

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 2—DEPARTMENT OF AGRICULTURE Division 30—Animal Health Chapter 6—Livestock Markets

ORDER OF RULEMAKING

By the authority vested in the Director of Agriculture under section 277.160, RSMo 2000, the director amends a rule as follows:

2 CSR 30-6.020 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2011 (36 MoReg 524–526). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Two (2) comments were received and staff made an additional comment.

COMMENT #1: Dr. Massengill questioned the intention of the existing portion of the rule whether it was directed toward all breeding bulls prior to entering the market, bulls entering Missouri, or Missouri origin bulls. Also, paragraph (3)(D)3. omits the word "official" that is used in subparagraph (3)(D)1.B. and part (3)(D)1.B.(I) when referring to the culture test and Polymerase Chain Reaction (PCR) test. Another confusion in paragraph (3)(D)3. is the apparent instruction to the market veterinarian to issue a quarantine on a bull that tested positive and its cohorts even though they may not be presented to the market for sale. It would appear obvious that there is an assumption that an animal must be negative on the required tests to be eligible for sale at the market. However, that is not stated.

RESPONSE AND EXPLANATION OF CHANGE: The department has considered this comment. Changes have been made to provide clarity to the regulation.

COMMENT #2: Ronald Bruce, United Producers, was okay with the regulations, just wanted them to apply to video sales.

RESPONSE: Comment was considered and no changes made as a result of this comment.

COMMENT #3: Upon administrative review, changes were made for clarification in paragraph (3)(D)1. and parts (3)(D)1.B.(II) and (III).

RESPONSE: Comment considered and changes made.

2 CSR 30-6.020 Duties and Facilities of the Market/Sale Veterinarian

(3) Cattle, Bison, and Exotic Bovids.

(D) Trichomoniasis Requirements.

1. All breeding bulls (excluding exotic bovines) prior to entering a licensed livestock market/sale shall be—

A. Virgin bulls not more than twenty-four (24) months of age as determined by the presence of both permanent central incisor teeth in wear or by breed registry papers; or

B. Tested negative for Trichomoniasis with an official culture test or official Polymerase Chain Reaction (PCR) test by an approved diagnostic laboratory within thirty (30) days prior to entry into the state.

(I) Bulls shall be tested three (3) times not less than one (1) week apart by an official culture test or one (1) time by official PCR test prior to entering Missouri.

(II) Bulls that have had contact with female cattle subsequent to testing must be retested prior to entry.

(III) Bulls tested at the market must be quarantined at the farm of destination pending negative test results. If test results are positive, the positive animals and cohorts will be quarantined.

2. If the breeding bulls are virgin bulls, less than twenty-four (24) months of age, they shall be—

A. Individually identified by official identification; and

B. Accompanied by a breeder's certificate or statement of virgin status signed by the breeder or his representative attesting that they are virgin bulls.

C. The official identification number shall be written on the breeder's certificate.

3. Non-virgin or bulls twenty-four (24) months of age or older must be Trichomoniasis tested with three (3) official culture or one (1) official PCR test. Bulls may be quarantined at farm pending test results. If test results are positive, the positive animal and cohorts will be placed under quarantine.

4. A Certificate of Veterinary Inspection listing official identification and test performed, date of test, results, and laboratory, if testing is required.

5. Bulls going directly to slaughter are exempt from Trichomoniasis testing.

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits

ORDER OF RULEMAKING

By authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.432 is amended.

This rule establishes the archery deer hunting season, limits, and provisions for hunting and is excepted by section 536.021, RSMo, from the requirements for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-7.432 by establishing archery deer hunting seasons.

3 CSR 10-7.432 Deer: Archery Hunting Season

(1) The archery deer hunting season is September 15 through January 15, excluding the November portion of the firearms deer hunting season. Use archery methods only; firearms may not be possessed with the following exceptions (Firearms possessed under these exceptions may not be used to take wildlife while archery hunting. Proof of this exception must be carried while hunting.):

SUMMARY OF COMMENTS: Seasons and limits are excepted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment was filed May 31, 2011, and becomes effective **July 1, 2011**.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons,
Methods, Limits**

ORDER OF RULEMAKING

By authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.433 is amended.

This rule establishes the archery deer hunting season, limits, and provisions for hunting and is excepted by section 536.021, RSMo, from the requirements for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-7.433 by establishing firearms deer hunting seasons.

3 CSR 10-7.433 Deer: Firearms Hunting Seasons

(1) The firearms deer hunting season is comprised of six (6) portions.

(A) Urban zones portion: October 7 through 10, 2011; use any legal deer hunting method to take antlerless deer in open zones.

(B) Youth portions: November 5 and 6, 2011, and January 7 and 8, 2012; for persons at least six (6) but not older than fifteen (15) years of age; use any legal deer hunting method to take one (1) deer statewide during the November 5 and 6, 2011, portion; use any legal deer hunting method to take deer statewide during the January 7 and 8, 2012, portion.

(C) November portion: November 12 through 22, 2011; use any legal deer hunting method to take deer statewide.

(D) Muzzleloader portion: December 17 through 27, 2011; use muzzleloader methods to take deer statewide.

(E) Antlerless portion: November 23 through December 4, 2011; use any legal deer hunting method to take antlerless deer in open counties.

SUMMARY OF COMMENTS: Seasons and limits are excepted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment was filed May 31, 2011, and becomes effective **July 1, 2011**.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons,
Methods, Limits**

ORDER OF RULEMAKING

By authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.435 is amended.

This rule establishes the archery deer hunting season, limits, and provisions for hunting and is excepted by section 536.021, RSMo, from the requirements for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-7.435 by establishing special deer harvest limits and restrictions.

3 CSR 10-7.435 Deer: Special Harvest Provisions

(1) Only antlerless deer and antlered deer with at least one (1) antler having at least four (4) antler points may be taken in the counties of Adair, Andrew, Atchison, Audrain, Barton, Bates, Benton, Boone, Buchanan, Caldwell, Callaway, Camden, Carroll, the portion of Cass County not included in the Kansas City urban zone, Cedar, Chariton, Clark, Clinton, Cole, Cooper, Daviess, DeKalb, the portion of Franklin County not included in the St. Louis urban zone, Gasconade, Gentry, Grundy, Harrison, Henry, Hickory, Holt, Howard, the portion of Jefferson County not included in the St. Louis urban zone, Johnson, Knox, Lafayette, Lewis, Lincoln, Linn, Livingston, Macon, Maries, Marion, Mercer, Miller, Moniteau, Monroe, Montgomery, Morgan, Nodaway, Osage, Pettis, Phelps, Pike, the portion of Platte County not included in the Kansas City urban zone, Pulaski, Putnam, Ralls, Randolph, Ray, Saline, Schuyler, Scotland, Shelby, St. Clair, Ste. Genevieve, Sullivan, Vernon, Warren, and Worth. No other antlered deer may be taken.

SUMMARY OF COMMENTS: Seasons and limits are excepted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment was filed May 31, 2011, and becomes effective **July 1, 2011**.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons,
Methods, Limits**

ORDER OF RULEMAKING

By authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.437 is amended.

This rule establishes the archery deer hunting season, limits, and provisions for hunting and is excepted by section 536.021, RSMo, from the requirements for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-7.437 by establishing special deer harvest limits and restrictions by county.

3 CSR 10-7.437 Deer: Antlerless Deer Hunting Permit Availability

(1) Archery Deer Hunting Season.

(A) Resident and Nonresident Archery Antlerless Deer Hunting Permits are not valid in the counties of: Butler, Carter, Dunklin, Iron, Mississippi, New Madrid, Pemiscot, Reynolds, Scott, and Stoddard.

SUMMARY OF COMMENTS: Seasons and limits are excepted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment was filed May 31, 2011, and becomes effective **July 1, 2011**.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 50—Office of Quality Schools
Chapter 345—Missouri School Improvement Program**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 160.518, 161.092, 162.081, and 168.081, RSMo Supp. 2010, and sections 160.514, 160.526, and 167.131, RSMo 2000, the board withdraws a proposed rule as follows:

5 CSR 50-345.105 Missouri School Improvement Program—5 is withdrawn.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 15, 2011 (36 MoReg 1065–1069). This proposed rule is withdrawn.

SUMMARY OF COMMENTS: The State Board of Education received comments from multiple educators and educational organizations requesting additional opportunity to respond to the proposed revision of school accountability standards.

RESPONSE: As a result, the State Board of Education is withdrawing this rulemaking.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 5—Air Quality Standards and Air Pollution
Control Rules Specific to the St. Louis Metropolitan
Area**

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-5.330 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2011 (36 MoReg 712–729). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received sixteen (16) comments from four (4) sources: Anheuser-Busch, the

American Coatings Association, St. Louis County Air Pollution Control Program, and Meramec Group, Inc.

COMMENT #1: Anheuser-Busch recommended adding ink jet technology to the list of application equipment in paragraph (3)(J)4. of the proposed amendment. Ink jet technology has significantly greater transfer efficiency than the more mature application technologies listed in the proposed amendment. If inkjet technology cannot be added to the list of application equipment, Anheuser-Busch requested clarification that ink jet technology is an acceptable application technology per subparagraph (3)(J)4.H. of the proposed amendment.

RESPONSE AND EXPLANATION OF CHANGE: Ink jet technology meets the requirements for application equipment to have a transfer efficiency equivalent or better than achieved by high-volume low-pressure spraying. Therefore, ink jet technology has been added to the list of application equipment in paragraphs (3)(A)4., (3)(B)4., (3)(J)4., and (3)(K)4. of the proposed amendment.

COMMENT #2: Anheuser-Busch requested that an exemption for date stamping be added to paragraph (3)(J)6. for miscellaneous metal and plastic parts coatings. The U.S. Environmental Protection Agency (EPA) Control Techniques Guidelines (CTG) for miscellaneous metal and plastic parts coating recommend that certain coatings and coating operations be exempt from the limits and application equipment requirements. This list includes stencil coatings. Date stamping can be accomplished via stencil coating, but Anheuser-Busch chooses to use a digital technology to provide the imprint, thereby minimizing the amount of coating used and volatile organic compounds (VOCs) emitted.

RESPONSE: In appendix H of EPA's CTG for miscellaneous metal and plastic parts coating, stencil coating is defined as an ink or pigmented coating which is rolled or brushed onto a template or stamp in order to add identifying letters, symbols, and/or numbers. It is clear from this definition that spraying a date stamp without a template is not consistent with EPA's criteria for stencil coating. It would, therefore, be inappropriate to consider sprayed date stamping as being equivalent to stencil coating, and adding an exemption for sprayed date stamping is not possible. No changes have been made to the rule as a result of this comment.

COMMENT #3: The American Coatings Association (ACA) suggested that a small container exemption for pleasure craft coatings be added to allow for touch-ups that often require coatings with a higher VOC content to blend with the existing coating. This would avoid having to repaint an entire object and the resultant large emissions associated with such an operation.

RESPONSE AND EXPLANATION OF CHANGE: Adding the suggested exemption is reasonable since net emissions of VOCs would be reduced by allowing small touch-up operations on pleasure craft in place of coating the entire vessel. Also, it is common for surface coating regulations to exempt coatings supplied in small containers, usually one (1) liter or less. Therefore, paragraph (3)(J)13. has been added to the rule to exempt pleasure craft touch-up and repair coatings supplied by the manufacturer or supplier in containers with a net volume of one (1) liter or less.

COMMENT #4: ACA noted that the emission limits for certain pleasure craft coatings in the proposed rulemaking did not match the limits included in the response to comments from the sixty (60)-day comment period that ended in September 2010. ACA advised that the emission limit for finish primer/surfacer should be five (5) pounds of VOC per gallon and the emission limit for antifoulant coating on non-aluminum substrates should be three and three tenths (3.3) pounds of VOC per gallon.

RESPONSE AND EXPLANATION OF CHANGE: The American Coating Association requested these limit changes and the subject emission limits were intended to be changed as a result of the sixty (60)-day comment period comment as noted in the response to the

comment. These revised limits were inadvertently omitted from the proposed rulemaking filed with the secretary of state's office. The program thanks ACA for bringing this to our attention and regrets the omission. As a result of this comment, the emission limits for pleasure craft coatings in the Pleasure Craft Coating table in subparagraph (3)(J)2.B. have been corrected.

COMMENT #5: St. Louis County Air Pollution Control Program requested that the applicability period be changed from calendar year to twelve (12)-month rolling period.

RESPONSE AND EXPLANATION OF CHANGE: The proposed amendment used calendar year for the applicability determination because calendar year is used in the current version of the rule. However, the other CTG rules being amended concurrently with this rule use twelve (12)-month rolling period. To maintain consistency with other CTG rules, the period for applicability has been changed to twelve (12)-month rolling period in subsection (1)(B) of the rule.

COMMENT #6: St. Louis County Air Pollution Control Program commented that subsection (1)(B) is confusing where it specifies that the actual emissions to determine applicability shall not consider the effects of controls.

RESPONSE AND EXPLANATION OF CHANGE: The intent of subsection (1)(B) is to set the applicability threshold for the rule at three (3) tons per year of actual VOC emissions, clarify that these emissions are before the effect of any control devices, and include emissions from related cleaning activities in the three (3) ton threshold. As a result of this comment, the language in subsection (1)(B) has been clarified to state that the applicability threshold of three (3) tons is before the consideration of controls. This reflects the language used in EPA's CTGs.

COMMENT #7: St. Louis County Air Pollution Control Program requested the statement — including related cleaning activities — in subsection (1)(B) be changed to — including related solvent cleaning operations.

RESPONSE: The phrase, including related cleaning activities, in subsection (1)(B) is taken directly from EPA's CTG. The definition for related cleaning activity is included in the proposed amendment to general definition rule 10 CSR 10-6.020. Using the term in the applicability criteria, as it will be defined in 10 CSR 10-6.020, adequately addresses the inclusion of cleaning solvents in the rule applicability. Therefore, no changes have been made to the rule as a result of this comment.

COMMENT #8: St. Louis County Air Pollution Control Program recommended an additional exemption in subsection (1)(D) for surface coating operations that occur on a surface that does not have an established limit.

RESPONSE: Subsection (1)(D) already includes an exemption for surface coating operations which do not have a VOC limit in section (3). Therefore, no changes have been made to the rule as a result of this comment.

COMMENT #9: St. Louis County Air Pollution Control Program recommended changing subsection (1)(E) to use a twelve (12)-month rolling period in place of the calendar year for consistency with other rules.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, subsection (1)(E) has been changed to use a twelve (12)-month rolling period.

COMMENT #10: St. Louis County Air Pollution Control Program noted that subsection (3)(J) for miscellaneous metal and plastic parts coatings does not address how rubber parts are to be treated in the rule.

RESPONSE AND EXPLANATION OF CHANGE: The provisions of subsection (3)(J) are taken directly from the CTG for

Miscellaneous Metal and Plastic Parts Coatings. In that CTG, the requirements for plastic parts are taken from the South Coast Air Quality Management District's Rule 1145 as it was amended in 1997. In that amendment, plastic parts and rubber parts have the same emission limits. It is appropriate to assume that EPA intended for their CTG to regulate the coating of rubber parts in the same way they regulate the coating of plastic parts. Therefore, subparagraph (3)(J)2.B. has been modified to include rubber in the table of emission limits for plastic parts.

COMMENT #11: St. Louis County Air Pollution Control Program recommended replacing the term heavier vehicles in subparagraph (3)(J)1.R. with heavy duty vehicles.

RESPONSE AND EXPLANATION OF CHANGE: The term heavy duty vehicle is more accurate than heavier vehicle, and heavy duty vehicle is defined in the proposed amendment to 10 CSR 10-6.020. As a result of this comment, heavier vehicles in subparagraph (3)(J)1.R. has been replaced with heavy duty vehicles.

COMMENT #12: St. Louis County Air Pollution Control Program noted that in subsection (1)(D) the coating of the exterior of marine vessels is exempted, but pleasure craft coating is not exempted. If the intent is for government marine vessels which may need to have specific coatings to be exempt, then it would be better to exempt government marine vessels with a clear definition added to 10 CSR 10-6.020 than to exempt all marine vessels except pleasure craft.

RESPONSE AND EXPLANATION OF CHANGE: The intent of the rulemaking is to regulate only the coating of pleasure craft as recommended in the CTG. Since pleasure craft coatings have specific limits in subsection (3)(J), they are regulated under the amended rule. Marine vessels that are not pleasure craft are not regulated under the amended rule. To clarify this distinction and avoid confusion, the exemption for exterior coating of marine vessels that are not pleasure craft has been removed from subsection (1)(D).

COMMENT #13: St. Louis County Air Pollution Control Program recommended that coating operations or emission units subject to 10 CSR 10-6.070, 10 CSR 10-6.075, or 10 CSR 10-6.080 be exempt from the rule.

RESPONSE: 10 CSR 10-6.075 and 10 CSR 10-6.080 regulate the emissions of hazardous air pollutants (HAPS), which are not the same as VOCs, even though there is much overlap between the two. Regulation of HAPS is based on acceptable exposure to air toxics, while VOC regulation is based on controlling emissions of compounds that photochemically react to form ozone. Therefore, 10 CSR 10-6.075 and 10 CSR 10-6.080 are not suitable substitutes for VOC regulation. 10 CSR 10-6.070 sets New Source Performance Standards (NSPS) for the entire state of Missouri, not just the St. Louis area. The sources regulated in the NSPS typically have an effectivity date that will not always include older sources. This is not sufficient to ensure control of VOC sources in the St. Louis area. No changes have been made to the rule as a result of this comment.

COMMENT #14: St. Louis County Air Pollution Control Program noted that the location of the definition of a surface coating unit in subparagraph (3)(J)1.Y. should be rule 10 CSR 10-6.020, not subsection (2)(S).

RESPONSE AND EXPLANATION OF CHANGE: St. Louis County is correct. The definition of a surface coating unit is in rule 10 CSR 10-6.020. As a result of this comment, subparagraph (3)(J)1.Y. has been changed to correct the location of the definition for surface coating unit.

COMMENT #15: St. Louis County Air Pollution Control Program commented that they support the rule amendments.

RESPONSE: The Missouri Department of Natural Resources' Air Pollution Control Program appreciates the support. No change was made to the rule text as a result of this comment.

COMMENT #16: Meramec Group noted that cancellation of the February Missouri Air Conservation Commission meeting due to inclement weather shortened the time that businesses have to prepare for the new provisions of the rule. They requested the September 1, 2011 implementation dates in section (3) be extended to allow facilities adequate time to meet the rule requirements.

RESPONSE AND EXPLANATION OF CHANGE: Considering the public hearing delay due to inclement weather and because extending the implementation beyond September 2011 will have no impact on air quality since ozone is not an issue during the winter months, the implementation dates for the new provisions in section (3) have been changed from September 1, 2011, to March 1, 2012.

10 CSR 10-5.330 Control of Emissions From Industrial Surface Coating Operations

(1) Applicability.

(B) This rule shall apply to any installation with actual emissions of volatile organic compounds (VOCs) from surface coating operations, including related cleaning activities, of at least three (3) tons per twelve (12)-month rolling period, before consideration of controls.

(D) Exemptions. This rule is not applicable to the following:

1. Motor vehicle refinishing;
2. Customizing top coating of motor vehicles, if production is less than thirty-five (35) vehicles per day;
3. Surface coating that is part of janitorial, building, and installation maintenance operations;
4. Research and development, performance testing, and quality control of coatings and surface coated products;
5. Aerosol coatings;
6. Field application of architectural coatings to buildings, building components, and stationary structures;
7. Powder coatings;
8. Surface coating and cleaning of aerospace vehicles or components at an aerospace manufacture or rework installation that—
 - A. Is subject to the requirements and/or aerospace-specific exemptions of 10 CSR 10-5.295; or
 - B. Is not subject to 10 CSR 10-5.295 because the installation's potential to emit volatile organic compounds from aerospace surface coating and cleaning is twenty-five (25) tons per year or less;
9. Surface coating and cleaning of wood furniture or wood furniture components at a wood furniture manufacturing installation that—
 - A. Is subject to the requirements and/or wood furniture-specific exemptions of 10 CSR 10-5.530; or
 - B. Is not subject to 10 CSR 10-5.530 because the installation's potential to emit volatile organic compounds from wood furniture coating and cleaning is less than twenty-five (25) tons per year;
10. Surface coating and cleaning operations that are subject to a Reasonably Available Control Technology determination under 10 CSR 10-5.520;
11. Application and storage of traffic coatings that are subject to the requirements of 10 CSR 10-5.450;
12. Printing operations that are subject to the requirements of 10 CSR 10-5.340 or 10 CSR 10-5.442;
13. Surface coating and cleaning of articles used for internal company operations, including, but not limited to, work stands; scaffolding; jigs; tooling; dollies; tow bars; aircraft ground support equipment; portable equipment used for maintenance, testing, fabrication, or repair; toolboxes; storage bins; shelving; and other manufacturing or warehouse support items;
14. Surface coating operations which do not have a VOC limit in section (3) of this rule;
15. Adhesives and sealants that contain less than 0.17 pounds of VOC per gallon of coating (less water and exempt compounds) as applied;
16. Cyanoacrylate adhesives;

17. Adhesives, sealants, adhesive primers, and sealant primers that are supplied by the manufacturer or supplier in containers with a net volume of sixteen (16) fluid ounces or less, or a net weight of one (1) pound or less, except plastic cement welding adhesives and contact adhesives;

18. Contact adhesives that are supplied by the manufacturer or supplier in containers with a net volume of one (1) gallon or less; and

19. Adhesives, sealants, adhesive primers, sealant primers, surface preparation, and cleanup solvents that are used in the following operations:

- A. Tire repair operations, provided the adhesive is labeled for tire repair only;
- B. Assembly, repair, and manufacture of aerospace or undersea-based weapon systems;
- C. Solvent welding operations used in the manufacture of medical devices or in the manufacture of medical equipment; and
- D. Plaque laminating operations in which adhesives are used to bond clear, polyester acetate laminate to wood with lamination equipment installed prior to July 1, 1992.

(E) Once an installation exceeds the applicability level of this rule, it shall remain subject to this rule until it can demonstrate, to the satisfaction of the director, that the actual total VOC emissions from surface coating operations, including related cleaning activities and before consideration of controls, is below three (3) tons per twelve (12)-month rolling period for sixty (60) consecutive months.

(3) General Provisions. General provisions for specific coatings may be found in the following subsections of section (3) of this rule:

Coating	Subsection
Large Appliance Coatings	(3)(A)
Metal Furniture Coatings	(3)(B)
Automobile and Light Duty Truck Assembly Coatings	(3)(C)
Paper, Film, and Foil Coatings	(3)(D)
Magnet Wire Coatings	(3)(E)
Coil Coatings	(3)(F)
Can Coatings	(3)(G)
Vinyl and Fabric Coatings	(3)(H)
Flat Wood Paneling Coatings	(3)(I)
Miscellaneous Metal and Plastic Parts Coatings	(3)(J)
Industrial Adhesive Application	(3)(K)

(A) Large Appliance Coatings.

1. The requirements in this subsection apply to the surface coating of doors, cases, lids, panels, and interior support parts of the following residential and commercial products:
 - A. Washers;
 - B. Dryers;
 - C. Ranges;
 - D. Refrigerators;
 - E. Freezers;
 - F. Water heaters;
 - G. Dishwashers;
 - H. Trash compactors;
 - I. Air conditioners; and
 - J. Other similar products.
2. Emission limits.
 - A. Prior to March 1, 2012, no owner or operator of a surface coating unit subject to this subsection may cause, allow, or permit the discharge into the ambient air of any VOCs in excess of the following, as delivered to the coating applicator(s):

Large Appliance Coatings	
Coating Category	Emission Limit
	pounds of VOC per gallon of coating (minus water and exempt compounds)
Topcoat	2.8
Final Repair	6.5

B. On or after March 1, 2012, no owner or operator of a surface coating unit subject to this subsection may cause, allow, or permit the discharge into the ambient air of any VOCs in excess of the following, as delivered to the coating applicator(s):

Large Appliance Coatings		
Coating Category	Emission Limit	
	pounds of VOC per gallon of coating (minus water and exempt compounds)	
	Baked	Air Dried
General, One Component	2.3	2.3
General, Multi Component	2.3	2.8
Extreme High Gloss	3.0	2.8
Extreme Performance	3.0	3.5
Heat Resistant	3.0	3.5
Metallic	3.5	3.5
Pretreatment Coatings	3.5	3.5
Solar Absorbent	3.0	3.5
Repair and Touch Up	6.5	6.5

3. Method and determination of compliance. The emission limits in paragraph (3)(A)2. of this rule shall be achieved through one (1) of the following:

A. VOC content of coatings. Determine the daily volume-weighted average VOC content of all coatings used in a surface coating unit, expressed as pounds of VOC per gallon of coating (minus water and exempt compounds) per subparagraph (5)(C)3.A. of this rule. The surface coating unit is in compliance if this value is less than or equal to the emission limits in paragraph (3)(A)2. of this rule;

B. Combination of VOC content of coatings and add-on controls. Calculate the required control system efficiency per paragraph (5)(C)4. of this rule. The surface coating unit is in compliance if the actual overall control system efficiency is greater than or equal to the required control system efficiency; or

C. Control system. If a control system is used to achieve compliance, the overall control system efficiency must be ninety percent (90%) or greater.

4. Application equipment. On or after March 1, 2012, one (1) or a combination of the following equipment shall be used for coating application, unless achieving compliance by using an add-on control system per subparagraph (3)(A)3.C. of this rule:

- A. Electrostatic equipment;
- B. High-volume low-pressure (HVLP) spray equipment;
- C. Flow coating;
- D. Roller coating;
- E. Dip coating, including electrodeposition;
- F. Airless spray;
- G. Air-assisted airless spray;
- H. Ink jet technology; and
- I. Other coating application method capable of achieving a transfer efficiency equivalent or better than achieved by HVLP spraying.

5. Work practices. On or after March 1, 2012, work practices shall be used to minimize VOC emissions from solvent storage, mixing operations, and handling operations for coatings, thinners, clean-

ing materials, and waste materials. Work practices shall include, but not be limited to, the following:

A. Store all VOC-containing coatings, thinners, and cleaning materials in closed containers;

B. Ensure that mixing and storage containers used for VOC-containing coatings, thinners, coating related waste, and cleaning materials are kept closed at all times except when depositing or removing these materials;

C. Minimize spills of VOC-containing coatings, thinners, and cleaning materials;

D. Clean up spills immediately;

E. Convey any coatings, thinners, and cleaning materials in closed containers or pipes from one (1) location to another; and

F. Minimize VOC emissions from the cleaning of application, storage, mixing, and conveying equipment by ensuring that equipment cleaning is performed without atomizing the cleaning solvent and all spent solvent is captured in closed containers.

6. The VOC limits in paragraph (3)(A)2. of this rule do not apply to the following types of coatings and coating operations:

- A. Stencil coatings;
- B. Safety-indicating coatings;
- C. Solid film lubricants; or
- D. Electric-insulating and thermal-conducting coatings.

(B) Metal Furniture Coatings.

1. The requirements in this subsection apply to surface coating of any furniture made of metal or any metal part that will be assembled with other metal, wood, fabric, plastic, or glass parts to form a furniture piece.

2. Emission limits.

A. Prior to March 1, 2012, no owner or operator of a surface coating unit subject to this subsection may cause, allow, or permit the discharge into the ambient air of any VOCs in excess of three (3.0) pounds of VOC per gallon of coating (minus water and exempt compounds) as delivered to the coating applicator(s).

B. On or after March 1, 2012, no owner or operator of a surface coating unit subject to this subsection may cause, allow, or permit the discharge into the ambient air of any VOCs in excess of the following, as delivered to the coating applicator(s):

Metal Furniture Coatings		
Coating Category	Emission Limit	
	pounds of VOC per gallon of coating (minus water and exempt compounds)	
	Baked	Air Dried
General, One Component	2.3	2.3
General, Multi Component	2.3	2.8
Extreme High Gloss	3.0	2.8
Extreme Performance	3.0	3.5
Heat Resistant	3.0	3.5
Metallic	3.5	3.5
Pretreatment Coatings	3.5	3.5
Solar Absorbent	3.0	3.5

3. Method and determination of compliance. The emission limits in paragraph (3)(B)2. of this rule shall be achieved through one (1) of the following:

A. VOC content of coatings. Determine the daily volume-weighted average VOC content of all coatings used in a surface coating unit, expressed as pounds of VOC per gallon of coating (minus water and exempt compounds) per subparagraph (5)(C)3.A. of this rule. The surface coating unit is in compliance if this value is less than or equal to the emission limits in paragraph (3)(B)2. of this rule;

B. Combination of VOC content of coatings and add-on controls. Calculate the required control system efficiency per paragraph

(5)(C)4. of this rule. The surface coating unit is in compliance if the actual overall control system efficiency is greater than or equal to the required control system efficiency; or

C. Control system. If a control system is used to achieve compliance, the overall control system efficiency must be ninety percent (90%) or greater.

4. Application equipment. On or after March 1, 2012, one (1) or a combination of the following equipment shall be used for coating application, unless achieving compliance by using an add-on control system per subparagraph (3)(B)3.C. of this rule:

- A. Electrostatic equipment;
- B. HVLP spray equipment;
- C. Flow coating;
- D. Roller coating;
- E. Dip coating, including electrodeposition;
- F. Airless spray;
- G. Air-assisted airless spray;
- H. Ink jet technology; and
- I. Other coating application method capable of achieving a transfer efficiency equivalent or better than achieved by HVLP spraying.

5. Work practices. On or after March 1, 2012, work practices shall be used to minimize VOC emissions from solvent storage, mixing operations, and handling operations for coatings, thinners, cleaning materials, and waste materials. Work practices shall include, but not be limited to, the following:

- A. Store all VOC-containing coatings, thinners, and cleaning materials in closed containers;
- B. Ensure that mixing and storage containers used for VOC-containing coatings, thinners, coating related waste, and cleaning materials are kept closed at all times except when depositing or removing these materials;
- C. Minimize spills of VOC-containing coatings, thinners, and cleaning materials;
- D. Clean up spills immediately;
- E. Convey any coatings, thinners, and cleaning materials in closed containers or pipes from one (1) location to another; and
- F. Minimize VOC emissions from the cleaning of application, storage, mixing, and conveying equipment by ensuring that equipment cleaning is performed without atomizing the cleaning solvent and all spent solvent is captured in closed containers.

6. The VOC limits in paragraph (3)(B)2. of this rule do not apply to the following types of coatings and coating operations:

- A. Stencil coatings;
- B. Safety-indicating coatings;
- C. Solid film lubricants; and
- D. Electric-insulating and thermal-conducting coatings.

(C) Automobile and Light Duty Truck Assembly Coatings.

1. The requirements in this subsection apply to automobile and light duty truck surface coating operations performed in an automobile or light duty truck assembly installation.

