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SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."



JASON KANDER
SECRETARY OF STATE

MISSOURI
REGISTER

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation, i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety, or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety, or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2120—State Board of Embalmers and Funeral
Directors**

Chapter 2—General Rules

EMERGENCY AMENDMENT

20 CSR 2120-2.100 Fees. The board is proposing to amend subsection (1)(FF) and add sections (4), (5), and (6).

PURPOSE: The State Board of Embalmers and Funeral Directors is statutorily obligated to enforce and administer the provisions of Chapter 333, RSMo. Pursuant to section 333.III, RSMo, the board shall by rule and regulation set the amount of the fees authorized by Chapter 333 so that the revenue produced shall not substantially exceed the cost and expense of administering the provisions of Chapter 333, RSMo.

EMERGENCY STATEMENT: The State Board of Embalmers and Funeral Directors is statutorily obligated to set all fees, by regulation, necessary to administer the provisions of Chapter 333, RSMo. Pursuant to section 333.III, RSMo, the board shall by regulation set the amount of fees authorized by Chapter 333, RSMo, to produce revenue which shall not substantially exceed the cost and expense of administering the provisions of Chapter 333. Therefore, the board is

proposing to decrease the annual seller renewal fee from two hundred dollars (\$200) to sixty dollars (\$60); the preneed agent annual registration renewal fee from fifty dollars (\$50) to fifteen dollars (\$15); the establishment biennial renewal fee from two hundred-fifty dollars (\$250) to seventy-five dollars (\$75) for the 2015 renewal period; and the seller per contract annual reporting fee (for contracts executed on or after August 28, 2009) from thirty-six dollars (\$36) to twenty-five dollars (\$25) beginning with contracts executed on or after September 1, 2015.

Without this emergency amendment the decreased fee requirement will not be effective in time for the renewal notice, and the board will collect more revenue than it is statutorily authorized to collect.

The scope of the emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. In developing this emergency amendment, the board has determined that the fee decreases are necessary to prevent funds from exceeding the maximum fund balance thereby resulting in a transfer from the fund to general revenue as set forth in section 333.231.3, RSMo. Pursuant to section 324.001.10, RSMo, a compelling governmental interest is deemed to exist for the purposes of section 536.025, RSMo, for licensure fees to be reduced by emergency rule, if the projected fund balance of any agency assigned to the Division of Professional Registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue. The board believes this emergency amendment to be fair to all interested persons and parties under the circumstances. This emergency amendment was filed August 11, 2015, becomes effective August 21, 2015, and expires February 25, 2016.

(1) The following fees hereby are established by the State Board of Embalmers and Funeral Directors:

(FF) Seller per Contract Annual Reporting Fee
(for contracts executed on or after
[August 28, 2009] September 1, 2015) [\$36] \$25

(4) The following renewal fees shall be effective from August 1, 2015 to November 30, 2015

(A) Seller Annual Renewal Fee: \$60

(5) The following renewal fees shall be effective from September 1, 2015 to December 31, 2015:

(A) Preneed Agent Annual Registration Renewal Fee \$15

(6) The following renewal fees shall be effective from October 1, 2015 to January 31, 2016:

(A) Establishment Biennial Renewal Fee \$75

AUTHORITY: section 333.III.1, RSMo 2000, and section 333.340, RSMo Supp. [2010] 2013. This rule originally filed as 4 CSR 120-2.100. Emergency rule filed June 30, 1981, effective July 9, 1981, expired Nov. 11, 1981. Original rule filed June 30, 1981, effective Oct. 12, 1981. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Aug. 11, 2015, effective Aug. 21, 2015, expires Feb. 25, 2016. A proposed amendment covering this same material is published in this issue of the Missouri Register.

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety- (90-) day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

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

PROPOSED AMENDMENT

10 CSR 10-6.060 Construction Permits Required. The commission proposes to amend subsections (4)(D), (10)(A), and (12)(A). If the commission adopts this rule action, the department intends to submit this rule amendment to the U.S. Environmental Protection Agency to replace the current rule that is in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at

the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regis/index.html.

PURPOSE: This rule defines sources which are required to obtain permits to construct. It establishes requirements to be met prior to construction or modification of any of these sources. This rule also establishes permit fees and public notice requirements for certain sources and incorporates a means for unifying the processing of construction and operating permit issuance. This amendment changes the construction permit fees pursuant to 643.079.10, RSMo. This proposed rulemaking will increase the filing fee for de minimis, minor, and temporary source construction permits from one hundred dollars (\$100) to two hundred fifty dollars (\$250); increase the filing fee for major construction permits from one hundred dollars (\$100) to five thousand (\$5,000) dollars; increase the processing fee from fifty dollars (\$50) per hour to seventy-five dollars (\$75) per hour, including permit amendments; increase the Portable Source Relocation Request fee from two hundred dollars (\$200) to three hundred dollars (\$300) per request; and clarify that the processing fee begins to accrue when the Air Pollution Control Program receives the application. The revenue from the increased construction permit fees will help keep the Air Pollution Control Program solvent and able to continue to provide the level of services and activities required to be the implementing agency of the federal Clean Air Act in the state of Missouri. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is 643.079.10, RSMo, and the August 3, 2015, presentation to the Missouri Air Conservation Commission.

(4) Portable Equipment Permits. Portable equipment must meet the following criteria:

(D) The following conditions must be met when permitted portable equipment is to be operated at a different location:

1. When the owner or operator wishes to operate the portable equipment at a new location not previously permitted or at a location where other sources (either permanent or portable) are operating, the owner or operator shall submit to the permitting authority a Portable Source Relocation Request, property boundary plot plan, and the equipment layout for the site. A relocation request is subject to the fees as described in subsection (10)(A) of this rule and the time frames specified in this rule, *except for the permit filing fee*. The relocation request will be approved if it is determined that there will be no significant impact on any Class I area or an area where air quality increments have been consumed. The permitting authority shall make the final determination and, if appropriate, approve the relocation request no later than twenty-one (21) calendar days after receipt of the complete Portable Source Relocation Request;

2. When the owner or operator wishes to relocate the portable equipment to a site that is listed on the permit or on the amended permit (provided other sources are not approved to operate at the same location), the owner or operator shall report the move to the permitting authority on a Portable Source Relocation Request for authorization to operate in the new locale as soon as possible, but not later than seven (7) calendar days prior to ground breaking or initial equipment erection. No fees are associated with this authorization. Authorization will be presumed if notification of denial is not received by the specified ground breaking or equipment erection date; and

3. The equipment shall be operated at each new location no more than twenty-four (24) consecutive months without an intervening relocation.

(10) Permit *[Amendments and]* Fees and Amendments.

(A) Permit Fees.

Permit Application Type	Rule Subsection Reference	Filing Fee		Processing Fee	
		Existing	Effective Jan. 1, 2017	Existing	Effective Jan. 1, 2017
Portable Source Relocation Request	(4)	\$200	\$300	----	----
De minimis	(5)	\$100	\$250	\$50/hr	\$75/hr
Minor	(6)	\$100	\$250	\$50/hr	\$75/hr
NSR	(7)	\$100	\$5,000	\$50/hr	\$75/hr
PSD	(8)	\$100	\$5,000	\$50/hr	\$75/hr
HAP	(9)	\$100	\$5,000	\$50/hr	\$75/hr
Temporary/Pilot	(3)	\$100	\$250	\$50/hr	\$75/hr
Permit Amendment	(10)	----	----	\$50/hr	\$75/hr

1. All installations or source operations requiring permits under this rule *[shall make application to the permitting authority and]* must submit the application with a permit filing fee *[of one hundred dollars (\$100)]* to the permitting authority. Failure to submit the permit filing fee constitutes an incomplete permit application according to paragraph (12)(A)2. of this rule.

2. Upon *[the determination that a complete]* receipt of an application for a permit or a permit amendment *[has been received]*, a *[fee for]* permit processing *[in the amount of fifty dollars (\$50)]* fee begins to accrue per hour of actual staff time *[will begin to accrue]*. In lieu of the *[fifty-dollar (\$50)]* per-hour *[review]* processing fee¹, for projects subject to *[review under]* paragraph (4)(D)1. of this rule, a flat fee *[of two hundred dollars (\$200)]* shall as specified in subsection (10)(A) of this rule must be submitted by the applicant.

3. The applicant shall submit fees for the processing of the permit application within ninety (90) calendar days of the final review determination, whether the permit is approved, denied, withdrawn, or not needed. After the ninety (90) calendar days, the unpaid processing fees shall have interest imposed upon the unpaid amount at the rate of ten percent (10%) per annum from the date of billing until payment is made. Failure to submit the processing fees after the ninety (90) calendar days will result in the permit being denied (revoked for portable installation location amendments) and the rejection of any future permit applications by the same applicant until the processing fee plus interest have been paid.

4. In addition to permit filing and processing fees, the applicant shall pay for any publication of notice required and shall pay for the original and one (1) copy of the transcript, to be filed with the permitting authority, of any hearing required under this rule. No permit shall be issued until all publication and transcript costs have been paid.

5. Partially processed permits that are withdrawn after submittal shall be charged at the same processing fee rate in *[paragraph]* subsection (10)(A)² of this rule for the time spent processing the application.

6. The commission may reduce the permit processing fee or exempt any person from payment of the fee upon an appeal filed with the commission stating and documenting that the fee will create an unreasonable economic hardship upon the person.

7. Any person who obtains a valid permit from a city or county holding a certificate of authority granted by the commission under *[section]* 643.140, RSMo, shall be deemed to have met the fee requirements of this section for that permit.

(12) Appendices.

(A) Appendix A, Permit Review Procedures.

1. Preapplication meeting. Prior to submittal of a complete permit application, the applicant may request a preapplication meeting

with the permitting authority to discuss the nature of and apparent requirements for the forthcoming permit application. This meeting shall not fall under the permit fee requirements.

2. Complete application.

A. The permitting authority shall review each application for completeness and shall inform the applicant within thirty (30) days if the application is not complete. In order to be complete, an application must include a completed application form and, to the extent not called for by the form, the information required in paragraph (12)(A)4. of this rule.

B. If the permitting authority does not notify the installation that its application is not complete within thirty (30) days of receipt of the application, the application shall be deemed complete. However, nothing in this subsection shall prevent the permitting authority from requesting additional information that is reasonably necessary to process the application.

(I) The permitting authority shall maintain a checklist to be used for the completeness determination. A copy of the checklist identifying the application's deficiencies shall be provided to the applicant along with the notice of incompleteness.

(II) If, while processing an application that has been determined or deemed to be complete, the permitting authority determines that additional information is necessary to evaluate or to take final action on that application, the permitting authority may request this additional information in writing. In requesting this information, the permitting authority shall establish a reasonable deadline for a response. The review period will be extended by the amount of time necessary to collect the required information.

(III) In submitting an application for amendment of a construction permit, the applicant may incorporate by reference those portions of the existing permit (and the permit application and any permit amendment) that describe products, processes, operations, and emissions. The applicant must identify specifically and list which portions of the previous permit, applications, or both, are incorporated by reference. In addition, a permit amendment application must contain—

(a) Information specified in paragraph (12)(A)4. of this rule for those products, processes, operations, and emissions—

I. That are not addressed in the previous permit or application;

II. That are subject to applicable requirements that are not addressed in the previous permit or application; or

III. For which the applicant seeks permit terms and conditions that differ from those in the previous permit or application.

C. Confidential information. An applicant may submit information to the permitting authority under a claim of confidentiality pursuant to 10 CSR 10-6.210.

