PUBLIC HEARING ON

PROPOSED AMENDMENT TO

10 CSR 10-6.330

RESTRICTION OF EMISSIONS FROM BATCH-TYPE CHARCOAL KILNS

This amendment will change subsections (2)(I), (2)(L), and (3)(B); and section (5).

Subsections (2)(I) and (3)(B) are being amended to correct typographical errors.

Subsection (2)(L) is being amended to remove a reference to 10 CSR 10-6.030(21) and add a reference to the definition of volatile organic compounds in 10 CSR 10-6.020.

Section (5) is being amended to update and clarify references to test methods.

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.

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 10-6.330 Restriction of Emissions From Batch-Type Charcoal Kilns. The commission proposes to amend subsections (2)(I), (2)(L) and (3)(B); and section (5). If the commission adopts this rule action, the Department intends to submit this rule amendment to the U.S. Environmental Protection Agency (EPA) to replace the current rule that is in the Missouri State Implementation Plan (SIP). 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.

PURPOSE: This regulation establishes emission limits for batch-type charcoal kilns based on

operational parameters that reflect the Best Available Control Technology (BACT) for this industry as of August 20, 1997. This proposed amendment will correct an erroneous reference to 10 CSR 10-6.030(21), update and clarify references to test methods, and make other typographical corrections. Rule 10 CSR 10-6.030 is being amended to address EPA concerns regarding the incorporation by reference of certain federal regulations. After reviewing references to 10 CSR 10-6.030 in 10 CSR 10-6.330 for potential issues, these changes were deemed necessary. The adoption of this proposed amendment will ensure this rule can be approved by EPA and replace the current version in the Missouri SIP. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is an EPA email dated September 18, 2018.

PURPOSE: This regulation establishes emission limits for batch-type charcoal kilns based on operational parameters that reflect the Best Available Control Technology (BACT) for this industry as of August 20, 1997.

(1) Applicability.

(A) This regulation applies to all batch-type charcoal kilns throughout the entire state of Missouri.

(B) In the event that other rules in the *Code of State Regulations* are also applicable to batch-type charcoal kilns, the more stringent rule requirement applies.

(2) Definitions.

(A) Batch-type charcoal kiln—Charcoal kilns that manufacture charcoal with a batch process rather than a continuous process. The batch-type charcoal kiln process typically includes loading wood, sealing the kiln, igniting the wood, and controlled burning of the wood to produce charcoal which is unloaded.

(B) Burn cycle—The burn cycle for a charcoal kiln begins at the time that a batch of wood is initially lit and ends when the burn for that batch is completed and the kiln is sealed. The burn cycle does not include cool down time.

(C) Charcoal kiln—Any closed structure used to produce charcoal by controlled burning (pyrolysis) of wood. Retorts and furnaces used for charcoal production are not charcoal kilns.

(D) Charcoal kiln control system—A combination of an emission control device and connected charcoal kiln(s).

(E) Emission control device—Any device used to reduce contaminant emissions into the air. Thermal oxidizers or afterburners are often used on charcoal kilns for burning exhaust gases to reduce particulate matter, carbon monoxide, and volatile organic compound emissions.

(F) Fill capacity—The maximum amount of wood that can be properly loaded into a charcoal kiln prior to the burn cycle.

(G) Installation—All source operations including activities that result in fugitive emissions, that belong to the same industrial grouping (that have the same two (2)-digit code as described in the Standard Industrial Classification Manual, 1987), and any marine vessels while docked at the installation, located on one (1) or more contiguous or adjacent properties and under the control of the same person (or persons under common control).

(H) Opacity—The extent to which airborne material obstructs the transmission of incident light and obscures the visual background. Opacity is stated as a percentage of light obstructed and can be measured by a continuous opacity monitoring system or a trained observer. An opacity of one hundred percent (100%) represents a condition in which no light is transmitted and the background is completely obscured.

(I) Particulate matter—Particulate matter emissions from charcoal kilns and charcoal kiln control systems consists of all particulate matter including condens[~~i~~]**a**bles.

(J) Residence time—Period of time in which gas in a thermal oxidizer, incinerator, or afterburner is exposed to heat and oxygen at a specified temperature in order to destroy pollutants present in the gas.

(K) Treated wood—Wood that has been subjected to a chemical process or application.

(L) Volatile organic compounds (VOCs)—[~~Volatile organic compound (VOC) – Any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions. This includes any such organic compound other than those listed in 40 CFR 51.100(s)(1) as specified in 10 CSR 10-6.030(21)~~]**See definition in 10 CSR 10-6.020**.

(3) General Provisions.

(A) Restriction of Emissions.

1. No charcoal kiln control system shall emit visible emissions greater than ten percent (10%) opacity.
2. No charcoal kiln control system shall emit more than the following emissions:
   A. 1.5 pounds per hour of particulate matter;
   B. Either 0.24 pounds per hour volatile organic compounds (VOCs) or the emission rate equivalent to ninety-nine percent (99%) VOC control efficiency, whichever results in a lower emission rate; and
   C. 1.75 pounds per hour of carbon monoxide (CO).
3. Charcoal kiln control systems shall be maintained to assure that no visible fugitive emissions result from equipment cracks or door seals.

(B) Operating Requirements.

1. No charcoal kiln shall be operated without an emission control device installed and operated to meet the requirements of this rule and other applicable state and federal rules.
2. Each emission control device shall have a sight glass or other viewing portal installed in the burning chamber such that the burn can be visually monitored.
3. All charcoal kiln emissions shall be ducted to an operating emission control device throughout the entire burn cycle.
4. Emission control devices shall be equipped with automatic temperature control systems which are set such that gas streams are heated and maintained according to one (1) of the following sets of conditions:
   A. At a nominal operating temperature of sixteen hundred degrees

Fahrenheit (1600 ºF), with a fifteen hundred twenty degree Fahrenheit (1520 ºF) minimum temperature allowed, for a minimum residence time of 1.7 seconds; or

B. At an alternative operating temperature and residence time determined by performance testing, during which the following conditions are met:

(I) All emission limit requirements of paragraphs (3)(A)1. and 2. of this rule are met;

(II) The CO control efficiency is greater than or equal to ninety-nine percent (99%); and

(III) The department has validated the performance test results that the alternative operating temperature and residence time are based on. The operating requirements in subparagraph (3)(B)4.A. of this rule apply until these performance test results have been validated.

5. All charcoal kiln control systems shall be operated using the same fuel(s) as used during performance testing.
6. No charcoal kiln shall burn treated wood at any time.
7. Rule 10 CSR 10-6.050 [~~s~~]**S**tart-up, Shutdown, and Malfunction Conditions shall only be applicable to charcoal kiln control systems with regard to the malfunction provision, and not with regard to start-up and shutdown.
8. All charcoal kiln control systems shall be operated and maintained in accordance with the department approved standard operating procedures manual described in subsection (3)(D) of this rule and the department approved maintenance practices manual described in subsection (3)(E) of this rule.
9. All charcoal kiln control systems that have been performance tested shall continuously display and record the emission control device operating temperature with the permanently installed temperature recording device at all times of operation.

(C) Each charcoal kiln shall have a unique identification number permanently affixed to the exterior of the charcoal kiln structure.

(D) The owner or operator of charcoal kilns at charcoal manufacturing installations shall develop, submit for department approval, and establish a standard operating procedures manual for each charcoal manufacturing installation. At a minimum, this manual shall describe—

1. Safe charcoal kiln operation;
2. Bundle stacking (including adequate platform of logs to enhance combustion);
3. Use of properly seasoned wood (cover mixing of wood species, if applicable);
4. Control of fugitive emissions from each charcoal kiln (e.g. "mudding" cracks and doors) and each emission control device; and
5. Methods of reporting and recordkeeping under section (4) of this rule.

(E) The owner or operator of charcoal kilns shall develop, submit for department approval, and establish a maintenance practices manual for each charcoal kiln

control system. This manual shall be maintained at each site for the specific emission control device(s) installed at the site. At a minimum, this manual shall include:

1. Maintenance of all equipment (e.g. proper cleaning of inlet ports);
2. Measures taken in the event of emission control device failure to minimize emissions (e.g. opening kiln caps and air vents to allow kiln wood to burn down to minimize smoking conditions or shutting all kiln inlets and outlets until all combustion in the chamber is extinguished);
3. Inspections performed and frequency (e.g. daily burner operation); and
4. Methods of reporting and recordkeeping under section (4) of this rule.

(F) Performance Testing and Compliance Determinations.

1. For compliance determination, each charcoal kiln control system shall be evaluated as a unit and performance tested for compliance with the emission limit requirements of paragraphs (3)(A)1. and 2. of this rule.
2. All charcoal kiln control system performance tests shall be conducted with each charcoal kiln of the system filled to at least ninety percent (90%) of fill capacity and at the midpoint of burn cycle unless otherwise noted. The midpoint of each charcoal kiln burn cycle shall be no less than forty percent (40%), and no more than sixty percent (60%) of the total burn cycle.
3. Emission control device fuel type(s) and quantity(ies) used during the performance test shall be recorded.
4. All performance test operating temperatures shall be recorded with a continuous recording device that is permanently installed, and the temperature shall be continuously displayed and recorded throughout the entire performance test.
5. Each performance test shall consist of a minimum of three (3) runs for each pollutant specified in paragraph (3)(A)2. of this rule and conducted using the test methods specified in section (5) of this rule. The duration of each test run shall be one (1) hour unless the test method requires a longer duration. Compliance shall not be considered demonstrated until the department has validated performance test results.
6. Compliance determinations for visible fugitive emission requirements of this rule shall use the test method specified in subsection (5)(E) of this rule.
7. The director may allow similar charcoal kiln control system units to operate without the individual performance tests required by paragraph (3)(F)1. if the following conditions are met:
   A. Similar units have the same number of charcoal kilns, similar construction, capacities within ten percent (10%) of each other, and similar design;
   B. Similar units are controlled by emission control devices with the same construction, the same size, and the same design; and
   C. Three (3) separate similar units have successfully demonstrated compliance with the emission limit requirements of paragraphs (3)(A)1. and 2. of this rule.

8. Control efficiency (CE) shall be calculated from performance test data using the following calculation:

$$CE = \left(1 - \frac{\text{Outlet Emission Rate}}{\text{Inlet Emission Rate}}\right) \text{ X } 100$$

9. Any existing charcoal kiln that has been inactive for sixty (60) months or longer shall comply with all federal and state rules, and obtain a construction permit prior to reactivation.

(4) Reporting and Record Keeping.

(A) Owners or operators of all charcoal kilns shall maintain a file on each active charcoal kiln with the following information for a minimum of five (5) years from the date the data was collected:

1. Average annual production (tons of charcoal per charcoal manufacturing installation per year divided by the number of charcoal kilns at the charcoal manufacturing installation);
2. Start-up time (hour and minute) for each burn cycle;
3. Emission control device temperature (in degrees Fahrenheit) throughout each burn cycle shall be measured at a point in the emission control device where gas residence time is no less than the applicable residence time under paragraph (3)(B)4. of this rule;
4. The emission control device temperature shall be continuously displayed and recorded by a continuous recording device;
5. Daily log for each charcoal kiln control system that includes start-up time(s), cool-down time(s), re-light time(s), and inspections performed (e.g. burn chamber);
6. Monthly log for each charcoal kiln control system that includes fuel usage and, where more than one (1) type of fuel is used, fuel types and times of usage;
7. Malfunction log for each charcoal manufacturing installation that includes a description of each malfunction cause, duration, and actions taken to remedy the malfunction; and
8. Performance test reports for all emission control devices tested.

(B) Owners or operators of all charcoal kilns shall provide the department with a list of the identification numbers of active charcoal kilns at each location. If the active status of any charcoal kiln changes, including the construction of new charcoal kilns, the owner or operator shall provide an updated list to the department no later than thirty (30) days after the status change.

(C) All information maintained in the charcoal kiln file shall be made immediately available to Missouri Department of Natural Resources representatives upon request.

(5) Test Methods.