2. Emission limits.

A. Prior to March 1, 2012, no owner or operator of an automobile or light duty truck assembly installation may cause, allow, or permit the discharge into the ambient air of any VOC in excess of the following:

Automobile and Light Duty Truck Assembly Coatings	
Coating Category	Emission Limit
Topcoat	15.1 pounds of VOC per gallon of coating solids deposited
Spray Primer or Primer Surfacer	15.1 pounds of VOC per gallon of coating solids deposited
Electrodeposition Primer	1.4 pounds of VOC per gallon of coating solids deposited
Final Repair	4.8 pounds of VOC per gallon of coating (minus water and exempt compounds)
Miscellaneous Metal Parts, Extreme Performance, and Air Dried Coatings	3.5 pounds of VOC per gallon of coating (minus water and exempt compounds)
All Other Coatings	3.0 pounds of VOC per gallon of coating (minus water and exempt compounds)

B. On or after March 1, 2012, no owner or operator of an automobile or light duty truck assembly installation may cause, allow, or permit the discharge into the ambient air of any VOC in excess of the following:

Automobile and Light Duty Truck Assembly Coatings			
Coating Category	Emission Limit		
	$R_T < 0.040$	$0.040 \leq R_T < 0.160$	$R_T \geq 0.160$
Electrodeposition primer (EDP)	No VOC Emission Limit	$0.7 \times 350^{0.160-R_T}$ pounds of VOC per gallon of coating solids deposited	0.7 pounds of VOC per gallon of coating solids deposited
Primer-surfacer	12.0 pounds of VOC per gallon of coating solids deposited		
Topcoat	12.0 pounds of VOC per gallon of coating solids deposited		
Combined Primer-Surfacer and Topcoat	12.0 pounds of VOC per gallon of coating solids deposited		
Final repair	4.8 pounds of VOC per gallon of coating (minus water and exempt compounds)		

Miscellaneous Materials	
Material	Emission Limit pounds of VOC per gallon of coating (minus water and exempt compounds)
Automobile and light duty truck glass bonding primer	7.5
Automobile and light duty truck adhesive	2.1
Automobile and light duty truck cavity wax	5.4
Automobile and light duty truck sealer	5.4
Automobile and light duty truck deadener	5.4
Automobile and light duty truck gasket/gasket-sealing material	1.7
Automobile and light duty truck underbody coating	5.4
Automobile and light duty truck trunk interior coating	5.4
Automobile and light duty truck bedliner	1.7
Automobile and light duty truck weatherstrip adhesive	6.3
Automobile and light duty truck lubricating wax/compound	5.8

3. Method and determination of compliance. The emission limits in paragraph (3)(C)2. of this rule shall be achieved through the following:

A. Spray primer; primer-surfacer; topcoat; and combined primer-surfacer and topcoat. The VOC emission rate, expressed as pounds of VOC per gallon of coating solids deposited, is determined by the procedures in the U.S. Environmental Protection Agency (EPA) document *Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Primer-Surfacer and Topcoat Operations* (EPA-453/R-08-002), dated September 2008. The surface coating unit is in compliance if the emission rate is less than or equal to the emission limit in paragraph (3)(C)2. of this rule;

B. Electrodeposition primer (EDP). Determine the monthly volume-weighted average VOC emission rate of the EDP coating unit, expressed as pounds of VOC per gallon of coating solids deposited, per subparagraph (5)(C)3.D. of this rule. The EDP coating unit is in compliance if this value is less than or equal to the emission limit in paragraph (3)(C)2. of this rule;

C. Final repair coatings. Determine the daily volume-weighted average VOC content of all coatings used in a surface coating unit, expressed as pounds of VOC per gallon of coating (minus water and exempt compounds) per subparagraph (5)(C)3.A. of this rule. The surface coating unit is in compliance if this value is less than or equal to the emission limits in paragraph (3)(C)2. of this rule; and

D. All other coatings. Determine the monthly volume-weighted average VOC content of all coatings used in a surface coating unit, expressed as pounds of VOC per gallon of coating (minus water and exempt compounds) per subparagraph (5)(C)3.E. of this rule. The surface coating unit is in compliance if this value is less than or equal to the emission limit in paragraph (3)(C)2. of this rule.

4. Work practices and work practice plan.

A. Work practices. On or after March 1, 2012, work practices shall be used to minimize VOC emissions from storage, mixing operations, and handling operations for coatings, thinners, cleaning materials, and waste materials. Work practices shall include, but not be limited to, the following:

(I) Store all VOC-containing coatings, thinners, and cleaning materials in closed containers;

(II) Ensure that mixing and storage containers used for VOC-containing coatings, thinners, coating related waste, and cleaning materials are kept closed at all times except when depositing or removing these materials;

(III) Minimize spills of VOC-containing coatings, thinners, and cleaning materials;

(IV) Clean up spills immediately;

(V) Convey any coatings, thinners, and cleaning materials in closed containers or pipes from one (1) location to another; and

(VI) Minimize VOC emissions from the cleaning of application, storage, mixing, and conveying equipment by ensuring that equipment cleaning is performed without atomizing the cleaning solvent and all spent solvent is captured in closed containers.

B. Work practice plan. Installations subject to subparagraph (3)(C)4.A. of this rule shall develop and implement a work practice plan to minimize VOC emissions from cleaning and purging of equipment associated with all coating operations for which emission limits are specified in paragraph (3)(C)2. of this rule. The plan shall specify practices and procedures to ensure that VOC emissions from the following operations are minimized:

(I) Vehicle body wiping;

(II) Coating line purging;

(III) Flushing of coating systems;

(IV) Cleaning of spray booth grates;

(V) Cleaning of spray booth walls;

(VI) Cleaning of spray booth equipment;

(VII) Cleaning external spray booth areas; and

(VIII) Other housekeeping measures, such as keeping solvent-laden rags in closed containers.

(D) Paper, Film, and Foil Coatings.

1. The requirements in this subsection apply to paper, film, and foil coating operations, with the exception of the following:

A. Paper, film, and foil surface coating units with potential to emit below twenty-five (25) tons per year of VOC from coating, prior to controls;

B. Coating performed on or in-line with any offset lithographic, screen, letterpress, flexographic, rotogravure, or digital printing press that is part of a printing process; and

C. Size presses and on-machine coaters on papermaking machines that apply sizing or water-based clays.

2. Emission limits.

A. Prior to March 1, 2012, no owner or operator of a surface coating unit subject to this subsection may cause, allow, or permit the discharge into the ambient air of any VOCs in excess of two and nine-tenths (2.9) pounds of VOC per gallon of coating (minus water and exempt compounds) as delivered to the coating applicator(s).

B. On or after March 1, 2012, no owner or operator of a surface coating unit subject to this subsection may cause, allow, or permit the discharge into the ambient air of any VOCs in excess of the following, as delivered to the coating applicator(s):

Paper, Film, and Foil Coatings	
Coating Category	Emission Limit pounds of VOC per pound of coating solids
Pressure sensitive tape and label	0.2
Paper, film, and foil surface coating (not including pressure sensitive tape and label)	0.4

3. Method and determination of compliance. The emission limits in paragraph (3)(D)2. of this rule shall be achieved through one (1) of the following:

A. VOC content of coatings.

(I) Prior to March 1, 2012. Determine the daily volume-weighted average VOC content of all coatings used in a surface coating unit, expressed as pounds of VOC per gallon of coating (minus water and exempt compounds) per subparagraph (5)(C)3.A. of this rule. The surface coating unit is in compliance if this value is less than or equal to the emission limit in paragraph (3)(D)2. of this rule.

(II) On or after March 1, 2012. Determine the daily mass-weighted average VOC content of all coatings used in a surface coating unit, expressed as pounds of VOC per pound of coating solids per subparagraph (5)(C)3.C. of this rule. The surface coating unit is in compliance if this value is less than or equal to the emission limits in paragraph (3)(D)2. of this rule; or

B. Control system. If a control system is used to achieve compliance, the overall control system efficiency must be ninety percent (90%) or greater.

4. Work practices. On or after March 1, 2012, work practices shall be used to minimize VOC emissions from solvent storage, mixing operations, and handling operations for coatings, thinners, cleaning materials, and waste materials. Work practices shall include, but not be limited to, the following:

A. Store all VOC-containing coatings, thinners, and cleaning materials in closed containers;

B. Ensure that mixing and storage containers used for VOC-containing coatings, thinners, coating related waste, and cleaning materials are kept closed at all times except when depositing or removing these materials;

C. Minimize spills of VOC-containing coatings, thinners, and cleaning materials;

D. Clean up spills immediately;

E. Convey any coatings, thinners, and cleaning materials in closed containers or pipes from one (1) location to another; and

F. Minimize VOC emissions from the cleaning of application,

storage, mixing, and conveying equipment by ensuring that equipment cleaning is performed without atomizing the cleaning solvent and all spent solvent is captured in closed containers.

(I) Flat Wood Paneling Coatings.

1. The requirements in this subsection apply to the coating of the following:

- A. Printed interior panels made of hardwood plywood and thin particle board;
- B. Natural finish hardwood plywood panels;
- C. Hardboard paneling with Class II finishes;
- D. Exterior siding; and
- E. Tileboard.

2. Emission limits. On or after March 1, 2012, no owner or operator of a surface coating unit subject to this subsection may cause, allow, or permit the discharge into the ambient air of any VOCs in excess of two and one-tenths (2.1) pounds of VOC per gallon of coating (minus water and exempt compounds) as delivered to the coating applicator(s).

3. Method and determination of compliance. The emission limits in paragraph (3)(I)2. of this rule shall be achieved through one (1) of the following:

A. VOC content of coatings. Determine the daily volume-weighted average VOC content of all coatings used in a surface coating unit, expressed as pounds of VOC per gallon of coating (minus water and exempt compounds), per subparagraph (5)(C)3.A. of this rule. The surface coating unit is in compliance if this value is less than or equal to the emission limit in paragraph (3)(I)2. of this rule;

B. Combination of VOC content of coatings and add-on controls. Calculate the required control system efficiency per paragraph (5)(C)4. of this rule. The surface coating unit is in compliance if the actual overall control system efficiency is greater than or equal to the required control system efficiency; or

C. Control system. If a control system is used to achieve compliance, the overall control system efficiency must be ninety percent (90%) or greater.

4. Work practices. On or after March 1, 2012, work practices shall be used to minimize VOC emissions from solvent storage, mixing operations, and handling operations for coatings, thinners, cleaning materials, and waste materials. Work practices shall include, but not be limited to, the following:

- A. Store all VOC-containing coatings, thinners, and cleaning materials in closed containers;
- B. Ensure that mixing and storage containers used for VOC-containing coatings, thinners, coating related waste, and cleaning materials are kept closed at all times except when depositing or removing these materials;
- C. Minimize spills of VOC-containing coatings, thinners, and cleaning materials;
- D. Clean up spills immediately;
- E. Convey any coatings, thinners, and cleaning materials in closed containers or pipes from one (1) location to another; and
- F. Minimize VOC emissions from the cleaning of application, storage, mixing, and conveying equipment by ensuring that equipment cleaning is performed without atomizing the cleaning solvent and all spent solvent is captured in closed containers.

(J) Miscellaneous Metal and Plastic Parts Coatings.

1. The requirements in this subsection apply to the surface coating of all other miscellaneous metal and plastic parts including, but not limited to, the following:

- A. Large and small farm implements and machinery;
- B. Railroad cars;
- C. Small household appliances;
- D. Office equipment;
- E. Commercial and industrial machinery and equipment;
- F. Any other industrial category that coats metal parts or products under the Standard Industrial Classification Code of major groups #33, #34, #35, #36, #37, #38, and #39;
- G. Fabricated metal products;

- H. Molded plastic parts;
- I. Automotive or transportation equipment;
- J. Interior or exterior automotive parts;
- K. Construction equipment;
- L. Motor vehicle accessories;
- M. Bicycles and sporting goods;
- N. Toys;
- O. Recreational vehicles;
- P. Pleasure craft (recreational boats);
- Q. Extruded aluminum structural components;
- R. Heavy duty vehicles;
- S. Lawn and garden equipment;
- T. Business machines;
- U. Laboratory and medical equipment;
- V. Electronic equipment;
- W. Steel drums;
- X. Metal pipes; and
- Y. Prefabricated architectural components when the coating is applied in a surface coating unit as defined in 10 CSR 10-6.020.

2. Emission limits.

A. Prior to March 1, 2012, no owner or operator of a surface coating unit subject to this subsection may cause, allow, or permit the discharge into the ambient air of any VOCs in excess of the following, as delivered to the coating applicator(s):

Coating Category	Emission Limit pounds of VOC per gallon of coating (minus water and exempt compounds)
Metal Parts	
Clear Coat	4.3
Extreme Performance Coatings	3.5
Air Dried Coatings	3.5
All Other Coatings	3.0
Plastic Parts	3.5
Railroad Cars	3.5
Farm Implements and Machinery	3.5
Heavy Duty Trucks	3.5
Mail Boxes and Shutters	3.5

B. On or after March 1, 2012, no owner or operator of a surface coating unit subject to this subsection may cause, allow, or permit the discharge into the ambient air of any VOCs in excess of the following, as delivered to the coating applicator(s):

Metal Parts and Products Coatings		
Coating Category	Emission Limit pounds of VOC per gallon of coating (minus water and exempt compounds)	
	Air Dried	Baked
General, One Component	2.8	2.3
General, Multi Component	2.8	2.3
Camouflage	3.5	3.5
Clear Coat	4.3	4.3
Electric-Insulating Varnish	3.5	3.5
Etching Filler	3.5	3.5
Extreme High Gloss	3.5	3.0
Extreme Performance	3.5	3.0
Heat Resistant	3.5	3.0
High Performance Architectural	6.2	6.2
High Temperature	3.5	3.5
Metallic	3.5	3.5
Military Specification	2.8	2.3
Mold Seal	3.5	3.5
Pan Backing	3.5	3.5
Prefabricated Architectural	3.5	2.3
Pretreatment Coatings	3.5	3.5
Repair and Touch Up	3.5	3.0
Silicone Release	3.5	3.5
Solar Absorbent	3.5	3.0
Vacuum Metalizing	3.5	3.5
Drum, New, Exterior	2.8	2.8
Drum, New, Interior	3.5	3.5
Drum, Reconditioned, Exterior	3.5	3.5
Drum, Reconditioned, Interior	4.2	4.2

Plastic and Rubber Parts and Products Coatings	
Coating Category	Emission Limit pounds of VOC per gallon of coating (minus water and exempt compounds)
Automotive/Transportation	
High Bake, Interior and Exterior Parts	
Flexible Primer	4.5
Non-Flexible Primer	3.5
Basecoat	4.3
Clear Coat	4.0
Non-Basecoat/Clear Coat	4.3
Low Bake/Air Dried, Exterior Parts	
Primer	4.8
Basecoat	5.0
Clear Coat	4.5
Non-Basecoat/Clear Coat	5.0
Low Bake/Air Dried, Interior Parts	5.0
Touch Up and Repair	5.2
Business Machine	
Primer	2.9
Topcoat	2.9
Texture Coat	2.9
Fog Coat	2.2
Touch Up and Repair	2.9
Plastic and Rubber, All Other	
General, One Component	2.3
General, Multi Component	3.5
Electric Dissipating and Shock-Free	6.7
Extreme Performance	3.5
Metallic	3.5
Military Specification	
One (1) Pack	2.8
Two (2) Pack	3.5
Mold Seal	6.3
Multi Colored	5.7
Optical	6.7
Polyurethane Shoe Sole	6.7
Vacuum-Metalizing	6.7

Pleasure Craft Coatings	
Coating Category	Emission Limit pounds of VOC per gallon of coating (minus water and exempt compounds)
Extreme High Gloss Topcoat	5.0
High Gloss Topcoat	3.5
Pretreatment Wash Primer	6.5
Finish Primer/Surfacer	5.0
High Build Primer/Surfacer	2.8
Aluminum Substrate Antifoulant	4.7
Other Substrate Antifoulant	3.3
Antifoulant Sealer/Tie	3.5
All Other	3.5

Motor Vehicle Materials	
Coating Category	Emission Limit pounds of VOC per gallon of coating (minus water and exempt compounds)
Motor Vehicle Cavity Wax	5.4
Motor Vehicle Sealer	5.4
Motor Vehicle Deadener	5.4
Motor Vehicle Gasket/Gasket-Sealing Material	1.7
Motor Vehicle Underbody	5.4
Motor Vehicle Trunk Interior	5.4
Motor Vehicle Bedliner	1.7
Motor Vehicle Lubricating Wax/Compound	5.8

3. Method and determination of compliance. The emission limits in paragraph (3)(J)2. of this rule shall be achieved through one (1) of the following:

A. VOC content of coatings. Determine the daily volume-weighted average VOC content of all coatings used in a surface coating unit, expressed as pounds of VOC per gallon of coating (minus water and exempt compounds), per subparagraph (5)(C)3.A. of this rule. The surface coating unit is in compliance if this value is less than or equal to the emission limit in paragraph (3)(J)2. of this rule;

B. Combination of VOC content of coatings and add-on controls. Calculate the required control system efficiency per paragraph (5)(C)4. of this rule. The surface coating unit is in compliance if the actual overall control system efficiency is greater than or equal to the required control system efficiency; or

C. Control system. If a control system is used to achieve compliance, the overall control system efficiency must be ninety percent (90%) or greater.

4. Application equipment. On or after March 1, 2012, one (1) or a combination of the following equipment shall be used for coating application, unless achieving compliance by using an add-on control device per subparagraph (3)(J)3.C. of this rule:

- A. Electrostatic equipment;
- B. HVLP spray equipment;
- C. Flow coating;
- D. Roller coating;
- E. Dip coating, including electrodeposition;
- F. Airless spray;
- G. Air-assisted airless spray;
- H. Ink jet technology; and
- I. Other coating application method capable of achieving a transfer efficiency equivalent or better than achieved by HVLP spray-

ing.

5. Work practices. On or after March 1, 2012, work practices shall be used to minimize VOC emissions from solvent storage, mixing operations, and handling operations for coatings, thinners, cleaning materials, and waste materials. Work practices shall include, but not be limited to, the following:

A. Store all VOC-containing coatings, thinners, and cleaning materials in closed containers;

B. Ensure that mixing and storage containers used for VOC-containing coatings, thinners, coating related waste, and cleaning materials are kept closed at all times except when depositing or removing these materials;

C. Minimize spills of VOC-containing coatings, thinners, and cleaning materials;

D. Clean up spills immediately;

E. Convey any coatings, thinners, and cleaning materials in closed containers or pipes from one (1) location to another; and

F. Minimize VOC emissions from the cleaning of application, storage, mixing, and conveying equipment by ensuring that equipment cleaning is performed without atomizing the cleaning solvent and all spent solvent is captured in closed containers.

6. For metal parts coatings, the VOC limits in paragraph (3)(J)2. of this rule do not apply to the following types of coatings and coating operations:

- A. Stencil coatings;
- B. Safety-indicating coatings;
- C. Solid film lubricants;
- D. Electric-insulating and thermal-conducting coatings;
- E. Magnetic data storage disk coatings; and
- F. Plastic extruded onto metal parts to form a coating.

7. For metal parts coatings, the application equipment requirements in paragraph (3)(J)4. of this rule do not apply to the following types of coatings and coating operations:

- A. Touch-up coatings;
- B. Repair coatings; and
- C. Textured coatings.

8. For plastic parts coatings, the VOC limits in paragraph (3)(J)2. of this rule do not apply to the following types of coatings and coating operations:

A. Touch-up and repair coatings;

B. Stencil coatings applied on clear or transparent substrates;

C. Clear or translucent coatings;

D. Coatings applied at a paint manufacturing installation while conducting performance tests on the coatings;

E. Any individual coating category used in volumes less than fifty (50) gallons in any one (1) year, if substitute compliant coatings are not available, provided that the total usage of all such coatings does not exceed two hundred (200) gallons per year, per installation;

F. Reflective coating applied to highway cones;

G. Mask coatings that are less than one-half (0.5) millimeter thick (dried) and the area coated is less than twenty-five (25) square inches;

H. Electromagnetic interference and radio frequency interference (EMI/RFI) shielding coatings; and

I. Heparin-benzalkonium chloride (HBAC)-containing coatings applied to medical devices, provided that the total usage of all such coatings does not exceed one hundred (100) gallons per year, per installation.

9. For plastic parts coatings, the application equipment requirements in paragraph (3)(J)4. of this rule do not apply to airbrush operations using five (5) gallons or less per year of coating.

10. For automobile, transportation, or business machine plastic parts coatings, the VOC limits in paragraph (3)(J)2. of this rule do not apply to the following types of coatings and coating operations:

- A. Texture coatings;
- B. Vacuum metalizing coatings;
- C. Gloss reducers;
- D. Texture adhesion primers;

- E. Electrostatic preparation coatings;
- F. Resist coatings; and
- G. Stencil coatings.

11. For pleasure craft surface coating operations, the application equipment requirements in paragraph (3)(J)4. of this rule do not apply to extreme high gloss coatings.

12. The limits for military specification coatings in subparagraph (3)(J)2.B. of this rule do not apply to coatings that meet the following criteria:

A. The coating is applied to military equipment used for national defense;

B. The coating performance is critical to the successful operation of the military equipment;

C. The coating is mandated in a specification or contract and a substitution of coatings that meet the VOC limits in subparagraph (3)(J)2.B. of this rule is prohibited; and

D. The director grants approval for the use of the coating at the installation.

13. The limits for pleasure craft coatings in subparagraph (3)(J)2.B. do not apply to pleasure craft touch-up and repair coatings supplied by the manufacturer or supplier in containers with a net volume of one (1) liter or less.

(K) Industrial Adhesive Application.

1. The requirements in this subsection apply to adhesive application processes.

2. Emission limits.

A. On or after March 1, 2012, no owner or operator of an adhesive application process subject to this subsection may cause, allow, or permit the discharge into the ambient air of any VOCs in excess of the following, as delivered to the coating applicator(s):

Category	Emission Limit pounds of VOC per gallon of coating (minus water and exempt compounds)
Adhesives Applied to the Specific Substrates	
Reinforced Plastic Composites	1.7
Flexible Vinyl	2.1
Metal	0.3
Porous Material (Except Wood)	1.0
Rubber	2.1
Wood	0.3
Other Substrates	2.1
Specialty Adhesive Application Processes	
Ceramic Tile Installation	1.1
Contact Adhesive	2.1
Cove Base Installation	1.3
Floor Covering Installation, Indoor	1.3
Floor Covering Installation, Outdoor	2.1
Floor Covering Installation, Perimeter Bonded Sheet Vinyl	5.5
Metal to Urethane/Rubber Molding or Casting	7.1
Motor Vehicle Adhesive	2.1
Motor Vehicle Weatherstrip Adhesive	6.3
Multipurpose Construction	1.7
Plastic Solvent Welding, ABS	3.3
Plastic Solvent Welding, Except ABS	4.2
Sheet Rubber Lining Installation	7.1
Single-Ply Roof Membrane Installation/Repair, Except EPDM Glue	2.1
Structural Glazing	0.8
Thin Metal Laminating	6.5
Tire Repair	0.8
Waterproof Resorcinol	1.4
Adhesive Primer Application Processes	
Motor Vehicle Glass Bonding Primer	7.5
Plastic Solvent Welding Adhesive Primer	5.4
Single-Ply Roof Membrane Adhesive Primer	2.1
Other Adhesive Primer	2.1

B. The VOC limits in subparagraph (3)(K)2.A. of this rule for adhesives or adhesive primers applied to particular substrates shall apply as follows:

(1) If an adhesive is subject to a specific VOC limit in subparagraph (3)(K)2.A., the specific limit is applicable rather than an adhesive-to-substrate limit; and

(II) When an adhesive is used to bond dissimilar substrates, the applicable substrate category with the highest VOC content shall be the limit.

3. Method and determination of compliance. The emission limits in paragraph (3)(K)2. of this rule shall be achieved through one (1) of the following:

A. VOC content of coatings. Determine the daily volume-weighted average VOC content of all coatings used in an adhesive application process, expressed as pounds of VOC per gallon of coating (minus water and exempt compounds) per subparagraph (5)(C)3.A. of this rule. The adhesive application process is in compliance if this value is less than or equal to the emission limits in paragraph (3)(K)2. of this rule;

B. Combination of VOC content of coatings and add-on controls. Calculate the required control system efficiency per paragraph (5)(C)4. of this rule. The adhesive application process is in compliance if the actual overall control system efficiency is greater than or equal to the required control system efficiency; or

C. Control system. If a control system is used to achieve compliance, the overall control system efficiency must be eighty-five percent (85%) or greater.

4. Application equipment. On or after March 1, 2012, one (1) or a combination of the following equipment shall be used for adhesive application, unless achieving compliance by using an add-on control device per subparagraph (3)(K)3.C. of this rule:

A. Electrostatic spray;

B. HVLP spray;

C. Flow coat;

D. Roller coat or hand application, including non-spray application methods similar to hand- or mechanically-powered caulking gun, brush, or direct hand application;

E. Dip coat, including electrodeposition;

F. Airless spray;

G. Air-assisted airless spray;

H. Ink jet technology; and

I. Other coating application method capable of achieving a transfer efficiency equivalent or better than achieved by HVLP spraying.

5. Work practices. On or after March 1, 2012, work practices shall be used to minimize VOC emissions from solvent storage, mixing operations, and handling operations for coatings, thinners, cleaning materials, and waste materials. Work practices shall include, but not be limited to, the following:

A. Store all VOC-containing coatings, thinners, and cleaning materials in closed containers;

B. Ensure that mixing and storage containers used for VOC-containing coatings, thinners, coating related waste, and cleaning materials are kept closed at all times except when depositing or removing these materials;

C. Minimize spills of VOC-containing coatings, thinners, and cleaning materials;

D. Clean up spills immediately;

E. Convey any coatings, thinners, and cleaning materials in closed containers or pipes from one (1) location to another; and

F. Minimize VOC emissions from the cleaning of application, storage, mixing, and conveying equipment by ensuring that equipment cleaning is performed without atomizing the cleaning solvent and all spent solvent is captured in closed containers.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 5—Air Quality Standards and Air Pollution
Control Rules Specific to the St. Louis Metropolitan
Area

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-5.340 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2011 (36 MoReg 730-735). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received four (4) comments from two (2) sources: St. Louis County Air Pollution Control Program and Printing Industries of St. Louis, Inc. In addition, comments received for the concurrently proposed amendment to 10 CSR 10-5.442 Control of Emissions from Lithographic Printing Operations apply equally well to this amendment and have been considered in these responses to comments.

COMMENT #1: St. Louis County Air Pollution Control Program commented that they support the amendment.

RESPONSE: The Missouri Department of Natural Resources' Air Pollution Control Program appreciates the support. No change was made to the rule text as a result of this comment.

COMMENT #2: St. Louis County Air Pollution Control Program requested that the applicability period in paragraphs (1)(B)1. and (1)(B)2. be changed from year to twelve (12)-month period for consistency.

RESPONSE AND EXPLANATION OF CHANGE: The term year was used in the original text of this rule. This proposed revision used the term twelve (12)-month as in twelve (12)-month rolling period for the applicability provisions added as a result of the recently promulgated federal Control Techniques Guidelines (CTG). The term twelve (12)-month is consistent with the CTG text. To be consistent with these other applicability provisions in the rule, the term year has been changed to twelve (12)-consecutive-month period in paragraphs (1)(B)1. and (1)(B)2. of this rule. The word consecutive is used to clearly differentiate this applicability period from the term twelve (12)-month rolling period used elsewhere in the rule.

COMMENT #3: St. Louis County Air Pollution Control Program commented that paragraph (1)(B)3. is confusing where it specifies that the actual emissions to determine applicability shall not consider the effects of controls.

RESPONSE AND EXPLANATION OF CHANGE: The intent of paragraph (1)(B)3. is to set the applicability threshold based on actual VOC emissions before the effect of any control devices. The text as proposed is entirely consistent with the language in the CTG. Therefore, no changes have been made to the proposed amendment text as a result of this comment. However, the last sentence has been modified for consistency with similar language in other concurrently proposed CTG rule amendments.

COMMENT #4: In comments to 10 CSR 10-5.442 Control of Emissions from Lithographic Printing Operations proposed rule amendment, Printing Industries of St. Louis, Inc. (PISTL) requested additional time to comply with the very costly control device provisions because of the additional equipment needed. Also, similar compliance deadline extension comments were received from industry for other concurrently proposed CTG rule amendments. These comments would also apply to this rulemaking, 10 CSR 10-5.340.

RESPONSE AND EXPLANATION OF CHANGE: In the work-group discussions for all of these CTG rule amendments, consensus was reached that about six (6) months additional compliance time was appropriate for some of the costliest of the provisions.

Furthermore, the cancellation of the February Missouri Air Conservation Commission meeting due to inclement weather shortened the time that businesses have to prepare for the new provisions of the rule. For consistency with the other concurrently proposed CTG rule amendments, the VOC control device installation dates in paragraph (3)(B)1. of this rule have been changed to March 1, 2012.

COMMENT #5: PISTL commented that the last sentence of subsection (5)(A) is confusing and may be difficult to interpret as proposed. The confusion stems from the use of the term no less than in combination with the term below in regards to establishing a fifty degree (50°) tolerance between the oxidizer compliance temperature and the oxidizer operating temperature established during testing. PISTL also made this comment for the same language in the 10 CSR 10-5.442 proposed amendment. PISTL suggested some language to clarify this provision.

RESPONSE AND EXPLANATION OF CHANGE: The text as proposed is confusing because it is not clear if the term below is referring to a certain point on the temperature scale or the number fifty (50). PISTL's comment demonstrates that they understand the intended meaning of the sentence, but their suggested language might still lead to confusion. As a result of this comment, the last sentence of subsection (5)(A) has been rewritten. In reviewing the concurrently proposed amendment texts for consistency with rule 10 CSR 10-5.442, it was determined that the compliance timelines should be the same. Therefore, at the same time, a one hundred eighty (180)-day compliance time frame for an emissions performance test required by a significant modification to the control device is being added to subsection (5)(A) for consistency with the language in rule 10 CSR 10-5.442

10 CSR 10-5.340 Control of Emissions From Rotogravure and Flexographic Printing Operations

(1) Applicability.

(B) This rule applies to installations with at least one (1) of the following:

1. Uncontrolled potential emissions equal to or greater than two hundred fifty kilograms (250 kg) per day or one hundred (100) tons per twelve (12)-consecutive-month period of volatile organic compounds (VOC) from the combination of rotogravure and flexographic printing presses. The uncontrolled potential emissions are the potential emissions (as defined) plus the amount by weight of VOCs whose emission into the atmosphere is prevented by the use of air pollution control devices;

2. Individual flexible package printing press(es) with the potential to emit VOCs in an amount equal to or greater than twenty-five (25) tons per twelve (12)-consecutive-month period; and

3. Flexible package printing operations that have actual VOC emissions, including related cleaning activities, before consideration of controls, of at least three (3) tons per twelve (12)-month rolling period. Once an installation exceeds this applicability level, it shall remain subject to this rule even if its actual emissions drop below this applicability level until it can demonstrate, to the satisfaction of the director, that the total actual VOC emissions from flexible package printing operations including related cleaning activities, is less than three (3) tons per twelve (12)-month rolling period for sixty (60) consecutive months.

(3) General Provisions.

(B) VOC Emission Control for Flexible Package Printing Presses. Each source that satisfies the applicability requirement of paragraph (1)(B)2. of this rule shall meet one (1) of the following:

1. No owner or operator shall use or permit the use of any of the following flexible packaging printing presses unless they are equipped with a control device. The control device shall remove, destroy, or prevent the emission of VOCs into the ambient air by at least the percentage indicated by weight of the uncontrolled VOC emissions on a daily weighted basis.

Flexible Package Printing Press First Installed	VOC Control Device First Installed	VOC Control Percentage
Prior to March 14, 1995	Prior to March 1, 2012	65
Prior to March 14, 1995	On or after March 1, 2012	70
On or after March 14, 1995	Prior to March 1, 2012	75
On or after March 14, 1995	On or after March 1, 2012	80

or

2. Low solvent technology may be used to achieve VOC emission reductions instead of the methods in paragraph (3)(B)1. of this rule. If low solvent technology is used, all inks, coatings, and adhesives combined must meet one (1) of the following limits for each press:

A. Contain no more than 0.8 pounds of VOC per pound solids applied; or

B. Contain no more than 0.16 pounds of VOC per pound materials applied.

(5) Test Methods.