D. Filing fee. Each application must be accompanied by *[a one hundred-dollar (\$100)]* the filing fee as specified in subsection (10)(A) of this rule.

3. Duty to supplement or correct application. Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application, upon becoming aware of the failure or incorrect submittal, shall promptly submit supplementary facts or corrected information. In addition, an applicant shall provide additional information, as necessary, to address any requirements that become applicable to the installation after the date an application is deemed complete, but prior to the issuance of the construction permit.

4. Standard application form and required information. The director will provide a standard application package for applicant's use. An applicant shall submit an application package consisting of the standard application form and Emissions Information for Construction Permit Application. After the effective date of this rule, any revision to the department-supplied forms will be presented to the regulated community for a forty-five (45)-day comment period. The application package must include all information needed to

determine applicable requirements. The application must include information needed to determine the applicability of any applicable requirement. The applicant shall submit the information called for by the application form for each emissions unit at the installation to be permitted. The standard application form (and any attachments) shall require that the following information be provided:

A. Identifying information. The applicant's company name and address (or plant name and address if different from the company name), the owner's name and state registered agent, and the telephone number and name of the plant site manager or other contact person;

B. Processes and products. A description of the installation's processes and products (by two (2)-digit Standard Industrial Classification Code);

C. Emissions-related information. The following emissions-related information on the emission inventory forms:

(I) All emissions of regulated air pollutants. The permit application shall describe all emissions of regulated air pollutants emitted from each emissions unit, except as provided for by this section. The installation shall submit additional information related to the emissions of air pollutants sufficient to verify which requirements are applicable;

(II) Identification and description of all emissions units whose emissions are included in part (12)(A)4.C.(I) of this rule, in sufficient detail to establish the applicability of all requirements;

(III) Emissions rates, or information that enables the permitting authority to determine such rates, in tons per year and in such terms as are necessary to establish compliance consistent with the applicable standard reference test method, if any;

(IV) Information to the extent needed to determine or regulate emissions: fuels, fuel use, raw materials, production rates, and operating schedules;

(V) Identification and description of air pollution control equipment;

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

(VII) Limitations on installation operations affecting emissions or any work practice standards, where applicable, for all regulated air pollutants;

(VIII) Other information required by any applicable requirement (including information related to stack height limitations developed pursuant to section 123 of the Act); and

(IX) Calculations on which the information in parts (12)(A)4.C.(I)-(VIII) of this rule is based;

D. Other specific information required under the permitting authority's rule to implement and enforce other applicable requirements of the Act or of these rules, or to determine the applicability of these requirements.

5. Certification by responsible official. Any application form or report submitted pursuant to this rule shall contain certification by a responsible official of truth, accuracy, and completeness. This certification, and any other certification, shall be signed by a responsible official and shall contain the following language: "I certify, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete."

6. Receipt of the complete application. Upon receipt of a complete permit application, the permitting authority shall proceed with processing of the application.

7. Notification of processing fees. **Upon request**, /7/the permitting authority, as timely as possible, will notify the applicant in writing if the permit processing fee approaches one thousand dollars (\$1,000) and in one thousand-dollar (\$1,000) increments after that.

8. Public participation. For all applications for sources that emit five (5) or more tons of lead per year, or that contain good engineering practice stack height demonstrations, or that are subject to section (7) or (8) of this rule, the permitting authority shall follow the procedures for public participation as specified in section (12),

Appendix (B) of this rule.

9. Final completeness determination. Final determination will be made on the following schedules:

A. The permitting authority will make final determinations for complete permit applications processed under section (7), (8), or (9) of this rule no later than one hundred eighty-four (184) calendar days after receipt of a complete application, taking into account any additional time necessary for missing information;

B. The permitting authority will make final determination for complete permit applications processed under section (3), (4), (5), or (6) of this rule no later than ninety (90) calendar days after receipt of a complete application, taking into account any additional time necessary for missing information; and

C. If the permitting authority exceeds the time for review described in subparagraph (12)(A)9.A. or B. of this rule, the applicant shall not be required to pay the processing fee associated with the application.

10. Conditions required by permitting authority. The permitting authority may impose those conditions in a permit as may be necessary to accomplish the purposes of this rule, any applicable requirements, or the Air Conservation Law, Chapter 643, RSMo, and are no less stringent than any applicable requirements. Nothing in this rule shall be deemed to limit the power of the permitting authority in this regard. The following condition examples are solely for the purposes of illustration, and do not limit the generality of the preceding liberal sentence:

A. Sampling ports of a suitable size, number, and location;

B. Safe access to each port;

C. Instrumentation to monitor and record emission data;

D. Other sampling and testing facilities;

E. Operating or work practice constraints to limit the maximum level of emissions;

F. Emission control device efficiency specifications to limit the maximum level of emissions;

G. Maximum level of emissions;

H. Emission testing after commencing operations, to be conducted by the owner or operator, as necessary to demonstrate compliance with applicable requirements or other permit conditions;

I. Data reporting; and

J. Post-construction ambient monitoring and reporting.

11. Drafts for public comment. Following review of an application, the permitting authority shall issue a draft permit for public comment, in accordance with subsection (12)(B) of this rule. The draft shall be accompanied by a statement setting forth the legal and factual basis for the draft permit conditions (including references to applicable statutory or regulatory provisions). The permitting authority shall send this statement to the administrator, to affected states, and to the applicant, and shall place a copy in the public file.

12. Additional procedures needed for unified reviews of this rule's section (6), (7), (8), or (9) unified review construction permit applications and part 70 operating permit applications.

A. Permit review by the administrator and affected states.

(I) Administrator review.

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

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

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

(d) Public petitions for objection. If the administrator

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

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

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

(II) Affected state review.

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

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

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

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

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

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

(b) If the permitting authority determines that this extension or reopening of the public comment period would delay issuance of the permit unduly, the permitting authority may include in the proposed or final permit, or both, a provision stating that the operating permit will be reopened immediately to incorporate the new requirements and stating that the new requirements are excluded from the protection of the permit shield. If the permitting authority elects to issue the proposed or final permit, or both, without incorporating the new requirements, the permitting authority, within thirty (30) days after the new requirements become applicable to the source, shall institute proceedings pursuant to this section to reopen the permit to incorporate the new requirements. These reopening proceedings may be instituted, but need not be completed, before issuance of the final permit.

C. Action following the administrator's review.

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

(II) Forty-five (45) days after transmittal of a proposed per-

mit for the administrator's review, and if the administrator has not notified the permitting authority that s/he objects to the proposed permit action, the permitting authority shall promptly issue the permit, but in no event later than the fiftieth day following transmittal to the administrator.

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

13. Notification in writing. After making a final determination whether the permit should be approved, approved with conditions, or denied, the permitting authority shall notify the applicant in writing of the final determination and the total permit processing fees due.

14. Notice of processing fees due. If payment of permit processing fees has not been received from the applicant eighty (80) calendar days after the final determination, the permitting authority shall issue in writing to the applicant a final notice of payment due.

15. Processing fees unpaid. If payment of permit processing fees has not been received from the applicant ninety (90) calendar days after the final determination, the permitting authority shall notify the applicant that the permit has been denied, provided the application previously had been approved in the final determination. The permitting authority also shall advise the applicant that the fee is still due and, as specified in paragraph (10)(A)3. of this rule, the fee shall have interest imposed upon it from the date of billing until payment is made.

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

AUTHORITY: section 643.050, RSMo Supp. [2012] 2013. Original rule filed Dec. 10, 1979, effective April 11, 1980. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 17, 2015.

PUBLIC COST: This proposed amendment will cost three thousand nine hundred sixty-five dollars (\$3,965) in FY 2017. For the years after FY 2017, the total annual aggregate cost is seven thousand nine hundred thirty dollars (\$7,930) for the life of the rule. Note the attached fiscal note for assumptions that apply.

PRIVATE COST: This proposed amendment will cost seventy-two thousand six hundred fifteen dollars (\$72,615) in FY 2017. For the years after FY 2017, the total annual aggregate cost is one hundred forty-five thousand two hundred thirty dollars (\$145,230) for the life of the rule. Note the attached fiscal note for assumptions that apply.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., October 29, 2015. The public hearing will be held at the Elm Street Conference Center, 1730 East Elm Street, Lower Level, Bennett Springs Conference Room, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., November 5, 2015. Written comments shall be sent to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to apcprulespn@dnr.mo.gov.

**FISCAL NOTE
PUBLIC COST**

- I. Department Title:** 10 -- Department of Natural Resources
- Division Title:** 10 – Air Conservation Commission
- Chapter Title:** 6 – Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

Rule Number and Name:	10 CSR 10-6.060 Construction Permits Required
Type of Rulemaking:	Amendment to an Existing Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
2,013 Total Facilities of which 121 are Public Entities (See Table D.)	\$ 7,930 Annualized Aggregate \$ 39,650 For Projected 5-Year Life

III. WORKSHEET

The following Construction Permits Fee Information and Table A includes combined public and private entity proposed fee adjustment information presented at the May 26, 2015 fee stakeholder meeting.

Construction Permit Fee Information

Current Revenue from Portable Source Filing Fees (3-Year Average) = \$13,700
 Current Portable Source Filing Fee = \$200
 Proposed Portable Source Filing Fee = \$300

Current Revenue from Construction Permit Review Fees (3-Year Average) = \$173,300
 Current Construction Permit Review Fee (Per Hour) = \$50
 Proposed Construction Permit Review Fee (Per Hour) = \$75

Current Revenue from De Minimis and Minor Source Construction Permit Filing Fees (3-Year Average) = \$26,800
 Current De Minimis and Minor Source Construction Permit Filing Fee = \$100
 Proposed De Minimis and Minor Source Construction Permit Filing Fee = \$250

Current Revenue from Major Source Construction Permit Filing Fees (3-Year Average) = \$400
 Current Major Source Construction Permit Filing Fee = \$100
 Proposed Major Source Construction Permit Filing Fee = \$5,000

Table A: Combined Public and Private Projected Revenue

Fiscal Year	Type of Fee	Number of Permits/ Applications/ Hours	Estimated Fee Collection (with fee change)	Estimated Fee Collection (without fee change)	Cost to Affected Entities due to Fee Increases
2017 (1/1 - 6/30/17)	Relocation Filing Fee (Portable Sources)	35	\$10,350	\$6,850	\$3,425
2017 (1/1 - 6/30/17)	Permit Review Fee	1,733	\$129,975	\$86,650	\$43,325
2017 (1/1 - 6/30/17)	De Minimis/Minor/Temporary Permit Filing Fee	134	\$33,500	\$13,400	\$20,100
2017 (1/1 - 6/30/17)	Major Permit Filing Fee	2	\$10,000	\$200	\$9,800
2018	Relocation Filing Fee (Portable Sources)	60	\$20,700	\$13,800	\$6,900
2018	Permit Review Fee	3,466	\$259,950	\$173,300	\$86,650
2018	De Minimis/Minor/Temporary Permit Filing Fee	268	\$67,000	\$26,800	\$40,200
2018	Major Permit Filing Fee	4	\$20,000	\$400	\$19,600
2019	Relocation Filing Fee (Portable Sources)	60	\$20,850	\$13,700	\$6,950
2019	Permit Review Fee	3,466	\$259,950	\$173,300	\$86,650
2019	De Minimis/Minor/Temporary Permit Filing Fee	268	\$67,000	\$26,800	\$40,200
2019	Major Permit Filing Fee	4	\$20,000	\$400	\$19,600
2020	Relocation Filing Fee (Portable Sources)	60	\$20,550	\$13,700	\$6,650
2020	Permit Review Fee	3,466	\$259,950	\$173,300	\$86,650
2020	De Minimis/Minor/Temporary Permit Filing Fee	268	\$67,000	\$26,800	\$40,200
2020	Major Permit Filing Fee	4	\$20,000	\$400	\$19,600
2021	Relocation Filing Fee (Portable Sources)	60	\$20,350	\$13,700	\$6,650
2021	Permit Review Fee	3,466	\$259,950	\$173,300	\$86,650
2021	De Minimis/Minor/Temporary Permit Filing Fee	268	\$67,000	\$26,800	\$40,200
2021	Major Permit Filing Fee	4	\$20,000	\$400	\$19,600
2122 (7/1 - 12/31/21)	Relocation Filing Fee (Portable Sources)	35	\$10,350	\$6,800	\$3,450
2122 (7/1 - 12/31/21)	Permit Review Fee	1,733	\$129,975	\$86,650	\$43,325
2122 (7/1 - 12/31/21)	De Minimis/Minor/Temporary Permit Filing Fee	134	\$33,500	\$13,400	\$20,100
2122 (7/1 - 12/31/21)	Major Permit Filing Fee	2	\$10,000	\$200	\$9,800
Cost projected over 6 years			\$1,837,800	\$1,071,160	\$766,676

The following two tables contain only public entity proposed fee adjustment information.

