# Program Review

# of

# Missouri Department of Natural Resources' Air Permitting Programs

Initiated: February 2023
Concluded: September 2024

U.S. EPA, Region 7

Air Permitting and Planning Branch
Air and Radiation Division

Missouri Air Pollution Control Program Review Report Contents

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MISSOURI DEPARTMENT OF NATURAL RESOURCES

AIR POLLUTION CONTROL PROGRAM

AIR PERMITTING SECTION

PROGRAM REVIEW REPORT

## A. INTRODUCTION

The comprehensive review of the Missouri Department of Natural Resources' (MoDNR's) air permitting programs was part of the U.S. Environmental Protection Agency Region 7's efforts to fulfill the EPA's oversight responsibility to ensure adequate implementation of the Clean Air Act (CAA). The overall scope of this review included assessment of the state agency's performance regarding: 1) Prevention of Significant Deterioration (PSD)/New Source Review (NSR) construction permitting including synthetic minor construction permitting, 2) Title V operating permitting, 3) New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) determinations, 4) the establishment of enforceable permit conditions, and 5) the collection and use of Title V operating permit fees. Although PSD permitting and Title V operating permitting were a component of this program review, these permitting programs are regularly reviewed as part of the routine oversight of MoDNR's air permitting program and were not the primary focus of the permit file review. The focus of the file review was on synthetic minor construction permitting, Intermediate State Permits to Operate (Federally Enforceable State Operating Permits (FESOP)) and the collection and use of Title V operating permit fees.

The review was initiated by a letter from the EPA to the MoDNR dated February 17, 2023. In that letter, the EPA requested a list of construction permits and Intermediate State Permit to Operate issued by the MoDNR over the previous three years. The EPA also requested that the MoDNR complete two questionnaires, one for NSR and one for Title V. The EPA requested that the MoDNR submit responses to both questionnaires within 30 days and prior to our review of the selected permitting files. We also requested that the MoDNR complete Attachment C from the March 27, 2018, guidance "Program and Fee Evaluation Strategy and Guidance for 40 CFR Part 70." EPA Region 7 has historically conducted air permit program reviews at the office of the state under review, however, for our most recent program reviews, we have reviewed permit files remotely rather than in the state office. The remote review allowed us to be flexible on this schedule.

A program review entrance meeting was held virtually on June 6, 2023. Attachment F lists the attendees of the meeting. The MoDNR provided a list of 1,377 construction and Intermediate State Permit to Operate renewal and amendment projects completed in CY 2020, 2021 and 2022.

This list also included applicability determinations, permits by rule, no permit required determinations and relocations of portable sources. From this list, the EPA selected 195 projects to review and the MoDNR provided the available project files through their FTP portal. The EPA staff reviewed permit project files from approximately June 5 to June 30, 2023. The following EPA Region 7 staff participated in the review of the permitting files: Ward Burns, Bob Cheever, David Peter, Pat Scott, Keith Johnson, and Rumela Bhadra. The EPA permit team completed review of 41 Intermediate State Permit to Operate projects (see **Attachment A**) and 67 construction projects, no permit required determinations, permits by rule and applicability determinations (see **Attachment B**).

The EPA was unable to conduct the review and evaluation of the MoDNR Title V fee structure. The MoDNR did return the completed Attachment C from the March 27, 2018, guidance "Program and Fee Evaluation Strategy and Guidance for 40 CFR Part 70., as requested in the February 17, 2023 transmittal, included in Attachment E, but to date, the MoDNR has not provided the other requested fee information (Section G of the Title V Program Evaluation Questionnaire), as also requested in the February 17, 2023, EPA transmittal to the MoDNR.

## B. SUMMARY of OBSERVATIONS and CONCLUSIONS from PERMIT FILE REVIEW

The following summary is generated from the review of the one hundred eight (108) projects identified in Attachment A and Attachment B. In general, the permit review team (team) found that the projects reviewed appeared to be permitted correctly. The following observations were made and are presented in no specific order.

Observations:

a. MoDNR appears to use appropriate emission factors when evaluating the increase in emissions from the project being evaluated. MoDNR appears to adequately document the source of the emission factors used as part of the permit application evaluation. It is apparent, based on our project reviews, MoDNR and the permit applicants rely heavily on AP-42 emission factors for determining the potential to emit (PTE) and establishing permit limits.

   However, the introduction to the U.S. EPA document AP-42, *Compilation of Air Pollutant Emission Factors*: Volume 1, External Combustion Sources, Fifth Edition; in the section "Uses of Emission Factors" says the following. "Emission factors in AP-42 are neither EPA-recommended emission limits nor standards. Use of these emission factors as source-specific permit limits and/or as emission

regulation compliance determinations is not recommended by EPA." This section goes on to say "source-specific tests or continuous emission monitors can determine the actual pollutant contribution from an existing source better than can emission factors. A material balance approach also may provide reliable average emission estimates for specific source. If representative source-specific data cannot be obtained, emissions information from equipment vendors, particular performance guarantees or actual test data from similar equipment is a better source of information for permitting decisions than an AP-42 emission factor."

b. It appears that the NSPS and NESHAP applicability determinations that were made as part of the permitting actions that were reviewed were correct. However, the files contain minimal documentation supporting NSPS/NESHAP decisions. The application forms seemed well designed to collect information needed to determine NSPS/NESHAP applicability. In some cases, the description in the permit or the chronology log provided explanations for determinations.

c. We reviewed the construction permitting records for evidence that the MoDNR was considering the impact to air quality when issuing permits. 40 CFR §51.160(a) states: *"Each plan must set forth legally enforceable procedures that enable the State or local agency to determine whether the construction or modification of a facility, building, structure or installation, or combination of these will result in—(1) A violation of applicable portions of the control strategy; or (2) Interference with attainment or maintenance of a national standard in the State in which the proposed source (or modification) is located or in a neighboring State."*.

   Missouri 10 CSR 10-6.060(I)4. Final Permit Issuance: Any installation subject to this rule (10 CSR 10-6.060) will be issued a permit and be in effect if the installation will not interfere with the attainment or maintenance of National Ambient Air Quality Standards (NAAQS) and the air quality standards established in 10 CSR 10-6.010. MoDNR appears to conduct modeling analyses in accordance with its modeling guidance document as part of the prevention of significant deterioration (PSD) permit application review process to ensure compliance with the NAAQS. However, there was nothing in the permit records of the files we reviewed that would demonstrate that MoDNR gives any consideration to ambient air quality when issuing minor new source review (mNSR) construction permits. It is certainly likely that some new facilities or modifications to existing facilities have the potential to create unhealthy air quality exceeding the national ambient air quality standards. Assuring that unhealthy air quality is not created is the main purpose for minor construction permits. We recommend that the MoDNR consider if construction permits would interfere with the attainment or maintenance of any ambient air quality standard. We suggest that MoDNR document in each construction permit record its rational

for why the permit is not expected to interfere with the air quality standards.

2. The following observations are related to the development and use of technical support documents and other permit record documentation:

    a. In general, it appears that the Fact Sheets/Technical Support Documents that MoDNR develops as part of the permitting action adequately explain the state's rationale for permitting and regulatory decisions, except for NSPS and NESHAP applicability determinations.

    b. MoDNR appears to appropriately rely on and implement EPA guidance documents to determine the projects' permit and air regulatory applicability.

    c. It appears that the permitting record for the projects we reviewed include all the relevant documents associated with the permitting action, including all relevant email correspondence. However, there was no apparent evidence of handwritten notes associated with meeting or phone conversations as frequently described in the email correspondence.

    d. MoDNR appears to rely on the permit applicant's determination of the potential to emit (PTE) when evaluating the increase in emissions from the project being evaluated. The permit record, of the project files reviewed, shows little to no permit writer documented verification of the accuracy of the proposed PTE. A documented PTE verification is particularly important when issuing a minor construction permit to an existing major source and in providing transparency to the public.

3. The following observations are related to the permit contents:

    a. The permits that we reviewed appeared to adequately identify the equipment that was being installed or modified.

    b. The permits that we reviewed appeared to include the appropriate conditions to ensure that the limits were enforceable as a practical matter, including conditions to ensure ongoing compliance demonstration.

    c. The construction permits appropriately include a condition that describes when construction must commence. However, the permits reviewed do not appear to include a date for construction completion. 10 CSR 10-6.060(3)(J)1 requires the owner or operator subject to the provisions of this rule (10 CSR 10-6.060) to 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.

The permit records reviewed during this permit review period did not include any start-up notifications. It was later pointed out that start-up notifications are submitted to the Compliance and Enforcement Section, so they would not be part of the permit record.

d. MoDNR's construction permits appear to adequately describe what constitutes excess emissions and the appropriate actions the permittee must take if excess emissions occur.

e. It appears that construction permits receive an adequate amount of peer review.

f. For the permits that we reviewed, the averaging period of emission limits included in the permit appear to align with the averaging period of the NAAQS when appropriate.

4. The following observations are related to the permit issuance timeliness:

    a. The permits we reviewed appeared to be issued in a timely manner.

    b. MoDNR has a relatively large amount of "backlogged" Title V permits. EPA recognizes that MoDNR has a high staff turnover and operates for long periods of time without adequately trained staff.

5. The following observation is related to MoDNR's coordination with EPA on PSD permit applications.

    a. MoDNR informs EPA of pending PSD permitting projects during monthly permits calls, and provides the draft permit, modeling analyses and permit applications at the time the permits are placed on public notice.

EPA also made the following observations as part of this program review. These observations, in general, highlight potential areas of improvement and do not necessarily indicate program deficiencies.

1. Most of the permits that EPA reviewed, which included 12-month rolling limits, didn't specify the consequences of exceeding the limit in the first months the limit applies (for example, the limit is exceeded in the 9$^{th}$ month after the limit is applicable). Although EPA believes that it would not be a compelling argument, an argument could be made that a violation couldn't possibly occur until the 12th month of operating under the limit, since one could argue that a full 12-month period is needed to compare to the 12-month rolling limit. The EPA recommends that MoDNR consider including a statement in the permit that an exceedance at any point in the first 11 months that the limit applies would constitute a violation of the limit at the time that the limit is exceeded.

2. We did not notice any documentation on Environmental Justice (EJ) in the files we

reviewed. We understand that the MoDNR is not required by the Clean Air Act or their State Implementation Plan to address EJ in permitting actions. However, people can file complaints for violating Title VI of the Civil Rights Act of 1964. Therefore, we encourage the MoDNR to consider EJ issues and encourage the permittees to engage with their communities.

3. As part of this permit review, the EPA determined that MoDNR appeared to appropriately identify all the applicable requirements, including the applicable NSPS and NESHAP subparts, in the permitting actions that we reviewed. As part of our routine review of Title V permits proposed for issuance by MoDNR, EPA also has determined that the MoDNR, in general, identifies all the appropriate applicable requirements. However, we do note that the level of detail of the applicable requirements in Title V permits has not necessarily been consistent from permit to permit, sometimes even for the same subpart. The EPA recognizes that there are several approaches to incorporating applicable requirements from an applicable subpart. On one end of the spectrum, the permit could simply indicate the facility or affected source is subject to a certain subpart and refer the permittee to the Code of Federal Regulations. On the other end, the permit could include the entire subpart verbatim, with no identification of the specific paragraphs that apply to the affected source. The EPA recognizes that there are issues with both extreme approaches, as neither approach adequately informs the permittee or the public of the specific applicable requirements that the permittee is required to comply with. Typically, the most useful approach would be one that is a balance of these two extremes. The EPA recommends that MoDNR work toward achieving consistency in how applicable requirements are included in the draft permit, especially for permits with affected sources subject to the same subpart. This approach would ensure that the permittee and the public are made aware of the applicable requirements in a clear and consistent manner.

## C. SUMMARY of FINDINGS and CONCLUSIONS for TITLE V FEE REVIEW

Section 502(b)(3)(A) of the Clean Air Act (Act) requires Title V operating permit programs to fund all "reasonable direct and indirect costs" of the permit programs through fees collected from Title V sources and requires the fees to be sufficient to cover all reasonable Title V permit program costs.(1) 40 CFR §70.9(a) requires state Title V programs to collect fees sufficient to cover the permit program costs and "ensure that any fee required by this section will be used solely for permit program costs."

In response to an EPA Office of Inspector General 2014 report, regarding the importance of enhanced EPA oversight of state, local, and tribal fee practices under Title V of the

(1) Region 7 Air Program reviews can be found @ https:/www.epa.gov/title-v-operating-permits/epa-oversight-operating-permits-program

Act, the EPA issued a March 27, 2018, guidance titled "Program and Fee Evaluation Strategy Guidance for 40 CFR Part 70." This guidance recommends the EPA seek internal assistance for fee evaluations from staff with governmental accounting, financial, Strategy Guidance for 40 CFR Part 70." This guidance recommends the EPA seek internal assistance for fee evaluations from staff with governmental accounting, financial, or economics expertise, who work outside the Part 70 program. For this review, Kathy Finazzo from the EPA Region 7's Resources and Financial Management Branch in the Mission Support Division aided.

MoDNR has not provided the EPA with all the requested information to perform the required Title V Fee Audit. The fee audit information not provided includes:

- The last two annual reports provided to the Missouri state legislature on Title V fees or similar reports depending on what Missouri has available.
- Emissions data for the applicable period
- Documented allocation plans
- Fee schedules
- Conversations with staff
- Data to support the claims on Attachment C. the annual financial data form,
- Data needs to be reconcilable to records from the official state accounting system,

Without the aforementioned financial supporting documentation and access to MoDNR staff, the Title V Fee Audit was not able to be completed.

## D. SPECIFIC PERMIT FILE REVIEW FINDINGS

Staffing

Without timely access to completed Title V and NSR questionnaires, an assessment of the MoDNR staffing cannot be made by the EPA. However, based on the backlog of operating permits reported in the MoDNR TOPS report, the EPA can conclude that the MoDNR permits section appears to be understaffed.

Permit Project File Review

1. For BCP Ingredients Inc, project 092022-001 appears to use manufacturers specifications and warranty as compliance verification without including control limits which is not practically enforceable. Additionally, permit record regarding applicability was not presented and correspondence between MoDNR and permittee is not in the reviewed files.

2. For CertainTeed project 052022-010, the applicants cover letter is undated and Permit to Construct completeness checklist is not signed by reviewer. Application redacts process information claiming confidentiality, yet the Permit to Construct cover letter clearly lists new throughput information rendering confidentiality questionable. Also, modeled emission rates are emissions information that cannot be afforded confidential treatment.

3. For EBV Explosives Environmental Co., project 082019-002B, includes minimal permit information in the amendment. There appears to be no project description, installation description, review summary, emissions control/evaluation, permit rule applicability, and applicable requirements description making assessment difficult.

4. For Elementis Specialities, Inc project 102020-002, the permit writer seemed to rely on applicant's NSPS applicability analysis without (what appeared to be) much independent investigation, although there is not enough information to really know for sure and the determination doesn't necessarily appear to be incorrect. Application claims that 5.520 was rescinded so process units are no longer subject to case-by-case RACT. Not sure how that impacts the requirement to operate the TO.

5. For BASF Corporation-Hannibal Plant project 072020-012A the potential-to-emit (PTE) trail is difficult to follow and confirm. Also, the if the temporary RICE diesel fired engines are not subject to an NSPS or MACT, the permit record does not explain the non-applicability.

## ATTACHMENT A: Intermediate State Permit to Operate

| Facility Name | Project ID | Location |
|---|---|---|
| Allen Industries, LLC (formerly Edwards FRP) | OP2021-038 | Sedalia |
| American Italian Pasta Co | OP092022-003 | St. Louis |
| Bayer Research and Development Services LLC | OP072022-005 | Chesterfield |
| BJC Health System | OP2018-035 | St. Louis |
| Brenntag Mid-South, Inc | OP122022-002 | St. Louis |
| Briggs & Stratton | OP2020-002 | |
| Capital Sand - Millersville | OP072022-003 | Jackson |
| Central Missouri State University | OP | Warrensburg |
| Cerner Corporation-Lee's Summit Data Center | OP112022-003 | Lee's Summit |
| City of Marceline Light Plant | OP102022-003 | Marceline |
| College of the Ozarks | OP | |
| Consolidated Grain & Barge Co-Dorena Pla | OP2022-046 | East Prairie |
| Cooter Cotton Gin | OP2022-008 | Holland |
| Doolittle Trailer Mfg., Inc | OP072022-001 | Holts Summit |
| Eagle Picher Industries Inc - Couples | OP2013-069 | Joplin |
| Elementis Specialties, Inc | AP202106039 | St. Louis City |
| Elementis Specialties, Inc | 102020-002 | St. Louis City |
| Enterprise Products | OP2021-017 | Scott City |
| Farmers Elevator & Supply Co | OP112022-001 | Hawk Point |
| Flint Hills Resources Pine Bend LLC-Bethany | OP2022-047 | Eagleville |
| Fort Dearborn Company | OP2021-002 | St. Louis |
| Four Way Gin Co | OP2022-050 | Senath |
| Fujifilm Manufacturing U.S.A. | OP | North Kansas City |
| Greif Bros Corporation | OP2021-026 | Wright City |
| Hermann Oak Leather Co | OP2020-017 | St. Louis |
| Hubbell Power Systems - East Street | OP | Centralia |
| J.D. Streett & Company | OP082022-006 | Lemay, /St. Louis Co |
| J.S. Alberici Construction Co | OP2018-077 | St Louis |
| Kawasaki Motors Manufacturing Corp | 072020-009 | Maryville |
| Kinder Morgan Transmix Co | OP2020-008 | St Louis |
| Lead Belt Materials Company | OP | Bonne Terre |
| Magellan Pipeline Co - Columbia | OP2020-019 | Columbia |
| Missouri Joint Mun. Util. Comm. | OP | Columbia |

| Facility Name | Project ID | Location |
|---|---|---|
| Modine Manufacturing Co | OP2021-009 | Joplin |
| Modine Mfg. Co | OP2021-019 | Trenton |
| Nestle Purina PetCare | OP082022-002 | Bloomfield |
| Nestle Purina PetCare Co | OP092022-002 | St. Louis |
| O'Fallon Casting, LLC | OP2020-001 | O'Fallon |
| U S Paint Corporation | OP102022-002 | St. Louis City |
| U.S. Ringbinder | OP2021-016 | St. Louis City |
| Vertex Structures | OP2021-027 | Kearney |