(A) Testing and compliance demonstrations for the emission limits of paragraph (3)(A)1. or (3)(B)1. of this rule shall follow the procedures contained in 10 CSR 10-6.030(14)(A) and 10 CSR 10-6.030(20). The averaging time for these tests shall be three (3) one (1)-hour tests. These procedures will determine control device capture efficiency and destruction efficiency. Control device testing will be required as the director determines necessary to verify the capture and destruction efficiencies. At a minimum, an initial emission test shall be performed after any required control equipment is installed. The emission limits of paragraphs (3)(A)1. or (3)(B)1. of this rule shall not have been met until compliance has been verified at least once through this testing. Testing shall also be required within one hundred eighty (180) days after significant modifications to any control equipment required by this rule. Significant modifications include any repairs or changes that might substantially alter or affect the overall control efficiency. The oxidizer operating temperature or the temperature of the gas upstream of the catalyst bed monitored and recorded in accordance with paragraph (4)(A)1. of this rule shall be used as the operating parameter for determining continuous compliance. These temperatures shall be monitored with an accuracy of the greater of plus or minus three-fourths percent ($\pm 0.75\%$) of the temperature being measured expressed in degrees Celsius or two and one-half degrees Celsius (2.5 °C). The operating parameter temperatures shall be computed as the time-weighted average of the temperature values recorded during the test. The owner or operator must maintain the oxidizer at a three (3)-hour average temperature equal to or greater than a temperature fifty degrees Fahrenheit (50 °F) below the average temperature observed during the most recent stack test to demonstrate continuous compliance.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 5—Air Quality Standards and Air Pollution
Control Rules Specific to the St. Louis Metropolitan
Area**

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-5.442 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15,

2011 (36 MoReg 736-744). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received fourteen (14) comments on the proposed amendment from two (2) sources: Printing Industries of St. Louis, Inc. and St. Louis County Air Pollution Control Program. In addition, a comment received for the concurrently proposed amendment to 10 CSR 10-5.340 Control of Emissions From Rotogravure and Flexographic Printing Operations applies equally well to this amendment and has been considered in these responses to comments.

Due to similar support addressed in the following two (2) comments, one (1) response can be found at the end of these two (2) comments: **COMMENT #1:** Printing Industries of St. Louis, Inc. (PISTL) comments that it supports the use of the U.S. Environmental Protection Agency's (EPA) Control Techniques Guidelines as the basis for the proposed amendment and commends the department for being sensitive to the impact of the proposed amendment on the regulated community.

COMMENT #2: St. Louis County Air Pollution Control Program commented that they support the amendment.

RESPONSE: The Missouri Department of Natural Resources' Air Pollution Control Program appreciates the support. No change was made to the rule text as a result of this comment.

COMMENT #3: Printing Industries of St. Louis, Inc. (PISTL) requested a compliance date of at least January 1, 2012. They commented that additional time is needed to comply with the new provisions, especially the fountain solution and alcohol substitute requirements, because of the necessary additional equipment and process changes. Furthermore, the changes to the applicability threshold make many smaller printing facilities with limited personnel and resources now subject to the rule.

RESPONSE AND EXPLANATION OF CHANGE: Affected stakeholders were consulted and cooperated in the development and drafting of this amendment. Industry groups representing affected industries were asked to provide outreach and awareness to the potentially affected sources. Since the potentially very costly provisions of this proposed amendment are dependent on equipment installation and compliance dates, the upfront business planning that comes from awareness and certainty of upcoming regulations can significantly reduce the impact to these businesses. In their comments, PISTL commended the department for contacting them early on in the process. During these discussions, consensus was reached that about six (6) months additional compliance time was appropriate for the costly emission control device add-on provisions. Furthermore, the cancellation of the February Missouri Air Conservation Commission meeting due to inclement weather shortened the time that businesses have to prepare for the new provisions of the rule. As a result of this comment, the volatile organic compound (VOC) control device installation dates in paragraph (3)(C)1. of this rule have been changed to March 1, 2012. No changes can be made regarding the effective date for subsection (3)(A) fountain solution provisions because incorporating specific effective dates in this subsection would cause a regulation lapse during the interim period for those already regulated by this subsection.

COMMENT #4: PISTL made several suggestions for changes to definitions applicable to this rule currently located in the proposed amendment to 10 CSR 10-6.020.

RESPONSE: PISTL's comments in regards to these definitions are addressed in the comments and responses for the proposed amendment to 10 CSR 10-6.020 Definitions and Common Reference Tables.

COMMENT #5: PISTL commented that paragraph (4)(B)1. of this rule should require temperature readings for both paragraphs (3)(D)1. and (3)(D)2.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the requested change has been made to the proposed amendment text.

COMMENT #6: PISTL commented that paragraph (4)(C)5. of the proposed amendment needs to be clarified to indicate that record keeping is only required for fountain solutions containing alcohol that must be refrigerated because they are using higher alcohol content and refrigeration to meet the appropriate limits.

RESPONSE AND EXPLANATION OF CHANGE: For clarity, it is appropriate to state that only fountain solutions requiring refrigeration need to have the temperature measured and logged. Therefore, paragraph (4)(C)5. of the rule text has been modified using a reference to the refrigeration provision of paragraph (3)(A)1.

COMMENT #7: PISTL commented that the last sentence of paragraph (5)(A)12. is confusing and may be difficult to interpret as proposed. The confusion stems from the use of the term no less than in combination with the term below in regards to establishing a fifty degree (50°) tolerance between the oxidizer compliance temperature and the oxidizer operating temperature established during testing. PISTL also made this comment for the same language in 10 CSR 10-5.340 proposed amendment. PISTL suggested some language to clarify this provision.

RESPONSE AND EXPLANATION OF CHANGE: The text as proposed is confusing because it is not clear if the term below is referring to a certain point on the temperature scale or the number fifty (50). PISTL's comment demonstrates that they understand the intended meaning of the sentence, but their suggested language might still lead to confusion. As a result of this comment, the last sentence of paragraph (5)(A)12. has been rewritten.

COMMENT #8: In comments to 10 CSR 10-5.340 Control of Emissions From Rotogravure and Flexographic Printing Operations proposed amendment, St. Louis County Air Pollution Control Program requested that the applicability period in the applicability section be changed from year to twelve (12)-month period for consistency.

RESPONSE AND EXPLANATION OF CHANGE: For consistency, subsection (1)(D) has been changed to twelve (12)-month rolling period for sixty (60) consecutive months.

Due to the similar topic of the following two (2) comments, one response can be found at the end of these two (2) comments:

COMMENT #9: PISTL commented on Assumption #8 of the fiscal note. They estimate that there are a total of seventy-five (75) potentially affected facilities that will be subject to the proposed amendment based on an assessment of the total number of printing companies in the impacted counties. Of that total, PISTL further estimates that thirty-five (35) facilities will likely be subject to low VOC fountain solution provisions of the rule.

COMMENT #10: PISTL commented on Assumption #10 of the fiscal note that, based on their estimates, there are a total of ten (10) letterpress operations that will have to comply with the cleaning provisions. However, they agree that no letterpress operations will have to install heatset dryer controls.

RESPONSE AND EXPLANATION OF CHANGE: Due to the lowered applicability level of the proposed amendment, there will be sources now subject to this rule that had been previously unregulated. Similarly, many of these sources are below permit levels, making an accurate estimation of the number of sources difficult. The department defers to PISTL's estimates in determining the number of facilities subject to the letterpress and lithographic cleaning provisions of the proposed amendment. PISTL's estimation of the number of facilities subject to the low VOC fountain solution provisions is the same

as the department's original estimate and thus remains unchanged. Assumptions #8 and #10 of the fiscal note, along with the corresponding worksheet, have been revised as a result of these comments.

Due to the similar topic of the following three (3) comments, one response can be found at the end of these three (3) comments:

COMMENT #11: PISTL commented that Assumption #2 of the fiscal note states that the fiscal cost analysis is based on the EPA's CTG cost estimates. The printing industry had previously submitted comments to EPA during the development of the CTG that their assumptions and cost estimates were not accurate. PISTL suggested changes to the fiscal note based on a combination of industry experience, research, and information from individual printing companies that provides a more accurate representation of the cost associated with this rule change.

COMMENT #12: PISTL commented that Assumption #9 of the fiscal note is incorrect. There is not a zero-net cost to comply with the low VOC fountain solution provisions. They submitted extensive data to justify that the installation and maintenance of conversion equipment to include new rubber rollers and any necessary water pre-treatment conditioners far outweighs the cost savings from reduced alcohol usage.

COMMENT #13: PISTL commented on Assumption #12 of the fiscal note that the labor costs related to record keeping are not negligible. They provided specific data to determine the relevant record keeping labor costs.

RESPONSE AND EXPLANATION OF CHANGE: In the absence of more specific data, the department made assumptions based on estimates similar to those provided by the EPA in their CTG document. The department acknowledges the printing industry's technical expertise and appreciates the time and effort necessary to derive cost estimates that more accurately reflect the fiscal impact to the affected regulated facilities. The department has worked in close coordination with PISTL to derive and verify cost estimates that are as accurate as possible. Assumption #2 of the fiscal note has been revised to recognize PISTL as another source of cost estimate data. Similarly, Assumptions #9 and #12 have been amended to defer to the printing industry's cost data where appropriate. Lastly, as a result of these comments, the worksheets and fiscal note have been extensively modified to reflect the most accurate private entity cost estimate based on the more specific data provided.

COMMENT #14: St. Louis County Air Pollution Control Program commented that subsection (1)(B) is confusing where it specifies that the actual emissions to determine applicability shall not consider the effects of controls.

RESPONSE: The intent of paragraph (1)(B)3. is to set the applicability threshold based on actual VOC emissions before the effect of any control devices. The text as proposed is entirely consistent with the language in the CTG. Therefore, no changes have been made to the proposed amendment text.

COMMENT #15: The St. Louis County Air Pollution Control Program commented that, in the Test Methods section, a specific compliance time frame should be given for the required initial control device performance test or any subsequent emission test required after a significant modification. They suggested one hundred eighty (180) days be given for these tests.

RESPONSE AND EXPLANATION OF CHANGE: In subsection (5)(A) of this rule, the initial control device performance test time frame need not be specified here as suggested because the rule is already being revised to provide a six (6)-month compliance grace period as a result of comment #3 above which extends the control device installation compliance date to March 1, 2012. However, as a result of this comment, a one hundred eighty (180)-day compliance time frame for an emissions performance test required by a significant modification to the control device is being added to subsection (5)(A).

10 CSR 10-5.442 Control of Emissions From Lithographic and Letterpress Printing Operations

(1) Applicability.

(D) Once the installation exceeds the applicability level of this rule, it shall remain subject to this rule even if its actual emissions drop below the applicability level of this rule until it can demonstrate, to the satisfaction of the director, that the total actual VOC emissions from lithographic and letterpress printing operations including related cleaning activities, before consideration of controls, is less than three (3) tons per twelve (12)-month rolling period for sixty (60) consecutive months.

(3) General Provisions.

(C) Heatset Web Press Emission Control Systems. This subsection applies only to heatset web lithographic and letterpress printing presses with the potential to emit (PTE) VOCs from ink oil greater than twenty-five tons per year (25 tpy) unless any such press is used for book printing or has a maximum web width of twenty-two inches (22") or less.

1. No owner or operator shall use or permit the use of any press without a dryer which has one hundred percent (100%) of its exhaust ducted to a control device that is maintained and operated to achieve, at all times while the press is operating, at least the indicated percentage by weight control efficiency.

VOC Control Device First Installed	VOC Control Percentage
Prior to March 1, 2012	90
On or after March 1, 2012	95

The dryer pressure shall be maintained below the pressure of the press room at all times while the press is operating. Continuous dryer air flow monitoring is not required.

2. As an alternative to achieving the applicable control efficiency in paragraph (3)(C)1. of this rule, any press shall operate its control device to maintain a maximum VOC outlet concentration of twenty parts per million by volume (20 ppmv) as hexane (C₆H₁₄) on a dry basis.

(4) Reporting and Record Keeping.

(B) All persons subject to subsection (3)(C) of this rule shall maintain records for each control device sufficient to demonstrate that the control efficiency is being maintained. These records shall include, but are not limited to:

1. The temperature readings, logged at least once every fifteen (15) minutes, from the monitors required by paragraphs (3)(D)1. and (3)(D)2. of this rule; and

2. The operating parameters of any required control device determined from any initial or subsequent control efficiency compliance testing as outlined in subsection (5)(A) of this rule.

(C) For each applicable printing press, records shall be maintained to show—

1. For each fountain solution whose VOC content is modified, the calculation or direct measurement data that indicates the resultant VOC content by weight. The calculation or measurement need only be performed once for each batch of fountain solution used except that it need not be performed at all for the dilution of a fountain solution containing alcohol substitutes purchased with less than five percent (5.0%) VOC content before dilution or for alcohol containing fountain solutions requiring refrigeration purchased with less than three percent (3%) or eight and five tenths percent (8.5%) VOC content, for heatset web and sheet-fed presses, respectively;

2. For each fountain solution, a manufacturer's formulation data sheet or Material Safety Data Sheet (MSDS) listing the physical properties of alcohol or alcohol substitute(s) such as density and percent

VOC as purchased from the supplier;

3. Results of any testing conducted on an emission unit at a regulated facility;

4. Maintenance records and inspection results of any air pollution control equipment; and

5. The temperature, as required by paragraph (3)(A)1. of this rule, at least once per day or once per batch, whichever is longer.

(5) Test Methods. Certain test methods mentioned in this rule may be found in 10 CSR 10-6.030. Other EPA test methods specific to this rule may be found in 40 CFR 60, Appendix A.

(A) Control Efficiency Testing. To demonstrate compliance with the emission limits of subsection (3)(C) of this rule, an initial emission test shall be performed after any required control equipment is installed. The emission limits shall not have been met until compliance has been verified through this testing. Testing shall also be required within one hundred eighty (180) days after significant modifications to any control equipment required by this rule. Significant modifications include any repairs or changes that might substantially alter or affect the overall control efficiency. This subsection outlines the methods to be used for any such testing.

1. The emission unit shall be run at typical operating conditions and flow rates compatible with scheduled production during any emission testing.

2. Capture efficiency testing for heatset dryers is not required if it is demonstrated that pressure in the dryer is negative relative to the surrounding press room and the airflow is into the dryer. This test may be performed with a differential pressure gauge or an airflow direction indicator (e.g., smoke stick or aluminum ribbons).

3. EPA Method 1 or 1A, as appropriate, shall be used to select the sampling sites.

4. EPA Method 2, 2A, 2C, or 2D, as appropriate, shall be used to determine the velocity and volumetric flow rate of the exhaust stream.

5. EPA Method 3 or 3A, as appropriate, shall be used to determine the concentration of oxygen (O₂) and carbon dioxide (CO₂).

6. EPA Method 4 shall be used to determine moisture content.

7. EPA Method 18, 25, or 25A shall be used to determine the VOC concentration of the exhaust stream entering and exiting the control device, unless the alternate limit in paragraph (3)(C)2. of this rule is being used for compliance, in which case only the VOC concentration of the exit exhaust shall be determined. In cases where the anticipated outlet VOC concentration of the control device is less than fifty (50) ppmv as carbon, EPA Method 25A shall be used.

8. If EPA Method 25A is used—

A. The outlet readings from a thermal or catalytic oxidizer may be corrected by using EPA Method 18 or 25 to determine non-VOC components (methane and ethane) and subtracting these from the Method 25A result; and

B. The director may require a retest by EPA Method 18 or 25 if the average corrected outlet reading is greater than fifty (50) ppmv VOC as carbon.

9. A compliance test shall consist of up to three (3) separate runs, each lasting a minimum of sixty (60) minutes unless the director determines that the circumstances dictate shorter sampling times.

10. EPA Method 25 specifies a minimum probe temperature of two hundred sixty-five degrees Fahrenheit (265 °F). To prevent condensation, the probe should be heated to at least the gas stream temperature, typically close to three hundred fifty degrees Fahrenheit (350 °F).

11. EPA Method 25A specifies a minimum temperature of two hundred twenty degrees Fahrenheit (220 °F) for the sampling components leading to the analyzer. To prevent condensation when testing heatset printing presses, the sampling components and flame ionization detector lock should be heated to at least the gas stream temperature, typically close to three hundred fifty degrees Fahrenheit (350 °F).

12. The oxidizer operating temperature or the temperature of the

gas upstream of the catalyst bed may be used as the operating parameter for determining continuous compliance with the emission standard of subsection (3)(C) of this rule. This temperature shall be computed as the time-weighted average of the temperature values recorded during the test. The owner or operator must maintain the oxidizer at a three (3)-hour average temperature equal to or greater than a temperature fifty degrees Fahrenheit (50 °F) below the average temperature observed during the most recent stack test to demonstrate continuous compliance.

13. Use of an adaptation to any of the methods specified in this subsection may be approved by the director on a case-by-case basis. The owner or operator shall submit sufficient documentation for the director to find that the methods specified in this subsection will yield inaccurate results and that the proposed adaptation is appropriate.

REVISED PRIVATE COST: This proposed amendment will cost private entities \$15,400,650 in the aggregate.

**REVISED
FISCAL NOTE
PRIVATE COST**

- I. Department Title:** 10 – Department of Natural Resources
Division Title: 10 – Air Conservation Commission
Chapter Title: 5 – Air Quality Standards and Air Pollution Control Rules Specific to the St. Louis Metropolitan Area

Rule Number and Title:	10 CSR 10-5.442 Control of Emissions from Lithographic Printing Operations
Type of Rulemaking:	Amendment to 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:
75	Offset Lithography North American Industry Classification System code (NAICS): 323110 Standard Industry Classification code (SIC): 2752 Source Classification Codes (SCC): 40500401, 40500411, 40500412, 40500415, 40500416, 40500418	\$14,528,450
10	Letterpress Printing NAICS: 323119 SIC: 2751 SCC: 40500201, 40500202, 40500203, 40500211, 40500212, 40500215	872,200
		\$15,400,650

III. WORKSHEET

Offset Lithographic

Proposed Rule Provisions	Estimated # of applicable facilities	Average Annual Cost (per facility)	Total Annual Cost of compliance	Total Cost of compliance over life of rule
VOC Emission Controls (Device, Capital recovery, operation & maintenance)	2	\$223,035	\$446,070	\$4,460,700
Fountain Solutions (See Assumption 9)	35	\$10075	\$352,625	\$3,526,250
Cleaning	75	\$6799	\$509,925	\$5,099,250
Recordkeeping	75	\$1923	\$144,225	\$1,442,250
Total			\$1,452,845	\$14,528,450

Letterpress Printing

Proposed Rule Provision incurring compliance costs	Estimated # of applicable facilities	Average Annual Cost (per facility)	Total Annual Cost of compliance	Total Cost of compliance over life of rule
VOC Emission Controls (Device, Capital recovery, operation & maintenance)	0	\$223,035	\$0	\$0
Cleaning	10	\$6,799	\$67,990	\$679,900
Recordkeeping	10	\$1,923	\$19,230	\$192,300
Total			\$87,220	\$872,200

IV. ASSUMPTIONS

1. For the convenience of calculating this fiscal note over a reasonable time frame, the life of the rule is assumed to be 10 years although the duration of the rule is indefinite. If the life of the rule extends beyond ten 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. Since this rule amendment is substantially similar to the emission limits and techniques presented in the U.S. Environmental Protection Agency's (EPA) *Control Techniques Guidelines (CTG) for Offset Lithographic Printing and Letterpress Printing* (EPA-453/R-06-002, September 2006), this private entity fiscal cost analysis is based on the CTG cost estimates outlined in Appendix D of that document where applicable. Additional or more specific cost estimate data was provided by the Printing Industries of St. Louis, Inc. who worked closely with the department in drafting this revised fiscal note.
3. All costs are annualized. The capital recovery of the initial equipment and installation costs is part of the annual cost and is based on a 10-percent interest rate and a 10-year life for the equipment.
4. All figures are in 2005 dollars matching EPA's cost analysis unless otherwise noted.
5. EPA used a model plant analysis that estimated that 148 facilities nationally will have to add heatset dryer Volatile Organic Compound (VOC) emission controls costing \$33 million annually. These 148 plants were distributed among four categories. The cost to install controls, based on the average of all the categories, is \$223,035 per plant per year.
6. For the lithographic cleaning provisions, EPA estimated that there are 2698 applicable facilities nationwide, divided into 16 categories, in nonattainment areas that were not previously meeting the cleaning provisions. Nationally, the annual cost of compliance with the cleaning provisions was estimated to be \$18 million. From this, the average annual cost per facility is \$6799.
7. 2 heatset lithographic facilities will have presses requiring the installation of VOC control devices.

8. 75 lithographic facilities will now have to comply with the low VOC solvent cleaning provisions and 35 with the fountain solution provisions as a result of this rule amendment.
9. For the fountain solution provisions requiring a reduction in alcohol use or conversion to alcohol substitutes, the annual cost of conversion to alcohol substitutes is approximately \$13,437 for converting one forty inch (40") two-color sheet-fed press and approximately \$8,734 total for converting one twenty-six inch (26") two-color sheet-fed press. These costs are due to the installation of water treatment systems, conversion of rollers, increased maintenance of rollers and increased water consumption. Of the 35 facilities subject to low VOC fountain solution provisions of the rule (as noted in Assumption #8 above), 10 facilities will have one (1) forty inch (40") press, and 25 facilities will have at one (1) twenty-six inch (26") press.
10. 10 letterpress operations will have to comply with the cleaning & recordkeeping provisions but no letterpress operations will have to install heatset dryer controls.
11. Assume the costs are the same for letterpress printing as for offset lithography, except that there are no fountain solutions in letterpress printing.
12. The amount of time necessary to keep records is 65 additional hours per year per facility. Labor costs for recordkeeping are \$29.58 per hour based on a regional 2010 Wage & Benefit Survey of the Printing Industry.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 5—Air Quality Standards and Air Pollution
Control Rules Specific to the St. Louis Metropolitan
Area

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-5.455 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2011 (36 MoReg 745-749). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received four (4) comments from two (2) sources, the American Coatings Association (ACA) and the St. Louis County Air Pollution Control Program. The ACA requested that their represented industries be exempted from the rule, or if this request was not possible, provided language to better accommodate the needs of their industry. St. Louis County Air Pollution Control Program requested that language be added to the rule to further explain how affected entities can show the rule no longer applies to them.

COMMENT #1: The ACA opposes Missouri's adoption of the Industrial Solvent Cleaning Control Technique Guidelines (CTG) for coatings, inks, and resin manufacturing operations based on claims that the proposed amendment does not allow effective cleaning and because Missouri already has an applicable regulation, 10 CSR 10-5.390, that requires covers on all tanks containing volatile organic compounds (VOCs) used for cleaning equipment.

RESPONSE: Missouri is following the guidance provided by EPA in the CTG that exempts industries that are specifically listed for regulation under Section 183(e) of the Clean Air Act. In addition, specific exemptions that have been included by other state CTG rules have been incorporated into this rulemaking. No other state rule has exempted this industry. In addition, the requirements listed in the amendment to this rule are much more specific and cover much more of the cleaning operation work practices than just covering tanks containing VOCs used for cleaning. Therefore, no change was made to the amendment text as a result of this comment.

COMMENT #2: If Missouri does not exempt solvent cleaning at coating, inks, and resin manufacturing operations, the ACA recommends adding regulatory language that is currently being adopted by the states of Wisconsin, Ohio, and Illinois. This language includes alternative compliance options for coating, inks, and resin manufacturers and requires one (1) or more of the requirements be met.

RESPONSE AND EXPLANATION OF CHANGE: Specific groups have concerns that address cleaning issues specific to their industry. Allowances were made in the proposed rulemaking to address various industries. Therefore, in order to accommodate the manufacturers of coatings, inks, and resins, allowances for higher level content of VOCs and an option including an allowable amount of fresh solvent have been incorporated into the rule as new subsections (1)(F), (1)(G), and (3)(E). Along with the accommodations, the rule will require good work practices such as keeping containers covered and maintaining leak free equipment.

COMMENT #3: The St. Louis County Air Pollution Control Program suggested, in order to be consistent with other rules and

provide sources with an option to opt out of the rule requirements, adding language to clarify that a source may show they have become exempt from the rule once their actual emissions drop below three (3) tons and the facility can demonstrate, to the satisfaction of the director, that total actual VOC emissions is less than three (3) tons per twelve (12)-month rolling period for five (5) consecutive twelve (12)-month periods.

RESPONSE AND EXPLANATION OF CHANGE: In order to provide clarity to sources on how to become exempt from the rule once it no longer applies to them, a new subsection (1)(H) was added to the applicability section of the rule.

COMMENT #4: The St. Louis County Air Pollution Control Program commented that they support the amendments.

RESPONSE: The Missouri Department of Natural Resources' Air Pollution Control Program appreciates the support. No change was made to the amendment text as a result of this comment.

10 CSR 10-5.455 Control of Emissions from Industrial Solvent Cleaning Operations

(1) Applicability.

(B) This rule shall apply to any person who performs or allows the performance of any cleaning operation involving the use of organic solvents or solvent solutions. Except as provided in subsections (1)(C) through (1)(G) of this rule, the provisions of this rule shall apply to any stationary source that emits at least three (3) tons per twelve (12)-month rolling period or more of volatile organic compounds (VOCs) from cleaning operations at the source, in the absence of air pollution control equipment, and stores and/or disposes of these solvent materials.

(F) Cleaning operations at a manufacturer of coatings, inks, or resins are exempt from subsections (3)(A) and (3)(B) of this rule.

(G) Subsection (3)(E) applies to manufacturers of coatings, inks, and resins only.

(H) Once a source has exceeded the applicability level of this rule, it shall remain subject to this rule even if its actual emissions drop below the applicability level of this rule until it can demonstrate, to the satisfaction of the director, that the total actual VOC emissions from solvent cleaning operations, before consideration of controls, is less than three (3) tons per twelve (12)-month rolling period for sixty (60) consecutive months.

(3) General Provisions.

(E) Requirements for coatings, inks, and resin manufacturers. Coating, ink, and resin manufacturers must comply with the following requirements:

1. Clean portable or stationary mixing vats, high dispersion mills, grinding mills, tote tanks, and roller mills by one (1) or more of the following methods:

A. Use a solvent or solvent solution that either contains less than 1.67 pounds per gallon (0.20 kilograms per liter) of VOC or has a composite vapor pressure no more than eight millimeters of mercury (8.0 mmHg) at twenty degrees Celsius (20 °C);

B. Collect and vent the emissions from equipment cleaning to a VOC emission control system that has an overall capture and control efficiency of at least eighty percent (80%) by weight for the VOC emissions. Where such reduction is achieved by incineration, at least ninety percent (90%) of the organic carbon shall be oxidized to carbon dioxide; or

C. Use organic solvents other than those allowed in subparagraph (3)(E)1.A. of this rule provided no more than sixty (60) gallons (two hundred twenty-eight (228) liters) of fresh solvent shall be used per month. Organic solvent that is reused or recycled (either onsite or offsite), for further use in equipment cleaning or the manufacture of coating, is not included in this limit;

2. Work practices while cleaning shall include:

A. Equipment being cleaned must be maintained leak free;

B. VOC-containing cleaning materials must be drained from the cleaned equipment upon completion of cleaning;

C. VOC-containing cleaning materials, including waste solvents, shall not be stored or disposed of in such a manner that will cause or allow evaporation into the atmosphere; and

D. Store all VOC-containing materials in closed containers; and

3. When using solvent for wipe cleaning, the owner or operator of a facility shall:

A. Not use open containers for the storage or disposal of cloth or paper impregnated with organic compounds that is used for cleanup or coating, ink, or resin removal; and

B. Not store spent or fresh organic compounds to be used for cleanup or coating, ink, or resin removal in open containers.

**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**

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-6.020 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2011 (36 MoReg 749-784). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources received thirteen (13) comments from six (6) sources including the Treated Wood Council, the Missouri Forest Products Association, the Missouri Hospital Association, Newman, Comley & Ruth, P.C., Printing Industries of St. Louis, Inc., and the St. Louis County Air Pollution Control Program.

COMMENT #1: The Treated Wood Council and the Missouri Forest Products Association both commented on their concern as to what qualifies as a renewable fuel as defined by the term in paragraph (2)(R)27. Both parties requested that treated wood be included as a renewable energy source for use at facilities that satisfied all pertinent environmental requirements and obtained the necessary permits. **RESPONSE AND EXPLANATION OF CHANGE:** The definition for renewable fuel as found in paragraph (2)(R)27. originates from a rule that was defining renewable fuel for use in cement kilns. It was not the intent of the definition to define renewable fuel across all potential uses of the term. Therefore, text has been added to the beginning of the definition clarifying that the term is defined only for use with the cement kiln emission rule 10 CSR 10-6.380.

COMMENT #2: The Missouri Hospital Association (MHA) requested that the definitions for the terms hospital and low-level radioactive waste be replaced with the definitions defined in Missouri statute. MHA also requested that the definition for medical/infectious waste be replaced with the definition used by the Department of Natural Resources' Solid Waste Program.

RESPONSE: All three (3) definitions in the proposed rulemaking are consistent with definitions in the federal rule 40 CFR Part 60 Subpart Ec. These definitions are used in rule 10 CSR 10-6.200 Hospital, Medical, Infectious Waste Incinerators. In order for this rulemaking to be federally approvable, the definitions must be consistent with the

air portion of the *Code of Federal Regulations*. Therefore, no changes were made to the rule as a result of these comments.

COMMENT #3: Newman, Comley & Ruth, P.C. commented that the definition of air pollutant allows the staff director to identify precursors to the formation of any air pollutant, and this may exceed authority granted under provisions of state statutes.

RESPONSE AND EXPLANATION OF CHANGE: This definition was moved from 10 CSR 10-6.065 and originated from a federal definition. When this definition was added to 10 CSR 10-6.065, the federal term of administrator was replaced with staff director. This type of replacement was common any time federal rules and definitions were incorporated into state rules. However, in this case it did not make sense. The staff director has never identified precursors for this purpose. As a result of this comment, the definition has been changed to reflect that only the administrator of the EPA or the administrator's duly authorized representative is permitted to identify precursor(s).

COMMENT #4: Printing Industries of St. Louis, Inc. have requested additions to the definitions of batch and press in the proposed rulemaking and have recommended adding the term fountain solution reservoir to the definitions rule in order to facilitate understanding of 10 CSR 10-5.442 Control of Emissions from Lithographic Printing Operations.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, changes were made to the definitions of batch and press and the term fountain solution reservoir was added to help in the understanding of the affected rules.

COMMENT #5: St. Louis County Air Pollution Control Program recommended that the definition of reporting year be updated to reflect the latest definition found in 10 CSR 10-6.110 Reporting Emission Data, Emission Fees, and Process Information and the definition for Consolidated Emissions Reporting Rule (CERR) be deleted as it will no longer be used when the definition of reporting year is updated. Also, the term peak ozone season should be deleted as it is not used anywhere in the air rules.

RESPONSE AND EXPLANATION OF CHANGE: As recommended, the definition of reporting year has been updated based on the current definition in 10 CSR 10-6.110, and peak ozone season was deleted. In addition, Consolidated Emissions Reporting Rule was deleted because it is obsolete and has been superseded by the federal Air Emissions Report Rule.

COMMENT #6: St. Louis Air Pollution Control Program noted that definitions exist for both emission inventory and inventory and suggested that one (1) of the definitions be eliminated, or both should at least be reviewed to assure that both definitions are appropriate and consistent.

RESPONSE AND EXPLANATION OF CHANGE: Emission inventory is a new definition that was incorporated due to an amendment to 10 CSR 10-6.300. The term inventory has been in 10 CSR 10-6.020 for an extended period of time. Therefore, in order for the term inventory to be removed, a review of the rules was performed to determine if the term emissions inventory is an appropriate replacement. This review was done and it was determined that the term inventory is redundant and can be deleted from 10 CSR 10-6.020.

COMMENT #7: St. Louis Air Pollution Control Program commented that there are two (2) different definitions for emission and emissions. Emission appears to be a general term and emissions appears to be specifically for the nitrogen oxides (NO_x) budget rule. If that is the case, clarification should be added to the emissions definition to reflect its specific usage.

RESPONSE AND EXPLANATION OF CHANGE: In order to provide greater clarity regarding definitions of terms and where rule

specific definitions are used, the emissions definition has been added to the end of the definition of the term emission and includes language specifying that the term only applies to NO_x budget rule.

COMMENT #8: St. Louis Air Pollution Control Program noted that there are definitions for both regulated air pollutant and regulated pollutant. These terms are similar but have differences. These definitions should be reviewed for clarification.