Table B: Public Entity Projected Total Permit Fees Collected (with new fees)

	Public Entity Projected Total Permit Fees Collected (with new fees)						5-Year Cost
	FY 2017 (1/1 - 6/30/17)	FY2018*	FY2019	FY2020	FY2021	FY2022 (7/1 - 12/31/21)	
Number of Portable Source Relocation Applications	0	0	0	0	0	0	-
Fees Collected	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Number of Permit Review Hours	87	173	173	173	173	87	-
Fees Collected	\$6,525	\$12,975	\$12,975	\$12,975	\$12,975	\$6,525	\$64,950
Number of De Minimis or Minor Construction Permit Applications	12	24	24	24	24	12	-
Fees Collected	\$3,000	\$6,000	\$6,000	\$6,000	\$6,000	\$3,000	\$30,000
Number of Major Construction Permit Applications	0	0	0	0	0	0	-
Fees Collected	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Fees With New Fee							\$94,950

Table C: Public Entity Projected Total Permit Fees Collected (with existing fees)

	Public Entity Projected Total Permit Fees Collected (with existing fees)						5-Year Cost
	FY 2017 (1/1 - 6/30/17)	FY2018*	FY2019	FY2020	FY2021	FY2022 (7/1 - 12/31/21)	
Number of Portable Source Relocation Applications	0	0	0	0	0	0	-
Fees Collected	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Number of Permit Review Hours	87	173	173	173	173	87	-
Fees Collected	\$4,350	\$8,650	\$8,650	\$8,650	\$8,650	\$4,350	\$43,300
Number of De Minimis or Minor Construction Permit Applications	12	24	24	24	24	12	-
Fees Collected	\$1,200	\$2,400	\$2,400	\$2,400	\$2,400	\$1,200	\$12,000
Number of Major Construction Permit Applications	0	0	0	0	0	0	-
Fees Collected	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Fees With Existing Fee							\$55,300

5-Year Aggregate Increase in Construction Permit Fee Amount Collected \$39,650

Annualized Aggregate Construction Permit Fee Cost For This Amendment** \$7,930

*The first full fiscal year for this rulemaking is 2018.

**Difference in estimated annualized aggregate costs when raising construction permit fees as follows:

Portable Source Relocation >> \$200 fee to \$300.
Permit Review >> \$50 fee to \$75.
De Minimis and Minor Permit >> \$100 fee to \$250.
Major Permit >> \$100 fee to \$500.

Table D: Public Entities with an Air Permit

Major Group SIC Code	SIC Description	Entities with Air Permits
49	ELECTRIC, GAS, AND SANITARY SERVICES	73
80	HEALTH SERVICES	16
82	EDUCATIONAL SERVICES	10
97	NATIONAL SECURITY AND INTERNATIONAL AFFAIRS	7
45	TRANSPORTATION BY AIR	3
72	PERSONAL SERVICES	2
27	PRINTING, PUBLISHING AND ALLIED INDUSTRIES	1
26	PETROLEUM REFINERIES AND RELATED INDUSTRIES	1
34	FABRICATED METAL PRODUCTS, EXCEPT MACHINERY & TRANSPORT EQUIPMENT	1
43	UNITED STATES POSTAL SERVICE	1
75	AUTOMOTIVE REPAIR, SERVICES AND PARKING	1
79	AMUSEMENT AND RECREATION SERVICES	1
83	SOCIAL SERVICES	1
87	ENGINEERING, ACCOUNTING, RESEARCH, MANAGEMENT & RELATED SERVICES	1
91	EXECUTIVE, LEGISLATIVE & GENERAL GOVERNMENT, EXCEPT FINANCE	1
95	ADMINISTRATION OF ENVIRONMENTAL QUALITY AND HOUSING PROGRAMS	1
TOTAL		121

IV. ASSUMPTIONS

1. An annualized aggregate cost of this rulemaking is used for the purposes of providing the aggregate cost for the life of the rule. The annualized aggregate cost is the agency estimate of the average costs that will be incurred in any future year, no matter how far distant. For the convenience of calculating this fiscal note over a reasonable time frame, the life of the rule is assumed to be five (5) years although the duration of the rule is indefinite. If the life of the rule extends beyond 5 years, the annual costs for additional years will be consistent with the assumptions used to calculate annual costs as identified in this fiscal note.
2. The estimated number of facilities affected by this rulemaking listed in part II and Table D is based on the Air Program's Missouri Emissions Inventory System (MoEIS) database. The total number of active facilities with an air permit recorded in the MoEIS as of July 24, 2015 is 2,013, of which 121 are public entities. Since it is not possible to know with any certainty which existing or new facilities will obtain construction permits in the future, we are using the universe of operating facilities with active air permits as a representation of the potentially affected sources and types of industry. Table D shows the number of facilities by industry type in the state that could be affected by the proposed permit fee increase if a facility needs a construction permit. An existing facility could need a construction permit for modifications and may obtain multiple construction permits throughout the life of the business. A new facility would need a construction permit to begin construction. Additional industries not listed in the Table D could be affected if a facility representing an industry new to the state constructs.
3. The Construction Permits Fee Information and Table A reflect combined public and private entity information in order to be consistent with the department's budget information.
4. Portable source filing fees are based on \$300 per filing effective January 1, 2017. This fee represents a \$100 increase from the fee of \$200 per filing prior to January 1, 2017.
5. Construction permit review fees are based on a \$75 per hour fee effective January 1, 2017. This fee represents a \$25 increase from the fee of \$50 per hour prior to January 1, 2017. Since the last stakeholder meeting on May 26, 2015, the Air Program received additional stakeholder input resulting in lowering the previously discussed \$100 hourly review fee to \$75. Review fees also apply to amended and temporary permits in addition to de minimis, minor, and major construction permits.
6. De minimis and minor permit filing fees are based on \$250 per filing effective January 1, 2017. This fee represents a \$150 increase from the fee of \$100 per filing prior to January 1, 2017.
7. Major permit filing fees are based on \$5,000 per filing effective January 1, 2017. This fee represents a \$4,900 increase from the fee of \$100 per filing prior to January 1, 2017.

8. The numbers for each type of permit in Table A were derived by dividing total annual revenue collected from construction permit applications by the current \$100 filing fee and then averaging for 3 years to account for normal fluctuation from year to year. This figure was broken down into categories of de minimis/minor/temporary and major based on the average annual number of construction permit applications by type received during FY2012-2014. The number of portable relocations was calculated by dividing the 3-year average annual revenue collected from portable relocation requests by the current \$200 fee. The number of review hours was calculated using the same method of dividing total annual revenue by the \$50 per hour review fee and then averaging three years. Fiscal years 2012 through 2014 were used for the three-year averages. For the purpose of this fiscal note, these averages are assumed to remain constant through fiscal year 2022.
9. Fee collection amounts for FY2017 through 2022 are based on a yearly average of 69 applications to relocate portable sources of which all are estimated to be private entities; 3,466 construction permit review hours of which 173 are estimated to be public entities and 3,293 are estimated to be private entities; 268 de minimis and minor permits of which 24 are estimated to be public entities and 244 are estimated to be private entities; and 4 major permits per year all of which are estimated to be private entities, but it is possible for a public entity to need a major construction permit. The numbers of private versus public entities is based on data from MoEIS as of July 24, 2015.
10. The fees collected are uniformly distributed throughout the fiscal years.
11. This fiscal note only includes estimated costs for changes made as a result of this proposed rule amendment.
12. Note that numbers in the tables appear as whole numbers, but actual numbers may include decimal places sometimes causing a variance in totals.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title:** 10 – Department of Natural Resources
- Division Title:** 10 – Air Conservation Commission
- Chapter Title:** 6 -- Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

Rule Number and Title:	10 CSR 10-6.060 Construction Permits Required
Type of Rulemaking:	Amendment to an Existing Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
2,013 Total Facilities of which 1,892 are Private Entities (See Table D)	See Table D	\$ 145,230 Annualized Aggregate \$ 726,150 For Projected 5-Year Life

III. WORKSHEET

The following Construction Permits Fee Information and Table A includes combined public and private entity proposed fee adjustment information.

Construction Permit Fee Information

Current Revenue from Portable Source Filing Fees (3-Year Average) = \$13,700
 Current Portable Source Filing Fee = \$200
 Proposed Portable Source Filing Fee = \$300

Current Revenue from Construction Permit Review Fees (3-Year Average) = \$173,300
 Current Construction Permit Review Fee (Per Hour) = \$50
 Proposed Construction Permit Review Fee (Per Hour) = \$75

Current Revenue from De Minimis and Minor Source Construction Permit Filing Fees (3-Year Average) = \$26,800
 Current De Minimis and Minor Source Construction Permit Filing Fee = \$100
 Proposed De Minimis and Minor Source Construction Permit Filing Fee = \$250

Current Revenue from Major Source Construction Permit Filing Fees (3-Year Average) = \$400
 Current Major Source Construction Permit Filing Fee = \$100
 Proposed Major Source Construction Permit Filing Fee = \$5,000