**ATTACHMENT B:**

**Construction Permits, Permits-by-Rule, No Permit Required Determinations and Applicability Determinations**

| Facility Name | Project ID | Location |
|---|---|---|
| Anheuser - Busch, Inc. | 072021-013 | St. Louis |
| Anheuser - Busch, Inc. | 022021-006 | St. Louis |
| Anheuser - Busch, Inc. | 052021-007 | St. Louis |
| BASF Corporation - Hannibal Plant | 122017-011A | Hannibal, Palmyra |
| BASF Corporation - Hannibal Plant | 072020-012A | Hannibal, Palmyra |
| BCP Ingredients Inc | 092022-001 | Verona |
| CertainTeed | 052022-010 | Jonesburg |
| Dyno Nobel | | Carthage |
| Dyno Nobel | | Carthage |
| Dyno Nobel Inc | | Louisiana |
| EBV Explosives Environmental Co. | 082019-002B | Carthage |
| EBV Explosives Environmental Co. | 082019-002C | Carthage |
| EBV Explosives Environmental Co. | 082019-002D | Carthage |
| EBV Explosives Environmental Co. | 082019-002A | Carthage |
| Elantas PDG, Inc. | 012020-003 | St. Louis City |
| Elantas PDG, Inc. | 092020-010 | St. Louis City |
| Enterprise NGL Pipelines Bosworth Station | 202009-045 | Carroll County |
| Faithful Friends Pet Crematory | 062021-011 | Edina |
| Friends of the Family Pet Memorial Garde | 032021-006 | Springfield |
| Friends of the Family Pet Memorial Garde | 082020-001 | Springfield |
| Hubbell Power Systems - East Street | 012020-010 | Centralia |
| Hubbell Power Systems-Allen St Complex | 062020-004 | Centralia |
| Hubbell Power Systems-Plastics Plant | 062022-006 | Centralia |
| IESI Champ Landfill | 8148 | St. Louis County |
| Jefferson City Landfill | 112008-002A | Jefferson City |
| Kawasaki Motors Manufacturing Corp | 072020-009 | Maryville |
| Lake City Army Ammunition Plant | | Independence |
| Lake City Army Ammunition Plant | 032015-020B | Independence |
| Lake City Army Ammunition Plant | 012020-004A | Independence |
| Lake City Army Ammunition Plant | 012020-004B | Independence |

| Facility Name | Project ID | Location |
|---|---|---|
| Lake City Army Ammunition Plant | 012020-004 | Independence |
| Lakeside Book - Owensville | 092022-013 | Owensville |
| Lead Belt Materials Company | | Bonne Terre |
| LSC Communications | | Owensville |
| LSC Communications | 062021-009 | Owensville |
| Manchester Packing Company | 042020-012A | St. James |
| Manchester Packing Company | 042020-012B | St. James |
| Manchester Packing Company | 042020-012 | St. James |
| Mercy Hospital South | 8146 | St Louis |
| Mercy Hospital St. Louis | 8143 | St Louis/Creve Coeur |
| Mississippi Lime - Bonne Terre | 2022-05-023 | Bonne Terre |
| Mississippi Lime Company | 042020-005 | Ste Genevieve |
| Nestle Purina PetCare | 012019-001A | Bloomfield |
| Nestle Purina PetCare | 102020-005A | Bloomfield |
| Nestle Purina PetCare | 022020-004 | Bloomfield |
| Nestle Purina PetCare | 102020-005 | Bloomfield |
| P Q Corporation | 012020-013 | St. Louis |
| Panhandle Eastern Pipeline-Centralia | | Centralia |
| Redneck Outdoor Products | | Lamar |
| Redneck Outdoor Products | 062020-012 | Lamar |
| Redneck Outdoor Products | 112021-012 | Lamar |
| Show Me Ethanol | 022021-001 | Lamar |
| Sigma - Aldrich Chemical Co | 01-03-007A | St. Louis City |
| Sigma - Aldrich Chemical Co | 082022-006 | St. Louis City |
| Sigma - Aldrich Chemical Co | 112022-005 | St. Louis City |
| Specialty Granules Inc | 082019-003A | Annapolis |
| Specialty Granules Inc | 022021-011A | Annapolis |
| Specialty Granules Inc | 082020-010 | Annapolis |
| Specialty Granules Inc | 022021-011 | Annapolis |
| Specialty Granules Inc | 052021-004 | Annapolis |
| Specialty Granules Inc | 052021-011 | Annapolis |
| Specialty Granules Inc | 112022-006 | Annapolis |
| TNT Plastics, Inc. | 082022-002 | Perryville |
| U S Paint Corporation | OP2017-026B | St. Louis City |
| U S Paint Corporation | 112021-002 | St. Louis City |
| U S Paint Corporation | 062022-011 | St. Louis City |
| Woodbridge Corporation | | St. Peters |

**ATTACHMENT C: Completed Title V Questionnaire**

The completed 2022 questionnaire was received September 23, 2024, and follows.

# Title V Program
# Self-Evaluation Questionnaire

Last Updated:  January, 2023

# Instructions for completing the Title V Permit Program Self-Evaluation Questionnaire

- When answering Yes or No questions, please add explanation as appropriate to clarify your response.

- Please skip any sections of the self-evaluation questionnaire that do not apply within your permitting jurisdiction rather than answering hypothetically.

- If you have a written policy or guidance document that substantially answers any question in this self-evaluation questionnaire, please so indicate and either attach a hardcopy to your response or point to a specific URL on your public web server where the document may be found.

## Table of Contents

## A. Title V Permit Preparation and Content

1. What % of your initial applications contained sufficient information so the permit could be drafted without seeking additional information? What efforts were taken to improve quality of applications if this % was low? We do not have statistics that track the percentage of initial applications that contain sufficient information. In general, application contain sufficient information to complete the required parts of a draft permit. Much of the additional information that is requested is for the purposes of adding historical information to the statement of basis or regarding the filing fee. MoDNR is regularly looking to improve the application forms and especially the corresponding instructions.

**Y ☒ N ☐** 2. For those title V sources with an application on file, do you require the sources to update their applications in a timely fashion if a significant amount of time has passed between application submittal and the time you draft the permit?

**Y ☒ N ☐** a. Do you require a new compliance certification?

**Y ☒ N ☐** 3. Do you verify that the source is in compliance before a permit is issued and if so, how? MoDNR reviews inspection reports along with semi-annal and annual compliance reports.

**Y ☒ N ☐** a. In cases where the facility is out of compliance, are specific milestones and dates for returning to compliance included in the permit, or do you delay issuance until compliance is attained?

**Y ☐ N ☐** 4. What have you done over the years to improve your permit writing and processing time?

- We have developed standard wording for more regulations that commonly appear in permits.
- Improved application instructions.
- Provide deadlines to companies when requesting additional information. This helps reduce downtime so that the permit writer is not having to refamiliarize their self with the installation.
- Utilization of electronic means to process the draft permit when it is being reviewed and/or approved.
- We are being more deliberate on how projects are assigned to permit writers. A permit writer that primarily writes construction permits, but is familiar with a particular installation, may be assigned the operating permit for the same installation. We are grouping like installations and assigning their operating permits to the same person.

**Y ☒ N ☐** 5. Do you have a process for quality assuring your permits before issuance? Please explain. All draft permits are peer reviewed prior to going to the installation for their review. Prior to a draft permit being placed on public notice, a supervisor reviews and approves of the draft. After public notice, the same supervisor will review the comments and response to comments.

6. Do you utilize any streamlining strategies in preparing the permit such as:

**Y ☒ N ☐** a. Incorporating test methods, major and minor New Source Review permits, MACT's, other Federal requirements into the Title V permit by referencing the permit number, FR citation, or rule? Explain. MoDNR will incorporate by reference as many requirements as possible while still making the permit a useful document that does not require the reader to go to multiple other sources to find the specific requirements.

**Y ☒ N ☐** b. Streamlining multiple applicable requirements on the same emission unit(s) (i.e., grouping similar units, listing the requirements of the most stringent applicable requirements)? Describe. MoDNR will only list the most stringent requirement for a specific emission unit as a condition of the permit. In the Statement of Basis, MoDNR will explain why the other requirements where not explicitly listed in the permit. MoDNR will also group emission units that have the same applicable regulation to allow for the specific regulation to only be listed a single time.

c. Describe any other streamlining efforts. Many companies utilize their own forms when it comes to record keeping. When possible, MoDNR will review the record keeping the companies are all ready doing and include that information in the permit. The saves time in that the permit writer does not have to spend formatting record keeping pages.

7. What do you believe are the strengths and weaknesses of the format of the permits (i.e. length, readability, facilitates compliance certifications, etc.)? Why? We believe that the permit is vital compliance tool that can/will be utilized by the installation, MoDNR inspectors, public, and future permit writers. As such, there are times it is a balancing act between too much or too little information. A strength of our permits is the Statement of Basis. It includes historical information and the foundation for why regulations were/were not applied. While some of this information may not be explicitly required by the Title V regulations, I believe it helps

all understand the basis of the permit. It will also streamline future permitting actions.

8. How do you fulfill the requirement for a statement of basis? Please provide examples. The operating permit is accompanied by a statement setting forth the legal and factual basis for the permit conditions (including references to applicable statutory or regulatory provisions). This Statement of Basis, while referenced by the permit, is not an actual part of the permit. [10 CSR 10-6.065(5)(E)1.C]. The Air Pollution Control Program includes the Statement of Basis in the permit document.

9. Does the statement of basis[1] explain:

**Y ☒ N ☐** a. the rationale for monitoring (whether based on the underlying standard or monitoring added in the permit)?

**Y ☒ N ☐** b. applicability and exemptions, if any?

**Y ☒ N ☐** c. streamlining (if applicable)?

**Y ☒ N ☐** 10. Do you provide training and/or guidance to your permit writers on the content of the statement of basis?

11. Do any of the following affect your ability to issue timely initial title V permits:

**Y ☐ N ☒** a. SIP backlog (i.e., EPA approval still awaited for proposed SIP revisions)

**Y ☒ N ☐** b. Pending revisions to underlying NSR permits We traditionally wait until pending NSR permit(s) are issued before issuing the operating permit. This is usually done at the request of the company. However, we are working towards not holding up the issuance of a Title V permit if significant work drafting the permit is all ready complete. In these instances, we explain to the company, that the Title V permit can be modified once the construction permit is complete.

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[1] The Statement of Basis sets forth the legal and factual basis for the permit as required by 70.7(a)(5). The permitting authority might use another name for this document such as Technical Support Document, Determination of Compliance, Fact Sheet.

**Y ☒ N ☐** c. Compliance/enforcement issues However, similar to question 11.b, we are working towards changing our work practices to include a compliance plan in the Title V permit rather than wait for the enforcement issue to be resolved.

**Y ☐ N ☒** d. EPA rule promulgation awaited (MACT, NSPS, etc.)

**Y ☐ N ☒** e. Issues with EPA on interpretation of underlying applicable requirements

**Y ☒ N ☐** f. Permit renewals and permit modification (i.e., competing priorities)

**Y ☐ N ☒** g. Awaiting EPA guidance

i. If yes, what type of guidance?

**Y ☐ N ☐** ii. If yes, have you communicated this to EPA?

A. If yes, how did you request the guidance?

If yes, please specify what type of EPA guidance, and how you requested the guidance

Note: If yes to any of the above, please explain.

12. Any additional comments on permit preparation or content? None.

## B. General Permits (GP)

**Y ☒ N ☐** 1. Do you issue general permits? 10 CSR 10-6.065 does have parameters for general permits. At this time, MoDNR does not have any current general permits available.

a. If no, go to next section

b. If yes, list the source categories and/or emission units covered by general permits.

**Y □ N ☒** 2. In your agency, can a title V source be subject to multiple general permits and/or a general permit and a standard "site-specific"Title V permit?

a. What percentage of your title V sources have one or more general permits? _____%

**Y ☒ N □** 3. Do the general permits receive public notice in accordance with 70.7(h)?

a. How does the public or regulated community know what general permits have been written? (E.g., are the general permits posted on a website, available upon request, published somewhere?)

4. Is the 5 year permit expiration date based :

**Y ☐ N ☒** a. on the date the general permit is issued?

**Y ☒ N □** b. on the date you issue the authorization for the source to operate under the general permit?

5. Any additional comments on general permits?

## C. Monitoring

1. How do you ensure that your operating permits contain adequate monitoring (i.e., the monitoring required in §§ 70.6(a)(3) and 70.6(c)(1)) if monitoring is not specified in the underlying standard or CAM? The permit writers review the monitoring for each applicable requirement placed in the permit. For those instances where the established monitoring is not sufficient to demonstrate compliance, the permit writer will add extra testing, recordkeeping, etc.

**Y ☒ N ☐** a. Have you developed criteria or guidance regarding how monitoring is selected for permits? If yes, please provide the guidance. All conditions/requirements of a permit should also establish a means to demonstrate compliance. This is established on a case-by-case basis.

**Y ☒ N ☐** 2. Do you provide training to your permit writers on monitoring? (e.g., periodic and/or sufficiency monitoring; CAM; monitoring QA/QC procedures including for CEMS; test methods; establishing parameter ranges)

**Y ☒ N ☐** 3. How often do you "add" monitoring not required by underlying requirements? Have you seen any effects of the monitoring in your permits such as better source compliance? We do not have any data regarding the second question.

**Y ☒ N ☐** 4. Are you incorporating CAM monitoring into your permits?

## D. Public Participation and Affected State Review

Public Notification Process

1. How do you publish notices on proposed title V? Part 70 and Intermediate Operating permits are posted on a public notices webpage: https://dnr.mo.gov/air/what-were-doing/public-notices Users can elect to opt-in to receiving GovDelivery notices when Permits are posted for review on this webpage.

**Y ☒ N ☐** 2. Have you developed a mailing list of people you think might be interested in title V permits you propose? [e.g., public officials, concerned environmentalists, citizens] However, the list of people is not used for mailing paper copies of notices. Notices are published electronically on the Air Pollution Control Program's Air Public Notices webpage.

a. How does a person get on the list? A person can elect to opt-in to receiving GovDelivery notices when Permits are posted for review on the air permit public notices webpage by clicking on the 'Get Updates on this Issues' button.

b. How does the list get updated? A person can elect to opt-in or unsubscribe from this service at any time.

c. How long is the list maintained for a particular source? The contact list is not source specific and is maintained until a person requests updates to their contact information.

d. What do you send to those on the mailing list? The public notice includes links to the application and draft permit.

**Y** ☐ **N** ☐ 3. Do you reach out to specific communities (e.g., environmental justice communities) beyond the standard public notification processes? When appropriate, the Air Pollution Control Program reaches out to community leaders and elected officials that represent the affected region. Additionally, the Air Pollution Control Program often reminds people attending public meetings about the process to sign up for electronic public notice and to share this with others.

**Y** ☒ **N** ☐ 4. Do your public notices clearly state when the public comment period begins and ends?

5. What is your opinion on the most effective avenues for public notice? With the proliferation and ubiquitous use of personal electronic devices, electronic public notices are the most practical and wide-reaching method to relay information to many people.

**Y** ☒ **N** ☐ a. Are the approaches you use for public notice effective? Yes. Interested stakeholder are commenting on permits because of these notices.

**Y** ☒ **N** ☐ 6. Do you provide notices in languages besides English? Please list.

Yes. Per the Department's Limited English Proficiency policy, the Department has translation services available for any document on request and some translated information. Please see https://dnr.mo.gov/ada-non-discrimination.

Y☒ N ☐ 7. Have you been asked by the public to extend a public comment period?

Y ☒ N ☐ a. If yes, did you normally grant them? The program grants extension requests only if all pertinent information was not posted with the original public notice or for technical glitches. In those cases, the Air Pollution Control Program reposted the permit for another 30-day public comment period.

b. If not, what would be the reason(s)? The public comment period is specified in state regulations 10 CSR 10-6.065(6).

Y ☒ N ☐ 8. Has the public suggested improvements to the contents of your public notice, improvements to your public participation process, or other ways to notify them of draft permits? Describe. On Aug 25, 2022, The Metropolitan Congregations United in St. Louis presented a petition to the Department at the Missouri Air Conservation Commission meeting to make changes to the permitting process. The petition and the Air Pollution Control Program's response actions are available on the program webpages:
https://dnr.mo.gov/document/petition-metropolitan-congregations-united-missouri-air-conservation-commission-aug-10-2022
https://dnr.mo.gov/document/response-letter-metropolitan-congregations-united-missouri-air-conservation-commission-meeting-oct-27-2022
https://dnr.mo.gov/document-search/summary-proposed-accessibility-enhancements-air-permit-information-website-april-2023

Y ☒ N ☐ 9. Do you provide the public a copy of the statement of basis if they request it? If no, explain. The statement of basis is included in the Title V Operating Permit, but is not a part of the permit.

10. What percentage of your permits have received public comments? MoDNR does not track this information such that a percentage could be provided. In general, the vast majority of comments are received from EPA, which provides their comments during the public comment period. It is not common that comments are received from the general public. It is estimated that less than 20% of the operating permits placed on public notice receive comments from the general public.

Y ☒ N ☐ 11. Over the years, has there been an increase in the number of public comments you receive on title V permits? Is there any pattern to types of sources getting comments? Comments mainly pertain to permits in urban areas or higher profile facilities. The comments and responses to specific operating permits can be accessed on the issued permits webpage:

https://dnr.mo.gov/air/business-industry/permits/issued

**Y ☒ N ☐** 12. Have you noticed any trends in the type of comments you have received? Please explain. Please see D13 below.

a. What percentage of your permits change due to public comments? The Air Pollution Control Program makes factual and technical corrections to permits due to comments, when necessary, but does not track these changes to provide a percentage. A response to every comment is provided as part of the final permit.

**Y ☒ N ☐** 13. Have specific communities (e.g., environmental justice communities) been active in commenting on permits? Some commenters have focused on alleging recordkeeping and reporting requirements are not sufficient even though the permit requirements are consistent with federal regulations. Some commenters have cited environmental justice and Title VI issues. The comments and responses to specific operating permits can be accessed on the issued permits webpage: https://dnr.mo.gov/air/business-industry/permits/issued

**Y ☐ N ☒** 14. Do your rules require that <u>any</u> change to the draft permit be re-proposed for public comment?

a. If not, what type of changes would require you to re-propose (and re-notice) a permit for comment? Changes to a draft permit that are made due to a comment received during the public notice period are not re-public noticed. A draft permit would be re-public noticed if changes were made to the version of the draft permit that was public noticed which constituted a relaxation in any monitoring record keeping, limits, or reporting.

<u>EPA 45-day Review</u>

**Y ☐ N ☒** 15. Do you have an arrangement with the EPA region for its 45-day review to start at the same time the 30-day public review starts? What could cause the EPA 45-day review period to restart (i.e., if public comments received, etc)? However, EPA Region 7 is aware when operating permits go on public notice and will often comment during the public notice period. Once a response to comments is prepared and any changes to the permit are made, the draft permit is submitted to EPA for their 45-day review. EPA regularly does not take 45 days to review and will provide notice to MoDNR it is okay to go ahead and issue the permit.

a. How does the public know if EPA's review is concurrent? The Air Pollution Control Program submits the permit with response to

comments to EPA for the 45-day review after the public comment period has closed. This process is specified in the state operating permit rule 10 CSR 10-6.065.

**Y ☐ N ☒** 16. Is this concurrent review process memorialized in your rules, a MOA or some other arrangement? As indicated in D15, the Air Pollution Control Program does not have concurrent review process.

Permittee Comments

**Y ☒ N ☐** 17. Do you work with the permittees prior to public notice? The permittee has the opportunity to review the draft permit prior to public notice.

**Y ☒ N ☐** 18. Do permittees provide comments/corrections on the permit during the public comment period? Any trends in the type of comments? How do these types of comments or other permittee requests, such as changes to underlying NSR permits, affect your ability to issue a timely permit? Permittees have had the opportunity to provide comments/corrections on the permit during the public comment period, but typically facilities do not comment during the public comment period since they have had the opportunity to review the draft prior to public notice. There are no trends in these comments. The ability to issue a permit based on comments varies on a case-by-case basis.

Public Hearings

19. What triggers a public hearing on a title V permit?
Per 10 CSR 10-6.065(6)(C), an informal public hearing about the draft permit will be scheduled, if a person(s) requests it by the date specified in the public notice. The person(s) requesting the hearing must identify material issues regarding the preliminary permit determination. If a public hearing is scheduled, an announcement for the public hearing will be posted on the website.