RESPONSE: Both regulated pollutant and regulated air pollutant have been in 10 CSR 10-6.020 for a number of years. Regulated pollutant points to a specific section of the Clean Air Act while regulated air pollutant is a broader term. In addition to the two (2) terms identified in this comment, 10 CSR 10-6.020 contains other similar terms including air pollutant, air contaminant, and pollutant. These terms are used extensively throughout the state air rules, and it will take time to review the usages in the various rules to determine how they can be clarified and whether any of them can be eliminated. Although this review could not be completed within the time frame of this rulemaking, it will be done and any resulting changes will be considered when 10 CSR 10-6.020 is reopened for amendment in the very near future. No changes were made to the rule as a result of this comment.

COMMENT #9: St. Louis Air Pollution Control Program commented that the term capture efficiency references organic vapors and suggested that this be removed to allow the definition to apply to all pollutants.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the definition of capture efficiency has been changed to make the term applicable to all pollutants.

COMMENT #10: St. Louis Air Pollution Control Program noted that this rulemaking is intended to move all definitions from individual rules into 10 CSR 10-6.020, but definitions that were included in the latest revision of 10 CSR 10-6.110 were not included in this proposed rulemaking. Specifically, the definitions for Missouri Emissions Inventory System (MoEIS), emissions report, reportable pollutants, and reporting threshold should be added. Also, the definitions for point source and small source should be added with the statement specifying the definitions are for 10 CSR 10-6.110 only.

RESPONSE AND EXPLANATION OF CHANGE: These definitions were inadvertently left out of the proposed rulemaking and have been added. Also, a review was done as a result of this comment and a number of other definitions that were unintentionally left out of 10 CSR 10-6.020 have also been added to the rulemaking. These terms included caulking and smoothing compound, emergency standby boiler, emergency standby engine, emergency standby generator, emergency stationary combustion turbine, emergency stationary internal combustion engine, NO_x allowance transfer deadline, and mold release.

COMMENT #11: St. Louis Air Pollution Control Program suggested that there should be some language added to the Applicability section of the rule to clarify that if there is a conflict between rule definitions and the 10 CSR 10-6.020 rule, the definition as defined in the 10 CSR 10-6.020 rule takes precedence.

RESPONSE: It is the intent for the definitions as found in 10 CSR 10-6.020 should take precedence over the definitions found in a rule definition, except for 10 CSR 10-6.060. However, this rulemaking did not propose to open the Applicability section of the 10 CSR 10-6.020. 10 CSR 10-6.020 will be reopened for a revision in the very near future, and this language will be proposed for inclusion in the Applicability section at that time.

COMMENT #12: St. Louis Air Pollution Control Program proposed that a definition for actual emissions should be added to the rule.

RESPONSE: The term actual emissions already appears in 10 CSR 10-6.020. Therefore, no changes were made to the rule as a result of

this comment.

COMMENT #13: The St. Louis County Air Pollution Control Program commented that they support the rule amendments.

RESPONSE: The Missouri Department of Natural Resources' Air Pollution Control Program appreciates the support. No change was made to the rule text as a result of this comment.

10 CSR 10-6.020 Definitions and Common Reference Tables

(2) Definitions.

(A) All terms beginning with "A."

1. Abatement project designer—An individual who designs or plans Asbestos Hazard Emergency Response Act (AHERA) asbestos abatement.

2. Account certificate of representation—The completed and signed submission for certifying the designation of a nitrogen oxides (NO_x) authorized account representative for an affected unit or a group of identified affected units who is authorized to represent the owners or operators of such unit(s) and of the affected units at such source(s) with regard to matters under a NO_x trading program.

3. Account holder—Any person that chooses to participate in the program by generating, buying, selling, or trading emission reduction credits (ERCs).

4. Account number—The identification number given to each NO_x allowance tracking system account.

5. Acid rain emissions limitation—As defined in 40 CFR 72.2, a limitation on emissions of sulfur dioxide or nitrogen oxides under the acid rain program under Title IV of the Clean Air Act.

6. Acrylonitrile-butadiene-styrene (ABS) plastic solvent welding—A process to weld ABS pipe.

7. Act—The Clean Air Act, 42 U.S.C. 7401. References to the word Title pertain to the titles of the Clean Air Act Amendments of 1990, P.L. 101-595.

8. Active collection system—A gas collection system that uses gas mover equipment.

9. Active landfill—A landfill in which solid waste is being placed or a landfill that is planned to accept waste in the future.

10. Actual emissions—The actual rate of emissions of a pollutant from a source operation is determined as follows:

A. Actual emissions as of a particular date shall equal the average rate, in tons per year, at which the source operation or installation actually emitted the pollutant during the previous two (2)-year period and which represents normal operation. A different time period for averaging may be used if the director determines it to be more representative. Actual emissions shall be calculated using actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period;

B. The director may presume that source-specific allowable emissions for a source operation or installation are equivalent to the actual emissions of the source operation or installation; and

C. For source operations or installations which have not begun normal operations on the particular date, actual emissions shall equal the potential emissions of the source operation or installation on that date.

11. Adequately wet—To sufficiently mix or penetrate with liquid to prevent the release of particulates. If visible emissions are observed coming from asbestos-containing material, then that material has not been adequately wetted. However, the absence of visible emissions is not sufficient evidence of being adequately wet.

12. Adhesion primer—A coating that is applied to a polyolefin part to promote the adhesion of a subsequent coating. An adhesion primer is clearly identified as an adhesion primer or adhesion promoter on its material safety data sheet.

13. Adhesive—Any chemical substance that is applied for the purpose of bonding two (2) surfaces together other than by mechanical means. For the purpose of 10 CSR 10-5.330 only, an adhesive is considered a surface coating.

14. Adhesive application process—A series of one (1) or more adhesive applicators and any associated drying area and/or oven wherein an adhesive is applied, dried, and/or cured. An application process ends at the point where the adhesive is dried or cured, or prior to any subsequent application of a different adhesive. It is not necessary for an application process to have an oven or flash-off area.

15. Adhesive primer—A product intended by the manufacturer for application to a substrate, prior to the application of an adhesive, to provide a bonding surface.

16. Administrator—The regional administrator for Region VII, U.S. Environmental Protection Agency (EPA). For the purpose of 10 CSR 10-6.360 only, administrator is the administrator of the U.S. Environmental Protection Agency or the administrator's duly-authorized representative.

17. Adsorption cycle—The period during which the adsorption system is adsorbing and not desorbing.

18. Adverse impact on visibility—The visibility impairment which interferes with the protection, preservation, management, or enjoyment of the visitor's visual experience of a Class I area, which is an area designated as Class I in 10 CSR 10-6.060(11)(A) Table 1. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency, and time of visibility impairments and how these factors correlate with the times of visitor use of the Class I area and the frequency and timing of natural conditions that reduce visibility.

19. Aerospace manufacture and/or rework facility—Any installation that produces, reworks, or repairs in any amount any commercial, civil, or military aerospace vehicle or component.

20. Aerospace vehicle or component—Any fabricated part, processed part, assembly of parts, or completed unit, with the exception of electronic components, of any aircraft.

21. Affected federal land manager—The federal agency or the federal official charged with direct responsibility for management of an area designated as Class I under the Clean Air Act (42 U.S.C. 7472) that is located within one hundred kilometers (100 km) of the proposed federal action.

22. Affected source—A source that includes one (1) or more emission units subject to emission reduction requirements or limitations under Title IV of the Act. For the purpose of 10 CSR 10-5.530 only, affected source is a wood furniture manufacturing facility that meets the criteria listed in subsections (1)(A) and (1)(B) of 10 CSR 10-5.530.

23. Affected states—All states contiguous to the permitting state whose air quality may be affected by the modification, renewal, or issuance of, or is within fifty (50) miles of, a source subject to permitting under Title V of the Act.

24. Affected unit—A unit that is subject to emission reduction requirements or limitations under Title IV of the Act.

25. Affiliate—Any person, including an individual, corporation, service company, corporate subsidiary, firm, partnership, incorporated or unincorporated association, political subdivision including a public utility district, city, town, county, or a combination of political subdivisions, that directly or indirectly, through one (1) or more intermediaries, controls, is controlled by, or is under common control with the regulated electrical corporation.

26. AHERA—See Asbestos Hazard Emergency Response Act.

27. Air cleaning device—Any method, process, or equipment which removes, reduces, or renders less obnoxious air contaminants discharged into the ambient air.

28. Air contaminant—Any particulate matter or any gas or vapor or any combination of them.

29. Air contaminant source—Any and all sources of emission of air contaminants whether privately or publicly owned or operated.

30. Air-dried coating—The coatings which are dried by the use of air or forced warm air at temperatures up to ninety degrees Celsius (90 °C) (one hundred ninety-four degrees Fahrenheit (194 °F)).

31. Air pollutant—Agent, or combination of agents, including any physical, chemical, biological, radioactive (including source

material, special nuclear material, and by-product material) substance, or matter which is emitted into or otherwise enters the ambient air. Such term includes any precursors to the formation of any air pollutant, to the extent the administrator of the U.S. Environmental Protection Agency, or the administrator's duly authorized representative has identified such precursor(s) for the particular purpose for which the term "air pollutant" is used.

32. Air pollution—The presence in the ambient air of one (1) or more air contaminants in quantities, of characteristics, and of a duration which directly and approximately cause or contribute to injury to human, plant, or animal life or health, or to property or which unreasonably interfere with the enjoyment of life or use of property.

33. Air pollution alert—The level of an air pollution episode known as an air pollution alert is that condition when the concentration of air contaminants reach the level at which the first stage control actions are to begin.

34. Air Stagnation Advisory—A special bulletin issued by the National Weather Service entitled "Air Stagnation Advisory," which is used to warn air pollution control agencies that stagnant atmospheric conditions are expected which could cause increased concentrations of air contaminants near the ground.

35. Air-tight cleaning system—A degreasing machine that is automatically operated and seals at a differential pressure no greater than one-half (0.5) pound per square inch gauge (psig) during all cleaning and drying cycles.

36. Airless cleaning system—A degreasing machine that is automatically operated and seals at a differential pressure of twenty-five (25) torr (twenty-five millimeters of mercury (25 mmHg) (0.475 pounds per square inch (psi)) or less, prior to the introduction of solvent vapor into the cleaning chamber and maintains differential pressure under vacuum during all cleaning and drying cycles.

37. Alcohol—Refers to isopropanol, isopropyl alcohol, normal propyl alcohol, or ethanol.

38. Alcohol substitutes—Nonalcohol additives that contain volatile organic compounds (VOCs) and are used in the fountain solution.

39. Allocate or allocation—The determination by the director or the administrator of the number of NO_x allowances to be initially credited to a NO_x budget unit or an allocation set-aside.

40. Allowable emissions—The emission rate calculated using the maximum rated capacity of the installation (unless the source is subject to enforceable permit conditions which limit the operating rate or hours of operation, or both) and the most stringent of the following:

A. Emission limit established in any applicable emissions control rule including those with a future compliance date; or

B. The emission rate specified as a permit condition.

41. Allowance—An authorization, allocated to an affected unit by the administrator under Title IV of the Act, to emit, during or after a specified calendar year, one (1) ton of sulfur dioxide (SO₂).

42. Alternate authorized account representative—The alternate person who is authorized by the owners or operators of the unit to represent and legally bind each owner and operator in matters pertaining to the Emissions Banking and Trading Program or any other trading program in place of the authorized account representative.

43. Alternate site analysis—An analysis of alternative sites, sizes, production processes, and environmental control techniques for the proposed source which demonstrates that benefits of the proposed installation significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.

44. Alternative method—Any method of sampling and analyzing for an air pollutant that is not a reference or equivalent method but that has been demonstrated to the director's satisfaction to, in specific cases, produce results adequate for a determination of compliance.

45. Ambient air—All space outside of buildings, stacks, or exterior ducts.

46. Ambient air increments—The limited increases of pollutant concentrations in ambient air over the baseline concentration.

47. Ancillary refueling system—Any gasoline-dispensing installation, including related equipment, that shares a common storage tank with an initial fueling system. The purpose of an ancillary refueling system is to refuel in-use motor vehicles equipped with onboard refueling vapor recovery (ORVR) at automobile assembly plants.

48. Animal matter—Any product or derivative of animal life.

49. Anode bake plant—A facility which produces carbon anodes for use in a primary aluminum reduction installation.

50. Antifoulant coating—A coating applied to the underwater portion of a pleasure craft to prevent or reduce the attachment of biological organisms and registered with the U.S. Environmental Protection Agency (EPA) as a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act (7 United States Code Section 136).

51. Antifoulant sealer/tie coating—A coating applied over biocidal antifoulant coating for the purpose of preventing release of biocides into the environment and/or to promote adhesion between an antifoulant and a primer or other antifoulant.

52. Antique aerospace vehicle or component—An aircraft or component thereof that was built at least thirty (30) years ago. An antique aerospace vehicle would not routinely be in commercial or military service in the capacity for which it was designed.

53. Applicability analysis—The process of determining if the federal action must be supported by a conformity determination.

54. Applicable implementation plan or applicable state implementation plan (SIP)—The portion (or portions) of the SIP or most recent revision thereof, which has been approved under section 110(k) of the Act, a federal implementation plan promulgated under section 110(c) of the Act, or a plan promulgated or approved pursuant to section 301(d) of the Act (tribal implementation plan) and which implements the relevant requirements of the Act.

55. Applicable requirement—All of the following listed in the Act:

A. Any standard or requirement provided for in the implementation plan approved or promulgated by EPA through rulemaking under Title I of the Act that implements the relevant requirements, including any revisions to that plan promulgated in 40 CFR 52;

B. Any term or condition of any preconstruction permit issued pursuant to regulations approved or promulgated through rulemaking under Title I, including part C or D of the Act;

C. Any standard or requirement under section 111 of the Act, including section 111(d);

D. Any standard or requirement under section 112 of the Act, including any requirement concerning accident prevention under section 112(r)(7);

E. Any standard or requirement of the acid rain program under Title IV of the Act or the regulations promulgated under it;

F. Any requirements established pursuant to section 504(b) or section 114(a)(3) of the Act;

G. Any standard or requirement governing solid waste incineration under section 129 of the Act;

H. Any standard or requirement for consumer and commercial products under section 183(e) of the Act;

I. Any standard or requirement for tank vessels under section 183(f) of the Act;

J. Any standard or requirement of the program to control air pollution from outer continental shelf sources under section 328 of the Act;

K. Any standard or requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the Act, unless the administrator has determined that these requirements need not be contained in a Title V permit;

L. Any national ambient air quality standard or increment or visibility requirement under part C of Title I of the Act, but only as it would apply to temporary sources permitted pursuant to section 504(e); and

M. Any standard or requirement established in sections 643.010–643.190, RSMo, of the Missouri Air Conservation Law and rules adopted under them.

56. Approved source—A source of fuel which has been found by the department director, after the tests as s/he may require, to be in compliance with applicable rules.

57. Aqueous solvent—A solvent in which water is the primary ingredient (greater than eighty percent (80%) by weight or greater than sixty percent (60%) by volume of solvent solution as applied must be water). Detergents, surfactants, and bioenzyme mixtures and nutrients may be combined with the water along with a variety of additives such as organic solvents (e.g., high boiling point alcohols), builders, saponifiers, inhibitors, emulsifiers, pH buffers, and antifoaming agents. Aqueous solutions must have a flash point greater than ninety-three degrees Celsius (93 °C) (two hundred degrees Fahrenheit (200 °F)) (as reported by the manufacturer) and the solution must be miscible with water.

58. Architectural coating—A coating recommended for field application to stationary structures and their appurtenances, to portable buildings, to pavements, or to curbs. This definition excludes adhesives and coatings recommended by the manufacturer or importer solely for shop applications or solely for application to non-stationary structures, such as airplanes, ships, boats, and railcars.

59. Area—Any or all regions within the boundaries of the state of Missouri, as specified.

60. Area of the state—Any geographical area designated by the commission.

61. Area-wide air quality modeling analysis—An assessment on a scale that includes the entire nonattainment or maintenance area using an air quality dispersion model or photochemical grid model to determine the effects of emissions on air quality; for example, an assessment using EPA's community multi-scale air quality (CMAQ) modeling system.

62. As applied—The VOC and solids content of the finishing material that is actually used for coating the substrate. It includes the contribution of materials used for in-house dilution of the finishing material.

63. Asbestos—The asbestiform varieties of chrysotile, crocidolite, amosite, anthophyllite, tremolite, and actinolite.

64. Asbestos abatement—The encapsulation, enclosure, or removal of asbestos-containing materials, in or from a building, or air contaminant source; or preparation of friable asbestos-containing material prior to demolition.

65. Asbestos abatement contractor—Any person who by agreement, contractual or otherwise, conducts asbestos abatement projects at a location other than his/her own place of business.

66. Asbestos abatement project—An activity undertaken to encapsulate, enclose, or remove ten (10) square feet or sixteen (16) linear feet or more of friable asbestos-containing materials from buildings and other air contaminant sources or to demolish buildings and other air contaminant sources containing ten (10) square feet or sixteen (16) linear feet or more.

67. Asbestos abatement supervisor—An individual who directs, controls, or supervises others in asbestos abatement projects.

68. Asbestos abatement worker—An individual who engages in asbestos abatement projects.

69. Asbestos air sampling professional—An individual who by qualifications and experience is proficient in asbestos abatement air monitoring. The individual shall conduct, oversee, or be responsible for air monitoring of asbestos abatement projects before, during, and after the project has been completed.

70. Asbestos air sampling technician—An individual who has been trained by an air sampling professional to do air monitoring. That individual conducts air monitoring of an asbestos abatement project before, during, and after the project has been completed.

71. Asbestos-containing material (ACM)—Any material or product which contains more than one percent (1%) asbestos, by weight.

72. Asbestos debris—Material that results from removal or deterioration of asbestos-containing material.

73. Asbestos Hazard Emergency Response Act (AHERA)—Law enacted in 1986 (P.L. 99-519) that directs EPA to develop a regulatory framework to require schools to inspect their building(s) for asbestos and take appropriate abatement actions using qualified, accredited persons for inspection and abatement.

74. Asbestos projects—An activity undertaken to remove or encapsulate one hundred sixty (160) square feet or two hundred sixty (260) linear feet or more of friable asbestos-containing materials or demolition of any structure or building or a part of it containing the previously-mentioned quantities of asbestos-containing materials.

75. Asbestos removal project—An asbestos abatement project consisting of activities that involve, and are required to take out, friable asbestos-containing materials from any facility. This definition includes, but is not limited to, activities associated with the cleanup of loose friable asbestos-containing debris or refuse, or both, from floors and other surfaces.

76. ASME—American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017.

77. Asphalt prime coat—Application of low-viscosity liquid asphalt to an absorbent surface such as a previously-untreated surface.

78. Asphalt seal coat—An application of a thin asphalt surface treatment used to waterproof and improve the texture of an absorbent surface or a nonabsorbent surface such as asphalt or concrete.

79. ASTM—American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.

80. Authorized account representative—The person who is authorized by the owners or operators of the unit to represent and legally bind each owner and operator in matters pertaining to the Emissions Banking and Trading Program or any other budget trading program.

81. Automated data acquisition and handling system (DAHS)—That component of the Continuous Emissions Monitoring System (CEMS), or other emissions monitoring system approved for use by the department, designed to interpret and convert individual output signals from pollutant concentration monitors, diluent gas monitors, and other component parts of the monitoring system to produce a continuous record of the measured parameters in approved measurement units.

82. Automatic blanket wash system—Equipment used to clean lithographic blankets which can include, but is not limited to, those utilizing a cloth and expandable bladder, brush, spray, or impregnated cloth system.

83. Automobile—A four (4)-wheel passenger motor vehicle or derivative capable of seating no more than twelve (12) passengers.

84. Automobile and light duty truck adhesive—An adhesive, including glass bonding adhesive, used at an automobile or light duty truck assembly coating installation, applied for the purpose of bonding two (2) motor vehicle surfaces together without regard to the substrates involved.

85. Automobile and light duty truck bedliner—A multi-component coating, used at an automobile or light duty truck assembly coating installation, applied to a cargo bed after the application of topcoat and outside of the topcoat operation to provide additional durability and chip resistance.

86. Automobile and light duty truck cavity wax—A coating, used at an automobile or light duty truck assembly coating installation, applied into the cavities of the motor vehicle primarily for the purpose of enhancing corrosion protection.

87. Automobile and light duty truck deadener—A coating, used at an automobile or light duty truck assembly coating installation, applied to selected motor vehicle surfaces primarily for the purpose of reducing the sound of road noise in the passenger compartment.

88. Automobile and light duty truck gasket/gasket-sealing material—A fluid, used at an automobile or light duty truck assembly coating installation, applied to coat a gasket or replace and perform the same function as a gasket. Automobile and light duty truck gasket/gasket-sealing material includes room temperature vulcanization (RTV) seal material.

89. Automobile and light duty truck glass bonding primer—A primer, used at an automobile or light duty truck assembly coating installation, applied to windshield or other glass, or to body openings, to prepare the glass or body opening for the application of glass bonding adhesives or the installation of adhesive bonded glass. Automobile and light duty truck glass bonding primer includes glass bonding/cleaning primers that perform both functions (cleaning and priming of the windshield or other glass or body openings) prior to the application of adhesive or the installation of adhesive bonded glass.

90. Automobile and light duty truck lubricating wax/compound—A protective lubricating material, used at an automobile or light duty truck assembly coating installation, applied to motor vehicle hubs and hinges.

91. Automobile and light duty truck sealer—A high viscosity material, used at an automobile or light duty truck assembly coating installation, generally, but not always, applied in the paint shop after the body has received an electrodeposition primer coating and before the application of subsequent coatings (e.g., primer-surfacer). Such materials are also referred to as sealant, sealant primer, or caulk.

92. Automobile and light duty truck surface coating operations—The application, flashoff, and curing of prime, primer-surfacer, topcoat, and final repair coatings during the assembly of passenger cars and light duty trucks excluding the following operations:

- A. Wheel coatings;
- B. Miscellaneous antirust coatings;
- C. Truck interior coatings;
- D. Interior coatings;
- E. Flexible coatings;
- F. Sealers and adhesives; and
- G. Plastic parts coatings. (Customizers, body shops, and other repainters are not part of this definition.)

93. Automobile and light duty truck trunk interior coating—A coating, used at an automobile or light duty truck assembly coating installation outside of the primer-surfacer and topcoat operations, applied to the trunk interior to provide chip protection.

94. Automobile and light duty truck underbody coating—A coating, used at an automobile or light duty truck assembly coating installation, applied to the undercarriage or firewall to prevent corrosion and/or provide chip protection.

95. Automobile and light duty truck weatherstrip adhesive—An adhesive, used at an automobile or light duty truck assembly coating installation, applied to weatherstripping material for the purpose of bonding the weatherstrip material to the surface of the motor vehicle.

96. Automotive underbody deadeners—Any coating applied to the underbody of a motor vehicle to reduce the noise reaching the passenger compartment.

97. Auxiliary power unit (APU)—An integrated system that—

- A. Provides heat, air conditioning, engine warming, or electricity to components on a heavy duty vehicle; and

- B. Is certified by the Administrator under part 89 of Title 40, *Code of Federal Regulations* (or any successor regulation), as meeting applicable emissions standards.

98. Average emission rate—The simple average of the hourly NO_x emission rate as recorded by approved monitoring systems.

(B) All terms beginning with "B."

1. Bag leak detection system—An instrument that is capable of monitoring particulate matter loadings in the exhaust of a fabric filter in order to detect bag failures. A bag leak detection system includes, but is not limited to, an instrument that operates on triboelectric, light-scattering, light-transmittance, or other effects to monitor relative particulate matter loadings.

2. Baked coating—A coating that is cured at a temperature at or above one hundred ninety-four degrees Fahrenheit (194 °F).

3. Base year—The year chosen in the state implementation plan to directly correlate emissions of the nonattainment pollutant in the nonattainment area with ambient air quality data pertaining to the pollutant. From the base year, projections are made to determine when the area will attain and maintain the ambient air quality standards.

4. Basecoat—A coat of colored material, usually opaque, that is applied after primer but before graining inks, glazing coats, or other opaque finishing materials and is usually topcoated for protection.

5. Baseline area—The continuous area in which the source constructs as well as those portions of the intrastate area which are not part of a nonattainment area and which would receive an air quality impact equal to or greater than one microgram per cubic meter (1 $\mu\text{g}/\text{m}^3$) annual average (established by modeling) for each pollutant for which an installation receives a permit under 10 CSR 10-6.060(8) and for which increments have been established in 10 CSR 10-6.060(11)(A), Table 1. Each of these areas are references to the standard United States Geological Survey (USGS) County-Township-Range-Section system. The smallest unit of area for which a baseline date will be set is one (1) section (one (1) square mile).

6. Baseline concentration—That ambient concentration level which exists at locations of anticipated maximum air quality impact or increment consumption within a baseline area at the time of the applicable baseline date, minus any contribution from installations, modifications, and major modifications subject to 10 CSR 10-6.060(8) or subject to 40 CFR 52.21 on which construction commenced on or after January 6, 1975, for sulfur dioxide and particulate matter, and February 8, 1988, for nitrogen dioxide. The baseline concentration shall include contributions from:

A. The actual emissions of other installations in existence on the applicable baseline date; and

B. The potential emissions of installations and major modifications which commenced construction before January 6, 1975, but were not in operation by the applicable baseline date.

7. Baseline date—The date, for each baseline area, of the first complete application after August 7, 1977, for sulfur dioxide and particulate matter, and February 8, 1988, for nitrogen dioxide for a permit to construct and operate an installation subject to 10 CSR 10-6.060(8) or subject to 40 CFR 52.21.

8. Basic state installations—Installations which meet any of the following criteria, but are not part 70 installations:

A. Emit or have the potential to emit any air pollutant in an amount greater than the *de minimis* levels. The fugitive emissions of an installation shall not be considered unless the installation belongs to one (1) of the source categories listed in 10 CSR 10-6.020(3)(B), Table 2; or

B. Either of the following criteria, provided the U.S. EPA administrator has deferred a decision on whether the installation would be subject to part 70:

(I) Are subject to a standard, limitation, or other requirement under section 111 of the Act, including area sources subject to a standard, limitation, or other requirement under section 111 of the Act; or

(II) Are subject to a standard or other requirement under section 112 of the Act, except that a source is not required to obtain a permit solely because it is subject to rules or requirements under section 112(r) of the Act, including area sources subject to a standard or other requirement under section 112 of the Act, except that an area source is not required to obtain a permit solely because it is subject to regulations or requirements under section 112(r) of the Act.

9. Batch—A discontinuous process involving the bulk movement of material through sequential manufacturing steps, typically characterized as non-steady-state. For the purpose of 10 CSR 10-5.442 only, a supply of fountain solution that is prepared and used without alteration until completely used or removed from the printing process. This term may apply to solutions prepared in either discrete

batches or solutions that are continuously blended with automatic mixing units.

10. Batch cycle—A manufacturing event of an intermediate or product from start to finish in a batch process.

11. Batch HMIWI—A hospital medical infectious waste incinerator that is designed such that neither waste charging nor ash removal can occur during combustion.

12. Batch process operation—A discontinuous operation in which a discrete quantity or batch of feed is charged into a chemical manufacturing process unit and distilled or reacted, or otherwise used at one time, and may include, but is not limited to, reactors, filters, dryers, distillation columns, extractors, crystallizers, blend tanks, neutralizer tanks, digesters, surge tanks, and product separators. After each batch process operation, the equipment is generally emptied before a fresh batch is started.

13. Batch process train—The collection of equipment (e.g., reactors, filters, dryers, distillation columns, extractors, crystallizers, blend tanks, neutralizer tanks, digesters, surge tanks, and product separators) configured to produce a product or intermediate by a batch process operation. A batch process train terminates at the point of storage of the product or intermediate being produced in the batch process train. Irrespective of the product being produced, a batch process train which is independent of other processes shall be considered a single batch process train for purposes of rule 10 CSR 10-5.540.

14. Batch-type charcoal kiln—Charcoal kilns that manufacture charcoal with a batch process rather than a continuous process. The batch-type charcoal kiln process typically includes loading wood, sealing the kiln, igniting the wood, and controlled burning of the wood to produce charcoal which is unloaded.

15. Best available control technology (BACT)—An emission limitation (including a visible emission limit) based on the maximum degree of reduction for each pollutant which would be emitted from any proposed installation or major modification which the director on a case-by-case basis, taking into account energy, environmental and economic impacts, and other costs, determines is achievable for the installation or major modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of the pollutant. In no event shall application of BACT result in emissions of any pollutant which would exceed the emissions allowed by any applicable emissions control regulation, including New Source Performance Standards established in 10 CSR 10-6.070 and 40 CFR 60 and National Emissions Standards for Hazardous Pollutants established in 10 CSR 10-6.080 and 40 CFR 61. If the director determines that technological or economic limitations on the application of measurement methodology to a particular source operation would make the imposition of an emission limitation infeasible, a design, equipment, work practice, operational standard, or combination of these may be prescribed instead to require the application of BACT. This standard, to the degree possible, shall set forth the emission reduction achievable by implementation of the design, equipment, work practice, or operation and shall provide for compliance by means which achieve equivalent results.

16. Beverage alcohol—Consumable products and their process intermediates and by-products, consisting of ethanol or mixtures of ethanol and non-volatile organic liquids.

17. Biologicals—Preparations made from living organisms and their products, including vaccines, cultures, etc., intended for use in diagnosing, immunizing, or treating humans or animals or in research pertaining thereto.

18. Black start unit—Any electric generating unit operated only in the event of a complete loss of power.

19. Blood products—Any product derived from human blood, including but not limited to blood plasma, platelets, red or white blood corpuscles, and other derived licensed products, such as interferon, etc.

20. Body fluids—Liquid emanating or derived from humans and limited to blood; dialysate, amniotic, cerebrospinal, synovial, pleural, peritoneal, and pericardial fluids; and semen and vaginal secretions.

21. Boiler—An enclosed fossil or other fuel-fired combustion device used to produce heat and to transfer heat to recirculating water, steam, or other medium.

22. Building—Any structure excluding single-family, owner-occupied dwellings, and vacant public- or privately-owned residential structures of four (4) dwelling units or less being demolished for the sole purpose of public health, safety, or welfare. Excluded structures must be geographically dispersed, demolished pursuant to a public safety determination, and posing a threat to public safety.

23. Bulk plant—Any gasoline storage and distribution facility that receives gasoline by pipeline, ship or barge, or cargo tank and subsequently loads the gasoline into gasoline cargo tanks for transport to gasoline dispensing facilities, and has a gasoline throughput of less than twenty thousand (20,000) gallons per day. Gasoline throughput shall be the maximum calculated design throughput as may be limited by compliance with an enforceable condition under federal, state, or local law.

24. Bulk terminal—Any gasoline storage and distribution facility that receives gasoline by pipeline, ship or barge, or delivery tank and has a gasoline throughput of twenty thousand (20,000) gallons per day or greater. Gasoline throughput shall be the maximum calculated design throughput as may be limited by compliance with an enforceable condition under federal, state, or local law.

25. Burn cycle—The burn cycle for a charcoal kiln begins at the time that a batch of wood is initially lit and ends when the burn for that batch is completed and the kiln is sealed. The burn cycle does not include cool-down time.

26. Business day—All days, excluding Saturdays, Sundays, and state holidays, that a facility is open to the public.

27. Business machine—A device that uses electronic or mechanical methods to process information, perform calculations, print or copy information, or convert sound into electrical impulses for transmission, including devices listed in standard industrial classification numbers 3572, 3573, 3574, 3579, 3661, and photocopy machines, a subcategory of standard industrial classification number 3861.

28. By compound—By individual stream components, not carbon equivalents.

29. Bypass stack—A device used for discharging combustion gases to avoid severe damage to the air pollution control device or other equipment.

(C) All terms beginning with “C.”

1. CAA—The Clean Air Act, as amended; see also Act.

2. Camouflage coating—A coating, used principally by the military, to conceal equipment from detection.

3. Capacity factor—Ratio (expressed as a percentage) of a power generating unit's actual annual electric output (expressed in MWe-hr) divided by the unit's nameplate capacity multiplied by eight thousand seven hundred sixty (8,760) hours.

4. Capture device—A hood, enclosed room, floor sweep, or other means of collecting solvent emissions or other pollutants into a duct so that the pollutant can be directed to a pollution control device such as an incinerator or carbon adsorber.