Table A: Combined Public and Private Projected Revenue

Fiscal Year	Type of Fee	Number of Permits/ Applications/ Hours	Estimated Fee Collection (with fee change)	Estimated Fee Collection (without fee change)	Cost to Affected Entities due to Fee Increases
2017 (1/1 - 6/30/17)	Relocation Filing Fee (Portable Sources)	35	\$10,350	\$6,850	\$3,425
2017 (1/1 - 6/30/17)	Permit Review Fee	1,733	\$129,975	\$86,650	\$43,325
2017 (1/1 - 6/30/17)	De Minimis/Minor/Temporary Permit Filing Fee	134	\$33,600	\$13,400	\$20,100
2017 (1/1 - 6/30/17)	Major Permit Filing Fee	2	\$10,000	\$200	\$9,800
2018	Relocation Filing Fee (Portable Sources)	69	\$20,700	\$13,800	\$6,900
2018	Permit Review Fee	3,466	\$259,950	\$173,300	\$86,650
2018	De Minimis/Minor/Temporary Permit Filing Fee	268	\$67,000	\$26,800	\$40,200
2018	Major Permit Filing Fee	4	\$20,000	\$400	\$19,600
2019	Relocation Filing Fee (Portable Sources)	69	\$20,550	\$13,750	\$6,850
2019	Permit Review Fee	3,466	\$259,950	\$173,300	\$86,650
2019	De Minimis/Minor/Temporary Permit Filing Fee	268	\$67,000	\$26,800	\$40,200
2019	Major Permit Filing Fee	4	\$20,000	\$400	\$19,600
2020	Relocation Filing Fee (Portable Sources)	69	\$20,550	\$13,750	\$6,850
2020	Permit Review Fee	3,466	\$259,950	\$173,300	\$86,650
2020	De Minimis/Minor/Temporary Permit Filing Fee	268	\$67,000	\$26,800	\$40,200
2020	Major Permit Filing Fee	4	\$20,000	\$400	\$19,600
2021	Relocation Filing Fee (Portable Sources)	69	\$20,650	\$13,750	\$6,850
2021	Permit Review Fee	3,466	\$259,950	\$173,300	\$86,650
2021	De Minimis/Minor/Temporary Permit Filing Fee	268	\$67,000	\$26,800	\$40,200
2021	Major Permit Filing Fee	4	\$20,000	\$400	\$19,600
2122 (1/1 - 12/31/21)	Relocation Filing Fee (Portable Sources)	35	\$10,350	\$6,850	\$3,450
2122 (1/1 - 12/31/21)	Permit Review Fee	1,733	\$129,975	\$86,650	\$43,325
2122 (1/1 - 12/31/21)	De Minimis/Minor/Temporary Permit Filing Fee	134	\$33,600	\$13,400	\$20,100
2122 (1/1 - 12/31/21)	Major Permit Filing Fee	2	\$10,000	\$200	\$9,800
Cost projected over 5 years			\$1,837,800	\$1,071,150	\$766,575

The following two tables contain only private entity proposed fee adjustment information.

Table B: Private Entity Projected Total Permit Fees Collected (with new fees)

	Private Entity Projected Total Permit Fees Collected (with new fees)						5-Year Cost
	FY 2017 (1/1 - 6/30/17)	FY2018*	FY2019	FY2020	FY2021	FY2022 (7/1 - 12/31/21)	
Number of Portable Source Relocation Applications	35	69	69	69	69	35	—
Fees Collected	\$10,350	\$20,550	\$20,550	\$20,550	\$20,550	\$10,250	\$102,825
Number of Permit Review Hours	1646	3293	3293	3293	3293	1646	—
Fees Collected	\$123,450	\$246,975	\$246,975	\$246,975	\$246,975	\$123,450	\$1,234,800
Number of De Minimis or Minor Construction Permit Applications	122	244	244	244	244	122	—
Fees Collected	\$30,500	\$61,000	\$61,000	\$61,000	\$61,000	\$30,500	\$305,000
Number of Major Construction Permit Applications	2	4	4	4	4	2	—
Fees Collected	\$10,000	\$20,000	\$20,000	\$20,000	\$20,000	\$10,000	\$100,000
Total Fees With New Fee							\$1,743,625

Table C: Private Entity Projected Total Permit Fees Collected (with existing fees)

	Private Entity Projected Total Permit Fees Collected (with existing fees)						5-Year Cost
	FY 2017 (1/1 - 6/30/17)	FY2018**	FY2019	FY2020	FY2021	FY2022 (7/1 - 12/31/21)	
Number of Portable Source Relocation Applications	35	69	69	69	69	35	—
Fees Collected	\$7,000	\$13,800	\$13,800	\$13,800	\$13,800	\$7,000	\$69,200
Number of Permit Review Hours	1646	3293	3293	3293	3293	1646	—
Fees Collected	\$82,300	\$164,650	\$164,650	\$164,650	\$164,650	\$82,300	\$823,250
Number of De Minimis or Minor Construction Permit Applications	122	244	244	244	244	122	—
Fees Collected	\$12,200	\$24,400	\$24,400	\$24,400	\$24,400	\$12,200	\$122,000
Number of Major Construction Permit Applications	2	4	4	4	4	2	—
Fees Collected	\$200	\$400	\$400	\$400	\$400	\$200	\$2,000
Total Fees With Existing Fee							\$1,016,450

5-Year Aggregate Increase in Construction Permit Fee Amount Collected	\$726,225
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Annualized Aggregate Construction Permit Fee Cost For This Amendment**	\$145,243
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*The first full fiscal year for this rulemaking is 2018.

**Difference in estimated annualized aggregate costs when raising construction permit fees as follows:

Portable Source Relocation >> \$300 fee to \$300.
 Permit Review >> \$50 fee to \$75.
 De Minimis and Minor Permit >> \$100 fee to \$250.
 Major Permit >> \$100 fee to \$500.

Table D: Private Entities with an Air Permit

Major Group SIC Code	SIC Description	Entities with Air Permits
22	STONE, CLAY, GLASS, AND CONCRETE PRODUCTS	277
14	MINING AND QUARRYING OF NONMETALLIC MINERALS, EXCEPT FUELS	230
51	WHOLESALE TRADE - NONDURABLE GOODS	184
28	CHEMICALS AND ALLIED PRODUCTS	135
49	ELECTRIC, GAS, AND SANITARY SERVICES	127
20	FOOD AND KINDRED PRODUCTS	123
72	PERSONAL SERVICES	91
29	PETROLEUM REFINERIES AND RELATED INDUSTRIES	70
34	FABRICATED METAL PRODUCTS, EXCEPT MACHINERY & TRANSPORT EQUIPMENT	66
30	RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS	61
24	LUMBER AND WOOD PRODUCTS, EXCEPT FURNITURE	58
37	TRANSPORTATION EQUIPMENT	54
33	PRIMARY METAL INDUSTRIES	44
27	PRINTING, PUBLISHING AND ALLIED INDUSTRIES	41
07	AGRICULTURAL SERVICES	39
35	INDUSTRIAL AND COMMERCIAL MACHINERY AND COMPUTER EQUIPMENT	39
80	HEALTH SERVICES	35
26	PAPER AND ALLIED PRODUCTS	21
42	MOTOR FREIGHT TRANSPORTATION	19
36	ELECTRONIC, ELECTRICAL EQUIPMENT AND COMPONENTS, EXCEPT COMPUTER EQUIPMENT	18
50	WHOLESALE TRADE - DURABLE GOODS	18
46	PIPELINES, EXCEPT NATURAL GAS	15
25	FURNITURE AND FIXTURES	14
62	JUSTICE, PUBLIC ORDER AND SAFETY	14
10	METAL MINING	9
39	MISCELLANEOUS MANUFACTURING INDUSTRIES	9
73	BUSINESS SERVICES	9
75	AUTOMOTIVE REPAIR, SERVICES AND PARKING	9
44	WATER TRANSPORTATION	8
87	ENGINEERING, ACCOUNTING, RESEARCH, MANAGEMENT & RELATED SERVICES	8
82	EDUCATIONAL SERVICES	7
48	COMMUNICATIONS	6
31	LEATHER AND LEATHER PRODUCTS	5
76	MISCELLANEOUS REPAIR SERVICES	4
02	AGRICULTURAL PRODUCTION - LIVESTOCK AND ANIMAL SPECIALTIES	3
17	CONSTRUCTION - SPECIAL TRADE CONTRACTORS	3
12	COAL MINING	2
13	OIL AND GAS EXTRACTION	2
45	TRANSPORTATION BY AIR	2
47	TRANSPORTATION SERVICES	2
79	AMUSEMENT AND RECREATION SERVICES	2
01	AGRICULTURAL PRODUCTION - CROPS	1
16	HEAVY CONSTRUCTION, EXCEPT BUILDING CONSTRUCTION - CONTRACTORS	1
23	APPAREL, FINISHED PRODUCTS FROM FABRICS & SIMILAR MATERIALS	1
38	MEDICAL/ANALYTICAL/CONTROL INSTRUMENTS; PHOTO/MEDICAL/OPTICAL GOODS; WATCH/CLOCKS	1
41	LOCAL, SUBURBAN TRANSIT & INTERSUBURBAN HIGHWAY PASSENGER TRANSPORT	1
52	BUILDING MATERIALS, HARDWARE, GARDEN SUPPLY & MOBILE HOME DEALERS	1
55	AUTOMOTIVE DEALERS AND GASOLINE SERVICE STATIONS	1
62	SECURITY & COMMODITY BROKERS, DEALERS, EXCHANGES & SERVICES	1
65	REAL ESTATE	1
TOTAL		1892

IV. ASSUMPTIONS

1. An annualized aggregate cost of this rulemaking is used for the purposes of providing the aggregate cost for the life of the rule. The annualized aggregate cost is the agency estimate of the average costs that will be incurred in any future year, no matter how far distant. For the convenience of calculating this fiscal note over a reasonable time frame, the life of the rule is assumed to be five (5) years although the duration of the rule is indefinite. If the life of the rule extends beyond 5 years, the annual costs for additional years will be consistent with the assumptions used to calculate annual costs as identified in this fiscal note.
2. The estimated number of facilities affected by this rulemaking listed in part II and Table D is based on the Air Program's Missouri Emissions Inventory System (MoEIS) database. The total number of active facilities with an air permit recorded in the MoEIS as of July 24, 2015 is 2,013, of which 1,892 are private entities. Since it is not possible to know with any certainty which existing or new facilities will obtain construction permits in the future, we are using the universe of operating facilities with active air permits as a representation of the potentially affected sources and types of industry. Table D shows the number of facilities by industry type in the state that could be affected by the proposed permit fee increase if a facility needs a construction permit. An existing facility could need a construction permit for modifications and may obtain multiple construction permits throughout the life of the business. A new facility would need a construction permit to begin construction. Additional industries not listed in the Table D could be affected if a facility representing an industry new to the state constructs.
3. The Construction Permits Fee Information and Table A reflect combined public and private entity information in order to be consistent with the department's budget information.
4. Portable source filing fees are based on \$300 per filing effective January 1, 2017. This fee represents a \$100 increase from the fee of \$200 per filing prior to January 1, 2017.
5. Construction permit review fees are based on a \$75 per hour fee effective January 1, 2017. This fee represents a \$25 increase from the fee of \$50 per hour prior to January 1, 2017. Since the last stakeholder meeting on May 26, 2015, the Air Program received additional stakeholder input resulting in lowering the previously discussed \$100 hourly review fee to \$75. Review fees also apply to amended and temporary permits in addition to de minimis, minor, and major construction permits.
6. De minimis and minor permit filing fees are based on \$250 per filing effective January 1, 2017. This fee represents a \$150 increase from the fee of \$100 per filing prior to January 1, 2017.
7. Major permit filing fees are based on \$5,000 per filing effective January 1, 2017. This fee represents a \$4,900 increase from the fee of \$100 per filing prior to January 1, 2017.
8. The numbers for each type of permit in Table A were derived by dividing total annual revenue collected from construction permit applications by the current \$100 filing fee and then averaging for 3 years to account for normal fluctuation from year to year. This figure was broken down into categories of de minimis/minor/temporary and major based on the average annual number of construction permit applications by type received during FY2012-2014. The number of portable relocations was calculated by dividing the 3-year average annual revenue collected from portable relocation requests by the current \$200 fee. The number of review hours was calculated using the same method of dividing total annual revenue by the \$50 per hour review fee and then averaging three years. Fiscal years 2012 through 2014 were used for the three-year averages. For the purpose of this fiscal note, these averages are assumed to remain constant through fiscal year 2022.
9. Fee collection amounts for FY2017 through 2022 are based on a yearly average of 69 applications to relocate portable sources of which all are estimated to be private entities; 3,466 construction permit review hours of which 173 are estimated to be public entities and 3,293 are estimated to be private entities; 268 de minimis and minor permits of which 24 are estimated to be public entities and 244 are estimated to be private entities; and 4 major permits per year all of which are estimated to be private entities, but it is possible for a public entity to need a major construction permit. The numbers of private versus public entities is based on data from MoEIS as of July 24, 2015.
10. The fees collected are uniformly distributed throughout the fiscal years.