**Y ☐ N ☒** a. Do you ever plan the public hearing yourself, in anticipation of public interest? Not typically.

Availability of Public Information

**Y ☐ N ☐** 20. Do you charge the public for copies of permit-related documents?

Sometimes. The following items are available on MoDNR's website at no cost.

- A copy of the permit application, draft permit, and all relied upon

information is included in the public notice during the public comment period.

- Issued permits are posted on a searchable permits webpage. https://dnr.mo.gov/air/business-industry/permits/issued
- The Air Pollution Control Program is posting administratively complete permit applications on the pending air permits webpage. https://dnr.mo.gov/air/business-industry/permits/pending

If yes, what is the cost per page?

The administrative record that is not posted on the permits webpage is available through Missouri's Sunshine Law. Costs vary according to the request. The department may invoice requesters to recover costs incurred in fulfilling records requests. This includes staff research, review and/or duplication time, as well a material costs, at the rates listed below.

Clerical staff time (hourly rate) - $15
Technical staff time (hourly rate) - $15
Paper copies (less than 9 by 14 inches) - $0.10 per page
Enlarger/printer copies from microfilm originals - $1
Printer/plotters from digital files or paper copy (oversize copies) - $3 per sheet
Microfilm/microfiche from original or diazo microfilm - $2
100' roll silver microfilm (16mm or 35mm) - $30
CD ROM - $3 per CD
https://dnr.mo.gov/open-records-sunshine-law-requests

**Y ☒ N ☐** a. Are there exceptions to this cost (e.g., the draft permit requested during the public comment period, or for non-profit organizations)?
Draft permits, applications, and relied upon information are always available on the public notices webpage at no cost during the public notice period. For other records a person can request a Fee Waiver: Records may be furnished without charge or at a reduced charge if the requested information is likely to contribute to public understanding or benefit the general public and is not primarily for the commercial interest of the requester.

**Y ☒ N ☐** b. Do your title V permit fees cover this cost? If not, why not?
If the fee is waived the Tile V fees cover this cost.

21. What is your process for the public to obtain permit-related information (such as permit applications, draft permits, deviation reports, 6-month monitoring reports, compliance certifications, statement of basis)

especially during the public comment period?
For documents, such as the administrative record, that are not posted during the public comment period the public can request the documents through our open records process: https://dnr.mo.gov/open-records-sunshine-law-requests

Y ☐ N ☒ a. Are any of the documents available locally (e.g., public libraries, field offices) during the public comment period? Explain. With the proliferation and ubiquitous use of personal electronic devices, electronic documents are the only practical and widely available formats to make the information accessible to many people. The department has not received a request to review or to provide a paper document in many years. The Department can provide paper documents on request.

22. How long does it take to respond to requests for information for permits in the public comment period? This is dependent upon: what information is requested, the amount of information requested, the format of the requested information (i.e. whether it is in paper or electronic form), etc.

Y ☐ N ☒ 23. Have you extended your public comment period as a result of information requests? While a public comment period has not been extended, MoDNR would consider all requests based upon their merit.

a. Where is this information stored? Information requests submitted under our open records request are handled by MoDNR's Custodian of Records.

Y ☐ N ☒ b. Do information requests, either during or outside of the public comment period, affect your ability to issue timely permits?

Y ☐ N ☒ c. Have you extended the public comment period because of a request for a public hearing?

Y ☒ N ☐ 24. Do you have a website for the public to get permit-related documents?

a. What is available online? MoDNR's website provides guidance regarding permitting, forms, copies of complete applications under review, and issue permits.

b. How often is the website updated? Is there information on how

the public can be involved? The website is updated as applications are submitted and permits issued. A person can opt-in to receiving notices when topics are updated on the website.

**Y ☒ N ☐** 25. Have other ideas for improved public notification, process, and/or access to information been considered? If yes, please describe. Please refer to the Public Comments section, question D8 above.

**Y ☒ N ☐** 26. Do you have a process for notifying the public as to when the 60-day citizen petition period starts? If yes, please describe. Part 70 and Intermediate Operating permits are posted on a public notices webpage: https://dnr.mo.gov/air/what-were-doing/public-notices. This would signal the start for an 30-day appeal period to Missouri's Administrative Hearing Commission or the 60-day petition period through EPA. Users can elect to opt-in to receiving GovDelivery notices when Permits are posted for review on this webpage.

**Y ☒ N ☐** 27. Do you have any resources available to the public on public participation (booklets, pamphlets, webpages) ? Webpages and Factsheets.

**Y ☒ N ☐** 28. Do you provide training to citizens on public participation or on title V? The training is not structured; however, we do provide the opportunity to meet with interested citizens to describe the permit and public participation process as needed.

**Y ☒ N ☐** 29. Do you have staff dedicated to public participation, relations, or liaison?

a. Where are they in the organization? Department level: Human Resources and Office of Communications.

b. What is their primary function? Public Information Communications, Nondiscrimination Coordinator.

Affected State Review and Review by Indian Tribes

30. How do you notify affected States of draft permits? Affected states are notified of a draft permit via e-mail notification.

a. How do you determine what States qualify as "affected States" for your draft permits? 10 CSR 10-6.065(2)(D) defines affected states as: Any state contiguous to the permitting state whose air quality may be affected by the permit, permit modification, or permit renewal; or is within fifty (50) miles of

a source subject to permitting under Title V of the Act.

31. How do you notify tribes of draft permits? Affected tribes are notified via e-mail.

32. What percentage of your permits get comments from affected States? from Tribes? Zero

33. Is there any pattern to the type of draft permit that gets affected State / Tribal comment? Are there common themes in comments from affected States or Tribes? No

34. Suggestions to improve your notification process?

Any additional comments and public notification?

## E. Permit Issuance / Revision / Renewal

Permit Revisions

1. For those permits that have been issued, and where the permitted facility has undergone a change, how many changes to the title V permit have you processed? MoDNR does not track changes in permits that would allow us to determine percentages.

a. What percentage of changes at the facilities are processed as:

i. Significant

ii. Minor

iii. Administrative

b. Of all changes that you have, how many (or what percentages) were: MoDNR does not track changes in permits that would allow us to determine percentages.

i. Off-permit

ii. 502(b)(10)

2. How many days, on average, does it take to process (from application receipt to final permit amendment):

a. a significant permit revision? Significant modifications issued 2020-2023 took on average 426 days.

b. a minor revision? Minor Modifications issued 2020-2023 took on average 484 days.

c. an administrative revision? Administrative amendments issued 2020-2023 took on average 84 days.

**Y ☒ N ☐** 3. Have you taken longer than the part 70 timeframes of 18 months for significant revision, 90 days for minor permit revisions and 60 days for administrative? Explain.

4. What have you done to streamline the issuance of revisions? Much of the delay has had to do with staffing issues. However, the Permit Section has undergone a reorganization so that permit writers are familiar with reviewing and issuing both construction permits. Many of the significant and minor modifications are necessary due to a construction permit. The reorganization will hopefully allow for a permit writer that issues a construction to also issue the significant/minor modification to the operating permit. This should streamline the process because the permit writer is all ready familiar with the project. We have also increase the section training in identifying significant modifications, minor modifications, and off-permit changes.

5. What process do you use to track permit revision applications moving through your system? All permit projects are logged into our Permit Action Management System (PAMS) and the projects progress is tracked in that system.

**Y ☒ N ☐** 6. Have you developed guidance to assist permit writers and sources in evaluating whether a proposed revision qualifies as an administrative amendment, off-permit change, significant or minor revision, or requires that the permit be reopened? If so, provide a copy. A formal written guidance has not been developed. However, the permit section has conducted mandatory training for all permit writers on this topic. The training was recorded and is able to be utilized by existing permit writers and the training of new permit writers. Furthermore, the Section is developing a "database" of examples of each type.

**Y ☒ N ☐** 7. Do you require that source applications for minor and significant permit modifications include the source's proposed changes to the permit?

**Y ☒ N ☐** a. For minor modifications, do you require sources to explain their change and how it affects their applicable

requirements?

**Y☒ N ☐** 8. Do you require applications for minor permit modifications to contain a certification by a responsible official, consistent with 70.5(d), that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used?

9. When public noticing proposed permit revisions, how do you identify which portions of the permit are being revised? (e.g., narrative description of change, highlighting, different fonts). Narrative description on the cover page.

10. When public noticing proposed permit revisions, how do you clarify that only the proposed permit revisions are open to comment? This is explained in the public notice narrative and then again in the description on the front page of the draft document.

## Permit Renewal Or Reopening

**Y ☐ N ☒** 11. Do you have a different application form for a permit renewal compared to that for an original application? (e.g., are your application renewal forms different from the forms for initial permits) The forms are not different, but 10 – CSR 10-6.065 does allow the applicant to incorporate the previous permit by reference.

a. If yes, what are the differences? Are 1st time requirements (like CAM, off permit changes, etc.) in a renewal application being included in the renewal?

**Y ☒ N ☐** 12. Has issuance of renewal permits been "easier" than the original permits? Explain. This is on a case-by-case basis. New or revised regulations can make the process harder. However, we are working to provide more information in the statement basis which will aide in the review of renewal application.

**Y ☒ N ☐** 13. How are you implementing the permit renewal process (ie., guidance, checklist to provide to permit applicants)? MoDNR has started sending out e-mail reminders to companies about the need to submit their renewal application. Instructions on how to submit the renewal application can be found with the application forms.

14. What % of renewal applications have you found to be timely and

complete? This data is not tracked in such a way as to be able to provide a percentage.

15. How many complete applications for renewals do you presently have in-house ready to process? Approximately 140 Title V applications and 87 Intermediate applications.

Y ☐ N ☒ 16. Have you been able to or plan to process these renewals within the part 70 timeframe of 18 months? If not, what can EPA do to help? Staffing has proven to be a huge issue when it comes to timely issuance. Staffing has improved and we hope to make a significant progress in reducing the backlog of permits and improve the timeliness of issuance.

Y☒ N ☐ 17. Have you ever determined that an issued permit must be revised or revoked to assure compliance with the applicable requirements?

## F. Compliance

1. Deviation reporting:

a. Which deviations do you require be reported prior to the semi-annual monitoring report? Describe. Excess emissions < 1 hour resulting from a malfunction. Start-up, shut-down, or maintenance activities that have, or are expected to, cause excess emissions <1 hour. Deviation resulting from an emergency or upset condition. Any deviation that poses and imminent and substantial danger to public health, safety or the environment.

Y ☐ N ☒ b. Do you require that some deviations be reported by telephone? No.

Y ☐ N ☐ c. If yes, do you require a followup written report? If yes, within what timeframe?

Y ☒ N ☐ d. Do you require that all deviation reports be certified by a responsible official? (If no, describe which deviation reports are not certified). Yes.

Y ☐ N ☒ i. Do you require all certifications at the time of submittal?

Y ☐ N ☐ ii. If not, do you allow the responsible official to "back certify" deviation reports? If you allow the responsible official to "back certify"

deviation reports, what timeframe do you allow for the followup certifications (e.g., within 30 days; at the time of the semi-annual deviation reporting)? Within ten days of date initial deviation report is submitted.

2. How does your program define deviation? A deviation is any failure to meet a permitted level, monitoring term or condition in the Operating Permit.

**Y □ N □** a. Do you require only violations of permit terms to be reported as deviations? For the ACC and SAM, yes. We also require reporting of deviations from any other state or federal regulations outside of the SAM or ACC as necessary.

b. Which of the following do you require to be reported as a deviation (Check all that apply):

**Y □ N □** i. excess emissions excused due to emergencies (pursuant to 70.6(g)) Required.

**Y □ N □** ii. excess emissions excused due to SIP provisions (cite the specific state rule) N/A.

**Y □ N □** iii. excess emissions allowed under NSPS or MACT SSM provisions? Required.

**Y □ N □** iv. excursions from specified parameter ranges where such excursions are not a monitoring violation (as defined in CAM) Not required – may not apply to our state.

**Y □ N □** v. excursions from specified parameter ranges where such excursions are credible evidence of an emission violation? Required.

**Y □ N □** vi. failure to collect data/conduct monitoring where such failure is "excused":

**Y □ N □** A. during scheduled routine maintenance or calibration checks. Required.

**Y ☐ N □** B. where less than 100% data collection is allowed by the permit. Not required.

**Y ☐ N ☐** C. due to an emergency. Required.

**Y ☐ N ☐** vii. Other? Describe.

3. Do your deviation reports include:

**Y ☒ N ☐** a. the probable cause of the deviation? Yes.

**Y ☐ N ☒** b. any corrective actions taken? No.

**Y☒ N ☐** c. the magnitude and duration of the deviation? Yes.

**Y ☒ N ☐** 4. Do you define "prompt" reporting of deviations as more frequent than semi-annual? Yes.

**Y ☒ N ☐** 5. Do you require a written report for deviations? Yes.

**Y ☒ N ☐** 6. Do you require that a responsible official certify all deviation reports? Yes.

7. What is your procedure for reviewing and following up on:

a. deviation reports? Receive, log, review. If no follow up necessary then file. If follow up is necessary, discuss with supervisor and other staff. Contact permit holder. Consider and follow through with appropriate action to resolve outstanding deviation including (but not limited to) LOW, NOV, consent agreement, corrective actions, and monetary penalties.

b. semi-annual monitoring reports? Same.

c. annual compliance certifications? Same.

8. What percentage of the following reports do you review?

a. deviation reports 100%

b. semi-annual monitoring reports 100%

c. annual compliance certification 100%

9. Compliance certifications

**Y ☒ N ☐** a. Have you developed a compliance certification form? If no, go to

question 7.

**Y ☒ N ☐** i. Is the certification form consistent with your rules?

ii. Is compliance based on whether compliance is continuous or intermittent or whether the compliance monitoring method is continuous or intermittent? We require continuous compliance and continuous compliance monitoring.

**Y ☒ N ☐** iii. Do you require sources to use the form? What percentage do? 100%

**Y ☐ N☒** iv. Does the form account for the use of credible evidence?

**Y ☒ N ☐** v. Does the form require the source to specify the monitoring method used to determine compliance where there are options for monitoring, including which method was used where more than one method exists?

10. Excess emissions provisions:

**Y ☒ N ☐** a. Does your program include an emergency defense provision as provided in 70.6(g)? However all "emergency" affirmative defense provisions will be removed from permits as they come up for renewal. On August 21, 2023 a final rule amendment to 40 CFR Part 70 became effective which removed these provisions from the Title V program. See 88 FR 47029 for additional information.

If yes, does it:

**Y ☐ N ☐** i. Provide relief from penalties? See response to 10.a.

**Y ☐ N ☐** ii. Provide injunctive relief? See response to 10.a.

**Y ☐ N ☐** iii. Excuse noncompliance? See response to 10.a.

**Y ☐ N ☒** b. Does your program include a SIP excess emissions provision? No, does not apply to us. If no, go to 6.c. If yes

does it:

**Y ☐ N ☐** i. Provide relief from penalties?

**Y ☐ N ☐** ii. Provide injunctive relief?

**Y ☐ N ☐** iii. Excuse noncompliance?

c. Do you require the source to obtain a written concurrence from the PA before the source can qualify for:

**Y ☒ N ☐** i. the emergency defense provision?

**Y ☐ N ☐** ii. the SIP excess emissions provision? N/A

**Y ☒ N ☐** iii. NSPS/NESHAP SSM excess emissions provisions?

11. Any additional comments on compliance?

## G. Resources & Internal Management Support

**Y ☒ N ☐** 1. Are there any competing resource priorities for your "title V" staff in issuing Title V permits?

a. If so, what are they?

The main competing resource priority at this time is addressing staff vacancies and turnover due to the numerous opportunities our team members have in the post pandemic economy. The Air Program has recently hired many new permit writers and is training them on the permitting process.

2. Are there any initiatives instituted by your management that recognize/reward your permit staff for getting past barriers in implementing the title V program that you would care to share?

Management has authorized voluntary overtime options for permit writers and have made salary adjustments for assistant and associate engineer positions in addition to providing remote work options and flexible work

schedules. The Missouri Legislature and Governor have recently passed pay plan increases for state team members.

3. How is management kept up to date on permit issuance?

The Air Program reports permit project and issuance metrics on a monthly departmental dashboard.

**Y ☒ N ☐** 4. Do you meet on a regular basis to address issues and problems related to permit writing?

**Y ☒ N ☐** 5. Do you charge Title V fees based on emission volume?

a. If not, what is the basis for your fees?

b. What is your Title V fee?

$55 fee per ton of applicable pollutant emissions identified in Table 2 of rule 10 CSR 10-6.110. Emission fees are capped at 4,000 tpy of a single pollutant and 12,000 tpy of combined pollutants.

6. How do you track title V expenses?

Title V fee expenses are tracked in accounts dedicated to only to Title V fee expenses.

7. How do you track title V fee revenue?

Title V fee revenue is tracked in a fund dedicated to only to Title V fee revenue.

8. How many Title V permit writers does the agency have on staff (number of FTE's)? 9 Title V permit writer FTE.

**Y ☐ N ☒** 9. Do the permit writers work full time on Title V? Sometimes.

The Air Program reorganized the Permit Section in early 2022 to have three units from the former two units. Each unit process both construction and operating permits for assigned industrial categories. The goal of this structure is to streamline the process and reduce the number of permit writers under one supervisor. A team member who reviews and drafts a construction permit for a company can also draft the operating permit at the appropriate time. This will gain efficiencies by utilize the permit writer's knowledge of a company, the operations, and their working relationship with a company.

a. If not, describe their main activities and percentage of time on title V permits. See response to question G 8.

b. How do you track the time allocated to Title V activities versus other non-title V activities?

The Air Program conducted a workload analysis to determine the split between Title V operating permit and non-title V activities and uses this ratio to determine cost allocation.

**Y ☐ N ☒** 10. Are you currently fully staffed?

11. What is the ratio of permits to permit writers?

The total # of open TV permit facilities in emissions year 2022 was 237 Part 70 operating permits and 156 intermediate operating permits. 393 facilities/9 permit writers = Ratio 43.7:1.

12. Describe staff turnover.
Staff turnover in the post pandemic period has been very high. At one point in 2023 we had approximately 75% of the permit writer positions vacant. As of June 8th 2023 we have a vacancy rate of about 33% (Total Permit Writers 21, Vacancies 7, includes both Title V and Non-Title V permit writers)

a. How does this impact permit issuance? Average time to issue permits has increased.

b. How does the permitting authority minimize turnover? Please refer to response to # 2 under Resources & Internal Management Support.

**Y ☒ N ☐** 13. Do you have a career ladder for permit writers?

a. If so, please describe.

Assistant and Associate Engineers have the opportunity to obtain their Professional Engineer license and promote into Professional Engineer positions at a higher salary.

**Y ☐ N ☒** 14. Do you have the flexibility to offer competitive salaries?

Salaries are constrained by job classification structure and available appropriations.

**Y ☐ N ☒** 15. Can you hire experienced people with commensurate salaries?

Typically, no. Most of our new hires are early in their working career and our entry level salaries are more compensative for work with relative experience. However, as team members gain working experience, they have more opportunities outside state employment for positions where state salaries are no longer competitive.

16. Describe the type of training given to your new and existing permit writers. For new and existing employees, we have a construction permit and operating binder that outlines the basics of permitting and is used as a training tool and permitting resource. A team member is assigned various permitting topics to go over with the new permit writer. In addition, reading material and videos such as specific sections of AP-42, Effective Permit Writing, EPA videos on the Clean Air Act, etc. are assigned to permit writers to complete on their own time. A lot of training is done through the process of assigning projects and working with the team members on a one-on-one basis. The Permit Section has monthly internal presentations on various topics ranging from a specific rule to concept such as CAM. These presentations are recorded and are utilized for future reference by new and existing team members.