5. Capture efficiency—The fraction of all organic vapors or other pollutants generated by a process that is directed to a control device.

6. CARB—California Air Resources Board, 2020 L Street, PO Box 2815, Sacramento, CA 95812.

7. Carbon adsorption system—A device containing adsorbent material (for example, activated carbon, aluminum, silica gel); an inlet and outlet for exhaust gases; and a system to regenerate the saturated adsorbent. The carbon adsorption system must provide for the proper disposal or reuse of all volatile organic compounds (VOC) adsorbed.

8. Cargo tank—A delivery tank truck or railcar which is loading gasoline or which has loaded gasoline on the immediately-previous load.

9. Catalytic incinerator—A control device using a catalyst to allow combustion to occur at a lower temperature.

10. Category I nonfriable ACM—Asbestos-containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more than one percent (1%) asbestos as determined using the method specified in 40 CFR 763, subpart E, Appendix E, section 1, Polarized Light Microscopy.

11. Category II nonfriable ACM—Any material, excluding category I nonfriable ACM, containing more than one percent (1%) asbestos as determined using the method specified in 40 CFR 763, subpart E, Appendix E, section 1, Polarized Light Microscopy that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

12. Caulking and smoothing compound—A semi-solid material that is used to aerodynamically smooth exterior vehicle surfaces or fill cavities such as bolt hole accesses. A material shall not be classified as a caulking and smoothing compound if it can be classified as a sealant.

13. Cause or contribute to a new violation—A federal action that—

A. Causes a new violation of a national ambient air quality standard (NAAQS) at a location in a nonattainment or maintenance area which would otherwise not be in violation of the standard during the future period in question if the federal action were not taken; or

B. Contributes, in conjunction with other reasonably foreseeable actions, to a new violation of a NAAQS at a location in a nonattainment or maintenance area in a manner that would increase the frequency or severity of the new violation.

14. Caused by, as used in the terms “direct emissions” and “indirect emissions”—Emissions that would not otherwise occur in the absence of the federal action.

15. Ceramic tile installation adhesive—An adhesive intended by the manufacturer for use in the installation of ceramic tiles.

16. Certified product data sheet—Documentation furnished by a coating supplier or an outside laboratory that provides the VOC content by percent weight, the solids content by percent weight, and density of a finishing material, strippable booth coating, or solvent, measured using the EPA Method 24, or an equivalent or alternative method (or formulation data, if approved by the director). The purpose of the certified product data sheet is to assist the affected source in demonstrating compliance with the emission limitations. Therefore, the VOC content should represent the maximum VOC emission potential of the finishing material, strippable booth coating, or solvent.

17. Charcoal kiln—Any closed structure used to produce charcoal by controlled burning (pyrolysis) of wood. Retorts and furnaces used for charcoal production are not charcoal kilns.

18. Charcoal kiln control system—A combination of an emission control device and connected charcoal kiln(s).

19. Chemical milling maskant—A coating that is applied directly to aluminum components to protect surface areas when chemical milling the component with a Type I or Type II etchant. Type I chemical milling maskants are used with a Type I etchant, and Type II chemical milling maskants are used with a Type II etchant. This definition does not include bonding maskants, critical use and line sealer maskants, and seal coat maskants. Maskants that must be used with a combination of Type I or Type II etchants and any of the above types of maskants are also not included in this definition.

20. Chemotherapeutic waste—Waste material resulting from the production or use of antineoplastic agents used for the purpose of stopping or reversing the growth of malignant cells.

21. Circumvention—Building, erecting, installing, or using any article, machine, equipment, process, or method which, when used, would conceal an emission that would otherwise constitute a violation

of an applicable standard or requirement. That concealment includes, but is not limited to, the use of gaseous adjuncts to achieve compliance with a visible emissions standard, and the piecemeal carrying out of an operation to avoid coverage by a standard that applies only to operations larger than a specific size.

22. Class I hardboard—A hardboard panel that meets the specifications of Voluntary Product Standard PS 59-73 as approved by the American National Standards Institute.

23. Class II finish—A finish applied to hardboard panels that meets the specifications of Voluntary Product Standard PS 59-73 as approved by the American National Standards Institute.

24. Clean room—An uncontaminated area or room which is a part of the worker decontamination enclosure system.

25. Clean scanning—The illegal act of connecting the On-Board Diagnostics (OBD) cable or wireless transmitter to the data link connector of a vehicle other than the vehicle photographed and identified on the emissions VIR for the purpose of bypassing the required OBD test procedure.

26. Cleaning operations—processes of cleaning products, product components, tools, equipment, or general work areas during production, repair, maintenance or servicing, including, but not limited to, spray gun cleaning, spray booth cleaning, large and small manufactured component cleaning, parts cleaning, equipment cleaning, line cleaning, floor cleaning, and tank cleaning, at sources with emission units.

27. Cleaning solution—A liquid solvent used to remove printing ink and debris from the surfaces of the printing press and its parts. Cleaning solutions include, but are not limited to, blanket wash, roller wash, metering roller cleaner, plate cleaner, impression cylinder washes, and rubber rejuvenators.

28. Clear coat—A coating which lacks color and opacity or is transparent and uses the undercoat as a reflectant base or undertone color. This term also includes corrosion preventative coatings used for the interior of drums or pails.

29. Clear wood finishes—Clear and semi-transparent topcoats applied to wood substrates to provide a transparent or translucent film.

30. Clinker—The product of a Portland cement kiln from which finished cement is manufactured by milling and grinding.

31. Closed container—A container with a cover fastened in place so that it will not allow leakage or spilling of the contents.

32. Closed landfill—A landfill in which solid waste is no longer being placed and in which no additional wastes will be placed without first filing a notification of modification as prescribed under 40 CFR 60.7(a)(4). Once a notification of modification has been filed, and additional solid waste is placed in the landfill, the landfill is no longer closed.

33. Closure—That point in time when a landfill becomes a closed landfill.

34. Coating—A protective, decorative, or functional material applied in a thin layer to a surface. Such materials include, but are not limited to, paints, topcoats, varnishes, sealers, stains, washcoats, basecoats, inks, and temporary protective coatings. For the purposes of 10 CSR 10-5.330, coating does not include ink used in printing operations regulated under 10 CSR 10-5.340 and 10 CSR 10-5.442.

35. Coating applicator—An apparatus used to apply a surface coating.

36. Coating line—One (1) or more apparatus or operations which include a coating applicator, flash-off area, and oven where a surface coating is applied, dried, or cured, or a combination of these.

37. Coating solids (or "solids")—The part of the coating that remains after the coating is dried or cured; solids content is determined using data from EPA Method 24, or an alternative or equivalent method.

38. Co-fired combustor—A unit combusting hospital waste and/or medical/infectious waste with other fuels or wastes and subject to an enforceable requirement limiting the unit to combusting a fuel feed stream, ten percent (10%) or less of the weight of which is

comprised, in aggregate, of hospital waste and medical/infectious waste as measured on a calendar-quarter basis. For purposes of this definition, pathological waste, chemotherapeutic waste, and low-level radioactive waste are considered "other wastes" when calculating the percentage of hospital waste and medical/infectious waste combusted.

39. Cogenerator—For the purposes of paragraph (1)(A)3. of 10 CSR 10-6.364 only, cogenerator is a facility which—

A. For a unit that commenced construction on or prior to November 15, 1990, was constructed for the purpose of supplying equal to or less than one-third (1/3) its potential electrical output capacity or equal to or less than two hundred nineteen thousand (219,000) MWe-hrs actual electric output on an annual basis to any utility power distribution system for sale (on a gross basis). If the purpose of construction is not known, the administrator will presume that actual operation from 1985 through 1987 is consistent with such purpose. However, if in any three (3)-calendar-year period after November 15, 1990, such unit sells to a utility power distribution system an annual average of more than one-third (1/3) of its potential electrical output capacity and more than two hundred nineteen thousand (219,000) MWe-hrs actual electric output (on a gross basis), that unit shall be an affected unit, subject to the requirements of the acid rain program; or

B. For units which commenced construction after November 15, 1990, supplies equal to or less than one-third (1/3) its potential electrical output capacity or equal to or less than two hundred nineteen thousand (219,000) MWe-hrs actual electric output on an annual basis to any utility power distribution system for sale (on a gross basis). However, if in any three (3)-calendar-year period after November 15, 1990, such unit sells to a utility power distribution system an annual average of more than one-third (1/3) of its potential electrical output capacity and more than two hundred nineteen thousand (219,000) MWe-hrs actual electric output (on a gross basis), that unit shall be an affected unit, subject to the requirements of the acid rain program.

40. Cold cleaner—Any device or piece of equipment that contains and/or uses liquid solvent, into which parts are placed to remove soils from the surfaces of the parts or to dry the parts. Cleaning machines that contain and use heated nonboiling solvent to clean the parts are classified as cold cleaning machines.

41. Cold rolling mill—Batch process aluminum sheet rolling mill with a preset gap between the work rolls used to reduce the sheet thickness. The process generally occurs at temperatures below two hundred sixty-five degrees Fahrenheit (265 °F). A cold rolling mill is used mainly for the production of aluminum sheet at gauges between three-tenths of one inch to two-thousandths of one inch (0.3" to 0.002"). Reductions to finish gauge may occur in one (1) pass or several passes.

42. Combined cycle system—A system comprised of one (1) or more combustion turbines, heat recovery steam generators, and steam turbines configured to improve overall efficiency of electricity generation or steam production.

43. Combustion turbine—An enclosed fossil or other fuel-fired device that is comprised of a compressor, a combustor, and a turbine and in which the flue gas resulting from the combustion of fuel in the combustor passes through the turbine, rotating the turbine.

44. Commenced—An owner or operator has undertaken a continuous program of construction or modification, has entered into a binding agreement, or has contractual obligation to undertake and complete within a reasonable time a continuous program of construction or modification.

45. Commenced commercial operation—With regard to a unit that serves a generator, to have begun to produce steam, gas, or other heated medium used to generate electricity for sale or use, including test generation. For the purpose of 10 CSR 10-6.360 only, the date of commencement of commercial operation shall be as follows:

A. Except as provided in subsection (1)(E) of 10 CSR 10-6.360, for a unit that is a NO_x budget unit under section (1) of 10

CSR 10-6.360 on the date the unit commences commercial operation, such date shall remain the unit's date of commencement of commercial operation even if the unit is subsequently modified, reconstructed, or repowered; and

B. Except as provided in subsections (1)(E) or (3)(H) of 10 CSR 10-6.360, for a unit that is not a NO_x budget unit under section (1) of 10 CSR 10-6.360 on the date the unit commences commercial operation, the date the unit becomes a NO_x budget unit under section (1) of 10 CSR 10-6.360 shall be the unit's date of commencement of commercial operation.

46. Commenced operation—The initial setting into operation of any air pollution control equipment or process equipment. For the purpose of 10 CSR 10-6.360 only, commenced operation is to have begun any mechanical, chemical, or electronic process, including, with regard to a unit, start-up of a unit's combustion chamber and the date of commencement of operation shall be as follows:

A. Except as provided in subsection (1)(E) of 10 CSR 10-6.360, for a unit that is a NO_x budget unit under section (1) of 10 CSR 10-6.360 on the date of commencement of operation, such date shall remain the unit's date of commencement of operation even if the unit is subsequently modified, reconstructed, or repowered; and

B. Except as provided in subsection (1)(E) of 10 CSR 10-6.360 or subsection (3)(H) of 10 CSR 10-6.360, for a unit that is not a NO_x budget unit under section (1) of 10 CSR 10-6.360 on the date of commencement of operation, the date the unit becomes a NO_x budget unit under section (1) of 10 CSR 10-6.360 shall be the unit's date of commencement of operation.

47. Commercial HMIWI—An HMIWI which offers incineration services for hospital/medical/infectious waste generated offsite by firms unrelated to the firm that owns the HMIWI.

48. Commercial solid waste—All types of solid waste generated by stores, offices, restaurants, warehouses, and other nonmanufacturing activities, excluding residential and industrial wastes.

49. Commercial vehicle—Any motor vehicle, other than a passenger vehicle, and any trailer, semitrailer, or pole trailer drawn by such motor vehicle, that is designed, used, and maintained for the transportation of persons or property for hire, compensation, profit, or in the furtherance of a commercial enterprise.

50. Commercial/Institutional boiler—A boiler used in commercial establishments or institutional establishments such as medical centers, institutions of higher education, hotels, and laundries to provide electricity, steam, and/or hot water.

51. Commission—The Missouri Air Conservation Commission established pursuant to section 643.040, RSMo.

52. Common stack—A single flue through which emissions from two (2) or more NO_x units are exhausted.

53. Compliance account—A NO_x allowance tracking system account, established for an affected unit, in which the NO_x allowance allocations for the unit are initially recorded and in which are held NO_x allowances available for use by the unit for a control period for the purpose of meeting the unit's NO_x emission limitation.

54. Compliance certification—A submission to the director or the administrator, that is required to report a NO_x budget source's or a NO_x budget unit's compliance or noncompliance with stated requirements and that is signed by the NO_x authorized account representative in accordance with 10 CSR 10-6.360.

55. Compliance cycle—The two (2)-year duration during which a subject vehicle in the enhanced emissions inspection program area is required to comply with sections 643.300–643.355, RSMo.

A. For private-entity vehicles, the compliance cycle begins sixty (60) days prior to the subject vehicle's registration and biennial license plate tab expiration.

B. For public-entity vehicles, the compliance cycle begins on January 1 of each even-numbered calendar year. The compliance cycle ends on December 31 of each odd-numbered calendar year.

56. Compliant coating—A finishing material or strippable booth coating that meets the emission limits as specified.

57. Condensate (hydrocarbons)—A hydrocarbon liquid separated from natural gas which condenses due to changes in the temperature or pressure, or both, and remains liquid at standard conditions.

58. Condenser—Any heat transfer device used to liquefy vapors by removing their latent heats of vaporization including, but not limited to, shell and tube, coil, surface, or contact condensers.

59. Conference, conciliation, and persuasion—A process of verbal or written communications, including but not limited to meetings, reports, correspondence, or telephone conferences between authorized representatives of the department and the alleged violator. The process shall, at minimum, consist of one (1) offer to meet with the alleged violator tendered by the department. During any such meeting, the department and the alleged violator shall negotiate in good faith to eliminate the alleged violation and shall attempt to agree upon a plan to achieve compliance.

60. Confidential business information—Secret processes, secret methods of manufacture or production, trade secrets and other information possessed by a business that, under existing legal concepts, the business has a right to preserve as confidential, and to limit its use by not disclosing it to others in order that the business may obtain or retain business advantages it derives from its rights in the information. For the purpose of 10 CSR 10-6.300, confidential business information (CBI) is information that has been determined by a federal agency, in accordance with its applicable regulations, to be a trade secret, or commercial or financial information obtained from a person and privileged or confidential and is exempt from required disclosure under the Freedom of Information Act (5 U.S.C. 552(b)(4)).

61. Conformity determination—The evaluation (made after an applicability analysis is completed) that a federal action conforms to the applicable implementation plan and meets the requirements of rule 10 CSR 10-6.300.

62. Conformity evaluation—The entire process from the applicability analysis through the conformity determination that is used to demonstrate that the federal action conforms to the requirements of rule 10 CSR 10-6.300.

63. Conservation vent—Any valve designed and used to reduce evaporation losses of VOC by limiting the amount of air admitted to, or vapors released from, the vapor space of a closed storage vessel.

64. Construction—Fabricating, erecting, reconstructing, or installing a source operation. Construction shall include installation of building supports and foundations, laying of underground pipe work, building of permanent storage structures, and other construction activities related to the source operation.

65. Contact adhesive—An adhesive that—

A. Is designed for application to both surfaces to be bonded together;

B. Is allowed to dry before the two (2) surfaces are placed in contact with each other;

C. Forms an immediate bond that is impossible, or difficult, to reposition after both adhesive-coated surfaces are placed in contact with each other; and

D. Does not need sustained pressure or clamping of surfaces after the adhesive-coated surfaces have been brought together using sufficient momentary pressure to establish full contact between both surfaces.

Contact adhesive does not include rubber cements that are primarily intended for use on paper substrates. Contact adhesive also does not include vulcanizing fluids that are designed and labeled for tire repair only.

66. Containment—The area where an asbestos abatement project is conducted. The area must be enclosed either by a glove bag or plastic sheeting barriers.

67. Continuing program responsibility—A federal agency has responsibility for emissions caused by actions it takes itself or actions of non-federal entities that the federal agency, in exercising its normal programs and authorities, approves, funds, licenses, or permits,

provided the agency can impose conditions on any portion of the action that could affect the emissions.

68. Continuous coater—A finishing system that continuously applies finishing materials onto furniture parts moving along a conveyor system. Finishing materials that are not transferred to the part are recycled to the finishing material reservoir. Several types of application methods can be used with a continuous coater including spraying, curtain coating, roll coating, dip coating, and flow coating.

69. Continuous emissions monitoring system (CEMS)—Monitoring system for continuously measuring and recording the emissions of a pollutant from an affected facility. For the purposes of 10 CSR 10-6.350 and 10 CSR 10-6.360, CEMS means the equipment required to sample, analyze, measure, and provide, by readings taken at least once every fifteen (15) minutes of the measured parameters, a permanent record of nitrogen oxides emissions, expressed in tons per hour for nitrogen oxides. The following systems are component parts included, consistent with 40 CFR 75, in a continuous emissions monitoring system:

- A. Flow monitor;
- B. Nitrogen oxides pollutant concentration monitors;
- C. Diluent gas monitor (oxygen or carbon dioxide) when such monitoring is required;
- D. A continuous moisture monitor when such monitoring is required; and
- E. An automated data acquisition and handling system.

70. Continuous HMIWI—An HMIWI that is designed to allow waste charging and ash removal during combustion.

71. Continuous opacity monitoring system (COMS)—All equipment required to continuously measure and record the opacity of emissions within a stack or duct. COMS consists of sample interface, analyzer, and data recorder components and usually includes, at a minimum, transmissometers, transmissometer control equipment, and data transmission, acquisition, and recording equipment.

72. Continuous program to implement—The federal agency has started the action identified in the plan and does not stop the actions for more than an eighteen (18)-month period, unless it can demonstrate that such a stoppage was included in the original plan.

73. Continuous recorder—A data recording device recording an instantaneous data value at least once every fifteen (15) minutes.

74. Contractor—The state contracted company who shall implement the decentralized motor vehicle emissions inspection program as specified in sections 643.300–643.355, RSMo, and the state contracted company who shall implement the acceptance test procedure.

75. Control device—Any equipment that reduces the quantity of a pollutant that is emitted to the air. The device may destroy or secure the pollutant for subsequent recovery. Includes, but is not limited to, incinerators, carbon adsorbers, and condensers.

76. Control device efficiency—The ratio of the pollution released by a control device and the pollution introduced to the control device, expressed as a fraction.

77. Control period—The period beginning May 1 of a calendar year and ending on September 30 of the same calendar year.

78. Control system—The combination of capture and control devices used to reduce emissions to the atmosphere.

79. Controlled landfill—Any landfill at which collection and control systems are required under this rule as a result of the non-methane organic compounds emission rate. The landfill is considered controlled if a collection and control system design plan is submitted in compliance with the applicable rule.

80. Conventional air spray—A spray coating method in which the coating is atomized by mixing it with compressed air at an air pressure greater than ten (10) pounds per square inch (gauge) at the point of atomization. Airless and air-assisted airless spray technologies are not conventional air spray because the coating is not atomized by mixing it with compressed air. Electrostatic spray technology is also not considered conventional air spray because an electrostatic charge is employed to attract the coating to the workpiece.

81. Conveyorized degreaser—A type of degreaser in which the parts are loaded continuously.

82. Cove base—A flooring trim unit, generally made of vinyl or rubber, having a concave radius on one (1) edge and a convex radius on the opposite edge that is used in forming a junction between the bottom wall course and the floor or to form an inside corner.

83. Cove base installation adhesive—An adhesive intended by the manufacturer to be used for the installation of cove base or wall base on a wall or vertical surface at floor level.

84. Criteria pollutant or standard—Any pollutants for which there is established a NAAQS at 40 CFR 50 and air quality standards have been established in 10 CSR 10-6.010.

85. Crude oil—A naturally-occurring mixture which consists of hydrocarbons and sulfur, nitrogen, or oxygen derivatives, or a combination of these, of hydrocarbons which is a liquid at standard conditions.

86. Custody transfer—The transfer of produced crude oil or condensate, or both, after processing or treating, or both, in the producing operations, from storage tanks or automatic transfer facilities to pipelines or any other forms of transportation.

87. Cutback asphalt—Any asphaltic cement that has been liquefied by blending with VOC liquid diluents.

88. Cyanoacrylate adhesive—An adhesive with a cyanoacrylate content of at least ninety-five percent (95%) by weight.

89. Cyclone boiler—A boiler with a horizontal, cylindrical furnace that burns crushed, rather than pulverized, coal.

90. Cyclone EGU—An electric generating unit (EGU) with a fossil-fuel-fired boiler consisting of one (1) or more horizontal cylindrical barrels that utilize tangentially applied air to produce a swirling combustion pattern of coal and air.

(E) All terms beginning with “E.”

1. Early reduction credit (ERC)—NO_x emission reductions in the years 2000, 2001, 2002, and 2003 that are below the limits specified in subsection (3)(A) of 10 CSR 10-6.350; ERCs will only be available for use during the years of 2004 and 2005. When calculating ERCs or performing calculations involving ERCs, ERCs shall always be rounded down to the nearest ton.

2. Economic benefit—Any monetary gain which accrues to a violator as a result of noncompliance.

3. E85—Ethanol-gasoline blend containing eighty-five percent (85%) denatured ethanol and fifteen percent (15%) gasoline that also meets the standard specification requirements of the most recent update to ASTM D 5798.

4. Electric dissipating coating—A coating that rapidly dissipates a high-voltage electric charge.

5. Electric generating unit (EGU)—Any fossil-fuel-fired boiler or turbine that serves an electrical generator with the potential to use more than fifty percent (50%) of the usable energy from the boiler or turbine to generate electricity.

6. Electric-insulating and thermal conducting coating—A coating that displays an electrical insulation of at least one thousand (1,000) volts DC per mil on a flat test plate and an average thermal conductivity of at least twenty-seven hundredths British thermal units (0.27 Btu) per hour-foot-degree-Fahrenheit.

7. Electric-insulating varnish—A non-convertible-type coating applied to electric motors, components of electric motors, or power transformers, to provide electrical, mechanical, and environmental protection or resistance.

8. Electrodeposition primer (EDP)—A protective, corrosion-resistant waterborne primer on exterior and interior surfaces that provides thorough coverage of recessed areas. It is a dip coating method that uses an electrical field to apply or deposit the conductive coating onto the part. The object being painted acts as an electrode that is oppositely charged from the particles of paint in the dip tank.

9. Electronic component—All portions of an electronic assembly, including, but not limited to, circuit board assemblies, printed wire assemblies, printed circuit boards, soldered joints, ground

wires, bus bars, and associated electronic component manufacturing equipment such as screens and filters.

10. Electrostatic preparation coat—A coating that is applied to a plastic part solely to provide conductivity for the subsequent application of a prime, topcoat, or other coating through the use of electrostatic application methods. An electrostatic preparation coat is clearly identified as an electrostatic preparation coat on its material safety data sheet.

11. Emergency—A situation where extremely quick action on the part of the federal agencies involved is needed and where the timing of such federal activities makes it impractical to meet the requirements of 10 CSR 10-6.300, such as natural disasters like hurricanes or earthquakes, civil disturbances such as terrorist acts, and military mobilizations.

12. Emergency asbestos abatement project—An asbestos abatement project that must be undertaken immediately to prevent imminent severe human exposure or to restore essential facility operation.

13. Emergency standby boiler—For the purpose of 10 CSR 10-5.510 only, a boiler operated during times of loss of primary power at the installation that is beyond the control of the owner or operator, during routine maintenance, to provide steam for building heat; or to protect essential equipment.

14. Emergency standby engine—For the purpose of 10 CSR 10-6.390, an internal combustion engine used only when normal electrical power or natural gas service is interrupted or for the emergency pumping of water for either fire protection or flood relief. An emergency standby engine may not be operated to supplement a primary power source when the load capacity or rating of the primary power source has been either reached or exceeded.

15. Emergency standby generator—For the purpose of 10 CSR 10-6.350 only, a generator operated only during times of loss of primary power at the facility that is beyond the control of the owner or operator of the facility or during routine maintenance.

16. Emergency stationary combustion turbine—For the purpose of 10 CSR 10-5.510 only, a stationary combustion turbine operated only during times of loss of primary power at the facility that is beyond the control of the owner or operator of the facility or during routine maintenance.

17. Emergency stationary internal combustion engine—For the purpose of 10 CSR 10-5.510 only, a stationary internal combustion engine used to drive pumps, aerators, or other equipment only during times of loss of primary power at the facility that is beyond the control of the owner or operator of the facility or during routine maintenance.

18. EMI/RFI shielding—A coating used on electrical or electronic equipment to provide shielding against electromagnetic interference (EMI), radio frequency interference (RFI), or static discharge.

19. Emission(s)—The release or discharge, whether directly or indirectly, into the atmosphere of one (1) or more air contaminants. For the purposes of 10 CSR 10-6.360 only, air pollutants exhausted from a unit or source into the atmosphere, as measured, recorded, and reported to the administrator by the NO_x authorized account representative and as determined by the administrator.

20. Emission data—

A. The identity, amount, frequency, concentration, or other characteristics (related to air quality) of any air contaminant which—

(I) Has been emitted from an emission unit;

(II) Results from any emission by the emissions unit;

(III) Under an applicable standard or limitation, the emissions unit was authorized to emit; or

(IV) Is a combination of any of the parts (2)(E)20.A.(I), (II), or (III) of this rule;

B. The name, address (or description of the location), and the nature of the emissions unit necessary to identify the emission units including a description of the device, equipment, or operation constituting the emissions unit; and

C. The results of any emission testing or monitoring required to be reported under any rules of the commission.

21. Emission events—Discrete venting episodes that may be associated with a single unit of operation.

22. Emission Inventory—A listing of information on the location, type of source, type and quantity of pollutant emitted, as well as other parameters of the emissions;

23. Emission limitation—A regulatory requirement, permit condition, or consent agreement which limits the quantity, rate, or concentration of emissions on a continuous basis, including any requirement which limits the level of opacity, prescribes equipment, sets fuel specifications, or prescribes operation or maintenance procedures for an installation to assure continuous emission reduction.

24. Emission offsets—Emissions reductions which are quantifiable, consistent with the applicable implementation plan attainment and reasonable further progress demonstrations, surplus to reductions required by, and credited to, other applicable implementation plan provisions, enforceable under both state and federal law, and permanent within the time frame specified by the program. Emissions reductions intended to be achieved as emissions offsets must be monitored and enforced in a manner equivalent to that under EPA's new source review requirements.

25. Emission rate cutoff—The threshold annual emission rate to which a landfill compares its estimated emission rate to determine if control under the applicable regulation is required.

26. Emission reduction credit (ERC)—A certified emission reduction that is created by eliminating future emissions and expressed in tons per year. One (1) ERC is equal to one (1) ton per year. An ERC must be real, properly quantified, permanent, and surplus.

27. Emissions budgets—Those portions of the total allowable emissions defined in an EPA-approved revision to the applicable implementation plan for a certain date for the purpose of meeting reasonable further progress milestones or attainment or maintenance demonstrations, for any criteria pollutant or its precursors, specifically allocated by the applicable implementation plan to mobile sources, to any stationary source or class of stationary sources, to any federal action or class of action, to any class of area sources, or to any subcategory of the emissions inventory. The allocation system must be specific enough to assure meeting the criteria of section 176(c)(1)(B) of the CAA. An emissions budget may be expressed in terms of an annual period, a daily period, or other period established in the applicable implementation plan.

28. Emissions inspection—Tests performed on a vehicle in order to evaluate whether the vehicle's emissions control components are present and properly functioning.

29. Emissions report—A report that satisfies the provisions of this rule and is either a—

A. Full emissions report—Contains all required data elements for current reporting year; or

B. Reduced reporting form—Represents data elements and emissions from the last full emissions report.

30. Emissions unit—Any part or activity of an installation that emits or has the potential to emit any regulated air pollutant or any pollutant listed under section 112(b) of the Act. This term is not meant to alter or affect the definition of the term unit for the purposes of Title IV of the Act. For the purpose of 10 CSR 10-6.410 only, emissions unit is any part of a source or activity at a source that emits or would have the potential to emit criteria pollutants or their precursors.

31. Emulsified asphalt—An emulsion of asphalt cement and water that contains a small amount of an emulsifying agent, as specified in ASTM D (977-77) or ASTM D (2397-73).

32. Enamel—A surface coating that is a mixture of paint and varnish, having vehicles similar to those used for varnish, but also containing pigments.

33. Enclosed combustor—An enclosed firebox which maintains a relatively-constant limited peak temperature generally using a limited

supply of combustion air. An enclosed flare is considered an enclosed combustor.

34. End exterior coating—A coating applied to the exterior end of a can to provide protection to the metal.

35. End seal compound—The gasket forming coating used to attach the end pieces of a can during manufacturing or after filling with contents.

36. Energized electrical system—Any alternating current (AC) or direct current (DC) electrical circuit on an assembled aircraft once electrical power is connected, including interior passenger and cargo areas, wheel wells, and tail sections.

37. Energy Information Administration—The Energy Information Administration of the United States Department of Energy.

38. Engine rating—The output of an engine as determined by the engine manufacturer and listed on the nameplate of the unit, regardless of any derating.

39. Equipment—Any item that is designed or intended to perform any operation and includes any item attached to it to assist in the operation.

40. EPA—The U.S. Environmental Protection Agency.

41. EPDM roof membrane—A prefabricated single sheet of elastomeric material composed of ethylene propylene diene monomer (EPDM) and that is field-applied to a building roof using one (1) layer or membrane material.

42. Equipment leak—Emissions of volatile organic compounds from pumps, valves, flanges, or other equipment used to transfer or apply finishing materials or organic solvents.

43. Equivalent method—Any method of sampling and analyzing for an air pollutant that has been demonstrated to the director's satisfaction to have a consistent and quantitatively-known relationship to the reference method under specific conditions.

44. Etching filler—A coating for metal that contains less than twenty-three percent (23%) solids by weight and at least one-half percent (0.5%) acid by weight, and is used instead of applying a pre-treatment coating followed by a primer.

45. Excess emissions—The emissions which exceed the requirements of any applicable emission control regulation.

46. Excessive concentration—

A. For installations seeking credit for reduced ambient pollutant concentrations from stack height exceeding that defined in subparagraph (2)(G)15.B. of this rule an excessive concentration is a maximum ground level concentration due to emissions from a stack due in whole or part to downwash, wakes, or eddy effects produced by nearby structures or nearby terrain features which are at least forty percent (40%) in excess of the maximum concentration experienced in the absence of the downwash, wakes, or eddy effects, and that contributes to a total concentration due to emissions from all installations that is greater than an ambient air quality standard. For installations subject to the prevention of significant deterioration program as set forth in 10 CSR 10-6.060(8), an excessive concentration means a maximum ground level concentration due to emissions from a stack due to the same conditions as mentioned previously and is greater than a prevention of significant deterioration increment. The allowable emission rate to be used in making demonstrations under this definition shall be prescribed by the new source performance regulation as referenced by 10 CSR 10-6.070 for the source category unless the owner or operator demonstrates that this emission rate is infeasible. Where demonstrations are approved by the director, an alternative emission rate shall be established in consultation with the source owner or operator;

B. For installations seeking credit after October 11, 1983, for increases in stack heights up to the heights established under subparagraph (2)(G)15.B. of this rule, an excessive concentration is either—

(I) A maximum ground level concentration due in whole or part to downwash, wakes, or eddy effects as provided in subparagraph (2)(E)46.A. of this rule, except that the emission rate used

shall be the applicable emission limitation (or, in the absence of this limit, the actual emission rate); or

(II) The actual presence of a local nuisance caused by the stack, as determined by the director; and

C. For installations seeking credit after January 12, 1979, for a stack height determined under subparagraph (2)(G)15.B. of this rule where the director requires the use of a field study of fluid model to verify good engineering practice stack height, for installations seeking stack height credit after November 9, 1984, based on the aerodynamic influence of cooling towers and for installations seeking stack height credit after December 31, 1970, based on the aerodynamic influence of structures not represented adequately by the equations in subparagraph (2)(G)15.B. of this rule, a maximum ground level concentration due in whole or part to downwash, wakes, or eddy effects that is at least forty percent (40%) in excess of the maximum concentration experienced in the absence of downwash, wakes, or eddy effects.

