COMMENTS AND RESPONSES ON

PROPOSED RESCISSION OF

10 CSR 10-2.215

CONTROL OF EMISSIONS FROM SOLVENT CLEANUP OPERATIONS

AND

RECOMMENDATION FOR RESCISSION

On July 26, 2018, the Missouri Air Conservation Commission held a public hearing concerning the proposed rescission of rule 10 CSR 10-2.215 Control of Emissions From Solvent Cleanup Operations. 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:

* Shaded Text - Rule sections or subsections unchanged from Public Hearing. This text is only for reference.

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

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

Title 10—DEPARTMENT OF
NATURAL RESOURCES

Division 10—Air Conservation Commission

Chapter 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10 CSR 10-2.215 Control of Emissions From Solvent Cleanup Operations is rescinded.
A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 15, 2018 (43 MoReg 1015-1016). 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 twelve (12) comments on this rulemaking from the U.S. Environmental Protection Agency (EPA).

Due to similar concerns expressed in the following five (5) comments, one (1) response that addresses these concerns is at the end of these five (5) comments.

**COMMENT #1:** The EPA provided a general comment for all the rules that the department has the responsibility to ensure that the State Implementation Plan (SIP) revision submitted to EPA meets the requirements of sections 110(1) and 193 of the Clean Air Act (CAA).

Section 110(1): Generally, section 110(1) provides that EPA cannot approve a SIP revision if the revision interferes with any applicable requirement concerning attainment and reasonable further progress or any other requirement of the CAA. This section applies to any area and to any National Ambient Air Quality Standard (NAAQS) pollutant and/or precursor. Thus, any SIP rule is subject to this section.

Section 193: Section 193 prohibits modification of a SIP in effect before 1990 unless that modification would ensure equivalent or greater emissions reductions, i.e., "anti-backsliding." Section 193 applies only to nonattainment areas and is specific to the nonattainment pollutant. The applicability of section 193 is specific to nonattainment "criteria" pollutants. The ozone implementation rule (codified at 40 CFR 51.905(a)(4)), describes how section 193 applies to Kansas City - an attainment area for the eight (8)-hour standard and maintenance area for the one (1)-hour standard.

Each of the eleven (11) proposed rule rescissions are subject to section 110(1) requirements; six (6) of the proposed rule rescissions are subject to the section 193 requirements. One (1) of the seven (7) proposed rule revisions is subject to section 110(1) requirements, one (1) is a Title V Part 70 revision, one (1) is a 111(d) plan revision and the remaining four (4) proposed rule revisions are administrative in nature only.

**COMMENT #2:** The EPA suggests a demonstration that quantifies any emissions increase or potential increase by rescinding the rule(s), and a discussion on the impact on air quality. This demonstration could be done by comparing the source inventory at the time the rule was promulgated to the source inventory now, and demonstrating the overall impact on emissions. In addition, the department could include a discussion of the monitored air quality when the rule was promulgated/incorporated into the SIP and monitored air quality trends that demonstrate an improvement in air quality and how the rescission of the rule might impact those trends.

**COMMENT #3:** The EPA suggests a discussion of the rule's purpose; specifically, whether the rule was promulgated to meet nonattainment area requirements, and if so, which specific NAAQS. In addition, the department could describe how the rule no longer serves to meet that purpose or how the rule has been superseded by another permanent and enforceable mechanism.
COMMENT #4: The EPA suggests a discussion of whether the rule was used to support other actions and whether the removal of the rule would impact those obligations such as an attainment demonstration, a request for a determination to attainment, a redesignation request and maintenance plan, or other actions such as Regional Haze or Interstate Transport.

COMMENT #5: The EPA suggests that where the department may be anticipating other federal programs, such as Maximum Achievable Control Technology (MACT) and National Emissions Standards for Hazardous Air Pollutants, as acting as a backstop to removal of its Reasonably Available Control Technology (RACT) rules, a comprehensive discussion of how those programs equal RACT. For example, there may be volatile organic compound (VOC) sources regulated by these programs that are well-controlled through add-on controls, or even through substitution of non-hazardous air pollutant material for VOC hazardous air pollutant materials, however, these programs only cover air toxics and not all VOC emissions that RACT would capture and control are air toxics.

RESPONSE: The rescission of this rule is consistent with Executive Order 17-03 requiring a review of every regulation to affirm that the regulation is essential to the health, safety, or welfare of Missouri residents. The review of this rule indicated that no sources are subject to the rule, that the rule does not reduce any air pollutant, and therefore is not essential. Previously subject sources either have gone out of business or the source is no longer subject to the rule. In some cases, the source has been out of business or not subject to the rule for years. While a rule may have applied to a source to reduce or limit air pollutants in the past, the source is no longer producing the regulated emissions and the rule is no longer needed or relied upon for emission reductions going forward. To address EPA’s concern about limiting VOC emissions from a new source, the department reiterates that RACT rules were intended to apply to existing major sources in nonattainment areas present at the time of the rule’s promulgation. Any new source would not be subject to a RACT rule and instead would be subject to current applicable state or federal rules. Those state and federal rules would serve as the backstop limiting VOC emissions. These rules are not relied upon for any SIP purposes.

Due to similar concerns expressed in the following seven (7) comments, one (1) response that addresses these concerns is at the end of these seven (7) comments.

COMMENT #6: The Rulemaking Report indicates that "this rule applied Reasonably Available Control Technology to major sources of volatile organic compounds emissions from the use of large quantities of solvent cleaners in the Kansas City nonattainment area. Generally, RACT rules apply to those sources that were subject because they existed at the time the RACT rule became effective and are still currently operating." However, the rule language indicates that it applies to any person who performs or allows the performance of any cleaning operation involving the use of a VOC solvent or solvent solution unless cleaning solvent VOCs are emitted at less than five hundred (500) pounds per day. Because the rule, as written, does not specifically say if it would or would not apply to a new or modified solvent cleanup operation with potential emissions of greater than five hundred (500) pounds of VOCs per day upon start-up, and the rule could read to imply that it would, the department should provide clarification of the rule’s applicability and demonstrate that the SIP revision would not interfere with attainment of the NAAQS.

COMMENT #7: A potential way for the department to demonstrate that the SIP revision would not interfere with attainment of the 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 an equivalent manner as would be required by the rescinded rule. 

COMMENT #8: 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 the rescinded rule, the department should provide a demonstration of the potential emissions from such sources and make a determination about the source's potential impact on air quality. 

COMMENT #9: The department could supplement this demonstration by providing information on why it believes no new or modified sources will start-up (i.e., Are solvent cleanup operations no longer performed, or do those operations always meet one of the exceptions to the rescinded rule? Do solvent clean-up operations no longer use VOCs?). 

COMMENT #10: The department could demonstrate that the associated limits on HAPs also limit VOCs. The department may want to evaluate if the MACT for Halogenated Solvent Cleaning could address the proposed rescission of this RACT rule, although many of the halogenated solvents are specifically not VOCs (i.e., the MACT regulates six (6) solvents specifically and only two (2) of those are VOCs). 

COMMENT #11: The Rulemaking Report states that the only applicable source at the time of the rule's effective date was Ford Claycomo and that this source is now exempt, making the rule obsolete. However, the fiscal notes published in the October 2, 2000, and April 1, 2001, Missouri Register do not provide this information. The EPA recommends, for clarity to the public, that the department add an explanation in the Purpose section of the rescission how this rule only applied to the Ford Claycomo facility. 

COMMENT #12: The Rulemaking Report indicates that the rule is obsolete because the Ford Claycomo facility is now exempt. However, the report does not indicate to the public why the facility is exempt. The EPA recommends that the department provide additional explanation on how it was determined that the source is now exempt from the rule. 

RESPONSE: The rescission of this RACT rule is consistent with Executive Order 17-03 requiring a review of every state regulation to affirm that the regulation is necessary. The review of this rule indicated there are no sources subject to the rule, making the rule obsolete. In this case, the source is exempt from the rule according to their current operating permit because the facility uses solvents for nonmanufacturing area cleaning. This rescission will not have a negative effect on air quality since the rule does not function to reduce emissions (no sources regulated) or achieve attainment or maintenance of the NAAQS (SIP requirements met). To address EPA’s concern about limiting VOC emissions from a new source, the department reiterates that RACT rules were intended to apply to existing major sources in nonattainment areas present at the time of the rule’s promulgation. Any new sources or major modifications of existing sources would not be subject to this RACT rule and instead would be subject to New Source Review permitting and current applicable state or federal rules. Those state and federal rules would serve as the backstop limiting VOC emissions. The rule is not relied upon for any SIP purposes since there are no affected sources.
COMMENTS AND RESPONSES ON

PROPOSED RESCISSION OF

10 CSR 10-5.370

CONTROL OF EMISSIONS FROM THE APPLICATION OF DEADENERS AND ADHESIVES

AND

RECOMMENDATION FOR RESCISSION

On July 26, 2018, the Missouri Air Conservation Commission held a public hearing concerning the proposed rescission of rule 10 CSR 10-5.370 Control of Emissions From the Application of Deadeners and Adhesives. 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:

* Shaded Text - Rule sections or subsections unchanged from Public Hearing. This text is only for reference.

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

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

Title 10—DEPARTMENT OF NATURAL RESOURCES

Division 10—Air Conservation Commission

Chapter 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 10-5.370 Control of Emissions From the Application of Deadeners and Adhesives is
A notice of proposed rulemaking containing the proposed rescission was published in the Missouri Register on May 15, 2018 (43 MoReg 1019). 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 twelve (12) comments on this rulemaking from the U.S. Environmental Protection Agency (EPA).

Due to similar concerns expressed in the following five (5) comments, one (1) response that addresses these concerns is at the end of these five (5) comments.

COMMENT #1: The EPA provided a general comment for all the rules that the department has the responsibility to ensure that the State Implementation Plan (SIP) revision submitted to EPA meets the requirements of sections 110(1) and 193 of the Clean Air Act (CAA).

Section 110(1): Generally, section 110(1) provides that EPA cannot approve a SIP revision if the revision interferes with any applicable requirement concerning attainment and reasonable further progress (RFP) or any other requirement of the CAA. This section applies to any area and to any National Ambient Air Quality Standard (NAAQS) pollutant and/or precursor. Thus, any SIP rule is subject to this section.

Section 193: Section 193 prohibits modification of a SIP in effect before 1990 unless that modification would ensure equivalent or greater emissions reductions, i.e., "anti-backsliding." Section 193 applies only to nonattainment areas and is specific to the nonattainment pollutant. The applicability of section 193 is specific to nonattainment "criteria" pollutants. The ozone implementation rule (codified at 40 CFR 51.905(a)(4)), describes how section 193 applies to Kansas City - an attainment area for the eight (8)-hour standard and maintenance area for the one (1)-hour standard.

Each of the eleven (11) proposed rule rescissions are subject to section 110(1) requirements; six (6) of the proposed rule rescissions are subject to the section 193 requirements. One (1) of the seven (7) proposed rule revisions is subject to section 110(1) requirements, one (1) is a Title V Part 70 revision, one (1) is a 111(d) plan revision and the remaining four (4) proposed rule revisions are administrative in nature only.

COMMENT #2: The EPA suggests a demonstration that quantifies any emissions increase or potential increase by rescinding the rule(s), and a discussion on the impact on air quality. This demonstration could be done by comparing the source inventory at the time the rule was promulgated to the source inventory now, and demonstrating the overall impact on emissions. In addition, the department could include a discussion of the monitored air quality when the rule was promulgated/ incorporated into the SIP and monitored air quality trends that demonstrate an improvement in air quality and how the rescission of the rule might impact those trends.

COMMENT #3: The EPA suggests a discussion of the rule's purpose; specifically, whether the rule was promulgated to meet nonattainment area requirements, and if so, which specific
NAAQS. In addition, the department could describe how the rule no longer serves to meet that purpose or how the rule has been superseded by another permanent and enforceable mechanism.

COMMENT #4: The EPA suggests a discussion of whether the rule was used to support other actions and whether the removal of the rule would impact those obligations such as an attainment demonstration, a request for a determination to attainment, a redesignation request and maintenance plan, or other actions such as Regional Haze or Interstate Transport.

COMMENT #5: The EPA suggests that where the department may be anticipating other federal programs, such as Maximum Achievable Control Technology (MACT) and National Emissions Standards for Hazardous Air Pollutants, as acting as a backstop to removal of its Reasonably Available Control Technology (RACT) rules, a comprehensive discussion of how those programs equal RACT. For example, there may be volatile organic compound (VOC) sources regulated by these programs that are well-controlled through add-on controls, or even through substitution of non-hazardous air pollutant material for VOC hazardous air pollutant materials, however, these programs only cover air toxics and not all VOC emissions that RACT would capture and control are air toxics.

RESPONSE: The rescission of this rule is consistent with Executive Order 17-03 requiring a review of every regulation to affirm that the regulation is essential to the health, safety, or welfare of Missouri residents. The review of this rule indicated that no sources are subject to the rule, that the rule does not reduce any air pollutant, and therefore is not essential. Previously subject sources either have gone out of business or the source is no longer subject to the rule. In some cases, the source has been out of business or not subject to the rule for years. While a rule may have applied to a source to reduce or limit air pollutants in the past, the source is no longer producing the regulated emissions and the rule is no longer needed or relied upon for emission reductions going forward. To address EPA’s concern about limiting VOC emissions from a new source, the department reiterates that RACT rules were intended to apply to existing major sources in nonattainment areas present at the time of the rule’s promulgation. Any new source would not be subject to a RACT rule and instead would be subject to current applicable state or federal rules. Those state and federal rules would serve as the backstop limiting VOC emissions. These rules are not relied upon for any SIP purposes.

Due to similar concerns expressed in the following seven (7) comments, one (1) response that addresses these concerns is at the end of these seven (7) comments.

COMMENT #6: The Rulemaking Report indicates that this "rule applied Reasonably Available Control Technology to major sources of volatile organic compounds emissions applying automotive underbody deadeners and adhesives in the St. Louis nonattainment area. Generally, RACT rules apply to those sources that were subject because they existed at the time the RACT rule became effective and are still currently operating." The Rulemaking Report names the Chrysler Corporation and states that this source ceased operations in 2008 and that both the north and south facilities were razed in 2011. However, the rule language indicates that it applies throughout St. Louis City and Jefferson, St. Charles, Franklin and St. Louis counties and that it applies to all installations that have the uncontrolled potential to emit (PTE) of more than one hundred (100) tons per year (tpy) or two hundred fifty (250) kilogram (kg) per day of VOC. Because the rule, as written, does not specifically say if it would or would not apply to a new or modified applicator of underbody deadener with potential emissions of VOCs greater than one hundred (100) tpy or two hundred fifty (250) kg per day upon start-up, and the rule could read to
imply that it would, the department should provide clarification of the rule's applicability and
demonstrate that the SIP revision would not interfere with attainment of the NAAQS.
COMMENT #7: A potential way for the department to demonstrate that this SIP revision would
not interfere with attainment of the 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 #8: If EPA's proposed rulemaking to redesignate the Missouri portion of the
St. Louis-St. Charles-Farmington, MO-IL 2008 Ozone area to attainment is finalized as
proposed, Nonattainment New Source Review (NNSR) will no longer apply in Jefferson County
and portions of Franklin County and new sources in those counties will then have a PTE of up to
249 tpy without being subject to PSD, MACT, or New Source Performance Standards. Because
of the change in applicability of NNSR, the department will need to ensure that the department's
SIP submission meets the requirements of sections 110(1) and 193 of the CAA, also known as
the "anti-backsliding" provisions. These sections relate to the EPA's authority to approve a SIP
revision that removes or modifies control measure(s) in the SIP only after the state has
demonstrated that such a removal or modification will not interfere with attainment of the
NAAQS, RFP or any other applicable requirement of the CAA.
COMMENT #9: 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 #10: 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 #11: The EPA notes that MACT subpart IIII for Surface Coating of Automobiles
and Light-Duty Trucks has provisions for underbody anti-chip coatings and deadeners may
provide a backstop. The department could demonstrate that the associated limits on hazardous air
pollutants in the MACT subpart IIII also limit VOCs. The department may want to evaluate
further to see if this MACT rule could address the proposed rescission of this RACT rule.
COMMENT #12: Additionally, the department's Redesignation Request and Maintenance Plan
for the St. Louis, Missouri 2008 Ozone Standard Nonattainment Area is unclear whether this rule
is relied upon to attain and maintain the standard. As such, the SIP revision submission for
rescinding this rule should discuss any potential impact of rescinding the rule on that plan.
RESPONSE: The rescission of this RACT rule is consistent with Executive Order 17-03
requiring a review of every state regulation to affirm that the regulation is necessary. The review
of this rule indicated there are no sources subject to the rule, making the rule obsolete. In this
case, the source is no longer operating. This rescission will not have a negative effect on air
quality since the rule does not function to reduce emission (no sources regulated) or achieve
attainment or maintenance of the NAAQS (SIP requirements met). To address EPA’s concern
about limiting VOC emissions from a new source, the department reiterates that RACT rules
were intended to apply to existing major sources in nonattainment areas present at the time of the
rule’s promulgation. Any new sources or major modifications of existing sources would not be
subject to this RACT rule and instead would be subject to New Source Review permitting and
current applicable state or federal rules. Those state and federal rules would serve as the backstop
limiting VOC emissions. The rule is not relied upon for any SIP purposes since there are no affected sources.
COMMENTS AND RESPONSES ON
PROPOSED RESCISSION OF
10 CSR 10-5.410
CONTROL OF EMISSIONS FROM MANUFACTURE OF POLYSTYRENE RESIN
AND
RECOMMENDATION FOR RESCISSION

On July 26, 2018, the Missouri Air Conservation Commission held a public hearing concerning
the proposed rescission of rule 10 CSR 10-5.410 Control of Emissions From Manufacture of
Polystyrene Resin. 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:
* Shaded Text - Rule sections or subsections unchanged from Public Hearing. This text is
only for reference.
* Unshaded Text - Rule sections or subsections that are changed from the proposed text
presented at the Public Hearing, as a result of comments received during the public
comment period.

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

Title 10—DEPARTMENT OF
NATURAL RESOURCES

Division 10—Air Conservation Commission

Chapter 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 10-5.410 Control of Emissions From Manufacture of Polystyrene Resin is rescinded.
A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 15, 2018 (43 MoReg 1020). 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 twelve (12) comments on this rulemaking from the U.S. Environmental Protection Agency (EPA).

Due to similar concerns expressed in the following five (5) comments, one (1) response that addresses these concerns is at the end of these five (5) comments.

COMMENT #1: The EPA provided a general comment for all the rules that the department has the responsibility to ensure that the State Implementation Plan (SIP) revision submitted to EPA meets the requirements of sections 110(1) and 193 of the Clean Air Act (CAA).

Section 110(1): Generally, section 110(1) provides that EPA cannot approve a SIP revision if the revision interferes with any applicable requirement concerning attainment and reasonable further progress (RFP) or any other requirement of the CAA. This section applies to any area and to any National Ambient Air Quality Standard (NAAQS) pollutant and/or precursor. Thus, any SIP rule is subject to this section.

Section 193: Section 193 prohibits modification of a SIP in effect before 1990 unless that modification would ensure equivalent or greater emissions reductions, i.e., "anti-backsliding." Section 193 applies only to nonattainment areas and is specific to the nonattainment pollutant. The applicability of section 193 is specific to nonattainment "criteria" pollutants. The ozone implementation rule (codified at 40 CFR 51.905(a)(4)), describes how section 193 applies to Kansas City - an attainment area for the eight (8)-hour standard and maintenance area for the one (1)-hour standard.

Each of the eleven (11) proposed rule rescissions are subject to section 110(1) requirements; six (6) of the proposed rule rescissions are subject to the section 193 requirements. One (1) of the seven (7) proposed rule revisions is subject to section 110(1) requirements, one (1) is a Title V Part 70 revision, one (1) is a 111(d) plan revision and the remaining four (4) proposed rule revisions are administrative in nature only.