11. This fiscal note only includes estimated costs for changes made as a result of this proposed rule amendment.
12. Note that numbers in the tables appear as whole numbers, but actual numbers may include decimal places sometimes causing a variance in totals.

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

PROPOSED AMENDMENT

10 CSR 10-6.065 Operating Permits. The commission proposes to delete subsection (1)(B), renumber subsections (1)(C) and (1)(D), and amend subsections (4)(E), (5)(B), and (6)(B). If the commission adopts this rule action, the department intends to submit this rule amendment to the U.S. Environmental Protection Agency to replace the current rule that is in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/reg/index.html.

PURPOSE: This rule defines air contaminant sources which are required to obtain operating permits and establishes procedures for obtaining and complying with operating permits; it does not establish any air quality standards or guidelines. This amendment changes the operating permit application filing fee structure pursuant to 643.079.10, RSMo. This proposed rulemaking will increase the basic operating permit application filing fee from one hundred dollars (\$100) to five hundred dollars (\$500) per application. Intermediate and part 70 operating permit application filing fees will increase from one hundred dollars (\$100) to various amounts ranging from a minimum of seven hundred fifty (\$750) to a maximum of six thousand dollars (\$6,000). Intermediate and part 70 fees will be determined through a tiered approach based on the complexity of the permit. The total application filing fee is the base fee plus the sum of all applicable complexity fee items the facility is subject to at the time the permit application is submitted. All operating permits require renewal once every five (5) years with the same tiered filing fee structure as initial applications. The revenue from the increased operating permit fees will help keep the Air Pollution Control Program solvent and able to continue to provide the level of services and activities required to be the implementing agency of the federal Clean Air Act in the state of Missouri. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is 643.079.10, RSMo, and the August 3, 2015, presentation to the Missouri Air Conservation Commission.

(1) Applicability.

[(B) Incinerators. This rule shall apply to all incinerators.]

[(C)](B) Exempt Installations and Emission Units. The following installations and emission units are exempt from the requirements of this rule unless such units are part 70 or intermediate installations or are located at part 70 or intermediate installations. Emissions from exempt installations and emission units shall be considered when determining if the installation is a part 70 or intermediate installation:

1. Any installation that would be required to obtain a permit solely because it is subject to 10 CSR 10-6.070(7)(AAA) Standards of Performance for New Residential Wood Heaters;
2. Any installation that would be required to obtain a permit solely because it is subject to 10 CSR 10-6.240 or 10 CSR 10-6.250;
3. Single or multiple family dwelling units for not more than three (3) families;
4. Comfort air conditioning or comfort ventilating systems not designed or used to remove air contaminants generated by, or released from, specific units of equipment;
5. Equipment used for any mode of transportation;
6. Livestock markets and livestock operations, including animal

feeding operations and concentrated animal feeding operations as those terms are defined by 40 CFR 122.23 and all manure storage and application systems associated with livestock markets or livestock operations;

7. Restaurants and other retail establishments for the purpose of preparing food for employee and guest consumption;

8. Fugitive dust controls unless a control efficiency can be assigned to the equipment or control equipment;

9. Equipment or control equipment which eliminates all emissions to the ambient air;

10. Equipment, including air pollution control equipment, but not including an anaerobic lagoon, that emits odors but no regulated air pollutants;

11. Residential wood heaters, cookstoves, or fireplaces;

12. Laboratory equipment used exclusively for chemical and physical analysis or experimentation is exempt, except equipment used for controlling radioactive air contaminants;

13. Recreational fireplaces;

14. Stacks or vents to prevent the escape of sewer gases through plumbing traps for systems handling domestic sewage only. Systems which include any industrial waste do not qualify for this exemption;

15. Combustion equipment that—

A. Emits only combustion products;

B. Produces less than one hundred fifty (150) pounds per day of any air contaminant; and

C. Has a maximum rated capacity of—

(I) Less than ten (10) million British thermal units (Btus) per hour heat input by using exclusively natural or liquefied petroleum gas, or any combination of these; or

(II) Less than one (1) million Btus per hour heat input;

16. Office and commercial buildings, where emissions result solely from space heaters using natural gas or liquefied petroleum gas with a maximum rated capacity of less than twenty (20) million Btus per hour heat input. Incinerators operated in conjunction with these sources are not exempt;

17. Any country grain elevator that never handles more than 1,238,657 bushels of grain during any twelve (12)-month period and is not located within an incorporated area with a population of fifty thousand (50,000) or more. A country grain elevator is defined as a grain elevator that receives more than fifty percent (50%) of its grain from producers in the immediate vicinity during the harvest season. This exemption does not include grain terminals which are defined as grain elevators that receive grain primarily from other grain elevators. To qualify for this exemption, the owner or operator of the facility shall retain monthly records of grain origin and bushels of grain received, processed and stored for a minimum of five (5) years to verify the exemption requirements. Monthly records must be tabulated within seven (7) days of the end of the month. Tabulated monthly records shall be made available immediately to Missouri Department of Natural Resources' representatives for an announced inspection or within three (3) hours for an unannounced visit;

18. Sand and gravel operations that have a maximum capacity to produce less than seventeen and one-half (17.5) tons of product per hour and use only natural gas as fuel when drying;

19. Noncommercial incineration of dead animals, the on-site incineration of resident animals for which no consideration is received or commercial profit is realized, as authorized in section 269.020.6, RSMo 2000; and

20. Any asphaltic concrete plant, concrete batching plant, or rock crushing plant that can be classified as a portable equipment installation, as defined in 10 CSR 10-6.020.

[(D)](C) Prohibitions.

1. After the effective date of this rule, no person shall operate a part 70 installation, intermediate installation, or basic state installation except in compliance with an operating permit issued by the permitting authority in accordance with this rule.

2. Except as specified in this rule or in the operating permit, it is not a violation of this rule for a permitted installation to be operated

in ways that are not addressed in, constrained by, or prohibited by the operating permit.

(4) Basic State Operating Permits.

(E) Filing Fee. Each operating permit notification must be accompanied by a one hundred dollar (\$100) filing fee, except for administrative permit amendments as defined in subparagraph (4)(L)1.A. of this rule. **Effective January 1, 2017, each operating permit notification must be accompanied by a five hundred (\$500) filing fee, except for administrative permit amendments as defined in subparagraph (4)(L)1.A. of this rule.**

(5) Intermediate State Operating Permits.

(B) Permit Notification/Applications.

1. Timely notification/applications.

A. All notifications/applications will be submitted in duplicate. Intermediate installations shall file initial notifications/applications on the following schedule:

(I) Initial notification. All installations shall file complete notifications by July 1996, with one (1) exception allowed as follows: Intermediate installations that have actual emissions (as defined in 10 CSR 10-6.020(2)(A)4.) less than fifty percent (50%) of the part 70 installation threshold levels (refer to the definition section of this rule for part 70 installation threshold levels) shall file complete notifications by May 1997;

(II) Subsequent application.

(a) Any installation that becomes subject to this section at any time between July 1996 and March 2005, shall file a complete application no later than thirty (30) days after the commencement of operations.

(b) Any installation that becomes subject to this section at any time following March 2005, shall file a complete application no later than ninety (90) days after the commencement of operations.

(c) If an installation already has an issued part 70 operating permit, the installation is subject to the requirements of the part 70 operating permit and intermediate application until the intermediate permit is issued and the part 70 operating permit is terminated;

(III) Renewal application. Installations subject to this section shall file complete applications for renewal of the operating permits at least six (6) months before the date of permit expiration. In no event shall this time be greater than eighteen (18) months;

(IV) Unified review. An installation subject to this section required to have a construction permit under 10 CSR 10-6.060 may submit a complete application for an operating permit or permit modification for concurrent processing as a unified review. An operating permit submitted for concurrent processing shall be submitted with the applicant's construction permit application, or at a later time as the permitting authority may allow, provided that the total review period does not extend beyond eighteen (18) months. An installation that is required to obtain a construction permit under 10 CSR 10-6.060 and that, in writing has not chosen to undergo unified review, shall file a complete operating permit application, permit amendment, or modification application separate from the construction permit application within ninety (90) days after commencing operation; *and*

(V) Application/notification expirations. Starting March 30, 2005—

(a) Installations that have an active initial or renewal application with a receipt stamp shall:

I. Be deemed to have submitted the initial or renewal application; and

II. Submit a renewal application, as identified in paragraph (5)(B)3. of this rule, six to eighteen (6–18) months prior to the expiration date of the permit issued according to subsection (5)(E) of this rule./.;

(b) Installations that have an accepted notification shall submit a renewal application as identified in paragraph (5)(B)3. of this rule, six to eighteen (6–18) months prior to the expiration date./.; **and**

(c) Installations that have an initial or renewal notification—accepted or with a receipt stamp, but that is expired—shall still

submit a renewal application as identified in paragraph (5)(B)3. of this rule./.; **and**

(VI) Notwithstanding the deadlines established in this subsection, a complete initial notification/application filed at any time shall be accepted for processing.

B. Complete application.

(I) The permitting authority shall review each application for completeness and shall inform the applicant within sixty (60) days if the application is not complete. In order to be complete, an application must include a completed application form and, to the extent not called for by the form, the information required in paragraph (5)(B)3. of this rule.

(II) If the permitting authority does not notify the installation within sixty (60) days after receipt that its application is not complete, the application shall be deemed complete. However, nothing in this subsection shall prevent the permitting authority from requesting additional information that is reasonably necessary to process the application.

(III) The permitting authority shall maintain a checklist to be used for the completeness determination. A copy of the checklist identifying the application's deficiencies shall be provided to the applicant along with the notice of incompleteness.

(IV) If, while processing an application that has been determined or deemed to be complete, the permitting authority determines that additional information is necessary to evaluate or take final action on that application, the permitting authority may request this additional information be in writing. In requesting this information, the permitting authority shall establish a reasonable deadline for a response.

(V) In submitting an application for renewal of an operating permit, the applicant may identify terms and conditions in the previous permit that should remain unchanged, and may incorporate by reference those portions of the existing permit (and the permit application and any permit amendment or modification applications) that describe products, processes, operations, and emissions to which those terms and conditions apply. The applicant must identify specifically and list which portions of the previous permit or applications, or both, are incorporated by reference. In addition, a permit renewal application must contain—

(a) Information specified in paragraph (5)(B)3. of this rule for those products, processes, operations, and emissions—

I. That are not addressed in the existing permit;

II. That are subject to applicable requirements which are not addressed in the existing permit; or

III. For which the applicant seeks permit terms and conditions that differ from those in the existing permit; and

(b) A compliance plan and certification as required in parts (6)(B)3.I.(I)–(IV) and subparagraph (6)(B) 3.J. of this rule.

C. Confidential information. An applicant may make claims of confidentiality pursuant to 10 CSR 10-6.210, for information submitted pursuant to this section. The applicant shall also submit a copy of this information directly to the administrator, if the permitting authority requests that the applicant do so.