47. Existing—As applied to any equipment, machine, device, article, contrivance, or installation shall mean in being, installed, or under construction in the Kansas City metropolitan area on September 25, 1968 (Buchanan County, January 21, 1970), in the St. Louis metropolitan area on March 24, 1967 (Franklin County, January 18, 1972), in the Springfield metropolitan area on September 24, 1971, and in the outstate Missouri area on February 24, 1971, except that if equipment, machine, device, article, contrivance, or installation subsequently is altered, repaired, or rebuilt at a cost of fifty percent (50%) or more of its replacement cost exclusive of routine maintenance, it shall no longer be existing but shall be considered new as defined in this regulation. The cost of installing equipment designed principally for the purpose of air pollution control is not to be considered a cost of altering, repairing, or rebuilding existing equipment for the purpose of this definition. For the purpose of 10 CSR 10-2.040 and 10 CSR 10-5.030 only, existing is any source which was in being, installed, or under construction on February 15, 1979, except that if any source subsequently is altered, repaired, or rebuilt at a cost of thirty percent (30%) or more of its replacement cost, exclusive of routine maintenance, it shall no longer be existing but shall be considered as new.

48. Exterior coating (two (2)-piece)—A surface coating used to coat the outside face of a two (2)-piece can. Used to provide protection from the lithograph or printing operations.

49. External floating roof—A storage vessel cover in an open top tank consisting of a double-deck or pontoon single deck which rests upon and is supported by petroleum liquid being contained and is equipped with a closure seal(s) to close the space between the roof edge and tank wall.

50. Extreme environmental conditions—The exposure to any of the weather all of the time, temperatures consistently above ninety-five degrees Celsius (95 °C), detergents-abrasive and scouring agents, solvents, corrosive atmospheres, or similar environmental conditions.

51. Extreme high gloss coating—A coating applied to—

A. Pleasure craft which, when tested by the ASTM Test Method D-523-89, shows a reflectance of ninety percent (90%) or more on a sixty-degree (60°) meter; or

B. Metal and plastic parts that are not components of pleasure craft, which, when tested by the ASTM Test Method D-523 adopted in 1980, shows a reflectance of seventy-five percent (75%) or more on a sixty-degree (60°) meter.

52. Extreme performance coating—A coating used on a metal or plastic surface where the coated surface is, in its intended use, subject to the following:

A. Chronic exposure to corrosive, caustic, or acidic agents, chemicals, chemical fumes, chemical mixtures, or solutions;

B. Repeated exposure to temperatures in excess of two hundred fifty degrees Fahrenheit (250 °F); or

C. Repeated heavy abrasion, including mechanical wear and repeated scrubbing with industrial grade solvents, cleansers, or scouring agents.

(F) All terms beginning with "F."

1. Fabric coating—A coating applied to a textile substrate by dipping or by means of a knife or roll.

2. Fabric filter or baghouse—An add-on air pollution control system that removes particulate matter and nonvaporous metals emissions by passing flue gas through filter bags.

3. Facilities manager—The individual in charge of purchasing, maintaining, and operating the HMIWI or the owner's or operator's representative responsible for the management of the HMIWI. Alternative titles may include director of facilities or vice president of support services.

4. Federal action—Any activity engaged in by a department, agency, or instrumentality of the federal government, or any activity that a department, agency, or instrumentality of the federal government supports in any way, provides financial assistance for, licenses, permits, or approves, other than activities related to transportation plans, programs, and projects developed, funded, or approved under Title 23 U.S.C. or the Federal Transit Act (49 U.S.C. 1601 et seq.). Where the federal action is a permit, license, or other approval for some aspect of a nonfederal undertaking, the relevant activity is the part, portion, or phase of the nonfederal undertaking that requires the federal permit, license, or approval.

5. Federal agency—A federal department, agency, or instrumentality of the federal government.

6. Federally enforceable—All limitations and conditions which are enforceable by the administrator, including those requirements developed pursuant to 40 CFR 55, 60, 61, and 63; requirements within any applicable state implementation plan; requirements in operating permits issued pursuant to 40 CFR 70 or 71, unless specifically designated as non-federally enforceable; and any permit requirements established pursuant to 40 CFR 52.10, 52.21, or 55, or under regulations approved pursuant to 40 CFR 51, subpart I, including operating permits issued under an EPA-approved program that is incorporated into the state implementation plan and expressly requires adherence to any permit issued under such program.

7. Fill capacity—The maximum amount of wood that can be properly loaded into a charcoal kiln prior to the burn cycle.

8. Final permit—The version of a part 70 permit issued by the permitting authority that has completed all review procedures as required in 40 CFR 70.7 and 70.8.

9. Final repair—The final coatings applied to correct topcoat imperfections after the complete assembly of the automobile.

10. Finish foil mill—Batch process aluminum foil rolling mill with work rolls in contact to reduce foil gauge. This process reduces intermediate foil and in some cases finished sheet to final gauges. A finish foil mill is used mainly in the production of aluminum foil at gauges between 0.005 inches to 0.00018 inches. Reductions to finish gauge may occur in several passes through the mill.

11. Finish primer/surfacer—A coating applied to pleasure craft with a wet film thickness of less than ten (10) mils prior to the application of a topcoat for purposes of providing corrosion resistance, adhesion of subsequent coatings, a moisture barrier, or promotion of a uniform surface necessary for filling in surface imperfections.

12. Finishing application station—The part of a finishing operation where the finishing material is applied, e.g., a spray booth.

13. Finishing material—A coating used in the wood furniture industry. For the purpose of 10 CSR 10-5.530, such materials include, but are not limited to, basecoats, stains, washcoats, sealers, and topcoats.

14. Finishing operation—Those activities in which a finishing material is applied to a substrate and is subsequently air-dried, cured in an oven, or cured by radiation.

15. Firebox—The chamber or compartment of a boiler or furnace in which materials are burned but does not mean the combustion chamber of an incinerator.

16. Flame zone—The portion of the combustion chamber in a boiler occupied by the flame envelope.

17. Flare—An open combustor without enclosure or shroud.

18. Flash off area—The space between the application area and the oven.

19. Flexible coating—A coating that is required to comply with engineering specifications for impact resistance, mandrel bend, or elongation as defined by the original equipment manufacturer.

20. Flexible package printing—The application of a coating, or the performance of a graphic arts operation, to flexible packaging. The printing processes used for flexible package printing are rotogravure and flexography. The printing of shrink-wrap labels or wrappers conducted on or in-line with a flexible package printing press is flexible package printing. The printing of self-adhesive labels is not flexible package printing.

21. Flexible packaging—Any package or part of a package the shape of which can be readily changed. Flexible packaging includes, but is not limited to, bags, pouches, liners, and wraps utilizing paper, plastic, film, aluminum foil, metalized or coated paper or film, or any combination of these materials.

22. Flexible vinyl—Non-rigid polyvinyl chloride plastic with at least five percent (5%) by weight plasticizer content.

23. Flexographic printing—The application of words, designs, and pictures to a substrate by means of a roll printing technique in which the pattern to be applied is raised above the printing roll and the image carrier is made of rubber or other elastomeric materials.

24. Flow indicator—A device that indicates whether gas flow is present in a vent stream.

25. Flush cleaning—The removal of contaminants such as dirt, grease, and coatings from a vehicle, component, or coating equipment by passing solvent over, into, or through the item being cleaned. The solvent may simply be poured into the item cleaned and then drained, or be assisted by air or hydraulic pressure, or by pumping. The solvent drained from the item may be assisted by air, compressed gas, hydraulic pressure or by pumping. Hand-wipe cleaning operations where wiping, scrubbing, mopping, or other hand actions are used are not included in this definition. Flush cleaning does not include spray gun cleaning.

26. Fog coat—A coating that is applied to a plastic part for the purpose of color matching without masking a molded-in texture.

27. Food service establishment—Any fixed or mobile restaurant; coffee shop; cafeteria; short order cafe; luncheonette; grill; tea-room; sandwich shop; soda fountain; tavern; bar; cocktail lounge; night club; roadside stand; industrial feeding establishment; private, public, or nonprofit organization or institution routinely serving food; catering kitchen, commissary, or similar place in which food or drink is placed for sale or for service on the premises or elsewhere; and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

28. Fossil fuel—Natural gas, petroleum, coal, or any form of solid, liquid, or gaseous fuel derived from such material.

29. Fossil-fuel-fired—With regard to a unit, the combustion of fossil fuel, alone or in combination with any other fuel, where fossil fuel is projected to comprise more than fifty percent (50%) of the annual heat input. For the purpose of 10 CSR 10-6.360 only, fossil-fuel-fired, with regard to a unit, is the combustion of fossil fuel, alone or in combination with any other fuel, where fossil fuel—

A. Actually combusted comprises more than fifty percent (50%) of the annual heat input on a Btu basis during any year starting in 1995 or, if a unit had no heat input starting in 1995, during the last year of operation of the unit prior to 1995; or

B. Is projected to comprise more than fifty percent (50%) of the annual heat input on a Btu basis during any year; provided that the unit shall be "fossil-fuel-fired" as of the date, during such year, on which the unit begins combusting fossil fuel.

30. Fountain solution—The solution which is applied to the image plate to maintain the hydrophilic properties of the nonimage

areas. It is primarily water containing an etchant, a gum arabic, and a dampening aid (commonly containing alcohol and alcohol substitutes).

31. Fountain solution reservoir—The collection tank that accepts fountain solution recirculated from printing unit(s). In some cases, the tanks are equipped with cooling coils for refrigeration of the fountain solution.

32. Freeboard area—The air space in a batch-load cold cleaner that extends from the liquid surface to the top of the tank.

33. Freeboard height—

A. The distance from the top of the solvent to the top of the tank for batch-loaded cold cleaners;

B. The distance from the air-vapor interface to the top of the tank for open-top vapor degreasers; or

C. The distance from either the air-solvent or air-vapor interface to the top of the tank for conveyORIZED degreasers.

34. Freeboard ratio—The freeboard height divided by the smaller of either the inside length or inside width of the degreaser.

35. Friable asbestos-containing material—Any material that contains more than one percent (1%) asbestos, by weight, which is applied to ceilings, walls, structural members, piping, ductwork, or any other part of a building or facility and which, when dry, may be crumbled, pulverized, or reduced to powder by hand pressure.

36. Fugitive emissions—Those emissions which according to good engineering practice could not pass through a stack, chimney, vent, or other functionally-equivalent opening.

(I) All terms beginning with "I."

1. Idling—The operation of an engine where the engine is not engaged in gear.

2. Incinerator—Any article, machine, equipment, contrivance, structure, or part of a structure used to burn refuse or to process refuse material by burning other than by open burning as defined in this rule. For the purpose of 10 CSR 10-5.530 only, incinerator is an enclosed combustion device that thermally oxidizes volatile organic compounds to carbon monoxide (CO) and carbon dioxide (CO₂). This term does not include devices that burn municipal or hazardous waste material. For the purpose of 10 CSR 10-5.550 only, incinerator is any enclosed combustion device that is used for destroying organic compounds. Auxiliary fuel may be used to heat waste gas to combustion temperatures. Any energy recovery section present is not physically formed into one (1) section; rather, the energy recovery system is a separate section following the combustion section and the two (2) are joined by ducting or connections that carry fuel gas.

3. Increase the frequency or severity of any existing violation of any standard in any area—To cause a nonattainment area to exceed a standard more often or to cause a violation at a greater concentration than previously existed or would otherwise exist during the future period in question, if the project were not implemented.

4. Indirect emissions—Those emissions of a criteria pollutant or its precursors—

A. That are caused or initiated by the federal action and originate in the same nonattainment or maintenance area but may occur at a different time or place;

B. That are reasonably foreseeable;

C. That the agency can practically control;

D. That which the agency has continuing program responsibility; and

E. That the federal agency can practically control and will maintain control due to a continuing program responsibility of the federal agency, including, but not limited to—

(I) Traffic on or to, or stimulated or accommodated by, a proposed facility which is related to increases or other changes in the scale or timing of operations of such facility;

(II) Emissions related to the activities of employees of contractors or federal employees;

(III) Emissions related to employee commutation and similar programs to increase average vehicle occupancy imposed on all employers of a certain size in the locality; or

(IV) Emissions related to the use of federal facilities under lease or temporary permit.

For the purposes of this definition, even if a federal licensing, rule-making, or other approving action is a required initial step for a subsequent activity that causes emissions, such initial steps do not mean that a federal agency can practically control any resulting emissions.

5. Indirect heating source—A source operation in which fuel is burned for the primary purpose of producing steam, hot water, or hot air, or other indirect heating of liquids, gases, or solids where, in the course of doing so, the products of combustion do not come into direct contact with process materials.

6. Indoor floor covering installation adhesive—An adhesive intended by the manufacturer for use in the installation of wood flooring, carpet, resilient tile, vinyl tile, vinyl-backed carpet, resilient sheet, and roll or artificial grass. Adhesives used to install ceramic tile and perimeter bonded sheet flooring with vinyl backing onto a non-porous substrate, such as flexible vinyl, are excluded from this category.

7. Industrial boiler—A boiler used in manufacturing, processing, mining, and refining, or any other industry to provide steam, hot water, and/or electricity.

8. Industrial solid waste—Solid waste generated by manufacturing or industrial processes that is not a hazardous waste regulated under Subtitle C of the Resource Conservation and Recovery Act, 40 CFR 264 and 265. Such waste may include, but is not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer/agricultural chemicals; food and related products/by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

9. Industrial surface coating operation—The surface coating of manufactured items intended for distribution in commerce to persons other than the person or legal entity performing the surface coating.

10. Infectious agent—Any organism (such as a virus or bacteria) that is capable of being communicated by invasion and multiplication in body tissues and capable of causing disease or adverse health impacts in humans.

11. Initial emissions inspection—An emissions inspection consisting of the inspection series that occurs the first time a vehicle is inspected in a compliance cycle.

12. Initial fueling of motor vehicles—The operation, including related equipment, of dispensing gasoline fuel into a newly-assembled motor vehicle equipped with ORVR at an automobile assembly plant while the vehicle is still being assembled on the assembly line. Newly-assembled motor vehicles being fueled on the assembly line shall be equipped with ORVR and have fuel tanks that have never before contained gasoline fuel.

13. Ink formulation as applied—The base graphic arts coating and any additives such as thinning solvents to make up the ink material that is applied to a substrate.

14. In-line repair—The operation performed and coating(s) applied to correct damage or imperfections in the topcoat on parts that are not yet on a completely-assembled vehicle. The curing of the coatings applied in these operations is accomplished at essentially the same temperature as that used for curing the previously-applied topcoat. Also referred to as high-bake repair or high-bake reprocess and is considered part of the topcoat operation.

15. Innovative control technology—Any system of air pollution control that has not been adequately demonstrated in practice but would have a substantial likelihood of achieving greater continuous emission reduction than any control system in current practice or of achieving at least comparable reductions at lower cost in terms of energy, economics, or non-air quality environmental impacts.

16. Insignificant activity—An activity or emission unit in which the only applicable requirement would be to list the requirement in an operating permit application under 10 CSR 10-6.065 and is either of the following:

A. Emission units whose aggregate emission levels for the installation do not exceed that of the *de minimis* levels; and

B. Emission units or activities listed in 10 CSR 10-6.061 as exempt or excluded from construction permit review under 10 CSR 10-6.060.

17. Inspector—An individual, under AHERA, who collects and assimilates information used to determine whether asbestos-containing material is present in a building or other air contaminant sources.

18. Installation—All source operations including activities that result in fugitive emissions, that belong to the same industrial grouping (that have the same two (2)-digit code as described in the *Standard Industrial Classification Manual*, 1987), and any marine vessels while docked at the installation, located on one (1) or more contiguous or adjacent properties and under the control of the same person (or persons under common control).

19. Institutional cleaning—Cleaning activities conducted at organizations, societies, or corporations including but not limited to schools, hospitals, sanitariums, and prisons.

20. Institutional vehicle—Any motor vehicle, other than a passenger vehicle, and any trailer, semitrailer, or pole trailer drawn by such a motor vehicle, that is designed, used, and maintained for the transportation of persons or property for an establishment, foundation, society, or the like, devoted to the promotion of a particular cause or program, especially one of a public, educational, or charitable character.

21. Interior body spray (two (2)- and three (3)-piece)—The surface coating for the interior and ends of a two (2)-piece formed can or the surface coating of the side of the rectangular material to be used as the interior and ends of a three (3)-piece can.

22. Interior well—Any well or similar collection component located inside the perimeter of the landfill waste. A perimeter well located outside the landfill waste is not an interior well.

23. Intermediate foil mill—Batch process aluminum foil rolling mill with the work rolls in contact to reduce foil gauge. This process reduces finished sheet to intermediate foil gauges. An intermediate foil mill is used mainly in the production of aluminum foil at gauges between 0.010 inches to 0.0004 inches. Reductions to finish gauge may occur in several passes through the mill.

24. Intermediate installations—Part 70 installations that become basic state installations based on their potential to emit by accepting the imposition of voluntarily-agreed-to federally-enforceable limitations on the type of materials combusted or processed, operating rates, hours of operation, or emission rates more stringent than those otherwise required by rule or regulation.

25. Intermittent HMIWI—An HMIWI that is designed to allow waste charging, but not ash removal, during combustion.

26. Internal combustion engine—Any engine in which power, produced by heat and/or pressure developed in the engine cylinder(s) by burning a mixture of fuel and air, is subsequently converted to mechanical work by means of one (1) or more pistons.

27. Internal floating roof—A product cover in a fixed roof tank which rests upon or is floated upon the VOC liquid being contained and which is equipped with a sliding seal(s) to close the space between the edge of the covers and tank shell.

(M) All terms beginning with “M.”

1. MACT (Maximum achievable control technology)—The maximum degree of reduction in emissions of the hazardous air pollutants listed in subsection (3)(C) of this rule (including a prohibition on these emissions where achievable), taking into consideration the cost of achieving emissions reductions and any non-air quality health and environmental impacts and requirements, determines if achievable for new or existing sources in the category or subcategory to which this emission standard applies, through application of mea-

asures, processes, methods, systems, or techniques including, but not limited to, measures which:

A. Reduce the volume of or eliminate emissions of pollutants through process changes, substitution of materials, or other modifications;

B. Enclose systems or processes to eliminate emissions;

C. Collect, capture, or treat pollutants when released from a process, stack, storage, or fugitive emissions point;

D. Are design, equipment, work practice, or operational standards (including requirements for operational training or certification); or

E. Are a combination of subparagraphs (2)(M)1.A.–D.

2. Maintenance area—An area that was designated as nonattainment and has been re-designated in 40 CFR 81 to attainment, meeting the provisions of section 107(d)(3)(E) of the Act and has a maintenance plan approved under section 175A of the Act.

3. Maintenance operation—Normal routine maintenance on any stationary internal combustion engine or the use of an emergency standby engine and fuel system during testing, repair, and routine maintenance to verify its readiness for emergency standby use.

4. Maintenance plan—A revision to the applicable Missouri State Implementation Plan (SIP), meeting the requirements of section 175A of the CAA.

5. Major modification—Any physical change or change in the method of operation at an installation or in the attendant air pollution control equipment that would result in a significant net emissions increase of any pollutant. A physical change or a change in the method of operation, unless previously limited by enforceable permit conditions, shall not include:

A. Routine maintenance, repair, and replacement of parts;

B. Use of an alternative fuel or raw material by reason of an order under Sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, a prohibition under the Power Plant and Industrial Fuel Use Act of 1978, or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;

C. Use of an alternative fuel or raw material, if prior to January 6, 1975, the source was capable of accommodating the fuel or material, unless the change would be prohibited under any enforceable permit condition which was established after January 6, 1975;

D. An increase in the hours of operation or in the production rate unless the change would be prohibited under any enforceable permit condition which was established after January 6, 1975; or

E. Use of an alternative fuel by reason of an order or rule under Section 125 of the Clean Air Act.

6. Malfunction—A sudden and unavoidable failure of air pollution control equipment or process equipment or of a process to operate in a normal and usual manner. Excess emissions caused by improper design shall not be deemed a malfunction. For the purpose of 10 CSR 10-6.200 only, malfunction is any sudden, infrequent, and not reasonably-preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures that are caused, in part, by poor maintenance or careless operation are not malfunctions. During periods of malfunction the operator shall operate within established parameters as much as possible, and monitoring of all applicable operating parameters shall continue until all waste has been combusted or until the malfunction ceases, whichever comes first.

7. Malfunction indicator lamp (MIL)—An amber-colored warning light located on the dashboard of vehicles equipped with On-Board Diagnostics systems indicating to the vehicle operator that the vehicle either has a malfunction or has deteriorated enough to cause a potential increase in the vehicle’s tailpipe or evaporative emissions.

8. Management planner—An individual, under AHERA, who devises and writes plans for asbestos abatement.

9. Manure storage and application systems—Any system that includes but is not limited to lagoons, manure treatment cells, earthen storage ponds, manure storage tanks, manure stockpiles, composting

areas, pits and gutters within barns, litter used in bedding systems, all types of land application equipment, and all pipes, hoses, pumps, and other equipment used to transfer manure.

10. Marine vessel—A craft capable of being used as a means of transportation on water, except amphibious vehicles.

11. Maskant—A coating applied directly to an aerospace component to protect those areas when etching other parts of the component.

12. Mask coating—A thin film coating applied through a template to coat a small portion of a substrate.

13. Material safety data sheet (MSDS)—The chemical, physical, technical, and safety information document supplied by the manufacturer of the coating, solvent, or other chemical product.

14. Maximum charge rate—For continuous and intermittent HMIWI, one hundred ten percent (110%) of the lowest three (3)-hour average charge rate measured during the most recent performance test demonstrating compliance with all applicable emission limits; for batch HMIWI, one hundred ten percent (110%) of the lowest daily charge rate measured during the most recent performance test demonstrating compliance with all applicable emission limits.

15. Maximum design heat input—The ability of a unit to combust a stated maximum amount of fuel per hour on a steady state basis, as determined by the physical design and physical characteristics of the unit.

16. Maximum fabric filter inlet temperature—One hundred ten percent (110%) of the lowest three (3)-hour average temperature at the inlet to the fabric filter (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the dioxin/furan emission limit.

17. Maximum flue gas temperature—One hundred ten percent (110%) of the lowest three (3)-hour average temperature at the outlet from the wet scrubber (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the mercury (Hg) emission limit.

18. Maximum potential hourly heat input—An hourly heat input used for reporting purposes when a unit lacks certified monitors to report heat input. If the unit intends to use Appendix D of 40 CFR 75 to report heat input, this value should be calculated, in accordance with 40 CFR 75, using the maximum fuel flow rate and the maximum gross calorific value. If the unit intends to use a flow monitor and a diluent gas monitor, this value should be reported, in accordance with 40 CFR 75, using the maximum potential flow rate and either the maximum carbon dioxide concentration (in percent CO₂) or the minimum oxygen concentration (in percent O₂).

19. Maximum potential NO_x emission rate—The NO_x emission rate of nitrogen oxides (in lb/mmBtu) calculated in accordance with section 3 of Appendix F of 40 CFR 75, using the maximum potential nitrogen oxides concentration as defined in section 2 of Appendix A of 40 CFR 75, and either the maximum oxygen concentration (in percent O₂) or the minimum carbon dioxide concentration (in percent CO₂), under all operating conditions of the unit except for unit start-up, shutdown, and upsets.

20. Maximum rated hourly heat input—A unit-specific maximum hourly heat input (mmBtu) which is the higher of the manufacturer's maximum rated hourly heat input or the highest observed hourly heat input.

21. Mechanical shoe seal—A metal sheet held vertically against the wall of the storage vessel by springs or weighted levers and is connected by braces to the floating roof. A flexible coated fabric (envelope) spans the annular space between the metal sheet and the floating roof.

22. Medical device—An instrument, apparatus, implement, machine, contrivance, implant, *in vitro* reagent, or other similar article, including any component or accessory that meets one (1) of the following conditions:

A. It is intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease;

B. It is intended to affect the structure or any function of the body; or

C. It is defined in the *National Formulary* or the *United States Pharmacopoeia*, or any supplement to them.

23. Medical/infectious waste—Any waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals as exempted in the applicable rule. The definition of medical/infectious waste does not include hazardous waste identified or listed under the regulations in 40 CFR 261; household waste, as defined in 40 CFR 261.4(b)(1); ash from incineration of medical/infectious waste, once the incineration process has been completed; human corpses, remains, and anatomical parts that are intended for interment or cremation; and domestic sewage materials identified in 40 CFR 261.4(a)(1).

A. Cultures and stocks of infectious agents and associated biologicals, including cultures from medical and pathological laboratories; cultures and stocks of infectious agents from research and industrial laboratories; wastes from the production of biologicals; discarded live and attenuated vaccines; and culture dishes and devices used to transfer, inoculate, and mix cultures.

B. Human pathological waste, including tissues, organs, and body parts and body fluids that are removed during surgery or autopsy, or other medical procedures, and specimens of body fluids and their containers.

C. Human blood and blood products including:

(I) Liquid waste human blood;

(II) Products of blood;

(III) Items saturated and/or dripping with human blood;

and

(IV) Items that were saturated and/or dripping with human blood that are now caked with dried human blood including serum, plasma, and other blood components, and their containers, which were used or intended for use in either patient care, testing and laboratory analysis, or the development of pharmaceuticals. Intravenous bags are also included in this category.

D. Sharps that have been used in animal or human patient care or treatment or in medical, research, or industrial laboratories, including hypodermic needles, syringes (with or without the attached needle), pasteur pipettes, scalpel blades, blood vials, needles with attached tubing, and culture dishes (regardless of presence of infectious agents). Also included are other types of broken or unbroken glassware that were in contact with infectious agents, such as used slides and cover slips.

E. Animal waste including contaminated animal carcasses, body parts, and bedding of animals that were known to have been exposed to infectious agents during research (including research in veterinary hospitals), production of biologicals, or testing of pharmaceuticals.

F. Isolation wastes including biological waste and discarded materials contaminated with blood, excretions, exudates, or secretions from humans who are isolated to protect others from certain highly-communicable diseases, or isolated animals known to be infected with highly-communicable diseases.

G. Unused sharps including the following unused, discarded sharps: hypodermic needles, suture needles, syringes, and scalpel blades.

24. Medium HMIWI—An HMIWI whose maximum design waste burning capacity is more than two hundred pounds (200 lbs) per hour but less than or equal to five hundred pounds (500 lbs) per hour, or a continuous or intermittent HMIWI whose maximum charge rate is more than two hundred pounds (200 lbs) per hour but less than or equal to five hundred pounds (500 lbs) per hour, or a batch HMIWI whose maximum charge rate is more than one thousand six hundred pounds (1,600 lbs) per day but less than or equal to four thousand pounds (4,000 lbs) per day. The following are not medium HMIWI: a continuous or intermittent HMIWI whose maximum charge rate is less than or equal to two hundred pounds (200

lbs) per hour or more than five hundred pounds (500 lbs) per hour; or a batch HMIWI whose maximum charge rate is more than four thousand pounds (4,000 lbs) per day or less than or equal to one thousand six hundred pounds (1,600 lbs) per day.

25. Metal to urethane/rubber molding or casting adhesive—An adhesive intended by the manufacturer to bond metal to high density or elastomeric urethane or molded rubber materials to fabricate products such as rollers for computer printers or other paper handling equipment.

26. Metallic coating—A coating which contains more than five (5) grams of metal particles per liter of coating as applied. Metal particles are pieces of a pure elemental metal or a combination of elemental metals.

27. Metropolitan planning organization (MPO)—The policy board of an organization created as a result of the designation process in 23 U.S.C. 134(d) and in 49 U.S.C. 5303. It is the forum for cooperative transportation decision-making and is responsible for conducting the planning required under section 174 of the CAA.

28. Mid-kiln firing—Secondary firing in kiln systems by injecting fuel at an intermediate point in the kiln system using a specially-designed fuel injection mechanism for the purpose of decreasing NO_x emissions through—

A. The burning of part of the fuel at a lower temperature; and

B. The creation of reducing conditions at the point of initial combustion.

29. Milestone—The meaning given in sections 182(g)(1) and 189(c)(1) of the CAA. It consists of an emissions level and the date on which it is required to be achieved.

30. Military specification coating—A coating which has a formulation approved by a United States Military Agency for use on military equipment.

31. Minimum dioxin/furan sorbent flow rate—Ninety percent (90%) of the highest three (3)-hour average dioxin/furan sorbent flow rate (taken, at a minimum, once every hour) measured during the most recent performance test demonstrating compliance with the dioxin/furan emission limit.

32. Minimum mercury (Hg) sorbent flow rate—Ninety percent (90%) of the highest three (3)-hour average Hg sorbent flow rate (taken, at a minimum, once every hour) measured during the most recent performance test demonstrating compliance with the Hg emission limit.

33. Minimum horsepower or amperage—Ninety percent (90%) of the highest three (3)-hour average horsepower or amperage to the wet scrubber (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the applicable emission limit.

34. Minimum hydrogen chloride (HCl) sorbent flow rate—Ninety percent (90%) of the highest three (3)-hour average HCl sorbent flow rate (taken, at a minimum, once every hour) measured during the most recent performance test demonstrating compliance with the HCl emission limit.

35. Minimum pressure drop across the wet scrubber—Ninety percent (90%) of the highest three (3)-hour average pressure drop across the wet scrubber particulate matter (PM) control device (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the PM emission limit.

36. Minimum reagent flow rate—Ninety percent (90%) of the highest three (3)-hour average reagent flow rate at the inlet to the selective noncatalytic reduction technology (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the NO_x emissions limit.

37. Minimum scrubber liquor flow rate—Ninety percent (90%) of the highest three (3)-hour average liquor flow rate at the inlet to the wet scrubber (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with all applicable emission limits.

38. Minimum scrubber liquor pH—Ninety percent (90%) of the highest three (3)-hour average liquor pH at the inlet to the wet scrubber (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with all HCl emission limits.

39. Minimum secondary chamber temperature—Ninety percent (90%) of the highest three (3)-hour average secondary chamber temperature (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the PM, carbon monoxide (CO), dioxin/furan, and NO_x emission limits.

40. Minor violation—A violation which possesses a small potential to harm the environment or human health or cause pollution, was not knowingly committed, and is not defined by the United States Environmental Protection Agency as other than minor.

41. Missouri Decentralized Analyzer System (MDAS)—The emissions inspection equipment that is sold by the state's contractor to licensed emissions inspection stations. The department may approve alternative equipment if the equipment described in this paragraph is no longer available. At a minimum, the vehicle emissions inspection equipment shall consist of the following contractor equipment package:

A. At least a seventeen-inch (17") Liquid Crystal Display (LCD) monitor;

B. Universal serial bus (USB) lane camera;

C. At least a four (4.0) megapixel digital camera and dock;

D. Fingerprint scanner;

E. Two hundred fifty-six (256)-megabyte USB flash drive;

F. Keyboard with plastic keyboard cover and optical mouse;

G. Printer with ink or toner cartridges and blank paper;

H. 2D barcode reader;

I. Windshield sticker printer with blank windshield stickers and thermal cartridge;

J. OBD vehicle interface cable with a standard Society of Automotive Engineers J1962/J1978 OBD connector;

K. OBD verification tool;

L. Low-speed or high-speed Internet connection capabilities;

M. Surge protector and uninterruptible power supply (UPS);

N. At least a three gigahertz (3.0 GHz) personal computer (Dell™ Pentium® 4 or equivalent), with Windows Vista® and one (1) gigabyte of Random Access Memory (RAM); and

O. Metal cabinet to hold all of the components described in this paragraph.

42. Missouri Department of Revenue (MDOR)—The state agency responsible for the oversight of vehicle registration at contract offices and via the Internet. This agency is also responsible for the registration denial method of enforcement for the vehicle emissions inspection and maintenance program.