(A) Particulate matter emission level testing shall include condens[~~i~~]**a**bles and use the following methods[~~ as specified in 10 CSR 10-6.030(22)~~]:

1. Method 1—Sample and Velocity Traverses for Stationary Sources **under**

40 CFR 60, Appendix A as specified in 10 CSR 10-6.030(22);

2. Method 2—Determination of Stack Gas Velocity and Volumetric Flow Rate (Type S Pitot Tube) **under 40 CFR 60, Appendix A as specified in 10 CSR 10-6.030(22)**;
3. Method 3—Gas Analysis for [~~Carbon Dioxide, Excess Air, and~~]**the Determination of** Dry Molecular Weight **under 40 CFR 60, Appendix A as specified in 10 CSR 10-6.030(22)**;
4. Method 4—Determination of Moisture **Content** in **Stack** Gases **under 40 CFR 60, Appendix A as specified in 10 CSR 10-6.030(22)**;
5. Method 5—Determination of Particulate **Matter** Emissions from Stationary Sources **under 40 CFR 60, Appendix A as specified in 10 CSR 10-6.030(22)**; and
6. Method 202—[~~Determination of Condensible~~]**Dry Impinger Method for Determining Condensable** Particulate Emissions from Stationary Sources [~~of~~]**under** 40 CFR 51, Appendix M as specified in 10 CSR 10-6.030(21).

(B) VOC emission level testing shall use one (1) of the following methods [~~as specified by~~]**under** 40 CFR [~~part~~]60, Appendix A[~~—Reference Methods~~] **as specified in 10 CSR 10-6.030(22)**:

1. Method 18—Measurement of Gaseous Organic Compound Emissions by Gas Chromatography; or
2. Method 25A—Determination of Total Gaseous Organic Concentration Using a Flame Ionization Analyzer.

(C) CO emission level testing shall use Method 10—Determination of Carbon Monoxide Emissions from Stationary Sources **under 40 CFR 60, Appendix A** as specified in 10 CSR 10-6.030(22).

(D) Emissions percent opacity testing shall use Method 9—Visual Determination of the Opacity of Emissions from Stationary Sources **under 40 CFR 60, Appendix A** as specified in 10 CSR 10-6.030(22).

(E) Visible fugitive emissions testing shall use Method 22—Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares **under 40 CFR 60, Appendix A** as specified in 10 CSR 10-6.030(22).

AUTHORITY: sections 643.030, 643.050, 643.075, and 643.078, RSMo 2016. Original rule filed Nov. 25, 1997, effective July 30, 1998. Amended: Filed June 21, 2018, effective March 30, 2019. Amended: Filed Aug. 9, 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., December 3, 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., December 10, 2019. Send online comments via the proposed rules web page www.dnr.mo.gov/proposed-rules, email comments to 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 10-6.390

CONTROL OF NO_X EMISSIONS FROM LARGE STATIONARY INTERNAL COMBUSTION ENGINES

This amendment will change subsections (1)(B) and (4)(A)

Subsection (1)((B) is being amended to correct a reference within the rule and remove an unnecessary space.

Subsection (4)(A) is being amended to remove the references to 10 CSR 10-6.030(22) and replace it with a reference to 10-6.070(3)(A)1.

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.

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 10-6.390 Control of NO_x Emissions From Large Stationary Internal Combustion Engines. The commission proposes to amend subsections (1)(B) and (4)(A). If the commission adopts this rule action, it will be the Department's intention 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.

PURPOSE: This rule reduces emissions of oxides of nitrogen (NO_x) to ensure compliance with

the federal NO_x control plan to reduce the transport of air pollutants. This rule establishes emission levels for large stationary internal combustion engines. This amendment corrects a reference to another state 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 reduces emissions of oxides of nitrogen (NO_x) to ensure compliance with the federal NO_x control plan to reduce the transport of air pollutants. This rule establishes emission levels for large stationary internal combustion engines. The evidence supporting the need for this rule, per section 536.016, RSMo, is the U.S. Environmental Protection Agency NO_x State Implementation Plan (SIP) Call dated April 21, 2004.

(1) Applicability.

(A) This rule applies to any large stationary internal combustion engine greater than one thousand three hundred (1,300) horsepower located in the counties of Bollinger, Butler, Cape Girardeau, Carter, Clark, Crawford, Dent, Dunklin, Franklin, Gasconade, Iron, Jefferson, Lewis, Lincoln, Madison, Marion, Mississippi, Montgomery, New Madrid, Oregon, Pemiscot, Perry, Pike, Ralls, Reynolds, Ripley, St. Charles, St. Francois, St. Louis, Ste. Genevieve, Scott, Shannon, Stoddard, Warren, Washington, and Wayne and the City of St. Louis that—

1. Emitted greater than one (1) ton per day of oxides of nitrogen (NO_x) on average during the period from May 1 through September 30 of 1995, 1996, or 1997; or
2. Began operation after September 30, 1997.

(B) Exemptions.

1. Any stationary internal combustion (IC) engine that meets the definition of emergency standby engine in [~~subsection (2)(C)~~]**section (2)** of this rule, with allowance for up to one hundred (100) hours per calendar year for operation during routine maintenance checks (including readiness testing), is exempt from this rule.
2. Any stationary IC engine that began operation after September 30, 1997, and emits twenty-five (25) tons or less of NO_x during the period from May 1 through September 30 is exempt from section (3) and subsection (5)(A) of this rule. The owner or operator of an exempt[-] large stationary IC engine must demonstrate compliance with the twenty-five (25) ton exemption threshold using one (1) of the methods in subsection (5)(B) of this rule. This exemption will be based on the previous year NO_x emissions during the period from May 1 through September 30. If the exemption limit is exceeded, for any reason, the engine will be required to meet the applicable requirements in subsections (3)(A), (3)(B), (3)(C), and (3)(D) of this rule each year thereafter.

(2) Definitions.

(A) Compression ignition—A type of stationary internal combustion engine that is not a spark ignition engine.

(B) Diesel engine—A compression-ignited two (2)- or four (4)-stroke engine in which liquid fuel is injected into the combustion chamber and ignited when the air charge has been compressed to a temperature sufficiently high for auto-ignition.

(C) Dual fuel engine—Compression-ignited stationary internal combustion engine that is capable of burning liquid fuel and gaseous fuel simultaneously.

(D) Emergency standby engine—An internal combustion engine used only when normal electrical power or natural gas service is interrupted or for the emergency pumping of water for either fire protection or flood relief. An emergency standby engine may not be operated to supplement a primary power source when the load capacity or rating of the primary power source has been either reached or exceeded.

(E) Lean-burn engine—Any two (2)- or four (4)-stroke spark-ignited engine with greater than four percent (4%) oxygen in the engine exhaust.

(F) Rich-burn engine—A two (2)- or four (4)-stroke spark-ignited engine where the oxygen content in the exhaust stream before any dilution is one percent (1%) or less measured on a dry basis.

(G) Spark ignition (SI)—relating to either a gasoline-fueled engine or any other type of engine with a spark plug or other sparking device and with operating characteristics significantly similar to the theoretical Otto combustion cycle. Spark ignition engines usually use a throttle to regulate intake air flow to control power during normal operation. Dual-fuel engines in which a liquid fuel is used for compression ignition and gaseous fuel (typically natural gas) is used as a primary fuel at an annual average ratio of less than two (2) parts diesel fuel to one-hundred (100) parts total fuel on an energy equivalent basis are spark ignition engines.

(H) Stationary internal combustion engine—Internal combustion engine of the reciprocating type that is either attached to a foundation at a facility or is designed to be capable of being carried or moved from one (1) location to another and remains at a single site at a building, structure, facility, or installation for more than twelve (12) consecutive months. Any engine(s) that replace(s) an engine at a site that is intended to perform the same or similar function as the engine replaced is included in calculating the consecutive time period. Nonroad engines and engines used solely for competition are not stationary IC engines.

(I) Utilization rate—The amount of an engine's capacity reported in horsepower-hours that is utilized.

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

(3) General Provisions.

(A) Emission Requirements.

1. For engines emitting more than one (1) ton per day of NO_x on average during the period from May 1 through September 30 in 1995, 1996, or 1997—

A. An owner or operator of a large stationary internal combustion engine must use the following calculation to determine the allowable NO_x emission rate for each

applicable engine and not exceed this emission rate limit for any ozone season thereafter using:

$ER = (NO_{x\ act}/UR) \times 1.102 \times 10^{-6} \times 0.1$

where,

ER = the allowable emission rate for each engine in grams per horsepower-hour;

$NO_{x\ act}$ = the highest actual NO_x emissions, reported in tons per control period, for the period from May 1 through September 30 for one of the years 1995, 1996, or 1997 based on the best available emission information for each engine; and

UR = the utilization rate in horsepower-hours during the same period as $NO_{x\ act}$

B. In lieu of subparagraph (3)(A)1.A. of this rule, an owner or operator of a large stationary internal combustion engine may choose to establish a facility-wide NO_x emissions cap. If the owner or operator commits to comply with this subparagraph rather than subparagraph (3)(A)1.A. of this rule, the owner or operator must submit the following to the director:

(I) The facility-wide NO_x emissions from the year of data that would be used in subparagraph (3)(A)1.A. of this rule on a per engine basis;

(II) The number of tons of NO_x emission reductions that would be required in subparagraph (3)(A)1.A. of this rule on a per engine basis;

(III) A detailed inventory of all engines being used to comply with the NO_x emission cap including the:

(a) Uncontrolled emission rate of all engines at the facility;

(b) Controlled emission rate for all engines being controlled under the NO_x emissions cap;

(c) Capacity of each engine at the facility; and

(d) Utilization rate of each engine at the facility; and

(IV) The controlled NO_x emissions from the facility during the control period, May 1 through September 30.

2. For engines that began operation after September 1997. An owner or operator of a large stationary internal combustion engine must not operate an engine to exceed the permitted NO_x emission rate or the following NO_x

emission rate, whichever is more stringent:

A. For SI rich-burn engines, 3.0 grams per horsepower-hour;

B. For SI lean-burn engines, 3.0 grams per horsepower-hour;

C. For diesel engines, 2.3 grams per horsepower-hour; or

D. For dual fuel engines, 1.5 grams per horsepower-hour;

(B) Reduced Energy Consumption Option. To meet the requirements of subparagraph (3)(A)1.A. or paragraph(3)(A)2. of this rule, the owner or operator of a large stationary internal combustion engine may take into account, as a portion of the required NO_x reductions, physical and quantifiable measures to increase energy efficiency, reduce energy demand, or increase use of renewable fuels for a particular engine.

(C) Monitoring Requirements. The owner or operator of a large stationary internal combustion engine must monitor for compliance in accordance with subsection (5)(A) of this rule.

(D) Excess Emissions During Start-Up, Shutdown, or Malfunction. If the owner or operator provides notice of excess emissions pursuant to state rule 10 CSR 10-6.050(3)(B), the director will determine whether the excess emissions are attributable to start-up, shutdown, or malfunction conditions, pursuant to rule 10 CSR 10-6.050(3)(C).

(4) Reporting and Record Keeping. The owner or operator of a large stationary internal combustion engine subject to this rule or to the exemption in paragraph (1)(B)2. of this rule must comply with the following requirements in this section of the rule.

(A) Reporting Requirements.

1. Submit to the director the identification number and type of each engine subject to this rule or to the exemption in paragraph (1)(B)2. of this rule, the name and address of the plant where the engine is located, and the name and telephone number of the person responsible for demonstrating compliance with this rule;
2. Submit a report documenting for each engine the total NO_x emissions of the first full compliance period from May 1 through September 30 to the director by November 1 of that year; and
3. If an engine is equipped with a continuous emission monitoring system (CEMS), submit an excess emissions monitoring systems performance report, in accordance with the requirements of 40 CFR 60.7(c) and 60.13 as specified in 10 CSR [~~10-6.030(22)~~]**10-6.070(3)(A)1.**; and

(B) Record-Keeping Requirements.