17. Does your training cover:

**Y ☒ N ☐** a. how to develop periodic and/or sufficiency monitoring in permits?

**Y ☒ N ☐** b. how to ensure that permit terms and conditions are enforceable as a practical matter?

**Y ☒ N ☐** c. how to write a Statement of Basis?

**Y ☒ N ☐** 18. Is there anything that EPA can do to assist/improve your training? Please describe. EPA Region VII permitting staff does an excellent job of making themselves to answer questions and assist as needed. Specifically, MO's EPA permit coordinator does a good job of providing thorough, meaningful comments during the public notice period. This allows for a streamlined approach so that all comments can be reviewed at once and the EPA 45-day review only addresses the response to comments. Additional, updated training is always welcome due to staff turnover.

19. How has the PA organized itself to address Title V permit issuance?

Yes

20. Overall, what is the biggest internal roadblock to permit issuance from the prospective of Resources and Internal Management Support? Staffing with experienced permit writer is the largest hurdle. As process continue to move more towards total electronic formats, it is becoming increasing difficult to have updated IT systems which can track all of the information that is being requested. To manage the process, we utilize and manipulate multiple programs and systems.

## Environmental Justice Resources

**Y** ☐ **N** ☒ 21. Do you have Environmental Justice (EJ) legislation, policy or general guidance which helps to direct permitting efforts? The Department is working on guidance to improve and expand public participation in permitting.

If so, may EPA obtain copies of appropriate documentation?
The Department will provide EPA with a copy of the documentation once it becomes available, subject to the public notice and comment process. Please contact the Region 7 Civil Rights Liaison for more information.

**Y** ☐ **N** ☐ 22. Do you have an in-house EJ office or coordinator, charged with oversight of EJ related activities?

The Department does not have a dedicated person who exclusively deals with EJ related activities. However, a Department staff member is currently taking the lead on EJ related activities.

**Y** ☐ **N** ☒ 23. Have you provided EJ training / guidance to your permit writers?

No. However, the Department regularly holds Title VI trainings which may overlap with EJ principles.

**Y**☒ **N** ☐ 24. Do the permit writers have access to demographic information necessary for EJ assessments? (e.g., soci-economic status, minority populations, etc.)

Yes, to the extent said information is publicly available.

**Y** ☐ **N** ☒ 25. When reviewing an initial or renewal application, is any screening for potential EJ issues performed? If so, please describe the process and/or

attach guidance. No.

## Good Practices not addressed elsewhere in this questionnaire

Are any of the practices employed that improve the quality of the permits, or other aspects of title V program that are not addressed elsewhere in this questionnaire?

Permit writers have the opportunity to participate in a peer review process where a more experienced colleague reviews draft permits and provides feedback on the draft.

## EPA assistance not addressed elsewhere in this questionnaire

Is there anything else EPA can do to help your title V program?

Nothing more at this time. The Air Program appreciates the regular EPA coordination on permitting topics with our Permit Section team.

**ATTACHMENT D: Completed NSR Questionnaire**

The completed 2022 questionnaire was received September 23, 2024, and follows.

# NSR Program
# Self-Evaluation Questionnaire

**Last Updated: January 2023**

# Instructions for completing the New Source Review (NSR) Permit Program Self-Evaluation Questionnaire

- When answering Yes or No questions, please add explanation as appropriate to clarify your response.

- Please skip any sections of the self-evaluation questionnaire that do not apply within your permitting jurisdiction rather than answering hypothetically. For example, skip the nonattainment major NSR sections if you do not have any nonattainment areas.

- If you have a written policy or guidance document that substantially answers any question in this self-evaluation questionnaire, please so indicate and either attach a hardcopy to your response or point to a specific URL on your public web server where the document may be found.

# Table of Contents

# I. *Overview of New Source Review (NSR) Permitting Program*

## A. NSR Permits

### *1. Permit Tracking*

Y☒ N ☐ 1. Do you have an established procedure for tracking major NSR permits? Yes.

If yes, please describe how your permits are being tracked (*e.g.,* in an electronic database)
Permits are tracked using our electronic Permit Action Management System (PAMS).

Y ☐ N ☒ 2. Do you have an established procedure for tracking synthetic minor permits?

If yes, please describe how your permits are being tracked (*e.g.,* in an electronic database)

### *2. Permit Issuance Rates*

1. How many PSD permits did you issue last year?
1 PSD permit was issued in 2024, and 0 in 2023.

a. If none, when was the last PSD permit issued?

2. How many nonattainment major NSR permits did you issue last year?
0 permits

a. If none, when was the last nonattainment Major NSR permit issued? December 2016

3. How many synthetic minor NSR permits did you issue last year?
We don't track synthetic minor NSR permits versus true minor. The number of minor permits issued in 2023 is 127.

4. How many true minor NSR permits did you issue last year?
See answer above.

5. How many "as built" NSR permits did you issue last year?
We do not track "as built" NSR permits.

6. Did you issue any waivers or variances allowing a source to commence construction prior to receiving a permit?

Y ☐ N ☒ a. For any PSD projects? If so, how many?

Y ☐ N ☒ b. For any major source non-attainment projects? If so, how many?

Y ☐ N ☒ c. For any synthetic minor NSR projects? If so, how many?

Y ☒ N ☐ d. For any true minor NSR projects? If so, how many? Yes. Number of Waivers are not tracked independently.

7. What is the average time, in months, it takes you to issue the following types of permits, starting from the time the application was determined complete? The following dates reflect the regulatory timeframe that we have to issue permits. It does not include the times when we put the project "on hold", while the applicant is supplying complete information or reviewing the draft.

a. PSD permits? 184 days

b. Nonattainment major NSR permits? 184 days

c. Non-major/synthetic and minor permits? 90 days

d. "As built" permits? We do not track "as built" permits separately. We use permit amendments to true up a permit to reflect as-built designs. The timing can vary widely depending on the complexity and extent of the changes.

8. Please provide an Excel spreadsheet listing all of the NSR projects permitted in the three calendar years preceding the program review. For example, if the review takes place in 2007, include data for calendar years 2004, 2005, and 2006. To the extent available, include 1) the source name, 2) general location, 3) general description of project, 4) standard industrial classification code (SIC), 5) date application received, 6) date permit issued, 7) the type of permit issued, 8) any identification codes (e.g. AFS source number, project number, permit number) that facilitate retrieval of the permit record, and 9) any NSPS, NESHAP, or MACT subparts triggered by the project. Also identify all projects where the permit was issued after the project had already commenced construction. Provided via email.

*3. Effective Permit Writing*

Do your NSR permits:

Y ☒ N ☐ 1. Identify each emissions unit regulated?

Y ☒ N ☐ 2. Establish emissions standards or other operational limits that must be met, including appropriate averaging times for numeric limits?

Y ☒ N ☐ 3. Include specific methods for determining compliance and excess emissions, including reporting, record keeping, monitoring, and testing requirements?

Y ☒ N ☐ 4. Outline procedures necessary to maintain continuous compliance with emission limits?

Y ☒ N ☐ 5. Establish specific, clear, concise, and enforceable permit conditions?

Y ☒ N ☐ 6. Include conditions necessary for a source to avoid otherwise applicable requirements (*e.g.,* keeping a modification "minor")?

Y ☒ N ☐ 7. Describe the consequences, if any, for failing to meet any permit limit taken to avoid a substantive requirement (e.g. an emission cap taken to avoid PSD, a number-of-hours restriction to avoid more stringent BACT)?

If so, describe the nature of the permit condition and what those consequences might be.
This is dependent upon the type of condition not being followed and why the condition was established. It can vary from reporting to MoDNR's Compliance/Enforcement Section to applying for a new permit.

Y ☒ N ☐ 8. Establish the "enabling legislative" and "legal" basis to issue and enforce the conditions of the permit?

*4. Project Discovery System*

As a permitting program matures, it should have a comprehensive system in place for informing potential applicants about the NSR permitting process and for assuring that the bulk of applicants obtain permits prior to construction. "As built" permits, for example, are an indicator of gaps in this discovery system.

1. What steps does your program take to inform sources of the need to obtain permits prior to commencing construction? MoDNR maintains a webpage that explains the construction permitting process and provides guidance. We have developed and maintained relationships with many trade associations. We regularly provide presentations specifically about the permitting process at various trade association events. Finally, MoDNR regularly meets with consultants, companies, and the general public as requested to discuss permitting of potential projects.

Y ☒ N ☐ 2. Do you work with other agencies, for example economic development, zoning, or code departments to learn about the potential for new projects?

If so, please describe.

MoDNR regularly works with Missouri Department of Economic Development, Missouri Partnership, various county economic development groups, as well as other State of Missouri departments.

Y ☒ N ☐ 3. Do you act on other information you might gather through newspaper articles or other trade press announcements?

If so, please describe.

Newspaper and online articles assist in knowing what potential projects may be coming in for permitting. If a new operation is reported and clearly would have needed a permit, we would try to reach out to the company.

## B. Staff and Training

1. What is the total number of staff dedicated to permitting for your NSR program? *Please provide an organizational chart.* 13 – 9 permit writers, 2 supervisors, and 2 modelers. This number can vary slightly based upon workload.

2. For your NSR permitting program, please show a breakdown of staff by different job functions (*e.g.,* number of modelers, review engineers, technicians, environmental scientists, clerical, supervisory, enforcement). Permit Section consists of 18 permit writers, 2 modelers, 1 program assistant, 3 Unit Chiefs, 1 Section Chief. 9 of the permit writers, 2 Unit Chiefs, and 2 modelers primarily focus on NSR permitting. However this can vary slightly due to workload. The program assistant and section chief process/approve all NSR Permits along with Title V permits.

3. Using the organizational chart provided above, please indicate the number of years of experience for each person involved with the NSR permitting program and summarize the total years of experience for your program. See attached chart.

Y ☐ N ☒ 4. Does the department hire consultants or use other non-departmental staff to assist in permitting activities?

If yes, explain the scope of these activities including the types of projects reviewed, the fraction of time spent as a percentage of total resources dedicated to the state NSR program, the approximate cost to the department and whether these costs are recovered through permit fees.

Y ☒ N ☐ 5. Does staff turnover affect the ability of the department to issue timely permits? Staff turnover does affect the amount of time it takes to issue permits. However, due to statute, NSR permits have to be issued within 90 day for minor permits and 184 days for PSD's or the program is not allowed to collect review fees associated with the review of the application.

If so, does the department have any initiatives underway to reduce the level of turnover? The department has several initiatives in place.

Y ☐ N ☒ 6. Is the NSR program fully funded and staffed? If not,

a. Please indicate the current level of staffing (e.g. 80% staffed with 16 of 20 positions filled). Currently there are 13 of the 18 permit writer positions filled.

b. Describe the state's plans for addressing permitting staff turnover (Ex., planned recruitment initiatives, retention incentives, etc.) Department has recruiters actively working to find viable candidates. The state is working to increase state employee pay.

7. Please describe your training program for new and existing staff that work on NSR permitting and issues. List any materials you use or training courses you try to attend. For new and existing employees, we have a construction permit binder that outlines the basics of permitting and is used as a training tool and permitting resource. Staff is assigned various permitting topics to go over with the new staff. In addition, reading material and videos such as specific sections of AP-42, Effective Permit Writing, EPA videos on the Clean Air Act, etc. are assigned to permit writers to complete on their own time. A lot of training is done through the process of assigning projects and working with the staff on a one-on-one basis.

8. Describe any additional training that you believe would be beneficial. Air permitting is very case by case. Training on the nuances of permitting would be helpful, especially with regards to EPA guidance and rule interpretation.

Y ☒ N ☐ 9. Do you provide NSR program training opportunities for the public, including the regulated community? Yes

If yes, please describe. Program staff will meet with public groups, regulated groups, or individual to explain the permitting process whenever requested.

## C. NSR Implementation

Y ☒ N ☐ 1. Do you implement EPA issued program guidance and policy for NSR?

If not, please explain.

Y ☒ N ☐ 2. Are you familiar with EPA's web-based NSR Policy & Guidance Database < https://www.epa.gov/nsr/new-source-review-policy-and-guidance-document-index> and do you use it?

Y ☐ N ☒ 3. Does the department implement any NSR-related policies or guidance that deviate substantially from EPA's?

a. If yes, do you seek peer review from staff, applicants, EPA and the public when developing the policy or guidance document?

b. How do you make these documents available to staff, applicants, EPA, and the public?

4. In general, how do you learn about rule changes in the Federal NSR program? CenSARA, NACAA, EPA Region VII Permit coordinator, EPA webpage, Program SIP section.

Y ☒ N ☐ a. Do you use EPA's website at http://www.epa.gov/nsr/ to monitor NSR program changes and implementation issues?

## D. Public Participation

1. What criteria are used to determine if a permit is public noticed? 10 CSR 10-6.060 which requires a formal public notice of all major permits.

2. Identify which of the following types of permits are noticed:

Y ☒ N ☐ a. PSD permits

Y ☒ N ☐ b. major nonattainment NSR permits

Y ☐ N ☒ c. synthetic minor permits No formal public notice. Applications are placed on MoDNR website as they are received.

Y ☐ N ☒ d. minor permits No formal public notice. Applications are placed on MoDNR website as they are received.

Y ☒ N ☐ 3. Do you publish notices on draft NSR permits in a newspaper of general circulation? Yes, upon request. For major source permitting, we will publish a notice in a newspaper if requested by the applicant.

Y ☒ N ☐ 4. Do you publish notices on draft NSR permits on your website? What information is available with the notice? 10 CSR 10-6.060(12)(A)2.B

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

Y ☒ N ☐ 5. Do you use a state or other publication designed to give general public notice?

If yes, please describe. State webpage at https://dnr.mo.gov/air/what-were-doing/public-notices. The general public also has the option of signing up for a service where they are notified anytime the program has public noticed a permit.

Y ☒ N ☐ 6. Do you have procedures for notifying the public when major NSR permit applications are received? The application is posted on department website and a list of application received is provided in the Missouri Air Conservation Commission briefing document (which is also available on department website).

Y ☒ N ☐ 7. Do you develop a mailing list of interested parties for NSR permit actions (*e.g.,* public officials, concerned environmentalists, citizens)? Yes Interested parties can sign up to receive notices each time something is added to the public notice webpage.

If yes, how does someone get on the list?

Y ☐ N ☒ 8. Aside from methods described above, do you use other means for public notification?

If yes, what are they?

Y ☒ N ☐ 9. Do your public notices clearly state when the public comment period begins and ends?

10. What is your opinion on the most effective ways to provide public notice? Webpage has proven to be affective. Interested parties can sign up to receive notices each time something is added to the public notice webpage.

Y ☒ N ☐ 11. Do you provide notices in languages besides English? Provide a notice that other interpretations will be provided upon request.

If yes, in which languages?

Y ☐ N ☒ 12. Have you been asked by the public to extend a public comment period? Program has not received a request to extend the public comment period in recent years.

If yes, did you grant the extension?

If not, please explain why you didn't grant the extension?

13. What percentage (approximately) of your major NSR permits are revised due to public comments? MoDNR considers all relevant comments made by EPA, citizens, applicant, or any other party and makes the necessary, appropriate changes to the draft permit. A response is provided to every comment as to what changes are, or are not, made as a result of the comment along with the basis.

14. If a draft permit is revised, what criteria do you use to determine if a permit should be re-issued in draft? Changes made to a permit that are based upon comments received during the public notice period are not public noticed again. The final permit and response to comments are provided in the same location as the draft permit for a period of 30 days after issuance.

15. What type of comments or other concerns trigger a public hearing? A public hearing is held upon request of any interested party. The interested party does not have to provide a comment or concern when asking for the hearing to be held.

16. How are public hearings noticed? They are noticed at the same time as the notice for the public comment period.

a. How much notice is given? Public hearing is scheduled to occur between 23 days and 30 days following the date of publication of the notice. A request to hold the hearing must be made 5 days prior to the hearing date. If no request for the hearing is received, the hearing is canceled. Comment period runs for 40 days.

17. What is your process for the public to obtain permit-related information (such as permit applications, draft permits, deviation reports, monitoring reports) especially during the public comment period? Draft permit, application, and other relied upon information is available on the department's website. Deviation reports, monitoring reports, etc. are available via a Sunshine request. Instruction on how to submit a Sunshine request are available on Department's website.

Y ☒ N ☐ 18. Do you have a website for the public to get permit-related documents?

If yes, please answer the following:

a. What is available online? NSR guidance documents, copy of current application being reviewed, copy of final permits.

b. How often is the website updated? For applications and issued permits, the website is updated as applications are received and permits issued. Guidance documents are updated on an as needed basis.

c. Is there information on how the public can be involved? Yes

Y ☒ N ☐ 19. Do you provide training to citizens on public participation in NSR? Yes – We provide training as requested. Training has been provided to two different citizen groups in recent years. The program makes annual presentations to industry at different conferences.

If yes, approximately how many training opportunities have been provided in the last five years? Two trainings for a group. Permitting staff regularly receive unsolicited phone calls asking about the permitting process.

20. How do you notify affected States (including tribes) of draft major source permits? Via e-mail

Y ☐ N ☒ 21. Do public notices for PSD permits specifically state the amount of increment consumed? No. The public notice document does not, however the draft permit and associated material placed on public notice does.

Y ☒ N ☐ 22. Are public notices for PSD permits sent to each party identified in 40 CFR 51.166(q)(2)(iv)? Yes 10 CSR 10-6.060(12)((A)2.D

*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 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. Program Benefits

Y ☒ N ☐ 1. In your opinion, is the NSR program (both PSD and nonattainment Major NSR) an incentive to reduce emissions below major source levels? Yes. Applicants regularly request limits to avoid being a major source in order to avoid having to obtain a major permit.

Y ☒ N ☐ 2. In your opinion, does the case-by-case nature of a NSR permit allow you to implement emission reducing programs or controls more quickly than rulemaking? The entire rulemaking process from start to approval into the state's SIP can take 2-3 years. This is longer than the 90 and 184 days we have to complete a minor or major permit.

Y ☒ N ☐ 3. In your opinion, does the NSR program provide communities a mechanism to be involved in improving their own air quality? Yes. The public has the opportunity to participate based upon their level of interest.

Y ☐ N ☐ 4. In your opinion, has the PSD program contributed to sustaining good air quality? No Opinion

Y ☐ N ☐ 5. In your opinion, have the nonattainment Major NSR requirements contributed to reducing emissions or avoiding emissions increases in nonattainment areas? The program has only issued 1 NNSR permit in 30 years. Based upon this, companies appear to be avoiding emissions increases in nonattainment areas.

## II. *Major NSR Permitting*

### A. Applicability

*1. Stationary Source Determinations*

Y ☒ N ☒ 1. Do your SIP-approved rules define stationary source differently than 40 CFR 51.165 or 51.166? We have a different definition for "chemical process plant". We have incorporated the definition of "major stationary source" from 51.165 into our rules.

If yes, please explain.

Y ☒ N ☐ 2. Do you assess facilities' financial, personnel, and contractual relationships to determine common ownership or control?

Y ☒ N ☐ 3. Do you assess whether sources with different first two-digit SIC codes (*i.e.,* emissions units not in the same industrial grouping) may qualify as separate stationary sources?

