

# Air Pollution Control Program Air Permit Update

November 6, 2024

Kendall Hale

Air Pollution Control Program

Permit Section

# Reclassification of Major Sources as Area Sources under Section 112 of the Clean Air Act

# Major MACT to Area (MM2A)

## History

- 1995 – Seitz Memo established “Once In, Always in” policy
- 2018 – EPA issued MM2A Memorandum
- November 2020 – EPA published MM2A final rule
- September 2023 – EPA proposed to add requirements to provide safeguards to prevent reclassified sources from increasing their emissions beyond major source NESHAP requirements applicable at the time of reclassification.
- September 2024 – EPA issued final rule to amend the General Provisions of 40 CFR part 63

# September 2024 Final Amendments to 40 CFR part 63

- Sources of persistent and bioaccumulative HAP listed in Clean Air Act (CAA) section 112(c)(6) ton continue to comply with major source emissions standards
  - Alkylated lead compounds
  - Polycyclic organic matter (POM)
  - Mercury
  - Hexachlorobenzene
  - Polychlorinated biphenyls (PCB)
  - 2,3,7,8-tetrachlorodibenzofurans (TCDF)
  - 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD)
- Clarifies what notification requirements a reclassifying facility must meet
- Amendments to reporting requirements for submission of confidential business information
- Does not finalize the proposed safeguards

# St. Louis Ozone Non-attainment Area Bump-up

## Permitting in Serious Designated Areas

- Major Source Threshold is 50 tons of Nitrogen Oxides (NO<sub>x</sub>) or Volatile Organic Compounds (VOC) for both construction and operating permitting
- Significance Level for major modification under Non-Attainment New Source Review (NNSR) is 25 tons for either NO<sub>x</sub> or VOC
- Offset Ratio of 1.2 : 1
- Compliance Assurance Monitoring (CAM) required for units with potential pre-control greater than 50 tons per year for NO<sub>x</sub> or VOC
- Minor source de minimis levels will remain at 40 tons per year for NO<sub>x</sub> and VOC

# Operating Permit Differences

## Intermediate

- Voluntary limit to less than major levels with record keeping
- Annual Compliance Reports
- Full EIQ submitted every 3 years or if emission change by  $\pm 5$  tons or receive a new construction permit
- 30-day public notice with no formal EPA review
- Not subject to CAM

## Part 70

- No voluntary limit to less than major levels
- Semi-annual & Annual Compliance Reports
- Full EIQ submitted every year
- 30-day public notice and 45-day EPA review
- Subject to CAM when applicable

# Permit Applicability Determinations

- As of October 1, 2024, permit applicability determinations need to be submitted as permit applications.
- Requires payment of filing and review fees.
- Subject to regulatory timeframes of 90 or 184 days.

# 10 CSR 10-6.061 Construction Permit Exemption

- (1) Applicability. This rule applies throughout the state of Missouri.  
Notwithstanding the provisions of this rule, 10 CSR 10-6.060 applies to any construction, reconstruction, alteration, or modification which—
- (A) Is expressly required by an operating permit; or
  - (B) Is subject to federally-mandated construction permitting requirements set forth in sections (7), (8), (9), or any combination of these, of 10 CSR 10-6.060.



# Contact Information

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