1. Maintain all records necessary to demonstrate compliance with this rule for a period of five (5) years at the plant at which the subject engine is located which include the following;

A. Records for engines applying subsection (3)(B) of this rule;

B. Records verifying an engine(s) is subject to paragraph (3)(A)1. of this rule;

C. For engines subject to subparagraph (3)(A)1.B. of this rule, records required by parts (3)(A)1.B.(I) through (3)(A)1.B.(IV) of this rule;

D. Records for engines subject to paragraphs (5)(A)1. and (5)(A)2. of

this rule; and

E. Records for engines subject to paragraphs (5)(B)1. through (5)(B)4. of this rule.

2. Make the records available to the director upon request; and

3. Maintain records of the following information for each day of the control period the engine is operated:

A. The identification number of each applicable engine and the name and address of the plant where the engine is located;

B. The calendar date of record;

C. The number of hours the engine is operated during each day including start-ups, shutdowns, malfunctions, and the type and duration of maintenance and repair;

D. Where applicable, the date and results of any inspection that affect emissions;

E. Where applicable, a summary of any corrective maintenance taken that affect emissions;

F. Where applicable, the results of all compliance tests; and

G. If an engine is equipped with a CEMS—

(I) The identification of time periods during which NO_x standards are exceeded, the reason for the exceedance, and action taken to correct the exceedance and to prevent similar future exceedances; and

(II) 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 the corrective actions taken.

(5) Test Methods.

(A) The owner or operator of a large stationary internal combustion engine meeting the applicability requirements of subsection (1)(A) of this rule and not exempt under subsection (1)(B) of this rule, must not operate such equipment unless one (1) of the following is met:

1. When a CEMS is installed which meets the requirements of 40 CFR 60, Appendix B and F as specified in 10 CSR 10-6.030(22)—The CEMS must be used to demonstrate compliance with the applicable emission limit and operated and maintained in accordance with the on-site CEMS requirements; or

2. For an alternate monitoring method consisting of a calculational and record keeping procedure based upon actual NO_x emissions testing and correlations with operating parameters, the installation, implementation, and use of such an alternate monitoring method must be approved by the director and the U.S. Environmental Protection Agency (EPA); and incorporated into this rule and the state implementation plan (SIP) prior to implementation. The alternate monitoring method must be operated and maintained in accordance with the approved alternate monitoring plan.

(B) One (1) of the following emissions measurement approaches must be used to

provide a demonstration of compliance with the twenty-five (25)-ton exemption threshold for stationary IC engines under paragraph (1)(B)2. of this rule:

1. Certificates of conformity for affected engines confirming compliance with 40 CFR 90, 40 CFR 1048, or 40 CFR 1054 promulgated as of July 1, 2018, and 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); and operating the engine according to the manufacturer's specifications;
2. Stack tests as specified in 10 CSR 10-6.030(22);
3. Engine manufacturer technical specification sheets for affected engines; or
4. Other methods, as approved by the director and the EPA; and incorporated into this rule and the SIP prior to implementation. These may include fuel usage calculations, approved engineering calculations, other methods described in permits, or other EPA documentation.

AUTHORITY: section 643.050, RSMo 2016. Original rule filed Feb. 14, 2005, effective Oct. 30, 2005. Amended: Filed Aug. 27, 2009, effective May 30, 2010. Amended: Filed March 13, 2013, effective Oct. 30, 2013. Amended: Filed June 27, 2018, effective March 30, 2019. Amended: Filed Aug. 9, 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., December 3, 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., December 10, 2019. Send online comments via the proposed rules web page www.dnr.mo.gov/proposed-rules, email comments to 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 10-6.060

CONSTRUCTION PERMITS REQUIRED

This amendment will change section (9) and subsections (1)(A), (1)(D), (2)(G), (2)(J), (2)(K), (2)(P), (3)(C), (3)(H), (3)(I), (4)(B), (5)(D)–(5)(F), (7)(A)–(7)(D), (12)(A), and (12)(B).

Section (9) is being amended to remove a reference to 10 CSR 10-6.075(3)(A)1. and add incorporation by reference information for 40 CFR 63, subpart B.

Subsections (1)(A) and (1)(D) are being amended to clarify references and make typographical corrections.

Subsections (2)(G), (2)(J), (2)(K), (3)(C), (3)(H), (3)(I), (4)(B), (5)(D), (5)(E), (7)(B), (7)(D), (12)(A), and (12)(B) are being amended to make typographical corrections.

Subsection (2)(P) is being amended to clarify the definition of "portable equipment installation" by explicitly stating that "any other air pollutant" includes the subcategories of particulate matter: PM_{10} and $PM_{2.5}$.

Subsection (5)(F) is being amended to remove a reference to 10 CSR 10-6.030(21) and make typographical corrections.

Subsections (7)(A) and (7)(C) are being amended to remove references to 10 CSR 10-6.030(21), add incorporation by reference information for certain provisions under 40 CFR 51.165, and make typographical corrections.

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.

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 10-6.060 Construction Permits Required. The commission proposes to amend section (9) and subsections (1)(A), (1)(D), (2)(G), (2)(J), (2)(K), (2)(P), (3)(C), (3)(H), (3)(I), (4)(B), (5)(D)–(5)(F), (7)(A)–(7)(D), (12)(A), and (12)(B). If the commission adopts this rule action, the department intends to submit this rule amendment to the U.S. Environmental Protection Agency (EPA) to replace the current rule that is in the Missouri State Implementation Plan (SIP). 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.

PURPOSE: This rule defines sources required to obtain permits to construct. It establishes: requirements to be met prior to construction or modification of any sources; a procedure for a source to voluntarily obtain a permit for implementing practically enforceable conditions; a procedure for the permitting authority to issue general permits; permit fees; and public notice requirements for certain permits. This proposed amendment will remove erroneous references to incorporation by reference information in 10 CSR 10-6.030(21) and 10 CSR 10-6.075(3)(A), and add the appropriate incorporation by reference information to this rule. Rule 10 CSR 10-6.030 is being amended to address EPA concerns regarding the incorporation by reference of certain federal regulations. After reviewing references to 10 CSR 10-6.030 and other cross references in 10 CSR 10-6.060 for potential issues, these changes were deemed necessary. In addition, this proposed amendment will make typographical corrections and clarify the definition of "portable equipment installation" by explicitly stating that "any other air pollutant" includes the subcategories of particulate matter (PM): PM_{10} and $PM_{2.5}$. The adoption of this proposed amendment will ensure this rule can be approved by EPA and replace the current version in the Missouri SIP. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is an EPA comment letter dated Spetember18, 2018.

PURPOSE: This rule defines sources required to obtain permits to construct. It establishes: requirements to be met prior to construction or modification of any sources; a procedure for a source to voluntarily obtain a permit for implementing practically enforceable conditions; a procedure for the permitting authority to issue general permits; permit fees; and public notice requirements for certain permits.

(1) Applicability.

(A) Construction Permit Required. The owner or operator of a new or existing installation throughout Missouri that meets any of the following provisions must obtain a permit:

1. Before construction of a new installation that results in a potential to emit greater than [~~de minimis~~]***de minimis*** threshold levels;
2. Before new construction and/or modification that results in an emission increase greater than the *de minimis* threshold levels at an existing installation with potential to emit less than *de minimis* threshold levels;

3. Before new construction and/or modification that results in an emission increase at an existing installation whose potential to emit exceeds *de minimis* threshold levels or is less than [~~de minimis~~]***de minimis*** threshold levels due to taking practically enforceable requirements in a permit;
4. The new construction and/or modification is a major modification as defined—[~~ in 40 CFR 52.21(b) or for nonattainment pollutants as defined in 40 CFR 51.165(a)(1)(v); or~~]
   A. Under 40 CFR 52.21(b)(2), which is incorporated by reference in subsection (8)(A) of this rule, for pollutants in attainment and unclassified areas; or
   B. Under 40 CFR 51.165(a)(1)(v), which is incorporated by reference in paragraph (7)(A)2. of this rule, for pollutants in nonattainment areas; or
5. Before construction of an incinerator.

(B) Voluntary Permit. An installation in Missouri may obtain a permit under this rule in order to acquire voluntary, enforceable limits.

(C) Exempt Construction or Modification. No construction permit is necessary for construction or modification of installations when—
1. The entire construction or modification is exempt or excluded by 10 CSR 10-6.061;
2. Construction or modification is permitted under 10 CSR 10-6.062; or
3. Original construction or modification occurred prior to May 13, 1982. Any construction or modification that occurs after this date is not exempt.

(D) Construction and Operation Prohibited Prior to Permitting. Owners or [~~O~~]**o**perators shall obtain a permit from the permitting authority, except as allowed under subsection (1)[~~(D)~~]**(E)** of this rule, prior to any of the following activities:
1. The beginning of actual construction or modification of any installation subject to this rule;
2. Operation after construction or modification; or
3. Operation of any emission unit that has been permanently shutdown.

(E) Construction Allowed Prior to Permitting. A Pre-Construction Waiver may be obtained with authorization of the director by sources not subject to review under section (7), (8), or (9) of this rule, or sources seeking federally enforceable permit restrictions to avoid review under section (7), (8), or (9) of this rule.
1. A complete request for authorization includes:
   A. A signed waiver of any state liability;
   B. A complete list of the activities to be undertaken; and
   C. The applicant's full acceptance and knowledge of all liability associated with the possibility of denial of the permit application.
2. A request will not be granted unless an application for permit approval under this rule has been filed or if the start of actual construction has occurred.

(2) Definitions.

(A) Definitions of general terms used in this rule, other than those defined elsewhere

in this section, may be found in 10 CSR 10-6.020.

(B) Definitions of certain terms used in this rule may be found in paragraph (b) of 40 CFR 52.21, which is incorporated by reference in subsection (8)(A) of this rule, except that any provisions of 40 CFR 52.21(b) that are stayed shall not apply.

(C) Alternate site analysis—An analysis of alternative sites, sizes, production processes, and environmental control techniques for the proposed source that demonstrates that benefits of the proposed installation significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.

(D) Ambient air increments—The limited increases of pollutant concentrations in ambient air over the baseline concentration.

(E) Emission(s)—The release or discharge, whether directly or indirectly, into the atmosphere of one (1) or more air contaminants listed in subsection (3)(A) of 10 CSR 10-6.020.

(F) Emission increase—The sum of post-project potential to emit minus the pre-project potential to emit for each new and modified emission unit. Decreases and netting are not to be included in the emission increase calculations.

(G) Good engineering practice (GEP) stack height—The greater of—

1. Sixty-five meters (65 m) measured from the ground-level elevation at the base of the stack;
2. For stacks on which construction commenced on or before January 12, 1979, and for which the owner or operator had obtained all applicable permits or approvals required under 40 CFR 51 and 52,

$$[\text{~~Hg~~}]\mathbf{H_g} = 2.5H$$

provided the owner or operator produces evidence that this equation was actually relied on in establishing an emission limitation; and for all other stacks,

$$[\text{~~Hg~~}]\mathbf{H_g} = H + 1.5L$$

Where:
$[\text{~~Hg~~}]\mathbf{H_g}$ = GEP stack height, measured from the ground-level elevation at the base of the stack;
H = height of nearby structure(s) measured from the ground-level elevation at the base of the stack; and
L = lesser dimension, height, or projected width of the nearby structure(s).
Provided that the director may require the use of a field study or fluid model to verify GEP stack height for the installation; or

3. The height demonstrated by a fluid model or field study approved by the director, which ensures that the emissions from a stack do not result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, nearby structures, or nearby terrain features.

(H) Incinerator—Any article, machine, equipment, contrivance, structure, or part of a

structure used to burn refuse or to process refuse material by burning other than by open burning.

(I) Modification—Any physical change to, or change in method of operation of, a source operation or attendant air pollution control equipment which would cause an increase in potential emissions of any air pollutant emitted by the source operation.

(J) Nonattainment pollutant—Each and every pollutant for which the location of the source is in an area designated to be in nonattainment of a National Ambient Air Quality Standard (NAAQS) under section 107(d)(1)(A)(i) of the **Clean Air** Act **(CAA)**. Any constituent or precursor of a nonattainment pollutant shall be a nonattainment pollutant, provided that the constituent or precursor pollutant may only be regulated under this rule as part of regulation of the corresponding NAAQS pollutant. Both volatile organic compounds (VOC) and nitrogen oxides [~~(NOx)~~]**(NO_x)** shall be nonattainment pollutants for a source located in an area designated nonattainment for ozone.

