



**MISSOURI**  
DEPARTMENT OF  
NATURAL RESOURCES

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# Application and Review Process

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# Applications - Submittal

- At least one copy of the application must be submitted in paper form.

# Intermediate Applications - Due Date

- Intermediate Initials: 90 days after the start of operation
- Switching from Part 70: Must continue to comply with Part 70 until Intermediate is issued
- Renewals: Six to 18 months prior to the expiration date of the current operating permit
- Modifications: simultaneous with occurrence

# Part 70 Applications - Due Date

- Part 70 Initials: one year after the start of operation
- Renewals: Six to 18 months prior to the expiration date of the current operating permit
- Amendments/Minor Modifications: simultaneous with occurrence
- Significant Modifications: Sig Mod must be issued before change can occur

# Application Shield

- Requirements: a timely and complete application
- Protects the installation from not having a permit.
- Don't wait until the last day to get your application in!
- Extends the current permit's expiration date until the Air Program issues a renewal.
- Lost if information isn't submitted by a defined deadline

# Complete Application

- Completed forms:

<https://dnr.mo.gov/document-search/application-authority-operate-mo-780-1519>

- Responsible official signature and certification (OP-A01)
- All emission units
- All applicable requirements
- Compliance status/plan (OP-E01)

# Complete Application Continued

- Filing fee
- If taking a plant wide limit, any emission source of that pollutant must have a form OP-D0X it cannot be listed as an insignificant activity on form OP-C01
- Named installations must include fugitive sources
- All installations must include sources that operate in a fugitive manner but do not meet the definition of fugitive

# Incorporation by Reference

- If you are renewing or modifying an existing operating permit, you may incorporate all or part of the permit by reference.
- You must specifically state which parts of the existing permit you are incorporating by reference and you must complete forms for those emissions units with conditions you do not incorporate by reference.
- You still have to submit forms OP-A01 and OP-E01 along with the filing fee

# Confidential Information

- A claim of confidentiality must be submitted with the confidential information to ensure that the information stays confidential.
- The claim of confidentiality shall include justification based on 10 CSR 10-6.210 that the information is entitled to confidential treatment.

# What can't be held confidential?

- Actual emission rates (tpy)
- Potential to emit (lb/hr and tpy)
- Information that is already publicly available
- Owner/Operator
- Location
- Pollutants being emitted
- Applicable emission limits/standards
- Throughputs???
- Emission factors???

# 10 CSR 10-6.210 SIP vs CSR

- The SIP version of 10 CSR 10-6.210 does not currently match the CSR version of 10 CSR 10-6.210.
- In 2016 we revised 10 CSR 10-6.210 in the CSR; however, when we went to incorporate 10 CSR 10-6.210 into our SIP EPA had some concerns.
- EPA believes that throughputs and emission factors are required data elements for reporting under the federal AERR and cannot be held confidential.

# Submitting Confidential Information

- When submitting confidential information, two copies should be submitted – a public copy (with the confidential information redacted) and a confidential copy. This doesn't just apply to applications. It applies to spreadsheets, letters - anything you send us.
- When submitting confidential information via e-mail include “CONFIDENTIAL” in the subject line



# Filing Fee

- Base fee + Complexity Fee = Filing Fee  $\leq$  \$6,000

**Table 1: Base fee**

Number of Emission Units	Base Fee
0 to 30	\$ 750
31 to 60	\$1,000
61 to 90	\$1,250
Over 91	\$1,500

# Complexity Fee

Table 2: Worksheet for installation additional complexity fee calculations

Complexity Category	Calculation			
	Number per installation	x	Fee	= Additional complexity fee subtotal
New Source Performance Standard (NSPS)	_____	x	\$1,000	= _____
Maximum Achievable Control Technology (MACT)	_____	x	\$1,500	= _____
National Emissions Standards for Hazardous Air Pollutants (NESHAP)	_____	x	\$1,500	= _____
Compliance Assurance Monitoring (CAM)	_____	x	\$1,000	= _____
Confidentiality Request	_____	x	\$500	= _____
Acid Rain	_____	x	\$500	= _____
Total additional complexity fee				\$ _____

# Filing Fee Submittal

- By check or credit card
- If paying by credit card, the application is not complete until the filing fee has been paid.
- If you would like to pay by credit card, please indicate so in a cover letter. We will contact you to obtain the necessary information. Do not put your credit card information on the application!