*2. PTE Calculations*

1. How do you determine if emissions factors (*e.g.,* AP-42) are acceptable for NSR applicability purposes? MoDNR uses a hierarchically approach when determining emissions factors. Stack test (CEMS) data, emissions calculations such as mass balance, manufacturer's data/guarantees, other sources of emission factors such as AP-42. When using other sources of emissions factor data, the data is assessed to the appropriateness. Factors taken into account in determining the appropriateness are: numbers of tests, variations in the test results, conditions of the tests, similarities of the process/equipment, etc. When an emission factor is used that the appropriateness may be questionable, the permit will require the permittee to verify the emission factor through stack testing.

Y ☒ N ☐ 2. Does the department routinely require sources to document whether emissions factors are appropriate and representative of emissions from the actual emission unit being permitted?

If yes, how is this information documented in the permit record.
If no, please explain why such documentation is not made. A discussion on emission factors or emission estimation techniques for which permitting decisions are made is contained in the actual permit document. The information discussed in the permit document is a condensed explanation. Additional detail can be found in the application and administrative record. For permits that require a formal public notice, the application and administrative record are part of the information provided during the public notice.

Y ☒ N ☐ 3. Do you include $PM_{2.5}/PM_{10}$ condensible emissions in the total amount of $PM_{2.5}/PM_{10}$ emissions when determining NSR applicability, BACT/LAER evaluations, PSD increment consumption, and compliance with the NAAQS?

Y ☒ N ☐ a. When $PM_{2.5}/PM_{10}$ testing is required do you include a permit condition that requires testing and specifies testing methods for condensibles?" It depends. The type of expected particulate emissions (filterable versus condensibles) are taken into account when specifying the type of testing required. Testing for condensibles is often not required if these type of emissions are not expected to be emitted from the process.

*3. Fugitive Emissions*

Y ☒ N ☐ 1. Do you make a distinction between "fugitive" emissions and "uncontrolled" emissions?

If yes, please explain. The term fugitive can be used in two different contexts. The first context has to do with how emissions are being released for the purposes of an ambient air quality analysis. The second has to do with whether emissions should be counted toward determining whether a project should be reviewed under PSD.

With regards to determining whether a source requires permitting under the minor source regulations, fugitive emissions are included regardless of whether the installation ins considered a “named” or “non-named” source.

Fugitive emissions are included for PSD applicability for named installations.

Y ☒ N ☐ 2. Do you include fugitive emissions in major NSR applicability determinations for new sources? For PSD applicability determinations, Fugitive emissions are included for PSD applicability if the source belongs to one of the 27 listed source categories found in 10 CSR 10-6.020(B). Once a pollutant triggers PSD, all emissions are subject to BACT and ambient air review.

Y ☒ N ☐ a. For modifications at a major sources?

If yes, please explain. We follow current EPA policy, rules, and guidance.

Y ☒ N ☐ 3. Do you allow major sources to use reductions in fugitive emissions for netting purposes?

If yes, please describe how you determine the fugitive emissions “baseline” used for netting. We follow current EPA policy, rules, and guidance.

4. Please provide a description of your guidelines or calculation methodology used to quantify fugitive emissions. Emissions for fugitive sources such as haul roads and storage piles are calculated based upon AP-42 calculation methods using site specific parameters when available.

Y ☒ N ☐ 5. Do your permits contain conditions for fugitive emissions consistent with requirements for BACT/LAER (*i.e.,* specific emission limits, control methods, and/or work practice standards)?

*4. Debottlenecking/Increased Utilization*

Y ☒ N ☐ 1. When determining if proposed modifications are subject to major NSR, do you include emissions increases from existing emissions units that are not physically modified (*i.e.,* units that will be debottlenecked or have increased utilization such as boilers)?

2. What method is used to determine the emissions increase from these emissions units? Emissions units that will have increases in emissions due to a project are included for PSD applicability. MoDNR follows the methods for quantifying the increase for each emission that are outlined in 40 CFR 52.21.

a. What EPA guidance do you consider for this issue? MoDNR utilizes EPA guidance found in https://www.epa.gov/nsr/new-source-review-policy-and-guidance-document-index .

Y ☒ N ☐ 3. Do you train your permitting staff to include such emissions increases when determining if a modification is major for NSR?

## B. Prevention of Significant Deterioration (PSD) Permitting

### *1. BACT Determinations*

Y ☒ N ☐ 1. Do you require permit applicants to use the "top-down" method for determining BACT? MoDNR requires permit applicants to follow the intent of the "top-down" method for determining BACT determinations. The "top-down" method outlines a five step process for conducting a BACT analysis in a specific order. At times, some of these steps can be combined or re-ordered. Thus, MoDNR follows the concepts/principles laid out in the "top-down" method while not requiring strict adherence to the formality of the five steps.

If no, what approach do you require?

Y ☒ N ☐ 2. Do you commonly use information resources other than the RACT/BACT/LAER Clearinghouse to identify control options, costs, etc.?

If yes, what resources do you commonly use and rate the usefulness of each one? In an attempt to ensure that all control options, costs, and emission limits are identified, MoDNR utilizes EPA Region VII staff, recently issued permits by other regulatory agencies that may not be included in the Clearinghouse, internet searches, and manufactures information. All of these resources are useful.

Y ☒ N ☐ 3. Do you provide a detailed documentation/explanation of draft BACT determinations in the public record?

Y ☒ N ☐ 4. In your public record for draft BACT determinations, do you provide an economic rationale if a BACT option is rejected as being prohibitively expensive?

5. What procedures do you use to calculate baseline emission rates for calculation of cost effectiveness values?
We would utilize the guidance supplied by EPA plus looking at other similar permits issued by other states to determine the industry acceptable $/ton.

a. What do you view as "uncontrolled" emissions? Uncontrolled emissions would be the potential emissions of the unit prior to consideration of controls. Control devices that are not viewed as practicably enforceable would not be given any credit for their use.

Y ☒ N ☐ 6. Do you consider combinations of controls when identifying and ranking BACT options (*e.g.,* low organic solvent coatings plus thermal oxidation)?

7. Do you ever re-group the emissions units included in a cost evaluation in either of the following ways? Yes, as log as the re-group does not affect the overall operation in a negative way.

Y ☒ N ☐ a. If an applicant's approach is to evaluate the cost of controlling each unit separately, do you ever consider combining units for control by one control device? Yes, we would consider doing this.

Y ☒ N ☐ b. If an applicant combines all units for control by one control device and concludes this approach is too expensive, do you ever consider controlling individual units or a small group of units that have the greatest percentage of total emissions?

Y ☒ N ☐ 8. Do your PSD permits specify emissions limits and control methods consistent with the basis (and capabilities) of the selected BACT options?

9. How do you establish the compliance averaging times for BACT emissions limits? We look at similar permits, compliance methods (stack test averages, CEMS) and the NAAQS averaging times to determine what is most appropriate.

Y ☒ N ☐ 10. Do you make sure that permit conditions impose restrictions consistent with BACT evaluation assumptions? (*e.g.,* if the annual emissions used in a BACT cost evaluation are based on an assumption of less than continuous operation and/or operation at less than maximum capacity, do permit conditions contain limits based on the assumption used?) Yes, if an operating condition weighs into a decision of what is viewed as an appropriate BACT controls and/or BACT emission limits, then permit conditions would be added to the permit.

*2. BACT Cost Evaluations*

Y ☒ N ☐ 1. Do you allow deviation from EPA's recommended cost evaluation procedures?

If yes, please explain.
We currently use EPA's recommended cost evaluation procedures as the primary guidance. However, with our delegated authority, we may use independent judgment to vary from guidance on a case by case basis. For example, if specific guidance is dated and does not reflect current circumstances.

2. Do you place primary reliance on total or incremental cost effectiveness values? We rely more on total cost effectiveness values.

a. If you give greatest (or equal) weight to incremental costs, what is your basis for doing so?

3. Do you place primary reliance on a comparative cost approach or a "bright line" test? We use a comparative cost approach.

Y ☒ N ☐ 4. If you place greatest importance on a comparative cost approach, do you try to obtain cost data for projects outside your permitting jurisdiction?.

5. If you use what can be described as a "bright line" test, what is the basis of your "bright line" cost effectiveness value and do you change the value over time to account for inflation? We would look at cost effectiveness used across all industries and use our best judgment to determine an acceptable $/ton value.

Y ☐ N ☒ 6. Do you use a different cost approach for different pollutants?

If yes, please explain.

7. Under what circumstances do you conduct a BACT cost evaluation independent of the cost evaluation provided by the applicant? (An independent evaluation could entail obtaining additional vendor quotes.) We may consider getting additional quotes or having the applicant get additional quotes if the original costs supplied by the applicant do not appear to be in-line with other information that we have obtained via other permits, EPA guidance, or other sources.

Y □ N □ 8. Are cost estimates required to be referenced to a common base year (*e.g.,* 1998) so that cost estimates can be easily compared? We would follow EPA guidance if we were to exclude a control device based on cost effectiveness.

Y □ N ☒ 9. Are other agencies contacted to determine if their cost estimates need to be normalized before comparisons can be made?

Y ☒ N □ 10. Do you perform a BACT assessment for all new/modified emissions units or activities emitting a pollutant subject to PSD review, no matter how small the emissions from an affected unit or activity? Yes. However, for smaller sources (e.g. space heaters), we may use our judgement to not require a full-blown BACT analysis. In other words, we may provide a qualitative discussion versus a quantitative calculation.

Y ☒ N ☐ 11. Do you consider increases or decreases in corollary toxic/hazardous air pollutants as part of a BACT evaluation? [This question addresses implementation of EPA's "North County Resource Recovery Remand" memo dated September 22, 1987.]

If yes, please give a specific example. We would consider toxic effects in the Environmental portion for supporting or opposing a BACT determination.

Y ☒ N □ 12. Do you provide BACT evaluation training to new (or newly-assigned) new source review (NSR) permitting staff (other than on-the-job training)?

If yes, describe the nature of the training provided. Most of it is informal one-on-one training. When resources allow, we have sent staff to training put on by CenSARA or other similar organizations.

Y □ N □ 13. Do you provide BACT evaluation refresher training to experienced NSR permitting staff? Staff is made aware of updated rules and policy and internal training is conducted as time and resources allow.

If yes, how frequently do you provide this training and what is the nature of the training provided?

Y ☐ N ☒ 14. Do you provide an information outreach program on BACT evaluations for owners of regulated sources? The program does not provide a BACT specific outreach program on BACT for owners. Before and during PSD reviews, staff interact with owners and their consultants to direct them to available resources.

If yes, how frequently do you provide such information and how do you provide it?

Y ☐ N ☒ 15. Do you provide an information outreach program on BACT evaluations to the public?

If yes, how frequently do you provide such information and how do you provide it?

Y ☐ N ☒ 16. Do you enter each BACT determination in the RACT/BACT/LAER Clearinghouse? We are waiting for EPA to update its database.

Y ☒ N ☐ 17. Before establishing BACT as work practice, design, or operational standards, do you determine that emissions limits (*e.g.,* lbs/mmBTU, lbs/hr) are not feasible?

If no, please explain.

Y ☒ N ☐ 18. Do you apply BACT to fugitive emissions?

If no, please explain.

*3. Additional Impacts (soils, vegetation, visibility, growth)*

Y ☐ N ☒ 1. Do your PSD application forms specifically require information regarding additional impacts? The application forms do not contain specific requirements for additional impacts. However, it is required as part of the overall air quality analysis which is necessary for a complete application.

If yes, include a copy of the forms.

Y ☒ N ☐ 2. If no, do you require applicants to submit sufficient information necessary to complete an additional impact analysis? In addition to determining compliance with the air quality standards, major source permit applicants are required to determine if the emissions due to the construction and operation of the new source or modification will result in visibility impairment, vegetation damage or pollutant deposition in the soil. The applicant must also determine if additional emissions due to localized growth will occur and cause adverse ambient impacts.

3. What resources do you use for researching additional impacts? The Department's Air Pollution Control Program has developed guidance documents that describe the analyses that should be conducted to address additional impacts. The documents can be found at the following link: https://dnr.mo.gov/air/business-industry/permit-modeling under the Major Source Attainment Area Modeling tab.

Additionally, vegetative impact analysis are conducted using guidance contained within EPA's publications "A Screening Procedure for the Impact of Air Pollution Sources on Plants, Soils and Animals" and "Air Quality Criteria for Oxides of Nitrogen, Summary of Vegetation Impacts." Class II visibility assessments are conducted using the guidance contained within the VISCREEN User's Guide. Additional growth analysis rely upon information provided by the facility that is seeking the PSD permit.

Y ☐ N ☒ 4. Do you include environmental justice issues in your analysis?

Y ☒ N ☐ 5. Has an additional impact analysis in the last 5 years been a cause for concern in an issuance of a PSD permit?

If yes, please explain.
Class II visibility assessments often exceed the Class I thresholds outlined in the VISCREEN User's Guide. Because the thresholds were not developed for Class II area's we do not deny permit issuance if exceedances occur.

Adverse vegetation impacts that occur are considered informative in nature and a potential cause for concern; however, it does affect permit issuance.

Y ☐ N ☒ 6. Do you generally allow arguments that the protection of the NAAQS will assure protection of vegetation?

If yes, please explain.

Y ☒ N ☐ 7. Regarding visibility impacts, do you require assessments for vistas (*e.g.,* parks, airports) near the proposed source or modification?
The Department's Air Pollution Control Program provides a list of scenic vistas and airports that must be included within the Class II visibility assessment.

If no, please explain.

*4. Preconstruction Monitoring*

Y ☒ N ☐ 1. Do you have formal preconstruction monitoring requirements? Section 165(e)(2) of the Clean Air Act requires applicants to collect site specific preconstruction monitoring data for a period of one year in order to determine if the emissions from a new source or modification will result in adverse ambient impacts that could lead to violations of the National Ambient Air Quality Standards (NAAQS). The monitoring data that is collected is used to establish the existing air quality concentrations within the region and is used in conjunction with modeling results to determine if an area complies with all applicable regulations. An applicant can receive an exemption from preconstruction monitoring requirements provided the ambient impact that results due to the emissions from the proposed project or modification are below the significant monitoring concentrations.

Y ☐ N ☒ 2. Do you have a formal public participation process regarding requirements for preconstruction monitoring for specific proposed projects?

Y ☐ N ☒ 3. Have you consulted with the Federal Land Manager (FLM) regarding preconstruction monitoring requirements for a proposed source or modification? The Department's Air Pollution Control Program has not triggered the requirement to conduct preconstruction monitoring in a Class I area. If an analysis is triggered, staff would contact the FLM to determine where to site the air quality monitors and to determine what other criteria need to be met to consider the monitoring study complete.

Y ☒ N ☐ 4. In the last five years have you ever required an applicant applying for a PSD permit to conduct preconstruction ambient monitoring or meteorological monitoring? The Continental Cement Company was required to collect ambient air quality monitoring data and on-site meteorological data for a period of one year prior to permit issuance.

Y ☐ N ☒ 5. Do you have a formal approval/denial process at the conclusion of preconstruction monitoring? Although a formal approval/denial process is not in place, the Department's Air Pollution Control Program requires applicants to request in writing the ability to terminate the air quality monitoring study. If the ambient concentrations are below the NAAQS, the study can be deemed complete. If the ambient concentrations approach or exceed the NAAQS, the study may continue or the Department's Air Pollution Control Program may consider conducting a monitoring study at the site.

Y ☐ N ☒ 6. Do you have a formal process during preconstruction monitoring for resolving conflicts between the FLM and the applicant?

If yes, please explain.

Y ☐ N ☒ 7. Do you routinely provide ambient monitoring data in lieu of requiring applicants to perform preconstruction monitoring?

If yes, please briefly describe the monitoring network used and the basis for the monitoring value selected. Applicants often request the use of existing data in lieu of collecting preconstruction monitoring data. In some instances, the Department's Air Pollution Control Program may allow the use of existing air quality data. The use of a regional site can be considered provided the following criteria are met: the proposed site is in a rural area with little or no influence from existing sources of pollution, the facility is not locating in a multi-source, urban area where pollutant levels are unknown and the terrain is relatively flat, i.e. not complex (no bluffs, steep grades, valleys, etc.). Existing data can also be used in areas where monitoring data is available within the area of maximum impact. The decision to allow the use of a regional site is made on a case-by-case basis and relies upon the rules and regulations that govern the Prevention of Significant Deterioration program. For more information on background concentrations, please refer to the following link: https://dnr.mo.gov/air/business-industry/permit-modeling under the General Topics tab.

Y ☒ N ☐ 8. Do you follow EPA guidance (*e.g.,* siting, equipment, data validation, audits) regarding collection of preconstruction monitoring data? All preconstruction monitoring sites must be approved by the Department's Air Pollution Control Program prior to the start of data collection efforts. This includes the submittal and approval of a Quality Assurance Project Plan; please refer to the air quality web site for information on the data elements that must be addressed within the plan. https://dnr.mo.gov/document-search/specific-instructions-completing-quality-assurance-project-plan-qapp.

9. Under what circumstances would you require post construction ambient monitoring as a condition of a PSD permit? Post construction air quality monitoring may be required if it is determined that the NAAQS are being threatened due to the construction of the new source or modification or the model results appear to be questionable due to the facility layout, complex terrain, etc.

## C. Nonattainment Major NSR Permitting

*1. Offsets*

Y ☒ N ☐ 1. Do you have an emissions "bank" for offsets? Yes. We currently have the following rule that outlines the generation and use of emission reduction credits (ERCs) in 10 CSR 10-6.410 *Emissions Banking and Trading.* The rule provides a mechanism for use of ERCs for offset purposes.

If no, go directly to 10.

Y ☒ N ☐ 2. Is the bank a database used for emissions trading?

If yes, please explain how the trading works. Please refer to the rule 10 CSR 10-6.410

Y ☒ N ☐ 3. Do you, as the reviewing authority, control the trading of credits in the "bank"?

If no, who controls the trading?

Y ☒ N ☐ 4. Are the credits certified "creditable" (including surplus for attainment planning purposes and other Clean Air Act requirements) by you at time of entry into the bank?

Y ☒ N ☐ 5. Are the credits evaluated and certified "creditable" (including currently surplus) at the time of withdrawal and use?

If not, please explain.

6. How long are the "offsets" valid from time of reduction? . Please refer to the rule 10 CSR 10-6.410

Y ☒ N ☐ 7. Are the banked credits included in the attainment demonstration and inventory as "real emissions" (*i.e.,* emissions being emitted into the air)?

Y ☒ N ☐ 8. Are the banked credits used for NSR offsets only? . Please refer to the rule 10 CSR 10-6.410

If not, what are the other uses?

Y ☒ N ☐ 9. Are the banked credits discounted with time?

If yes, please explain the discounting procedures. . Please refer to the rule 10 CSR 10-6.410

10. How do you determine that the reductions being used are properly included in the attainment demonstration? The program includes ERCs as part of an inventory or modeling for attainment demonstrations.

Y ☒ N ☐ 11. Are the emissions reductions available for NSR offsets only allowed from the same nonattainment area as the proposed source or modification?

If not, please explain.

12. What procedures do you use to determine the baseline to quantify the reductions? Please refer to the rule 10 CSR 10-6.410

a. How do you quantify the amount of creditable reduction?

Y ☒ N ☐ 13. Are the records for determining actual emissions available for review by you?

Y ☐ N ☐ 14. Are copies of permits required as part of the permit application to determine if the reductions from other sources being proposed as NSR offsets are federally enforceable? If the credits are in the bank, this verification has already occurred. Companies have to follow the procedures in 10 CSR 10-6.410.