(K) Offset—A decrease in actual emissions from a source operation or installation that is greater than the amount of emissions anticipated from a modification or construction of a source operation or installation. The decrease must have substantially similar environmental and health effects on the impacted area. Any ratio of decrease to increase greater than one to one (1:1) constitutes offset. The exceptions to this are ozone nonattainment areas where [~~volatile organic compound~~]**VOC** and [~~oxides of nitrogen~~]**NO_x** emissions will require an offset ratio of actual emission reduction to new emissions according to the following schedule:

1. marginal area = 1.1:1;
2. moderate area = 1.15:1;
3. serious area = 1.2:1;
4. severe area = 1.3:1; and
5. extreme area = 1.5:1.

(L) Permanently shutdown—The permanent cessation of operation of any air pollution control equipment or process equipment, not to be placed back into service or have a start-up.

(M) Pilot trials—A study, project, or experiment conducted in order to evaluate feasibility, time, cost, adverse events, and improve upon the design prior to performance on a larger scale.

(N) Pollutant—An air contaminant listed in subsection (3)(A) of 10 CSR 10-6.020.

(O) Portable equipment—Any equipment that is designed and maintained to be movable, primarily for use in noncontinuous operations. Portable equipment includes rock crushers, asphaltic concrete plants, and concrete batching plants.

(P) Portable equipment installation—An installation that consists solely of portable equipment and associated haul roads and storage piles. To be considered a portable equipment installation the following must apply:

1. The potential to emit of this installation is of less than two hundred fifty (250) tons per year of particulate matter **(PM)** and less than one hundred (100) tons per year of any other air pollutant, **including $PM_{2.5}$ and PM_{10},** taking into account any federally enforceable conditions; and

2. Any equipment cannot operate at a location for more than twenty-four (24) consecutive months without an intervening relocation.

(Q) Refuse—Garbage, rubbish, trade wastes, leaves, salvageable material, agricultural wastes, or other wastes.

(R) Regulated air pollutant—All air pollutants or precursors for which any standard has been promulgated.

(S) Risk assessment levels (RALs)—Ambient concentrations of air toxics that are not expected to produce adverse cancer and non-cancer health effects during a defined period of exposure. The RALs are based upon animal toxicity studies, human clinical studies, and human epidemiology studies that account for exposure to sensitive populations such as the elderly, pregnant women, children, and those having respiratory illness such as asthma.

(T) Screening model action levels (SMALs)—The emission threshold of an individual hazardous air pollutant (HAP) or HAP group that triggers the need for an air quality analysis of the individual HAP.

(U) Shutdown—The cessation of operation of any air pollution control equipment or process equipment.

(V) Shutdown, permanent—See permanently shutdown.

(W) Start-up—The setting into operation of any air pollution control equipment or process equipment, except the routine phasing in of process equipment.

(X) Temporary installation—An installation that operates or emits pollutants less than two (2) years.

(3) Application and Permit Procedures.

(A) Preapplication Meeting.

1. Prior to submittal of a permit application, the applicant may request a preapplication meeting with the permitting authority to discuss the nature of and apparent requirements for the forthcoming permit application.
2. A preapplication meeting is required thirty (30) days prior to application submittal of a section (7), (8), or (9) permit application.

(B) Permitting Authority's Responsibilities Regarding the Permit Application.

1. The permitting authority provides a standard application package for permit applicants.
2. The permitting authority requires the following information in the standard application package and supplemental material:
   A. The applicant's company name and address (or plant name and address if different from the company name), the owner's name and state registered agent, and the telephone number and name of the plant site manager or other contact person;
   B. Site information including locational data, equipment layout, and plant layout;
   C. A description of the installation's processes and products and the four (4)-digit Standard Industrial Classification Code; and
   D. The following emissions-related information:
      (I) A description of the new construction or modification occurring at the installation;

(II) Identification and description of all emissions units with emissions that are being added or modified as a result of the construction or modification described in part (3)(B)2.D.(I) of this rule;

(III) A description of all emissions of regulated air pollutants emitted from each emission unit identified in part (3)(B)2.D.(II) of this rule;

(IV) The potential to emit of each pollutant emitted per emission unit including, but not limited to, maximum hourly design rates, emission factors, or other information that enables the permitting authority to verify such rates, and in such terms as necessary to establish compliance with applicable regulations;

(V) Information necessary to determine or regulate emissions including, but not limited to, fuels, fuel use, raw materials, production rates, and operating schedules;

(VI) Identification and description of air pollution capture and control equipment with capture and control efficiencies and the pollutants that are being controlled for each respective capture and control device;

(VII) Identification and description of compliance monitoring devices or activities; and

(VIII) Limitations on installation operations and work practice standards affecting emissions for all regulated air pollutants.

(C) Applicant Responsibilities Regarding the Permit Application.

1. The applicant shall submit the information specified in the application package for each emissions unit being constructed or modified.
2. Certification by a responsible official. Any application form or report submitted pursuant to this rule shall contain certification by a responsible official of truth, accuracy, and completeness. This certification, and any other certification, shall be signed by a responsible official and contain the following language: I certify, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
3. The applicant shall supply the following supplemental information in addition to the application:
   A. Additional information, plans, specifications, drawings, evidence, documentation, and monitoring data that the permitting authority may require to verify applicability and complete review under this rule;
   B. Other information required by any applicable requirement. Specific information may include, but is not limited to, items such as testing reports, vendor information, material safety data sheets, or information related to stack height limitations developed pursuant to section 123 of the [~~Clean Air Act~~]**CAA**;

C. Calculations on which the information in parts (3)(B)2.D.(I) through (3)(B)2.D.(VIII) of this rule are based;
D. Related information in sufficient detail necessary to establish compliance with the applicable standard reference test method, if any; and
E. Ambient air quality modeling data, in accordance with section (5) or (8) of this rule, for all pollutants requiring modeling to determine the air quality impact of the construction or modification of the installation.

4. Confidential information. An applicant may submit information to the permitting authority under a claim of confidentiality pursuant to 10 CSR 10-6.210. The confidentiality request needs to be submitted with the initial application to ensure confidentiality.
5. Duty to supplement or correct application. Any applicant that fails to submit any relevant facts or submits incorrect information in a permit application, upon becoming aware of the failure or incorrect submittal, shall promptly submit supplementary facts or corrected information. In addition, an applicant shall provide additional information, as necessary, to address any requirements that become applicable to the installation after the date an application is deemed complete, but prior to the issuance of the construction permit.
6. Filing fees in accordance with paragraph (3)(H)9. of this rule.

(D) Completeness Review of Application. Review of applications for completeness includes the following:

1. The permitting authority will review each application for completeness and inform the applicant within thirty (30) days if the application is not complete. In order to be complete, an application must include a completed application package and the information required in subsection (3)(C) of this rule.
2. If the permitting authority does not notify the applicant that its application is not complete within thirty (30) days of receipt of the application, the application shall be deemed complete. However, nothing in this subsection prevents the permitting authority from requesting additional information that is necessary to process the application.
3. The permitting authority maintains a checklist to be used for the completeness determination. A notice of incompleteness identifying the application's deficiencies will be provided to the applicant.

(E) Conditions that the permitting authority can require in permit. The permitting authority may impose conditions in a permit necessary to accomplish the purposes of this rule, any applicable requirements, or the Air Conservation Law, Chapter 643, RSMo. Less stringent conditions shall not take the place of any applicable requirements. Such conditions may include:

1. Operating or work practice constraints to limit the maximum level of emissions;
2. Emission control device efficiency specifications to limit the maximum level of emissions;

3. Maximum level of emissions;
4. Emission testing after commencing operations, to be conducted by the owner or operator, as necessary to demonstrate compliance with applicable requirements or other permit conditions;
5. Instrumentation to monitor and record emission data;
6. Other sampling and testing facilities;
7. Data reporting;
8. Post-construction ambient monitoring and reporting;
9. Sampling ports of a suitable size, number, and location; and
10. Safe access to each port.

(F) Following review of an application, the permitting authority will issue a draft permit for public comment in accordance with the procedures for public participation as specified in subsection (12)(A), Appendix (A) of this rule for all applications for sources that—

1. Emit five (5) or more tons of lead per year;
2. Contain GEP stack height demonstrations; or
3. Are subject to section (7), (8), or (9) of this rule.

(G) Final permit determination. Final determination will be made on the following schedules:

1. The permitting authority will make a final permit determination for permit applications processed under section (7), (8), or (9) of this rule no later than one hundred eighty-four (184) calendar days after receipt of a complete application, taking into account any additional time necessary for missing information;
2. The permitting authority will make a final permit determination for permit applications processed under section (4), (5), or (10) of this rule no later than ninety (90) calendar days after receipt of a complete application, taking into account any additional time necessary for missing information;
3. If, while processing an application that has been determined or deemed to be complete, the permitting authority determines that additional information is necessary to evaluate or to take final action on that application, the permitting authority may request this additional information in writing. In requesting this information, the permitting authority will establish a deadline for a response. The review period will be extended by the amount of time necessary to collect the required information; and
4. Timeframes stated in this paragraph do not apply to permit amendments. Amendments to permits will follow the schedules outlined in section (11) of this rule.

(H) Fees.

1. All installations or source operations requiring permits under this rule must submit the application with a permit filing fee to the permitting authority. Failure to submit the permit filing fee constitutes an incomplete permit application according to subsection (3)(D) of this rule.
2. Upon receipt of an application for a permit or a permit amendment, a permit processing fee begins to accrue per hour of actual staff time. In lieu

of the per-hour processing fee for relocation of portable plants subject to paragraph (4)(D)1. of this rule, a flat fee as specified in paragraph (3)(H)9. of this rule must be submitted by the applicant.

3. The permitting authority, upon request, will notify the applicant in writing if the permit processing fee approaches two thousand dollars ($2,000) and in two-thousand-dollar ($2,000) increments after that.
4. After making a final determination whether the permit should be approved, approved with conditions, or denied, the permitting authority will notify the applicant in writing of the final determination and the total permit processing fees due. The amount of the fee will be determined in accordance with paragraph (3)(H)9. of this rule.
5. The applicant shall submit fees for the processing of the permit application within ninety (90) calendar days of the final review determination, whether the permit is approved, denied, withdrawn, or not needed. After the ninety (90) calendar days, the unpaid processing fees will have interest imposed upon the unpaid amount at the rate of ten percent (10%) per annum from the date of billing until payment is made. Failure to submit the processing fees after the ninety (90) calendar days will result in the permit being denied (revoked for portable installation location amendments) and the rejection of any future permit applications by the same applicant until the processing fee plus interest has been paid.
6. Partially processed permits that are withdrawn after submittal are charged at the same processing fee rate in paragraph (3)(H)9. of this rule for the time spent processing the application.
7. The applicant shall pay for any publication of notice required and pay for the original and one (1) copy of the transcript, to be filed with the permitting authority, for any hearing required under this rule. No permit is issued until all publication and transcript costs have been paid.
8. The commission may reduce the permit processing fee or exempt any person from payment of the fee upon an appeal filed with the commission stating and documenting that the fee will create an unreasonable economic hardship upon the person.
9. Permit fees.

Permit Application Type	Rule Section Reference	Filing Fee	Processing Fee
Portable Source Relocation Request	(4)	$300	----
Minor	(5)	$250	$75/hr
General Permit	(6)	$700	----
New Source Review (NSR**)**	(7)	$5,000	$75/hr
Prevention of Significant Deterioration (PSD**)**	(8)	$5,000	$75/hr
HAP	(9)	$5,000	$75/hr
Initial **Plantwide Applicability Limit (**PAL**)**	(7) or (8)	$5,000	$75/hr
Renewal PAL	(7) or (8)	$2,500	$75/hr
Temporary/Pilot	(10)	$250	$75/hr

Permit Amendment	(11)	----	$75/hr

10. No later than three (3) business days after receipt of the whole amount of the fee due, the permitting authority will send the applicant a notice of payment received. The permit will also be issued at this time, provided the final determination was for approval and the permit processing fee was timely received.