43. Missouri Emissions Inventory System (MoEIS)—Online interface of the state of Missouri's air emissions inventory database.

44. Missouri State Highway Patrol (MSHP)—The state agency responsible for the oversight of the vehicle safety inspection program and joint oversight with the department of the vehicle emissions inspection and maintenance program.

45. Mitigation measure—any method of reducing emissions of the pollutant or its precursor taken at the location of the federal action and used to reduce the impact of the emissions of that pollutant caused by the action.

46. Mobile equipment—Any equipment that is physically capable of being driven or drawn on a roadway including, but not limited to, the following types of equipment:

A. Construction vehicles such as mobile cranes, bulldozers, concrete mixers, etc.;

B. Farming equipment such as a wheel tractor, plow, pesticide sprayer, etc.;

C. Hauling equipment such as truck trailers, utility bodies, etc.; and

D. Miscellaneous equipment such as street cleaners, golf carts, etc.

47. Model year—The manufacturer's annual production period which includes January 1 of such calendar year. If the manufacturer has no annual production period, model year shall refer to the calendar year.

48. Modeling domain—A geographic area covered by an air quality model.

49. Modification—Any physical change, or change in method of operation of, a source operation or attendant air pollution control equipment which would cause an increase in potential emissions of any air pollutant emitted by the source operation. For the purpose of 10 CSR 10-5.490 only, modification is an increase in the permitted volume design capacity of the landfill by either horizontal or vertical expansion based on its most recent permitted design capacity; modification does not occur until the owner or operator commences construction on the horizontal or vertical expansion.

50. Modification, Title I—See Title I modification.

51. Modified HMIWI—Any change to an HMIWI unit after the effective date of these standards such that the cumulative costs of the modifications, over the life of the unit, exceed fifty percent (50%) of the original cost of the construction and installation of the unit (not including the cost of any land purchased in connection with such construction or installation) updated to current costs, or the change involves a physical change in or change in the method of operation of the unit which increases the amount of any air pollutant emitted by the unit for which standards have been established under section 129 or section 111 of the CAA.

52. Mold release—A coating applied to a mold surface to prevent the mold piece from sticking to the mold as it is removed, or to an aerospace component for purposes of creating a form-in-place seal.

53. Mold seal coating—The initial coating applied to a new mold or a repaired mold to provide a smooth surface which, when coated with a mold-release coating, prevents products from sticking to the mold.

54. Monitoring system—Any monitoring system that meets the requirements as described in a specific rule, including a continuous emissions monitoring system, an excepted monitoring system, or an alternative monitoring system.

55. Monthly throughput—The total volume of gasoline that is loaded into all gasoline storage tanks during a month, as calculated on a rolling thirty (30)-day average.

56. MOPETP—The Missouri Performance Evaluation Test Procedures, a set of standards and test procedures for evaluating performance of Stage I/II vapor recovery control equipment and systems to be installed or that have been installed in Missouri.

57. Motor tricycle—A motor vehicle operated on three (3) wheels, including a motorcycle with any conveyance, temporary or otherwise, requiring the use of a third wheel.

58. Motor vehicle—Any self-propelled vehicle.

59. Motor vehicle adhesive—An adhesive, including glass bonding adhesive, used at an installation that is not an automobile or light duty truck assembly coating installation, applied for the purpose of bonding two (2) motor vehicle surfaces together without regard to the substrates involved.

60. Motor vehicle bedliner—A multi-component coating, used at an installation that is not an automobile or light duty truck assembly coating installation, applied to a cargo bed after the application of topcoat to provide additional durability and chip resistance.

61. Motor vehicle cavity wax—A coating, used at an installation that is not an automobile or light duty truck assembly coating installation, applied into the cavities of the motor vehicle primarily for the purpose of enhancing corrosion protection.

62. Motor vehicle deadener—A coating, used at an installation that is not an automobile or light duty truck assembly coating installation, applied to selected motor vehicle surfaces primarily for the purpose of reducing the sound of road noise in the passenger compartment.

63. Motor vehicle gasket/gasket-sealing material—A fluid, used at an installation that is not an automobile or light duty truck assembly coating installation, applied to coat a gasket or replace and perform the same function as a gasket. Automobile and light duty truck gasket/gasket-sealing material includes room temperature vulcanization (RTV) seal material.

64. Motor vehicle glass-bonding primer—A primer, used at an installation that is not an automobile or light duty truck assembly coating installation, applied to windshield or other glass, or to body openings, to prepare the glass or body opening for the application of glass-bonding adhesives or the installation of adhesive-bonded glass. Motor vehicle glass bonding primer includes glass bonding/cleaning primers that perform both functions (cleaning and priming of the windshield or other glass or body openings) prior to the application of adhesive or the installation of adhesive-bonded glass.

65. Motor vehicle lubricating wax/compound—A protective lubricating material, used at an installation that is not an automobile or light duty truck assembly coating installation, applied to motor vehicle hubs and hinges.

66. Motor vehicle sealer—A high viscosity material, used at an installation that is not an automobile or light duty truck assembly coating installation, generally, but not always, applied in the paint shop after the body has received an electrodeposition primer coating and before the application of subsequent coatings (e.g., primer-surfacer). Such materials are also referred to as sealant, sealant primer, or caulk.

67. Motor vehicle truck interior coating—A coating, used at an installation that is not an automobile or light duty truck assembly coating installation, applied to the trunk interior to provide chip protection.

68. Motor vehicle underbody coating—A coating, used at an installation that is not an automobile or light duty truck assembly coating installation, applied to the undercarriage or firewall to prevent corrosion and/or provide chip protection.

69. Motor vehicle weatherstrip adhesive—An adhesive, used at an installation that is not an automobile or light duty truck assembly coating installation, applied to weatherstripping materials for the purpose of bonding the weatherstrip material to the surface of the motor vehicle.

70. Motorcycle—A motor vehicle operated on two (2) wheels.

71. Multi-colored coating—A coating which exhibits more than one (1) color when applied and which is packaged in a single container and applied in a single coat.

72. Multi-component coating—A coating requiring the addition of a separate reactive resin, commonly known as a catalyst or hardener, before application to form an acceptable dry film.

73. Multi-day violation—A violation which has occurred on or continued for two (2) or more consecutive or nonconsecutive days.

74. Multiple-violation penalty—The sum of individual administrative penalties assessed when two (2) or more violations are included in the same complaint or enforcement action.

75. Multipurpose construction adhesive—An adhesive intended by the manufacturer for use in the installation or repair of various construction materials, including but not limited to drywall, subfloor, panel, fiberglass reinforced plastic (FRP), ceiling tile, and acoustical tile.

76. Municipal solid waste landfill or MSW landfill—An entire disposal facility in a contiguous geographical space where household waste is placed in or on land. An MSW landfill may also receive other types of Resource Conservation and Recovery Act (RCRA) Subtitle D wastes per 40 CFR 257.2, such as commercial solid waste, nonhazardous sludge, conditionally exempt small quantity generator waste, and industrial solid waste. Portions of an MSW landfill may be separated by access roads. An MSW landfill may be publicly or privately owned. An MSW landfill may be a new MSW landfill, an existing MSW landfill, or a lateral expansion.

77. Municipal solid waste landfill emissions or MSW landfill emissions—Gas generated by the decomposition of organic waste

deposited in an MSW landfill or derived from the evolution of organic compounds in the waste.

(N) All terms beginning with "N."

1. Nameplate capacity—The maximum electrical generating output (expressed as megawatt) that a generator can sustain over a specified period of time when not restricted by seasonal or other deratings, as listed in the National Allowance Data Base (NADB) under the data field "NAMECAP" if the generator is listed in the NADB or as measured in accordance with the United States Department of Energy standards. For generators not listed in the NADB, the nameplate capacity shall be used.

2. National ambient air quality standards (NAAQS)—those standards established pursuant to section 109 of the Act and defined by 10 CSR 10-6.010 Ambient Air Quality Standards. It includes standards for carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO₂), ozone, particulate matter (PM₁₀ and PM_{2.5}), and sulfur dioxide (SO₂);

3. Natural finish hardwood plywood panel—A panel whose original grain pattern is enhanced by essentially transparent finishes frequently supplemented by fillers and toners.

4. NEPA—the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.).

5. Nearby—Nearby, as used in the definition GEP stack height in subparagraph (2)(G)15.B. of this rule, is defined for a specific structure or terrain feature—

A. For purposes of applying the formula provided in subparagraph (2)(G)15.B. of this rule, nearby means that distance up to five (5) times the lesser of the height or the width dimension of a structure, but not greater than one-half (1/2) mile; and

B. For conducting fluid modeling or field study demonstrations under subparagraph (2)(G)15.C. of this rule, nearby means not greater than one-half (1/2) mile, except that the portion of a terrain feature may be considered to be nearby which falls within a distance of up to ten (10) times the maximum height of the feature, not to exceed two (2) miles if feature achieves a height one-half (1/2) mile from the stack that is at least forty percent (40%) of the GEP stack height determined by the formula provided in subparagraph (2)(G)15.B. of this rule, or twenty-six meters (26 m), whichever is greater, as measured from the ground-level elevation at the base of the stack. The height of the structure or terrain feature is measured from the ground-level elevation at the base of the stack.

6. Net emissions increase—This term is defined in 40 CFR 52.21(b)(3), promulgated as of July 1, 2003, and hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, DC 20408. This rule does not incorporate any subsequent amendments or additions.

7. New—As defined for the purposes of 10 CSR 10-2.040 and 10 CSR 10-5.030, any source which is not an existing source, as defined in subparagraph (1)(E) of 10 CSR 10-2.040 or 10 CSR 10-5.030.

8. New Source Review (NSR)—The permitting requirements found in state rule 10 CSR 10-6.060 Construction Permits Required.

9. NMOC—Nonmethane organic compounds. Precursors to oxidant formation. They allow ozone to accumulate in the atmosphere.

10. Nonaqueous solvent—Any solvent not classifiable as an aqueous solvent as defined by a solvent in which water is the primary ingredient (greater than eighty percent (80%) by weight or greater than sixty percent (60%) by volume of solvent solution as applied must be water). Aqueous solutions must have a flash point greater than ninety-three degrees Celsius (93 °C) (two hundred degrees Fahrenheit (200 °F)) (as reported by the manufacturer) and the solution must be miscible with water.

11. Nonattainment area (NAA)—Any geographic area of the United States which has been designated as nonattainment under section 107 of the CAA and described in 40 CFR.

12. Nonattainment pollutant—Each and every pollutant for which the location of the source is in an area designated to be in nonattainment of a National Ambient Air Quality Standard (NAAQS) under section 107(d)(1)(A)(i) of the Act. Any constituent or precursor of a nonattainment pollutant shall be a nonattainment pollutant, provided that the constituent or precursor pollutant may only be regulated as part of regulation of the corresponding NAAQS pollutant. Both volatile organic compounds (VOC) and nitrogen oxides (NO_x) shall be nonattainment pollutants for a source located in an area designated nonattainment for ozone.

13. Nondegradable waste—Any waste that does not decompose through chemical breakdown or microbiological activity. Examples are, but are not limited to, concrete, municipal waste combustor ash, and metals.

14. Nonpermanent final finish—A material such as a wax, polish, nonoxidizing oil, or similar substance that must be periodically reapplied to a surface over its lifetime to maintain or restore the reapplied material's intended effect.

15. Non-Title V permit—A federally-enforceable permit administered by the director pursuant to the CAA and regulatory authority under the CAA, other than Title V of the CAA and 40 CFR 70 or 40 CFR 71.

16. Normal maintenance—Repair or replacement of vapor recovery control equipment and/or gasoline dispensing components/dispensers that does not require breaking of concrete (by any method) and does not require removal of dispenser(s) from island(s).

17. Normal source operation—The average actual activity rate of a source necessary for determining the actual emissions rate for the two (2) years prior to the date necessary for determining actual emissions, unless some other time period is more representative of the operation of the source or otherwise approved by the staff director.

18. Normally-closed container—A storage container that is closed unless an operator is actively engaged in activities such as emptying or filling the container.

19. NO_x allowance—An authorization by the department or the administrator under a NO_x trading program to emit one (1) ton of NO_x during the control period of the specified year or of any year thereafter.

20. NO_x allowance deduction or deduct NO_x allowances—The permanent withdrawal of NO_x allowances by the administrator from a NO_x allowance tracking system compliance account or overdraft account to account for the number of tons of emissions from a NO_x budget unit for a control period, determined in accordance with a rule, or for any other NO_x allowance surrender obligation required.

21. NO_x allowance tracking system—The system by which the director or the administrator records allocations, deductions, and transfers of NO_x allowances under a NO_x trading program.

22. NO_x allowance tracking system account—An account in the NO_x allowance tracking system established by the director or administrator for purposes of recording the allocation, holding, transferring, or deducting of NO_x allowances.

23. NO_x allowance transfer deadline—For the purpose of 10 CSR 10-6.350 only, close of business on December 31 following the control period or, if December 31 is not a business day, close of business on the first business day thereafter and is the deadline by which NO_x allowances may be submitted for recording in an affected unit's compliance account, or the overdraft account of the installation where the unit is located. For the purpose of 10 CSR 10-6.360 only, midnight of November 30 or, if November 30 is not a business day, midnight of the first business day thereafter and is the deadline by which NO_x allowances may be submitted for recordation in a NO_x budget unit's compliance account, or the overdraft account of the source where the unit is located, in order to meet the unit's NO_x budget emissions limitation for the control period immediately preceding such deadline.

24. NO_x allowances held—The NO_x allowances recorded by the director or administrator, or submitted to the director or administrator

for recordation, in accordance with a rule, in a NO_x allowance tracking system account.

25. NO_x authorized account representative—The natural person who is authorized by the owners or operators of the source and all NO_x budget units at the source, in accordance with all applicable rules, to represent and legally bind each owner and operator in matters pertaining to a NO_x trading program or, for a general account, the natural person who is authorized to transfer or otherwise dispose of NO_x allowances held in the general account in accordance with the applicable rules.

26. NO_x budget emissions limitation—For a NO_x budget unit, the tonnage equivalent of the NO_x allowances available for compliance deduction for the unit and for a control period adjusted by any deductions of such NO_x allowances to account for actual utilization for the control period or to account for excess emissions for a prior control period or to account for withdrawal from the NO_x budget program or for a change in regulatory status for an affected unit.

27. NO_x budget permit—The legally-binding and federally-enforceable written document, or portion of such document, issued by the director, including any permit revisions, specifying the NO_x budget trading program requirements applicable to a NO_x budget source, to each NO_x budget unit at the NO_x budget source, and to the owners and operators and the NO_x authorized account representative of the NO_x budget source and each NO_x budget unit.

28. NO_x budget source—A source that includes one (1) or more NO_x budget units.

29. NO_x budget trading program—A multi-state nitrogen oxides air pollution control and emission reduction program pursuant to 40 CFR 51.121, as a means of mitigating the interstate transport of ozone and nitrogen oxides, an ozone precursor.

30. NO_x budget unit—A unit that is subject to the NO_x budget trading program emissions limitation under section (1) or paragraph (3)(H)1. of 10 CSR 10-6.360.

31. NO_x emission rate—The amount of NO_x emitted by a combustion unit in pounds per million British thermal units of heat input as recorded by approved monitoring devices.

32. NO_x emissions limitation—For an affected unit, the tonnage equivalent of the NO_x emissions rate available for compliance deduction for the unit and for a control period adjusted by any deductions of such NO_x allowances to account for actual utilization for the control period or to account for excess emissions for a prior control period or to account for withdrawal from a NO_x trading program or for a change in regulatory status for an affected unit.

33. NO_x opt-in unit—An EGU whose owner or operator has requested to become an affected unit under a NO_x trading program and has been approved by the department.

34. NO_x unit—Any fossil-fuel-fired stationary boiler, combustion turbine, internal combustion engine, or combined cycle system.

(P) All terms beginning with “P.”

1. Pail—Any nominal cylindrical container of one to twelve (1–12)-gallon capacity.

2. Paint—A pigmented surface coating using VOCs as the major solvent and thinner which converts to a relatively opaque solid film after application as a thin layer.

3. Pan-backing coating—A coating applied to the surfaces of pots, pans, or other cooking implements that are exposed directly to a flame or other heating elements.

4. Paper, film, and foil coating—A web coating process that applies a continuous layer of coating material across essentially the entire width or any portion of the width of a web substrate to—

A. Provide a covering, finish, or functional or protective layer to a substrate;

B. Saturate a substrate for lamination; or

C. Provide adhesion between two (2) substrates for lamination.

5. Part 70—U.S. Environmental Protection Agency regulations, codified at 40 CFR 70, setting forth requirements for state operating permit programs pursuant to Title V of the Act.

6. Part 70 installations—Installations to which the part 70 operating permit requirements of rule 10 CSR 10-6.065 apply, in accordance with the following criteria:

A. They emit or have the potential to emit, in the aggregate, ten (10) tons per year (tpy) or more of any hazardous air pollutant, other than radionuclides, or twenty-five (25) tpy or more of any combination of these hazardous air pollutants or such lesser quantity as the administrator may establish by rule. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not these units are in a contiguous area or under common control, to determine whether these units or stations are subject installations. For sources of radionuclides, the criteria shall be established by the administrator;

B. They emit or have the potential to emit one hundred (100) tpy or more of any air pollutant, including all fugitive air pollutants. The fugitive emissions of an installation shall not be considered unless the installation belongs to one (1) of the source categories listed in 10 CSR 10-6.020(3)(B), Table 2;

C. They are located in nonattainment areas or ozone transport regions.

(I) For ozone nonattainment areas, sources with the potential to emit one hundred (100) tpy or more of volatile organic compounds or oxides of nitrogen in areas classified as “marginal” or “moderate,” fifty (50) tpy or more in areas classified as “serious,” twenty-five (25) tpy or more in areas classified as “severe,” and ten (10) tpy or more in areas classified as “extreme”; except that the references in this paragraph to one hundred (100), fifty (50), twenty-five (25), and ten (10) tpy of nitrogen oxides shall not apply with respect to any source for which the administrator has made a finding, under section 182(f)(1) or (2) of the Act, that requirements under section 182(f) of the Act do not apply;

(II) For ozone transport regions established pursuant to section 184 of the Act, sources with the potential to emit fifty (50) tpy or more of volatile organic compounds;

(III) For carbon monoxide nonattainment areas that are classified as “serious,” and in which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the administrator, sources with the potential to emit fifty (50) tpy or more of carbon monoxide; and

(IV) For particulate matter less than ten (10) micrometers (PM₁₀) nonattainment areas classified as “serious,” sources with the potential to emit seventy (70) tpy or more of PM₁₀;

D. They are affected sources under Title IV of the 1990 Act;

E. They are solid waste incinerators subject to section 129(e) of the Act;

F. Any installation in a source category designated by the administrator as a part 70 source pursuant to 40 CFR 70.3; and

G. Installations that would be part 70 sources strictly due to the following criteria are not subject to part 70 source requirements until the administrator subjects this installation to these requirements by rule:

(I) They are subject to a standard, limitation, or other requirement under section 111 of the Act, including area sources; or

(II) They are subject to a standard or other requirement under section 112 of the Act, except that a source, including an area source, is not required to obtain a permit solely because it is subject to rules or requirements under section 112(r) of the Act.

7. Particulate matter—Any material, except uncombined water, that exists in a finely-divided form as a liquid or solid and as specifically defined as follows:

A. PM—any airborne, finely-divided solid or liquid material with an aerodynamic diameter smaller than one hundred (100) micrometers as measured in the ambient air as specified in 10 CSR 10-6.040(4)(B); and

B. PM₁₀—particulate matter with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers as measured in

the ambient air as specified in 10 CSR 10-6.040(4)(J); and

C. $PM_{2.5}$ —particulate matter with an aerodynamic diameter less than or equal to a nominal two and one-half (2.5) micrometers including the filterable component as measured in the ambient air as specified in 10 CSR 10-6.040(4)(L).

For the purpose of 10 CSR 10-6.200 only, particulate matter, or PM_{10} , is the total particulate matter emitted from an HMIWI as measured by EPA Reference Method 5 of 40 CFR 60, Appendix A-3 or EPA Reference Method 29 of 40 CFR 60, Appendix A-8.

8. Passenger tire equivalent (PTE)—The weight of waste tires or parts of waste tires equivalent to the average weight of one (1) passenger tire. The average weight of one (1) passenger tire is equal to twenty (20) pounds.

9. Passenger vehicle—Every motor vehicle, except motorcycles, motor-driven cycles, and ambulances, designed for carrying ten (10) passengers or less and used for the transportation of persons.

10. Passive collection system—A gas collection system that solely uses positive pressure within the landfill to move the gas rather than using gas mover equipment.

11. Pathological waste—Waste material consisting of only human or animal remains, anatomical parts, and/or tissue, the bags/containers used to collect and transport the waste material, and animal bedding (if applicable).

12. Peak load—The maximum instantaneous operating load.

13. Peaking combustion unit—A combustion turbine normally reserved for operation during the hours of highest daily, weekly, or seasonal loads.

14. Perimeter bonded sheet flooring installation—The installation of sheet flooring with vinyl backing onto a nonporous substrate using an adhesive designed to be applied only to a strip of up to four inches (4") wide around the perimeter of the sheet flooring.

15. Permanent shutdown—The permanent cessation of operation of any air pollution control equipment or process equipment, not to be placed back into service or have a start-up.

16. Permitted capacity factor—The annual permitted fuel use divided by the manufacturers' specified maximum fuel consumption times eight thousand seven hundred sixty (8,760) hours per year.

17. Permitting authority—Either the administrator or the state air pollution control agency, local agency, or other agency authorized by the administrator to carry out a permit program as intended by the Act.

18. Person—Any individual, partnership, copartnership, association, firm, company, public or private corporation including the parent company of a wholly-owned subsidiary, joint stock company, municipality, political subdivision, agency, board, department or bureau of the state or federal government, trust, estate, or other legal entity either public or private which is recognized by law as the subject of rights and duties. This shall include any legal successor, employee, or agent of the previous entities.

19. Petroleum liquid—Petroleum, condensate, and any finished or intermediate products manufactured in a petroleum refinery with the exception of Numbers 2-6 fuel oils as specified in ASTM D (396-69), gas turbine fuel oils Number 2-GT-4-GT, as specified in ASTM D(2880-71), and diesel fuel oils Number 2-D and 4-D, as specified in ASTM D(975-68).

20. Petroleum refinery—Any facility which produces gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants, or other products through distillation, cracking, extraction, or reforming of unfinished petroleum derivatives.

21. Pharmaceutical—Any compound or preparation included under the Standard Industrial Classification Codes 2833 (Medicinal Chemicals and Botanical Products) and 2834 (Pharmaceutical Preparations), excluding products formulated by fermentation, extraction from vegetable material or animal tissue, or formulation and packaging of the final product.

22. Pilot plants—The installations which are of new type or design which will serve as a trial unit for experimentation or testing.

23. Plant-mix—A mixture produced in an asphalt mixing plant that consists of mineral aggregate uniformly coated with asphalt cement, cutback asphalt, or emulsified asphalt.

24. Plastic—A synthetic material chemically formed by the polymerization of organic substances and capable of being molded, extruded, cast into various shapes and films, or drawn into filaments.

25. Plastic foam—Foam constructed of plastics.

26. Plastic solvent welding adhesive—An adhesive intended by the manufacturer for use to dissolve the surface of plastic to form a bond between mating surfaces.

27. Plastic solvent welding adhesive primer—A primer intended by the manufacturer for use to prepare plastic substrates prior to bonding or welding.

28. Pleasure craft—A marine vessel which is manufactured or operated primarily for recreational purposes or leased, rented, or chartered to a person or business for recreational purposes.

29. Pleasure craft coating—A marine coating, except unsaturated polyester resin (fiberglass) coatings, applied by brush, spray, roller, or other means to a pleasure craft.

30. Point source—For the purposes of 10 CSR 10-6.110 only, large, stationary (nonmobile), identifiable source of emissions that releases pollutants into the atmosphere. A point source is an installation that is either:

A. A major source under 40 CFR part 70 for the pollutants for which reporting is required; or

B. A holder of an intermediate operating permit.

31. Pollutant—An air contaminant listed in 10 CSR 10-6.020(3)(A), Table 1 without regard to levels of emission or air quality impact.

32. Polyethylene bag sealing operation—Any operation or facility engaged in the sealing of polyethylene bags, usually by the use of heat.

33. Polystyrene resin—The product of any styrene polymerization process, usually involving heat.

34. Polyvinyl chloride (PVC) plastic—A polymer of the chlorinated vinyl monomer that contains fifty-seven percent (57%) chlorine.

35. Polyvinyl chloride welding adhesive—An adhesive intended by the manufacturer for use in the welding of PVC plastic pipe.

36. Porous material—A substance that has tiny openings, often microscopic, in which fluids may be absorbed or discharged, including, but not limited to, paper and corrugated paperboard. For the purposes of 10 CSR 10-5.330, porous material does not include wood.

37. Portable equipment—Any equipment that is designed and maintained to be movable, primarily for use in noncontinuous operations. Portable equipment includes rock crushers, asphaltic concrete plants, and concrete batching plants.

38. Portable equipment installation—An installation made-up solely of portable equipment, meeting the requirements of or having been permitted according to 10 CSR 10-6.060(4).

39. Portland cement—A hydraulic cement produced by pulverizing clinker consisting essentially of hydraulic calcium silicates, usually containing one (1) or more of the forms of calcium sulfate as an interground addition.

40. Portland cement kiln—A system, including any solid, gaseous, or liquid fuel combustion equipment, used to calcine and fuse raw materials, including limestone and clay, to produce Portland cement clinker.

41. Positive crankcase ventilation system—Any system or device which prevents the escape of crankcase emissions to the ambient air.

42. Potential to emit—The emission rates of any pollutant at maximum design capacity. Annual potential shall be based on the maximum annual-rated capacity of the installation assuming continuous year-round operation. Federally-enforceable permit conditions on the type of materials combusted or processed, operating rates, hours of operation, and the application of air pollution control equipment shall

be used in determining the annual potential. Secondary emissions do not count in determining annual potential.

43. Potroom—A building unit which houses a group of electrolytic cells in which aluminum is produced.

44. Potroom group—An uncontrolled potroom, a potroom which is controlled individually, or a group of potrooms or potroom segments ducted to a common or similar control system.

45. Precursors of a criteria pollutant are—

A. For ozone, nitrogen oxides (NO_x), unless an area is exempted from NO_x requirements under section 182(f) of the CAA, and volatile organic compounds (VOCs);

B. For PM_{10} , those pollutants described in the PM_{10} nonattainment area applicable SIP as significant contributors to the PM_{10} levels; and

C. For $\text{PM}_{2.5}$ —

(I) Sulfur dioxide (SO_2) in all $\text{PM}_{2.5}$ nonattainment and maintenance areas;

(II) Nitrogen oxides in all $\text{PM}_{2.5}$ nonattainment and maintenance areas unless both the state and EPA determine that it is not a significant precursor; and

(III) Volatile organic compounds (VOC) and ammonia (NH_3) only in $\text{PM}_{2.5}$ nonattainment or maintenance areas where either the state or EPA determines that they are significant precursors.

46. Predictive emissions monitoring system (PEMS)—A system that uses process and other parameters as inputs to a computer program or other data reduction system to predict values in terms of the applicable emission limitation or standard.

47. Prefabricated architectural component coating—A coating applied to metal parts and products which are to be used as an architectural structure.

48. Preheater/precalciner kiln—A kiln where the feed to the kiln system is preheated in cyclone chambers and that utilizes a second burner to provide heat for calcination of material prior to the material entering the rotary kiln which forms clinker.

49. Preheater kiln—A kiln where the feed to the kiln system is preheated in cyclone chambers prior to the final fusion, which forms clinker.

50. Press—A printing production assembly that can be made up of one (1) or many units to produce a finished product. For the purposes of 10 CSR 10-5.442 only, this includes any associated coating, spray powder application, heatset web dryer, ultraviolet or electron beam curing units, or infrared heating units.

51. Pretreatment coating—A coating which contains no more than twelve percent (12%) solids by weight, but at least one-half percent (0.5%) acids by weight, is used to provide surface etching, and is applied directly to metal surfaces to provide corrosion resistance, adhesion, and ease of stripping.

52. Pretreatment wash primer—A coating which contains no more than twenty-five percent (25%) solids by weight, but at least one-tenth of a percent (0.1%) acids by weight, is used to provide surface etching, and is applied directly to fiberglass and metal surfaces to provide corrosion resistance and adhesion of subsequent coatings.

53. Primary aluminum reduction installation—Any facility manufacturing aluminum by electrolytic reduction of alumina.

54. Primary chamber—The chamber in an HMIWI that receives waste material, in which the waste is ignited, and from which ash is removed.

55. Primary fuel—The fuel that provides the principal heat input to the device. To be considered primary, the fuel must be able to sustain operation without the addition of other fuels.

56. Primer—The first layer and any subsequent layers of identically-formulated coating applied to the article to provide corrosion resistance, surface etching, surface leveling, adhesion promotion, or other property depending on the end use or exposure of the final product. Primers that are defined as specialty coatings are not included under this definition.

57. Primer-surfacer—An intermediate protective coating applied over the electrodeposition primer and under the topcoat at an automobile or light duty truck assembly coating facility. Primer-surfacer provides adhesion, protection, and appearance properties to the total finish. Primer-surfacer may also be called guide coat or surfacer.

58. Printed interior panel—A panel whose grain or natural surface is obscured by fillers and basecoats upon which a simulated grain or decorative pattern is printed.

59. Printing—Any operation that imparts color, images, or text onto a substrate using printing inks.

60. Printing ink—Any fluid or viscous composition used in printing, impressing, or transferring an image onto a substrate. Varnishes and coatings applied with offset lithographic and letterpress printing presses are inks and are part of the applicable printing process, not a separate operation such as paper coating.

61. Process—Any collection of structures and/or equipment that processes, assembles, applies, or otherwise uses material inputs to produce or store an intermediate or final product. A single facility may contain more than one (1) process or production unit.

62. Process heater—Any enclosed device using controlled flame, that is not a boiler, and the unit's primary purpose is to transfer heat indirectly to a process material (liquid, gas, or solid) or to heat transfer material for use in a process unit, instead of generating steam. Process heaters are devices in which the combustion gases do not directly come into contact with process materials. Process heaters do not include units used for comfort heat or space heat, food preparation for onsite consumption, or autoclaves.

63. Process unit—For the purpose of 10 CSR 10-5.550 only, equipment assembled and connected by pipes or ducts to produce, as intermediates or final products, one (1) or more SOCOMI chemicals (see Appendix A of Control of Volatile Organic Compound Emissions from Reactor Processes and Distillation Operations Processes in the Synthetic Organic Chemical Manufacturing Industry, EPA-450/4-91-031). A process unit can operate independently if supplied with sufficient feed or raw materials and sufficient product storage facilities.

64. Process weight—The total weight of all materials introduced into an emission unit, including solid fuels which may cause any emission of particulate matter, but excluding liquids and gases used solely as fuels and air introduced for purposes of combustion.

65. Process weight rate—A rate in tons per hour established as follows:

A. The rate of materials introduced to the process which may cause any emission of particulate matter;

B. For continuous or long-run steady-state emission units, the total process weight for the entire period of continuous operation or for a typical portion, divided by the number of hours of that period or portion;

C. For cyclical or batch emission units, the total process weight for a period of time which covers a complete operation or an integral number of cycles, divided by the hours of actual process operation during that period; or

D. Where the nature of any process or operation or the design of any equipment permits more than one (1) interpretation of this section, that interpretation which results in the minimum value for allowable emission shall apply.