D. Filing fee. Each operating permit application must be accompanied by a one hundred dollar (\$100) filing fee, except for administrative permit amendments. **Effective January 1, 2017, the filing fee is determined using a tiered system based on the complexity of the permit. The total filing fee is the base fee added to the sum of all applicable complexity fee items the facility is subject to at the time the permit application is submitted. This tiered system for calculating the operating permit filing fee applies to initial and renewal applications for permits. To calculate the application filing fee, use the following formula:**

Total filing fee = (base fee) + (total additional complexity fee)

Where:

Total filing fee = amount due upon filing of operating permit application, not to exceed six thousand dollars (\$6,000) (regardless

of calculated amount).

Base fee = determine using Table 1

Total additional complexity fee = determine using Table 2

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

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				\$ _____

2. Duty to supplement or correct application. Any applicant who fails to submit any relevant facts, or who has submitted incorrect information in a permit application, upon becoming aware of this failure or incorrect submittal, shall promptly submit supplementary facts or corrected information. In addition, an applicant shall provide additional information, as necessary, to address any requirements that become applicable to the installation after the date an application is deemed complete, but prior to issuance or validation of the permit, whichever is later.

3. Standard application form and required information. The permitting authority shall prepare and make available to all intermediate installations subject to this section an operating permit application form(s). The operating permit application form(s) shall require a general description of the installation and the installation's processes and products, emissions-related information, and all applicable emission limitations and control requirements for each emissions unit at the installation to be permitted. The notification also shall require a statement of the installation's compliance status with respect to these requirements and a commitment regarding the installation's plans to either attain compliance with these requirements within the time allowed by law or maintain compliance with these requirements during the operating permit period. An applicant shall submit an application package consisting of the standard application form, emission inventory questionnaire, compliance plan, and compliance certification as identified in subparagraphs (6)(B)3.A.-H., parts (6)(B)3.I.(I)-(IV) and subparagraph (6)(B)3.J. of this rule.

4. Certification by responsible official. Any application form, report, or compliance certification submitted pursuant to this rule shall contain certification by a responsible official of truth, accuracy, and completeness. This certification, and any other certification, shall be signed by a responsible official and shall contain the following language/./: "I certify, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete."

5. Single, multiple, or general permits. Pursuant to section (5) of this rule, an installation must have a permit (or group of permits) addressing all applicable requirements for all emission units in the installation. An installation may comply with this subsection through any one of the methods identified in paragraphs (3)(A)1.-4. of this rule.

(6) Part 70 Operating Permits.

(B) Permit Applications.

1. Duty to apply.

A. Timely application.

(I) Part 70 installations shall file initial applications on the following schedule:

(a) The permit registry.

I. The permitting authority shall create and maintain a permit issuance registry that part 70 installations may apply in writing to be placed on. The request must identify a specific year of initial issuance. The registry will identify by year when the permitting authority expects to issue the operating permit.

II. The registry will be opened for three (3) months after the effective date of this rule. The registry will be filled on a first-come, first-served basis, judged by the stamped "Received" date by the permitting authority.

III. The permitting authority will assign installations that do not make a specific request to the registry at the permitting authority's discretion as necessary to meet a one-third (1/3) per year for three (3) years permit issuance schedule following the administrator's approval of the operating permit program.

IV. The permitting authority may exercise discretion in reassigning applicants on the registry by accepting applicants after the close of the registry, and taking into consideration staff resources, complexity of applicant's operations, distribution of multiple installations under common control, and amount and nature of the air contaminants; and

(b) Initial application submittal schedule.

I. Installations scheduled to receive their operating permit within the first year of the registry shall file complete applications by July 1996.

II. All other installations shall file complete applications by May 1996.

(II) An installation that becomes subject to this section after May 9, 1994, shall file a complete application no later than twelve (12) months following either the administrator's approval of the operating permit program or the commencement of operations, whichever is later.

(III) A complete initial application filed at any time shall be accepted for processing. However, acceptance of an application does not relieve the applicant of his/her liability for submitting an untimely application.

(IV) An installation subject to this section required to meet section 112(g) of the Act, or to have a construction permit under 10 CSR 10-6.060 may submit a complete application for an operating permit or permit modification for concurrent processing as a unified review. An operating permit application submitted for concurrent processing shall be submitted with the applicant's construction permit application, or at a later time as the permitting authority may allow, provided that the total review period does not extend beyond eighteen (18) months. An installation that is required to obtain a construction permit under 10 CSR 10-6.060 and who, in writing has not chosen to undergo unified review, shall file a complete operating

permit application, permit amendment, or modification application separate from the construction permit application within twelve (12) months after commencing operation.

(V) Installations subject to this section shall file complete applications for renewal of the operating permits at least six (6) months before the date of permit expiration. In no event shall this time be greater than eighteen (18) months.

(VI) Installations subject to this section required to submit applications for initial phase II acid rain permits shall submit complete applications to the permitting authority by January 1, 1996, for sulfur dioxide, and by January 1, 1998 for nitrogen oxides.

B. Complete application.

(I) The permitting authority shall review each application for completeness and shall inform the applicant within sixty (60) days if the application is not complete. In order to be complete, an application must include a completed application form and, to the extent not called for by the form, the information required in paragraph (6)(B)3. of this rule.

(II) If the permitting authority does not notify the installation within sixty (60) days after receipt that its application is not complete, the application shall be deemed complete. However, nothing in this subsection shall prevent the permitting authority from requesting additional information that is reasonably necessary to process the application.

(III) The permitting authority shall maintain a checklist to be used for the completeness determination. A copy of the checklist identifying the application's deficiencies shall be provided to the applicant along with the notice of incompleteness.

(IV) If, while processing an application that has been determined or deemed to be complete, the permitting authority determines that additional information is necessary to evaluate or take final action on that application, the permitting authority may request this additional information be in writing. In requesting this information, the permitting authority shall establish a reasonable deadline for a response.

(V) In submitting an application for renewal of an operating permit, the applicant may identify terms and conditions in the previous permit that should remain unchanged, and may incorporate by reference those portions of the existing permit (and the permit application and any permit amendment or modification applications) that describe products, processes, operations, and emissions to which those terms and conditions apply. The applicant must identify specifically and list which portions of the previous permit or applications, or both, are incorporated by reference. In addition, a permit renewal application must contain:

(a) Information specified in paragraph (6)(B)3. of this rule for those products, processes, operations, and emissions—

- I. That are not addressed in the existing permit;
- II. That are subject to applicable requirements which are not addressed in the existing permit; or
- III. For which the applicant seeks permit terms and conditions that differ from those in the existing permit; and

(b) A compliance plan and certification as required in subparagraphs (6)(B)3.I. and J. of this rule.

C. Confidentiality information. If an applicant submits information to the permitting authority under a claim of confidentiality pursuant to 10 CSR 10-6.210, the applicant shall also submit a copy of this information directly to the administrator, if the permitting authority requests that the applicant do so.

D. Filing fee. Each application must be accompanied by a one hundred dollar (\$100) filing fee. **Effective January 1, 2017, the filing fee is determined using a tiered system based on the complexity of the permit. The total filing fee is the base fee added to the sum of all applicable complexity fee items the facility is subject to at the time the permit application is submitted. This tiered system for calculating the operating permit filing fee applies to initial and renewal applications for permits. To calculate the application filing fee, use the following formula:**

Total filing fee = (base fee) + (total additional complexity fee)

Where:

Total filing fee = amount due upon filing of operating permit application, not to exceed six thousand dollars (\$6,000) (regardless of calculated amount).

Base fee = determine using Table 1

Total additional complexity fee = determine using Table 2

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

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				\$

2. Duty to supplement or correct application. Any applicant who fails to submit any relevant facts, or who has submitted incorrect information in a permit application, upon becoming aware of this failure or incorrect submittal, shall promptly submit supplementary facts or corrected information. In addition, an applicant shall provide additional information, as necessary, to address any requirements that become applicable to the installation after the date an application is deemed complete, but prior to issuance or validation of the permit, whichever is later.

3. Standard application form and required information. An applicant shall submit an application package consisting of the standard application form, emission inventory questionnaire, compliance plan, and compliance certification. The application package must include all information needed to determine applicable requirements. The application must include information needed to determine the applicability of any applicable requirement. The applicant shall submit the information called for by the application form for each emissions unit at the installation to be permitted, except for insignificant activities. An activity cannot be listed as insignificant if the activity has an applicable requirement. The installation shall provide a list of any insignificant activities that are exempt because of size or production rate. Any

insignificant activity required to be listed in the application also must list the approximate number of activities included (for example, twenty (20) leaky valves) and the estimated quantity of emissions associated. The application must include any other information, as requested by the permitting authority, to determine the insignificant activities have no applicable requirements. Information reported in the permit application which does not result in the specification of any permit limitation, term, or condition with respect to that information (including, but not limited to, information identifying insignificant activities), shall not in any way constrain the operations, activities, or emissions of a permitted installation, except as otherwise provided in this section. The standard application form (and any attachments) shall require that the following information be provided:

A. Identifying information. The applicant's company name and address (or plant name and address if different from the company name), the owner's name and state registered agent, and the telephone number and name of the plant site manager or other contact person;

B. Processes and products. A description of the installation's processes and products (by two (2)-digit Standard Industrial Classification Code (SIC)), including those associated with any reasonably anticipated operating scenarios identified by the applicant;

C. Emissions-related information. The following emissions-related information on the emissions inventory forms:

(I) All emissions of pollutants for which the installation is a part 70 source, and all emissions of any other regulated air pollutants. The permit application shall describe all emissions of regulated air pollutants emitted from each emissions unit, except as provided for by section (6) of this rule. The installation shall submit additional information related to the emissions of air pollutants sufficient to verify which requirements are applicable to the installation;

(II) Identification and description of all emissions units whose emissions are included in part (6)(B)3.C.(I) of this rule, in sufficient detail to establish the applicability of any and all requirements;

(III) Emissions rates in tons per year and in such terms as are necessary to establish compliance consistent with the applicable standard reference test method, if any;

(IV) The following information to the extent needed to determine or regulate emissions including: fuels, fuel use, raw materials, production rates, and operating schedules;

(V) Identification and description of air pollution control equipment;

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

(VII) Limitations on installation operations affecting emissions or any work practice standards, where applicable, for all regulated pollutants;

(VIII) Other information required by any applicable requirement (including information related to stack height credit limitations developed pursuant to section 123 of the Act); and

(IX) Calculations on which the information in parts (6)(B)3.C.(I)-(VIII) of this rule is based;

D. Air pollution control information. The following air pollution control information:

(I) Citation and description of all applicable requirements; and

(II) Description of, or reference to, any applicable test method for determining compliance with each applicable requirement;

E. Applicable requirements information. Other specific information required under the permitting authority's regulations to implement and enforce other applicable requirements of the Act or of these rules, or to determine the applicability of these requirements;

F. Alternative emissions limits. If the SIP allows an installation to comply through an alternative emissions limit or means of compliance, the applicant may request that such an alternative limit or means of compliance be specified in the permit. The applicant

must demonstrate that any such alternative is quantifiable, accountable, enforceable, and based on replicable procedures. The applicant shall propose permit terms and conditions to satisfy these requirements in the application;

G. Proposed exemptions. An explanation of any proposed exemptions from otherwise applicable requirements;

H. Proposed reasonably anticipated operating scenarios. Additional information, as determined necessary by the permitting authority, to define reasonably anticipated operating scenarios identified by the applicant for emissions trading or to define permit terms and conditions implementing operational flexibility;

I. Compliance plan. A compliance plan that contains all of the following:

(I) A description of the compliance status of the installation with respect to all applicable requirements;

(II) A description as follows:

(a) For applicable requirements with which the installation is in compliance, a statement that the installation will continue to comply with these requirements;