(I) Final Permit Issuance: Any installation subject to this rule will be issued a permit and be in effect if all of the following conditions are met:

1. Information is submitted to the permitting authority which is sufficient for the permitting authority to verify the annual emission rate and to verify that no applicable emission control rules will be violated;
2. No applicable requirements of the Air Conservation Law are violated;
3. The installation does not cause an adverse impact on visibility in any Class I area;
4. The installation will not interfere with the attainment or maintenance of NAAQS and the air quality standards established in 10 CSR 10-6.010;
5. The installation will not cause or contribute to ambient air concentrations in excess of any applicable maximum allowable increase listed in paragraph (5)(F)5. Table 2 of this rule, or be over the baseline concentration in any attainment or unclassified area;
6. The installation will not exceed the [~~risk assessment levels~~]**RALs** required for all pollutants that exceed the [~~screening model action levels~~]**SMALs**; and
7. All permit fees are paid.

(J) After a permit has been granted—

1. The owner or operator subject to the provisions of this rule must furnish the permitting authority written notification of the actual date of initial start-up of a source operation or installation within fifteen (15) days of that date.
2. A permit will become invalid if:
   A. Construction or modification work is not commenced within two (2) years for permits issued under section (4), (5), (6) or (10) from the date of issuance;
   B. Construction or modification work is not commenced within eighteen (18) months from the date of issuance for permits issued under section (7), (8), or (9); or
   C. Work is suspended for more than eighteen (18) months for any type of permit, and if—
      (I) The delay was reasonably foreseeable by the owner or operator at the time the permit was issued;
      (II) The delay was not due to an act of God or other conditions beyond the control of the owner or operator; or
      (III) Failure to consider the permit invalid would be unfair to other potential applicants;
   D. Exception: An installation may request an extension request for starting construction related to a permit. The extension request must be

submitted to the permitting authority at a minimum of thirty (30) days prior the date when the permit will become invalid. The request shall include the reason for the extension request and a verification statement that the installation is able to meet all of the requirements included in the permit. The permitting authority reserves the right to deny an extension based on the promulgation of new rules that would affect the permit review or changes in air quality that have occurred since the permit issuance.

3. Any owner or operator who constructs, modifies, or operates an installation not in accordance with the application submitted and the permit issued, including any terms and conditions made a part of the permit is in violation of this rule.

4. Approval to construct does not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the Air Conservation Law and rules or any other requirements under local, state, or federal law.

(4) Portable Equipment Permits, Amendments, and Relocations.

(A) Applicability. This section of the rule applies to construction or modification occurring at a portable equipment installation as defined in section (2) of this rule.

(B) The review and issuance of each initial permit application will follow the procedures of section (3) [~~of this rule~~]and subsection (5)(D) of this rule, Modeling Required.

(C) The review of any modifications to the portable plant will follow the amendment procedures outlined in section (11) of this rule.

(D) The relocation of a portable plant from a site will follow the procedures outlined below:

1. For permitted portable equipment operating at a different location not previously approved in a permit or an amendment—

   A. The owner or operator shall submit to the permitting authority a Portable Source Relocation Request, property boundary plot plan, and the equipment layout for the site;

   B. Each relocation request shall be accompanied with the relocation fees as described in paragraph (3)(H)9. of this rule; and

   C. The permitting authority shall make the final determination and, if appropriate, approve the relocation request no later than twenty-one (21) calendar days after receipt of the complete Portable Source Relocation Request; and

2. For permitted portable equipment operating at a location previously approved in a permit or an amendment, and conditions at the site have not changed (new sources approved to operate at the location)—

   A. When relocating portable equipment to a site that is listed on the permit or on the amended permit, the owner or operator shall report the move to the permitting authority on a Portable Source Relocation Request for authorization to operate in a new location as soon as possible, but not later than seven (7) calendar days prior

to ground breaking or initial equipment erection;

B. No fees are associated with this authorization; and

C. Authorization will be presumed if notification of denial is not received by the specified ground breaking or equipment erection date.

(E) The director may require an air quality analysis that is not required under subsection (5)(D) of this rule if it is likely that the emissions of the proposed construction or modification will affect air quality or the air quality standards listed in paragraphs (3)(I)3. through 6. of this rule or complaints filed in the vicinity.

(5) Minor Permits.

(A) Applicability. This section applies to the installations that need a permit under subsection (1)(A), but are not subject to:

1. Section (4), (7), (8), (9), or (10) of this rule; and
2. Do not request coverage under section (6) of this rule.

(B) The submittal and review of each permit application and issuance of each permit will follow the procedures of section (3) of this rule and, when applicable, subsection (12)(A), Appendix A of this rule.

(C) In order to eliminate the necessity for a large number of *de minimis* permit applications from a single installation, a special case *de minimis* permit may be developed for those batch-type production processes that frequently change products and component source operations. Operating in violation of the conditions of a special case *de minimis* permit is a violation of this rule.

(D) Modeling Required. Any construction or modification, which has an emissions increase greater than *de minimis* threshold levels or the [~~hazardous air pollutant~~]**HAP** is greater than the [~~screening model action levels~~]**SMALs** taking into account any federally enforceable conditions shall complete an air quality analysis for the affected pollutant in accordance with subsection (5)(F) of this rule. At minimum, the installation will demonstrate that the proposed construction or modification will not—

1. Interfere with the attainment or maintenance of NAAQS and the air quality standards established in 10 CSR 10-6.010; or
2. Cause or contribute to an exceedance of the [~~risk assessment levels~~]**RALs** for all pollutants that exceed the [~~screening model action levels~~]**SMALs**.

(E) Exception: Notwithstanding the modeling required in subsection (5)(D) of this rule, the director may require additional air quality analysis if—

1. It is likely that the emissions of the proposed construction or modification will affect air quality or the air quality standards listed in paragraphs (3)(I)3. through 6. of this rule;
2. It is likely that the construction or modification will result in the discharge of [~~hazardous air pollutants~~]**HAPs** in quantities, of characteristics, and of a duration that directly and proximately cause or contribute to injury to human, plant, or animal life or the use of property; or
3. Complaints filed in the vicinity of the proposed construction or

modification warrant an air quality analysis.

(F) Air Quality Analysis.

1. All estimates of ambient concentrations required under this subsection are based on applicable air quality models, databases, and other requirements specified in the U.S. Environmental Protection Agency's (EPA) Guideline on Air Quality Models at appendix W of 40 CFR 51[~~ as specified in 10 CSR 10-6.030(21)~~].
2. The air quality analysis demonstration required in subsection (5)(D) of this rule or required by the director in subsection (5)(E) of this rule is deemed to have been made if the emissions increase from the proposed construction or modification alone would cause, in all areas, air quality impacts less than the amounts listed in Table 1 in paragraph (5)(F)3. of this rule.
3. Table 1—Significant Levels for Air Quality Impact in Class II Areas.

Pollutant	Averaging Time				
	Annual	24-hour	8-hour	3-hour	1-hour
SO_2	1.0	5		25	7.9
PM_{10}		5			
$PM_{2.5}$	0.2	1.2			
NO_2	1.0				7.5
CO			500		2000
Individual HAP Significant Impact Levels are equal to four (4) percent of the respective [~~Risk Assessment Levels~~]**RAL**s listed in the table referenced in subparagraph (5)(F)6.A. of this rule.					

Note: All impacts in micrograms per cubic meter.

4. In the event the director requires modeling under subsection (5)(E) of this rule, ambient air concentration increases shall be limited to the applicable maximum allowable increase listed in Table 2 over the baseline concentration in any attainment or unclassified area. Table 2 is located in paragraph (5)(F)5. of this rule.
5. Table 2—Ambient Air Increment Table.

Pollutant	**Maximum Allowable Increase**
Class I Areas	
Particulate Matter 2.5 Micron:	
Annual arithmetic mean	1
24-hour maximum	2
Particulate Matter 10 Micron:	
Annual arithmetic mean	4
24-hour maximum	8
Sulfur Dioxide:	
Annual arithmetic mean	2
24-hour maximum	5
3-hour maximum	25
Nitrogen Dioxide:	

Annual arithmetic mean	2.5
Class II Areas	
Particulate Matter 2.5 Micron:	
Annual arithmetic mean	4
24-hour maximum	9
Particulate Matter 10 Micron:	
Annual arithmetic mean	17
24-hour maximum	30
Sulfur Dioxide:	
Annual arithmetic mean	20
24-hour maximum	91
3-hour maximum	512
Nitrogen Dioxide:	
Annual arithmetic mean	25
Class III Areas	
Particulate Matter 2.5 Micron:	
Annual arithmetic mean	8
24-hour maximum	18
Particulate Matter 10 Micron:	
Annual arithmetic mean	34
24-hour maximum	60
Sulfur Dioxide:	
Annual arithmetic mean	40
24-hour maximum	182
3-hour maximum	700
Nitrogen Dioxide:	
Annual arithmetic mean	50

Notes:
1. All increases in micrograms per cubic meter. For any period other than an annual period, the applicable maximum allowable increase may be exceeded during one (1) period once per year at any one (1) location.
2. There are two (2) Class I Areas in Missouri–one (1) in Taney County (Hercules Glade) and one (1) in Wayne and Stoddard Counties (Mingo Refuge).
3. There are no Class III Areas in Missouri at this time.

6. [~~Hazardous air pollutants~~]**HAPs** table and public review.
   A. The director shall maintain a table of [~~risk assessment levels~~]**RALs** and [~~screening model action levels~~]**SMALs** for [~~hazardous air pollutants~~]**HAPs**.
   B. Public review: The permitting authority will make available for public review any changes to [~~risk assessment levels~~]**RALs** or [~~screening model action levels~~]**SMALs** of any [~~hazardous air pollutant~~]**HAP** in accordance with the following procedures:

(I) The permitting authority issues a draft proposal for use of alternate [~~risk assessment levels~~]**RALs** or [~~screening model action levels~~]**SMALs** and any supporting information relied upon for the proposed changes by publishing a notice on the permitting authority's website;

(II) Any interested person may submit relevant information materials and views to the permitting authority, in writing, until the thirtieth day after the date of publication of the notice. The comment period may be extended by thirty (30) calendar days if a written request is received within twenty-five (25) calendar days of the original notice;

(III) The permitting authority considers all written comments submitted within the time specified in the public notice in making the final decision on the approvability of the values subject to change;

(IV) The permitting authority makes a final determination on whether to approve, approve with changes, or deny the changes;

(V) Any changes made to the proposed values as a result of public comments will go through public notice again following the procedures outlined in parts (5)(F)6.B.(I) through (V) of this rule;

(VI) Final decisions and response to comments will be made available to the public on the permitting authority's website; and

(VII) The values become effective on the date of final publication. The permitting authority shall finalize the values within thirty (30) days from the end of the public comment period.

7. Special considerations for stack heights and dispersion techniques.

A. The degree of emission limitation necessary for control of any air pollutant under this rule is not affected in any manner by—

(I) That amount of the stack height of any installation exceeding GEP stack height; or

(II) Any other dispersion technique.

B. Paragraph (5)(F)7. of this rule does not apply to stack heights on which construction commenced on or before December 31, 1970, or to dispersion techniques implemented on or before December 31, 1970.

C. Before the permitting authority issues a permit under this rule based on stack heights that exceed GEP, the permitting authority must notify the public of the availability of the demonstration study and provide opportunity for a public hearing.

D. This paragraph does not require that actual stack height or the use of any dispersion technique be restricted in any manner.

(6) General Construction Permit.