15. How do you verify that the reductions proposed for NSR offsets are "surplus" to other Clean Air Act requirements and are "real," (*i.e.,* reductions in emissions that were actually emitted into the air)? If the credits are in the bank, this verification has already occurred. Companies have to follow the procedures in 10 CSR 10-6.410.

16. What process do you use to verify that the reductions were not used in a previously issued permit? Reductions being used for purposes of offsets are removed from the bank.

Y ☐ N ☒ 17. Do you allow inter-pollutant trading for NSR offsets? Not since EPA clarified its ruling.

If yes, please describe this trading procedure (*e.g.,* pollutants allowed, ratio of reductions required, eligibility criteria, etc.).

Y ☐ N ☒ 18. Do you allow credits used for netting to be used as nonattainment Major NSR offsets?

Y ☒ N ☐ 19. Do your nonattainment Major NSR rules require the offset ratios prescribed in the Clean Air Act?

If no, please explain what other ratios are used?

Y ☐ N ☒ 20. Do you require that applicants proposing to use NSR offsets include a "net air quality benefit" modeling analysis as part of their permit application? The main nonattainment area is for ozone. Ozone is more of a regional pollutant and modeling does not provide small scale impacts; therefore, we rely upon the concept of the offset showing an overall reduction of emissions for the area.

If yes, please describe what information is required.

*2. LAER Determinations*

Y ☐ N ☒ 1. Do you require permit applicants to use a top-down approach to determine the most stringent control option available for LAER? We require that facilities to identify control options and have them rank control(s) from best performing to the least. For LAER, the top, technically feasible, control option is chosen.

If not, what approach do you require?

Y ☒ N ☐ 2. Do you require a permit applicant to identify all available control options?

If yes, do you require the applicant to identify control options as being:

Y ☒ N ☐ a. Achieved in practice?

Y ☐ N ☒ b. Contained within the SIP of any other state or local reviewing authority? Any available information that we are aware of will be used to identify LAER.

Y ☒ N ☐ c. Technologically feasible?

Y ☐ N ☒ d. Cost effective? No. Cost is not considered in setting LAER. However, we do not think it is the intent of LAER to say that a control device that costs an inordinate amount of money is supposed to be viewed as LAER. Some judgment can be used to rule out impracticable controls viewed on cost. For example, requiring a thermal oxidizer on a space heater.

Y ☒ N ☐ 3. Do you use information sources other than the RACT/BACT/LAER Clearinghouse to identify control options? In an attempt to ensure that all control options, costs, and emission limits are identified, MoDNR utilizes EPA Region VII staff, recently issued permits by other regulatory agencies that may not be included in the Clearinghouse, internet searches, and manufactures information. All of these resources are useful.

If yes, please describe what information sources you commonly use and the usefulness of each?

4. Please describe under what circumstances you would conduct a LAER analysis independent of the analysis conducted by the permit applicant. Staff will do their own research and analysis to verify the LAER provided by the applicant and require the company to supplement any missing information.

Y ☐ N ☒ 5. Do you submit your LAER determinations to the EPA's RACT/BACT/LAER Clearinghouse? We are waiting for EPA to update the database.

Y ☒ N ☐ 6. Do you consider technology transfer in your LAER determinations?

7. If you consider cost effectiveness in LAER determinations, please describe the procedures used. (For example, describe the procedures used to calculate the baseline emission rate in the cost effectiveness determination.) For each criteria pollutant, provide the dollar/ton threshold used to determine whether a control option is cost effective (and state whether this is total or incremental cost).

Y ☐ N ☒ 8. Do you use a different cost approach for different pollutants?

If yes, please explain.

Y ☒ N ☐ 9. Do you provide detailed documentation or explanations of proposed LAER determinations in the technical support document (TSD) or public record?

Y ☐ N ☐ 10. Do you provide an economic rationale in the TSD or public record if a LAER option is rejected as being prohibitively expensive? We have not run into this scenario in our permitting program history.

Y ☒ N ☐ 11. Do you consider combinations of controls when identifying and ranking LAER options?

Y ☒ N ☐ 12. Do you perform a LAER assessment for all new/modified emission units or activities emitting a nonattainment pollutant subject to major NSR review no matter how small the emissions from an affected unit or activity? Yes. However, the level of analysis may be less for very small sources (for example space heaters).

13. Please describe how your LAER analysis includes "time of" considerations? (For example, if a new or modified source had constructed without a permit and at a later time went through nonattainment Major NSR review, would you consider LAER at the time of permit issuance or at the time of emission unit construction/ modification?) MoDNR has not experienced this situation. In general, it would be handled on a case by case following current EPA guidance.

Y ☒ N ☐ 14. Do your permits contain conditions requiring specific emission limits/ control method conditions/work practice standards consistent with the basis (and capabilities) of the selected LAER option? Yes

15. Please describe how you establish compliance averaging times for LAER emission limits. We look at similar permits, compliance methods (stack test averages, CEMS) and the NAAQS averaging times to determine what is most appropriate.

Y ☒ N ☐ 16. Do your permits contain conditions requiring emissions testing, monitoring, recordkeeping, and reporting so that inspectors and enforcement personnel can easily determine compliance with LAER requirements? Yes

If not, please explain.

Y ☒ N ☐ 17. Do you ensure that permit conditions impose restrictions consistent with the LAER determination? (For example, if emissions used in the LAER determination are based on an assumption of less than continuous operation and/or operation at less than maximum capacity, do permit conditions contain limits/restrictions based on the assumptions used?) Yes.

18. Please describe how you incorporate public comments into your LAER determinations. For each comment relevant to the permit, a response is drafted by MoDNR. Changes, clarifications, additions, etc. to the permit are made based on MoDNR review.

Y ☐ N ☒ 19. Do you provide LAER evaluation training to new (or newly-assigned) NSR permitting staff other than on-the-job training? No. We have had only one LAER evaluation in program history.

If yes, please describe the nature of the training provided.

Y ☐ N ☒ 20. Do you provide LAER evaluation refresher training to experienced NSR permitting staff? No.

If yes, how frequently do you provide this training and what is the nature of the training provided?

Y ☐ N ☒ 21. Do you provide an information outreach program on LAER evaluations for owners or operators of regulated sources? No.

If yes, how frequently do you provide such information and how do you provide it?

Y ☐ N ☒ 22. Do you provide an information outreach program on LAER evaluations to the general public? No.

If yes, how frequently do you provide such information and how do you provide it?

*3. Alternatives Analysis*

Y ☒ N ☐ 1. Does each nonattainment Major NSR permit action address the alternatives analysis as required by section 173(a)(5) of the Clean Air Act? Yes

Y ☒ N ☐ If yes, is this alternatives analysis a specific requirement of your nonattainment Major NSR rules? Yes.

Y ☐ N ☒ 2. Do you have criteria that would address the depth of analysis required for a specific project? No. We do not have any additional analysis outside what is required by the federal rules. We have incorporated the federal rules by reference in Section (7) of 10 CSR 10-6.060

Y ☐ N ☒ 3. Do you include project-specific environmental justice issues that are raised as part of this analysis? Not at this time.

Y ☐ N ☒ 4. Do you know of any projects where this analysis resulted in changes to proposed projects? No.

If yes, what changes resulted?

*4. Compliance*

Y ☒ N ☐ 1. Do you require the permit applicant to demonstrate that all major stationary sources owned or operated by the applicant in your State are subject to emission limitations and are in compliance, or on a schedule for compliance, with all applicable emission limitations and standards?

2. Please describe the following:

a. the criteria used by an applicant in a statewide compliance demonstration – The applicant would identify other installations owned/operated within the state of Missouri and then evaluate whether or not the installation is in compliance with all applicable requirements.

b. when in the permitting process you require the applicant to make the statewide compliance demonstration. – The applicant would identify other installations owned/operated within the state of Missouri and then evaluate whether or not the installation is in compliance with all applicable requirements.

## III. *NSR Avoidance*

### A. Circumvention/Aggregation

Y ☒ N ☐ 1. When you review a modification to determine if it is major for NSR, do you consider aggregating prior minor emissions increases at the stationary source? Yes

2. Please provide any criteria you may use to determine if a series of minor modifications or projects needs to be aggregated for NSR applicability purposes? MoDNR considers EPA guidance when determining whether projects should be aggregated.

Y ☒ N ☐ 3. When requests are made to permit new or modified emissions units as separate minor changes over time, do you evaluate whether the permitting process is purposely staged as minor when the changes are really one permitting action subject to major NSR?

### B. Synthetic Minor Permit Limits

Y ☐ N ☒ 1. Do you keep a list of synthetic minor sources (*i.e.,* sources that would otherwise be major for NSR but are considered minor because of emissions limits or other limiting conditions in their permits) that is available for review by the public and EPA? No, not in relation to limits taken in NSR permits to avoid major source status under NSR.

If yes, please explain how.

2. Describe your formal process for establishing or designating a synthetic minor source. An applicant at the time of permitting a project may request to establish synthetic minor source limitations on the installation.

Y ☒ N ☐ 3. For synthetic minor sources, do your permits include enforceable limits to keep the sources minor?

If not, please explain why.

4. Please describe how compliance with the synthetic minor limits is tracked over time? The methodology for tracking compliance with synthetic minor limits is established in the permit which contains the limit. Verification of compliance is conducted through routine inspections and compliance reports for those that require an operating permit.

Y ☒ N ☐ 5. Are you satisfied that your tracking activities are sufficient to ensure that sources getting synthetic minor permits to avoid major NSR review are not actually operating above the applicable major source threshold?

Y ☒ N ☐ 6. Do you include in your synthetic minor permits conditions requiring sources to notify you if and when the major source threshold is reached? If an installation exceeds any limit, they are required to submit notification to MoDNRs Enforcement/Compliance Section.

Y ☒ N ☐ 7. Do you perform (or require) modeling for sources seeking synthetic minor permits to determine impacts on PSD increments? Increment modeling is not performed at the time of permitting. MoDNR does conduct an increment consumption analysis on a 5-year schedule. See 10 CSR 10-6.060 for specifics.

Y ☐ N ☒ 8. Do you consider visibility issues in Class I areas, if applicable, when reviewing synthetic minor applications?

Y ☒ N ☐ 9. Do you include “prompt deviation” reporting requirements in synthetic minor source permits?

If yes, how do you define “prompt deviation”? We, typically, define “prompt” as within 10 days of knowledge of the deviation.

Y ☐ N ☒ 10. Do permit applications reviewed by your agency and permits issued identify the requirements (*e.g.,* PSD, nonattainment Major NSR, Title V, NESHAP) being avoided by keeping the source minor?

### C. Relaxation

1. Describe your knowledge of the "relaxation" regulatory provisions of 40 CFR 51.165(a)(5)(ii), 51.166(r)(2), and 52.21(r)(4). In general, we understand this to mean that you cannot relax a limit or operating condition that was taken to avoid major review.

2. What types of changes do you consider potentially subject to relaxation assessments? The relaxation or removal of conditions that were previously accepted in order for a project to avoid review under PSD or NNSR.

Y ☐ N ☒ 3. Do you have a written policy on relaxation assessments?

4. Approximately how many relaxation assessments have you made in the last five years? We do not track "relaxation assessments".

Y ☒ N ☐ 5. Do you include specific permit conditions to make potential future relaxation possibilities more identifiable?

6. What is your understanding of the appropriate circumstances under which an existing minor source is allowed a 100/250-tons-per-year emissions increase without triggering relaxation provisions? If the project under review is not subject to major source review, and is not simply a relaxation of a previous limit taken to avoid PSD/NNSR, then they are allowed a 100/250 tpy emission increase.

Y ☐ N ☒ 7. Do you provide relaxation evaluation training to NSR permitting staff employees (other than on-the-job training)?

If yes, describe the nature of the training provided.

## IV. *Minor Source Construction Permitting Program*

Y ☒ N ☐ 1. Do you require monitoring or reporting requirements for minor sources?

a. If so, do you establish these requirements based on a rule or a general policy of effective permit writing? Yes.

Y ☒ N ☐ 2. Does the application or permitting process require modeling for minor sources?

Y ☐ N ☒ 3. Does your minor source permit program include a technology component similar to BACT in the PSD program?

Y ☐ N ☒ 4. Do you require minor sources with Federally applicable permit limits for MACT, NSPS, or NESHAP to report compliance? This is not required as part of a permit application.

## V. *Modeling*

### A. PSD Modeling

*1. General*

Y ☒ N ☐ 1. Do you follow EPA's modeling guidelines in 40 CFR Part 51 Appendix W?

Y ☒ N ☐ 2. Are deviations from the modeling guidelines in Appendix W subjected to public comment and submitted to the regional EPA office for approval?

Y ☒ N ☐ 3. Do you ask applicants to submit a modeling protocol for approval prior to submitting modeling? Applicants are encouraged to submit modeling protocols; however, we do not always receive a protocol prior to the submittal of the construction permit application. In these instances, we do not request a protocol document to be submitted since the air quality analysis has already been completed. Instructions for completing modeling protocols can be found at: https://dnr.mo.gov/air/business-industry/permit-modeling. Templates are available under the Minor Source Modeling tab and the Major Source Attainment Area Modeling tab.

Y ☒ N ☐ 4. Is the protocol provided to other interested organizations (*e.g.,* EPA, Federal Land Manager)?

Y ☒ N ☐ 5. Is the effect of downwash modeled if stacks are less than good engineering practice (GEP) height?

Y ☒ N ☐ 6. Are modeling analyses available for public review?

Y ☒ N ☐ 7. Do you review modeling submittals to determine if option switches are correct?

8. When off-site meteorological data are used, what years are typically used? The most recent five year period that is available is used provided it meets the 90% completeness criteria.

9. How do you train/re-train your modeling staff? Existing staff attend modeling conferences, webinars and workshops in order to remain up to date on current modeling practices and procedures. New staff are encouraged to review the Department's Air Pollution Control Program's training presentations and are individually trained by experienced staff.

Y ☒ N ☒ 10. Do you follow The Air Quality Analysis, Additional Impacts Analysis, and Class I Area Impact Analysis guidance provided in the New Source Review Workshop Manual (Draft October 1990)? In situations where guidance does not exist we may refer to this document; however, as new resources become available, the reliance upon this document has diminished.

11. For cumulative national ambient air quality standards (NAAQS) and PSD increment compliance assessment:

a. How are the appropriate emission inventories of other sources developed? Interactive source inventories are based upon data contained within MoEIS, the Department's emissions inventory reporting system. For PSD permit applications, the initial inventory would include sources located 50-kilometers beyond the furthest extent of the significant impact area. Some initial screening will take place prior to exicuting an AERMOD run to determine which sources have a significant concentration gradient near the proposed source or modification. If a significant concentration gradient does not occur, the source will be removed from consideration in the interactive source inventory.

b. What are the reasons used to identify and/or eliminate emission sources? The initial interactive source inventory is modeled to determine if a significant concentration gradient occurs within the significant impact area of the new source or modification. Any source that does not have a significant impact or experiences decreasing concentrations is removed from consideration.

c. How are PSD increment consuming/expanding sources identified and tracked? The increment compliance demonstration must consider emissions from any source that has had an emission increase since the establishment of the minor source baseline date. We do not have a mechanism to track increment expansion at this time.

12. What is the basis (*e.g.,* allowable, maximum or average actual short-term emissions, last two year period, etc.) of the emission rates provided in the NAAQS and PSD increment consuming inventories of other sources? The Department's Air Pollution Control Program follows the guidance provided within Appendix W for determining modeled emission rates for interactive sources. If two years of average actuals are available, they are input into the air quality modeling. The actual emission estimates are based upon facility provided annual emission rates with consideration of the reported hours of operation. If actual emissions data is not available the short term potential to emit is input into the air quality analysis.

13. How do you ensure that the controlling concentrations reported by the applicant for each pollutant and averaging period were appropriately determined? Department staff verify all model inputs and conduct a final model run to ensure that the worst case ambient impact has been determined. This includes emission rate verification, facility layout, release parameter confirmation, etc.

Y ☒ N ☐ 14. Are the impact modeling analyses reviewed to ensure that they are accurate and complete, and that appropriate modeling procedures (*e.g.,* modeled to 100-m resolution, fence line and not property line, nearest modeled receptors, etc.) were followed? All model inputs are reviewed for accuracy before a final model run is executed.

Y ☐ N ☒ 15. Is complex terrain an issue in your region?

If yes, what modeling procedures are used to address impacts in complex terrain?

Y ☒ N ☐ 16. Are pollutants without NAAQS and/or PSD increments addressed in the air quality impact assessments? In addition to the NAAQS, 10 CSR 10-6.010 establishes ambient air quality standards for two additional pollutants, hydrogen sulfide and sulfuric acid, that must be met in order to provide protection to the public and to maintain the health of the environment. A third pollutant, fluoride, is also regulated under the New Source Review Program and can trigger an analysis if the *de minimis* threshold in 10 CSR 10-6.020(3)(A) Table 1 is exceeded.

Additionally, 10 CSR 10-6.060 (5)(D) requires applicants to submit an air quality analysis if the project's potential Hazardous Air Pollutant (HAP) emissions exceed the Screening Modeling Action Levels (SMALs).

If yes, what threshold concentrations (*e.g.,* acceptable ambient concentrations) are used to evaluate impacts?

Y ☒ N ☐ 17. Do you have written agency-specific air quality modeling guidance for use by applicants? Written modeling guidance is available on the Department's internet site located at the following link: https://dnr.mo.gov/air/business-industry/permit-modeling.

Y ☐ N ☒ If yes, has the guidance been provided to other concerned organizations (*e.g.,* regional EPA, appropriate FLM, etc.) for review and comment?

Y ☒ N ☐ If yes, is your guidance available on the internet? https://dnr.mo.gov/air/business-industry/permit-modeling

18. How do you determine the appropriateness of proposed meteorological data for an application? The selection of a representative National Weather Service site should consider local climate conditions and terrain effects. If it is determined that a representative National Weather Service data is available, staff from the Department's Air Pollution Control Program will provide AERMOD ready meteorological data inputs along with an evaluation of the surface characteristics surrounding the facility site compared to the National Weather Service site. Refer to the following link: https://dnr.mo.gov/air/business-industry/permit-modeling under the General Topics tab and Data Requests and Electronic Submittals tab.

a. When are "on-site" meteorological data required for an application? Site-specific meteorological data must be collected in instances where micrometeorological flows, terrain effects, or unique surface characteristics are evident. The data collection effort must meet the minimum monitoring requirements described in the EPA document entitled "Meteorological Monitoring Guidance for Regulatory Modeling Applications"2 and should be detailed in a Quality Assurance Project Plan for submittal to the department's Air Quality Monitoring Unit.

Y ☐ N ☒ b. Are "on-site" meteorological data validated and accepted if recovery is less than 90 percent? The meteorological data must be 90% complete in order to be used in an air quality analysis.

19. When an applicant's air quality modeling reveals NAAQS and/or PSD increment violations, what is required to grant the permit and how are the violations resolved? The facility itself is required to demonstrate compliance with the air quality standards prior to permit issuance. If the violations are due to the facility itself, they are required to add additional controls or take operational limits until compliance is demonstrated. If an interactive source causes a violation, the facility must have an insignificant impact on the violating receptor paired in both time and space.

Y ☒ N ☐ 20. Do your regulations include the federal definition of ambient air?

If no, what is your definition of ambient air? Ambient air is that portion of the atmosphere, external to buildings, to which the general public has access. Guidance on ambient air can be found at the following link: https://dnr.mo.gov/air/business-industry/permit-modeling under the General Topics tab.

