

Regulatory Impact Report

10 CSR 10-6.261 Control of Sulfur Dioxide Emissions

Pursuant to Section 640.015, RSMo, all rulemakings that prescribe environmental conditions or standards promulgated by the Department of Natural Resources pursuant to authorities granted in Chapters 640, 260, 278, 319, 444, 643, or 644 shall be based on a regulatory impact report. This requirement does not apply to rules where the Department Director determines that immediate action is necessary to protect human health, public welfare, or the environment; or to rules of applicable federal agencies adopted by the department without variance.

Upon completion of the comment period, official responses will be developed and made available on the agency web page prior to filing an Order of Rulemaking with the Secretary of State. Contact information is at the end of this regulatory impact report.

1. A report on the peer-reviewed scientific data used to commence the rulemaking process.

No scientific data was used to commence the rulemaking process. The proposed rulemaking integrates and consolidates pre-existing sulfur dioxide (SO₂) emission limits into the existing rule. The amendment does not add any requirements that do not already exist either in a permit, consent agreement, or in the current state implementation plan (SIP).

2. A description of persons who will most likely be affected by the proposed rule, including persons that will bear the costs of the proposed rule and persons that will benefit from the proposed rule.

There are no costs and no environmental benefits associated with the proposed rulemaking because it does not impose any new, or relax any existing, requirements.

EPA's disapproval of the revisions made to the State Implementation Plan (SIP) in January of 2023 ¹ has left Missouri with a rescinded state regulation (10 CSR 10-6.260) that remains in Missouri's federally-approved SIP. This causes significant redundancy between the current state rule (10 CSR 10-6.261) and the SIP-approved rule. The department needs to provide an acceptable replacement regulation for submittal into the SIP to eliminate this redundant regulatory situation that increases administrative burdens for Air Program staff and affected sources for no environmental benefit.

3. A description of the environmental and economic costs and benefits of the proposed rule.

There are no environmental or economic costs or benefits of the proposed rulemaking because it does not impose any new, or relax any existing, requirements.

¹ See 88 FR 291, published January 4, 2023

4. The probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenue.

There are no probable costs to the department or any other state agency associated with this proposed rulemaking. The proposed rulemaking will not affect state revenue.

5. A comparison of the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction, which includes both economic and environmental costs and benefits.

There are no economic or environmental costs or benefits of the proposed rulemaking compared to inaction.

6. A determination of whether there are less costly or less intrusive methods for achieving the proposed rulemaking.

The department is not aware of a less costly or less intrusive method for achieving the purpose of the proposed rulemaking.

7. A description of any alternative method for achieving the purpose of the proposed rule that were seriously considered by the department and the reasons why they were rejected in favor of the proposed rule.

The department is not aware of any alternative method for achieving the purpose of the proposed rulemaking.

8. An analysis of both short-term and long-term consequences of the proposed rule.

This rulemaking addresses the deficiencies identified in EPA's final disapproval of this rule into Missouri's SIP. Federal SIP disapprovals have the potential to result in Clean Air Act sanctions and federal implementation plans if the state does not address the deficiencies. Therefore, this rulemaking is intended to remove the potential for those negative consequences associated with EPA's January 2023 disapproval.

Further, when EPA approves this rule into Missouri's SIP, it will eliminate the redundant regulatory situation that currently exists with the state rule and the SIP-approved rule. This will reduce administrative burdens for the department and affected sources in both the short- and long-term.

9. An explanation of the risks to human health, public welfare or the environment addressed by the proposed rule.

The proposed rulemaking does not address any risks to human health, public welfare, or the environment.

10. The identification of the sources of scientific information used in evaluating the risk and a summary of such information.

No scientific information was used to evaluate the risk associated with this proposed rulemaking. There are no changes to current risk levels associated with the proposed rulemaking.

11. A description and impact statement of any uncertainties and assumptions made in conducting the analysis on the resulting risk estimate.

This question does not apply. There are no changes to current risk levels associated with the proposed rulemaking.

12. A description of any significant countervailing risks that may be caused by the proposed rule.

There are no significant countervailing risks that may be caused by the proposed rulemaking.

13. The identification of at least one, if any, alternative regulatory approaches that will produce comparable human health, public welfare or environmental outcomes.

The proposed rulemaking is not associated with any health, welfare, or environmental outcomes.

The department is unaware of any alternative regulatory approach that will address the deficiencies identified in EPA's SIP disapproval, which is needed to reduce the administrative burdens associated with the redundancy of the two regulations currently in place.

14. Provide information on how to provide comments on the Regulatory Impact Report during the 60-day period before the proposed rule is filed with the Secretary of State.

Comments can be provided on either the Regulatory Impact Report, the accompanying Technical Support Document, or the draft rule text during the 60-day period before the proposed rule amendment is filed with the Secretary of State to:

Chief, Air Quality Planning Section
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102-0176

or

Missouri Air Conservation Commission
P.O. Box 176
Jefferson City, MO 65102-0176

or call: (573) 751-4817

or online via the department website at <https://apps5.mo.gov/proposed-rules/welcome.action#OPEN2>

Copies of the comments made on either the Regulatory Impact Report or the draft rule text may be obtained by request from the contact listed above or by accessing the Rules In Development section on the website: <https://apps5.mo.gov/proposed-rules/welcome.action#RID> for this particular rulemaking.