(A) General Construction Permit Requirements. The permitting authority may issue a general construction permit in accordance with the following:

1. The general construction permit may be written to cover a category of a single emission unit, the same type of emission units, or an entire minor source if the sources in the category meet all of the following criteria:
   A. Are similar in nature. Similar in nature refers to the facility size, processes, and operating conditions;
   B. Have substantially similar emissions; and
   C. Would be subject to the same or substantially similar requirements governing operations, emissions, monitoring, reporting, or recordkeeping;
2. The following analyses will be completed by the permitting authority in drafting the general construction permit:
   A. A technical review of the source category is completed by the permitting authority to determine the appropriate level of control, if any, as well as any emission or operational limitations for the affected emission units at the source as necessary to assure that ambient air quality is maintained; and
   B. The permitting authority's analysis of the effect of the construction of the minor source or modification under the general permit on ambient air quality; and
3. The general permit must contain at minimum the following elements:
   A. Identification of the specific category of emission units or sources to which the general permit applies, including any criteria that the emission units or source must meet to be eligible for coverage under the general permit;
   B. The emission units subject to the permit and their associated emission limitations;
   C. Monitoring, recordkeeping, reporting, and testing requirements to assure compliance with the emission limitations;
   D. The effective date of the general permit;
   E. Any additional general permit terms and conditions as deemed necessary to assure that ambient air quality is maintained; and
   F. Provisions that would prohibit the facility from violating any other applicable state or federal rule.

(B) Public Participation Requirements.

1. Before issuing a general construction permit, the permitting authority must provide a thirty (30)-calendar-day period for the public to review the general construction permit and the materials relied upon for its development. The permitting authority will solicit comments on the draft general construction permit by electronically publishing a notice on the department's website and sending a copy of the notice to the administrator.
2. The public notice will contain the following:
   A. A description of the general construction permit and the category

of emission units it is expected to cover;

B. The locations available for public inspection of the materials listed in paragraph (6)(B)4. of this rule. The locations at minimum shall include the Air Pollution Control Program's central office and a posting on the department's website; and

C. The procedures for submitting comments as stated in paragraph (6)(B)3. of this rule.

3. Public comment: Any interested person may submit relevant information materials and views to the permitting authority, in writing, until the end of the thirtieth day after the date of publication of the notice.

4. The following materials will be made available for public inspection during the entire public notice period: the draft general permit for each source category and the documents listed in paragraph (6)(A)2. of this rule. This will not include any confidential information as defined in 10 CSR 10-6.210.

(C) Amending the General Construction Permit. General construction permits may be modified after the general construction permit is issued. In the event that the permitting authority would like to modify any portion of the general construction permit or if the permitting authority makes changes other than clerical corrections to supporting documents, the permitting authority will undergo the public participation requirements under subsection (6)(B) of this rule before being considered final agency action.

(D) Reevaluation of the analyses conducted under paragraph (6)(A)2. of this rule will be conducted by the permitting authority for each general construction permit issued by the permitting authority every ten (10) years. The permitting authority will issue a public notice in accordance with paragraph (6)(B)2. of this rule and provide a thirty (30)-calendar-day period for the public to review the permitting authority's analyses and conclusions and to provide public comment in accordance with paragraph (6)(B)3. of this rule. If changes to the general construction permit are viewed as necessary by the permitting authority, the procedures outlined under subsection (6)(C) of this rule will be followed.

(E) The director will make available to the applicants the following material for each general construction permit developed by the permitting authority:

1. A request for coverage form that the applicant must provide to the permitting authority to demonstrate that the new construction or modification is eligible for coverage under the general construction permit; and

2. A list of any additional information deemed necessary by the permitting authority to determine eligibility for coverage.

(F) Obtaining Coverage under a General Construction Permit.

1. If a source qualifies for a general construction permit, the owner or operator may request coverage under that permit to the permitting authority on the effective date of the permit. The effective date of each permit will be posted on the department's website.

2. A source that seeks to vary from the general construction permit, and obtain an emission limitation, control, or other requirement not contained

in that permit shall apply for a permit pursuant to other sections of this rule.

3. The permitting authority must make a request for any additional information necessary to process the coverage request within ten (10) days of receipt of application.
4. The permitting authority must approve or disapprove the request for coverage under the general construction permit within thirty (30) days of receipt of the coverage request. The permitting authority shall outline the reasons for disapproval within the thirty (30)-day review period.
5. If the permitting authority makes a request for more information, the additional time needed by the applicant to submit the information is not taken into account in the thirty (30) days the permitting authority has to process the coverage request. If the permitting authority fails to notify the applicant within the thirty (30)-day period, coverage under the general construction permit is considered to be granted.
6. If the permitting authority determines that the request for coverage meets all of the requirements of the general construction permit, the permitting authority will issue notification of approval.
7. If request for coverage under a general construction permit is approved—
   A. The facility must retain a copy of the notification granting such request at the site where the source is located; and
   B. The facility must comply with all conditions and terms of the general construction permit.

(G) The director may revoke authorization of coverage under the general construction permit and require the facility to apply for and obtain an individual construction permit. Cases where an individual construction permit may be required include, but are not limited to, the following:

1. The facility is not in compliance with the conditions of the general construction permit;
2. The emission units covered under the general construction permit are part of a larger construction or modification that includes units not covered under the general construction permit; or
3. The owner or operator does not start actual construction within two (2) years of being granted coverage under the general permit.

(H) Any owner or operator authorized by a general construction permit may request to be excluded from the coverage of the permit by applying for an individual permit. When an individual permit is issued to an owner or operator otherwise subject to a general construction permit, the applicability of the general construction permit for the emission units covered under the general construction permit is terminated automatically on the effective date of the individual permit.

(I) The department must maintain and make available upon request the supporting documents used to create the general construction permit and any other material provided during the public notice period required under subsection (6)(B) of this rule.

(J) Final Agency Action. Issuance of a general construction permit is considered final agency action with respect to all aspects of the permit except its applicability to an

individual source. The sole issue that may be appealed after an individual source is approved to construct under a general construction permit is the applicability of the permit to that particular source.

(7) Nonattainment Area Major Permits.

(A) Definitions. Solely for the purposes of this section, the following definitions apply to terms in place of definitions for which the term is defined elsewhere, including the reference to 40 CFR 52.21 in paragraph (7)(B)6. of this rule:

1. Chemical process plant—These plants include ethanol production facilities that produce ethanol by natural fermentation included in **North American Industry Classification System** [~~NAICS~~]codes 325193 or 312140; **and**

2. The following terms defined under paragraphs (a)(1)(iv) through (vi) and (x) of 40 CFR 51.165 promulgated as of July 1, 2018, are hereby incorporated by reference in this section, 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:

[~~2.~~] **A.** Major stationary source[~~ is defined in 40 CFR 51.165(a)(1)(iv) as specified in 10 CSR 10-6.030(21)~~];

[~~3.~~] **B.** Major modification[~~ is defined in 40 CFR 51.165(a)(1)(v) as specified in 10 CSR 10-6.030(21)~~], except that any incorporated provisions that are stayed shall not apply. The term major, as used in this definition, means major for the nonattainment pollutant;

[~~4.~~] **C.** Net emissions increase[~~ is defined in 40 CFR 51.165(a)(1)(vi) as specified in 10 CSR 10-6.030(21)~~]; and

[~~5.~~] **D.** Significant[~~ is defined in 40 CFR 51.165(a)(1)(x) as specified in 10 CSR 10-6.030(21)~~].

(B) Applicability Procedures. The following provisions of this subsection are used to determine, prior to beginning actual construction, if a project is a new major stationary source or a major modification at an existing stationary source:

1. Except for sources with a [~~Plantwide Applicability Limit (PAL)~~]**PAL** in compliance with subsection (7)(D) of this rule, and in accordance with the definition of the term major modification contained in **sub**paragraph (7)(A)[~~3.~~]**2.B.** of this rule, a project is a major modification if it causes two (2) types of emissions increases for the nonattainment pollutant—a significant emissions increase and a significant net emissions increase. The project is not a major modification if it does not cause a significant emissions increase. If the project causes a significant emissions increase, then the project is a major modification only if it also results in a significant net emissions increase;

2. The emissions increase from the project is determined by taking the sum of the emissions increases from each emissions unit affected by the project. An emissions unit is considered to be affected by the project if an emissions increase from the unit would occur as a result of the project,

regardless of whether a physical change or change in the method of operation will occur at the particular emissions unit;

3. For each existing emissions unit affected by the project, the emissions increase is determined by taking the difference between the projected actual emissions for the completed project and the baseline actual emissions. In accordance with the definition of the term projected actual emissions [~~found in~~]**under** 40 CFR 52.21 as **incorporated by reference in subsection (8)(A)** [~~referred to in section (2)~~]of this rule, the owner or operator of the major stationary source may elect to use the existing emission unit's potential to emit in lieu of the projected actual emissions for this calculation;
4. For each new emissions unit affected by the project, the emissions increase is equal to the potential to emit;
5. The procedure for calculating the net emissions increase (the significance of which is the second criterion for determining if a project is a major modification) is contained in the definition of the term net emissions increase found in section (2) of this rule; and
6. The provisions of subsection (7)(B) of this rule do not apply to a source or modification that would be a major stationary source or major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the potential to emit of the stationary source or modification, and the source does not belong to one (1) of the source categories listed in items (i)(1)(vii)(a)–(aa) of 40 CFR 52.21, which is incorporated by reference in subsection (8)(A) of this rule.

(C) Permit Requirements. Permits to construct a new major stationary source for the nonattainment pollutants, or for a major modification to an existing major stationary source of nonattainment pollutants, must meet the following to be issued:

1. By the time the source is to commence operation, sufficient emissions offsets shall be obtained to ensure reasonable further progress toward attainment of the applicable [~~national ambient air quality standard~~]**NAAQS** and consistent with the requirements of paragraphs **(a)(3) and (a)(9) of** 40 CFR 51.165[~~(a)(3) and (9) as specified in 10 CSR 10-6.030(21)~~] **promulgated as of July 1, 2018, and hereby incorporated by reference in this section, 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**;
2. In the case of a new or modified installation located in a zone (within the nonattainment area) identified by the administrator, in consultation with the Secretary of Housing and Urban Development, as a zone for which economic development should be targeted, emissions of that pollutant resulting from the proposed new or modified installation will not cause or contribute to emissions levels exceeding the allowance permitted for that pollutant for that zone from new or modified installations;
3. Offsets have been obtained in accordance with paragraph (7)(C)1. and

with the banking procedures in 10 CSR 10-6.410;

4. The administrator has not determined that the state implementation plan is not being adequately implemented for the nonattainment area in which the proposed source is to be constructed or modified;
5. Temporary installation and portable sources are exempt from this section provided that the source applies **best available control technology (**BACT**)** for each pollutant emitted in a significant amount;
6. The applicant provides documentation establishing that all installations in Missouri, which are owned or operated by the applicant, (or by any entity controlling, controlled by, or under common control with the applicant) are subject to emission limitations and are in compliance, or are on a schedule for compliance, with all applicable requirements;
7. Permit applications include a control technology evaluation to demonstrate that any new major stationary source or major modification will meet the lowest achievable emission rate (LAER) for all new or modified emission units, unless otherwise provided in this section;
8. Any new major stationary source or major modification to be constructed in an area designated nonattainment complies with LAER as determined by the director and set forth in the construction permit pursuant to this section, except where otherwise provided in this section;
9. The applicant provides an alternate site analysis; and
10. The applicant provides an analysis of impairment to visibility in any Class I area (those designated in 40 CFR 52.21 as incorporated by reference in subsection (8)(A) of this rule) that would occur as a result of the installation or major modification and as a result of the general, commercial, residential, industrial, and other growth associated with the installation or major modification.

(D) Plantwide Applicability Limits (PALs). The provisions of subsection (aa) of 40 CFR 52.21, which is incorporated by reference in subsection (8)(A) of this rule, govern PALs of the nonattainment pollutant for projects at existing major stationary sources in an area designated nonattainment, except that—

1. The term Administrator means the director of the Missouri Department of Natural Resources' Air Pollution Control Program;
2. The term BACT or LAER and the term BACT are both considered LAER for the nonattainment pollutant;
3. The term [~~Prevention of Significant Deterioration (PSD)~~]**PSD** program, as it appears in 40 CFR 52.21(aa)(1)(ii)(b), and the term major NSR program, as it appears in 52.21(aa)(1)(ii)(c), are both nonattainment area permit programs of this section; and
4. The director shall not allow a PAL for VOC or [~~NOx~~]**NO_x** for any existing major stationary source located in an extreme ozone nonattainment area.

