

**PUBLIC HEARING ON**  
**PROPOSED AMENDMENT TO**  
**10 CSR 10-5.570**

**CONTROL OF SULFUR EMISSIONS FROM STATIONARY BOILERS**

This amendment will change the *PURPOSE*, and sections (1), (3), and (4).

The *PURPOSE* is being amended to clarify the National Ambient Air Quality Standard applicable to this rule.

Subsections (1)(C) and (3)(A) are being amended to make administrative updates.

Subsection (3)(B) is being amended to remove a reference to 10 CSR 10-6.030(22).

Subsection (3)(D) is being amended to update a reference to a federal rule, and make administrative updates.

Subsection (4)(A) is being amended to make administrative updates, remove references to 10 CSR 10-6.030(22), and update references to a state rule and where information can be found in that state rule.

*NOTE 1 - Legend for rule actions to be presented at public hearing is as follows:*

- \* *Shaded Text - Rule sections or subsections not proposed for amendment. This text is only for reference.*
- \* *Unshaded Text - Rule sections or subsections that are proposed for change.*

*NOTE 2 - All unshaded text below this line is printed in the Missouri Register.*

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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**

**PROPOSED AMENDMENT**

**10 CSR 10-5.570 Control of Sulfur Emissions From Stationary Boilers.** The commission

proposes to amend the purpose and subsections (1)(C), (3)(A), (3)(B), (3)(D), and (4)(A). If the commission adopts this rule action, the Department intends to submit this rule amendment to the U.S. Environmental Protection Agency to replace the current rule that is in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Proposed Rules website [www.dnr.mo.gov/proposed-rules](http://www.dnr.mo.gov/proposed-rules).

*PURPOSE: The purpose of this rulemaking is to correct references to other state and federal rules within this rule to address U.S. Environmental Protection Agency (EPA) concerns so that it can be approved into the Missouri State Implementation Plan (SIP). Additionally, this rulemaking will also make administrative updates. This rulemaking will be developed to maintain consistency with the criteria in Section 3c of Executive Order 17-03 for all new and existing regulations. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is an EPA email, dated September 18, 2018.*

***PURPOSE: This rule [limits]maintains fine particle (PM<sub>2.5</sub>) emission reductions by limiting sulfur dioxide (SO<sub>2</sub>) emissions from industrial boilers in the St. Louis [Nonattainment Area]area for the 1997 Annual PM<sub>2.5</sub> National Ambient Air Quality Standard. By reducing SO<sub>2</sub> emissions released into the atmosphere, emissions of fine particles (PM<sub>2.5</sub>) will be reduced. This rule is intended to curb emission in the St. Louis Nonattainment Area in compliance with the federal Clean Air Fine Particle Implementation Rule to reduce the risk of PM<sub>2.5</sub> violations, which may prompt redesignation and/or sanctions from the U.S. Environmental Protection Agency. These SO<sub>2</sub> emission requirements serve to maintain PM<sub>2.5</sub> emission reductions in the St. Louis area in compliance with the federal Clean Air Fine Particle Implementation Rule and thereby reduce the risk of PM<sub>2.5</sub> violations and the risk of redesignation and/or sanctions by the U.S. Environmental Protection Agency.***

- (1) Applicability. This rule applies to all applicable installations located in the counties of Franklin, Jefferson, St. Charles, St. Louis, and the City of St. Louis.
  - (A) This rule applies to installations that own or operate an industrial, commercial, or institutional boiler or process heater that has a nameplate capacity greater than fifty (50) million British thermal units (mmBtu) per hour.
  - (B) Installations affected by this rule shall be in compliance no later than December 31, 2010.
  - (C) The types of boilers and process heaters listed in paragraphs (1)(C)1. through 5. of this rule are not subject to this rule.
    1. Any unit subject to and in compliance with the Phase II Acid Rain program (40 CFR 96 subpart AAA).
    2. A boiler or process heater that is used specifically for research and development. This does not include units that only provide heat or steam commercially to a process at a research and development installation.
    3. Temporary boilers as defined in section (2) of this rule.
    4. Any unit under subsection (1)(A) of this rule which demonstrates, using the emission estimation methods outlined in section (5) of this rule, that

the unit's mass **sulfur dioxide** (SO<sub>2</sub>) emissions are twenty-five (25) tons or less during the calendar year. To the extent such demonstration relies on pollution control equipment or operational controls, such controls must be enforceable.

5. Boilers that exclusively burn natural gas, liquefied petroleum (LP) gas, and/or fuel oil number two (2) with less than five-tenths percent (0.5%) sulfur, at the option of the installation.
6. Loss of exemption. If the exemption limit in paragraph (1)(C)4. of this rule is exceeded, the exemption no longer applies and the owner or operator must notify the staff director or designee within thirty (30) days of such event. If the owner or operator can demonstrate to the staff director or designee that the exemption limit was exceeded due to emergency operations or uncontrolled circumstances, the exemption in paragraph (1)(C)4. of this rule is reinstated. Emergency events include the use of boilers to produce power for critical networks or equipment when electric power from the local utility or the normal power source, if the installation runs on its own power production, is interrupted, or the use of boilers to pump water in the case of fire or flood, etc. The use of boilers to reduce electricity drawn from a power utility during utility designated peak time periods, to supply power to an electric grid, or to supply power as part of a financial arrangement with another entity is not considered an emergency event.
7. Compliance with this rule does not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the Air Conservation Law or any other requirements under local, state, or federal law. Specifically, compliance with this rule shall not violate the permit conditions previously established under 10 CSR 10-6.060 or 10 CSR 10-6.065.

(2) Definitions.

