

- 10 CSR 10–5.220 Control of Petroleum Liquid Storage, Loading and Transfer, 37 FR 10842 (5/31/72)
- 10 CSR 10–5.295 Control of Emissions From Aerospace Manufacturing and Rework Facilities, 65 FR 31489 (5/18/2000)
- 10 CSR 10–5.300 Control of Emissions from Solvent Metal Cleaning, 45 FR 24140 (4/9/80) and 45 FR 56806 (7/11/80) (correction)
- 10 CSR 10–5.310 Liquefied Cutback Asphalt Paving Restricted, 45 FR 24140 (4/9/80) and 45 FR 46806 (7/11/80) (correction)
- 10 CSR 10–5.320 Control of Emissions from Perchloroethylene Dry Cleaning Installations, 46 FR 20172 (4/3/81)
- 10 CSR 10–5.330 Control of Emissions from Industrial Surface Coating Operations, 45 FR 24140 (4/9/80) and 45 FR 46806 (7/11/80) (correction)
- 10 CSR 10–5.340 Control of Emissions from Rotogravure and Flexographic Printing Facilities, 46 FR 20172 (4/3/81)
- 10 CSR 10–5.350 Control of Emissions from Manufacture of Synthesized Pharmaceutical Products, 46 FR 20172 (4/3/81)
- 10 CSR 10–5.360 Control of Emissions from Polyethylene Bag Sealing Operations, 49 FR 40164 (10/15/84)
- 10 CSR 10–5.370 Control of Emissions from the Application of Deadeners and Adhesives, 55 FR 7712 (3/5/90)
- 10 CSR 10–5.390 Control of Emissions from Manufacture of Paints, Varnishes, Lacquers, Enamels and Other Allied Surface Coating Products, 50 FR 14925 (4/16/85)
- 10 CSR 10–5.410 Control of Emissions from the Manufacture of Polystyrene Resin, 55 FR 7712 (3/5/90)
- 10 CSR 10–5.420 Control of Equipment Leaks from Synthetic Organic Chemical and Polymer Manufacturing Plants, 53 FR 12417 (4/14/88)
- 10 CSR 10–5.440 Control of Emissions from Bakery Ovens, 65 FR 8060 (2/17/2000)
- 10 CSR 10–5.442 Control of Emissions From Offset Lithographic Printing Operations, 65 FR 8060 (2/17/00)
- 10 CSR 10–5.450 Control of VOC Emissions from Traffic Coatings, 65 FR 8060 (2/17/00)
- 10 CSR 10–5.451 Control of Emissions from Aluminum Foil Rolling, 65 FR 8060 (2/17/00)
- 10 CSR 10–5.455 Control of Emissions from Solvent Cleanup Operations, 65 FR 8060 (2/17/00)
- 10 CSR 10–5.490 Municipal Solid Waste Landfills, 63 FR 20320 (4/24/98)
- 10 CSR 10–5.500 Control of Emissions From Volatile Organic Liquid Storage, 65 FR 31489 (5/18/00)
- 10 CSR 10–5.520 Control of Volatile Organic Compound Emissions From

Existing Major Sources, 65 FR 31489 (5/18/2000)

- 10 CSR 10–5.530 Control of Volatile Organic Compound Emissions From Wood Furniture Manufacturing Operations, 65 FR 31489 (5/18/00)
- 10 CSR 10–5.540 Control of Emissions From Batch Process Operations, 65 FR 31489 (5/18/00)

- 10 CSR 10–5.550 Control of Volatile Organic Compound Emissions From Reactor Processes and Distillations Operations Processes in the Synthetic Organic Chemical Manufacturing Industry, 65 FR 31489 (5/18/00)

The rationale for approval of each of these rules is described in the respective **Federal Register** document approving each rule. As stated previously, in the response to comment 5, this redesignation rulemaking does not reopen rulemakings regarding prior SIP approvals.

Comment 15: Missouri has not adopted all appropriate NO_x and NO_x RACT rules. Thus, the SIP is not approvable.

Response 15: Missouri has adopted and EPA has approved into Missouri's SIP a NO_x RACT rule meeting the requirements of section 182(f). The Missouri NO_x RACT rule can be found at 10 CSR 10–5.510. *See* comment 13 for further discussion on Missouri's NO_x RACT rule. As described in response to previous comments, pursuant to the Calcagni Memo page 3, and upheld in the *Wall* case cited previously, an EPA action on a redesignation request does not mean that earlier issues with regard to the SIP will be reopened. *See also, Southwestern Pennsylvania Growth Alliance v. Browner*, 144 F.3d 984 (6th Cir. 1998). Thus, EPA is not reopening Missouri's NO_x RACT rule as part of this redesignation.

Missouri has adopted and EPA has approved into the SIP a state-wide NO_x rule (10 CSR 10–6.350 Emissions Limitations and Emissions Trading of Oxides of Nitrogen, 65 FR 82285 (12/28/00)).

As stated in comment 10 above, EPA believes that submissions under the NO_x SIP call are not applicable requirements for purposes of evaluating Missouri's redesignation request.

EPA has determined that Missouri has adopted all applicable NO_x and NO_x RACT rules.

Comment 16: The Missouri I/M rule being approved in a separate rulemaking does not meet the requirements for an I/M program. EPA needs to explain how it can approve an I/M rule since it does not meet the I/M requirements for a serious area.

Response 16: EPA is responding to comments regarding Missouri's I/M

program in a separate rulemaking published in today's **Federal Register**. EPA's response to comments included in that rulemaking are incorporated here.

The Federal rule at 40 CFR 51.372(c) states that "Any nonattainment area that EPA determines would otherwise qualify for redesignation from nonattainment to attainment shall receive full approval of a SIP submittal under Sections 182(a)(2)(B) or 182(b)(4) if the submittal contains the following elements: (1) Legal authority to implement a basic I/M program (or enhanced if the State chooses to opt up) as required by this subpart. The legislative authority for an I/M program shall allow the adoption of implementing regulations without requiring further legislation. (2) A request to place the I/M plan (if no I/M program is currently in place or if an I/M program has been terminated) or the I/M upgrade (if the existing I/M program is to continue without being upgraded) into the contingency measures portion of the maintenance plan upon redesignation. (3) A contingency measure consisting of a commitment by the Governor or the Governor's designee to adopt or consider adopting regulations to implement the required I/M program to correct a violation of the ozone or CO standard or other air quality problem, in accordance with the provisions of the maintenance plan. (4) A contingency commitment that includes an enforceable schedule for adoption and implementation of the I/M program, and appropriate milestones. The schedule shall include the date for submission of a SIP meeting all of the requirements of this subpart. Schedule milestones shall be listed in months from the date EPA notifies the State that it is in violation of the ozone or CO standard or any earlier date specified in the State plan. Unless the State, in accordance with the provisions of the maintenance plan, chooses not to implement I/M, it must submit a SIP revision containing an I/M program no more than 18 months after notification by EPA."

Regarding item (1) above, as indicated in the response to comment 35, Missouri has the authority to implement an I/M program. Regarding item (2) above, the maintenance plan contains "High Enhanced I/M" as a contingency measure. The plan was accompanied by a request from an authorized Missouri official for EPA to approve the maintenance plan. Regarding item (3) above, section 7.1 of the maintenance plan contains a commitment to adopt or consider adopting the I/M program listed as a contingency measure.