(E) Reporting and Record Keeping. This subsection applies to projects at existing major stationary sources, without a PAL, which are exempt from the permit requirements of subsection (7)(C) of this rule as a result of the applicability determination made in subsection (7)(B) of this rule. The owner or operator of such sources shall comply, in regards to the nonattainment pollutant, with the

provisions of paragraph (r)(6) of 40 CFR 52.21, which is incorporated by reference in subsection (8)(A) of this rule, except that the term Administrator means the director of the Missouri Department of Natural Resources' Air Pollution Control Program.

(F) Any construction or modification that will impact a federal Class I area is subject to the provisions of 40 CFR 52.21 as incorporated by reference in subsection (8)(A)of this rule.

(G) Before issuing a permit subject to this section, the permitting authority will issue a draft permit and related materials for public comment in accordance with the procedures for public participation as specified in subsection (12)(A), Appendix A of this rule.

(H) The director of the Missouri Department of Natural Resources' Air Pollution Control Program shall transmit to the administrator of the EPA a copy of each permit application filed under section (7) of this rule and notify the administrator of each significant action taken on the application.

(8) Attainment and Unclassified Area Major Permits.

(A) All of the subsections of 40 CFR 52.21, other than (a) Plan disapproval, (q) Public participation, (s) Environmental impact statements, and (u) Delegation of authority, 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.

(B) Administrator as it appears in 40 CFR 52.21 means the director of the Missouri Department of Natural Resources' Air Pollution Control Program except in the following, where it refers to the administrator of the EPA:

1. (b)(17) Federally enforceable;
2. (b)(37)(i) Repowering;
3. (b)(43) Prevention of Significant Deterioration (PSD) program;
4. (b)(48)(ii)(c);
5. (b)(50) Regulated NSR pollutant;
6. (b)(51) Reviewing authority;
7. (g) Redesignation;
8. (l) Air quality models;
9. (p)(2) Federal Land Manager; and
10. (t) Disputed permits or redesignations.

(C) Before issuing a permit subject to this section, the permitting authority will issue a draft permit and related materials for public comment in accordance with the procedures for public participation as specified in subsection (12)(A), Appendix A of this rule.

(D) The director of the Missouri Department of Natural Resources' Air Pollution Control Program shall transmit to the administrator of the EPA a copy of each permit application filed under section (8) of this rule and notify the administrator of each significant action taken on the application.

(E) Applicants must obtain emission reductions, obtained through binding agreement

prior to commencing operations and subject to 10 CSR 10-6.410, equal to and of a comparable air quality impact to the new or increased emissions in the following circumstances when the:

1. Area has no increment available; or
2. Proposal will consume more increment than is available.

(9) Major Case-by-Case Hazardous Air Pollutant Permits. Case-by-case permits must meet the requirements of 40 CFR 63, subpart B [~~as specified in paragraph (3)(A)1. of 10 CSR 10-6.075~~]**promulgated as of July 1, 2018, and 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**. Before issuing a permit subject to this section, the permitting authority will issue a draft permit and related materials for public comment in accordance with the procedures for public participation as specified in subsection (12)(A), Appendix A of this rule.

(10) Temporary Operations and Pilot Trials.

(A) A temporary permit shall be issued pursuant to this section only if it is determined that the applicant meets the following criteria:

1. The duration of the temporary operation or pilot trial will be less than two (2) years;
2. The potential emissions from the construction or modification of an installation or source is less than one hundred (100) tons per year; and
3. The permitting authority receives the application for authority to construct prior to the start of the construction.

(B) The pilot trials covered by this section do not include pilot trials used for any of the following:

1. The production of a product for sale, unless such sale is only incidental to the use of the pilot process or process equipment; or
2. The treatment or disposal of waste that is designated, by listing or specified characteristic, as hazardous under federal regulations or state rules.

(C) This section of this rule does not apply to facilities or sources whose main operations are—

1. Experimental in nature; or
2. Characterized by frequent product changes.

(D) The director may require an air quality analysis of the temporary operation or pilot trial if it is likely that the emissions of the proposed construction or modification will affect air quality or the air quality standards listed in paragraphs (3)(I)3. through 6. of this rule or complaints filed in the vicinity of the proposed construction or modification warrant an air quality analysis.

(11) Permit Amendments to Final Permits.

(A) No changes in the proposed installation or modification may be made that would change any information in a finalized permit, except in accordance with this section.

(B) If the requested change will result in increased emissions, air quality impact, or increment consumption, and is submitted after the final notice of permit processing fee due, a new permit application is required for the requested change.

(C) Applicants with changes shall submit in writing a request for permit amendment to the permitting authority.

(D) The amendment request, at minimum, shall include the following:

1. A detailed description of the proposed changes;
2. Any changes to the emission calculations;
3. Any new requirements that will apply if the change occurs;
4. A list of permit terms and conditions that differ from those in the previous permit or application; and
5. Any other information under section (3) of this rule required by the permitting authority.

(E) Administrative Amendments.

1. For the purposes of this section, administrative amendments are those requested changes meeting any of the following criteria:
   A. Correction to typographical errors;
   B. Addition of or changes to the language for the sole purpose of clarification of permit language; or
   C. Changes to frequency of monitoring, recordkeeping, or reporting.
2. The permitting authority will make a final determination for an administrative amendment request no later than thirty (30) calendar days after receipt of a written request, taking into account any additional time necessary for missing information or public notice, if applicable.

(F) Technical Amendments.

1. All other amendments involving changes to a permit will be considered technical amendments. Changes may include, but are not limited to, the following:
   A. Any proposed change to an existing process or device resulting in any change in allowable hourly or annual emissions;
   B. Any proposed change to operating or emission limitations;
   C. Any proposed change in the type of pollution control equipment specified in the existing permit; or
   D. Any proposed change resulting in the need to conduct a new air pollution modeling impact analysis.
2. The permitting authority will make a final determination for a technical amendment request in the same timeframe as listed in subsection (3)(F) of this rule for the section that the permit was initially issued under, taking into account any additional time necessary for missing information. Amendments to permits issued under section (5) of this rule will be issued no later than ninety (90) calendar days after receipt of a written request and amendments to permits issued under section (7), (8), or (9) of this rule will be issued no later than one hundred eighty-four (184) calendar days after written receipt of a request.

(G) Any new submittal is subject to all requirements of this rule.

(H) The applicant must submit the accrued permit processing fee from the original

application to the permitting authority before the permitting authority will accept an amendment request.

(I) Amended permit fees are subject to the requirements of paragraph (3)(H)9. of this rule.

(12) Appendices.

(A) Appendix A, Public Participation.

1. This subsection shall apply to applications under sections (7), (8), and (9) of this rule, applications for source operations or installations emitting five (5) or more tons of lead per year, and applications containing GEP stack height demonstrations that exceed GEP.

2. For those applications subject to section (7), (8), or (9) of this rule, the permit issuance process timeline of one hundred eighty-four (184) days includes a forty (40)-day public comment period with an opportunity for a public hearing and the period for the permitting authority's response to comments that were submitted during the public comment period.

A. Draft for public comment and public hearing opportunity. The permitting authority shall issue a draft permit and solicit comments and requests for a public hearing by publishing a notice in a newspaper of general circulation within or nearest to the county in which the project is proposed to be constructed or operated. In lieu of the newspaper notice, the notice may be an electronic notice posted on the department's website.

B. Public notice. The public notice shall include the following:

(I) Name, address, phone number, and representative of the agency issuing the public notice;

(II) Name and address of the applicant;

(III) A description of the proposed project, including its location and permits applied for;

(IV) For permits issued pursuant to section (7), a description of the amount and location of emission reductions that will offset the emissions increase from the new or modified source; and include information on how LAER was determined for the project, when appropriate;

(V) For permits issued pursuant to section (8), the degree of increment consumption, when appropriate;

(VI) The permitting authority's draft permit and a statement of permitting's authority to approve, approve with conditions, or deny a permit;

(VII) A statement that the public may request a public hearing on the draft permit as stated in subparagraph (12)(A)2.E. of this rule and that the public hearing will be canceled if a request is not received;

(VIII) A statement that any interested person may submit relevant information materials and views on the draft permit as stated in subparagraph (12)(A)2.F. of this; and

(IX) The time and location of the public hearing if one is requested.

C. Materials made available during the public notice period. The following materials shall be made available for public inspection during the entire public notice period at the Department of Natural Resources regional office in the region in which the proposed installation or major modification would be constructed, as well as at the Air Pollution Control Program office:
(I) A copy of materials submitted by the applicant and used in making the draft permit;
(II) A copy of the draft permit; and
(III) A copy or summary of other materials, if any, considered in making the draft permit.

D. Distribution of public notice. At the start of the public notice period, the permitting authority sends a copy of the public notice to the following:
(I) The applicant; and
(II) To officials and agencies having cognizance over the location where the proposed construction would occur as follows:
(a) The administrator;
(b) Local air pollution control agencies;
(c) The chief executive of the city and county where the installation or modification would be located;
(d) Any comprehensive regional land use planning agency;
(e) Any state air program permitting authority;
(f) Any Federal Land Manager [~~(FLM)~~]whose lands may be affected by emissions from the installation or modification; and
(g) Any Indian Governing Body whose lands may be affected by emissions from the installation or modification.

E. Public hearing.
(I) A public hearing shall be scheduled not less than thirty (30) nor more than forty (40) days from the date of publication of the notice.
(II) The public hearing will be held by the department if a public hearing request is received within twenty-eight (28) days of the publication of the notice, otherwise the public hearing will be canceled.
(III) At the public hearing, any interested person may submit any relevant information, materials, and views in support of or opposed to the permit.
(IV) The public hearing shall be held in the county in which all or a major part of the proposed project is to be located.

(V) The permitting authority may designate another person to conduct any hearing under this section.

F. Public comment. Any interested person may submit relevant information materials and views to the permitting authority, in writing, until the end of the fortieth day after the date of publication of the notice for public hearing.

G. Public comment and applicant response. The permitting authority shall consider all written comments submitted within the time specified in the public notice and all comments received at the public hearing, if one is held, in making a final decision on the approvability of the application. No later than ten (10) days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The permitting authority shall consider the applicant's response in making a final decision. The permitting authority shall make all comments available for public inspection in the same locations where the permitting authority made available prehearing information relating to the proposed installation or modification. Further, the permitting authority shall prepare a written response to all comments under the purview of the Air Pollution Control Program and make them available at the locations referred to previously.

H. Final permit. The permitting authority shall make the final permit available for public inspection at the same locations where the permitting authority made available prehearing information and public comments relating to the installation or modification. The permitting authority shall submit a copy of this final permit to the administrator.

I. Public notice exception. If the administrator has provided public notice and opportunity for public comment and hearing equivalent to that provided by this subsection, the permitting authority may make a final determination without providing public notice and opportunity for public comment and hearing required by this subsection.

3. This paragraph is for those applications not subject to section (7), (8), or (9) of this rule, but which propose an emission of five (5) or more tons of lead per year or applications containing GEP stack height demonstrations. For these applications, completing the final determination within ninety (90) calendar days after receipt of the complete application involves performing the same public participation activities as those subject to section (7), (8), or (9) of this rule, but within shorter time frames. The following specifies the new time frames:

A. Public notice shall begin no later than forty-five (45) calendar days after receipt of a complete application;

B. The public comment period will last for thirty (30) calendar days, starting with the public notice;

C. Public hearing—The public hearing will be scheduled between days twenty-three (23) and thirty (30). The permitting authority will accept comments up to the thirtieth day; and

D. Applicant response—No later than five (5) calendar days after the end of the public comment period, the applicant may submit a written response to any comments submitted.

(B) Appendix B, Unified Review. When the construction or modification and operation of any installation requires a construction permit under this rule, and an operating permit or its amendment, under 10 CSR 10-6.065, the installation will receive a unified construction and operating permit, or its amendment, and a unified review, hearing, and approval process, unless the applicant requests in writing that the application for a construction and operating permit, or its amendment, be reviewed separately. Under this unified review process, the applicant shall submit all the applications, forms, and other information required by the permitting authority.