- (A) Boiler—An enclosed fossil or other fuel-fired combustion device used to produce heat and to transfer heat to recirculating water, steam, or other medium.
- (B) Commercial/Institutional boiler—A boiler used in commercial establishments or institutional establishments such as medical centers, institutions of higher education, hotels, and laundries to provide electricity, steam, and/or hot water.
- (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.
- (D) Industrial boiler—A boiler used in manufacturing, processing, mining, and refining, or any other industry to provide steam, hot water, and/or electricity.
- (E) Liquid fuel—A combustible liquid that includes, but is not limited to, distillate oil, residual oil, waste oil, and process liquids.
- (F) Process heater—Any enclosed device using controlled flame, that is not a boiler, and the unit's primary purpose is to transfer heat indirectly to a process material (liquid, gas, or solid) or to heat transfer material for use in a process unit, instead of generating steam. Process heaters are devices in which the combustion gases

do not directly come into contact with process materials. Process heaters do not include units used for comfort heat or space heat, food preparation for on-site consumption, or autoclaves.

- (G) Solid fuel—A solid material used as a fuel that includes, but is not limited to, coal, wood, biomass, tires, plastics, and other nonfossil solid materials.
- (H) Temporary boiler—Any gaseous or liquid fuel boiler that is designed to be, and is capable of being, carried or moved from one (1) location to another. A temporary boiler that remains at a location for more than one hundred eighty (180) days during any three hundred sixty-five (365)-day period is no longer considered to be a temporary boiler. Any temporary boiler that replaces a temporary boiler at a location and is intended to perform the same or similar function will be included in calculating the consecutive time period.
- (I) Definitions of certain terms in this rule, other than those specified in this rule section, may be found in 10 CSR 10-6.020.

(3) General Provisions.

(A) Emission Limitations.

1. Except as otherwise provided in this section, no installation shall cause or allow the emission of [~~sulfur dioxide (SO<sub>2</sub>)~~] into the atmosphere exceeding one (1.0) pound (lb) of SO<sub>2</sub> per mmBtu of actual heat input in any thirty (30)-day period from any installation with applicable units.
2. No brewery shall cause or allow the combined total of atmospheric emissions of SO<sub>2</sub> from all applicable emission units within an installation to exceed three thousand fifty (3,050) tons during any twelve (12)-month rolling period. SO<sub>2</sub> emission from all applicable units shall be determined by compliance with subparagraph (3)(C)2.D. of this rule.

(B) Measurements for Single Units. Measurements shall be one (1) of the following:

1. Measurements of SO<sub>2</sub> emissions from stationary sources are made according to an applicable method in 40 CFR 60, Appendix A, Method 6, 6A, 6B, or 6C as specified in 10 CSR 10-6.030(22) or by measurement procedures established pursuant to 40 CFR 60.8(b)[~~as specified in 10 CSR 10-6.030(22)~~]; or
2. Monthly analysis method. Installations subject to this rule shall demonstrate compliance or non-compliance by an analysis of calendar monthly composites of daily fuel samples using American Society for Testing and Materials (ASTM) procedures, or by vendor certification, at the option of the installation. Installations opting to use vendor certification shall provide monthly individual verification from all vendors using the ASTM procedures prescribed in this paragraph of consumed solid fuels including different vendor supplied batches of coal. The specific ASTM procedures, D2234, D2013, D3180, D4239, D5865, D240, D2622, D5504, and D6228 are used for fossil fuel or gaseous fuel sampling, sulfur, and, if needed, heating value determinations as specified in 10 CSR 10-6.040.

(C) Measurements for Multi-Unit and Multi-Fuel Installations. For sources not controlling SO<sub>2</sub> emissions by flue gas desulfurization equipment or by sorbent

injection, the following alternate compliance method may be used:

1. SO<sub>2</sub> emission rates for a single boiler that burns different fuels. The owner or operator of an affected installation shall determine the SO<sub>2</sub> emission rate of a large boiler which burns multiple fuels separately, according to the following formula:

$$E_s = \frac{\sum_{i=1}^q (K_{a_i}) + \sum_{i=1}^r (K_{b_i}) + \sum_{i=1}^s (K_{c_i})}{H_T}$$

Where:

E<sub>s</sub>= unit SO<sub>2</sub> emissions in lb per mmBtu heat input;

K<sub>a</sub>= solid fuel sample monthly composite SO<sub>2</sub> emission rate in lbs;

K<sub>b</sub>= liquid fuel sample monthly composite SO<sub>2</sub> emission rate in lbs;

K<sub>c</sub>= gaseous fuel sample monthly composite SO<sub>2</sub> emission rate in lbs;

q = number of different solid fuels used including the number of different batches of coal;

r = number of different liquid fuels used;

s = number of different gaseous fuels used; and

H<sub>T</sub> = total heat content for all fuels in any monthly period.

2. Averaging SO<sub>2</sub> emissions among different boilers.
  - A. To meet the requirements of paragraphs (3)(A)1. and (3)(A)2. of this rule, if there is more than one (1) existing boiler located at an installation, compliance may be demonstrated by emission averaging according to the procedures in this paragraph.
  - B. For a group of two (2) or more existing boilers that each vent to a separate or common stack, SO<sub>2</sub> emissions may be averaged to demonstrate compliance with the limits in paragraphs (3)(A)1. and (3)(A)2. of this rule.
  - C. Compliance with the limit in paragraph (3)(A)1. of this rule must be demonstrated on a monthly rolling average. The first period begins on the compliance date. For each monthly period, the following equation must be used to calculate the monthly rolling average weighted emission rate using the actual heat capacity for each existing boiler participating in the emissions averaging option.

$$\text{Avg Weighted Emissions} = \frac{\sum_{i=1}^n (E_i \times H_i)}{\sum_{i=1}^n H_i}$$

Where:

Avg Weighted Emissions = monthly average weighted emission level for SO<sub>2</sub>, in units of lbs per mmBtu of heat input;

Er = Emission rate, in units of lbs per mmBtu of heat input;  
 Hb = The average heat input for each monthly period of boiler, i,  
 in units of mmBtu; and  
 n = Number of boilers participating in the emissions averaging  
 option.