21. Discuss your procedures for modeling "hot spots," including minimum receptor spacing? The receptor grid developed for input into the air quality model should be refined enough to identify the area of maximum impact from fugitive and point source releases and should encompass the full extent of the maximum impact area due to the new source or modification. Receptors should be placed at 50-meter intervals along the property boundary in ambient air. Near field receptors should be located at 100-meter intervals with emphasis placed upon each area of maximum impact that is identified. As the distance from the property increases, the spacing of the outer grid should become less refined.

At a minimum, the initial receptor grid should meet the following spacing requirements:

- Property
  - 50-Meter Spacing
- Property Boundary-1-Kilometer
  - 100-Meter Spacing
- 1-Kilometer to 2.5-Kilometers
  - 250-Meter Spacing
- 2.5-Kilometers to 5-Kilometers
  - 500-Meter Spacing
- 5-Kilometers to 10-Kilometers
  - 1000-Meter Spacing
- Hot Spots (Areas of Elevated Concentrations
  - 100-Meter Spacing

22. How do you determine if background air quality data are representative? The monitored background value for minor source permit applications will be based upon data obtained from the closest air quality monitor provided it is not unduly influenced by a nearby facility. If a monitor is not located within the immediate vicinity, a representative, regional site will be used to determine the background concentration. Due to the limited number of air quality sites located within the State of Missouri, staff members will visually review the regional characteristics within five kilometers of each source to determine which monitoring station best represents the observed land use surrounding the facility site. For more information refer to the following link: https://dnr.mo.gov/air/business-industry/permit-modeling under the General Topics tab.

Y ☒ N ☐ 23. Do you use the same NAD for stack, receptor, and building UTM coordinates?

*2. Class I Areas*

1. How do you determine which proposed projects need a Class I impacts analysis, including consideration of distance of the source from Class I areas (*e.g.,* maximum distance criteria)? The FLM is contacted to determine if a Class I analysis is necessary.

Y ☒ N ☐ 2. For new or modified sources within 10 kilometers of Class I areas, do you require sources to submit an impact analysis for all pollutants to determine if any have impacts greater than 1 ug/m^3? The Department's Air Pollution Control Program would follow federal requirements in this situation; however, this has never occurred.

Y ☒ N ☐ 3. Do you require applicants to submit a Class I increment analysis for each pollutant subject to PSD review for which an increment exists?

Y ☒ N ☐ 4. Do you require applicants to identify and provide a cumulative impacts analysis (maximum impact within Class I areas) for all Class I areas impacted by the source? A cumulative impact assessment is required for any pollutant that exceeds the Class I significant impact levels.

Y ☐ N ☒ 5. Do you have a formal procedure for notifying Federal Land Managers (FLMs)?

If yes, please explain.

Y ☒ N ☐ 6. Do your permitting procedures require the applicants to notify Federal Land Managers?

If yes, please explain. Information regarding Class I areas and the FLM can be found at the following link: https://dnr.mo.gove/air/business-industry/permit-modeling under the Major Source Attainment Area Modeling.

Y ☒ N ☐ 7. Is there communication, consultation, and discussion between you and FLMs?

If yes, to what extent (*e.g.,* high, moderate, minimal). Communication with the FLM is minimal except in situations with air quality issues. Initially, the FLM is contacted to determine if a Class I assessment is required prior to submittal of the construction permit application. In the event that modeling is required, staff defer to the FLM for guidance on the default parameters that should be selected and what models should be used to determine compliance with the air quality related values.

Y ☒ N ☐ 8. Is there communication, consultation, and discussion between the applicant and FLMs?

If yes, to what extent (*e.g.,* high, moderate, minimal)? The Department requests to be included on any communication between the FLM and the applicant. Ideally, the Department would coordinate discussions between the FLM and the applicant.

Y ☒ N ☐ 9. Do you actively seek input from FLMs during the permitting process? Initially, the Department contacts the FLM to determine if a Class I analysis is required prior to permit issuance. This includes clarification on what type of analysis should be performed to demonstrate compliance. Additionally, if issues arise during the permitting process the FLM will be contacted.

Y ☒ N ☐ 10. Is the applicant required to address potential adverse impacts on air quality related values (AQRVs) that are identified by the FLM during the notification process?

Y ☒ N ☐ 11. Do you require prior approval of Class I area impact analysis procedures that applicants plan to use?

Y ☒ N ☐ 12. Do you require applicants to perform a visibility analysis for Class I areas?

Y ☒ N ☐ 13. If visibility impairment is indicated, do you require the applicant to notify the appropriate FLM for the Class I area? The Department would coordinate discussions between the applicant and the FLM if visibility impairment is indicated.

Y ☒ N ☐ 14. Is the applicant required to address potential effects on scenic vistas associated with Class I areas that may have been identified by the FLM during the notification process?

Y ☒ N ☐ 15. Do you have a formal process for handling Class I area increment violations if predicted? The Department follows the federal requirements for demonstrating compliance with the increment standards.

Y ☐ N ☒ 16. Have you issued PSD permits where the FLM objected? Any objections would be addressed prior to permit issuance.

If yes, please explain and identify the projects.

## B. Nonattainment Major NSR Modeling

Y ☒ N ☐ 1. Do you require modeling to ensure that emission offsets provide a positive net air quality benefit? (Only applies to sulfur dioxide, particulate matter, and carbon monoxide nonattainment areas.)

## C. Minor Source Modeling

Y ☐ N ☒ 1. Are minor permit actions (*i.e.,* proposed new and modified minor sources), evaluated to determine if modeling for PSD increments is needed?

Under what circumstances is increment modeling triggered for these minor permit actions? A demonstration of compliance with the increment standards is not a required component of the minor source modeling program at the time of permitting for new sources of construction. In these instances, the permit granting authority will internally track increment consumption within baseline areas at five year intervals. Available increments will be allocated on a first-come, first-serve basis.

For existing sources that are undergoing a construction permit modification, the requirement to demonstrate compliance with the increment standards is made on a case-by-case basis. If permit limits were established in order to meet the increment standard, the applicant would have to maintain this limit or provide an air quality analysis that demonstrates continued compliance with the increment standards.

a.

Y ☒ N ☐ 2. Do you use modeling to assure that minor sources and minor modifications will not violate the NAAQS?

If so, at what emission thresholds? An applicant for an air construction permit is required to conduct modeling if the pollutant emissions exceed the *de minimis* emission thresholds outlined in 10 CSR 10-6.020 (3)(A) Table 1.

Additionally, the director may request that an applicant provide modeling if it is likely that the new source or modification could appreciably affect air quality within a region or the air quality standards are being appreciably exceeded, regardless of the projected emissions of the construction permit.

Lastly, according to Appendix J of 10 CSR 10-6.060, an applicant must submit an air quality analysis if the project's potential HAP emissions exceed the Screening Modeling Action Levels (SMALs).

Y ☒ N ☐ 3. Based on any modeling results, do you require installation of air quality monitors or establish other permit conditions to assure protection of the NAAQS and increment? The Department's Air Pollution Control Program does not require the installation of ambient air quality monitors for minor source permitting actions. Emission limits are required within the permit if they were relied upon within the air quality analysis to show compliance with the air quality standards and risk assessment levels.

Y ☒ N ☐ 4. For the pollutants with PSD increments established do you have a list of areas where the minor source baseline has been triggered?

Y ☐ N ☒ 5. Do you model minor sources for PSD increments if the minor source baseline is triggered?

Y ☒ N ☐ 6. Do you have procedures in place to identify minor sources that consume or expand PSD increment?

## D. Increment Tracking

1. What method do you use to assign baseline dates (*e.g.,* county-specific, region-specific, or entire state)? With the exception of $PM_{2.5}$, the State of Missouri's baseline dates are assigned according to the air quality control regions contained within Section 107 of the Clean Air Act. $PM_{2.5}$ is assigned on a county-by-county basis.

Y ☒ N ☐ 2. Do you have a list of the minor source baseline dates for each area?

If yes, please provide a copy.

Y ☒ N ☐ 3. Do you have an understanding of receptor location dependence vs. source location dependence for increment tracking?

Y ☐ N ☒ 4. Do you have a program for tracking increment consumption?

If yes, please describe the program and whether it is a formal or an informal program? The Department's Air Pollution Control Program does not have a formal program for tracking increment across the state. Staff are working on a redesignation request and plan on developing a set of formal tracking procedures once the designation is complete.

Y ☒ N ☐ 5. Do you maintain and update a computerized emission source database for increment tracking that includes minor sources that affect increment?

If yes, does the database include the information needed for modeling (*e.g.,* source locations, stack parameters, emissions)? Currently interactive source inventories are comprised of any emission unit that has received a construction permit since the establishment of the minor source baseline date. Site specific data is provided if it is available. Otherwise, a single source location is provided for each facility. It should be noted that although each emission unit is assigned the same location, the release parameters vary and are based upon the description of the source within the permit or MoEIS, the Department's emissions reporting system.

6. Do you use allowable or actual emissions for increment tracking purposes?

a. If actual emissions, how do you calculate emissions for each averaging period covered by the increments? Average actual emissions are obtained from MoEIS, the Department's emissions reporting system. The hours of operation are considered when calculating the emission rates used in the air quality analysis.

Y ☐ N ☒ 7. Are area sources included in increment tracking analyses (*e.g.,* growth-related and transportation-related emissions)?

8. How frequently is increment consumption evaluated - on a scheduled basis or just when occasioned by a new permit application? Increment consumption is tracked at the time of permitting for major source permit applications. Additionally, 10 CSR 10-6.060 (12)(C) Appendix C, Increment Tracking.

9. How "transparent" (*i.e.,* understandable) is the emission source inventory used for PSD modeling? (*i.e.,* could an outside reviewer (such as a member of the public) clearly identify the sources included (*e.g.,* name, location, stack parameters) and the sources excluded in a modeling analysis?) Yes, the Department's interactive source inventories are screened using Microsoft Excel. The Excel spreadsheet contains the full list of sources and the final interactive source inventory with a reason for each of the removals.

10. How do you handle interstate increment tracking (for state reviewing authorities) or inter-jurisdiction tracking (for local reviewing authorities), including consistency of tracking across jurisdiction boundaries? If an increment inventory is requested, the Department will inquire with the neighboring state to determine what the baseline date is and will develop the inventory based upon that information.

11. What procedure do you follow in planning for and incorporating new modeling tools? The Department follows EPA's guidance when planning and incorporating new modeling tools.

Y ☐ N ☒ 12. Do you provide increment tracking training to NSR permitting staff (other than on-the-job training)?

If yes, describe the nature of the training provided.

Y ☐ N ☒ 13. Are mobile sources modeled for increment compliance?

14. How does the public access a list of sources that affect PSD increments? The public can obtain a list of increment sources upon request.

Other Program Elements

## E. Environmental Justice (EJ)

Note: By EJ analysis we refer to any procedures applied during the permitting process, regardless of whether they are called EJ, that consider demographics (race, income, nationality, etc.), cumulative effects, (burden, exposure, risk), comparative effects or modifications to the public involvement processes to address unique characteristics of the project.

The questions in this section are intended to gather information to understand what processes and policies the state has in place to ensure meaningful involvement of all parties as well as equitable treatment. We understand that these policies or processes may be further developed or

expanded in the future, so if you are aware of changes expected in the future or under development, please include those as well

Y ☐ N ☒ 1. Do you consider EJ issues during the permitting process? If yes, please provide a description of the criteria, guidelines, or screening procedures used to address EJ issues.

Missouri law does not allow the Air Pollution Control Program to impose a permitting review process or requirements that are more stringent than those of the federal Clean Air Act.

MoDNR strives to ensure all applicable regulations are applied property in all permitting actions in order to protect the health of all citizens. MoDNR is continually working to improve its communication with and resources available to the public. MoDNR has updated its main webpage with ADA and Non-discrimination information. This page includes Non-discrimination notices (in multiple languages), Limited English Proficiency Polity (in multiple languages), Notice Regarding the Americans with Disabilities Act, Grievance Procedure Under the Americans with Disabilities Act, and Complaint Procedures.

MoDNR posts all complete applications on its website so that the general public may know what potential projects may be coming to their area. Final determinations (permits, amendments, no permit required letters, etc.) are posted to MoDNR's website also. Citizens my sign up to receive notification each time this page is updated with a new posting.

MoDNR goes to great lengths to answer any questions that are received from the general public. These questions range from specifics about individual projects to the more general overall permitting process. MoDNR has provided more detailed training to interested groups to help them understand the permitting process and regulations in general.

Finally, MoDNR takes the time to consider any and all comments made during a public notice period for a permit. Each comment receives a response that explains whether or not changes are made to the permit. For those instances where changes are not made, a detailed explanation is provided. The comments and response to comments are a part of the final permit document.

a. How are different types of permit actions (major, minor, synthetic minor, construction, Title V, etc.) treated differently when it comes to addressing a community or areas of concern? (E.g., is the public notice or community outreach process different, and if so, how?) The permit actions are all treated equally, however, each action is

tailored based on the specific project and input received by the public. See above for more description.

Y ☒ N ☐ 2. Regarding section 173(a)(5) of the Clean Air Act, do you conduct an alternatives analysis as part of your nonattainment area permitting process? If yes, please provide a description of the EJ criteria or guidelines used for this analysis. MoDNR would follow the requirements found in 10 CSR 10-6.060.

Y ☒ N ☐ 3. Regarding section 165(a)(2) of the Clean Air Act, does your NSR permitting program and public comment process for PSD regulated pollutants provide for consideration of alternatives?

4. How are the demographics of the affected community taken into account in the permitting process? MoDNR follows all federal and state regulations in the permitting process.

5. How are cumulative effects and/or pre-existing burden addressed in the permitting process? MoDNR follows all federal and state regulations in the permitting process.

6. What additional community information and/or demographics (for example – children, the elderly) do you consider important for an EJ analysis? MoDNR follows all federal and state regulations in the permitting

process and focuses on ensuring meaningful involvement of the public during the process. For more detail, see question 1 above.

Y ☐ N ☒ 7. Do you allow public involvement during an EJ analysis? See question 1 above. If yes,

a. What stakeholder groups do you try to involve?

b. At what point in the EJ analysis or permitting process do stakeholders become involved?

c. Please describe how and when the application is made publicly available. Is it always posted to a public website? Is it posted with the draft permit or is the application posted in advance?

d. To what degree and in what manner do stakeholders or the community influence the permit decision making process?

e. To what degree do you know about how stakeholders or the affected community participated in the permit decision making process?

f. Describe how you make information available to stakeholders and the affected community. (For example – translation of information, understandable and accessible materials, personal

contacts, clearly explained technical information including potential risk, distribution of information, public meetings, etc.)

Y ☐ N ☒ 8. In the EJ analysis, do you consider direct and indirect benefits and burdens from the proposed actions? See question 1 above. If yes,

a. Describe what benefits you consider in the EJ analysis. (For example – economic, social, cultural, health, environmental, etc.)

b. Describe what burdens you consider in the EJ analysis. (For example – economic, social, cultural, health, environmental, etc.)

Y ☐ N ☒ 9. In the EJ analysis, do you consider comparative and disproportionate impacts? See question 1 above. If yes,

a. Describe the criteria or procedures used to determine any potential or actual adverse health or environmental effects or impacts.

b. Describe the criteria or procedures used to determine whether evidence exists to describe these effects or impacts.

c. Describe the criteria or procedures used to determine whether the proposed project complies with all applicable environmental laws.

Y ☐ N ☒ 10. Are there impediments (regulatory or other) the state faces in addressing EJ in permitting? See question 1 above.

If yes, describe what tools (policy, regulatory, guidance) would help enable you to address EJ and community concerns in permitting.

## B. Endangered Species Act (ESA)

Y ☐ N ☒ 1. Do you have any responsibilities under your state law to carry out an endangered species analysis? No

If so, please briefly describe the scope of the program. If no, please so indicate.

Y ☐ N ☐ 2. If you carry out a federal or state ESA review, does the consultation affect the timing of your issuance of a proposed or final permit? Not applicable.

If yes, please explain.

## C. State & Local Agency Coordination

1. How do the local and state agencies coordinate permitting-related responsibilities? We have one local agency that issues permits on MoDNR's approval – St. Louis County. They are responsible for drafting and issuing de minimis and minor permits in St. Louis County.

2. How does the department overview the local agency's permitting activities? All drafts of permits are reviewed and approved by one of the Unit Chiefs at the Air Program before the local agency is able to issue the permit.

Y ☒ N ☐ 3. Does the local agency routinely send draft and final permits to the state agency for review, comment, and concurrence? Yes, see above.

If yes, please explain the details.

4. How often does the local agency provide the state with information on its permitting activities? Every time they have a permit for us to review. Also, they supply a monthly update of all permitting activities.

5. Do you interact with other state environmental media programs (e.g. water, RCRA, waste) when permitting complicated projects? On a case-by-case basis, we make sure that the appropriate agencies are informed.

6. Please provide a copy of the most recent program review you have completed for each local agency with all or a portion of the NSR permitting responsibilities in the state. See #2 above.

**ATTACHMENT E: Fee Attachment**

**Attachment C**
from the March 27, 2018 guidance

**ATTACHMENT C**

**Annual Financial Data**
**Mo Dept of Natural Resources**
**- Air Pollution Control Program**
**Annual Period: SFY 2022 - *7/1/2021 to 6/30/2022***

| | | | |
|---|---|---|---|
| **Annual Program Revenue** | | | |
| | **A** | **Total Program Revenue (Fees paid by Part 70 Sources)** | $ 6,190,036 |
| **Annual Presumptive Minimum Cost Calculation** | | | |
| | B | Total Emissions of "Regulated Pollutants (for presumptive fee calculation)" | 121,398 tons |
| | C | Presumptive Minimum Fee Rate During Period ($/ton) | $54.37 per ton |
| | D | Total Greenhouse Gas (GHG) Cost Adjustments (as applicable) | $ |

| | | | |
|---|---|---|---|
| | **E= (B*C) +D** | **Presumptive Minimum Cost for the Program** | $ 6,600,409 |
| | **A<E or A=E** | **Compare Total Program Revenue to Presumptive Minimum Cost Enter: "Less Than" or "Greater Than" or "Equal to"** | Less Than |
| **Annual Program Costs** | | | |
| | F | Direct Labor Costs | $ 2,542,370 |
| | G | Other Direct Costs | $ 490,032 |
| | **H=F+G** | **Total Direct Costs** | $ 3,032,402 |
| | I | Known Indirect Costs | $ 3,046,260 |
| | J=K*L | Calculated Indirect Costs | |
| | **K** | Indirect Rate | 22.30% |
| | L | Total Cost Base for the Part 70 Program | $ 6,078,662 |
| | **M** =I or J | **Total Indirect Costs** | $ 3,046,260 |
| | **N=H+M** | **Total Program Costs** | $ 6,078,662 |
| | **O=A-N** | **Annual Operating Result** | $ 111,374 |
| **Program Balance of Accounts** | | | |
| | P | Beginning of Year Balance | $ 6,417,559 |

| | | | |
|---|---|---|---|
| | Q=O | Annual Operating Result | $ 111,374 |
| | **R** | Fee Revenue Transferred In (describe in comments) | $ 6,174,395 |
| | S | Non-Exchange Revenue Transferred In (describe in comments)- Informational *Only* | $ 15,641 |
| | T | Fee Revenues Transferred Out (describe in comments) | $ (2,238) |
| | **U=P+ Q-T** | **End of Year Balance** | **$ 6,526,696** |

**Comments:**

**R** = TV Fee Revenue

**S** = Time Deposits Interest + US/Agency Securities Interest + Capital Credits/Dividends + Recycling Receipts

**T** = TV Fee Refunds

**ATTACHMENT F: Entrance Meeting Attendees**

EPA
David Peter
Amy Algoe-Eakin
Dana Skelley
Ward Burns
Robert Cheever
Patricia Scott
Kathy Finazzo

MoDNR
Steve Hall
Kendall Hale
Susie Heckenkamp
Alana Hess
Chad Stevenson

**ATTACHMENT G: MoDNR's Response Letter Regarding the Draft Report**

MISSOURI DEPARTMENT OF NATURAL RESOURCES

AIR POLLUTION CONTROL PROGRAM

AIR PERMITTING SECTION

PROGRAM REVIEW REPORT

## A. INTRODUCTION

The comprehensive review of the Missouri Department of Natural Resources' (MoDNR's) air permitting programs was part of the U.S. Environmental Protection Agency Region 7's efforts to fulfill the EPA's oversight responsibility to ensure adequate implementation of the Clean Air Act (CAA). The overall scope of this review included assessment of the state agency's performance regarding: 1) Prevention of Significant Deterioration (PSD)/New Source Review (NSR) construction permitting including synthetic minor construction permitting, 2) Title V operating permitting, 3) New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) determinations, 4) the establishment of enforceable permit conditions, and 5) the collection and use of Title V operating permit fees. Although PSD permitting and Title V operating permitting were a component of this program review, these permitting programs are regularly reviewed as part of the routine oversight of MoDNR's air permitting program and were not the primary focus of the permit file review. The focus of the file review was on synthetic minor construction permitting, Intermediate State Permits to Operate (Federally Enforceable State Operating Permits (FESOP)) and the collection and use of Title V operating permit fees.