COMMENT #2: The EPA suggests a demonstration that quantifies any emissions increase or potential increase by rescinding the rule(s), and a discussion on the impact on air quality. This demonstration could be done by comparing the source inventory at the time the rule was promulgated to the source inventory now, and demonstrating the overall impact on emissions. In addition, the department could include a discussion of the monitored air quality when the rule was promulgated/incorporated into the SIP and monitored air quality trends that demonstrate an improvement in air quality and how the rescission of the rule might impact those trends.

COMMENT #3: The EPA suggests a discussion of the rule's purpose; specifically, whether the rule was promulgated to meet nonattainment area requirements, and if so, which specific NAAQS. In addition, the department could describe how the rule no longer serves to meet that purpose or how the rule has been superseded by another permanent and enforceable mechanism.
COMMENT #4: The EPA suggests a discussion of whether the rule was used to support other actions and whether the removal of the rule would impact those obligations such as an attainment demonstration, a request for a determination to attainment, a redesignation request and maintenance plan, or other actions such as Regional Haze or Interstate Transport.

COMMENT #5: The EPA suggests that where the department may be anticipating other federal programs, such as Maximum Achievable Control Technology (MACT) and National Emissions Standards for Hazardous Air Pollutants, as acting as a backstop to removal of its Reasonably Available Control Technology (RACT) rules, a comprehensive discussion of how those programs equal RACT. For example, there may be volatile organic compound (VOC) sources regulated by these programs that are well-controlled through add-on controls, or even through substitution of non-hazardous air pollutant material for VOC hazardous air pollutant materials, however, these programs only cover air toxics and not all VOC emissions that RACT would capture and control are air toxics.

RESPONSE: The rescission of this rule is consistent with Executive Order 17-03 requiring a review of every regulation to affirm that the regulation is essential to the health, safety, or welfare of Missouri residents. The review of this rule indicated that no sources are subject to the rule, that the rule does not reduce any air pollutant, and therefore is not essential. Previously subject sources either have gone out of business or the source is no longer subject to the rule. In some cases, the source has been out of business or not subject to the rule for years. While a rule may have applied to a source to reduce or limit air pollutants in the past, the source is no longer producing the regulated emissions and the rule is no longer needed or relied upon for emission reductions going forward. To address EPA’s concern about limiting VOC emissions from a new source, the department reiterates that RACT rules were intended to apply to existing major sources in nonattainment areas present at the time of the rule’s promulgation. Any new source would not be subject to a RACT rule and instead would be subject to current applicable state or federal rules. Those state and federal rules would serve as the backstop limiting VOC emissions. These rules are not relied upon for any SIP purposes.

Due to similar concerns expressed in the following seven (7) comments, one (1) response that addresses these concerns is at the end of these seven (7) comments.

COMMENT #6: The Rulemaking Report indicates that "the rule applied Reasonably Available Control Technology to major sources of volatile organic compounds emissions from polystyrene resin manufacturers in the St. Louis nonattainment area. Generally, RACT rules apply to those sources that were subject because they existed at the time the RACT rule became effective and are still currently operating." The Rulemaking Report names Dow Chemical Company as the only applicable source and states that because the company doesn't manufacture resin anymore, the rule is no longer applicable. However, the rule language indicates that the rule applies throughout St. Louis City and Jefferson, St. Charles, Franklin and St. Louis counties and that it applies to all installations engaged in the manufacture of polystyrene resin. Because the rule does not specifically say if it would or would not apply to a new or modified manufacturer of polystyrene resin upon start-up, and the rule could read to imply that it would, the department should provide clarification of the rule's applicability and demonstrate that the SIP revision would not interfere with attainment of the NAAQS.

COMMENT #7: A potential way for the department to demonstrate that the SIP revision would not interfere with attainment of the NAAQS might be to provide an explanation of how its SIP-
The 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 an equivalent manner as would be required by the rescinded rule.

COMMENT #8: If EPA’s proposed rulemaking to redesignate the Missouri portion of the St. Louis-St. Charles-Farmington, MO-IL 2008 ozone area to attainment is finalized as proposed, Nonattainment New Source Review (NNSR) will no longer apply in Jefferson County and portions of Franklin County and new sources in those counties will then have a potential to emit of up to two hundred forty-nine (249) tons per year (tpy) without being subject to PSD, MACT, or New Source Performance Standards. Because of the change in applicability of NNSR, the department will need to ensure that the department's SIP submission meets the requirements of sections 110(1) and 193 of the CAA, also known as the "anti-backsliding" provisions. These sections relate to EPA's authority to approve a SIP revision that removes or modifies control measure(s) in the SIP only after the state has demonstrated that such a removal or modification will not interfere with attainment of the NAAQS, RFP, or any other applicable requirement of the CAA.

COMMENT #9: If in the event the start-up of a new source or modification to an existing source would not be applicable under PSD or NNSR but would otherwise be an applicable source under the 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 #10: The department could supplement this demonstration by providing information on why it believes no new or modified sources will start-up (i.e., Is polystyrene resin no longer produced? If the resin is produced, does manufacturing it no longer emit VOCs?).

COMMENT #11: The EPA notes that the MACT subpart JJJ Group IV Polymers and Resins has provisions for polystyrene resins which may provide a backstop. The department could demonstrate that the associated limits on hazardous air pollutants in the MACT subpart JJJ also limit VOCs. The department may want to evaluate further to see if this MACT rule could address the proposed rescission of this RACT rule.

COMMENT #12: Additionally, the department's Redesignation Request and Maintenance Plan for the St. Louis, Missouri 2008 Ozone Standard Nonattainment Area is unclear whether this rule is relied upon to attain and maintain the standard. As such, the SIP revision submission for rescinding this rule should discuss any potential impact of rescinding the rule on that plan.

RESPONSE: The rescission of this RACT rule is consistent with Executive Order 17-03 requiring a review of every state regulation to affirm that the regulation is necessary. The review of this rule indicated there are no sources subject to the rule, making the rule obsolete. In this case, the source is no longer manufacturing polystyrene resin. This rescission will not have a negative effect on air quality since the rule does not function to reduce emissions (no sources regulated) or achieve attainment or maintenance of the NAAQS (SIP requirements met). To address EPA’s concern about limiting VOC emissions from a new source, the department reiterates that RACT rules were intended to apply to existing major sources in nonattainment areas present at the time of the rule’s promulgation. Any new sources or major modifications of existing sources would not be subject to this RACT rule and instead would be subject to New Source Review permitting and current applicable state or federal rules. Those state and federal rules would serve as the backstop limiting VOC emissions. The rule is not relied upon for any SIP purposes since there are no affected sources.
COMMENTS AND RESPONSES ON

PROPOSED RESCISSION OF

10 CSR 10-5.440

CONTROL OF EMISSIONS FROM BAKERY OVENS

AND

RECOMMENDATION FOR RESCISSION

On July 26, 2018, the Missouri Air Conservation Commission held a public hearing concerning the proposed rescission of rule 10 CSR 10-5.440 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.

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

* Shaded Text - Rule sections or subsections unchanged from Public Hearing. This text is only for reference.

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

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

Title 10—DEPARTMENT OF NATURAL RESOURCES

Division 10—Air Conservation Commission

Chapter 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 10-5.440 Control of Emissions From Bakery Ovens is rescinded.
A notice of proposed rulemaking containing the proposed rescission was published in the Missouri Register on May 15, 2018 (43 MoReg 1020). 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 eleven (11) comments on this rulemaking from the U.S. Environmental Protection Agency (EPA).

Due to similar concerns expressed in the following five (5) comments, one (1) response that addresses these concerns is at the end of these five (5) comments.

COMMENT #1: The EPA provided a general comment for all the rules that the department has the responsibility to ensure that the State Implementation Plan (SIP) revision submitted to EPA meets the requirements of sections 110(1) and 193 of the Clean Air Act (CAA).

Section 110(1): Generally, section 110(1) provides that EPA cannot approve a SIP revision if the revision interferes with any applicable requirement concerning attainment and reasonable further progress (RFP) or any other requirement of the CAA. This section applies to any area and to any National Ambient Air Quality Standard (NAAQS) pollutant and/or precursor. Thus, any SIP rule is subject to this section.

Section 193: Section 193 prohibits modification of a SIP in effect before 1990 unless that modification would ensure equivalent or greater emissions reductions, i.e., "anti-backsliding." Section 193 applies only to nonattainment areas and is specific to the nonattainment pollutant. The applicability of section 193 is specific to nonattainment "criteria" pollutants. The ozone implementation rule (codified at 40 CFR 51.905(a)(4)), describes how section 193 applies to Kansas City - an attainment area for the eight (8)-hour standard and maintenance area for the one (1)-hour standard.

Each of the eleven (11) proposed rule rescissions are subject to section 110(1) requirements; six (6) of the proposed rule rescissions are subject to the section 193 requirements. One (1) of the seven (7) proposed rule revisions is subject to section 110(1) requirements, one (1) is a Title V Part 70 revision, one (1) is a 111(d) plan revision and the remaining four (4) proposed rule revisions are administrative in nature only.

COMMENT #2: The EPA suggests a demonstration that quantifies any emissions increase or potential increase by rescinding the rule(s), and a discussion on the impact on air quality. This demonstration could be done by comparing the source inventory at the time the rule was promulgated to the source inventory now, and demonstrating the overall impact on emissions. In addition, the department could include a discussion of the monitored air quality when the rule was promulgated/incorporated into the SIP and monitored air quality trends that demonstrate an improvement in air quality and how the rescission of the rule might impact those trends.

COMMENT #3: The EPA suggests a discussion of the rule's purpose; specifically, whether the rule was promulgated to meet nonattainment area requirements, and if so, which specific NAAQS. In addition, the department could describe how the rule no longer serves to meet that purpose or how the rule has been superseded by another permanent and enforceable mechanism.
COMMENT #4: The EPA suggests a discussion of whether the rule was used to support other actions and whether the removal of the rule would impact those obligations such as an attainment demonstration, a request for a determination to attainment, a redesignation request and maintenance plan, or other actions such as Regional Haze or Interstate Transport.

COMMENT #5: The EPA suggests that where the department may be anticipating other federal programs, such as Maximum Achievable Control Technology (MACT) and National Emissions Standards for Hazardous Air Pollutants, as acting as a backstop to removal of its Reasonably Available Control Technology (RACT) rules, a comprehensive discussion of how those programs equal RACT. For example, there may be volatile organic compound (VOC) sources regulated by these programs that are well-controlled through add-on controls, or even through substitution of non-hazardous air pollutant material for VOC hazardous air pollutant materials, however, these programs only cover air toxics and not all VOC emissions that RACT would capture and control are air toxics.

RESPONSE: The rescission of this rule is consistent with Executive Order 17-03 requiring a review of every regulation to affirm that the regulation is essential to the health, safety, or welfare of Missouri residents. The review of this rule indicated that no sources are subject to the rule, that the rule does not reduce any air pollutant, and therefore is not essential. Previously subject sources either have gone out of business or the source is no longer subject to the rule. In some cases, the source has been out of business or not subject to the rule for years. While a rule may have applied to a source to reduce or limit air pollutants in the past, the source is no longer producing the regulated emissions and the rule is no longer needed or relied upon for emission reductions going forward. To address EPA’s concern about limiting VOC emissions from a new source, the department reiterates that RACT rules were intended to apply to existing major sources in nonattainment areas present at the time of the rule’s promulgation. Any new source would not be subject to a RACT rule and instead would be subject to current applicable state or federal rules. Those state and federal rules would serve as the backstop limiting VOC emissions. These rules are not relied upon for any SIP purposes.

Due to similar concerns expressed in the following six (6) comments, one (1) response that addresses these concerns is at the end of these six (6) comments.

COMMENT #6: The Rulemaking Report indicates that "the rule applied Reasonably Available Control Technology to major sources of volatile organic compounds emissions from bakery ovens at large commercial bakeries in the St. Louis nonattainment area. Generally, RACT rules apply to those sources that were subject because they existed at the time the RACT rule became effective and are still currently operation." The Rulemaking Report identifies Hostess as the only applicable source and states that the facility was closed in 2012, making the rule obsolete. However, the rule language indicates that the rule applies to any new or existing installation in the counties of St. Charles, St. Louis, Franklin, or Jefferson or the City of St. Louis that have emissions of greater than one hundred (100) tons per year (tpy) of VOCs. The department should provide a demonstration that the SIP revision would not interfere with attainment of the NAAQS.

COMMENT #7: A potential way for the department to demonstrate that the SIP revision would not interfere with attainment of the NAAQS might be provide 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 an equivalent
COMMENT #8: If EPA's proposed rulemaking to redesignate the Missouri portion of the
St. Louis-St. Charles-Farmington, MO-IL 2008 ozone area to attainment is finalized as proposed,
Nonattainment New Source Review (NNSR) will no longer apply in Jefferson County and
portions of Franklin County and new sources in those counties will then have a potential to emit
of up to two hundred forty-nine (249) tpy without being subject to PSD, MACT, or New Source
Performance Standards. Because of the change in applicability of NNSR, the department will
need to ensure that the department's SIP submission meets the requirements of sections 110(1)
and 193 of the CAA, also known as the "anti-backsliding" provisions. These sections relate to
EPA's authority to approve a SIP revision that removes or modifies control measure(s) in the SIP
only after the state has demonstrated that such a removal or modification will not interfere with
attainment of the NAAQS, RFP, or any other applicable requirement of the CAA.

COMMENT #9: If in the event the start-up of a new source or modification to an existing source
would not be applicable under PSD or NNSR but would otherwise be an applicable source under
the 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 #10: The department could supplement this demonstration by providing
information on why it believes no new or modified sources will start-up (i.e., Do bakery ovens
no longer emit VOCs?).

COMMENT #11: Additionally, the department's Redesignation Request and Maintenance Plan
for the St. Louis, Missouri 2008 Ozone Standard Nonattainment Area is unclear whether this
rule is relied upon to attain and maintain the standard. As such, the SIP revision submission for
rescinding this rule should discuss any potential impact of rescinding the rule on that plan.

RESPONSE: The rescission of this RACT rule is consistent with Executive Order 17-03
requiring a review of every state regulation to affirm that the regulation is necessary. The review
of this rule indicated there are no sources subject to the rule, making the rule obsolete. In this
case, the source is no longer operating. This rescission will not have a negative effect on air
quality since the rule does not function to reduce emissions (no sources regulated) or achieve
attainment or maintenance of the NAAQS (SIP requirements met). To address EPA’s concern
about limiting VOC emissions from a new source, the department reiterates that RACT rules
were intended to apply to existing major sources in nonattainment areas present at the time of the
rule’s promulgation. Any new sources or major modifications of existing sources would not be
subject to this RACT rule and instead would be subject to New Source Review permitting and
current applicable state or federal rules. Those state and federal rules would serve as the backstop
limiting VOC emissions. The rule is not relied upon for any SIP purposes since there are no
affected sources.
COMMENTS AND RESPONSES ON

PROPOSED RESCISSION OF

10 CSR 10-5.455

CONTROL OF EMISSIONS FROM INDUSTRIAL SOLVENT CLEANING OPERATIONS

AND

RECOMMENDATION FOR RESCISSION

On July 26, 2018, the Missouri Air Conservation Commission held a public hearing concerning the proposed rescission of rule 10 CSR 10-5.455 Control of Emissions From Industrial Solvent Cleaning Operations. 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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* Unshaded Text - Rule sections or subsections that are changed from the proposed text presented at the Public Hearing, as a result of comments received during the public comment period.

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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 10-5.455 Control of Emissions From Industrial Solvent Cleaning Operations is
A notice of proposed rulemaking containing the proposed rescission was published in the Missouri Register on May 15, 2018 (43 MoReg 1020-1021). 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 twelve (12) comments on this rulemaking from the U.S. Environmental Protection Agency (EPA).

Due to similar concerns expressed in the following five (5) comments, one (1) response that addresses these concerns is at the end of these five (5) comments.

COMMENT #1: The EPA provided a general comment for all the rules that the department has the responsibility to ensure that the State Implementation Plan (SIP) revision submitted to EPA meets the requirements of sections 110(1) and 193 of the Clean Air Act (CAA).

Section 110(1): Generally, section 110(1) provides that EPA cannot approve a SIP revision if the revision interferes with any applicable requirement concerning attainment and reasonable further progress (RFP) or any other requirement of the CAA. This section applies to any area and to any National Ambient Air Quality Standard (NAAQS) pollutant and/or precursor. Thus, any SIP rule is subject to this section.

Section 193: Section 193 prohibits modification of a SIP in effect before 1990 unless that modification would ensure equivalent or greater emissions reductions, i.e., "anti-backsliding." Section 193 applies only to nonattainment areas and is specific to the nonattainment pollutant. The applicability of section 193 is specific to nonattainment "criteria" pollutants. The ozone implementation rule (codified at 40 CFR 51.905(a)(4)), describes how section 193 applies to Kansas City - an attainment area for the eight (8)-hour standard and maintenance area for the one (1)-hour standard.

Each of the eleven (11) proposed rule rescissions are subject to section 110(1) requirements; six (6) of the proposed rule rescissions are subject to the section 193 requirements. One (1) of the seven (7) proposed rule revisions is subject to section 110(1) requirements, one (1) is a Title V Part 70 revision, one (1) is a 111(d) plan revision and the remaining four (4) proposed rule revisions are administrative in nature only.

COMMENT #2: The EPA suggests a demonstration that quantifies any emissions increase or potential increase by rescinding the rule(s), and a discussion on the impact on air quality. This demonstration could be done by comparing the source inventory at the time the rule was promulgated to the source inventory now, and demonstrating the overall impact on emissions. In addition, the department could include a discussion of the monitored air quality when the rule was promulgated/incorporated into the SIP and monitored air quality trends that demonstrate an improvement in air quality and how the rescission of the rule might impact those trends.

COMMENT #3: The EPA suggests a discussion of the rule's purpose; specifically, whether the rule was promulgated to meet nonattainment area requirements, and if so, which specific
NAAQS. In addition, the department could describe how the rule no longer serves to meet that purpose or how the rule has been superseded by another permanent and enforceable mechanism.

COMMENT #4: The EPA suggests a discussion of whether the rule was used to support other actions and whether the removal of the rule would impact those obligations such as an attainment demonstration, a request for a determination to attainment, a redesignation request and maintenance plan, or other actions such as Regional Haze or Interstate Transport.

COMMENT #5: The EPA suggests that where the department may be anticipating other federal programs, such as Maximum Achievable Control Technology (MACT) and National Emissions Standards for Hazardous Air Pollutants, as acting as a backstop to removal of its Reasonably Available Control Technology (RACT) rules, a comprehensive discussion of how those programs equal RACT. For example, there may be volatile organic compound (VOC) sources regulated by these programs that are well-controlled through add-on controls, or even through substitution of non-hazardous air pollutant material for VOC hazardous air pollutant materials, however, these programs only cover air toxics and not all VOC emissions that RACT would capture and control are air toxics.

RESPONSE: The rescission of this rule is consistent with Executive Order 17-03 requiring a review of every regulation to affirm that the regulation is essential to the health, safety, or welfare of Missouri residents. The review of this rule indicated that no sources are subject to the rule, that the rule does not reduce any air pollutant, and therefore is not essential. Previously subject sources either have gone out of business or the source is no longer subject to the rule. In some cases, the source has been out of business or not subject to the rule for years. While a rule may have applied to a source to reduce or limit air pollutants in the past, the source is no longer producing the regulated emissions and the rule is no longer needed or relied upon for emission reductions going forward. To address EPA’s concern about limiting VOC emissions from a new source, the department reiterates that RACT rules were intended to apply to existing major sources in nonattainment areas present at the time of the rule’s promulgation. Any new source would not be subject to a RACT rule and instead would be subject to current applicable state or federal rules. Those state and federal rules would serve as the backstop limiting VOC emissions. These rules are not relied upon for any SIP purposes.

Due to similar concerns expressed in the following seven (7) comments, one (1) response that addresses these concerns is at the end of these seven (7) comments.