D. Compliance with the limit in paragraph (3)(A)2. of this rule must be demonstrated on a twelve (12)-month rolling total. The first period begins on the compliance date. For each twelve (12)-month period, the following equation must be used to calculate the twelve (12)-month rolling total weighted emission rate using the actual heat capacity for each existing boiler participating in the emission averaging option.

$$\text{Avg SO}_2 \text{ Emissions} = \sum_{i=1}^n \frac{\sum_{j=1}^q (K_{a_j})_n + \sum_{j=1}^r (K_{b_j})_n + \sum_{j=1}^s (K_{c_j})_n}{1}$$

Where:

Avg SO<sub>2</sub> Emissions = twelve (12)-month total weighted emission level for SO<sub>2</sub>, in units of tons of SO<sub>2</sub>;

Ka = solid fuel monthly SO<sub>2</sub> emissions in tons based on material/mass balance as the source of the emission factor;

Where:

$$K_a = \frac{\text{Sulfur \%}}{100} \times \frac{64.064}{32.065} \times \frac{\text{tons fuel}}{\text{burned}}$$

Kb = liquid fuel monthly SO<sub>2</sub> emissions in tons based on similar material/mass balance calculations as Ka as the source of the emission factor;

Kc = gaseous fuel monthly SO<sub>2</sub> emissions in tons based on similar material/mass balance calculations as Ka as the source of the emission factor;

n = number of boilers participating in the emissions averaging option;

q = number of different solid fuels used including the number of different batches of coal;

r = number of different liquid fuels used; and

s = number of different gaseous fuels used.

(D) Monitoring Requirements. Any owner or operator of an industrial, commercial, or institutional boiler; or process heater subject to this rule equipped with flue gas desulfurization or sorbent inject controls shall use a continuous emission monitoring

system (CEMS) to monitor compliance. Owners or operators subject to this rule without control equipment shall comply with one (1) of the following requirements:

1. A CEMS that[;]—
  - A. Meets the applicable requirements of 40 CFR part 60, [~~subpart A,~~ ]Appendix B, as specified in 10 CSR 10-6.030(22); and
  - B. Complies with the quality assurance procedures regardless of whether the installation is subject to new source performance standards (NSPS) specified in 40 CFR part 60, Appendix F, as specified in 10 CSR 10-6.030(22);
2. An alternate monitoring procedure or monitoring plan approved by the director and the U.S. Environmental Protection Agency (EPA).

(4) Reporting and Record Keeping.

(A) Reporting Requirements. The owner or operator subject to this rule shall—

1. Submit the calculation and record keeping procedure by February 15 of each year based upon correlations with ASTM and 40 CFR part 60, Appendix A reference method results, as specified in 10 CSR 10-6.030(22);
2. Submit an annual report to the director by February 15 following the end of the initial compliance period and by February 15 for each year thereafter unless the affected unit is subject to an NSPS. The annual report shall document for each affected unit, the average of the tons of [~~SO<sub>2</sub>~~]**SO<sub>2</sub>** emitted during the previous twelve (12)-month period or the twelve (12)-month rolling total starting the first full year after the compliance period;
3. By February 15 of every year following the initial compliance period, submit monthly reports for the previous calendar year unless the affected unit is subject to an NSPS. The monthly reports shall document the following information for each affected unit:
  - A. For units equipped with a CEMS, both the total heat input in mmBtu and the SO<sub>2</sub> emission rate in lbs per mmBtu for the unit; and
  - B. For units without a CEMS, the total number of tons of each solid fuel burned including different vendor supplied batches of coal, volume of each gaseous fuel, and/or volume each liquid fuel; average percent sulfur content of each solid fuel including different vendor supplied batches of coal, each liquid fuel and/or each gaseous fuel; and each solid fuel including different vendor supplied batches of coal, each liquid fuel, and/or each gaseous fuel average heat content in Btu per lb; and
4. Excess emissions.
  - A. Units maintaining a CEMS, shall submit an excess emissions monitoring system performance report by February 15 following the end of the initial compliance period and by February 15 for each year thereafter unless the affected unit is subject to an NSPS, in accordance with—
    - (I) 40 CFR 60.7(c)[, as specified in 10 CSR 10-6.030(22)]; and

(II) 40 CFR 60.13 [~~as specified in 10 CSR 10-6.030(22)~~].

- B. Units not maintaining a CEMS, shall submit a written report of excess emissions according to 10 CSR 10-~~[6.260]~~**6.261**, ~~[subsection]~~**paragraph [(4)(A)](4)(A)1.** regardless of whether 10 CSR 10-~~[6.260]~~**6.261** applies, unless the affected unit is subject to an NSPS.

- (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 SO<sub>2</sub> 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 SO<sub>2</sub> 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:
- (A) CEMS as specified in 10 CSR 10-6.110;
  - (B) Stack tests as specified in 10 CSR 10-6.110;
  - (C) Material/mass balance;
  - (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;
  - (E) Other EPA documents as specified in 10 CSR 10-6.110;
  - (F) Sound engineering calculations; or
  - (G) Installations shall obtain department and EPA pre-approval of any other alternate emission estimation method not listed in this section before using such method to estimate emissions.