(b) For applicable requirements that will become effective during the permit term, a statement that the installation will comply with these requirements on a timely basis; and

(c) For any applicable requirements with which the installation is not in compliance at the time of permit issuance, a narrative description of how the installation will achieve compliance with these requirements;

(III) A compliance schedule as follows:

(a) For applicable requirements with which the installation is in compliance, a statement that the installation will continue to comply with these requirements;

(b) For applicable requirements that will become effective during the permit term, a statement that the installation will comply with these requirements on a timely basis. A statement that the installation will comply in a timely manner with applicable requirements that become effective during the permit term shall satisfy this provision, unless a more detailed schedule is expressly required by the applicable requirement; **and**

(c) A schedule of compliance for all applicable requirements with which the installation is not in compliance at the time of permit issuance, including a schedule of remedial measures and an enforceable sequence of actions, with milestones, leading to compliance. (This compliance schedule shall resemble and be equivalent in stringency to that contained in any judicial consent decree or administrative order to which the installation is subject);

(IV) For installations required to have a schedule of compliance under subpart (6)(B)3.I.(III)(c) of this rule, a schedule for the submission of certified progress reports no less frequently than every six (6) months; and

(V) The compliance plan content requirements specified in this paragraph shall apply to, and be included in, the acid rain portion of a compliance plan for an affected source, except as specifically superseded by regulations promulgated under Title IV of the Act with regard to the schedule and method(s) the installation will use to achieve compliance with the acid rain emissions limitations;

J. Compliance certification and information.

(I) A certification of compliance with all applicable requirements signed by a responsible official consistent with paragraph (6)(B)4. of this rule and section 114(a)(3) of the Act;

(II) A statement of methods used for determining compliance, including a description of monitoring, record keeping and reporting requirements, and test methods;

(III) A schedule for the submission of compliance certifications during the permit term, which shall be submitted annually, or more frequently if required by an underlying applicable requirement; and

(IV) A statement indicating the installation's compliance status with respect to any applicable enhanced monitoring and compliance certification requirements of the Act; and

K. Acid rain information. Nationally-standardized forms for acid rain portions of permit applications and compliance plans shall be used, as required by rules promulgated under Title IV of the Act.

4. Certification by responsible official. Any application form, report, or compliance certification submitted pursuant to this rule shall contain certification by a responsible official of truth, accuracy, and completeness. This certification, and any other certification, shall be signed by a responsible official and shall contain the following language: "I certify, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete."

5. Single, multiple, or general permits. Pursuant to this section of the rule, an installation must have a permit (or group of permits) addressing all applicable requirements for all emissions units in the installation. An installation may comply with this subsection of the rule through any one (1) of the methods identified in paragraphs (3)(A)1.-4. of this rule.

AUTHORITY: section 643.050, RSMo Supp. [2011] 2013. Original rule filed Sept. 2, 1993, effective May 9, 1994. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 17, 2015.

PUBLIC COST: This proposed amendment will cost twelve thousand eight hundred seventy dollars (\$12,870) in FY 2017. For the years after FY 2017, the total annual aggregate cost is twenty-five thousand seven hundred forty dollars (\$25,740) for the life of the rule. Note the attached fiscal note for assumptions that apply.

PRIVATE COST: This proposed amendment will cost one hundred forty-eight thousand five hundred ninety-nine dollars (\$148,599) in FY 2017. For the years after FY 2017, the total annual aggregate cost is two hundred ninety-seven thousand one hundred ninety-eight dollars (\$297,198) for the life of the rule. Note the attached fiscal note for assumptions that apply.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., October 29, 2015. The public hearing will be held at the Elm Street Conference Center, 1730 East Elm Street, Lower Level, Bennett Springs Conference Room, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., November 5, 2015. Written comments shall be sent to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to apcprulespn@dnr.mo.gov.

**FISCAL NOTE
 PUBLIC COST**

- I. Department Title:** 10 – Department of Natural Resources
Division Title: 10 – Air Conservation Commission
Chapter Title: 6 – Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

Rule Number and Name:	10 CSR 10-6.065 Operating Permits
Type of Rulemaking:	Amendment to an Existing Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
1,451 Total Facilities of which 87 are Public Entities (See Tables D and E)	\$ 25,740 Annualized Aggregate \$ 128,700 For Projected 5-Year Life

III. WORKSHEET

The following operating permit fee information and Table A includes combined public and private entity proposed fee adjustment information.

Operating Permit Fee Information

Current Basic Operating Permit Filing Fee = \$100
Proposed Basic Operating Permit Filing Fee = \$500

Current Intermediate and Part 70 Operating Permit Filing Fee = \$100

Proposed Intermediate and Part 70 Operating Permit Filing Fee Is Complexity-Based - - Fiscal Note Costs Are Estimated, Based on Assumptions and Averaged. The following shaded area shows fee estimates for Intermediate and Part 70 operating permits fee revenue over five years.

Number of Emission Units	Approx. # of Permits Requiring Base Fee Only	Proposed Base Fee	Proposed Base Fee Only Fee Collection
0 - 30	124	\$750	\$93,000
31 - 80	17	\$1,000	\$17,000
81 - 90	4	\$1,250	\$5,000
over 91	7	\$1,500	\$10,500
Total Base Fee Only Fee Collection (5 Years) =			\$125,500

Approx. # of Permits Requiring Costs Added Fee	Complexity-Based Fee Addition	Proposed Base Fee plus Cost Additions Fee Collection
280	\$3,000	\$840,000
Total Base Fee Plus Cost Additions Fee Collection (5 Years) =		\$840,000

Approx. # of Permits That "Max Out"	Proposed Maximum Fee	Proposed "Maxed Out" Permit Fee Collection
53	\$6,000	\$318,000
Total "Maxed Out" Permit Fee Collection (5 Years) =		\$318,000

Grand Total Intermediate and Part 70 Fee Collection With Fee Change (6 Years) =	1,283,500
Grand Total # Intermediate and Part 70 Permits (6 Years) =	485
Average Annual Number of Intermediate and Part 70 Permits =	81

Table A: Combined Public and Private Entity Projected Operating Permit Fee Revenue

Fiscal Year	Type of Fee	Annual Average Number of Permits/Applications	Annual Average Estimated Fee Collection (with fee change)	Annual Average Estimated Fee Collection (without fee change)	Annual Average Cost to Affected Entities due to Fee Increases
2017 (7/1 - 6/30/17)	Basic Operating Permit Filing Fee	95	\$47,500	\$9,500	\$38,000
2017 (7/1 - 6/30/17)	Intermediate and Part 70 Operating Permit Fee	49	\$128,350	\$4,850	\$123,500
2018	Basic Operating Permit Filing Fee	100	\$85,000	\$19,000	\$76,000
2018	Intermediate and Part 70 Operating Permit Fee	97	\$256,700	\$9,700	\$247,000
2019	Basic Operating Permit Filing Fee	100	\$85,000	\$19,000	\$76,000
2019	Intermediate and Part 70 Operating Permit Fee	97	\$256,700	\$9,700	\$247,000
2020	Basic Operating Permit Filing Fee	100	\$85,000	\$19,000	\$76,000
2020	Intermediate and Part 70 Operating Permit Fee	97	\$256,700	\$9,700	\$247,000
2021	Basic Operating Permit Filing Fee	100	\$85,000	\$19,000	\$76,000
2021	Intermediate and Part 70 Operating Permit Fee	97	\$256,700	\$9,700	\$247,000
2022 (7/1 - 12/31/22)	Basic Operating Permit Filing Fee	95	\$47,500	\$9,500	\$38,000
2022 (7/1 - 12/31/22)	Intermediate and Part 70 Operating Permit Fee	49	\$128,350	\$4,850	\$123,500
Cost projected over 5 years			\$1,758,500	\$143,500	\$1,615,000

The following two tables contain only public entity proposed fee adjustment information.

Table B: Public Entity Projected Total Permit Fees Collected (with new fees)

	Public Entity Projected Total Permit Fees Collected (with new fees)						5-Year Cost
	FY 2017 (1/1 - 6/30/17)	FY2018*	FY2019	FY2020	FY2021	FY 2022 (7/1 - 12/31/21)	
Number of Basic Operating Permit Applications	4	9	9	9	9	4	—
Fees Collected	\$2,250	\$4,500	\$4,500	\$4,500	\$4,500	\$2,250	\$22,500
Number of Intermediate and Part 70 Operating Permit Applications	4	9	9	9	9	4	—
Fees Collected	\$11,500	\$23,000	\$23,000	\$23,000	\$23,000	\$11,500	\$115,000
	Total Fees With New Fee						\$137,500

Table C: Public Entity Projected Total Permit Fees Collected (with existing fees)

	Public Entity Projected Total Permit Fees Collected (with existing fees)						5-Year Cost
	FY 2017 (1/1 - 6/30/17)	FY2018*	FY2019	FY2020	FY2021	FY 2022 (7/1 - 12/31/21)	
Number of Basic Operating Permit Applications	4	9	9	9	9	4	—
Fees Collected	\$400	\$900	\$900	\$900	\$900	\$400	\$4,400
Number of Intermediate and Part 70 Operating Permit Applications	4	9	9	9	9	4	—
Fees Collected	\$400	\$900	\$900	\$900	\$900	\$400	\$4,400
	Total Fees With Existing Fee						\$8,800

5-Year Aggregate Increase in Operating Permit Fee Amount Collected	\$128,700
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Annualized Aggregate Operating Permit Fee Cost For This Amendment**	\$25,740
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* The first full fiscal year for this rulemaking is 2018.

** Difference in estimated annualized aggregate costs when raising Operating Permit fees as follows:

Basic Operating Permit >> \$100 fee to \$500.

Intermediate and Part 70 Operating Permit >> \$100 fee to complexity-based fee.

Table D: Public Entities with Intermediate and Part 70 Operating Permits

Major Group SIC Code	SIC Description	# Affected Public Entities With Part 70 & Intermediate Permits
49	ELECTRIC, GAS, AND SANITARY SERVICES	34
82	EDUCATION SERVICES	4
80	HEALTH SERVICES	3
45	TRANSPORTATION BY AIR	1
97	NATIONAL SECURITY AND INTERNATIONAL AFFAIRS	1
TOTAL		43

Table E: Public Entities with Basic Operating Permits

Major Group SIC Code	SIC Description	# Affected Public Entities With Basic Permits
92	JUSTICE, PUBLIC ORDER AND SAFETY	12
49	ELECTRIC, GAS, AND SANITARY SERVICES	11
80	HEALTH SERVICES	7
82	EDUCATION SERVICES	4
97	NATIONAL SECURITY AND INTERNATIONAL AFFAIRS	2
43	UNITED STATES POSTAL SERVICE	1
72	PERSONAL SERVICES	1
75	AUTOMOTIVE REPAIR, SERVICES AND PARKING	1
79	AMUSEMENT AND RECREATION SERVICES	1
83	SOCIAL SERVICES	1
87	ENGINEERING, ACCOUNTING, RESEARCH MANAGEMENT & RELATED SERVICES	1
91	EXECUTIVE, LEGISLATIVE & GENERAL GOVERNMENT, EXCEPT FINANCE	1
95	ADMINISTRATION OF ENVIRONMENTAL QUALITY AND HOUSING PROGRAMS	1
TOTAL		44