COMMENT #6: The Rulemaking Report indicates that the "rule applied Reasonably Available Control Technology to major sources of volatile organic compounds emissions from the use of large quantities of solvent cleaners in the St. Louis nonattainment area. Generally, RACT rules apply to those sources that were subject because they existed at the time the RACT rule became effective and are still currently operating." The Rulemaking Report says that the originally subject source is now exempt, making the rule obsolete (it does not identify the originally subject source). The rule language indicates that it applies to any person who performs or allows the performance of any cleaning operation involving the use of organic solvents or solvent solutions and unless exempt from the rule, the provisions apply to any stationary source that emits at least three (3) tons per twelve (12)-month rolling period or more of VOCs from cleaning operations at the source, in the absence of air pollution control equipment, and stores and/or disposes of these solvent materials. The rule language states that it applies throughout St. Louis City and the counties of Jefferson, St. Charles, Franklin, and St. Louis. Because the rule, as written, does not
specifically say if it would or would not apply to a new or modified solvent cleaning operation, and the rule could read to imply that it would, the department should provide clarification of the rule's applicability and demonstrate that the SIP revision would not interfere with attainment of the NAAQS.

COMMENT #7: A potential way for the department to demonstrate that the SIP revision would not interfere with attainment of the NAAQS might be provide explanation of how its SIP-approved Prevention of Significant Deterioration (PSD) program or Nonattainment New Source Review (NNSR) program would ensure that the start-up of a new source or modification of an existing source would be controlled in an equivalent manner as would be required by the rescinded rule.

COMMENT #8: If EPA's proposed rulemaking to redesignate the Missouri portion of the St. Louis-St. Charles-Farmington, MO-IL 2008 ozone area to attainment is finalized as proposed, NNSR will no longer apply in Jefferson County and portions of Franklin County and new sources in those counties will then have a potential to emit of up to two hundred forty-nine (249) tons per year without being subject to PSD, MACT, or New Source Performance Standards. Because of the change in applicability of NNSR, the department will need to ensure that the department's SIP submission meets the requirements of sections 110(1) and 193 of the CAA, also known as the "anti-backsliding" provisions. These sections relate to EPA's authority to approve a SIP revision that removes or modifies control measure(s) in the SIP only after the state has demonstrated that such a removal or modification will not interfere with attainment of the NAAQS, RFP, or any other applicable requirement of the CAA.

COMMENT #9: If in the event the start-up of a new source or modification to an existing source would not be applicable under PSD or NNSR, but would otherwise be an applicable source under the 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 #10: The department could supplement this demonstration by providing information on why it believes no new or modified sources will start-up (i.e., Are solvent cleanup operations no longer performed, or do those operations always meet one of the exceptions to the rescinded rule? Do solvent clean-up operations no longer use VOCs?).

COMMENT #11: The department could demonstrate that the associate limits on hazardous air pollutants also limit VOCs and notes that the MACT subpart T for Halogenated Solvent Cleaning has provisions that may provide a backstop. The department may want to evaluate further to see if this MACT rule could address the proposed rescission of this RACT rule, although many of the halogenated solvents are specifically not VOCs (i.e., the MACT regulates six (6) solvents specifically and only two (2) of those are VOCs).

COMMENT #12: Additionally, the department's Redesignation Request and Maintenance Plan for the St. Louis (Missouri) 2008 Ozone Standard Nonattainment Area is unclear whether this rule is relied upon to attain and maintain the standard. As such, the SIP revision submission for rescinding this rule should discuss any potential impact of rescinding the rule on that plan.

RESPONSE: The rescission of this RACT rule is consistent with Executive Order 17-03 requiring a review of every state regulation to affirm that the regulation is necessary. The review of this rule indicated there are no sources subject to the rule, making the rule obsolete. In this case, the source is exempt from the rule according to their current operating permit because the facility is already subject to a different RACT rule for auto and light-duty truck assembly coatings. This rescission will not have a negative effect on air quality since the rule does not function to reduce emissions (no sources regulated) or achieve attainment or maintenance of the
NAAQS (SIP requirements met). To address EPA’s concern about limiting VOC emissions from a new source, the department reiterates that RACT rules were intended to apply to existing major sources in nonattainment areas present at the time of the rule’s promulgation. Any new sources or major modifications of existing sources would not be subject to this RACT rule and instead would be subject to New Source Review permitting and current applicable state or federal rules. Those state and federal rules would serve as the backstop limiting VOC emissions. The rule is not relied upon for any SIP purposes since there are no affected sources.
COMMENTS AND RESPONSES ON

PROPOSED RESCISSION OF

10 CSR 10-2.390

KANSAS CITY AREA TRANSPORTATION CONFORMITY REQUIREMENTS

AND

RECOMMENDATION FOR RESCISSION

On July 26, 2018, the Missouri Air Conservation Commission held a public hearing concerning the proposed rescission of rule 10 CSR 10-2.390 Kansas City Area Transportation Conformity Requirements. 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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NOTE 2 - All unshaded text below this line will be printed in the Missouri Register.

Title 10—DEPARTMENT OF
NATURAL RESOURCES

Division 10—Air Conservation Commission

Chapter 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 10-2.390 Kansas City Area Transportation Conformity Requirements is rescinded.
A notice of proposed rulemaking containing the proposed rescission was published in the Missouri Register on May 15, 2018 (43 MoReg 1018-1019). 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 five (5) comments on this rulemaking from the U.S. Environmental Protection Agency (EPA).

Due to similar concerns expressed in the following five (5) comments, one (1) response that addresses these concerns is at the end of these five (5) comments.

COMMENT #1: The EPA provided a general comment for all the rules that the department has the responsibility to ensure that the State Implementation Plan (SIP) revision submitted to EPA meets the requirements of sections 110(1) and 193 of the Clean Air Act (CAA).

Section 110(1): Generally, section 110(1) provides that EPA cannot approve a SIP revision if the revision interferes with any applicable requirement concerning attainment and reasonable further progress or any other requirement of the CAA. This section applies to any area and to any National Ambient Air Quality Standard (NAAQS) pollutant and/or precursor. Thus, any SIP rule is subject to this section.

Section 193: Section 193 prohibits modification of a SIP in effect before 1990 unless that modification would ensure equivalent or greater emissions reductions, i.e., "anti-backsliding." Section 193 applies only to nonattainment areas and is specific to the nonattainment pollutant. The applicability of section 193 is specific to nonattainment "criteria" pollutants. The ozone implementation rule (codified at 40 CFR 51.905(a)(4)), describes how section 193 applies to Kansas City - an attainment area for the eight (8)-hour standard and maintenance area for the one (1)-hour standard.

Each of the eleven (11) proposed rule rescissions are subject to section 110(1) requirements; six (6) of the proposed rule rescissions are subject to the section 193 requirements. One (1) of the seven (7) proposed rule revisions is subject to section 110(1) requirements, one (1) is a Title V Part 70 revision, one (1) is a 111(d) plan revision and the remaining four (4) proposed rule revisions are administrative in nature only.

COMMENT #2: The EPA suggests a demonstration that quantifies any emissions increase or potential increase by rescinding the rule(s), and a discussion on the impact on air quality. This demonstration could be done by comparing the source inventory at the time the rule was promulgated to the source inventory now, and demonstrating the overall impact on emissions. In addition, the department could include a discussion of the monitored air quality when the rule was promulgated/incorporated into the SIP and monitored air quality trends that demonstrate an improvement in air quality and how the rescission of the rule might impact those trends.

COMMENT #3: The EPA suggests a discussion of the rule's purpose; specifically, whether the rule was promulgated to meet nonattainment area requirements, and if so, which specific NAAQS. In addition, the department could describe how the rule no longer serves to meet that purpose or how the rule has been superseded by another permanent and enforceable mechanism.
COMMENT #4: The EPA suggests a discussion of whether the rule was used to support other actions and whether the removal of the rule would impact those obligations such as an attainment demonstration, a request for a determination to attainment, a redesignation request and maintenance plan, or other actions such as Regional Haze or Interstate Transport.

COMMENT #5: The EPA suggests where the department may be anticipating other federal programs, such as Maximum Achievable Control Technology and National Emissions Standards for Hazardous Air Pollutants, as acting as a backstop to removal of its Reasonably Available Control Technology (RACT) rules, a comprehensive discussion of how those programs equal RACT. For example, there may be volatile organic compound (VOC) sources regulated by these programs that are well controlled through add-on controls, or even through substitution of non-hazardous air pollutant material for VOC hazardous air pollutant materials, however, these programs only cover air toxics and not all VOC emissions that RACT would capture and control are air toxics.

RESPONSE: The rescission of this rule is consistent with Executive Order 17-03 requiring a review of every regulation to affirm that the regulation is essential to the health, safety, or welfare of Missouri residents. The review of this rule indicated that no sources are subject to the rule, that the rule does not reduce any air pollutant, and therefore is not essential. Previously subject sources either have gone out of business or the source is no longer subject to the rule. In some cases, the source has been out of business or not subject to the rule for years. While a rule may have applied to a source to reduce or limit air pollutants in the past, the source is no longer producing the regulated emissions and the rule is no longer needed or relied upon for emission reductions going forward. To address EPA’s concern about limiting VOC emissions from a new source, the department reiterates that RACT rules were intended to apply to existing major sources in nonattainment areas present at the time of the rule’s promulgation. Any new source would not be subject to a RACT rule and instead would be subject to current applicable state or federal rules. Those state and federal rules would serve as the backstop limiting VOC emissions. These rules are not relied upon for any SIP purposes.
COMMENTS AND RESPONSES ON

PROPOSED RESCISSION OF

10 CSR 10-5.360

CONTROL OF EMISSIONS FROM POLYETHYLENE BAG SEALING OPERATIONS

AND

RECOMMENDATION FOR RESCISSION

On July 26, 2018, the Missouri Air Conservation Commission held a public hearing concerning the proposed rescission of rule 10 CSR 10-5.360 Control of Emissions From Polyethylene Bag Sealing Operations. 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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* Unshaded Text - Rule sections or subsections that are changed from the proposed text presented at the Public Hearing, as a result of comments received during the public comment period.

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

Title 10—DEPARTMENT OF NATURAL RESOURCES

Division 10—Air Conservation Commission

Chapter 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 10-5.360 Control of Emissions From Polyethylene Bag Sealing Operations is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the Missouri Register on May 15, 2018 (43 MoReg 1019). 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 eleven (11) comments from one (1) source, the U.S. Environmental Protection Agency (EPA).

Due to similar concerns expressed in the following five (5) comments, one (1) response that addresses these concerns is at the end of these five (5) comments.

COMMENT #1: The EPA provided a general comment for all the rules that the department has the responsibility to ensure that the State Implementation Plan (SIP) revision submitted to EPA meets the requirements of sections 110(1) and 193 of the Clean Air Act (CAA).

Section 110(1): Generally, section 110(1) provides that EPA cannot approve a SIP revision if the revision interferes with any applicable requirement concerning attainment and reasonable further progress (RFP) or any other requirement of the CAA. This section applies to any area and to any National Ambient Air Quality Standard (NAAQS) pollutant and/or precursor. Thus, any SIP rule is subject to this section.

Section 193: Section 193 prohibits modification of a SIP in effect before 1990 unless that modification would ensure equivalent or greater emissions reductions, i.e., “anti-backsliding.” Section 193 applies only to nonattainment areas and is specific to the nonattainment pollutant. The applicability of section 193 is specific to nonattainment "criteria" pollutants. The ozone implementation rule (codified at 40 CFR 51.905(a)(4)), describes how section 193 applies to Kansas City - an attainment area for the eight (8)-hour standard and maintenance area for the one (1)-hour standard.

Each of the eleven (11) proposed rule rescissions are subject to section 110(1) requirements; six (6) of the proposed rule rescissions are subject to the section 193 requirements. One (1) of the seven (7) proposed rule revisions is subject to section 110(1) requirements, one (1) is a Title V Part 70 revision, one (1) is a 111(d) plan revision and the remaining four (4) proposed rule revisions are administrative in nature only.

COMMENT #2: The EPA suggests a demonstration that quantifies any emissions increase or potential increase by rescinding the rule(s), and a discussion on the impact on air quality. This demonstration could be done by comparing the source inventory at the time the rule was promulgated to the source inventory now, and demonstrating the overall impact on emissions. In addition, the department could include a discussion of the monitored air quality when the rule was promulgated/incorporated into the SIP and monitored air quality trends that demonstrate an improvement in air quality and how the rescission of the rule might impact those trends.

COMMENT #3: The EPA suggests a discussion of the rule’s purpose; specifically, whether the rule was promulgated to meet nonattainment area requirements, and if so, which specific
NAAQS. In addition, the department could describe how the rule no longer serves to meet that purpose or how the rule has been superseded by another permanent and enforceable mechanism.

COMMENT #4: The EPA suggests a discussion of whether the rule was used to support other actions and whether the removal of the rule would impact those obligations such as an attainment demonstration, a request for a determination to attainment, a redesignation request and maintenance plan, or other actions such as Regional Haze or Interstate Transport.

COMMENT #5: The EPA suggests that where the department may be anticipating other federal programs, such as Maximum Achievable Control Technology (MACT) and National Emissions Standards for Hazardous Air Pollutants, as acting as a backstop to removal of its Reasonably Available Control Technology (RACT) rules, a comprehensive discussion of how those programs equal RACT. For example, there may be volatile organic compound (VOC) sources regulated by these programs that are well-controlled through add-on controls, or even through substitution of non-hazardous air pollutant material for VOC hazardous air pollutant materials, however, these programs only cover air toxics and not all VOC emissions that RACT would capture and control are air toxics.

RESPONSE: The rescission of this rule is consistent with Executive Order 17-03 requiring a review of every regulation to affirm that the regulation is essential to the health, safety, or welfare of Missouri residents. The review of this rule indicated that no sources are subject to the rule, that the rule does not reduce any air pollutant, and therefore is not essential. Previously subject sources either have gone out of business or the source is no longer subject to the rule. In some cases, the source has been out of business or not subject to the rule for years. While a rule may have applied to a source to reduce or limit air pollutants in the past, the source is no longer producing the regulated emissions and the rule is no longer needed or relied upon for emission reductions going forward. To address EPA’s concern about limiting VOC emissions from a new source, the department reiterates that RACT rules were intended to apply to existing major sources in nonattainment areas present at the time of the rule’s promulgation. Any new source would not be subject to a RACT rule and instead would be subject to current applicable state or federal rules. Those state and federal rules would serve as the backstop limiting VOC emissions. These rules are not relied upon for any SIP purposes.

Due to similar concerns expressed in the following six (6) comments, one (1) response that addresses these concerns is at the end of these six (6) comments.

COMMENT #6: The Rulemaking Report indicates that there were two (2) sources originally subject to the rule and that neither of those businesses are still in operation, making the rule obsolete. However, the rule language indicates that it applies throughout St. Louis City and Jefferson, St. Charles, Franklin and St. Louis counties and that it applies to all installations that have the uncontrolled potential to emit more than one hundred (100) tons per year (tpy) or two hundred fifty (250) kilograms (kg) per day of VOCs from any polyethylene bag sealing operation. Because the rule, as written, does not specifically say if it would or would not apply to a new or modified polyethylene bag sealing operation with potential emissions of greater than 100 tpy or 250 kg per day of VOCs upon start-up, and the rule could read to imply that it would, the department should provide clarification of the rule's applicability and demonstrate that the SIP revision would not interfere with attainment of the NAAQS.

COMMENT #7: A potential way for the department to demonstrate that the SIP revision would not interfere with attainment of the NAAQS might be provide 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 an equivalent manner as would be required by the rescinded rule.

COMMENT #8: If EPA’s proposed rulemaking to redesignate the Missouri portion of the St. Louis-St. Charles-Farmington, MO-IL 2008 ozone area to attainment is finalized as proposed, Nonattainment New Source Review (NNSR) will no longer apply in Jefferson County and portions of Franklin County and new sources in those counties will then have a potential to emit of up to two hundred forty-nine (249) tpy without being subject to PSD, MACT, or New Source Performance Standards. Because of the change in applicability of NNSR, the department will need to ensure that the department's SIP submission meets the requirements of sections 110(1) and 193 of the CAA, also known as the “anti-backsliding” provisions. These sections relate to EPA's authority to approve a SIP revision that removes or modifies control measure(s) in the SIP only after the state has demonstrated that such a removal or modification will not interfere with attainment of the NAAQS, RFP, or any other applicable requirement of the CAA.

COMMENT #9: 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 the rescinded rule, the department should provide a demonstration of the potential emissions from such sources and make a determination about the source's potential impact on air quality.

COMMENT #10: The department could supplement this demonstration by providing information on why it believes no new or modified sources will start-up (i.e., Are polyethylene bags no longer sealed, or do those operations always meet one of the exceptions to the rescinded rule? Do bag sealing operations no longer emit VOCs?).

COMMENT #11: Additionally, the department's Redesignation Request and Maintenance Plan for the St. Louis, Missouri 2008 Ozone Standard Nonattainment Area is unclear whether this rule is relied upon to attain and maintain the standard. As such, the SIP revision submission for rescinding this rule should discuss any potential impact of rescinding the rule on that plan.

RESPONSE: The rescission of this RACT rule is consistent with Executive Order 17-03 requiring a review of every state regulation to affirm that the regulation is necessary. The review of this rule indicated there are no sources subject to the rule, making the rule obsolete. This rescission will not have a negative effect on air quality since the rule does not function to reduce emissions (no sources regulated) or achieve attainment or maintenance of the NAAQS (SIP requirements met). To address EPA’s concern about limiting VOC emissions from a new source, the department reiterates that RACT rules were intended to apply to existing major sources in nonattainment areas present at the time of the rule’s promulgation. Any new sources or major modifications of existing sources would not be subject to this RACT rule and instead would be subject to New Source Review permitting and current applicable state or federal rules. Those state and federal rules would serve as the backstop limiting VOC emissions. This rule is not relied upon for any SIP purposes since there are no affected sources.
COMMENTS AND RESPONSES ON
PROPOSED AMENDMENT
10 CSR 10-2.320
CONTROL OF EMISSIONS FROM PRODUCTION OF
PESTICIDES AND HERBICIDES
AND
RECOMMENDATION FOR ADOPTION

On July 26, 2018, the Missouri Air Conservation Commission held a public hearing concerning
the proposed amendment to 10 CSR 10-2.320 Control of Emissions From Production of
Pesticides and Herbicides. The following is a summary of comments received and the Missouri
Department of Natural Resources' Air Pollution Control Program corresponding responses. Any
changes to the proposed amendment are identified in the responses to the comments.

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

NOTE 1 - Legend for rule actions to be voted on is as follows:
* Shaded Text - Rule sections or subsections unchanged from Public Hearing. This text is
  only for reference.
* Unshaded Text - Rule sections or subsections that are changed from the proposed text
  presented at the Public Hearing, as a result of comments received during the public
  comment period.

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

Title 10—DEPARTMENT OF
NATURAL RESOURCES

Division 10—Air Conservation Commission

Chapter 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 amends a rule as follows:
10 CSR 10-2.320 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the Missouri Register on May 15, 2018 (43 MoReg 1016-1017). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the Code of State Regulations.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources’ Air Pollution Control Program received ten (10) comments from one (1) source, the U.S. Environmental Protection Agency (EPA).

Due to similar concerns expressed in the following five (5) comments, one (1) response that addresses these concerns is at the end of these five (5) comments.

COMMENT #1: The EPA provided a general comment for all the rules that the department has the responsibility to ensure that the State Implementation Plan (SIP) revision submitted to EPA meets the requirements of sections 110(1) and 193 of the Clean Air Act (CAA).

Section 110(1): Generally, section 110(1) provides that EPA cannot approve a SIP revision if the revision interferes with any applicable requirement concerning attainment and reasonable further progress or any other requirement of the CAA. This section applies to any area and to any National Ambient Air Quality Standard (NAAQS) pollutant and/or precursor. Thus, any SIP rule is subject to this section.

Section 193: Section 193 prohibits modification of a SIP in effect before 1990 unless that modification would ensure equivalent or greater emissions reductions, i.e., "anti-backsliding." Section 193 applies only to nonattainment areas and is specific to the nonattainment pollutant. The applicability of section 193 is specific to nonattainment "criteria" pollutants. The ozone implementation rule (codified at 40 CFR 51.905(a)(4)), describes how section 193 applies to Kansas City - an attainment area for the eight (8)-hour standard and maintenance area for the one (1)-hour standard.