*AUTHORITY: section 643.050, RSMo 2016. Original rule filed Dec. 16, 2008, effective Sept. 30, 2009. Amended: Filed March 13, 2013, effective Oct. 30, 2013. Amended: Filed April 13, 2018, effective January 30, 2019. Amended: Filed June 14, 2019.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., August 29, 2019. The public hearing will be held at the Elm Street Conference Center, 1730 East Elm Street, Lower Level, Bennett Springs Conference Room, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a statement of their views until 5:00 p.m., September 5, 2019. Send online comments via the proposed rules web page [www.dnr.mo.gov/proposed-rules](http://www.dnr.mo.gov/proposed-rules), email comments to [apcprulespn@dnr.mo.gov](mailto:apcprulespn@dnr.mo.gov), or written comments to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.*



**PUBLIC HEARING ON  
PROPOSED AMENDMENT TO  
10 CSR 10-6.161**

**COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATORS**

This amendment will change the PURPOSE, subsection (2)(A), and sections (3) and (4).

The PURPOSE is being amended to remove the reference to a Federal Register.

Subsection (2)(A) is being amended to remove the reference to 10 CSR 10-6.030(22).

Section (3) is being amended to remove references to 10 CSR 10-6.030(22), correct a code of federal regulation citation, add a date to replace existing language, and remove multiple Incorporation by References.

Section (4) is being amended to remove the reference to 10 CSR 10-6.030(22) and an Incorporation by Reference.

*NOTE 1 - Legend for rule actions to be presented at public hearing is as follows:*

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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**

**PROPOSED AMENDMENT**

**10 CSR 10-6.161 Commercial and Industrial Solid Waste Incinerators.** The commission proposes to amend the purpose, subsection (2)(A), and sections (3) and (4). If the commission adopts this rule action, the department intends to submit this rule amendment to the U.S. Environmental Protection Agency to replace the current rule that is in the Missouri State Plan for Designated Facilities and Pollutants pursuant to section 111(d) of the Clean Air Act for Commercial and Industrial Solid Waste Incinerators. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources’

Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Proposed Rules website [www.dnr.mo.gov/proposed-rules](http://www.dnr.mo.gov/proposed-rules).

*PURPOSE: This amendment cleans-up the federal reference information in this rule to address the U.S. Environmental Protection Agency (EPA) concerns. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is an EPA email, dated September 18, 2018.*

*PURPOSE: This rule incorporates by reference the federal regulatory requirements for existing commercial and industrial solid waste incineration units in Missouri. [~~The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is **Federal Register** Notice 78 FR 9112, dated February 7, 2013.~~]*

- (1) Applicability.
  - (A) This rule applies to commercial and industrial solid waste incinerator (CISWI) units, defined by section (2) of this rule, as follows:
    1. Energy recovery units, waste burning kilns, and small remote incinerators that commenced construction on or before June 4, 2010, or commenced modification or reconstruction after June 4, 2010 but no later than August 7, 2013;
    2. Other CISWI incinerators that commenced construction on or before November 30, 1999 and were not modified or reconstructed after June 1, 2001; and
    3. Other CISWI incinerators that commenced construction after November 30, 1999, but no later than June 4, 2010, or commenced modification or reconstruction on or after June 1, 2001 but no later than August 7, 2013.
  - (B) If the owner or operator of a CISWI unit makes changes that meet the definition of modification or reconstruction on or after June 1, 2001, the CISWI unit becomes subject to 40 CFR 60 subpart CCCC and the CISWI state plan no longer applies to that unit.
  - (C) Exemptions to this rule are as follows:
    1. This rule does not apply to combustion units listed in 40 CFR 60.2555; and
    2. If the owner or operator of a CISWI unit makes physical or operational changes to an existing CISWI unit primarily to comply with the CISWI state plan, 40 CFR 60 subpart CCCC does not apply to that unit because such changes do not qualify as modifications or reconstructions under 40 CFR 60 subpart CCCC.
- (2) Definitions.
  - (A) The definitions of 40 CFR 60.2875 apply [~~as specified in 10 CSR 10-6.030(22)~~].
  - (B) Definitions of certain terms specified in this rule, other than those defined in subsection (2)(A) of this rule, may be found in 10 CSR 10-6.020.
- (3) General Provisions. The following references to 40 CFR 60.2575 through 60.2735, 40 CFR 60.2805 through 60.2870, and 40 CFR 60, [§]subpart DDDD Tables 1 through 9,

apply ~~[as specified in 10 CSR 10-6.030(22)]~~:

- (A) Increments of Progress—40 CFR 60.2575 through 60.2615 and 40 CFR 60.2815 through 60.2855;
- (B) Waste Management Plan—40 CFR 60.2620 through 60.2630;
- (C) Operator Training and Qualification—40 CFR 60.2635 through 60.2665;
- (D) Emission Limitations and Operating Limits—40 CFR 60.2670 through ~~60.2685~~ **60.2680** and 40 CFR 60.2860;
- (E) Performance Testing—40 CFR 60.2690 through 60.2695;
- (F) Initial Compliance Requirements—40 CFR 60.2700 through 60.2706. If the owner or operator of a waste-burning kiln chooses to switch to and comply with the equivalent production-based mercury emission limit in subparagraph (3)(K)1.B. of this rule, initial compliance shall be demonstrated pursuant to 40 CFR 63.1348(a)(5). The initial compliance test must begin on the first operating day following completion of the field testing and data collection that demonstrates that the continuous emissions monitoring system has satisfied the relevant performance acceptance criteria of Performance Specifications 12A or 12B in 40 CFR ~~[Part]~~60 Appendix B. The notification required by 40 CFR 60.2760(a) through (c) shall also include the owner or operators intention to comply with the equivalent production-based mercury emission limit in subparagraph (3)(K)1.B. of this rule. For waste-burning kilns choosing to comply with the equivalent production-based mercury emission limit in paragraph (3)(K)1.B. of this rule, the term operating day in 40 CFR 63.1348(a)(5), 40 CFR 63.1348(b)(7) and 40 CFR 63.1349(b)(5) means any twenty-four (24)-hour period beginning at 12:00 midnight during which the kiln produces any amount of clinker. **The requirements of 40 CFR 63.1348(a)(5), 40 CFR 63.1348 (b)(7), 63.1349(b)(5), and 40 CFR 60 Appendix B Specifications 12A and 12B [promulgated as of July 1, 2018 are 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] apply;**
- (G) Continuous Compliance Requirements—40 CFR 60.2710 through 60.2725. If the owner or operator of a waste-burning kiln chooses to switch to and comply with the equivalent production-based mercury emission limit in subparagraph (3)(K)1.B. of this rule, continuous compliance shall be demonstrated pursuant to the procedures of 40 CFR 63.1348(b)(7) and 40 CFR 63.1349(b)(5). **The requirements of 40 CFR 63.1348(b)(7)[,] and 63.1349(b)(5) [promulgated as of July 1, 2018 are 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] apply;**
- (H) Monitoring—40 CFR 60.2730 through 60.2735 and 40 CFR 60.2865. If the owner or operator of a waste-burning kiln chooses to switch to and comply with the equivalent production-based mercury emission limit in subparagraph (3)(K)1.B. of this rule, it must also monitor mercury pursuant to 40 CFR 63.1350(k), the clinker production rate pursuant to 40 CFR 63.1350(d), and the flow rate pursuant to 40 CFR 63.1350(n). An owner or operator of a waste-

