

Small Business Regulatory Fairness Board

Small Business Impact Statement

Date: 3/29/2024

Rule Number: 10 CSR 10-6.065, Operating Permits

Name of Agency Preparing Statement: Missouri Department of Natural Resources

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Name of Person Approving Statement: Stephen Hall, Director, Air Pollution Control Program

Please describe the methods your agency considered or used to reduce the impact on small businesses.

This rulemaking is necessary to enable the department's Air Pollution Control Program to address future solvency issues. Any small business that is subject to the requirements of 10 CSR 10-6.065 is financially impacted based on the amount and complexity of operating permit applications submitted. To minimize the impact on small businesses, extensive input from stakeholders was utilized to set the fees at the lowest level possible that adequately address future solvency issues.

Please explain how your agency has involved small businesses in the development of the proposed rule.

Small businesses have had the opportunity to be involved with the development of this rulemaking through stakeholder meetings composed of industry representatives and department staff. The Air Pollution Control Program held a meeting for stakeholders on July 27, 2023, with a presentation about all air fees. Additional meetings for stakeholder input on fees were held on Sept. 19, 2023, Nov. 15, 2023, and Feb. 8, 2024 to gain general consensus on the new fee amounts. Small businesses will have additional opportunities to comment on this rulemaking at least 30 days prior to a public hearing. Information on the rulemaking is also made available on the department's web site and distributed to appropriate entities via email. The proposed rulemaking will also be presented at public hearing and comments will be accepted up to 7 days after the public hearing. Any comments received prior to the close of the public comment period will be considered and addressed prior to filing the final order of rulemaking.

Please list the probable monetary costs and benefits to your agency and any other agencies affected. Please include the estimated total amount your agency expects to collect from additionally imposed fees and how the moneys will be used.

The department and any other Missouri state agencies submitting operating permit applications will be required to pay the increased fees starting January 1, 2026. The fee increases will help allow the Air Program to maintain future solvency. The assumptions and projected costs to both public and private entities are detailed in the fiscal notes associated with the rulemaking.

The fees will be used to cover the cost of services the air program provides. The air program provides a range of services that benefit the health, safety, and welfare of Missouri residents including, but not limited to:

- Monitoring Missouri's outdoor air for numerous different air pollutants;
- Permitting air pollution sources within the state of Missouri in accordance with state and federal air pollution laws and regulations;
- Collecting and reporting emission data from sources in Missouri;
- Inspecting air pollution sources, responding to concerns, and enforcing Missouri air laws and regulations;
- Modeling air pollution sources to estimate air pollution concentrations across the state for use in permits and state plans; and
- Developing plans and regulations to ensure all parts of Missouri have air quality that remains in compliance with EPA's federal outdoor air quality standards for criteria air pollutants.

Please describe small businesses that will be required to comply with the proposed rule and how they may be adversely affected.

Any small business submitting operating permit applications will be affected by this rulemaking. The filing fees will be increased for all operating permit tiers.

Please list direct and indirect costs (in dollars amounts) associated with compliance.

The operating permit filing fee will increase by \$500 for each of the four tiers of operating permits. The fees for additional complexity are not being increased.

Please list types of business that will be directly affected by, bear the cost of, or directly benefit from the proposed rule.

The types of businesses directly affected by the proposed rule include any business that intends on submitting an operating permit. Many air pollution sources that will be subject to the proposed fee structure are small businesses.

Increasing permit fees benefits small businesses because the revenue from the increased permit fees will help keep the Air Program solvent and able 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. In particular, the increased revenue allows the Air Program to continue issuing timely permits for small businesses to meet their goals while complying with air regulations. It will also allow the Air Program to continue providing compliance assistance to small businesses, educating them about air regulations, and helping them understand their options for compliance.

Does the proposed rule include provisions that are more stringent than those mandated by comparable or related federal, state, or county standards?

Yes

No

If yes, please explain the reason for imposing a more stringent standard.

For further guidance in the completion of this statement, please see [§536.300, RSMo.](#)