

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-6.110 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2008 (33 MoReg 1231). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received a comment on the proposed amendment from one (1) source: St. Louis County Health Department.

COMMENT #1: The St. Louis County Health Department commented that the proposed threshold change in paragraph (3)(D)1. would mean a source that is allowed to use a short form for reporting can increase or decrease emissions by nine (9) tons and still use the short form. Any change in the amount of emissions or operations at the facility from the original reporting year are not recorded on the short form. For example, a source could report three (3) tons of emissions on their full Emission Inventory Questionnaire (EIQ), and then report three (3) tons on Form EZ for the next two (2) to five (5) years even though their emissions increased to twelve (12) tons. Saint Louis County reported emissions from one hundred seventy (170) sources for 2006 data. Of these, there are sixty-one (61) sources that are eligible to use a short form and each reported less than ten (10) tons of total emissions. If this change goes through, these sources could double their emissions (or more) without reporting it until the next full EIQ reporting year. Saint Louis County commented that the current twenty percent (20%) threshold is too low for these types of facilities but ten (10) tons is too high. Saint Louis County suggests five (5) tons as a more reasonable number because the short form is designed for the smaller reporting sources and should account for significant emission increases.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has established goals of reducing the annual emissions reporting burden and improving the quality of emissions data. This effort requires prioritization in order to make the best use of state resources. After review of the concerns expressed by the St. Louis County Health Department, the rule text was revised to reflect the five (5) ton threshold suggested by St. Louis County. The department's Air Pollution Control Program will measure how many more full Emission Inventory Questionnaires the five (5) ton threshold triggers over the next reporting period to ensure the best allocation of state resources.

10 CSR 10-6.110 Submission of Emission Data, Emission Fees and Process Information

(3) General Provisions.

(D) Emission Fees.

1. Any air contaminant source required to obtain a permit under sections 643.010–643.190, RSMo, except sources that produce charcoal from wood, shall pay an annual emission fee, regardless of their EIQ reporting frequency, of forty dollars and no cents (\$40.00) per ton of regulated air pollutant emitted starting with calendar year 2007

in accordance with the conditions specified in paragraph (3)(D)2. of this rule. Sources which are required to file reports once every three (3) or six (6) years may use the information in their most recent EIQ to determine their annual emission fee if they have an EIQ on file. Sources that increase or decrease emissions by five (5) tons or more will be required to provide a complete (rather than the short form) EIQ for that year and every CERR reporting year thereafter (i.e., 2011, 2014, 2017, etc. as applicable).

2. General requirements.

A. The fee shall apply to the first four thousand (4,000) tons of each regulated air pollutant emitted. However, no air contaminant source shall be required to pay fees on total emissions of regulated air pollutants in excess of twelve thousand (12,000) tons in any calendar year. A permitted air contaminant source which emitted less than one (1) ton of all regulated pollutants shall pay a fee equal to the amount of one (1) ton.

B. The fee shall be based on the information provided in the facility's EIQ.

C. An air contaminant source which pays emissions fees to a holder of a certificate of authority issued pursuant to section 643.140, RSMo, may deduct those fees from the emission fee due under this section.

D. The fee imposed under paragraph (3)(D)1. of this rule shall not apply to ammonia, carbon monoxide, and PM_{2.5} particulate matter emissions.

E. The fees for emissions produced during the previous calendar year shall be due June 1 each year for all United States Department of Labor Standard Industrial Classifications. The fees shall be payable to the Department of Natural Resources.

F. All Emissions Inventory Questionnaire forms or equivalent approved by the director shall be due annually on June 1 according to the required reporting schedules in paragraph (3)(A)6. of this rule for all United States Department of Labor Standard Industrial Classifications.

G. For the purpose of determining the amount of air contaminant emissions on which the fees are assessed, a facility shall be considered one (1) source under the definition of section 643.078.2, RSMo, except that a facility with multiple operating permits shall pay emission fees separately for air contaminants emitted under each individual permit.

3. Fee collection. Any emission fee changes to this rule do not relieve any source from the payment of emission fees for any previous year.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 2—Income Tax

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 143.961, RSMo 2000 and section 143.431, RSMo Supp. 2007, the director withdraws a proposed rule as follows:

12 CSR 10-2.740 Addition Modification for Income Tax
is withdrawn.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 15, 2008 (33 MoReg 1336–1337). This proposed rule is withdrawn.

SUMMARY OF COMMENTS: The department is withdrawing this proposed rule at the request of the director of revenue.