burning kiln is not required to develop an emissions monitoring plan pursuant to 40 CFR 63.1350(p)(1) through (p)(4) if the owner or operator prepares the emissions monitoring plan required pursuant to 40 CFR 60.2710(k) and 40 CFR 60.2710(l). **The requirements of 40 CFR 63.1350(d), (k), (n), and (p)(1) [promulgated as of July 1, 2018 are 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] apply;**

- (I) Title V Operating Permits—40 CFR 60.2805;
  - (J) Table 1 through Table 9. The compliance dates for the increments of progress are—
    - 1. For Increment 1, the final control plan must be submitted within one (1) year of ~~[the effective date of this rule]~~ **March 30, 2014**; and
    - 2. For Increment 2, for CISWI units that commenced construction on or before June 4, 2010, the final compliance date is February 7, 2018; and
  - (K) Other requirements:
    - 1. Units applicable under paragraph (1)(A)1. of this rule must comply with the emission limits as follows:
      - A. For energy recovery units, Table 7 of 40 CFR 60 subpart DDDD ~~[as specified in 10 CSR 10-6.030(22)]~~;
      - B. For waste burning kilns, Table 8 of 40 CFR 60 subpart DDDD ~~[as specified in 10 CSR 10-6.030(22)]~~; and
      - C. For small remote incinerators, Table 9 of 40 CFR 60 subpart DDDD ~~[as specified in 10 CSR 10-6.030(22)]~~;
    - 2. Units applicable under paragraph (1)(A)2. of this rule, Table 2 of 40 CFR 60 subpart DDDD ~~[as specified in 10 CSR 10-6.030(22)]~~; and
    - 3. Units applicable under paragraph (1)(A)3. of this rule, Table 6 of 40 CFR 60 subpart DDDD or Table 1 of 40 CFR 60 subpart CCCC ~~[as specified in 10 CSR 10-6.030(22)]~~, whichever is more stringent.
- (4) Reporting and Record Keeping. The provisions of 40 CFR 60.2740 through 60.2800 and 40 CFR 60.2870, apply ~~[as specified in 10 CSR 10-6.030(22)]~~. If the owner or operator of a waste-burning kiln chooses to switch to and comply with the equivalent production-based mercury emission limit in subparagraph (3)(K)1.B. of this rule, it shall also keep records of all data collected from the continuous flow rate monitoring system required by 40 CFR 63[-].1350(n), all data collected from the clinker production monitoring system required by 40 CFR 63.1350(d), and all calculated thirty (30)-operating day rolling average values derived from the mercury monitoring system. Units in the waste-burning kiln subcategory complying with the equivalent production-based mercury emission limit in subparagraph (3)(K)1.B. of this rule must also report all deviations from the equivalent production-based mercury limit in accordance with 40 CFR 60.2740 through 40 CFR 60.2800. **The requirements of 40 CFR 63.1350(d)[;]and (n) [promulgated as of July 1, 2018 and are 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] apply.**

(5) Test Methods. *(Not applicable)*

*AUTHORITY: section 643.050, RSMo 2016. Original rule filed July 12, 2013, effective March 30, 2014. Amended: Filed May 9, 2018, effective Feb. 28, 2019. Amended: Filed June 14, 2019.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., August 29, 2019. The public hearing will be held at the Elm Street Conference Center, 1730 East Elm Street, Lower Level, Bennett Springs Conference Room, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a statement of their views until 5:00 p.m., September 5, 2019. Send online comments via the proposed rules web page [www.dnr.mo.gov/proposed-rules](http://www.dnr.mo.gov/proposed-rules), email comments to [apcprulespn@dnr.mo.gov](mailto:apcprulespn@dnr.mo.gov), or written comments to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.*



**PUBLIC HEARING ON  
PROPOSED AMENDMENT TO  
10 CSR 10-6.200**

**HOSPITAL, MEDICAL, INFECTIOUS WASTE INCINERATORS**

This amendment will change subsection (2)(A) and sections (3) and (4).

Subsection (2)(A) and sections (3) and (4) are being amended to remove references to 10 CSR 10-6.030(22).