The review was initiated by a letter from the EPA to the MoDNR dated February 17, 2023. In that letter, the EPA requested a list of construction permits and Intermediate State Permit to Operate issued by the MoDNR over the previous three years. The EPA also requested that the MoDNR complete two questionnaires, one for NSR and one for Title V. The EPA requested that the MoDNR submit responses to both questionnaires within 30 days and prior to our review of the selected permitting files. We also requested that the MoDNR complete Attachment C from the March 27, 2018, guidance "Program and Fee Evaluation Strategy and Guidance for 40 CFR Part 70." EPA Region 7 has historically conducted air permit program reviews at the office of the state under review, however, for our most recent program reviews, we have reviewed permit files remotely rather than in the state office. The remote review allowed us to be flexible on this schedule. We believe that it makes sense to conduct this review remotely as well, but we are open to any suggestions that you may have.

A program review entrance meeting was held virtually on June 6, 2023. Attachment E lists the attendees of the meeting. The MoDNR provided a list of 1,377 construction and Intermediate State Permit to Operate renewal and amendment projects completed in CY 2020, 2021 and 2022. This list also included applicability determinations, permits by rule, no permit required determinations and relocations of portable sources. From this list, the EPA selected 195 projects to review and the MoDNR provided the available project files through their FTP portal. The EPA staff reviewed permit project files from approximately June 5 to June 30, 2023. The following EPA Region 7 staff participated in the review of the permitting files: Ward Burns, Bob Cheever, David Peter, Pat Scott, Keith Johnson, and Rumela Bhadra. The EPA permit team completed review of 41 Intermediate State Permit to Operate projects (see **Attachment A**) and 67 construction projects, no permit required determinations, permits by rule and applicability determinations (see **Attachment B**).

The EPA was unable to conduct the review and evaluation of the MoDNR Title V fee structure. The MoDNR did return the completed Attachment C, as requested in the February 17, 2023, transmittal, but to date, the MoDNR has not provided the other requested fee information (Section G of the Title V Program Evaluation Questionnaire), as also requested in the February 17, 2023, EPA transmittal to the MoDNR.

## B. SUMMARY of OBSERVATIONS and CONCLUSIONS from PERMIT FILE REVIEW

The following summary is generated from the review of the one hundred eight (108) projects identified in Attachment A and Attachment B. In general, the permit review team (team) found that the projects reviewed appeared to be permitted correctly. The following observations were made and are presented in no specific order.

Observations:

a. MoDNR appears to use appropriate emission factors when evaluating the increase in emissions from the project being evaluated. MoDNR appears to adequately document the source of the emission factors used as part of the permit application evaluation. It is apparent, based on our project reviews, MoDNR and the permit applicants rely heavily on AP-42 emission factors for determining the potential to emit (PTE) and establishing permit limits.

   However, the introduction to the U.S. EPA document AP-42, *Compilation of Air Pollutant Emission Factors*: Volume 1, External Combustion Sources, Fifth Edition; in the section "Uses of Emission Factors" says the following. "Emission

factors in AP-42 are neither EPA-recommended emission limits nor standards. Use of these emission factors as source-specific permit limits and/or as emission regulation compliance determinations is not recommended by EPA." This section goes on to say "source-specific tests or continuous emission monitors can determine the actual pollutant contribution from an existing source better that can emission factors. A material balance approach also may provide reliable average emission estimates for specific source. If representative source-specific data cannot be obtained, emissions information from equipment vendors, particular performance guarantees or actual test data from similar equipment is a better source of information for permitting decisions than an AP-42 emission factor."

Response: MoDNR utilizes a variety of sources for emission factors when calculating emissions. When site specific test data, CEMS data, engineering calculations, manufacturer's test data, or data from similar testing units is not available, MoDNR will use emission factors from AP-42. MoDNR does take into account the quality of the AP-42 emission factor as one of the determining factor as to whether or not the emission unit should conduct stack testing to verify the validity of the AP-42 emission factor.

b. It appears that the NSPS and NESHAP applicability determinations that were made as part of the permitting actions that were reviewed were correct. However, the files do not contain much documentation which support NSPS/NESHAP decisions. The application forms seemed well designed to collect information needed to determine NSPS/NESHAP applicability. In some cases, the description in the permit or the chronology log provided explanations for determinations.

Response: MoDNR reviews the MACT, NSPS, and NESHAP applicability as part of all construction and operating projects. For those regulations that are obviously not applicable to the emission units of the project, MoDNR does not expend the resources documenting all non-applicable regulations. For the regulations where it is reasonable that regulations might apply to emission units of a project, MoDNR does strive to provide a short explanation as in either the Review Summary of construction permits or the Statement of Basis of an operation permit. Amendments often to not include such explanations unless it is changing the applicability made previously.

c. We reviewed the construction permitting records for evidence that the MoDNR was considering the impact to air quality when issuing permits. 40 CFR §51.160(a) states: *"Each plan must set forth legally enforceable procedures that enable the State or local agency to determine whether the construction or modification of a facility, building, structure or installation, or combination of these will result in—(1) A violation of applicable portions of the control strategy; or (2) Interference with attainment or maintenance of a national standard in the*

*State in which the proposed source (or modification) is located or in a neighboring State."*.

Missouri 10 CSR 10-6.060(I)4. Final Permit Issuance: Any installation subject to this rule (10 CSR 10-6.060) will be issued a permit and be in effect if the installation will not interfere with the attainment or maintenance of National Ambient Air Quality Standards (NAAQS) and the air quality standards established in 10 CSR 10-6.010. MoDNR appears to conduct modeling analyses in accordance with its modeling guidance document as part of the prevention of significant deterioration (PSD) permit application review process to ensure compliance with the NAAQS. However, there was nothing in the permit records of the files we reviewed that would demonstrate that MoDNR gives any consideration to ambient air quality when issuing minor new source review (mNSR) construction permits. It is certainly likely that some new facilities or modifications to existing facilities have the potential to create unhealthy air quality exceeding the national ambient air quality standards. Assuring that unhealthy air quality is not created is the main purpose for minor construction permits. We recommend that the MoDNR consider if construction permits would interfere with the attainment or maintenance of any ambient air quality standard. We suggest that MoDNR document in each construction permit record its rational for why the permit is not expected to interfere with the air quality standards.

Response: MoDNR does consider ambient air quality when issuing minor new source review construction permits. MoDNR follows 10 CSR 10-6.060 when deciding when an ambient air quality analysis is required as a part of the permitting action. This regulation is also adopted by EPA into Missouri's SIP. 10 CSR 10-6.060(5)(D) states:

> (D) Modeling Required. Any construction or modification, which has an emissions increase greater than de minimis threshold levels or the HAP is greater than the 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 RALs for all pollutants that exceed the 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 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.

MoDNR always requires applicants to submit an air quality analysis and conducts a thorough review of said analysis when issuing a minor source permit for the pollutants that are allowed to be emitted over de minimis levels. Furthermore, MoDNR has required an air quality analysis for permits that allow de minimis increases if the installation is in an area of known air quality concerns.

Finally, MoDNR does require modeling for HAPS for those projects that are not subject to a MACT that has undergone RTR.

6. The following observations are related to the development and use of technical support documents and other permit record documentation:

   a. In general, it appears that the Fact Sheets/Technical Support Documents that MoDNR develops as part of the permitting action adequately explain the state's rationale for permitting and regulatory decisions, except for NSPS and NESHAP applicability determinations.

   Response: Please see response to OBSERVATION b above.

   b. MoDNR appears to appropriately rely on and implement EPA guidance documents to determine the projects' permit and air regulatory applicability.

   c. It appears that the permitting record for the projects we reviewed include all the relevant documents associated with the permitting action, including all relevant email correspondence. However, there was no apparent evidence of handwritten notes associated with meeting or phone conversations as frequently referenced in the email correspondence.

   Response: Much of a permit application review has moved to electronic. As such, things such as notes, comments on draft permits, etc. are done electronically. E-mails are used as one source of documentation. MoDNR strives to ensure that all

information that was relied upon during the review of an application is included in the administrative record.

d. MoDNR appears to rely on the permit applicant's determination of the potential to emit (PTE) when evaluating the increase in emissions from the project being evaluated. The permit record of the project files reviewed showed little to no permit writer verification of the accuracy of the proposed PTE. A PTE verification is particularly important when issuing a minor construction permit to an existing major source.

   Response: MoDNR reviews emissions calculations submitted by an applicant. This includes MHDR, emission factors, baseline emissions, projected actual emissions, etc. This is often times done utilizing a spreadsheet. Depending on the complexity of the spreadsheet, the permit writer will at times create their own or they may simply make changes to the spreadsheet supplied by the applicant. If emissions are calculated using a program such as TANKS or LANDGEM, the permit writer will rerun the program in order to verify the results.

7. The following observations are related to the permit contents:

   a. The permits that we reviewed appeared to adequately identify the equipment that was being installed or modified.

   b. The permits that we reviewed appeared to include the appropriate conditions to ensure that the limits were enforceable as a practical matter, including conditions to ensure ongoing compliance demonstration.

   c. The construction permits appropriately include a condition that describes when construction must commence. However, the permits reviewed do not appear to include a date for construction completion. 10 CSR 10-6.060(3)(J)1 requires the owner or operator subject to the provisions of this rule (10 CSR 10-6.060) to 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. The permit records reviewed during this permit review period did not include any start-up notifications.

      Response: The back of the signature page of all construction permits contains the following language: *You must notify the Enforcement and Compliance Section of the Department's Air Pollution Control Program and the Department's regional office responsible for the area for which you are located in within 15 days after the actual start up of this (these) air contaminant source(s).* Since the required notification is sent to the Air Program's Compliance and Enforcement Section and the appropriate regional office, these start-up notifications are contained the

their files and not filed in the actual permit administrative record. This is consistent with any reports or notifications required by the permit.

d. MoDNR's construction permits appear to adequately describe what constitutes excess emissions and the appropriate actions the permittee must take if excess emissions occur.

e. It appears that construction permits receive an adequate amount of peer review.

f. For the permits that we reviewed, the averaging period of emission limits included in the permit appear to align with the averaging period of the NAAQS when appropriate.

8. The following observations are related to the permit issuance timeliness:

   a. The permits we reviewed appeared to be issued in a timely manner.

   b. MoDNR has a relatively large amount of "backlogged" Title V permits. EPA recognizes that MoDNR has a high staff turnover and operates for long periods of time without adequately trained staff.

9. The following observation is related to MoDNR's coordination with EPA on PSD permit applications. MoDNR informs EPA of pending PSD permitting projects during monthly permits calls, and provides the draft permit, modeling analyses and permit applications at the time the permits are placed on public notice.

EPA also made the following observations as part of this program review. These observations, in general, highlight potential areas of improvement and do not necessarily indicate program deficiencies.

1. Most of the permits that EPA reviewed, which included 12-month rolling limits, didn't specify the consequences of exceeding the limit in the first months the limit applies (for example, the limit is exceeded in the 9$^{th}$ month after the limit is applicable). Although EPA believes that it would not be a compelling argument, an argument could be made that a violation couldn't possibly occur until the 12th month of operating under the limit, since one could argue that a full 12-month period is needed to compare to the 12-month rolling limit. The EPA recommends that MoDNR consider including a statement in the permit that an exceedance at any point in the first 11 months that the limit applies would constitute a violation of the limit at the time that the limit is exceeded.

2. We did not notice any documentation on Environmental Justice (EJ) in the files we reviewed. We understand that the MoDNR may exercise discretion but may not be required by the Clean Air Act or their State Implementation Plan to address EJ in every

permitting action. Therefore, we encourage the MoDNR to consider EJ issues and encourage the permittees to engage with their communities. Additionally, we encourage MoDNR to document the file if such activities are undertaken.

3. As part of this permit review, the EPA determined that MoDNR appeared to appropriately identify all the applicable requirements, including the applicable NSPS and NESHAP subparts, in the permitting actions that we reviewed. As part of our routine review of Title V permits proposed for issuance by MoDNR, EPA also has determined that the MoDNR, in general, identifies all of the appropriate applicable requirements. However, we do note that the level of detail of the applicable requirements in Title V permits has not necessarily been consistent from permit to permit, sometimes even for the same subpart. The EPA recognizes that there are several approaches to incorporating applicable requirements from an applicable subpart. On one end of the spectrum, the permit could simply indicate the facility or affected source is subject to a certain subpart and refer the permittee to the Code of Federal Regulations. On the other end, the permit could include the entire subpart verbatim, with no identification of the specific paragraphs that apply to the affected source. The EPA recognizes that there are issues with both extreme approaches, as neither approach adequately informs the permittee or the public of the specific applicable requirements that the permittee is required to comply with. Typically, the most useful approach would be one that is a balance of these two extremes. The EPA recommends that MoDNR work toward achieving consistency in how applicable requirements are included in the draft permit, especially for permits with affected sources subject to the same subpart. This approach would ensure that the permittee and the public are made aware of the applicable requirements in a clear and consistent manner.

Response: Please see response to OBSERVATION b above.

## C. SUMMARY of FINDINGS and CONCLUSIONS for TITLE V FEE REVIEW

Section 502(b)(3)(A) of the Clean Air Act (Act) requires Title V operating permit programs to fund all "reasonable direct and indirect costs" of the permit programs through fees collected from Title V sources and requires the fees to be sufficient to cover all reasonable Title V permit program costs.[(1)] 40 CFR §70.9(a) requires state Title V programs to collect fees sufficient to cover the permit program costs and "ensure that any fee required by this section will be used solely for permit program costs."

In response to an EPA Office of Inspector General 2014 report, regarding the importance of enhanced EPA oversight of state, local, and tribal fee practices under Title V of the Act, the EPA issued a March 27, 2018, guidance titled "Program and Fee Evaluation Strategy Guidance for 40 CFR Part 70." This guidance recommends the EPA seek internal assistance for fee evaluations from staff with governmental accounting, financial,

(1) Region 7 Air Program reviews can be found @ https:/www.epa.gov/title-v-operating-permits/epa-oversight-operating-permits-

program

Strategy Guidance for 40 CFR Part 70." This guidance recommends the EPA seek internal assistance for fee evaluations from staff with governmental accounting, financial, or economics expertise, who work outside the Part 70 program. For this review, Kathy Finazzo from the EPA Region 7's Resources and Financial Management Branch in the Mission Support Division aided.

MoDNR has not provided the EPA with all the requested information to perform the required Title V Fee Audit. The fee audit information not provided includes:

- NSR Questionnaire
- Title V Questionnaire
- Attachment C Annual Financial Data Form for FY 23 and FY24, reconcilable to the FY23 and FY24 fee fund reports
- -
- Emissions data for the applicable period
- Applicable organization charts
- Documented allocation plans
- Fee schedules
- Conversations with staff
- Data to support the claims on Attachment C. the annual financial data form,
- Data needs to be reconcilable to records from the official state accounting system,

## D. SPECIFIC PERMIT FILE REVIEW FINDINGS

Staffing

Without access to completed Title V and NSR questionnaires, an assessment of the MoDNR staffing cannot be made by the EPA. However, based on the backlog of operating permits reported in the MoDNR TOPS report, the EPA can conclude that the MoDNR permits section appears to be understaffed.

Permit Project File Review

1. For BCP Ingredients Inc, project 092022-001 appears facility is using controls to avoid being a major source without including a CAM plan. Also, use of manufacturers specifications and warranty as compliance verification without including control limits is not practically enforceable. Additionally, permit record regarding applicability was not presented and correspondence between MoDNR and permittee is not in the reviewed files.

   Response: Permit Number 092022-001 is a construction permit issued under 10 CSR 10-6.060. CAM is not a part of the federal or state construction permitting programs. CAM is part of the Title V program. As such, Permit Number 092022-001 did not require the source to include a CAM plan as part of the application nor did it require MoDNR to review a CAM plan as part of its review or issuance of said permit.

2. For CertainTeed project 052022-010, the applicants cover letter is undated and Permit to Construct completeness checklist is not signed by reviewer. Application redacts process information claiming confidentiality, yet cover letter clearly lists new throughput information rendering confidentiality questionable. Also, modeled emission rates are emissions information that cannot be afforded confidential treatment.

   Response: MoDNR is unclear about the above statement, ". . . yet the cover letter clearly lists new throughput information rendering confidentiality questionable." MoDNR has reviewed the cover letter for 052022-010 and finds no mention of throughput information in the cover letter. Also, MoDNR agrees that modeled

emission rates can not be held confidential. To the best of MoDNR's knowledge, no modeled emission rates were considered confidential as part of this permit.

3. For EBV Explosives Environmental Co., project 082019-002B, includes minimal permit information in the amendment. There appears to be no project description, installation description, review summary, emissions control/evaluation, permit rule applicability, and applicable requirements description making assessment difficult.

Response: Since this is a amendment to project 082019-002, the cover letter explains how and why the permit is being amended. The overall project description, installation description, review summary, emissions control/evaluation, permit rule applicability and applicable requirements contained in the original permit continue to be valid and a source of reference.

4. For Elementis Specialities, Inc project 102020-002, the permit writer seemed to rely on applicant's NSPS applicability analysis without (what appeared to be) much independent investigation, although there is not enough information to really know for sure and the determination doesn't necessarily appear to be incorrect. Application claims that 5.520 was rescinded so process units are no longer subject to case-by-case RACT. Not sure how that impacts the requirement to operate the TO.

Response: Please see response to OBSERVATION b above.

5. For BASF Corporation-Hannibal Plant project 072020-012A the potential-to-emit (PTE) trail is difficult to follow and confirm. Also, the if the temporary RICE diesel fired engines are not subject to an NSPS or MACT, the permit record does not explain the non-applicability.

Response: Permit 072020-012A is an amendment to Permit 072020-012 to add two engines. Permit 072020-012 was a temporary permit with an expiration of 1 year. For a more thorough explanation of the emissions calculations, please refer to the administrative record for the original permit.