Each of the eleven (11) proposed rule rescissions are subject to section 110(1) requirements; six (6) of the proposed rule rescissions are subject to the section 193 requirements. One (1) of the seven (7) proposed rule revisions is subject to section 110(1) requirements, one (1) is a Title V Part 70 revision, one (1) is a 111(d) plan revision and the remaining four (4) proposed rule revisions are administrative in nature only.

COMMENT #2: The EPA suggests a demonstration that quantifies any emissions increase or potential increase by rescinding the rule(s), and a discussion on the impact on air quality. This demonstration could be done by comparing the source inventory at the time the rule was promulgated to the source inventory now, and demonstrating the overall impact on emissions. In addition, the department could include a discussion of the monitored air quality when the rule was promulgated/ incorporated into the SIP and monitored air quality trends that demonstrate an improvement in air quality and how the rescission of the rule might impact those trends.

COMMENT #3: The EPA suggests a discussion of the rule's purpose; specifically, whether the rule was promulgated to meet nonattainment area requirements, and if so, which specific
NAAQS. In addition, the department could describe how the rule no longer serves to meet that purpose or how the rule has been superseded by another permanent and enforceable mechanism.

COMMENT #4: The EPA suggests a discussion of whether the rule was used to support other actions and whether the removal of the rule would impact those obligations such as an attainment demonstration, a request for a determination to attainment, a redesignation request and maintenance plan, or other actions such as Regional Haze or Interstate Transport.

COMMENT #5: The EPA suggests that where the department may be anticipating other federal programs, such as Maximum Achievable Control Technology and National Emissions Standards for Hazardous Air Pollutants, as acting as a backstop to removal of its Reasonably Available Control Technology (RACT) rules, a comprehensive discussion of how those programs equal RACT. For example, there may be volatile organic compound (VOC) sources regulated by these programs that are well-controlled through add-on controls, or even through substitution of non-hazardous air pollutant material for VOC hazardous air pollutant materials, however, these programs only cover air toxics and not all VOC emissions that RACT would capture and control are air toxics.

RESPONSE: The amendment of the rule is consistent with Executive Order 17-03 requiring a review of every regulation to affirm that the regulation is essential to the health, safety, or welfare of Missouri residents. Emissions will not increase with the proposed rule amendment and the revision will meet CAA sections 110(l) and 193 requirements. There is no negative impact on air quality. The department is not anticipating the use of other federal programs as a backstop because the department is not rescinding this rule. No changes were made to the rule text as a result of this comment.

COMMENT #6: The EPA recommends that the department consider revising section (3) General Provisions. Section (3) says "source operations in installations affected by this regulation that are venting emissions to VOC emission control devices [...] shall be required to continue venting emissions to these control devices and these emissions shall be controlled to the extent required in section (4) of this regulation." However, the proposed revisions of the rule add the emission limitations under a new subsection (3)(A) and change section (4) to Record Keeping and Reporting. Therefore, the department should revise the section (4) reference to subsection (3)(A).

RESPONSE AND EXPLANATION OF CHANGE: The reorganization of the rule did change the location of the emission limits in the rule from its previous section (4). The limits are now found in section (3) and the rule text has been corrected as a result of this comment.

COMMENT #7: The EPA recommends that the department consider removing the word "Reporting" from the title of section (4). The word "Reporting" is being added to the title of new section (4) Record Keeping and Reporting even though no reporting is required by rule. This
could be confusing to the public and the regulated community.
RESPONSE: The use of Reporting and Recordkeeping as a section heading is consistent with the standard rule organization format that the department uses for its air pollution rules. The heading in this format just indicates that reporting and recordkeeping requirements, if applicable, are located in this section of the rule. No changes were made to the rule text as a result of this comment.

COMMENT #9: There is a reference at paragraph (3)(B) to 10 CSR 10-6.030(22) however, section (22) does not exist in the state's 10 CSR 10-6.030 Sampling Methods. The EPA understands that the department is in the process of revising 10 CSR 10-6.030 Sampling Methods and that those potential rule changes are being made available for public comment concurrent with this rule. As such, EPA would not act on this submission until 10 CSR 10-6.030 was also submitted to EPA.
RESPONSE: The department is currently in the process of amending rule 10 CSR 10-6.030 Sampling Methods for Air Pollution Sources and plans to submit this rule for inclusion into the SIP before, or concurrently with the submittal to EPA of amendments to 10 CSR 10-2.320. No changes were made to the rule text as a result of this comment.

COMMENT #10: The EPA encourages the department to consider adding "40 CFR 60, Appendix A" instead of adding a reference to 10 CSR 10-6.030(22) in subsection (3)(B) of this rule. The section already specifies which test method to use (Method 25) and the draft rule text language for the potential revisions to 10 CSR 10-6.030 adds section (22), which incorporates 40 CFR 60, in whole, by reference. It may be unnecessary to divert the public to another state regulation that incorporates a federal regulation by reference and provides no additional clarity than what is already specified in the subsection (3)(B).
RESPONSE: The department appreciates this comment and for all air rules found in 10 CSR 10-Chapters 1–6, where stack testing methods or guidance documents are mentioned, a reference to rule 10 CSR 10-6.030 reduces the length of federal content incorporated by reference into these rules. No changes were made to the rule text as a result of this comment.

**10 CSR 10-2.320 Control of Emissions From Production of Pesticides and Herbicides**

(3) General Provisions. All source operations in installations affected by this regulation that are venting emissions to VOC emission control devices as of November 23, 1987 shall be required to continue venting emissions to these control devices and these emissions shall be controlled to the extent required in this section. Any pesticide or herbicide manufacturing installation VOC emissions control devices subject to this regulation must achieve an instantaneous VOC destruction or removal efficiency greater than or equal to ninety-nine percent (99%).

(5) Test Methods.
(A) VOC compliance is to be determined by test method 25 as specified in 10 CSR 10-6.030(22).
(B) For thermal oxidizers, compliance is to be determined by the combustion chamber temperature and residence time after adequate test results, as determined by the director, are provided by the owners or operators. These test results are subject to
periodic confirmation at the discretion of the director. Combustion chamber gas temperature is to be monitored with an accuracy of the greater of ± 0.75% of the temperature being measured expressed in degrees Celsius or 2.5 degrees Celsius.
COMMENTS AND RESPONSES ON
PROPOSED AMENDMENT
10 CSR 10-6.200
HOSPITAL, MEDICAL, INFECTIOUS WASTE INCINERATORS
AND
RECOMMENDATION FOR ADOPTION

On July 26, 2018, the Missouri Air Conservation Commission held a public hearing concerning the proposed amendment to 10 CSR 10-6.200 Hospital, Medical, Infectious Waste Incinerators. The following is a summary of comments received and the Missouri Department of Natural Resources' Air Pollution Control Program corresponding responses. Any changes to the proposed amendment are identified in the responses to the comments.

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

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

* Shaded Text - Rule sections or subsections unchanged from Public Hearing. This text is only for reference.

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

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

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

ORDER OF RULEMAKING

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

10 CSR 10-6.200 is amended.
A notice of proposed rulemaking containing the text of the proposed amendment was published in the Missouri Register on May 15, 2018 (43 MoReg 1032-1046). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the Code of State Regulations.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources’ Air Pollution Control Program received nine (9) comments from the U.S. Environmental Protection Agency (EPA) and one (1) comment from Department staff.

Due to similar concerns expressed in the following five (5) comments, one (1) response that addresses these concerns is at the end of these five (5) comments.

COMMENT #1: The EPA provided a general comment for all the rules that the department has the responsibility to ensure that the State Implementation Plan (SIP) revision submitted to EPA meets the requirements of sections 110(1) and 193 of the Clean Air Act (CAA).

Section 110(1): Generally, section 110(1) provides that EPA cannot approve a SIP revision if the revision interferes with any applicable requirement concerning attainment and reasonable further progress or any other requirement of the CAA. This section applies to any area and to any National Ambient Air Quality Standard (NAAQS) pollutant and/or precursor. Thus, any SIP rule is subject to this section.

Section 193: Section 193 prohibits modification of a SIP in effect before 1990 unless that modification would ensure equivalent or greater emissions reductions, i.e., "anti-backsliding." Section 193 applies only to nonattainment areas and is specific to the nonattainment pollutant. The applicability of section 193 is specific to nonattainment "criteria" pollutants. The ozone implementation rule (codified at 40 CFR 51.905(a)(4)), describes how section 193 applies to Kansas City - an attainment area for the eight (8)-hour standard and maintenance area for the one (1)-hour standard.

Each of the eleven (11) proposed rule rescissions are subject to section 110(1) requirements; six (6) of the proposed rule rescissions are subject to the section 193 requirements. One (1) of the seven (7) proposed rule revisions is subject to section 110(1) requirements, one (1) is a Title V Part 70 revision, one (1) is a 111(d) plan revision and the remaining four (4) proposed rule revisions are administrative in nature only.

COMMENT #2: The EPA suggests a demonstration that quantifies any emissions increase or potential increase by rescinding the rule(s), and a discussion on the impact on air quality. This demonstration could be done by comparing the source inventory at the time the rule was promulgated to the source inventory now, and demonstrating the overall impact on emissions. In addition, the department could include a discussion of the monitored air quality when the rule was promulgated/incorporated into the SIP and monitored air quality trends that demonstrate an improvement in air quality and how the rescission of the rule might impact those trends.

COMMENT #3: The EPA suggests a discussion of the rule's purpose; specifically, whether the rule was promulgated to meet nonattainment area requirements, and if so, which specific NAAQS. In addition, the department could describe how the rule no longer serves to meet that purpose or how the rule has been superseded by another permanent and enforceable mechanism.
COMMENT #4: The EPA suggests a discussion of whether the rule was used to support other actions and whether the removal of the rule would impact those obligations such as an attainment demonstration, a request for a determination to attainment, a redesignation request and maintenance plan, or other actions such as Regional Haze or Interstate Transport.

COMMENT #5: The EPA suggests that where the department may be anticipating other federal programs, such as Maximum Achievable Control Technology and National Emissions Standards for Hazardous Air Pollutants, as acting as a backstop to removal of its Reasonably Available Control Technology (RACT) rules, a comprehensive discussion of how those programs equal RACT. For example, there may be volatile organic compound (VOC) sources regulated by these programs that are well-controlled through add-on controls, or even through substitution of non-hazardous air pollutant material for VOC hazardous air pollutant materials, however, these programs only cover air toxics and not all VOC emissions that RACT would capture and control are air toxics.

RESPONSE: The amendment of the rule is consistent with Executive Order 17-03 requiring a review of every regulation to affirm that the regulation is essential to the health, safety, or welfare of Missouri residents. Emissions will not increase with the proposed rule amendment and the revision will meet CAA section 111(d) plan requirements. There is no negative impact on air quality. The department is not anticipating the use of other federal programs as a backstop because the department is not rescinding this rule. No changes were made to the rule text as a result of this comment.

COMMENT #6: The EPA encourages the department to assess the need for the rule in general. The Rulemaking report says that "the purpose of the proposed rulemaking is to incorporate by reference the federal regulatory requirements for existing hospital, medical, and infectious waste incinerators of 40 CFR 60 Subpart Ce-Emission Guidelines and Compliance Times for Hospital/Medical/Infectious Waste Incinerators." The hospital, medical, and infectious waste incinerator (HMIWI) emission guidelines at 40 CFR subpart Ce apply to existing sources for which construction was commenced on or before June 20, 1996, or for which modification was commenced on or before March 16, 1998, or for which construction was commenced after June 20, 1996, but no later than December 1, 2008, or for which modification is commenced after March 16, 1998, but no later than April 6, 2010. It is our understanding, given the applicability dates noted above, that the department currently does not regulate an existing source subject to the HMIWI and it is unlikely that the department will regulate a new "existing" source. New sources subject to HMIWI regulations would be subject to the requirements of 40 CFR 60, subpart Ee.

RESPONSE: Missouri has hospitals that have older incinerators located at their facility. While these incinerators may not be operating at this time, they could be returned to service in the future. This rule is necessary until those older incinerators are permanently removed from service. No change was made to the rule text as a result of this comment.

Due to similar concerns expressed in the following two (2) comments, one (1) response that addresses these concerns is at the end of these two (2) comments.

COMMENT #7: The EPA encourages the department to assess the need for adding a reference to 10 CSR 10-6.030(22) in section (2) Definitions because the subsection already specifies that applicable definitions can be found at 40 CFR 60.3le. The draft rule text language for the
potential revisions to 10 CSR 10-6.030 Sampling Methods, adds section (22), which incorporates 40 CFR 60 in whole by reference. It may be unnecessary to divert the public to another state regulation that incorporates a federal regulation by reference and provides no additional clarity than what is already specified in section (2).

COMMENT #8: The EPA encourages the department to assess the need for adding 10 CSR 10-6.030(22) in section (3) General Provisions. The proposed rule revision text says, "The following references to 40 CFR 60.33e through 60.37e and 40 CFR 60 Subpart Ce Tables IA through 2B apply as specified in 10 CSR 10-6.030(22)," however the draft rule text language for the potential revisions to 10 CSR 10-6.030 Sampling Methods adds section (22) incorporates 40 CFR 60 in whole by reference and does not provide any specific information about the rules referenced. It may be unnecessary to divert the public to another state regulation that incorporates a federal regulation by reference and provides no additional clarity than what is already specified in section (3).

RESPONSE: The department appreciates this comment and for all air rules found in 10 CSR 10-chapters 1–6, where stack testing methods or guidance documents are mentioned, a reference to rule 10 CSR 10-6.030 reduces the length of federal content incorporated by reference into these rules. No change was made to the rule text as a result of this comment.

COMMENT #9: The EPA recommends, if the department intends to continue to incorporate requirements of the code of federal regulations by reference, that the incorporations be very specific. Because the title of 10 CSR 10-6.200 is “Hospital and Medical Infectious Waste Incinerators” EPA recommends that the department consider incorporating by reference only the related requirements of 40 CFR 60, subpart Ce into the Missouri Air Conservation Commission rule.

RESPONSE: The department incorporated only the specific sections of 40 CFR 60, subpart Ce that were necessary for the rule. Those specific sections can be found in subsection (2)(A) and sections (3) and (4) of the rule. No change was made to the rule text as a result of this comment.

COMMENT #10: Since proposal of the rule amendment, Department staff determined that the proposed amendment may be interpreted to suggest that a previously mandatory obligation had become discretionary. The proposed amendment would modify the language of that requirement from “shall” to “have to.” Because those terms may have different legal effect, the change may be misinterpreted.

RESPONSE AND EXPLANATION OF CHANGE: The Department is revising the language to retain the word “shall” in order to clarify the obligation for facilities.

10 CSR 10-6.200 Hospital, Medical, Infectious Waste Incinerators

(1) Applicability.
   (I) Facilities subject to this rule shall operate pursuant to a permit issued under the permitting authorities operating permit program.
COMMENTS AND RESPONSES ON
PROPOSED RESCISSION OF
10 CSR 10-5.520
CONTROL OF VOLATILE ORGANIC COMPOUND EMISSIONS FROM EXISTING
MAJOR SOURCES

AND

RECOMMENDATION FOR RESCISSION

On July 26, 2018, the Missouri Air Conservation Commission held a public hearing concerning
the proposed rescission of rule 10 CSR 10-5.520 Control of Volatile Organic Compound
Emissions From Existing Major Sources. 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 adopt the rule action as proposed.

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

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  only for reference.

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

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

Title 10—DEPARTMENT OF
NATURAL RESOURCES

Division 10—Air Conservation Commission

Chapter 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 10-5.520 Control of Volatile Organic Compound Emissions From Existing Major Sources is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the Missouri Register on May 15, 2018 (43 MoReg 1021). 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 eleven (11) comments on this rulemaking from the U.S. Environmental Protection Agency (EPA).

Due to similar concerns expressed in the following five (5) comments, one (1) response that addresses these concerns is at the end of these five (5) comments.

COMMENT #1: The EPA provided a general comment for all the rules that the department has the responsibility to ensure that the State Implementation Plan (SIP) revision submitted to EPA meets the requirements of sections 110(1) and 193 of the Clean Air Act (CAA).

Section 110(1): Generally, section 110(1) provides that EPA cannot approve a SIP revision if the revision interferes with any applicable requirement concerning attainment and reasonable further progress (RFP) or any other requirement of the CAA. This section applies to any area and to any National Ambient Air Quality Standard (NAAQS) pollutant and/or precursor. Thus, any SIP rule is subject to this section.

Section 193: Section 193 prohibits modification of a SIP in effect before 1990 unless that modification would ensure equivalent or greater emissions reductions, i.e., "anti-backsliding." Section 193 applies only to nonattainment areas and is specific to the nonattainment pollutant. The applicability of section 193 is specific to nonattainment "criteria" pollutants. The ozone implementation rule (codified at 40 CFR 51.905(a)(4)), describes how section 193 applies to Kansas City - an attainment area for the eight (8)-hour standard and maintenance area for the one (1)-hour standard.

Each of the eleven (11) proposed rule rescissions are subject to section 110(1) requirements; six (6) of the proposed rule rescissions are subject to the section 193 requirements. One (1) of the seven (7) proposed rule revisions is subject to section 110(1) requirements, one (1) is a Title V Part 70 revision, one (1) is a 111(d) plan revision and the remaining four (4) proposed rule revisions are administrative in nature only.

COMMENT #2: The EPA suggests a demonstration that quantifies any emissions increase or potential increase by rescinding the rule(s), and a discussion on the impact on air quality. This demonstration could be done by comparing the source inventory at the time the rule was promulgated to the source inventory now, and demonstrating the overall impact on emissions. In addition, the department could include a discussion of the monitored air quality when the rule was promulgated/ incorporated into the SIP and monitored air quality trends that demonstrate an improvement in air quality and how the rescission of the rule might impact those trends.

COMMENT #3: The EPA suggests a discussion of the rule's purpose; specifically, whether the
rule was promulgated to meet nonattainment area requirements, and if so, which specific NAAQS. In addition, the department could describe how the rule no longer serves to meet that purpose or how the rule has been superseded by another permanent and enforceable mechanism.

COMMENT #4: The EPA suggests a discussion of whether the rule was used to support other actions and whether the removal of the rule would impact those obligations such as an attainment demonstration, a request for a determination to attainment, a redesignation request and maintenance plan, or other actions such as Regional Haze or Interstate Transport.

COMMENT #5: The EPA suggests that where the department may be anticipating other federal programs, such as Maximum Achievable Control Technology and National Emissions Standards for Hazardous Air Pollutants, as acting as a backstop to removal of its Reasonably Available Control Technology (RACT) rules, a comprehensive discussion of how those programs equal RACT. For example, there may be volatile organic compound (VOC) sources regulated by these programs that are well-controlled through add-on controls, or even through substitution of non-hazardous air pollutant material for VOC hazardous air pollutant materials, however, these programs only cover air toxics and not all VOC emissions that RACT would capture and control are air toxics.

RESPONSE: The rescission of this rule is consistent with Executive Order 17-03 requiring a review of every regulation to affirm that the regulation is essential to the health, safety, or welfare of Missouri residents. The review of this rule indicated that no sources are subject to the rule, that the rule does not reduce any air pollutant, and therefore is not essential. Previously subject sources either have gone out of business or the source is no longer subject to the rule. In some cases, the source has been out of business or not subject to the rule for years. While a rule may have applied to a source to reduce or limit air pollutants in the past, the source is no longer producing the regulated emissions and the rule is no longer needed or relied upon for emission reductions going forward. To address EPA’s concern about limiting VOC emissions from a new source, the department reiterates that RACT rules were intended to apply to existing major sources in nonattainment areas present at the time of the rule’s promulgation. Any new source would not be subject to a RACT rule and instead would be subject to current applicable state or federal rules. Those state and federal rules would serve as the backstop limiting VOC emissions. These rules are not relied upon for any SIP purposes.

Due to similar concerns expressed in the following six (6) comments, one (1) response that addresses these concerns is at the end of these six (6) comments.