# Operating Permit Review Process

- Receipt
- Project Number Assigned
- Technical Review
- 15-Day Applicant Draft Review
- Unit Chief Draft Review
- 30-Day Public Notice Period
- Affected States Notice
- Response to Public Comments
- Unit Chief Review of Response to Comments

# Operating Permit Review Process

- 45-Day EPA Review
- Section Chief Review/Signature
- Issuance
- Copies of final permit sent to Applicant and EPA

# Administrative Amendment Review Process

- Public Notice is not required
- EPA Review is not required
- Issuance\* within 60 days of receiving a request

# Intermediate Modifications, Initials, & Renewals Review Process

- EPA Review is simultaneous with 30-day Public Notice, and Affected States Notice
- Issuance\* within nine months of receiving a complete application for a modification
- Issuance\* within 18 months of receiving a complete application for an initial permit
- Issuance\* within six months of receiving a complete application for renewal

# Part 70 Minor Modification Review Process

- Completeness Check within 30 days. Not deemed complete if no completeness check occurs within 30 days
- Public Notice is not required
- Affected States Notice is not required
- EPA Review is not required
- Issued or determined to be a Significant Modification within 90 days\* of receiving a complete application

# Part 70 Renewals, Significant Modifications, and Initials Review Process

- Issuance\* within six months of receiving a complete application for renewal
- Issuance\* within nine months of receiving a complete application for a significant modification
- Issuance\* within 18 months of receiving a complete application for an initial

# Completeness Check

- An installation will be notified within 60 days of receipt of their application if their application is complete. If the agency fails to complete this notification within 60 days, the application is deemed complete; however, nothing prevents the agency from requesting additional information.

# Duty To Supplement/Correct

- If you are aware of an error in your application, correct it.
- If we ask for additional information, please submit the requested information by the date indicated. Failure to provide the information by the indicated date may cause the application shield to be revoked.

# EPA Review/Public Notice

- The application, the draft permit, and any other information relied upon are required to be made available to EPA during their review and to the public during the public notice period.
- Public notices are posted on our website at: <https://dnr.mo.gov/air/what-were-doing/public-notices-comments>

# Public Hearing

- If during the public notice period a request is submitted for a public hearing, an informal public hearing will be held on the draft permit.
- During these hearings a brief explanation of the permitting process is given and then the floor is opened for comments submittal. Comments are not addressed verbally, but will later be addressed in writing.

# Reopening Permits for Cause

- The Air Program can re-open issued operating permits for cause if new standards become applicable or if an error is discovered.
- A Part 70 permit may be re-opened if the Air Program receives notice from EPA that EPA has granted a petition for disapproval pursuant to §70.8(d)

# EPA Objection

- No Part 70 permit can be issued if EPA objects to its issuance within 45 days of submittal of the draft permit to EPA
- The Air Program has 90 days to provide a revised draft or other response to EPA. If the Air Program does not respond within 90 days, EPA may issue or deny the draft permit.

# Petitions to Object

- If EPA does not object to a Part 70 permit, members of the public may petition EPA to make an objection within 60 days after EPA's 45-day review period.
- These petitions may only be based on objections raised during the public notice period (or for which public notice was not provided).

# Judicial Review

- Anyone can file an appeal of an operating permit issued by the Air Pollution Control Pollution Control Program.
- Appeals may be submitted no later than 90 days after the issuance of the permit.
- Appeals are limited in scope to issues that are germane and material to the permit and that were raised during the public notice period (or for which public notice was not provided).

# Permit Shield

- Compliance with the conditions of the permit deems the installation in compliance with all applicable requirements as of the date of issuance of the permit.
- Applies to administrative amendments and reasonably anticipated operating scenarios
- Does not apply to Intermediate installations, §502(b)(10) changes, SIP-based emissions trading, off-permit changes, or minor modifications

# Change of Ownership or Responsible Official

- Changing the ownership of an installation or an installation's responsible official without making any other changes to the permit qualifies as an administrative amendment.
- Please submit pages OP-A01 and OP-E01 of our application which updates the contact information and certifies that the new responsible official accepts responsibility.

# Permit Termination

- An installation may apply at any time for termination of all or part of their permit relating to emission sources that have permanently ceased operation.
- An application for termination should specifically identify which portions of the permit the applicant wishes to terminate.

# Permit Termination Review Process

- Issuance\* within 90 days of receiving a request



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# Questions?

# Contact Information

E-mail:

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Phone Number:

(573) 526-0189

Division of Environmental Quality Director: Kyra L. Moore

Date: March 22, 2022

Nothing in this document may be used to implement any enforcement action or levy any penalty unless promulgated by rule under chapter 536 or authorized by statute.