements of the rules.

**RESPONSE:** The program performed a review and comparison of the state rule and federal rule prior to proposing the rule rescission and found that the rules were nearly identical. The program's State Implementation Plan submission will provide discussion to support that any differences between the two (2) rules would not interfere with the attainment of the National Ambient Air Quality Standards, Rate of Progress, Reasonable Further Progress or any other applicable requirement of the Clean Air Act. No change was made to the rule as a result of this comment.

**COMMENTS AND RESPONSES ON  
PROPOSED RESCISSION OF  
10 CSR 10-6.100  
ALTERNATE EMISSION LIMITS  
AND  
RECOMMENDATION FOR RESCISSION**

On March 29, 2018, the Missouri Air Conservation Commission held a public hearing concerning the proposed rescission of rule 10 CSR 10-6.100 Alternate Emission Limits. The following is a summary of comments received and the Missouri Department of Natural Resources' Air Pollution Control Program corresponding responses. Any changes to the proposed rescission are identified in the responses to the comments.

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

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**Title 10—DEPARTMENT OF  
NATURAL RESOURCES**

**Division 10—Air Conservation Commission**

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

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2016, the commission rescinds a rule as follows:

**10 CSR 10-6.100 Alternate Emission Limits is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 264). No changes were made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Missouri Department of Natural Resources' Air Pollution Control Program (APCP) received one (1) comment on this rulemaking from the U.S. Environmental Protection Agency (EPA).

**COMMENT #1:** EPA commented that this rule was not approved into the SIP and they do not see any issue with its rescission.

**RESPONSE:** The program appreciates the comment provided by EPA.

**COMMENTS AND RESPONSES ON  
PROPOSED RESCISSION OF  
10 CSR 10-6.350  
EMISSION LIMITATIONS AND EMISSIONS TRADING OF OXIDES OF NITROGEN  
AND  
RECOMMENDATION FOR RESCISSION**

On March 29, 2018, the Missouri Air Conservation Commission held a public hearing concerning the proposed rescission of rule 10 CSR 10-6.350 Emission Limitations and Emissions Trading of Oxides of Nitrogen. The following is a summary of comments received and the Missouri Department of Natural Resources' Air Pollution Control Program corresponding responses. Any changes to the proposed rescission are identified in the responses to the comments.

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

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**Title 10—DEPARTMENT OF  
NATURAL RESOURCES**

**Division 10—Air Conservation Commission**

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

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2016, the commission rescinds a rule as follows:

**10 CSR 10-6.350 Emission Limitations and Emissions Trading of Oxides of Nitrogen is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 265). No changes were made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Missouri Department of Natural Resources' Air Pollution Control Program (APCP) received one (1) comment on this rulemaking from the U.S. Environmental Protection Agency (EPA).

**COMMENT #1:** EPA commented that the State Implementation Plan revision submission for this rescission should discuss how these rules were relied upon in the Department's maintenance plan for the 1997 annual fine particulate matter standards (PM<sub>2.5</sub>) and any potential impact of rescinding the rules on that plan.

**RESPONSE:** The program's State Implementation Plan submission will provide discussion on how this rule was relied upon in the maintenance plan for the 1997 PM<sub>2.5</sub> standard and the potential effect of rescinding this rule. No change was made to the rule as a result of this comment.

**COMMENTS AND RESPONSES ON  
PROPOSED RESCISSION OF  
10 CSR 10-6.360  
CONTROL OF NO<sub>x</sub> EMISSIONS FROM ELECTRIC GENERATING UNITS AND  
NON-ELECTRIC GENERATING BOILERS  
AND  
RECOMMENDATION FOR RESCISSION**

On March 29, 2018, the Missouri Air Conservation Commission held a public hearing concerning the proposed rescission of rule 10 CSR 10-6.360 Control of NO<sub>x</sub> Emissions From Electric Generating Units and Non-Electric Generating Boilers. The following is a summary of comments received and the Missouri Department of Natural Resources' Air Pollution Control Program corresponding responses. Any changes to the proposed rescission are identified in the responses to the comments.

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

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**Title 10—DEPARTMENT OF  
NATURAL RESOURCES**

**Division 10—Air Conservation Commission**

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

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2016, the commission rescinds a rule as follows:

**10 CSR 10-6.360 Control of NO<sub>x</sub> Emissions From Electric Generating Units and Non-Electric Generating Boilers is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2018 (43 MoReg 265). No changes were made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Missouri Department of Natural Resources' Air Pollution Control Program (APCP) received one (1) comment on this rulemaking from the U.S. Environmental Protection Agency (EPA).

**COMMENT#1:** EPA commented that the State Implementation Plan revision submission for this rescission should discuss how these rules were relied upon in the Department's maintenance plan for the 1997 annual fine particulate matter standards (PM<sub>2.5</sub>) and any potential impact of rescinding the rules on that plan. In addition, the EPA suggests the Department provide a short narrative regarding the status of the three affected non-electric generating unit (EGU) sources of 10 CSR 10-6.360 that were not included in the applicability of the federal Cross State Air Pollution Rule.

**RESPONSE:** The program's State Implementation Plan (SIP) submission will provide discussion on how this rule was relied upon in the maintenance plan for the 1997 PM<sub>2.5</sub> standard and the potential effect of rescinding this rule. The program's SIP submission will also provide the current status of the non-EGU sources that were subject to this rule when the Missouri SIP is amended. No change was made to the rule as a result of this comment.