COMMENT #6: The Rulemaking Report indicates that the proposed action will rescind an unnecessary regulation because no sources are subject to this rule. This rule was created to help bring the St. Louis ozone nonattainment area into compliance by reducing VOCs from sources that were not affected by other rulemakings. However, the rule language indicates that the rule applies to any installation in the counties of St. Charles, St. Louis, Franklin, or Jefferson or the City of St. Louis that have the potential to emit (PTE) greater than one-hundred (100) tons per year (tpy) of VOCs and that are not subject to one (1) of three (3) exemptions in the rule. Because the rule, as written, does not specifically say if it would or would not apply to a new or modified source with the PTE greater than one-hundred (100) tpy of VOCs upon start-up, and the rule could read to imply that it would, the department should provide clarification of the rule's applicability and demonstrate that the SIP revision would not interfere with attainment of the NAAQS.
COMMENT #7: A potential way for the department to demonstrate that this SIP revision would not interfere with attainment of the 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 #8: If the EPA's proposed rulemaking to redesignate the Missouri portion of the St. Louis-St. Charles-Farmington, MO-IL 2008 ozone area to attainment is finalized as proposed, Nonattainment New Source Review (NNSR) will no longer apply in Jefferson County and portions of Franklin County and new sources in those counties will then have a PTE of up to two-hundred forty-nine (249) tpy without being subject to PSD, MACT, or NSPS. Because of the change in applicability of NNSR, the department will need to ensure that the department’s SIP submission meets the requirements of sections 110(1) and 193 of the CAA, also known as the “anti-backsliding” provisions. These sections relate to EPA's authority to approve a SIP revision that removes or modifies control measure(s) in the SIP only after the state has demonstrated that such a removal or modification will not interfere with attainment of the NAAQS, RFP, or any other applicable requirement of the CAA.

COMMENT #9: 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 #10: The department could supplement this demonstration by providing information on why it believes no new or modified source will start-up [i.e., Are there no sources that have PTE greater than one-hundred (100) tpy VOCs?].

COMMENT #11: Additionally, the department’s Redesignation Request and Maintenance Plan for the St. Louis, Missouri 2008 Ozone Standard Nonattainment Area is unclear whether this rule is relied upon to attain and maintain the standard. As such, the SIP revision submission for rescinding this rule should discuss any potential impact of rescinding the rule on that plan.

RESPONSE: The rescission of this RACT rule is consistent with Executive Order 17-03 requiring a review of every state regulation to affirm that the regulation is necessary. The review of this rule indicated there are no sources subject to the rule, making the rule obsolete. This rescission will not have a negative effect on air quality since the rule does not function to reduce emission (no sources regulated) or achieve attainment or maintenance of the NAAQS (SIP requirements met). To address EPA’s concern about limiting VOC emissions from a new source, the department reiterates that RACT rules were intended to apply to existing major sources in nonattainment areas present at the time of the rule’s promulgation. Any new sources or major modifications of existing sources would not be subject to this RACT rule and instead would be subject to New Source Review permitting and current applicable state or federal rules. Those state and federal rules would serve as the backstop limiting VOC emissions. The rule is not relied upon for any SIP purposes since there are no affected sources.
COMMENTS AND RESPONSES ON
PROPOSED RESCISSION OF

10 CSR 10-6.362

CLEAN AIR INTERSTATE RULE ANNUAL NO\textsubscript{X} TRADING PROGRAM

AND

RECOMMENDATION FOR RESCISSION

On July 26, 2018, the Missouri Air Conservation Commission held a public hearing concerning the proposed rescission of rule 10 CSR 10-6.362 Clean Air Interstate Rule Annual NO\textsubscript{X} Trading Program. 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:

* Shaded Text - Rule sections or subsections unchanged from Public Hearing. This text is only for reference.

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

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

Title 10—DEPARTMENT OF
NATURAL RESOURCES

Division 10—Air Conservation Commission

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

ORDER OF RULEMAKING

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

10 CSR 10-6.362 Clean Air Interstate Rule Annual NO\textsubscript{X} Trading Program is rescinded.
A notice of proposed rulemaking containing the proposed rescission was published in the Missouri Register on May 15, 2018 (43 MoReg 1046). 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 five (5) comments on this rulemaking from the U.S. Environmental Protection Agency (EPA).

Due to similar concerns expressed in the following five (5) comments, one (1) response that addresses these concerns is at the end of these five (5) comments.

COMMENT #1: The EPA provided a general comment for all the rules that the department has the responsibility to ensure that the State Implementation Plan (SIP) revision submitted to EPA meets the requirements of sections 110(1) and 193 of the Clean Air Act (CAA).

Section 110(1): Generally, section 110(1) provides that EPA cannot approve a SIP revision if the revision interferes with any applicable requirement concerning attainment and reasonable further progress or any other requirement of the CAA. This section applies to any area and to any National Ambient Air Quality Standard (NAAQS) pollutant and/or precursor. Thus, any SIP rule is subject to this section.

Section 193: Section 193 prohibits modification of a SIP in effect before 1990 unless that modification would ensure equivalent or greater emissions reductions, i.e., "anti-backsliding." Section 193 applies only to nonattainment areas and is specific to the nonattainment pollutant. The applicability of section 193 is specific to nonattainment "criteria" pollutants. The ozone implementation rule (codified at 40 CFR 51.905(a)(4)), describes how section 193 applies to Kansas City - an attainment area for the eight (8)-hour standard and maintenance area for the one (1)-hour standard.

Each of the eleven (11) proposed rule rescissions are subject to section 110(1) requirements; six (6) of the proposed rule rescissions are subject to the section 193 requirements. One (1) of the seven (7) proposed rule revisions is subject to section 110(1) requirements, one (1) is a Title V Part 70 revision, one (1) is a 111(d) plan revision and the remaining four (4) proposed rule revisions are administrative in nature only.

COMMENT #2: The EPA suggests a demonstration that quantifies any emissions increase or potential increase by rescinding the rule(s), and a discussion on the impact on air quality. This demonstration could be done by comparing the source inventory at the time the rule was promulgated to the source inventory now, and demonstrating the overall impact on emissions. In addition, the department could include a discussion of the monitored air quality when the rule was promulgated/incorporated into the SIP and monitored air quality trends that demonstrate an improvement in air quality and how the rescission of the rule might impact those trends.

COMMENT #3: The EPA suggests a discussion of the rule's purpose; specifically, whether the rule was promulgated to meet nonattainment area requirements, and if so, which specific NAAQS. In addition, the department could describe how the rule no longer serves to meet that purpose or how the rule has been superseded by another permanent and enforceable mechanism.
COMMENT #4: The EPA suggests a discussion of whether the rule was used to support other actions and whether the removal of the rule would impact those obligations such as an attainment demonstration, a request for a determination to attainment, a redesignation request and maintenance plan, or other actions such as Regional Haze or Interstate Transport.

COMMENT #5: The EPA suggests that where the department may be anticipating other federal programs, such as Maximum Achievable Control Technology and National Emissions Standards for Hazardous Air Pollutants, as acting as a backstop to removal of its Reasonably Available Control Technology (RACT) rules, a comprehensive discussion of how those programs equal RACT. For example, there may be volatile organic compound (VOC) sources regulated by these programs that are well-controlled through add-on controls, or even through substitution of non-hazardous air pollutant material for VOC hazardous air pollutant materials, however, these programs only cover air toxics and not all VOC emissions that RACT would capture and control are air toxics.

RESPONSE: The rescission of this rule is consistent with Executive Order 17-03 requiring a review of every regulation to affirm that the regulation is essential to the health, safety, or welfare of Missouri residents. The review of this rule indicated that no sources are subject to the rule, that the rule does not reduce any air pollutant, and therefore is not essential. Previously subject sources either have gone out of business or the source is no longer subject to the rule. In some cases, the source has been out of business or not subject to the rule for years. To address EPA’s concern about limiting VOC emissions from a new source, the department reiterates that RACT rules were intended to apply to existing major sources in nonattainment areas present at the time of the rule’s promulgation. Any new source would not be subject to a RACT rule and instead would be subject to current applicable state or federal rules. Those state and federal rules would serve as the backstop limiting VOC emissions. These rules are not relied upon for any SIP purposes.
COMMENTS AND RESPONSES ON

PROPOSED RESCISSION OF

10 CSR 10-6.364

CLEAN AIR INTERSTATE RULE SEASONAL NO\textsubscript{X} TRADING PROGRAM

AND

RECOMMENDATION FOR RESCISSION

On July 26, 2018, the Missouri Air Conservation Commission held a public hearing concerning the proposed rescission of rule 10 CSR 10-6.364 Clean Air Interstate Rule Seasonal NO\textsubscript{X} Trading Program. 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 adopt the rule action as proposed.

NOTE 1 - Legend for rule actions to be voted on is as follows:
* Shaded Text - Rule sections or subsections unchanged from Public Hearing. This text is only for reference.
* Unshaded Text - Rule sections or subsections that are changed from the proposed text presented at the Public Hearing, as a result of comments received during the public comment period.

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

Title 10—DEPARTMENT OF
NATURAL RESOURCES

Division 10—Air Conservation Commission

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

ORDER OF RULEMAKING

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

10 CSR 10-6.364 Clean Air Interstate Rule Seasonal NO\textsubscript{X} Trading Program is rescinded.
A notice of proposed rulemaking containing the proposed rescission was published in the Missouri Register on May 15, 2018 (43 MoReg 1047). 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 six (6) comment on this rulemaking from the U.S. Environmental Protection Agency (EPA).

Due to similar concerns expressed in the following five (5) comments, one (1) response that addresses these concerns is at the end of these five (5) comments.

COMMENT #1: The EPA provided a general comment for all the rules that the department has the responsibility to ensure that the State Implementation Plan (SIP) revision submitted to EPA meets the requirements of sections 110(1) and 193 of the Clean Air Act (CAA).

Section 110(1): Generally, section 110(1) provides that EPA cannot approve a SIP revision if the revision interferes with any applicable requirement concerning attainment and reasonable further progress or any other requirement of the CAA. This section applies to any area and to any National Ambient Air Quality Standard (NAAQS) pollutant and/or precursor. Thus, any SIP rule is subject to this section.

Section 193: Section 193 prohibits modification of a SIP in effect before 1990 unless that modification would ensure equivalent or greater emissions reductions, i.e., "anti-backsliding." Section 193 applies only to nonattainment areas and is specific to the nonattainment pollutant. The applicability of section 193 is specific to nonattainment "criteria" pollutants. The ozone implementation rule (codified at 40 CFR 51.905(a)(4)), describes how section 193 applies to Kansas City - an attainment area for the eight (8)-hour standard and maintenance area for the one (1)-hour standard.

Each of the eleven (11) proposed rule rescissions are subject to section 110(1) requirements; six (6) of the proposed rule rescissions are subject to the section 193 requirements. One (1) of the seven (7) proposed rule revisions is subject to section 110(1) requirements, one (1) is a Title V Part 70 revision, one (1) is a 111(d) plan revision and the remaining four (4) proposed rule revisions are administrative in nature only.

COMMENT #2: The EPA suggests a demonstration that quantifies any emissions increase or potential increase by rescinding the rule(s), and a discussion on the impact on air quality. This demonstration could be done by comparing the source inventory at the time the rule was promulgated to the source inventory now, and demonstrating the overall impact on emissions. In addition, the department could include a discussion of the monitored air quality when the rule was promulgated/incorporated into the SIP and monitored air quality trends that demonstrate an improvement in air quality and how the rescission of the rule might impact those trends.

COMMENT #3: The EPA suggests a discussion of the rule's purpose; specifically, whether the rule was promulgated to meet nonattainment area requirements, and if so, which specific NAAQS. In addition, the department could describe how the rule no longer serves to meet that purpose or how the rule has been superseded by another permanent and enforceable mechanism.
COMMENT #4: The EPA suggests a discussion of whether the rule was used to support other actions and whether the removal of the rule would impact those obligations such as an attainment demonstration, a request for a determination to attainment, a redesignation request and maintenance plan, or other actions such as Regional Haze or Interstate Transport.

COMMENT #5: The EPA suggests that where the department may be anticipating other federal programs, such as Maximum Achievable Control Technology and National Emissions Standards for Hazardous Air Pollutants, as acting as a backstop to removal of its Reasonably Available Control Technology (RACT) rules, a comprehensive discussion of how those programs equal RACT. For example, there may be volatile organic compound (VOC) sources regulated by these programs that are well-controlled through add-on controls, or even through substitution of non-hazardous air pollutant material for VOC hazardous air pollutant materials, however, these programs only cover air toxics and not all VOC emissions that RACT would capture and control are air toxics.

RESPONSE: The rescission of this rule is consistent with Executive Order 17-03 requiring a review of every regulation to affirm that the regulation is essential to the health, safety, or welfare of Missouri residents. The review of this rule indicated that no sources are subject to the rule, that the rule does not reduce any air pollutant, and therefore is not essential. Previously subject sources either have gone out of business or the source is no longer subject to the rule. In some cases, the source has been out of business or not subject to the rule for years. To address EPA’s concern about limiting VOC emissions from a new source, the department reiterates that RACT rules were intended to apply to existing major sources in nonattainment areas present at the time of the rule’s promulgation. Any new source would not be subject to a RACT rule and instead would be subject to current applicable state or federal rules. Those state and federal rules would serve as the backstop limiting VOC emissions. These rules are not relied upon for any SIP purposes.

COMMENT #6: The Rulemaking Report indicates that this rule is being proposed for rescission because it is no longer necessary and has been superseded by the Cross-State Air Pollution Rule (CSAPR) trading program. However, there are two (2) remaining issues to be addressed by the department even with the current federal implementation of the CSAPR: 1) the nitrogen oxide (NOx) SIP Call mass emissions cap for existing and new units, and 2) the 40 CFR 75, subpart H monitoring requirements. NOx SIP Call states, like Missouri, that brought large non-electric generating units (EGUs) into the Clean Air Interstate Rule (CAIR) NOx ozone season trading program have not brought those units into the CSAPR NOx ozone season trading program. Although the CSAPR essentially covers states’ NOx SIP Call obligations for large EGUs, by default the CSAPR does not cover large non-EGUs. As such, the department would need to submit a SIP revision to address the state’s NOx SIP Call requirements for the large non-EGU reductions in some other way. With respect to the NOx SIP Call mass emissions cap requirements, it is important to note that, regardless if the state finalizes the rescission of 10 CSR 10-6.364, the issue will need resolution through a SIP revision. The EPA is willing to work with the department on developing a SIP revision using any option that the state may offer.

RESPONSE: Missouri initially had three (3) non-EGU boilers subject to both the NOx SIP Call and the CAIR ozone season trading programs (10 CSR 10-6.360 and 10 CSR 10-6.364) and were allocated NOx allowances for each program. The NOx SIP Call has been superseded by CAIR, which has been replaced with CSAPR. The CSAPR ozone season trading program did not include non-EGUs, and new units cannot opt-in to this program. All three (3) of the non-EGU
units in Missouri subject to the CAIR ozone season trading program (and formally subject to the NOx SIP Call) have ceased operation. The department recognizes that EPA has concerns with two (2) remaining issues. As noted in EPA’s comment, EPA believes a SIP revision will be needed regardless if the rule is rescinded and is willing to work with the department to address EPA concerns.
COMMENTS AND RESPONSES ON
PROPOSED RESCISSION OF
10 CSR 10-6.366
CLEAN AIR INTERSTATE RULE SO₂ TRADING PROGRAM
AND
RECOMMENDATION FOR RESCISSION
On July 26, 2018, the Missouri Air Conservation Commission held a public hearing concerning the proposed rescission of rule 10 CSR 10-6.366 Clean Air Interstate Rule SO₂ Trading Program. 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:
* Shaded Text - Rule sections or subsections unchanged from Public Hearing. This text is only for reference.
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NOTE 2 - All unshaded text below this line will be printed in the Missouri Register.

Title 10—DEPARTMENT OF
NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri
ORDER OF RULEMAKING
By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2016, the commission rescinds a rule as follows:

10 CSR 10-6.366 Clean Air Interstate Rule SO₂ Trading Program is rescinded.
A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 15, 2018 (43 MoReg 1047). 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 five (5) comments on this rulemaking from the U.S. Environmental Protection Agency (EPA).

Due to similar concerns expressed in the following five (5) comments, one (1) response that addresses these concerns is at the end of these five (5) comments.

**COMMENT #1:** The EPA provided a general comment for all the rules that the department has the responsibility to ensure that the State Implementation Plan (SIP) revision submitted to EPA meets the requirements of sections 110(1) and 193 of the Clean Air Act (CAA).

Section 110(1): Generally, section 110(1) provides that EPA cannot approve a SIP revision if the revision interferes with any applicable requirement concerning attainment and reasonable further progress or any other requirement of the CAA. This section applies to any area and to any National Ambient Air Quality Standard (NAAQS) pollutant and/or precursor. Thus, any SIP rule is subject to this section.

Section 193: Section 193 prohibits modification of a SIP in effect before 1990 unless that modification would ensure equivalent or greater emissions reductions, i.e., "anti-backsliding." Section 193 applies only to nonattainment areas and is specific to the nonattainment pollutant. The applicability of section 193 is specific to nonattainment "criteria" pollutants. The ozone implementation rule (codified at 40 CFR 51.905(a)(4)), describes how section 193 applies to Kansas City - an attainment area for the eight (8)-hour standard and maintenance area for the one (1)-hour standard.

Each of the eleven (11) proposed rule rescissions are subject to section 110(1) requirements; six (6) of the proposed rule rescissions are subject to the section 193 requirements. One (1) of the seven (7) proposed rule revisions is subject to section 110(1) requirements, one (1) is a Title V Part 70 revision, one (1) is a 111(d) plan revision and the remaining four (4) proposed rule revisions are administrative in nature only.

**COMMENT #2:** The EPA suggests a demonstration that quantifies any emissions increase or potential increase by rescinding the rule(s), and a discussion on the impact on air quality. This demonstration could be done by comparing the source inventory at the time the rule was promulgated to the source inventory now, and demonstrating the overall impact on emissions. In addition, the department could include a discussion of the monitored air quality when the rule was promulgated/incorporated into the SIP and monitored air quality trends that demonstrate an improvement in air quality and how the rescission of the rule might impact those trends.

**COMMENT #3:** The EPA suggests a discussion of the rule's purpose; specifically, whether the rule was promulgated to meet nonattainment area requirements, and if so, which specific NAAQS. In addition, the department could describe how the rule no longer serves to meet that purpose or how the rule has been superseded by another permanent and enforceable mechanism.
COMMENT #4: The EPA suggests a discussion of whether the rule was used to support other actions and whether the removal of the rule would impact those obligations such as an attainment demonstration, a request for a determination to attainment, a redesignation request and maintenance plan, or other actions such as Regional Haze or Interstate Transport.

COMMENT #5: EPA suggests that where the department may be anticipating other federal programs, such as Maximum Achievable Control Technology and National Emissions Standards for Hazardous Air Pollutants, as acting as a backstop to removal of its Reasonably Available Control Technology (RACT) rules, a comprehensive discussion of how those programs equal RACT. For example, there may be volatile organic compound (VOC) sources regulated by these programs that are well-controlled through add-on controls, or even through substitution of non-hazardous air pollutant material for VOC hazardous air pollutant materials, however, these programs only cover air toxics and not all VOC emissions that RACT would capture and control are air toxics.