*NOTE 1 - Legend for rule actions to be presented at public hearing is as follows:*

- \* *Shaded Text - Rule sections or subsections not proposed for amendment. This text is only for reference.*
- \* *Unshaded Text - Rule sections or subsections that are proposed for change.*

*NOTE 2 - All unshaded text below this line is printed in the Missouri Register.*

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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**

**PROPOSED AMENDMENT**

**10 CSR 10-6.200 Hospital, Medical, Infectious Waste Incinerators.** The commission proposes to amend subsection (2)(A) and sections (3) and (4). If the commission adopts this rule action, the department intends to submit this rule amendment to the U.S. Environmental Protection Agency to replace the current rule that is in the Missouri State Plan for Designated Facilities and Pollutants pursuant to section 111(d) of the Clean Air Act for Hospital, Medical, and Infectious Waste Incinerators. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Proposed Rules website [www.dnr.mo.gov/proposed-rules](http://www.dnr.mo.gov/proposed-rules).

*PURPOSE: This rule establishes emission limits for existing hospital, medical, and infectious waste incinerators. The pollutants regulated include metals, particulate matter, acid gases, organic compounds, carbon monoxide, and opacity. This rule includes requirements for operator training and qualification, waste management, compliance and performance testing, monitoring,*

*and reporting/record keeping. This amendment cleans up the federal reference information in this rule to address the U.S. Environmental Protection Agency (EPA) concerns. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is an EPA email, dated September 18, 2018.*

*PURPOSE: This rule establishes emission limits for existing hospital, medical, and infectious waste incinerators. The pollutants regulated include metals, particulate matter, acid gases, organic compounds, carbon monoxide, and opacity. This rule includes requirements for operator training and qualification, waste management, compliance and performance testing, monitoring, and reporting/record keeping.*

- (1) Applicability.
  - (A) Except as provided in subsection (1)(B) through (H) of this rule, this rule applies to each individual hospital or medical/infectious waste incinerator (HMIWI)—
    1. For which construction was commenced on or before June 20, 1996, or for which modification was commenced on or before March 16, 1998; or
    2. 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.
  - (B) A combustor is not subject to this rule during periods when only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste is burned, provided the owner or operator of the combustor—
    1. Notifies the director of an exemption claim; and
    2. Keeps records on a calendar quarter basis of the periods of time when only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste is burned.
  - (C) Any co-fired combustor is not subject to this rule if the owner or operator of the co-fired combustor—
    1. Notifies the director of an exemption claim;
    2. Provides an estimate of the relative weight of hospital waste, medical/infectious waste, and other fuels and/or wastes to be combusted; and
    3. Keeps records on a calendar quarter basis of the weight of hospital waste and medical/infectious waste combusted, and the weight of all other fuels and wastes combusted at the co-fired combustor.
  - (D) Any combustor required to have a permit under section 3005 of the Solid Waste Disposal Act is not subject to this rule.
  - (E) Any combustor which meets the applicability requirements under Subpart Cb, Ea, or Eb of 40 CFR 60 is not subject to this rule.
  - (F) Any pyrolysis unit is not subject to this rule.
  - (G) Cement kilns firing hospital waste and/or medical/infectious waste are not subject to this rule.
  - (H) Physical or operational changes made to an HMIWI unit solely for the purpose of complying with this rule are not considered a modification and do not result in an HMIWI unit becoming subject to the provisions of 40 CFR 60, Subpart Ec.
  - (I) Facilities subject to this rule shall operate pursuant to a permit issued under the

permitting authorities operating permit program.

- (2) Definitions.
  - (A) The definitions of 40 CFR 60.31e apply [~~as specified in 10 CSR 10-6.030(22)~~].
  - (B) Definitions of certain terms specified in this rule, other than those defined in subsection (2)(A) of this rule, may be found in 10 CSR 10-6.020.
- (3) General Provisions. Owners and operators of HMIWI subject to this rule must comply with the provisions listed below. The following references to 40 CFR 60.33e through 60.37e and 40 CFR 60 Subpart Ce Tables 1A through 2B apply [~~as specified in 10 CSR 10-6.030(22)~~]:
  - (A) Emission limits—40 CFR 60.33e;
  - (B) Operator training and qualification requirements—40 CFR 60.34e;
  - (C) Waste management plan—40 CFR 60.35e;
  - (D) Inspection—40 CFR 60.36e; and
  - (E) Compliance, performance testing, and monitoring—40 CFR 60.37e.
- (4) Reporting and Record Keeping. Owners and operators of HMIWI subject to this rule must comply with the following reporting and record keeping provisions. The provisions of 40 CFR 60.38e apply [~~as specified in 10 CSR 10-6.030(22)~~].
- (5) Test Methods. Test methods can be found in section (3) of this rule.

*AUTHORITY: section 643.050, RSMo 2016. Original rule filed Dec. 1, 1998, effective July 30, 1999. Amended: Filed Oct. 13, 2000, effective July 30, 2001. Amended: Filed Nov. 26, 2010, effective Aug. 30, 2011. Amended: Filed Nov. 1, 2013, effective July 30, 2014. Amended: Filed April 13, 2018, effective Jan. 30, 2019. Amended: Filed May 30, 2019.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., August 29, 2019. The public hearing will be held at the Elm Street Conference Center, 1730 East Elm Street, Lower Level, Bennett Springs Conference Room, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a statement of their views until 5:00 p.m., September 5, 2019. Send online comments via the proposed rules web page [www.dnr.mo.gov/proposed-rules](http://www.dnr.mo.gov/proposed-rules), email comments to [apcprulespn@dnr.mo.gov](mailto:apcprulespn@dnr.mo.gov), or written comments to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.*



**PUBLIC HEARING ON**

**MISSOURI STATE IMPLEMENTATION PLAN REVISION**

**MAINTENANCE PLAN REVISION FOR THE**  
**ST. LOUIS (MISSOURI) MAINTENANCE AREA UNDER THE**  
**1979, 1997, AND 2008 OZONE STANDARDS**

The Missouri Department of Natural Resources' Air Pollution Control Program is proposing to revise the Missouri State Implementation Plan.