IV. ASSUMPTIONS

1. An annualized aggregate cost of this rulemaking is used for the purposes of providing the aggregate cost for the life of the rule. The annualized aggregate cost is the agency estimate of the average costs that will be incurred in any future year, no matter how far distant. For the convenience of calculating this fiscal note over a reasonable time frame, the life of the rule is assumed to be five (5) years although the duration of the rule is indefinite. If the life of the rule extends beyond 5 years, the annual costs for additional years will be consistent with the assumptions used to calculate annual costs as identified in this fiscal note.
2. The estimated number of facilities affected by this rulemaking listed in part II and Tables D and E is based on the Air Program's Missouri Emissions Inventory System (MoEIS) database. Based on MoEIS data as of May 11, 2015, a total of 1,451 Missouri facilities have a part 70, intermediate or basic operating permit. Of these, an estimated 87 are public entities.
3. The total of 1,451 facilities with an operating permit discussed in assumption #2 is expected to decrease by roughly 300 due to anticipated changes to the basic operating permit program, which will be implemented through amendments to two rules: 10 CSR 10-6.065 *Operating Permits* and 10 CSR 10-6.020 *Definitions and Common Reference Tables*. One change occurring during this rulemaking is to remove the incinerator applicability language (subsection (1)(B)) from 10 CSR 10-6.065. This is estimated to result in approximately 126 public and private facilities no longer having to obtain a basic operating permit. The other change would be handled in a separate rulemaking the Air Program is considering. Specifically, this rulemaking would amend the definition of "basic state installation" in 10 CSR 10-6.020 such that sources would no longer be required to obtain or renew a basic operating permit based solely on being subject to a requirement under sections 111 or 112 of the Clean Air Act, which includes federal Maximum Achievable Control Technology (MACT) and New Source Performance Standards (NSPS). After the revision to the "basic state installation" definition, an estimated 180 public and private facilities would no longer have to obtain a basic operating permit. If the 10 CSR 10-6.020 rulemaking does not happen, these 180 facilities would continue to be required to apply and pay for a basic operating permit.
4. The operating permit fee information and Table A in part III reflect combined public and private entity information used for department budget purposes.
5. Basic operating permit filing fees are based on \$500 per filing effective January 1, 2017. This fee represents a \$400 increase from the fee of \$100 per filing prior to January 1, 2017.
6. Effective January 1, 2017, intermediate and part 70 operating permit filing fees are based on a tiered system that reflects the complexity of the permit. As described in the previous shaded box under the Operating Permit Fee Information, the new fee consists of a base fee ranging from \$750 to \$1,500, determined by the number of emission units at the facility, plus an additional complexity fee of \$500 to \$1,500 for facilities meeting certain criteria. The complexity items depend on the number of applicable new source performance standards, maximum achievable control technology standards, hazardous air

pollutant standards, compliance assurance monitoring plans, confidentiality requests, and applicability to acid rain standards. This group of mid-range permits (permit cost is more than the minimum base fee, but less than the maximum fee) average to costing approximately \$ 3,000 each. In this fee structure, the minimum application filing fee for intermediate and part 70 permits is \$750 and the maximum is \$6,000. The filing fee applies to the initial application and permit renewals every five years. This fee represents an increase ranging from \$650 to \$5,900 from the fee of \$100 per application prior to January 1, 2017.

7. The operating permit fee information in part III is based on a review of all active intermediate and part 70 operating permits as of May 2015. This includes the breakdown of permits into ranges of emission units, number of sources with additional complexity fee items, and number of sources that reach the maximum proposed \$6,000 filing fee.
8. All permit numbers shown in the operating permit fee information in part III represent a five-year period because operating permits are valid for five years, at which point they must be renewed.
9. In Table A, the average number of annual permit applications for FY2017-2022 is based on 3-year average annual revenue collected for all operating permit applications received during FY2012-2014. This 3-year average annual revenue was divided by the existing \$100 filing fee to estimate the total number of operating permit applications received in a typical year. This figure was then broken down into basic versus intermediate/part 70 permits based on the average annual number of operating permit applications by type received during FY2012-2014.
10. The estimated fee collection (with and without fee change) for basic operating permits in Table B reflects the anticipated reduction in facilities required to obtain basic operating permits based on the potential rule changes described in assumption #3. Because the reduction in number of basic operating permits is unknown, these changes were accounted for by reducing the three-year average annual revenue from basic operating permit applications by half. This is a conservative estimate for budget purposes, i.e., it errs on the high side of the estimated reduction in projected revenue. This number was derived differently from the total number of basic operating permits in Table E and is not comparable to the number in Table E because they are used for different purposes and at different times. If the 10 CSR 10-6.020 rulemaking to change the definition of "basic state installation" does not happen, the projected annual revenue from both public and private entity basic operating permits would increase by roughly \$18,000 per year (based on the estimated 180 affected entities from MoEIS:
 $180 \times \$500 \text{ (new fee)} = \$90,000 / 5 \text{ year term of permit} = \$18,000 \text{ total annual revenue}$).
11. Table C shows projected FY2017-2022 total operating permit revenue from public entities. These estimates assume that of the 190 basic and 97 intermediate/part 70 operating permit applications received on average each year, 9 for both types of permits are from public entities. The number of public entities is based on MoEIS data.
12. The fees collected are uniformly distributed throughout the fiscal years.
13. This fiscal note only includes estimated costs for changes made as a result of this proposed rule amendment. It also assumes an anticipated change to the definition of "basic state installation" in 10 CSR 10-6.020 as described in assumption #3. This change was assumed in this fiscal note for budget planning purposes. The impacts of this change will also be addressed in a fiscal note associated with the 10 CSR 10-6.020 rulemaking.
14. Note that numbers in charts appear as whole numbers, but actual numbers may include decimal places sometimes causing a variance in totals.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title:** 10 – Department of Natural Resources
- Division Title:** 10 – Air Conservation Commission
- Chapter Title:** 6 – Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

Rule Number and Title:	10 CSR 10-6.065 Operating Permits
Type of Rulemaking:	Amendment to an Existing Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
1,451 Total Facilities of which 1,364 are Private Entities (See Tables D and E)	Listed below	\$ 297,198 Annualized Aggregate \$ 1,485,990 For Projected 5-Year Life

III. WORKSHEET

The following operating permits fee information and Table A includes combined public and private entity proposed fee adjustment information.

Operating Permit Fee Information

Current Basic Operating Permit Filing Fee = \$100
Proposed Basic Operating Permit Filing Fee = \$500

Current Intermediate and Part 70 Operating Permit Filing Fee = \$100

Proposed Intermediate and Part 70 Operating Permit Filing Fee Is Complexity-Based -- Fiscal Note Costs Are Estimated, Based on Assumptions and Averaged. The following shaded area shows fee estimates for Intermediate and Part 70 operating permits fee revenue over five years.

Number of Emission Units	Approx. # of Permits Requiring Base Fee Only	Proposed Base Fee	Proposed Base Fee Only Fee Collection
10 - 30	124	\$750	\$93,000
31 - 60	17	\$1,000	\$17,000
61 - 90	4	\$1,250	\$5,000
over 91	7	\$1,500	\$10,500
Total Base Fee Only Fee Collection (5 Years) =			\$125,500

Approx. # of Permits Requiring Costs Added Fee	Complexity-Based Fee Addition	Proposed Base Fee plus Cost Additions Fee Collection
280	\$3,000	\$840,000
Total Base Fee Plus Cost Additions Fee Collection (5 Years) =		\$840,000

Approx. # of Permits That "Max Out"	Proposed Maximum Fee	Proposed "Maxed Out" Permit Fee Collection
53	\$5,000	\$265,000
Total "Maxed Out" Permit Fee Collection (5 Years) =		\$265,000

Grand Total Intermediate and Part 70 Fee Collection With Fee Change (5 Years) =	1,283,500
Grand Total # Intermediate and Part 70 Permits (5 Years) =	485
Average Annual Number of Intermediate and Part 70 Permits =	97

Table A: Combined Public and Private Entity Projected Operating Permit Fee Revenue

Fiscal Year	Type of Fee	Annual Average Number of Permits/Applications	Annual Average Estimated Fee Collection (with fee change)	Annual Average Estimated Fee Collection (without fee change)	Annual Average Cost to Affected Entities due to Fee Increase
2017 (1/1 - 6/30/17)	Basic Operating Permit Filing Fee	95	\$47,500	\$9,500	\$38,000
2017 (1/1 - 6/30/17)	Intermediate and Part 70 Operating Permit Fee	49	\$128,350	\$4,850	\$123,500
2018	Basic Operating Permit Filing Fee	100	\$95,000	\$19,000	\$76,000
2018	Intermediate and Part 70 Operating Permit Fee	97	\$256,700	\$9,700	\$247,000
2019	Basic Operating Permit Filing Fee	100	\$95,000	\$19,000	\$76,000
2019	Intermediate and Part 70 Operating Permit Fee	97	\$256,700	\$9,700	\$247,000
2020	Basic Operating Permit Filing Fee	100	\$95,000	\$19,000	\$76,000
2020	Intermediate and Part 70 Operating Permit Fee	97	\$256,700	\$9,700	\$247,000
2021	Basic Operating Permit Filing Fee	100	\$95,000	\$19,000	\$76,000
2021	Intermediate and Part 70 Operating Permit Fee	97	\$256,700	\$9,700	\$247,000
2022 (7/1 - 12/31/22)	Basic Operating Permit Filing Fee	95	\$47,500	\$9,500	\$38,000
2022 (7/1 - 12/31/22)	Intermediate and Part 70 Operating Permit Fee	49	\$128,350	\$4,850	\$123,500
Cost projected over 5 years			\$1,758,500	\$43,500	\$1,615,000

The following two tables contain only private entity proposed fee adjustment information.

Table B: Private Entity Projected Total Permit Fees Collected (with new fees)

	Private Entities Projected Total Permit Fees Collected (with new fees)						
	FY 2017 (1/1 - 6/30/17)	FY2018*	FY2019	FY2020	FY2021	FY 2022 (7/1 - 12/31/21)	5-Year Cost
Number of Basic Operating Permit Applications	91	181	181	181	181	91	--
Fees Collected	\$45,500	\$90,500	\$90,500	\$90,500	\$90,500	\$45,500	\$453,000
Number of Intermediate and Part 70 Operating Permit Applications	44	89	88	88	88	44	--
Fees Collected	\$116,769	\$233,538	\$233,538	\$233,538	\$233,538	\$116,769	\$1,167,690
	Total Fees With New Fees						\$1,620,690

Table C: Private Entity Projected Total Permit Fees Collected (with existing fees)

	Private Entities Projected Total Permit Fees Collected (with existing fees)						
	FY 2017 (1/1 - 6/30/17)	FY2018*	FY2019	FY2020	FY2021	FY 2022 (7/1 - 12/31/21)	5-Year Cost
Number of Basic Operating Permit Applications	91	181	181	181	181	91	--
Fees Collected	\$9,100	\$18,100	\$18,100	\$18,100	\$18,100	\$9,100	\$90,600
Number of Intermediate and Part 70 Operating Permit Applications	44	89	88	88	88	44	--
Fees Collected	\$4,400	\$8,900	\$8,800	\$8,800	\$8,800	\$4,400	\$44,100
	Total Fees With Existing Fee						\$134,700

5-Year Aggregate Increase in Operating Permit Fee Amount Collected	\$1,485,990
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Annualized Aggregate Operating Permit Fee Cost For This Amendment**	\$297,198
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*The first full fiscal year for this rulemaking is 2018.

**Difference in estimated annualized aggregate costs when raising Operating Permit fees as follows:

Basic Operating Permit >> \$100 fee to \$500.

Intermediate and Part 70 Operating Permit >> \$100 fee to complexity-based fee.