RESPONSE: The rescission of this rule is consistent with Executive Order 17-03 requiring a review of every regulation to affirm that the regulation is essential to the health, safety, or welfare of Missouri residents. The review of this rule indicated that no sources are subject to the rule, that the rule does not reduce any air pollutant, and therefore is not essential. Previously subject sources either have gone out of business or the source is no longer subject to the rule. In some cases, the source has been out of business or not subject to the rule for years. While a rule may have applied to a source to reduce or limit air pollutants in the past, the source is no longer producing the regulated emissions and the rule is no longer needed or relied upon for emission reductions going forward. To address EPA’s concern about limiting VOC emissions from a new source, the department reiterates that RACT rules were intended to apply to existing major sources in nonattainment areas present at the time of the rule’s promulgation. Any new source would not be subject to a RACT rule and instead would be subject to current applicable state or federal rules. Those state and federal rules would serve as the backstop limiting VOC emissions. These rules are not relied upon for any SIP purposes.
COMMENTS AND RESPONSES ON
PROPOSED AMENDMENT
10 CSR 10-2.340
CONTROL OF EMISSIONS FROM LITHOGRAPHIC PRINTING INSTALLATIONS
AND
RECOMMENDATION FOR ADOPTION

On July 26, 2018, the Missouri Air Conservation Commission held a public hearing concerning the proposed amendment to 10 CSR 10-2.340 Control of Emissions From Lithographic Printing Installations. The following is a summary of comments received and the Missouri Department of Natural Resources' Air Pollution Control Program corresponding responses. Any changes to the proposed amendment are identified in the responses to the comments.

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

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

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

Title 10—DEPARTMENT OF
NATURAL RESOURCES

Division 10—Air Conservation Commission

Chapter 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 amends a rule as follows:

10 CSR 10-2.340 is amended.
A notice of proposed rulemaking containing the text of the proposed amendment was published in the Missouri Register on May 15, 2018 (43 MoReg 1017-1018). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the Code of State Regulations.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources’ Air Pollution Control Program received ten (10) comments on this rulemaking from the U.S. Environmental Protection Agency (EPA) and one (1) comment from Department staff.

Due to similar concerns expressed in the following five (5) comments, one (1) response that addresses these concerns is at the end of these five (5) comments.

COMMENT #1: The EPA provided a general comment for all the rules that the department has the responsibility to ensure that the State Implementation Plan (SIP) revision submitted to EPA meets the requirements of sections 110(1) and 193 of the Clean Air Act (CAA).

Section 110(1): Generally, section 110(1) provides that EPA cannot approve a SIP revision if the revision interferes with any applicable requirement concerning attainment and reasonable further progress or any other requirement of the CAA. This section applies to any area and to any National Ambient Air Quality Standard (NAAQS) pollutant and/or precursor. Thus, any SIP rule is subject to this section.

Section 193: Section 193 prohibits modification of a SIP in effect before 1990 unless that modification would ensure equivalent or greater emissions reductions, i.e., "anti-backsliding." Section 193 applies only to nonattainment areas and is specific to the nonattainment pollutant. The applicability of section 193 is specific to nonattainment "criteria" pollutants. The ozone implementation rule (codified at 40 CFR 51.905(a)(4)), describes how section 193 applies to Kansas City - an attainment area for the eight (8)-hour standard and maintenance area for the one (1)-hour standard.

Each of the eleven (11) proposed rule rescissions are subject to section 110(1) requirements; six (6) of the proposed rule rescissions are subject to the section 193 requirements. One (1) of the seven (7) proposed rule revisions is subject to section 110(1) requirements, one (1) is a Title V Part 70 revision, one (1) is a 111(d) plan revision and the remaining four (4) proposed rule revisions are administrative in nature only.

COMMENT #2: The EPA suggests a demonstration that quantifies any emissions increase or potential increase by rescinding the rule(s), and a discussion on the impact on air quality. This demonstration could be done by comparing the source inventory at the time the rule was promulgated to the source inventory now, and demonstrating the overall impact on emissions. In addition, the department could include a discussion of the monitored air quality when the rule was promulgated/incorporated into the SIP and monitored air quality trends that demonstrate an improvement in air quality and how the rescission of the rule might impact those trends.

COMMENT #3: The EPA suggests a discussion of the rule's purpose; specifically, whether the rule was promulgated to meet nonattainment area requirements, and if so, which specific NAAQS. In addition, the department could describe how the rule no longer serves to meet that purpose or how the rule has been superseded by another permanent and enforceable mechanism.
COMMENT #4: The EPA suggests a discussion of whether the rule was used to support other actions and whether the removal of the rule would impact those obligations such as an attainment demonstration, a request for a determination to attainment, a redesignation request and maintenance plan, or other actions such as Regional Haze or Interstate Transport.

COMMENT #5: The EPA suggests that where the department may be anticipating other federal programs, such as Maximum Achievable Control Technology and National Emissions Standards for Hazardous Air Pollutants, as acting as a backstop to removal of its Reasonably Available Control Technology (RACT) rules, a comprehensive discussion of how those programs equal RACT. For example, there may be volatile organic compound (VOC) sources regulated by these programs that are well-controlled through add-on controls, or even through substitution of non-hazardous air pollutant material for VOC hazardous air pollutant materials, however, these programs only cover air toxics and not all VOC emissions that RACT would capture and control are air toxics.

RESPONSE: The amendment of the rule is consistent with Executive Order 17-03 requiring a review of every regulation to affirm that the regulation is essential to the health, safety, or welfare of Missouri residents. Emissions will not increase with the proposed rule amendment and the revision will meet CAA sections 110(l) and 193 requirements. There is no negative impact on air quality. The department is not anticipating the use of other federal programs as a backstop because the department is not rescinding this rule. No changes were made to the rule text as a result of this comment.

COMMENT #6: The department is proposing to revise the title of the rule to include the words “and letterpress.” The EPA recommends that the department considering adding the words “and letterpress” to the Purpose section of the rule which currently says, “This regulation restricts volatile organic compound emissions from lithographic printing [facilities] operations” so that the title and purpose match to reduce confusion. Because the department is adding the word “letterpress” to the title of the rule, EPA recommends that the department consider adding the word “letterpress” to sections (1)(B), (1)(C), (3)(A), (3)(B), and (3)(C).

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the words “and letterpress” will be added to the Purpose and subsections (1)(B), (1)(C), (3)(A), (3)(B), and (3)(C).

COMMENT #7: The EPA recommends that the department consider adding a definition at section (2) of the rule for “letterpress printing”. If the department decides to add the definition to the rule, there is an existing definition of “letterpress printing” at paragraph (2)(L)7. of 10 CSR 10-6.020 Definitions and Common Reference Tables that could be used to provide consistency between the department Air Conservation Commission Rules. A definition for “lithographic printing” is already provided at section (2) of 10 CSR 10-2.340.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the definition of “letterpress printing” will be added to section (2) and this section will be renumbered accordingly.

COMMENT #8: In paragraph (3)(B)2. the department is proposing to remove the following language: “The cloths, when properly cleaned or disposed of, are processed in a way that as much of the solvent, as practicable, is recovered for further use or destroyed. Cleaning and disposal methods shall be approved by the director.” The department will need to submit a
demonstration showing how the removal of the requirement that “as much of the solvent is recovered for further use or destroyed” from the department’s SIP, meets the requirements of CAA sections 110(1) and 193, also known as the “anti-backsliding” provisions.

RESPONSE AND EXPLANATION OF CHANGE: Removing this language was an attempt to provide consistency with the St. Louis area rule 10 CSR 10-5.442, paragraph (3)(B)3. where it is not included. However, the department has determined that this phrase is necessary in 10 CSR 10-2.340 for historical purposes. As a result of this comment, this language will be retained.

COMMENT #9: There is a reference at section (5)(A) to 10 CSR 10-6.030(22) however, section (22) does not exist in the state's 10 CSR 10-6.030 Sampling Methods. The EPA understands that the department is in the process of revising 10 CSR 10-6.030 Sampling Methods and that those potential rule changes are being made available for public comment concurrent with this rule. As such, EPA would not act on this submission until 10 CSR 10-6.030 was also submitted to EPA. RESPONSE: The department is currently in the process of amending rule 10 CSR 10-6.030 Sampling Methods for Air Pollution Sources and plans to submit this rule for inclusion into the SIP before, or concurrently with the submittal to EPA of amendments to 10 CSR 10-2.340. As a result of this comment, no changes have been made to the rule text.

COMMENT #10: The EPA encourages the department to assess the need for adding a reference to 10 CSR 10-6.030(22) in subsection (5)(A) of this rule because the section already specifies which test method to use (Method 25 or 25A respectively) and where the methods can be found (40 CFR 60, Appendix A). The draft rule text language for the potential revisions to 10 CSR 10-6.030 adds section (22), which incorporates 40 CFR 60, in whole, by reference. It may be unnecessary to divert the public to another state regulation that incorporates a federal regulation by reference and provides no additional clarity than what is already specified in the subsection (5)(A). RESPONSE: The department appreciates this comment and for all air rules found in 10 CSR 10-Chapters 1–6, where stack testing methods or guidance documents are mentioned more than once, a reference to rule 10 CSR 10-6.030 reduces the length of federal content incorporated by reference into these rules. No changes were made to the rule text as a result of this comment.

COMMENT #11: Department staff commented that all the subsections in section (2) should have periods at the end of them for consistency in rule formats.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the periods have been added to the end of all the subsections in section (2).

10 CSR 10-2.340 Control of Emissions From Lithographic and Letterpress Printing Operations

PURPOSE: This regulation restricts volatile organic compound emissions from lithographic and letterpress printing operations.

(1) Applicability.
   (B) This regulation shall apply to installations that have calculated actual volatile organic compound (VOC) emissions for a known number of crewed hours, increased by the amount by weight of VOCs whose emission into the atmosphere
is prevented by the use of air pollution control devices and extrapolated to eight thousand seven hundred sixty (8,760) hours per year equal to or greater than one hundred (100) tons per year from offset lithographic and letterpress printing presses after December 9, 1991. The following factors shall be taken into consideration unless an alternative method is approved by the director:

1. Assume fifty percent (50%) of the solvent used for cleanup is retained in the rag(s) when the used solvent-laden rag(s) are cleaned or disposed of. The installation must demonstrate to the director that the solvents are not evaporated into the air when the waste rags are properly cleaned and disposed of;

2. Assume forty percent (40%) of the heatset ink oils stay in the paper web;

3. Assume no VOCs are emitted from the inks used in sheet-fed presses and nonheatset web presses; and

4. Assume that fifty percent (50%) of the alcohol from the fountain solution is emitted from the dryer.

(C) This regulation does not apply to—

1. Printing on fabric, metal, or plastic;
2. Sheet-fed lithographic and letterpress presses with cylinder widths of twenty-six inches (26") or less; or
3. Web lithographic and letterpress presses with cylinder widths of eighteen inches (18") or less.

(2) Definitions.

(A) Alcohol—Refers to isopropanol, isopropyl alcohol, normal propyl alcohol, or ethanol.

(B) Coating—A protective, decorative, or functional material applied in a thin layer to a surface. Such materials include, but are not limited to, paints, topcoats, varnishes, sealers, stains, washcoats, basecoats, inks, and temporary protective coatings.

(C) Fountain solution—The solution which is applied to the image plate to maintain the hydrophilic properties of the nonimage areas. It is primarily water containing an etchant, gum arabic, and a dampening aid (commonly containing alcohol and alcohol substitutes).

(D) Heatset—A class of web-offset lithographic and letterpress printing in which the setting of the printing inks requires a heated dryer to evaporate the ink oils. The setting or curing of inks using only radiation (e.g., infrared, ultraviolet light, or electron beam) is not heatset and is classified as nonheatset.

(E) Letterpress printing—A printing process in which the image area is raised relative to the nonimage area, and the ink is transferred to the substrate directly from the image surface.

(F) Lithographic printing—A planographic printing process where the image and nonimage areas are chemically differentiated; the image area is oil receptive and the nonimage area is water receptive. This method differs from other printing methods, where the image is typically printed from a raised or recessed surface. Offset lithographic printing is the only common type of lithographic printing used for commercial printing.
Offset lithographic printing—A printing process that transfers the ink film from the lithographic plate to an intermediary surface (rubber-covered blanket cylinder), which, in turn, transfers the ink film to the substrate.

Sheet-fed—A printing press where individual sheets of substrate are fed into the press sequentially.

Web—A printing process where a continuous roll of substrate is fed into the press.

Definitions of certain terms in this rule, other than those specified in this rule section may be found in 10 CSR 10-6.020.

General Provisions.

(A) No owner or operator shall use or permit the use of any offset lithographic and letterpress printing press unless—

1. The fountain solution contains ten percent (10%) or less by weight of alcohol;
2. The fountain solution is refrigerated to a temperature of fifty-five degrees Fahrenheit (55°F) or less for alcohol-based solutions;
3. The fountain solution temperature at the mixing tank for alcohol-based solutions is monitored during each shift; and
4. The fountain solution mixing tanks are covered for alcohol-based solutions.

(B) No owner or operator shall use or permit the use of any offset lithographic and letterpress printing press that uses cleanup solvents containing VOCs unless—

1. The cleanup solvents are kept in tightly covered tanks or containers during transport and storage;
2. The cleaning cloths used with the cleanup solvents are placed in tightly closed containers when not in use and while awaiting off-site transportation. The cleaning cloths should be properly cleaned and disposed of. The cloths, when properly cleaned or disposed of, are processed in a way that as much of the solvent, as practicable, is recovered for further use or destroyed. Cleaning and disposal methods shall be approved by the director; and
3. An owner or operator may use an alternate method for reducing cleanup solvent VOC emissions, including the use of low VOC cleanup solvents, if the owner or operator shows the emission reduction is equal to or greater than those in paragraphs (3)(B)1. and 2. This alternate method is approved by the director.

(C) No owner or operator shall use or permit the use of any heatset web-offset lithographic and letterpress printing press that uses a dryer that has ever had an actual emission rate of ten (10) tons per year or more VOCs after December 9, 1991, unless one hundred percent (100%) of the dryer exhaust is ducted to a control device that achieves eighty-five percent (85%) by weight or greater control efficiency.
COMMENTS AND RESPONSES ON
PROPOSED AMENDMENT
10 CSR 10-5.570
CONTROL OF SULFUR EMISSIONS FROM STATIONARY BOILERS
AND
RECOMMENDATION FOR ADOPTION

On July 26, 2018, the Missouri Air Conservation Commission held a public hearing concerning the proposed amendment to 10 CSR 10-5.570 Control of Sulfur Emissions From Stationary 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 amendment are identified in the responses to the comments.

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

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

* Shaded Text - Rule sections or subsections unchanged from Public Hearing. This text is only for reference.

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

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

Title 10—DEPARTMENT OF NATURAL RESOURCES

Division 10—Air Conservation Commission

Chapter 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 amends a rule as follows:

10 CSR 10-5.570 is amended.
A notice of proposed rulemaking containing the text of the proposed amendment was published in the Missouri Register on May 15, 2018 (43 MoReg 1021-1024). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the Code of State Regulations.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources’ Air Pollution Control Program received sixteen (16) comments on this rulemaking from the U.S. Environmental Protection Agency (EPA).

Due to similar concerns expressed in the following five (5) comments, one (1) response that addresses these concerns is at the end of these five (5) comments.

COMMENT #1: The EPA provided a general comment for all the rules that the department has the responsibility to ensure that the State Implementation Plan (SIP) revision submitted to EPA meets the requirements of sections 110(1) and 193 of the Clean Air Act (CAA).

Section 110(1): Generally, section 110(1) provides that EPA cannot approve a SIP revision if the revision interferes with any applicable requirement concerning attainment and reasonable further progress or any other requirement of the CAA. This section applies to any area and to any National Ambient Air Quality Standard (NAAQS) pollutant and/or precursor. Thus, any SIP rule is subject to this section.

Section 193: Section 193 prohibits modification of a SIP in effect before 1990 unless that modification would ensure equivalent or greater emissions reductions, i.e. "anti-backsliding." Section 193 applies only to nonattainment areas and is specific to the nonattainment pollutant. The applicability of section 193 is specific to nonattainment "criteria" pollutants. The ozone implementation rule (codified at 40 CFR 51.905(a)(4)), describes how section 193 applies to Kansas City - an attainment area for the eight (8)-hour standard and maintenance area for the one (1)-hour standard.

Each of the eleven (11) proposed rule rescissions are subject to section 110(1) requirements; six (6) of the proposed rule rescissions are subject to the section 193 requirements. One (1) of the seven (7) proposed rule revisions is subject to section 110(1) requirements, one (1) is a Title V Part 70 revision, one (1) is a 111(d) plan revision and the remaining four (4) proposed rule revisions are administrative in nature only.

COMMENT #2: The EPA suggests a demonstration that quantifies any emissions increase or potential increase by rescinding the rule(s), and a discussion on the impact on air quality. This demonstration could be done by comparing the source inventory at the time the rule was promulgated to the source inventory now, and demonstrating the overall impact on emissions. In addition, the department could include a discussion of the monitored air quality when the rule was promulgated/incorporated into the SIP and monitored air quality trends that demonstrate an improvement in air quality and how the rescission of the rule might impact those trends.

COMMENT #3: The EPA suggests a discussion of the rule's purpose; specifically, whether the rule was promulgated to meet nonattainment area requirements, and if so, which specific NAAQS. In addition, the department could describe how the rule no longer serves to meet that purpose or how the rule has been superseded by another permanent and enforceable mechanism.
COMMENT #4: The EPA suggests a discussion of whether the rule was used to support other actions and whether the removal of the rule would impact those obligations such as an attainment demonstration, a request for a determination to attainment, a redesignation request and maintenance plan, or other actions such as Regional Haze or Interstate Transport.

COMMENT #5: The EPA suggests that where the department may be anticipating other federal programs, such as Maximum Achievable Control Technology and National Emissions Standards for Hazardous Air Pollutants, as acting as a backstop to removal of its Reasonably Available Control Technology (RACT) rules, a comprehensive discussion of how those programs equal RACT. For example, there may be volatile organic compound (VOC) sources regulated by these programs that are well-controlled through add-on controls, or even through substitution of non-hazardous air pollutant material for VOC hazardous air pollutant materials, however, these programs only cover air toxics and not all VOC emissions that RACT would capture and control are air toxics.

RESPONSE: The amendment of the rule is consistent with Executive Order 17-03 requiring a review of every regulation to affirm that the regulation is essential to the health, safety, or welfare of Missouri residents. Emissions will not increase with the proposed rule amendment and the revision will meet CAA sections 110(l) and 193 requirements. There is no negative impact on air quality. The department is not anticipating the use of other federal programs as a backstop because the department is not rescinding this rule. No changes were made to the rule text as a result of this comment.

COMMENT #6: The EPA recommends that the department reconsider adding the incorporation by reference of 40 CFR 60, 40 CFR 61 and 40 CFR 65 in whole in subsection (2)(C) (the definition for “gaseous fuel”). It would be unusual for a state to adopt these parts of the Code of Federal Regulations (CFR) in whole. If the federal definitions are absent or differ from those found in 10 CSR 10-6.020 Definitions and Common Reference Tables or 10 CSR 10-5.570(2)(C), for clarity, EPA recommends that the full text of the definition be included at section (2)(C), or even 10 CSR 10-6.020 Definitions and Common Reference Tables rather than incorporated by reference in whole. If the department intends to keep the incorporations by reference of 40 CFR 60, 40 CFR 61 and 40 CFR 65 in the rule but did not intend for the incorporations to apply only to the definition for “gaseous fuel” at subsection (2)(C), then EPA recommends that the department move it to another location in the rule text.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, “blast furnace gases” and “process gases” that are regulated in 40 CFR 60, 40 CFR 61 and 40 CFR 65 will not be included for exemption in the definition of “gaseous fuel” and subsection (2)(C) will be updated to reflect this.

COMMENT #7: There are several references to 10 CSR 10-6.030(22) however, section (22) does not exist in the state's 10 CSR 10-6.030 Sampling Methods. The EPA understands that the department is in the process of revising 10 CSR 10-6.030 Sampling Methods and that those potential rule changes are currently available for public comment. As such, EPA would not act on a SIP submission revising 10 CSR 10-5.570 until a SIP submission has been made to EPA for 10 CSR 10-6.030.