This plan revision replaces the currently approved maintenance plan for the Missouri portion of the St. Louis maintenance area under the 2008 ozone standard. This standard is more stringent than the 1979 and 1997 ozone standards; therefore this revision also replaces the previous maintenance plans under those standards. The revision updates the maintenance demonstration showing that continued implementation of Missouri's vehicle inspection and maintenance program and federal reformulated gasoline requirements in the area are not necessary for the area to continue to maintain compliance with the 2008 ozone standard. The revised plan includes restarting implementation of a basic inspection and maintenance program and fuel-related programs among the list of potential contingency measures the state may implement if air quality levels in the area trigger the contingency plan in the future.

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

If the commission adopts this plan, the department intends to submit it to the U.S. Environmental Protection Agency for inclusion in the Missouri State Implementation Plan.

## Executive Summary

On September 20, 2018, the U.S. Environmental Protection Agency (EPA) approved Missouri's maintenance plan and redesignated the Missouri counties of Jefferson, Franklin, St. Charles, and St. Louis along with the City of St. Louis from nonattainment to attainment under the 2008 ozone National Ambient Air Quality Standard (NAAQS). Through this action the Missouri Department of Natural Resources' Air Pollution Control Program (air program) is requesting EPA to approve this maintenance plan into Missouri's State Implementation Plan (SIP) pursuant to Clean Air Act (CAA) Section 175A as a replacement to the maintenance plan that EPA approved in September of 2018. Missouri is also requesting EPA to rescind the previously approved maintenance plans under the 1979, 1997 ozone standards. This revised maintenance plan demonstrates continued maintenance of the 2008 standard (along with the 1979 and 1997 standards) throughout the St. Louis area through the future year of 2030.

This revised maintenance plan contains, among other things, the unchanged 2014 attainment year emissions inventory from the original plan, updated 2020 and 2030 future year emissions projections, a list of active control measures that apply to emission sources of ozone precursors in the area, the unchanged approved motor vehicle emissions budgets (MVEBs) for transportation conformity, and an updated contingency plan to address any future violations of the 2008 ozone NAAQS through the duration of maintenance period.

This revision to the maintenance plan also includes the removal of two currently active emission control measures from the plan. These measures include the vehicle inspection maintenance (I/M) protocols as well as the area's participation in the federal reformulated gasoline (RFG) program. Current and future projections of air quality and emissions data in this plan demonstrate that these two measures are no longer needed for the area to maintain compliance with the 2008 ozone NAAQS. This revised plan includes restarting implementation of a basic I/M program and fuel-related programs among the list of potential contingency measures the state may implement if air quality levels in the area trigger the contingency plan in the future.

Missouri is submitting an additional SIP revision to effectively discontinue the I/M program in two of the five counties included in the maintenance area concurrently with this maintenance plan revision. When EPA approves that I/M SIP revision, the I/M program will be fully removed from Missouri's SIP for Franklin and Jefferson Counties, but the I/M program will still remain in Missouri's SIP for St. Louis City and St. Charles and St. Louis Counties until the state submits a future I/M SIP revision that expressly requests removal of the program in this remaining portion of the maintenance area.

Discontinuing the RFG requirements in the area will require EPA approval of a formal request from the governor to the EPA administrator before the program requirements may be discontinued. The governor has not yet sent any formal request to the EPA administrator to discontinue those requirements. Therefore, although Missouri is removing our reliance on RFG through this SIP revision, these requirements will remain in the area until the governor submits an RFG opt-out request for the area or any portion thereof.

**PUBLIC HEARING ON**

**MISSOURI STATE IMPLEMENTATION PLAN REVISION**

**MAINTENANCE PLAN REVISION FOR THE**  
**ST. LOUIS (MISSOURI) MAINTENANCE AREA UNDER THE**  
**1997 ANNUAL FINE PARTICULATE MATTER (PM<sub>2.5</sub>) STANDARD**

The Missouri Department of Natural Resources' Air Pollution Control Program is proposing to revise the Missouri State Implementation Plan.

This plan revision replaces the currently approved maintenance plan for the Missouri portion of the St. Louis maintenance area under the 1997 annual PM<sub>2.5</sub> standard. The revision updates the maintenance demonstration showing that continued implementation of Missouri's vehicle inspection and maintenance program and federal reformulated gasoline requirements in the area are not necessary for the area to continue to maintain compliance with this standard. The revised plan includes restarting implementation of a basic inspection and maintenance program and fuel-related programs among the list of potential contingency measures the state may implement if air quality levels in the area trigger the contingency plan in the future.

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

If the commission adopts this plan, the department intends to submit it to the U.S. Environmental Protection Agency for inclusion in the Missouri State Implementation Plan.

## Executive Summary

On October 2, 2018, the U.S. Environmental Protection Agency (EPA) approved Missouri's maintenance plan and redesignated the Missouri counties of Jefferson, Franklin, St. Charles, and St. Louis along with the City of St. Louis from nonattainment to attainment under the 1997 annual fine particulate matter (PM<sub>2.5</sub>) National Ambient Air Quality Standard (NAAQS). Through this action, the Missouri Department of Natural Resources' Air Pollution Control Program (air program) is requesting EPA to approve this maintenance plan into Missouri's State Implementation Plan (SIP) pursuant to Clean Air Act (CAA) Section 175A as a replacement to the maintenance plan that EPA approved in October of 2018. This revised maintenance plan demonstrates continued maintenance of the 1997 PM<sub>2.5</sub> standard throughout the St. Louis area through the future year of 2025.

This revised maintenance plan contains, among other things, the unchanged 2008 attainment year emissions inventory from the original plan, updated 2025 future year emissions projections, a list of active control measures that apply to emission sources of PM<sub>2.5</sub> and PM<sub>2.5</sub> precursors in the area, the unchanged approved motor vehicle emissions budgets (MVEBs) for transportation conformity, and an updated contingency plan to address any future violations of the 1997 annual PM<sub>2.5</sub> NAAQS through the duration of maintenance period.