1. Review of applications. The permitting authority completes any unified review within one hundred eighty-four (184) calendar days, as provided under the procedures of this rule and 10 CSR 10-6.065, Operating Permits Required.
2. Issuance of permits. As soon as the unified review process is completed, if the applicant complies with all applicable requirements under this rule and 10 CSR 10-6.065, the construction permit and the operating permit, or its amendment, is issued to the applicant and the applicant may commence construction. The permitting authority will retain the operating permit until validated pursuant to this section.
3. Validation of operating permits. Within one hundred eighty (180) calendar days after commencing operation, the holder of an operating permit, or its amendment, issued by the unified review process shall submit to the permitting authority all information required by the permitting authority to demonstrate compliance with the terms and conditions of the issued operating permit, or its amendment. The permittee shall also provide information identifying any applicable requirements that became applicable subsequent to issuance of the operating permit. Within thirty (30) calendar days after the applicant's request for validation, the permitting authority will take action denying or approving validation of the issued operating permit, or its amendment. If the permittee demonstrates compliance with both the construction and operating permits, or its amendment, the permitting authority validates the operating permit, or its amendment, and forwards it to the permittee. No part 70 permit will be validated unless—
   A. At the time of validation, the permitting authority certifies that the issued permit contains all applicable requirements; or
   B. The procedures for permit renewal in 10 CSR 10-6.065(6)(E)3. have occurred prior to validation to ensure the inclusion of any new applicable requirements to which the part 70 permit is subject.
4. Additional procedures needed for unified reviews of this rule's section (4),

(5), (6), (7), (8), (9), or (10) unified review construction permit applications and part 70 operating permit applications.

A. Permit review by the administrator and affected states.

(I) Administrator review.

(a) Copies of applications, proposals, and final actions. The applicant will provide two (2) copies of the information included in an application. The permitting authority will forward to the administrator one (1) copy of each permit application and each final operating permit.

(b) Administrator's objection. No permit shall be issued under this rule if the administrator objects to its issuance in writing within forty-five (45) days after receipt of the proposed permit and all necessary supporting information.

(c) Failure to respond to objection. If the permitting authority does not respond to an objection of the administrator by transmitting a revised proposed permit within ninety (90) calendar days after receipt of that objection, the administrator may issue or deny the permit in accordance with the [~~Act~~]**CAA**.

(d) Public petitions for objection. If the administrator does not object to a proposed permit action, any person may petition the administrator to make such an objection within sixty (60) days after expiration of the administrator's forty-five (45)-day review period.

I. This petition may only be based on objections raised during the public review process, unless the petitioner demonstrates that it was impracticable to raise objection during the public review period (including when the grounds for objection arose after that period).

II. If the administrator responds to a petition filed under this section by issuing an objection, the permitting authority will not issue the permit until the objection has been resolved. If the permit was issued after the administrator's forty-five (45)-day review period, and prior to any objection by the administrator, the permitting authority shall treat that objection as if the administrator were reopening the permit for cause. In these circumstances, the petition to the administrator does not stay the effectiveness

of the issued permit, and the permittee shall not be in violation of the requirement to have submitted a complete and timely permit application.

(II) Affected state review.

(a) Notice of draft actions. The permitting authority will give notice of each draft permit to any affected state on or before the time that the permitting authority provides notice to the public. Affected states may comment on the draft permit action during the period allowed for public comment, as shall be set forth in a notice to affected states.

(b) Refusal to accept recommendations. If the permitting authority refuses to accept all recommendations for a proposed permit action that any affected state has submitted during the review period, the permitting authority shall notify the administrator and the affected state in writing of its reasons for not accepting those recommendations.

B. Proposals for review. Following the end of the public comment period, the permitting authority shall prepare and submit to the administrator a proposed permit.

(I) The proposed permit shall be issued no later than forty-five (45) days after the deadline for final action under this section and shall contain all applicable requirements that have been promulgated and made applicable to the installation as of the date of issuance of the draft permit.

(II) If new requirements are promulgated or otherwise become newly applicable to the installation following the issuance of the draft permit, but before issuance of a final permit, the permitting authority may elect to either—

(a) Extend or reopen the public comment period to solicit comments on additional draft permit provisions to implement the new requirements; or

(b) If the permitting authority determines that this extension or reopening of the public comment period would delay issuance of the permit unduly, the permitting authority may include in the proposed or final permit, or both, a provision stating that the operating permit will be reopened immediately to incorporate the new requirements and stating that the new requirements are excluded from the protection of the permit shield. If the permitting authority elects to issue the proposed or final permit, or both, without incorporating the new requirements, the permitting authority, within thirty

(30) calendar days after the new requirements become applicable to the source, shall institute proceedings pursuant to this section to reopen the permit to incorporate the new requirements. These reopening proceedings may be instituted, but need not be completed, before issuance of the final permit.

C. Action following the administrator's review.

(I) Upon receipt of notice that the administrator will not object to a proposed permit that has been submitted for the administrator's review pursuant to this section, the permitting authority shall issue the permit as soon as practicable, but in no event later than the fifth day following receipt of the notice from the administrator.

(II) Forty-five (45) days after transmittal of a proposed permit for the administrator's review, and if the administrator has not notified the permitting authority that s/he objects to the proposed permit action, the permitting authority shall promptly issue the permit, but in no event later than the fiftieth day following transmittal to the administrator.

(III) If the administrator objects to the proposed permit, the permitting authority shall consult with the administrator and the applicant, and shall submit a revised proposal to the administrator within ninety (90) calendar days after the date of the administrator's objection. If the permitting authority does not revise the permit, the permitting authority will so inform the administrator within ninety (90) calendar days following the date of the objection and decline to make those revisions. If the administrator disagrees with the permitting authority, the administrator may issue the permit with the revisions incorporated.

(C) Appendix C, Increment Tracking.

1. The permitting authority will track ambient air increment consumption within the baseline areas.
2. Available increments will be allocated on a first-come, first-serve basis. The marked received date of a complete application will be used by the permitting authority to determine which applicant is entitled to prior allocation of increments.
3. At the intervals of five (5) years from the minor source baseline date, the permitting authority shall determine the actual air quality increment available or consumed for each baseline area.

AUTHORITY: section 643.050, RSMo 2016, Original rule filed Dec. 10, 1979, effective April 11, 1980. Amended: Filed Nov. 10, 1980, effective April 11, 1981. Amended: Filed Jan. 14, 1981, effective June 11, 1981. Rescinded and readopted: Filed Nov. 10, 1981, effective May 13, 1982. Amended: Filed June 14, 1982, effective Dec. 11, 1982. Amended: Filed Jan. 15, 1985,

effective May 11, 1985. Amended: Filed Jan. 6, 1986, effective May 11, 1986. Amended: Filed April 2, 1987, effective Aug. 27, 1987. Amended: Filed Jan. 5, 1988, effective April 28, 1988. Amended: Filed June 2, 1988, effective Sept. 29, 1988. Amended: Filed Sept. 6, 1988, effective Jan. 1, 1989. Amended: Filed Jan. 24, 1990, effective May 24, 1990. Rescinded and readopted: Filed Sept. 2, 1993, effective May 9, 1994. Amended: Filed Dec. 15, 1994, effective Aug. 30, 1995. Amended: Filed Aug. 14, 1997, effective April 30, 1998. Amended: Filed April 15, 1999, effective Nov. 30, 1999. Amended: Filed Sept. 4, 2001, effective May 30, 2002. Amended: Filed Aug. 2, 2002, effective April 30, 2003. Amended: Filed March 5, 2003, effective Oct. 30, 2003. Amended: Filed May 17, 2004, effective Dec. 30, 2004. Amended: Filed Oct. 15, 2008, effective July 30, 2009. Emergency amendment filed Dec. 15, 2010, effective Jan. 3, 2011, expired July 1, 2011. Amended: Filed Nov. 30, 2010, effective Aug. 30, 2011. Amended: Filed Jan. 31, 2012, effective Sept. 30, 2012. Amended: Filed March 13, 2013, effective Oct. 30, 2013. Amended: Filed Aug. 17, 2015, effective March 30, 2016. Amended: Filed June 29, 2018, effective March 30, 2019. Amended: Filed Aug. 26, 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., December 3, 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., December 10, 2019. Send online comments via the proposed rules web page www.dnr.mo.gov/proposed-rules, email comments to 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

Air Quality Control Region
Priority Reclassification Request – Multipollutant

The Missouri Department of Natural Resources' Air Pollution Control Program is proposing to request the U.S. Environmental Protection Agency (EPA) to reclassify several Missouri Air Quality Control Regions (AQCRs) to new priority levels per emergency episode planning requirements. This action also includes emergency contingency plan exemption requests for qualifying portions of three AQCRs designated unclassifiable/attainment for either particulate matter or sulfur dioxide.

Pursuant to *40 CFR 51 Subpart H, Prevention of Air Pollution Emergency Episodes*, this action requests reclassification of several Missouri Air Quality Control Regions to lower priority classifications for carbon monoxide, sulfur dioxide, and particulate matter. The action also increases the priority classification for sulfur dioxide in the Southeast Missouri Intrastate Air Quality Control Region, and requests exemptions for emergency episode contingency plans in portions of regions that are designated attainment for the applicable pollutants. The request is based on the three most recent years (2016-2018) of certified ambient monitoring data.

The complete action request has not been reprinted in the briefing document due to its volume. However, the Executive Summary has been included for reference. The entire action request 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 action request, the department intends to submit it to the U.S. Environmental Protection Agency for approval.

EXECUTIVE SUMMARY

The Missouri Department of Natural Resources' Air Pollution Control Program (air program) is requesting the U.S. Environmental Protection Agency (EPA) to reclassify several Missouri Air Quality Control Regions (AQCRs) to new priority levels per emergency episode planning requirements for carbon monoxide (CO), particulate matter (PM), and sulfur dioxide (SO_2). All requests are based on the three most recent years (2016-2018) of Missouri certified ambient air quality monitoring data. Review of Missouri's 2016-2018 ambient monitoring data indicates the current priority classifications for both nitrogen dioxide (NO_2) and ozone should remain as codified in 40 CFR 52.1321.

For CO, the air program requests reclassification from priority I to priority III for both the Metropolitan Kansas City Interstate AQCR and the Metropolitan St. Louis Interstate AQCR.

For PM, the air program requests reclassification from priority II to priority III for the Northern Missouri Intrastate AQCR and from priority I to priority III for the Metropolitan Kansas City Interstate AQCR. Also for PM, this action requests reclassification from priority I to priority II for both the Southwest Missouri Intrastate AQCR and the Metropolitan St. Louis Interstate AQCR.

For SO_2, the air program requests reclassification from priority I to priority III for the Metropolitan St. Louis Interstate AQCR. Also for SO_2, the air program requests reclassification from priority III to priority IA classification for the Southeast Missouri Intrastate AQCR based on a single point source in New Madrid County, Missouri. Both New Madrid County and Iron County are not yet designated per the 2010 1-hour SO_2 National Ambient Air Quality Standards (NAAQS). EPA is expected to designate these areas in December 2020. However, monitoring data indicates only New Madrid County requires SO_2 emergency episode contingency planning based on the Southeast Missouri Intrastate AQCR's reclassification to priority IA. If not for this single point source in New Madrid County, the remainder (all except New Madrid County) of the Southeast Missouri Intrastate AQCR would remain classified as priority III.

Further, the air program requests exemptions for emergency episode contingency plans in portions of AQCRs classified as priority I, IA or II and that are also designated attainment or unclassifiable/attainment for either CO, PM or SO_2. Pending EPA approval of Missouri's requests for episode plan priority reclassifications detailed herein, the emergency contingency plan exemption requests apply only to the following: Southwest Missouri Intrastate AQCR for PM, Metropolitan St. Louis Interstate AQCR for PM, and Southeast Missouri Intrastate AQCR (all counties except for New Madrid County) for SO_2.

The air program is submitting these requests to EPA for AQCR priority level reclassifications, as well as emergency contingency plan exemption requests, pursuant to *40 CFR 51 subpart H, Prevention of Air Pollution Emergency Episodes*.