RESPONSE: The department is currently in the process of amending rule 10 CSR 10-6.030 Sampling Methods for Air Pollution Sources and plans to submit this rule for inclusion into the SIP before, or concurrently with, the submittal to EPA of amendments to 10 CSR 10-5.570. As a
COMMENT #8: The EPA encourages the department to assess the need for adding a reference to 10 CSR 10-6.030(22) in paragraph (3)(B)1. of this rule because the paragraph already specifies which test methods to use (Methods 6, 6A, 6B, or 6C) and where the methods can be found (40 CFR 60, Appendix A). The draft rule text language for the potential revisions to 10 CSR 10-6.030 adds section (22), which incorporates 40 CFR 60 in whole by reference. It may be unnecessary to divert the public to another state regulation that incorporates a federal regulation by reference and provides no additional clarity than what is already specified in paragraph (3)(B)1.
RESPONSE: The department appreciates this comment and for all air rules found in 10 CSR 10-chapters 1–6, where stack testing methods or guidance documents are mentioned more than once, a reference to rule 10 CSR 10-6.030 reduces the length of federal content incorporated by reference into these rules. As a result of this comment, no changes were made to the rule text.

COMMENT #9: There is a reference at paragraph (3)(B)2. to 10 CSR 10-6.040 Reference Methods however, the American Society for Testing and Material (ASTM) methods that are referenced in the rule do not yet exist in the state's 10 CSR 10-6.040. The EPA understands that the department is in the process of revising 10 CSR 10-6.040 and that those potential rule changes are currently available for public comment. As such, EPA would not act on a SIP submission revising 10 CSR 10-5.570 until a SIP submission has been made to EPA for 10 CSR 10-6.040.
RESPONSE: The department is currently in the process of amending rule 10 CSR 10-6.040 Reference Methods and plans to submit this rule for inclusion into the SIP before, or concurrently with, the submittal to EPA of amendments to 10 CSR 10-5.570. As a result of this comment, no changes were made to the rule text.

COMMENT #10: The EPA encourages the department to assess the need for adding a reference to 10 CSR 10-6.030(22) in subparagraph (3)(D)1.A. because the subparagraph already specifies the applicable requirements of the continuous emissions monitoring system (CEMS) can be found at 40 CFR 60, Appendix B. The draft rule text language for the potential revisions to 10 CSR 10-6.030 adds section (22), which incorporates 40 CFR 60 in whole by reference. It may be unnecessary to divert the public to another state regulation that incorporates a federal regulation by reference and provides no additional clarity than what is already specified in subparagraph (3)(D)1.A.
RESPONSE: The department appreciates this comment and for all air rules found in 10 CSR 10-chapters 1–6, where stack testing methods or guidance documents are mentioned more than once, a reference to rule 10 CSR 10-6.030 was necessary to reduce the length of federal content incorporated by reference into these rules. As a result of this comment, no changes were made to the rule text.

COMMENT #11: The EPA encourages the department to assess the need for adding a reference to 10 CSR 10-6.030(22) in subparagraph (3)(D)1.B. because the subparagraph already specifies the CEMS must comply with the quality assurance procedures regardless of whether the installation is subject to New Source Performance Standards specified in 40 CFR 60, Appendix F. The draft rule text language for the potential revisions to 10 CSR 10-6.030 adds

result of this comment, no changes were made to the rule text.
section (22), which incorporates 40 CFR 60 in whole by reference. It may be unnecessary to
divert the public to another state regulation that incorporates a federal regulation by reference
and provides no additional clarity than what is already specified in subparagraph (3)(D)1.B.
RESPONSE: The department appreciates this comment and for all air rules found in 10 CSR 10-
chapters 1–6, where stack testing methods or guidance documents are mentioned more than
once, a reference to rule 10 CSR 10-6.030 reduces the length of federal content incorporated by
reference into these rules. As a result of this comment, no changes were made to the rule text.

COMMENT #12: The EPA encourages the department to assess the need for adding a reference
to 10 CSR 10-6.030(22) in paragraph (4)(A)1. because the paragraph already specifies the owner
or operator must submit the "calculation and record keeping results" based upon correlations
with ASTM and 40 CFR 60, Appendix A reference method results. The draft rule text language
for the potential revisions to 10 CSR 10-6.030 adds section (22), which incorporates 40 CFR 60
in whole by reference. It may be unnecessary to divert the public to another state regulation that
incorporates a federal regulation by reference and provides no additional clarity than what is
already specified in paragraph (4)(A)1.
RESPONSE: The department appreciates this comment and for all air rules found in 10 CSR 10-
chapters 1–6, where stack testing methods or guidance documents are mentioned more than
once, a reference to rule 10 CSR 10-6.030 was necessary to reduce the length of federal content
incorporated by reference into these rules. As a result of this comment, no changes were made to
the rule text.

COMMENT #13: The EPA encourages the department to assess the need for adding a reference
to 10 CSR 10-6.030(22) in parts (4)(A)4.B.(I) or (4)(A)4.B.(II) because the parts already specify
that --units maintaining a CEMS shall submit an excess emissions monitoring system
performance report-- in accordance with 40 CFR 60.7(c) and 40 CFR 60.13 (respectively). The
draft rule text language for the potential revisions to 10 CSR 10-6.030 adds section (22), which
incorporates 40 CFR 60 in whole by reference. It may be unnecessary to divert the public to
another state regulation that incorporates a federal regulation by reference and provides no
additional clarity than what is already specified in parts (4)(A)4.B.(I) or (4)(A)4.B.(II).
RESPONSE: The department appreciates this comment and for all air rules found in 10 CSR 10-
chapters 1–6, where stack testing methods or guidance documents are mentioned more than
once, a reference to rule 10 CSR 10-6.030 was necessary to reduce the length of federal content
incorporated by reference into these rules. As a result of this comment, no changes were made to
the rule text.

COMMENT #14: The EPA recommends the department reconsider removing the words “must
be” from paragraphs (4)(B)12. and 13. Without “must be” the sentence --The twelve (12)-month
rolling tonnages [must be] made available upon request for inspector review no later than one (1)
month following any calendar-- is an incomplete sentence and may be confusing to the public.
The EPA suggests “will be” as an alternative to striking the language completely.
RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the terms
“must be” will be replaced with “will be” in paragraphs (4)(B)12. and (4)(B)13.

COMMENT #15: The EPA recommends the department consider not limiting its incorporation
by reference language of AP-42: EPA Compilation of Air Emissions Factors in subsection (5)(D)
to those versions “published by January 1995 and August 1995.” Many chapters of AP-42 have
been updated since 1995 and this incorporation makes it unclear if those chapters can be used to report emissions.

RESPONSE AND EXPLANATION OF CHANGE: In subsection (5)(D), the AP-42 and Factor Information and Retrieval System (FIRE) referenced documents are generally used and obtained from the current electronic version on EPA’s internet site. Missouri statute 536.031.4., RSMo, requires that the department “shall maintain a copy of the referenced rule, regulation, standard, or guideline at the headquarters of the agency and shall make it available to the public for inspection and copying at no more than the actual cost of reproduction.” The most updated full version containing all the chapters of AP-42 and FIRE in PDF format were published on the January 1995 and August 1995 dates. Chapters in AP-42 and FIRE are continually being revised and the department has determined that the latest updates for all chapters in AP-42 and FIRE will be used as the incorporation by reference dates. Copies will be retained by the department as required by statute. As a result of this comment, the publishing dates in subsection (5)(D) will be adjusted to August 2018 and August 2017 to account for the latest approved versions of AP-42 and FIRE, and the terms “as updated” will be removed to avoid confusion.

COMMENT #16: The EPA recommends the department reconsider adding the sentence in subsection (5)(D), “This rule does not incorporate any subsequent amendments or additions” as it appears to preclude the use of emission factors published since 1995.

RESPONSE AND EXPLANATION OF CHANGE: In subsection (5)(D), the AP-42 and FIRE referenced documents are generally used and obtained from the current electronic version on EPA’s internet site. Missouri statute 536.031.4., RSMo, requires that the department “shall maintain a copy of the referenced rule, regulation, standard, or guideline at the headquarters of the agency and shall make it available to the public for inspection and copying at no more than the actual cost of reproduction.” The most updated full version containing all the chapters of AP-42 and FIRE in PDF format were published on the January 1995 and August 1995 dates. Chapters in AP-42 and FIRE are continually being revised and the department has determined that the latest updates for all chapters in AP-42 and FIRE will be used as the incorporation by reference dates. Copies will be retained by the department as required by statute. As a result of this comment, the publishing dates in subsection (5)(D) will be adjusted to August 2018 and August 2017 to account for the latest approved versions of AP-42 and FIRE, and the terms “as updated” will be removed to avoid confusion.

10 CSR 10-5.570 Control of Sulfur Emissions From Stationary Boilers

(2) Definitions.
   (C) Gaseous fuel—A combustible gas that includes, but is not limited to, natural gas, landfill gas, coal-derived gas, refinery gas, and biogas. Blast furnace gas is not considered a gaseous fuel under this definition.

(4) Reporting and Record Keeping.
   (B) Record Keeping Requirements. The owner or operator subject to this rule shall maintain all records necessary to demonstrate compliance with this rule for a period of five (5) years at the plant at which the unit is located. Daily records, along with the twelve (12)-month rolling tonnage or twelve (12)-month rolling average, shall be made available no later than one (1) month following any
calendar month. The records shall be made available to the director upon request. The owner or operator shall maintain records of the following information for each month the unit is operated:

1. The identification number of each unit and the name and address of the plant where the unit is located for each unit subject to this rule;
2. The calendar date of record;
3. The number of hours the unit is operated each day including start-ups, shutdowns, malfunctions, and the type and duration of maintenance and repair;
4. The date and results of each emissions inspection;
5. A summary of any emissions corrective maintenance taken;
6. The results of all compliance tests;
7. If a unit is equipped with a CEMS—
   A. The identification of time periods during which SO2 standards are exceeded, the reason for exceedance, and action taken to correct the exceedance and prevent similar future exceedances; and
   B. The identification of the time periods for which operating conditions and pollutant data were not obtained, including reasons for not obtaining sufficient data, and a description of corrective actions taken;
8. The total heat input for each fuel used per emissions unit on a monthly basis;
9. The amount of each fuel consumed per emissions unit on a monthly basis;
10. The average heat content for each fuel used per emissions unit on a monthly basis;
11. The average percent sulfur for each fuel used per emissions unit on a monthly basis;
12. The emission rate in lbs per mmBtu for each unit on a monthly basis for those units complying with the limit in paragraph (3)(A)1. of this rule. The twelve (12)-month rolling averages will be made available upon request for the inspector to review no later than one (1) month following any calendar month;
13. The monthly emission rate in tons SO2 for those units complying with the limit in paragraph (3)(A)2. of this rule. The twelve (12)-month rolling tonnages will be made available upon request for inspector review no later than one (1) month following any calendar month; and
14. Any other reports deemed necessary by the director.

(5) Test Methods. The following hierarchy of methods shall be used to determine if a unit qualifies for the low-emitter exemption in paragraph (1)(C)4. of this rule. If data is not available for an emission estimation method or an emission estimation method is impractical for a source, then the subsequent emission estimation method shall be used in its place:

(D) AP-42 (EPA Compilation of Air Pollution Emission Factors) or FIRE (Factor Information and Retrieval System) as published by EPA August 2018 and August 2017 and hereby incorporated by reference in this rule. Copies can be obtained
from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield VA 22161. This rule does not incorporate any subsequent amendments or additions;
On July 26, 2018, the Missouri Air Conservation Commission held a public hearing concerning the proposed amendment to 10 CSR 10-6.030 Sampling Methods for Air Pollution Sources. The following is a summary of comments received and the Missouri Department of Natural Resources' Air Pollution Control Program corresponding responses. Any changes to the proposed amendment are identified in the responses to the comments.

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

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

* Shaded Text - Rule sections or subsections unchanged from Public Hearing. This text is only for reference.

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

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

Title 10—DEPARTMENT OF
NATURAL RESOURCES

Division 10—Air Conservation Commission

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

ORDER OF RULEMAKING

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

10 CSR 10-6.030 is amended.
A notice of proposed rulemaking containing the text of the proposed amendment was published in the Missouri Register on May 15, 2018 (43 MoReg 1024-1026). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the Code of State Regulations.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources’ Air Pollution Control Program received eight (8) comments on this rulemaking from the U.S. Environmental Protection Agency (EPA).

Due to similar concerns expressed in the following five (5) comments, one (1) response that addresses these concerns is at the end of these five (5) comments.

COMMENT #1: The EPA provided a general comment for all the rules that the department has the responsibility to ensure that the State Implementation Plan (SIP) revision submitted to EPA meets the requirements of sections 110(1) and 193 of the Clean Air Act (CAA).

Section 110(1): Generally, section 110(1) provides that EPA cannot approve a SIP revision if the revision interferes with any applicable requirement concerning attainment and reasonable further progress or any other requirement of the CAA. This section applies to any area and to any National Ambient Air Quality Standard (NAAQS) pollutant and/or precursor. Thus, any SIP rule is subject to this section.

Section 193: Section 193 prohibits modification of a SIP in effect before 1990 unless that modification would ensure equivalent or greater emissions reductions, i.e., "anti-backsliding." Section 193 applies only to nonattainment areas and is specific to the nonattainment pollutant. The applicability of section 193 is specific to nonattainment "criteria" pollutants. The ozone implementation rule (codified at 40 CFR 51.905(a)(4)), describes how section 193 applies to Kansas City - an attainment area for the eight (8)-hour standard and maintenance area for the one (1)-hour standard.

Each of the eleven (11) proposed rule rescissions are subject to section 110(1) requirements; six (6) of the proposed rule rescissions are subject to the section 193 requirements. One (1) of the seven (7) proposed rule revisions is subject to section 110(1) requirements, one (1) is a Title V Part 70 revision, one (1) is a 111(d) plan revision and the remaining four (4) proposed rule revisions are administrative in nature only.

COMMENT #2: The EPA suggests a demonstration that quantifies any emissions increase or potential increase by rescinding the rule(s), and a discussion on the impact on air quality. This demonstration could be done by comparing the source inventory at the time the rule was promulgated to the source inventory now, and demonstrating the overall impact on emissions. In addition, the department could include a discussion of the monitored air quality when the rule was promulgated/incorporated into the SIP and monitored air quality trends that demonstrate an improvement in air quality and how the rescission of the rule might impact those trends.

COMMENT #3: The EPA suggests a discussion of the rule's purpose; specifically, whether the rule was promulgated to meet nonattainment area requirements, and if so, which specific NAAQS. In addition, the department could describe how the rule no longer serves to meet that purpose or how the rule has been superseded by another permanent and enforceable mechanism.
COMMENT #4: The EPA suggests a discussion of whether the rule was used to support other actions and whether the removal of the rule would impact those obligations such as an attainment demonstration, a request for a determination to attainment, a redesignation request and maintenance plan, or other actions such as Regional Haze or Interstate Transport.

COMMENT #5: The EPA suggests that where the department may be anticipating other federal programs, such as Maximum Achievable Control Technology and National Emissions Standards for Hazardous Air Pollutants, as acting as a backstop to removal of its Reasonably Available Control Technology (RACT) rules, a comprehensive discussion of how those programs equal RACT. For example, there may be volatile organic compound (VOC) sources regulated by these programs that are well-controlled through add-on controls, or even through substitution of non-hazardous air pollutant material for VOC hazardous air pollutant materials, however, these programs only cover air toxics and not all VOC emissions that RACT would capture and control are air toxics.

RESPONSE: The amendment of the rule is consistent with Executive Order 17-03 requiring a review of every regulation to affirm that the regulation is essential to the health, safety, or welfare of Missouri residents. Emissions will not increase with the proposed rule amendment and the revision will meet CAA sections 110(l) and 193 requirements. There is no negative impact on air quality. The department is not anticipating the use of other federal programs as a backstop because the department is not rescinding this rule. No changes were made to the rule text as a result of this comment.

COMMENT #6: The EPA encourages the department to assess the need for adding a reference to sections (21), (22), and (23) in sections (1) to (17) of the rule because sections (1) to (17) already specify the applicable test methods and where to find them in 40 CFR 51, Appendix M; 40 CFR 60, Appendix A; or 40 CFR 61, Appendix A, respectively. The draft rule text language for the proposed revisions to 10 CSR 10-6.030 adds sections (21), (22), and (23), which incorporate 40 CFR 51, 60 and 61 (respectively), in whole, by reference. It may be unnecessary to divert the public to another section of the same Missouri Air Conservation Commission (MACC) regulation that incorporates a federal regulation by reference and provides no additional clarity than what is already specified in sections (1) to (17).

RESPONSE: The department appreciates this comment and for all air rules found in 10 CSR 10-chapters 1–6, where stack testing methods or guidance documents are mentioned more than once, a reference to rule 10 CSR 10-6.030 reduces the length of federal content incorporated by reference into these rules. When all rules have been revised to the new method of incorporating by references, sections (1) through (20) will no longer be in use. As a result of this comment, no rule text changes have been made.

COMMENT #7: The EPA recommends that the department consider their incorporations by reference of 40 CFR 51, 60 and 61 in whole in sections (21), (22) and (23) of the rule. Incorporating whole parts of the code of federal regulations like 40 CFR 51, 60 and 61 would be unusual, where the department already selectively incorporates individual technology standards in 10 CSR 10-6.070 and 6.080. The EPA recommends, if the department intends to continue to incorporate requirements of the code of federal regulations by reference, that the incorporations be very specific. Because the title of 10 CSR 10-6.030 is Sampling Methods for Air Pollution Sources EPA recommends that the department consider incorporating by reference only the sampling method related requirements of 40 CFR 51, 60 and 61 into the MACC rule. For
example, the department could incorporate by reference Appendix M to part 51-Recommended Test Methods for State Implementation Plans, Appendix A to part 60-Test Methods or Appendix B to part 61-Test Methods.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, rather than incorporating by reference 40 CFR 51, 60 and 61 in whole, rule text in sections (21), (22), and (23) has been revised to incorporate by reference specific appendices and subparts.

COMMENT #8: If the department’s intention is to expand the scope of this rule to include all incorporation by reference materials, then it may also want to consider changing the title of this rule.

RESPONSE: One of the aims of the proposed amendments to this rule is to reduce the amount of federal content incorporated by reference into all 10 CSR 10-chapters 1–6. Where stack testing methods or guidance documents in other 10 CSR 10-chapters 1–6 rules are mentioned only once, a reference is not made to 10 CSR 10-6.030 and those documents are incorporated by reference in their respective rules. The department plans to retain the title of this rule because all information in other rules are not incorporated by reference in 10 CSR 10-6.030. As a result of this comment, no rule text changes have been made.

10 CSR 10-6.030 Sampling Methods for Air Pollution Sources

(21) 40 CFR 51, Appendices M, and W, and Subparts A, G, I, T, and W promulgated as of July 1, 2018 are hereby incorporated by reference in this rule, as published by the Office of the Federal Register. Copies can be obtained from the U.S. Publishing Office Bookstore, 710 N. Capitol Street NW, Washington DC 20401. This rule does not incorporate any subsequent amendments or additions.

(22) 40 CFR 60, Appendices A, B, E, and F, and Subparts A, B, Cb, Cf, XXX, DDDD, MMMM, and RRRR promulgated as of July 1, 2018 are hereby incorporated by reference in this rule, as published by the Office of the Federal Register. Copies can be obtained from the U.S. Publishing Office Bookstore, 710 N. Capitol Street NW, Washington DC 20401. This rule does not incorporate any subsequent amendments or additions.

(23) 40 CFR 61, Appendix B promulgated as of July 1, 2018 are hereby incorporated by reference in this rule, as published by the Office of the Federal Register. Copies can be obtained from the U.S. Publishing Office Bookstore, 710 N. Capitol Street NW, Washington DC 20401. This rule does not incorporate any subsequent amendments or additions.
COMMENTS AND RESPONSES ON
PROPOSED AMENDMENT
10 CSR 10-6.040
REFERENCE METHODS
AND
RECOMMENDATION FOR ADOPTION

On July 26, 2018, the Missouri Air Conservation Commission held a public hearing concerning the proposed amendment to 10 CSR 10-6.040 Reference Methods. The following is a summary of comments received and the Missouri Department of Natural Resources’ Air Pollution Control Program corresponding responses. Any changes to the proposed amendment are identified in the responses to the comments.

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

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

* Shaded Text - Rule sections or subsections unchanged from Public Hearing. This text is only for reference.