This revision to the maintenance plan also includes the removal of two currently active emission control measures from the plan. These measures include the vehicle inspection maintenance (I/M) protocols as well as the area's participation in the federal reformulated gasoline (RFG) program. Current and future projections of air quality and emissions data in this plan demonstrate that these two measures are no longer needed for the area to maintain compliance with the 1997 annual PM<sub>2.5</sub> NAAQS. This revised plan includes restarting implementation of a basic I/M program and fuel-related programs among the list of potential contingency measures the state may implement if air quality levels in the area trigger the contingency plan in the future.

Missouri is submitting an additional SIP revision to effectively discontinue the I/M program in two of the five counties included in the maintenance area concurrently with this maintenance plan revision. When EPA approves that I/M SIP revision, the I/M program will be fully removed from Missouri's SIP for Franklin and Jefferson Counties, but the I/M program will still remain in Missouri's SIP for St. Louis City and St. Charles and St. Louis Counties until the state submits a future I/M SIP revision that expressly requests removal of the program in this remaining portion of the maintenance area.

Discontinuing the RFG requirements in the area will require EPA approval of a formal request from the governor to the EPA administrator before the program requirements may be discontinued. The governor has not yet sent any formal request to the EPA administrator to discontinue those requirements. Therefore, although Missouri is removing our reliance on RFG through this SIP revision, these requirements will remain in the area until the governor submits an RFG opt-out request for the area or any portion thereof.

**PUBLIC HEARING ON**  
**MISSOURI STATE IMPLEMENTATION PLAN REVISION**  
**INSPECTION AND MAINTENANCE PROGRAM FOR THE ST. LOUIS AREA –**  
**2019 REVISION**

The Missouri Department of Natural Resources' Air Pollution Control Program is proposing to revise the Missouri State Implementation Plan.

The plan revises Missouri's on-road motor vehicle emissions inspection and maintenance (I/M) program in the St. Louis area, also known as the Gateway Vehicle Inspection Program (GVIP). The revision requests EPA approval to fully remove the I/M program requirements in Franklin and Jefferson counties from Missouri's SIP. The revision includes the necessary Clean Air Act Section 110(l) demonstration for the removal of the GVIP requirements in Franklin and Jefferson counties. This demonstration shows that the removal of the program in these two counties will not interfere with attainment or reasonable further progress with respect to any National Ambient Air Quality Standards, including the 2015 ozone standard. The revision also includes several updates to reflect current operations of the program in the remaining counties.

The revision does not remove the I/M program requirements in the City of St. Louis or the counties of St. Louis or St. Charles. The Missouri Department of Natural Resources' Air Pollution Control Program is evaluating the continued need for the program in these remaining counties with respect to the 2015 ozone standard, for which these counties are currently designated nonattainment.

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

If the commission adopts this plan, the department intends to submit it to the U.S. Environmental Protection Agency for inclusion in the Missouri State Implementation Plan.

## EXECUTIVE SUMMARY

The purpose of this state implementation plan (SIP) revision is to update Missouri's motor vehicle inspection and maintenance (I/M) SIP for the St. Louis area, the Gateway Vehicle Inspection Program (GVIP). The update will remove the I/M program requirements from Missouri's SIP in two counties currently included in the GVIP, Franklin and Jefferson counties. The update also reflects changes to the program implemented since the last I/M SIP revision for the area to reflect current program operations.

Historically, the Missouri portion of the St. Louis ozone nonattainment area has included the City of St. Louis and the counties of St. Louis, St. Charles, Jefferson, and Franklin. This 5-county area was part of the bi-state St. Louis ozone nonattainment area under the 1979 1-hr ozone National Ambient Air Quality Standard (NAAQS), the 1997 8-hr ozone NAAQS, and the 2008 8-hr ozone NAAQS. However, the boundary of the nonattainment area changed under the most recently promulgated 2015 8-hr ozone NAAQS. In Missouri, the new nonattainment area includes the City of St. Louis, St. Charles and St. Louis counties, and Boles Township in Franklin County. EPA designated this area as a marginal ozone nonattainment area, for the 2015 8-hr ozone NAAQS, effective August 3, 2018<sup>1</sup>. The entirety of Jefferson County and all of Franklin County except for Boles Township are not part of the St. Louis ozone nonattainment area under the 2015 ozone standard.

In addition, EPA redesignated the entire St. Louis nonattainment area to attainment for all ozone NAAQS promulgated prior to the 2015 ozone standard. Most recently, EPA designated the entire St. Louis nonattainment area to attainment for the 2008 ozone NAAQS. However, Missouri currently has EPA-approved maintenance plans in place for these prior ozone standards. Therefore, concurrently with this SIP submission, Missouri is revising its maintenance plan for the Missouri portion of the 2008 ozone St. Louis maintenance area. The revised maintenance plan includes a demonstration that continued implementation of GVIP in the Missouri portion of the entire St. Louis area is no longer necessary to assure continued maintenance of the 2008 ozone NAAQS through the year 2030. Because the 2008 ozone standard is more stringent than the 1979 and 1997 ozone standards, the update to the maintenance plan for the 2008 ozone standard also satisfies any maintenance plan obligations with respect to these previous standards.

This SIP revision removes the GVIP requirements in Jefferson and Franklin counties from Missouri's SIP. This SIP revision includes a Clean Air Act (CAA) Section 110(l) anti-backsliding demonstration for the removal of the program requirements in these two counties.

Upon EPA approval of this SIP revision, the I/M program will be fully removed from Missouri's SIP for Franklin and Jefferson counties. However, the I/M program will remain in Missouri's SIP for St. Louis City and St. Charles and St. Louis counties at this time.

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<sup>1</sup> See 83 FR 25776, promulgated June 4, 2018.