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

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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 amends a rule as follows:

10 CSR 10-6.040 Reference Methods is amended.
A notice of proposed rulemaking containing the text of the proposed amendment was published in the Missouri Register on May 15, 2018 (43 MoReg 1026-1029). No changes were made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the Code of State Regulations.

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

Due to similar concerns expressed in the following five (5) comments, one (1) response that addresses these concerns is at the end of these five (5) comments.

COMMENT #1: The EPA provided a general comment for all the rules that the department has the responsibility to ensure that the State Implementation Plan (SIP) revision submitted to EPA meets the requirements of sections 110(1) and 193 of the Clean Air Act (CAA).

Section 110(1): Generally, section 110(1) provides that EPA cannot approve a SIP revision if the revision interferes with any applicable requirement concerning attainment and reasonable further progress or any other requirement of the CAA. This section applies to any area and to any National Ambient Air Quality Standard (NAAQS) pollutant and/or precursor. Thus, any SIP rule is subject to this section.

Section 193: Section 193 prohibits modification of a SIP in effect before 1990 unless that modification would ensure equivalent or greater emissions reductions, i.e., "anti-backsliding." Section 193 applies only to nonattainment areas and is specific to the nonattainment pollutant. The applicability of section 193 is specific to nonattainment "criteria" pollutants. The ozone implementation rule (codified at 40 CFR 51.905(a)(4)), describes how section 193 applies to Kansas City - an attainment area for the eight (8)-hour standard and maintenance area for the one (1)-hour standard.

Each of the eleven (11) proposed rule rescissions are subject to section 110(1) requirements; six (6) of the proposed rule rescissions are subject to the section 193 requirements. One (1) of the seven (7) proposed rule revisions is subject to section 110(1) requirements, one (1) is a Title V Part 70 revision, one (1) is a 111(d) plan revision and the remaining four (4) proposed rule revisions are administrative in nature only.

COMMENT #2: The EPA suggests a demonstration that quantifies any emissions increase or potential increase by rescinding the rule(s), and a discussion on the impact on air quality. This demonstration could be done by comparing the source inventory at the time the rule was promulgated to the source inventory now, and demonstrating the overall impact on emissions. In addition, the department could include a discussion of the monitored air quality when the rule was promulgated/incorporated into the SIP and monitored air quality trends that demonstrate an improvement in air quality and how the rescission of the rule might impact those trends.

COMMENT #3: The EPA suggests a discussion of the rule's purpose; specifically, whether the rule was promulgated to meet nonattainment area requirements, and if so, which specific NAAQS. In addition, the department could describe how the rule no longer serves to meet that purpose or how the rule has been superseded by another permanent and enforceable mechanism.
COMMENT #4: The EPA suggests a discussion of whether the rule was used to support other actions and whether the removal of the rule would impact those obligations such as an attainment demonstration, a request for a determination to attainment, a redesignation request and maintenance plan, or other actions such as Regional Haze or Interstate Transport.

COMMENT #5: The EPA suggests that where the department may be anticipating other federal programs, such as Maximum Achievable Control Technology and National Emissions Standards for Hazardous Air Pollutants, as acting as a backstop to removal of its Reasonably Available Control Technology (RACT) rules, a comprehensive discussion of how those programs equal RACT. For example, there may be volatile organic compound (VOC) sources regulated by these programs that are well-controlled through add-on controls, or even through substitution of non-hazardous air pollutant material for VOC hazardous air pollutant materials, however, these programs only cover air toxics and not all VOC emissions that RACT would capture and control are air toxics.

RESPONSE: The amendment of the rule is consistent with Executive Order 17-03 requiring a review of every regulation to affirm that the regulation is essential to the health, safety, or welfare of Missouri residents. Emissions will not increase with the proposed rule amendment and the revision will meet CAA sections 110(l) and 193 requirements. There is no negative impact on air quality. The department is not anticipating the use of other federal programs as a backstop because the department is not rescinding this rule. No changes were made to the rule text as a result of this comment.
COMMENTS AND RESPONSES ON
PROPOSED AMENDMENT

10 CSR 10-6.110

REPORTING EMISSION DATA, EMISSION FEES, AND PROCESS INFORMATION

AND

RECOMMENDATION FOR ADOPTION

On July 26, 2018, the Missouri Air Conservation Commission held a public hearing concerning
the proposed amendment to 10 CSR 10-6.110 Reporting Emission Data, Emission Fees, and
Process Information. The following is a summary of comments received and the Missouri
Department of Natural Resources' Air Pollution Control Program corresponding responses. Any
changes to the proposed amendment are identified in the responses to the comments.

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

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

* Shaded Text - Rule sections or subsections unchanged from Public Hearing. This text is
  only for reference.

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

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

Title 10—DEPARTMENT OF
NATURAL RESOURCES

Division 10—Air Conservation Commission

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

ORDER OF RULEMAKING

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

10 CSR 10-6.110 is amended.
A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2018 (43 MoReg 1029-1032). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Missouri Department of Natural Resources’ Air Pollution Control Program received a total of nine (9) comments on this rulemaking. Eight (8) comments on this rulemaking were from the U.S. Environmental Protection Agency (EPA) and one (1) comment was from Liberty Utilities/Empire District.

Due to similar concerns expressed in the following five (5) comments, one (1) response that addresses these concerns is at the end of these five (5) comments.

**COMMENT #1:** The EPA provided a general comment for all the rules that the department has the responsibility to ensure that the State Implementation Plan (SIP) revision submitted to EPA meets the requirements of sections 110(1) and 193 of the Clean Air Act (CAA).

Section 110(1): Generally, section 110(1) provides that EPA cannot approve a SIP revision if the revision interferes with any applicable requirement concerning attainment and reasonable further progress or any other requirement of the CAA. This section applies to any area and to any National Ambient Air Quality Standard (NAAQS) pollutant and/or precursor. Thus, any SIP rule is subject to this section.

Section 193: Section 193 prohibits modification of a SIP in effect before 1990 unless that modification would ensure equivalent or greater emissions reductions, i.e., "anti-backsliding." Section 193 applies only to nonattainment areas and is specific to the nonattainment pollutant. The applicability of section 193 is specific to nonattainment "criteria" pollutants. The ozone implementation rule (codified at 40 CFR 51.905(a)(4)), describes how section 193 applies to Kansas City - an attainment area for the eight (8)-hour standard and maintenance area for the one (1)-hour standard.

Each of the eleven (11) proposed rule rescissions are subject to section 110(1) requirements; six (6) of the proposed rule rescissions are subject to the section 193 requirements. One (1) of the seven (7) proposed rule revisions is subject to section 110(1) requirements, one (1) is a Title V Part 70 revision, one (1) is a 111(d) plan revision and the remaining four (4) proposed rule revisions are administrative in nature only.

**COMMENT #2:** The EPA suggests a demonstration that quantifies any emissions increase or potential increase by rescinding the rule(s), and a discussion on the impact on air quality. This demonstration could be done by comparing the source inventory at the time the rule was promulgated to the source inventory now, and demonstrating the overall impact on emissions. In addition, the department could include a discussion of the monitored air quality when the rule was promulgated/incorporated into the SIP and monitored air quality trends that demonstrate an improvement in air quality and how the rescission of the rule might impact those trends.

**COMMENT #3:** The EPA suggests a discussion of the rule's purpose; specifically, whether the rule was promulgated to meet nonattainment area requirements, and if so, which specific NAAQS. In addition, the department could describe how the rule no longer serves to meet that
purpose or how the rule has been superseded by another permanent and enforceable mechanism.

COMMENT #4: The EPA suggests a discussion of whether the rule was used to support other actions and whether the removal of the rule would impact those obligations such as an attainment demonstration, a request for a determination to attainment, a redesignation request and maintenance plan, or other actions such as Regional Haze or Interstate Transport.

COMMENT #5: The EPA suggests that where the department may be anticipating other federal programs, such as Maximum Achievable Control Technology and National Emissions Standards for Hazardous Air Pollutants, as acting as a backstop to removal of its Reasonably Available Control Technology (RACT) rules, a comprehensive discussion of how those programs equal RACT. For example, there may be volatile organic compound (VOC) sources regulated by these programs that are well-controlled through add-on controls, or even through substitution of non-hazardous air pollutant material for VOC hazardous air pollutant materials, however, these programs only cover air toxics and not all VOC emissions that RACT would capture and control are air toxics.

RESPONSE: The amendment of the rule is consistent with Executive Order 17-03 requiring a review of every regulation to affirm that the regulation is essential to the health, safety, or welfare of Missouri residents. Emissions will not increase with the proposed rule amendment and the revision will meet CAA sections 110(l) and 193 requirements. There is no negative impact on air quality. The department is not anticipating the use of other federal programs as a backstop because the department is not rescinding this rule. No changes were made to the rule text as a result of this comment.

COMMENT #6: The EPA recommends that the department consider the date cited in subparagraph (3)(C)4.B. This subsection incorporates 40 CFR 51.21 by reference as of July 1, 2017, however, the Code of Federal Regulations (CFR) is traditionally updated as of July 1 of each year. The EPA recommends the reference date “as of July 1, 2018.”

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, subparagraph (3)(C)4.B. was updated to include the most recent updates to the CFR.

COMMENT #7: The EPA recommends that the department consider not limiting its incorporation by reference language of AP-42: EPA Compilation of Air Emissions Factors in subparagraph (3)(B)1.D. to those versions “published by January 1995 and August 1995.” Many chapters of AP-42 have been updated since 1995 and this incorporation makes it unclear if those chapters can be used to report emissions.

RESPONSE AND EXPLANATION OF CHANGE: In subparagraph (3)(B)1.D., the AP-42 and Factor Information and Retrieval System (FIRE) referenced documents are generally used and obtained from the current electronic version on EPA’s internet site. Missouri statute 536.031.4., RSMo, requires that the department “shall maintain a copy of the referenced rule, regulation, standard, or guideline at the headquarters of the agency and shall make it available to the public for inspection and copying at no more than the actual cost of reproduction.” The most updated full version containing all the chapters of AP-42 and FIRE in PDF format were published on the January 1995 and August 1995 dates. Chapters in AP-42 and FIRE are continually being revised and the department has determined that the latest updates for all chapters in AP-42, and FIRE will be used as the incorporation by reference dates. Copies will be retained by the department as required by statute. As a result of this comment, the publishing dates in subparagraph (3)(B)1.D. will be adjusted to August 2018 and August 2017 to account for the latest approved versions of AP-42 and FIRE, and the terms “as updated” will be removed to avoid confusion.
COMMENT #8: The EPA recommends that the department reconsider adding the sentence in subparagraph (3)(B)1.D., “This rule does not incorporate any subsequent amendments or additions” as it appears to preclude the use of emission factors published since 1995.
RESPONSE AND EXPLANATION OF CHANGE: In subparagraph (3)(B)1.D., the AP-42 and FIRE referenced documents are generally used and obtained from the current electronic version on EPA’s internet site. Missouri statute 536.031.4., RSMo, requires that the department “shall maintain a copy of the referenced rule, regulation, standard, or guideline at the headquarters of the agency and shall make it available to the public for inspection and copying at no more than the actual cost of reproduction.” The most updated full version containing all the chapters of AP-42 and FIRE in PDF format were published on the January 1995 and August 1995 dates. Chapters in AP-42 and FIRE are continually being revised and the department has determined that the latest updates for all chapters in AP-42, and FIRE will be used as the incorporation by reference dates. Copies will be retained by the department as required by statute. As a result of this comment, the publishing dates in subparagraph (3)(B)1.D. will be adjusted to August 2018 and August 2017 to account for the latest approved versions of AP-42 and FIRE, and the terms “as updated” will be removed to avoid confusion.

COMMENT #9: In the General Provisions section, paragraph (3)(A)1.–Why is the $48.00 per ton effective date January 1, 2019 and not 2017? The way this reads indicates that sources will have overpaid fees for 2017 and 2018.
RESPONSE AND EXPLANATION OF CHANGE: This amendment is not intended to change the effective date for the fee. As a result of this comment, the last sentence in paragraph (3)(A)1. was revised for clarification.

10 CSR 10-6.110 Reporting Emission Data, Emission Fees, and Process Information

(3) General Provisions.
   (A) Emission Fees.

1. Any installation subject to this rule, except sources that produce charcoal from wood, shall pay an annual emission fee per ton of applicable pollutant emissions identified in Table 2 of this rule based on previous calendar year emissions and in accordance with paragraphs (3)(A)2. through (3)(A)7. of this rule. The emission fee shall be forty-eight dollars and no cents ($48.00) per ton.

2. For Full Emissions Reports, the fee is based on the information provided in the installation’s emissions report. For sources which qualify for and use the Reduced Reporting Form, the fee shall be based on the last Full Emissions Report.

3. The fee shall apply to the first four thousand (4,000) tons of each air pollutant subject to fees as identified in Table 2 of this rule. No installation shall be required to pay fees on total emissions in excess of twelve thousand (12,000) tons for any reporting year. An installation subject to this rule which emitted less than one (1) ton of all pollutants subject to fees shall pay a fee for one (1) ton.

4. An installation which pays emission fees to a holder of a certificate of
authority issued pursuant to section 643.140, RSMo, may deduct those fees from the emission fee due under this section.

5. The fee imposed in paragraph (3)(A)1. of this rule shall not apply to NH₃, CO, PM₂.₅, or HAPs reported as PM₁₀ or VOC, as summarized in Table 2 of this rule.

6. Emission fees for the reporting year are due June 1 after each reporting year. The fees shall be payable to the Missouri Department of Natural Resources.

7. To determine emission fees, an installation shall be considered one (1) source as defined in section 643.078.2, RSMo, except that an installation with multiple operating permits shall pay emission fees separately for air pollutants emitted under each individual permit.

**TABLE 2. Pollutant Fee Applicability**

<table>
<thead>
<tr>
<th>Pollutants Subject to Fees</th>
<th>Pollutants Not Subject to Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>PM₁₀ pri</td>
<td>PM₂.₅ pri</td>
</tr>
<tr>
<td>SO₂</td>
<td>CO</td>
</tr>
<tr>
<td>NOₓ</td>
<td>NH₃</td>
</tr>
<tr>
<td>VOC</td>
<td>HAPs reported as PM₁₀ or VOC</td>
</tr>
<tr>
<td>HAP</td>
<td></td>
</tr>
<tr>
<td>Lead</td>
<td></td>
</tr>
</tbody>
</table>

(B) Emission Estimation Calculation and Verification.

1. The method of determining an emission factor, capture efficiency, or control efficiency for use in the emissions report shall be consistent with the installation’s applicable permit. Variance from this method shall be based on the hierarchy described below. If data is not available for an emission estimation method or an emission estimation method is impractical for a source, then the subsequent emission estimation method shall be used in its place—

A. Continuous Emission Monitoring System (CEMS) as specified in subparagraph (3)(B)2.A. of this rule;

B. Stack tests as specified in subparagraph (3)(B)2.B. of this rule;

C. Material/mass balance;

D. AP-42 (Environmental Protection Agency (EPA) *Compilation of Air Pollution Emission Factors*) or FIRE (Factor Information and Retrieval System) as published by EPA August 2018 and August 2017 and hereby incorporated by reference in this rule. Copies can be obtained from the National Technical Information Service.
E. Other EPA documents as specified in subparagraph (3)(B)2.C. of this rule;
F. Sound engineering or technical calculations; or
G. Facilities shall obtain department approval of emission estimation methods other than those listed in subparagraphs (3)(B)1.A.–F. of this rule before using any such method to estimate emissions in the submission of an emissions report.

2. The director reserves the authority to review and approve all emission estimation methods used to calculate emissions for the purpose of filing an emissions report for accuracy, reliability, and appropriateness. Inappropriate usage of an emission factor or method shall include, but is not limited to: varying from the method used in permit without prior approval, using emission factors not representative of a process, using equipment in a manner other than that for which it was designed for in calculating emissions, or using a less accurate emission estimation method for a process when a facility has more accurate emission data available. Additional requirements for the use of a specific emission estimation method include:

A. Continuous Emission Monitoring System (CEMS).
   (I) CEMS must be shown to have met applicable performance specifications during the period for which data is being presented.
   (II) CEMS data must be presented in the units which the system was designed to measure. Additional data sets used to extrapolate CEMS data must have equal or better reliability for such extrapolation to be acceptable.
   (III) When using CEMS data to estimate emissions, the data must include all parameters (i.e., emission rate, gas flow rate, etc.) necessary to accurately determine the emissions. CEMS data which does not include all the necessary parameters must be reviewed and approved by the director or local air pollution control authority before it may be used to estimate emissions;

B. Stack tests.
   (I) Stack tests must be conducted on the specific equipment for which the stack test results are used to estimate emissions.
   (II) Stack tests must be conducted according to the methods cited in 10 CSR 10-6.030, unless an alternative method has been approved in advance by the director or local air pollution control authority.
   (III) Stack tests will not be accepted unless the choice of test sites and a detailed test plan have been approved in advance by the director or local air pollution control authority.
   (IV) Stack tests will not be accepted unless the director or local
The air pollution control authority has been notified of test dates at least thirty (30) days in advance and thus provided the opportunity to observe the testing. This thirty (30)-day notification may be reduced or waived on a case-by-case basis by the director or local air pollution control authority.

(V) Stack test results which do not meet all the criteria of parts (3)(B)2.B.(I)–(IV) of this rule may be acceptable for estimating emissions but must be submitted for review and approval by the director or local air pollution control authority on a case-by-case basis; and

C. Other EPA documents may be used to estimate emissions if the emission factors are more appropriate or source specific than AP-42 or FIRE. Newly developed EPA emission factors must be published by December 31 of the year for which the facility is submitting an emissions report.

(C) Emission Data and Fee Auditing and Adjustment.
1. The department may conduct detailed audits of emissions reports and supporting documentation as the director deems necessary. A minimum seven (7)-day notice must be provided to the installation to prepare documentation if this audit is done on-site.

2. The department may make emission fee adjustments when any of the following applies—
   A. Clerical or arithmetic errors have been made;
   B. Submitted documentation is not supported by inspections or audits;
   C. Emissions estimates are modified as a result of emission verification or audits;
   D. Credit has been incorrectly applied for an emissions fee paid to a local air pollution control agency; or
   E. Emission estimation calculation varies from the methods described in subsection (3)(B) of this rule.

3. The department is not limited by subparagraphs (3)(C)2.A.–E. of this rule in making emission fee adjustments.

4. Adjustments to data and fees will be subject to a three (3)-year statute of limitations unless it is—
   A. Due to a willful failure to report emissions or fraudulent representation for which there shall be no statute of limitations; or
   B. Adjustment of emissions is based on a permitting action under 40 CFR 52.21 for which an adjustment of fees is required to all years of emission data changed up to a maximum of ten (10) years. 40 CFR 52.21 was promulgated as of July 1, 2018 and is hereby incorporated by reference as published by the Office of the Federal Register. Copies can be obtained from the U.S. Publishing Office Bookstore, 710 N. Capitol Street NW, Washington DC 20401. This rule does not incorporate any subsequent amendments or additions. If approved, fees in effect at the time will be due, but no credit will be applied at the emission unit level.

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RECOMMENDATION FOR ADOPTION ON

PROPOSED REVISION TO

MISSOURI STATE IMPLEMENTATION PLAN REVISION- KCPL – LAKE ROAD (FORMERLY ST. JOSEPH LIGHT AND POWER) SULFUR DIOXIDE (SO₂) ATTAINMENT PLAN REVISION

On August 30, 2018, the Missouri Air Conservation Commission held a public hearing for the Missouri State Implementation Plan revision entitled – Missouri State Implementation Plan Revision- KCPL – Lake Road (formerly St. Joseph Light and Power) Sulfur Dioxide (SO₂) Attainment Plan Revision. The Department of Natural Resources’ Air Pollution Control Program did not receive any comments during the public comment period. Therefore, no revisions were made to the proposed plan.

The plan has not been reprinted in the briefing document due to its volume. The plan is available for review at the air 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 department recommends the commission adopt the plan as proposed. If the commission adopts this plan, the department intends to submit this plan to the U.S. Environmental Protection Agency for inclusion in the Missouri State Implementation Plan.