66. Product—For the purpose of 10 CSR 10-5.550 only, any compound or SOCOMI chemical (see Appendix A of Control of Volatile Organic Compound Emissions from Reactor Processes and Distillation Operations Processes in the Synthetic Organic Chemical Manufacturing Industry, EPA-450/4-91-031) that is produced as that chemical for sales as a product, by-product, co-product, or intermediate or for use in the production of other chemicals or compounds.

67. Production—Any collection of structures and/or equipment, that processes, assembles, applies, or otherwise uses material inputs to produce or store an intermediate or final product. A single facility may contain more than one (1) process or production unit.

68. Production equipment exhaust system—A device for collecting and directing out of the work area fugitive emissions from reactor openings, centrifuge openings, and other vessel openings and equipment for the purpose of protecting workers from excessive exposure.

69. Project-specific net emissions increase—The difference between permitted emissions to be emitted by the project that triggered a prevention of significant deterioration review and the baseline emission inventory for the applicable project.

70. Protocol—A replicable and workable method to estimate the mass of emissions reductions, or the amount of ERCs needed for compliance.

71. Public vehicle—Any motor vehicle, other than a passenger vehicle, and any trailer, semi-trailer, or pole trailer drawn by such a motor vehicle, which is designed, used, and maintained for the transportation of persons or property at the public expense and under public control.

72. Publication rotogravure printing—Rotogravure printing upon paper which is subsequently formed into books, magazines, catalogues, brochures, directories, newspaper supplements, and other types of printed materials.

73. Pushing operation—The process of removing coke from the coke oven. The coke-pushing operation begins when the coke-side oven door is removed and is completed when the hot car enters the quench tower and the coke-side oven door is replaced.

74. Pyrolysis—The endothermic gasification of hospital waste and/or medical/infectious waste using external energy.

(R) All terms beginning with “R.”

1. Reactive adhesive—An adhesive system composed, in part, of volatile monomers that react during the adhesive curing reaction, and, as a result, do not evolve from the film during use. These volatile components instead become integral parts of the adhesive through chemical reaction. At least seventy percent (70%) of the liquid components of the system, excluding water, react during the process.

2. Reactor—A vat or vessel, which may be jacketed to permit temperature control, designed to contain chemical reactions.

3. Reactor processes—Unit operations in which one (1) or more chemicals, or reactants other than air, are combined or decomposed in such a way that their molecular structures are altered and one (1) or more new organic compounds are formed.

4. Readiness monitor—A design feature of On-Board Diagnostics systems. If a readiness monitor has been set, then the OBD system has completed a diagnostic check on that component. If a readiness monitor has not been set, then the OBD system has not completed a diagnostic check on that component.

5. Reasonably-foreseeable emissions—Projected future direct and indirect emissions that are identified at the time the conformity determination is made; the location of such emissions is known and the emissions are quantifiable, as described and documented by the federal agency based on its own information and after reviewing any information presented to the federal agency.

6. Receive or receipt of—When referring to the director or the administrator, to come into possession of a document, information, or correspondence (whether sent in writing or by authorized electronic transmission), as indicated in an official correspondence log, or by a notation made on the document, information, or correspondence, by the director or the administrator in the regular course of business.

7. Recognized labor costs—The labor costs that a Recognized Repair Technician charges for emissions repair services rendered to a vehicle that fails its emissions inspection. Labor costs not tied to an emissions repair or solely for the purposes of setting readiness monitors may not be considered qualifying repairs.

8. Recognized Repair Technician—Any person who—

A. Is professionally engaged full-time in vehicle repair or employed by an ongoing business whose purpose is vehicle repair. A

Recognized Repair Technician may only be recognized by the department at one (1) place of employment;

B. Has valid certifications from the National Institute for Automotive Service Excellence (ASE) in Electrical Systems (A6), Engine Performance (A8), and Advanced Engine Performance Specialist (L1) that have not expired; and

C. Has not been reported by the department to the attorney general for unlawful merchandising practices according to subsection 643.330.4, RSMo.

9. Reconstruction—Where the fixed capital cost of the new components exceeds fifty percent (50%) of the fixed capital cost of a comparable entirely new source of operation or installation; the use of an alternative fuel or raw material by reason of an order in effect under sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act, or by reason of an order or rule under section 125 of the Clean Air Act, shall not be considered reconstruction. In determining whether a reconstruction will occur, the provisions of 40 CFR 60.15, December 1, 1979, shall be considered by the director.

10. Recordation, record, or recorded—With regard to NO_x allowances, the movement of NO_x allowances by the director or administrator from one (1) NO_x allowance tracking system account to another, for purposes of allocation, transfer, or deduction.

11. Recoverable fuel—Fuels that have been permitted for use for energy recovery under 10 CSR 10-6.065.

12. Recovery device—An individual unit of equipment, such as an adsorber, carbon adsorber, or condenser, capable of and used for the purpose of recovering chemicals for use, reuse, or sale.

13. Recovery system—An individual recovery device or series of such devices applied to the same vent stream.

14. Recycled on-site—The reuse of an organic solvent in a process other than cleaning or washoff.

15. Reduction—Any heated process, including rendering, cooking, drying, dehydrating, digesting, evaporating, and protein concentrating.

16. Reference method—Any method of sampling and analyzing for an air pollutant that is published in Appendix A of 40 CFR 60.

17. Refinishing—The process of coating motor vehicles, or their parts, that is subsequent to the original coating applied at an original equipment manufacturing plant.

18. Refuse—The garbage, rubbish, trade wastes, leaves, salvageable material, agricultural wastes, or other wastes.

19. Regionally-significant action—A federal action for which the direct and indirect emissions of any pollutant represent ten percent (10%) or more of a nonattainment or maintenance area's emissions inventory for that pollutant.

20. Regional water or wastewater projects—Include construction, operation, and maintenance of water or wastewater conveyances, water or wastewater treatment facilities, and water storage reservoirs which affect a large portion of a nonattainment or maintenance area.

21. Regulated air pollutant—All air pollutants or precursors for which any standard has been promulgated.

22. Regulated asbestos-containing material (RACM)—Friable asbestos material; category I nonfriable asbestos-containing material (ACM) that has become friable; category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading, or category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this rule.

23. Regulated pollutant—Any regulated air pollutant except carbon monoxide and pollutants regulated exclusively under section 112(r) or Title VI of the Act.

24. Reid vapor pressure (RVP)—The absolute vapor pressure of a petroleum liquid as determined by “Tests for Determining Reid

Vapor Pressure (RVP) of Gasoline and Gasoline-Oxygenate Blends” 40 CFR 80, Appendix E as in effect July 1, 1990.

25. Reinforced plastic composite—A composite material consisting of plastic reinforced with fibers.

26. Related cleaning activity—The removal of coating residue or other unwanted materials from equipment related to coating operations as well as the cleaning of spray guns, transfer line, tanks, and the interior of spray booths.

27. Renewable fuel—For the purpose of 10 CSR 10-6.380 only, renewable energy resources that include but are not limited to solar (photovoltaic), wind, and biomass. Biomass includes but is not limited to: agricultural crops and crop waste, untreated wood and wood wastes, livestock waste, wastepaper, and organic municipal solid waste.

28. Renewal—The process by which an operating permit is reissued at the end of its term.

29. Repair—The restoration of asbestos material that has been damaged. Repair consists of the application of rewettable glass cloth, canvas, cement, or other suitable material. It may also involve filling damaged areas with nonasbestos substitutes and reencapsulating or painting previously-encapsulated materials.

30. Repair coating—A coating used to re-coat portions of a previously-coated product which has sustained mechanical damage to the coating following normal coating operations.

31. Reportable pollutants—The regulated air pollutants at the process level required for emission inventory reporting as summarized in Table 1 of 10 CSR 10-6.110.

32. Reporting threshold—Minimum amount of reportable emissions at the emission unit level that requires reporting as summarized in Table 1 of 10 CSR 10-6.110. Emissions below this amount may be designated as insignificant on the full emissions report.

33. Reporting year—Twelve (12)-month calendar year ending December 31. The reporting requirement for installations with three (3)-year reporting cycles begins with the 2011 reporting year. The subsequent reporting years will be every three (3) years following 2011 (i.e., 2014, 2017, 2020, etc.).

34. Research and development activities—Activities conducted at a research or laboratory facility whose primary purpose is to conduct research and development into new processes and products, where such source is operated under the close supervision of technically-trained personnel and is not engaged in the manufacture of products for sale or exchange for commercial profit, except in a *de minimis* manner.

35. Research and development emissions unit—Any combustion unit operated only for the purpose of research and development work.

36. Residence time—Period of time in which gas in a thermal oxidizer, incinerator, or afterburner is exposed to heat and oxygen at a specified temperature in order to destroy pollutants present in the gas.

37. Residual fuel oil—The fuel oil variously known as Bunker C, PS 400, and Number 6 as defined in ASTM D (396-487) (1959).

38. Resist coat—A coating that is applied to a plastic part before metallic plating to prevent deposits of metal on portions of the plastic part.

39. Responsible official—Includes one (1) of the following:

A. The president, secretary, treasurer, or vice-president of a corporation in charge of a principal business function, any other person who performs similar policy and decision-making functions for the corporation, or a duly-authorized representative of this person if the representative is responsible for the overall operation of one (1) or more manufacturing, production, or operating facilities applying for or subject to a permit and either—

(I) The facilities employ more than two hundred fifty (250) persons or have a gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second quarter 1980 dollars); or

(II) The delegation of authority to this representative is approved in advance by the permitting authority;

B. A general partner in a partnership or the proprietor in a sole proprietorship;

C. Either a principal executive officer or ranking elected official in a municipality or state, federal, or other public agency. For the purpose of this subparagraph, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency; or

D. The designated representative of an affected source insofar as actions, standards, requirements, or prohibitions under Title IV of the Act or the regulations promulgated under the Act are concerned and the designated representative for any other purposes under part 70.

40. Restricted information—Information that is privileged or that is otherwise protected from disclosure pursuant to applicable statutes, executive orders, or regulations. Such information includes, but is not limited to, classified national security information, protected critical infrastructure information, sensitive security information, and proprietary business information.

41. Retail outlet—Any establishment where gasoline is sold, offered for sale, or used as a motor vehicle fuel.

42. Rich-burn engine—A two (2)- or four (4)-stroke SI engine where the oxygen content in the exhaust stream before any dilution is one percent (1%) or less measured on a dry basis.

43. Road-mix—An asphalt course produced by mixing mineral aggregate and cutback or emulsified asphalt at the road site by means of travel plants, motor graders, drags, or special road-mixing equipment.

44. Roll printing—The application of words, designs, and pictures to a substrate, usually by means of a series of hard rubber or steel rolls each with only partial coverage.

45. Roller spreader—The device used for the application of a coating material to a substrate by means of hard rubber or steel rolls.

46. Rolling lubricant—Petroleum-based oil usually mixed with additives. The lubricant is used to cool the work rolls and provide lubrication for the product in contact with the work rolls.

47. Rotogravure printing—The application of words, designs, and pictures to a substrate by means of a roll-printing technique which involves an intaglio or recessed image areas in the form of cells.

48. Rubber—Any natural or manmade rubber substrate, including, but not limited to, styrene-butadiene rubber, polychloroprene (neoprene), butyl rubber, nitrile rubber, chlorosulfonated polyethylene, and ethylene propylene diene terpolymer.

(S) All terms beginning with “S.”

1. Safety-indicating coating—A coating which changes physical characteristics, such as color, to indicate unsafe conditions.

2. Salvage operation—Any business, trade, industry, or other activity conducted in whole or in part for the purpose of salvaging or reclaiming any product or material.

3. Sealer—A finishing material used to seal the pores of a wood substrate before additional coats of finishing material are applied. Washcoats, which are used in some finishing systems to optimize aesthetics, are not sealers.

4. Sealing material—A liquid substance that does not contain asbestos which is used to cover a surface that has previously been coated with a friable asbestos-containing material for the intended purpose of preventing any asbestos fibers remaining on the surface from being disburbed into the air. This substance shall be distinguishable from the surface to which it is applied.

5. Secondary chamber—A component of the HMIWI that receives combustion gases from the primary chamber and in which the combustion process is completed.

6. Secondary emissions—The emissions which occur or would occur as a result of the construction or operation of an installation or major modification but do not come from the installation or major modification itself. Secondary emissions must be specific, well-defined, quantifiable, and impact the same general area as the installation or modification which causes the secondary emissions. Secondary emissions may include, but are not limited to:

A. Emissions from trucks, ships, or trains coming to or from the installation or modification; and

B. Emissions from any off-site support source which would not be constructed or increase its emissions except as a result of the construction or operation of the major stationary source or major modification.

7. Section 502(b)(10) changes—Changes that contravene an express permit term. These changes do not include those that would violate applicable requirements or contravene federally-enforceable permit terms and conditions that are monitoring (including test methods), record keeping, reporting, or compliance certification requirements.

8. Self-priming topcoat—A topcoat that is applied directly to a vehicle or component for purposes of corrosion prevention, environmental protection, and function fluid resistance. More than one (1) layer of identical coating formulation may be applied to the vehicle or component.

9. Semi-aqueous cleaning solvent—A solution in which water is a primary ingredient (greater than sixty percent (60%) by weight of the solvent solution as applied must be water).

10. Serial number—When referring to NO_x allowances, the unique identification number assigned to each NO_x allowance by the administrator or director.

11. Sheet basecoat—The roll coated primary interior surface coating applied to surfaces for the basic protection of buffering filling material from the metal can surface.

12. Sheet-fed—A printing press where individual sheets of substrate are fed into the press sequentially.

13. Sheet rubber lining installation—The process of applying sheet rubber liners by hand to metal or plastic substrates to protect the underlying substrate from corrosion or abrasion. These operations also include laminating sheet rubber to fabric by hand.

14. Shock-free coating—A coating applied to electrical components to protect the user from electric shock. The coating has characteristics of being of low capacitance and high resistance and having resistance to breaking down under high voltage.

15. Shutdown—The cessation of operation of any air pollution control equipment or process equipment, excepting the routine phasing out of process equipment. For the purpose of 10 CSR 10-6.200 only, shutdown is the period of time after all waste has been combusted in the primary chamber. For continuous HMIWI, shutdown shall commence no less than two (2) hours after the last charge to the incinerator. For intermittent HMIWI, shutdown shall commence no less than four (4) hours after the last charge to the incinerator. For batch HMIWI, shutdown shall commence no less than five (5) hours after the high-air phase of combustion has been completed. For the purpose of 10 CSR 10-6.410 only, shutdown is rendering an installation or unit inoperable by physically removing, dismantling, or otherwise disabling the installation or unit so that it could not be reactivated without obtaining a new permit in accordance with 10 CSR 10-6.060.

16. Shutdown, permanent—See permanent shutdown.

17. Side-seam coating—A coating applied on the interior and/or exterior of a welded, cemented, or soldered seam to protect the exposed metal.

18. Significant—A net emissions increase or potential to emit at a rate equal to or exceeding the *de minimis* levels or create an ambient air concentration at a level greater than those listed in 10 CSR 10-6.060(11)(D) Table 4, or any emissions rate or any net emissions increase associated with an installation subject to 10 CSR 10-6.060 which would be constructed within ten kilometers (10 km) of a Class I area and have an air quality impact on the area equal to or greater than one microgram per cubic meter (1 µg/m³) (twenty-four (24)-hour average). For purposes of new source review under 10 CSR 10-6.060 sections (7) and (8), net emission increases of hazardous air pollutants exceeding the *de minimis* levels are considered significant only if they are also criteria pollutants.

19. Silicone release coating—A coating which contains silicone resin and is intended to prevent food from sticking to metal surfaces, such as baking pans.

20. Similar source—A stationary source or process that has comparable emissions and is structurally similar in design and capacity to a constructed or reconstructed major source such that the source could be controlled using the same control technology.

21. Single-ply roof membrane—A prefabricated single sheet of rubber, normally ethylene-propylenediene terpolymer, that is field applied to a building roof using one (1) layer of membrane material. For the purposes of rule 10 CSR 10-5.330, single-ply roof membrane does not include membranes prefabricated from EPDM.

22. Single-ply membrane adhesive primer—A primer labeled for use to clean and promote adhesion of the single-ply roof membrane seams or splices prior to bonding.

23. Single-ply membrane installation and repair adhesive—An adhesive labeled for use in the installation or repair of single-ply roof membrane. Installation includes, as a minimum, attaching the edge of the membrane to the edge of the roof and applying flashings to vents, pipes, or ducts that protrude through the membrane. Repair includes gluing the edges of torn membrane together, attaching a patch over a hole, and reapplying flashings to vents, pipes, or ducts installed through the membrane.

24. Six (6)-minute period—A three-hundred-sixty (360)-consecutive-second time interval. Six (6)-minute block averages shall be utilized for COMS data per the provisions of Appendix B to 40 CFR 60, Performance Specification 1, promulgated as of July 1, 2007, and hereby incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N Capitol Street NW, Washington, DC 20401. This definition does not incorporate any subsequent amendments or additions.

25. Sludge—Any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility, exclusive of the treated effluent from a wastewater treatment plant.

26. Small HMIWI—An HMIWI whose maximum design waste burning capacity is less than or equal to two hundred (200) pounds per hour, or a continuous or intermittent HMIWI whose maximum charge rate is less than or equal to two hundred (200) pounds per hour, or a batch HMIWI whose maximum charge rate is less than or equal to one thousand six hundred (1,600) pounds per day. The following are not small HMIWI: a continuous or intermittent HMIWI whose maximum charge rate is more than two hundred (200) pounds per hour; a batch HMIWI whose maximum charge rate is more than one thousand six hundred (1,600) pounds per day.

27. Small source—For the purpose of 10 CSR 10-6.110 only, an installation subject to 10 CSR 10-6.110 but not a point source as defined in 10 CSR 10-6.020 for the purpose of 10 CSR 10-6.110.

28. Smoke—Small gas-borne particles resulting from combustion, consisting of carbon, ash, and other material.

29. Smoke generating device—A specialized piece of equipment which is not an integral part of a commercial, industrial, or manufacturing process and whose sole purpose is the creation and dispersion of fine solid or liquid particles in a gaseous medium.

30. Soils—Includes, but is not limited to, unwanted grease, wax, grit, ash, dirt, and oil.

31. Solar absorbent coating—A coating which has as its prime purpose the absorption of solar radiation.

32. Solid film lubricant—A very thin coating consisting of a binder system containing as its chief pigment material one (1) or more of the following:

A. Molybdenum;

B. Graphite;

C. Polytetrafluoroethylene (PTFE); and

D. Other solids that act as a dry lubricant between closely- or tightly-fitting surfaces.

33. Solid fuel—A solid material used as a fuel that includes, but is not limited to, coal, wood, biomass, tires, plastics, and other non-fossil solid materials.

34. Solid waste—Any garbage, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permits under 33 U.S.C. 1342, or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.)

35. Solids—See coating solids.

36. Solids turnover ratio (R_T) —The ratio of total volume of coating solids that is added to the electrodeposition primer system in a calendar month divided by the total volume design capacity of the electrodeposition primer system.

37. Solvent—Organic materials which are liquid at standard conditions and which are used as solvers, viscosity reducers, or cleaning agents.

38. Solvent metal cleaning—The process of cleaning soils from metal surfaces by cold cleaning or open-top vapor degreasing or conveyorized degreasing.

39. Source—Any governmental, institutional, commercial, or industrial structure, installation, plant, building, or facility that emits or has the potential to emit any regulated air pollutant under the CAA. For purposes of section 502(c) of the CAA, a “source,” including a “source” with multiple units, shall be considered a single “facility.”

40. Source gas volume—The volume of gas arising from a process or other source operation.

41. Source operation—See emission unit.

42. Specially-constructed vehicle—A motor vehicle that has not been originally constructed under a distinctive name, make, model, or type by a manufacturer of motor vehicles, that has been issued a specially-constructed VIN number from the MDOR, and that has had the specially-constructed VIN installed by the MSHP. The term specially-constructed vehicle includes kit vehicles that are motor vehicles assembled by a person other than a generally-recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from an authorized manufacturer and accompanied by a manufacturer’s statement of origin.

43. Specialty coating—A coating that, even though it meets the definition of a primer, topcoat, or self-priming topcoat, has additional performance criteria beyond those of primers, topcoats, and self-priming topcoats for specific applications. These performance criteria may include, but are not limited to, temperature or fire resistance, substrate compatibility, anti-reflection, temporary protection, or marking, sealing, adhesively-joining substrates, or enhanced corrosion protection.

44. Spray gun cleaner—Equipment used to clean spray guns used to apply, but not limited to, primers, paints, specialty coatings, adhesives, sealers, resins, or deadeners incorporated into a product distributed in commerce.

45. Spray gun soils—Include, but are not limited to, unwanted grease, wax, grit, ash, dirt, oil, unwanted primers, paint, specialty coatings, adhesives, sealers, resins, and deadeners.

46. Springfield-Greene County area—The geographical area contained within Greene County.

47. St. Louis metropolitan area—The geographical area comprised of St. Louis, St. Charles, Jefferson, and Franklin Counties and the City of St. Louis.

48. Stack—Any spatial point in an installation designed to emit air contaminants into ambient air. An accidental opening such as a crack, fissure, or hole is a source of fugitive emissions, not a stack.

49. Staff director—Director of the Air Pollution Control Program of the Department of Natural Resources.

50. Stage I vapor recovery system—A system used to capture the gasoline vapors that would otherwise be emitted when gasoline is transferred from a loading installation to a cargo tank or from a cargo tank to a storage tank.

51. Stage II vapor recovery system—A system used to capture the gasoline vapors that would otherwise be emitted when gasoline is dispensed from a storage tank to the fuel tank of a motor vehicle. For MOPETP, Stage II vapor recovery includes both Stage I and Stage II Vapor Recovery equipment and requirements, unless otherwise stated.

52. Stain—Any color coat having a solids content by weight of no more than eight percent (8%) that is applied in single or multiple coats directly to the substrate. Includes, but is not limited to, non-grain raising stains, equalizer stains, sap stains, body stains, no-wipe stains, penetrating stains, and toners.

53. Standard conditions—A gas temperature of seventy degrees Fahrenheit (70 °F) and a gas pressure of 14.7 pounds per square inch absolute (psia).

54. Standard metropolitan statistical area or SMSA—Any areas listed in Office of Management and Budget Bulletin No. 93-17 entitled “Revised Statistical Definitions for Metropolitan Areas” dated June 30, 1993, and hereby incorporated by reference in this rule, as published by the National Technical Information Services, 5285 Port Royal Road, Springfield, VA 22161. This rule does not incorporate any subsequent amendments or additions.

55. Start-up—The setting into operation of any air pollution control equipment or process equipment, except the routine phasing in of process equipment. For the purpose of 10 CSR 10-6.200 only, start-up is the period of time between the activation of the system and the first charge to the unit. For batch HMIWI, start-up means the period of time between activation of the system and ignition of the waste.

56. Start-up unit—A unit operated only to start up larger electric generating units.

57. State—Any nonfederal permitting authority, including any local agency, interstate association, or statewide program. When clear from its context, state shall have its conventional territorial definition. For the purpose of 10 CSR 10-6.360 only, state is one (1) of the forty-eight (48) contiguous states and the District of Columbia specified in 40 CFR 51.121, or any non-federal authority in or including such states or the District of Columbia (including local agencies and statewide agencies) or any eligible Indian tribe in an area of such state or the District of Columbia that adopts a NO_x budget trading program pursuant to 40 CFR 51.121. To the extent a state incorporates by reference the provisions of this part, the term “state” shall mean the incorporating state. The term “state” shall have its conventional meaning where such meaning is clear from the context.

58. State implementation plan—A series of plans adopted by the commission, submitted by the director, and approved by the administrator detailing methods and procedures to be used in attaining and maintaining the ambient air quality standards in Missouri.

59. State trading program NO_x budget—The total number of tons apportioned to all NO_x budget units in a given state, in accordance with the NO_x budget trading program, for use in a given control period.

60. Stationary internal combustion engine—Internal combustion engine of the reciprocating type that is either attached to a foundation at a facility or is designed to be capable of being carried or moved from one (1) location to another and remains at a single site at a building, structure, facility, or installation for more than twelve (12) consecutive months. Any engine(s) that replace(s) an engine at a site that is intended to perform the same or similar function as the engine replaced is included in calculating the consecutive time period. Nonroad engines and engines used solely for competition are not stationary internal combustion engines.

61. Stationary source—Any building, structure, facility, or installation which emits or may emit any air pollutant subject to regulation under the CAA. Building, structure, facility, or installation includes all pollutant emitting activities that are located on one (1) or more contiguous or adjacent properties and are under common control of the same person(s).

62. Stencil coating—An ink or a pigmented coating which is applied over a stencil in order to add identifying letters, symbols, and/or numbers.

63. Stoichiometric air/fuel ratio—The air/fuel ratio where all fuel and all oxygen in the air/fuel mixture will be consumed.

64. Stoker boiler—A boiler design that employs a grate assembly to combust coal.

65. Storage container—Vessel or tank, including mix equipment, used to hold finishing, cleaning, or washoff materials.

66. Storage tank—Any tank, reservoir, or vessel which is a container for liquids or gases, where no manufacturing process or part of it takes place.

67. Strippable booth coating—A coating that—

A. Is applied to a booth wall to provide a protective film to receive overspray during finishing operations;

B. Is subsequently peeled off and disposed; and

C. By achieving A. and B. above, reduces or eliminates the need to use organic solvents to clean booth walls.

68. Structural glazing—A process that includes the application of adhesive to bond glass, ceramic, metal, stone, or composite panels to exterior building frames.

69. Subfloor installation—The installation of subflooring material over floor joists, including the construction of any load-bearing joists. Subflooring is covered by a finish surface material.

70. Submerged fill pipe—Any fill pipe the discharge opening of which is entirely submerged when the liquid level is six inches (6") above the bottom of the tank. Submerged fill pipe when applied to a tank which is loaded from the side is defined as any fill pipe, the discharge opening of which is entirely submerged when the liquid level is eighteen inches (18") or twice the diameter of the fill pipe, whichever is greater, above the bottom of the tank.

71. Submerged filling—The filling of a gasoline storage tank through a submerged fill pipe with a discharge no more than six inches (6") (no more than twelve inches (12") for submerged fill pipes installed on or before November 9, 2006) from the bottom of the tank. Bottom filling of gasoline storage tanks is included in this definition.

72. Submit or serve—To send or transmit a document, information, or correspondence to the person specified in accordance with the applicable regulation—

A. In person;

B. By United States Postal Service; or

C. By other means of dispatch or transmission and delivery. Compliance with any "submission," "service," or "mailing" deadline shall be determined by the date of dispatch, transmission, or mailing and not the date of receipt.

73. Substrate—The surface onto which coatings are applied (or into which coatings are impregnated).

74. Sufficient density—Any number, spacing, and combination of collection system components, including vertical wells, horizontal collectors, and surface collectors, necessary to maintain emission and migration control as determined by measures of performance as set forth.

75. Sufficient extraction rate—A rate sufficient to maintain a negative pressure at all wellheads in the collection system without causing air infiltration, including any wellheads connected to the system as a result of expansion or excess surface emissions, for the life of the blower.

76. Surface coating line—Same as a surface coating unit.

77. Surface coating operation—Same as industrial surface coating operation.

78. Surface coating unit—One (1) or more coating applicators and any associated drying area and/or oven wherein a coating is applied, dried, and/or cured. A coating unit ends at the point where the coating is dried or cured, or prior to any subsequent application of a different coating. It is not necessary for a coating unit to have an oven or flash-off area.

79. Synthesized pharmaceutical manufacturing—Manufacture of pharmaceutical products by chemical synthesis.

80. System—For vapor recovery, a combination of MOPETP-approved (Stage I and Stage II) equipment and components demonstrated to achieve the required efficiencies.

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-6.060 Construction Permits Required is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2011 (36 MoReg 784-792). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received five (5) comments from three (3) sources on this proposed amendment: the Missouri Farm Bureau, the Regulatory Environmental Group for Missouri, and the St. Louis County Air Pollution Control Program.

COMMENT #1: The Missouri Farm Bureau (MFB) commented that they oppose the regulation of greenhouse gases under the federal Clean Air Act and have expressed concerns to the U.S. Environmental Protection Agency (EPA), the Missouri Congressional delegation, and to the Missouri Air Conservation Commission. Now that EPA has finalized its rules, Missouri and other states with delegated permitting authority have two (2) choices: adopt the regulatory framework put in place by EPA or allow EPA to issue a Federal Implementation Plan that gives it the authority to apply federal construction and operating requirements to large sources of greenhouse gases in Missouri. The MFB cannot support either option because they disagree with the underlying premise. Though they cannot support either option, they would rather the state be the permitting authority in the state rather than EPA.

RESPONSE: The department's Air Pollution Control Program continues to monitor the activities occurring with the federal regulations concerning greenhouse gases. However, until such time as new rules or guidelines are issued concerning the tailoring rule, we will continue to pursue compliance with federal requirements as they currently exist. This will insure that the state maintains full authority over its permitting programs and avoids obligating EPA to exercise its oversight authority to require states to meet the minimum federal standards. No change was made to the rule text as a result of this comment.

COMMENT #2: The Regulatory Environmental Group for Missouri (REGFORM) commented during the Regulatory Impact Report

phase of this rulemaking that they had submitted suggested rule language which would prevent these greenhouse gas permitting rules from taking effect in Missouri if the federal rules on which they are based are voided, stayed, deferred, or otherwise made ineffective by action of the federal courts, Congressional action, or Presidential Order. REGFORM re-submits their request. The Department of Natural Resources and the Air Conservation Commission stated that the department intend to observe the statutory clause found in section 643.055, RSMo, and not pursue greenhouse gas permitting in Missouri beyond what is federally required in the future and they support those statements. If the commission decides against including self-voiding language in the Missouri rules, REGFORM encourages the Air Pollution Control Program to watch federal developments closely and minimize the lag between federal changes and Missouri rules that reflect those changes. REGFORM recommends a savings clause so that the Missouri rules, standing alone, do not initiate construction or operating permitting for greenhouse gas sources if federal stationary source greenhouse gas (GHG) rules are no longer in effect or are altered. This language has to be carefully crafted so that Missouri avoids unintended consequences.

REGFORM suggested that the following text be added to the end of the language in subsection (8)(A):

In the event that all or any portion of 40 CFR 52.21(b)(49) or (b)(50)(iv)-(v) are declared or adjudged to be invalid or stayed by a federal court whose jurisdiction includes Missouri, or are withdrawn, stayed, or otherwise rendered of no force and effect by the United States Environmental Protection Agency, Congress, or Presidential Executive Order, such action shall render the term "regulated NSR pollutant" as applied to greenhouse gases invalid, stayed, or otherwise without force and effect for purposes of this rule, upon the date such action becomes final and effective.

RESPONSE: The comment raises a concern about the link between federal and state regulations. While state regulations may incorporate by reference or substantially restate or repeat federal regulations, the impact of federal regulations being stayed, vacated, withdrawn, etc., is not always clear. Section 643.055, RSMo, specifically prohibits the Missouri Air Conservation Commission from establishing standards and guidelines that are stricter or enforced prior to what is required by the federal Clean Air Act. The department intends to implement applicable federal requirements related to greenhouse gases, and does not intend to proceed sooner than EPA requires. In the event that federal requirements related to greenhouse gases are invalidated or stayed, the department intends to clarify for the regulated community what the department's expectations are of permittees, whether in the form of an emergency rule amendment/rescission, an In Addition notice or annotation published in the *Missouri Register* and *Code of State Regulations*, or otherwise. The department's Air Pollution Control Program continues to monitor the activities occurring with the federal regulations concerning greenhouse gases. However, until such time as federal requirements related to the tailoring rule are altered, the department intends to continue pursuing compliance with federal requirements as they currently exist. No change was made to the rule text as a result of this comment.

COMMENT #3: REGFORM commented that as part of its tailoring proposal, the state of Utah included a provision making it clear that it does not intend to issue minor New Source Review (NSR) permits to control GHG emissions for new or modified GHG sources that are below tailoring prevention of significant deterioration (PSD) thresholds. Missouri's present *De Minimis* Emission Level table, 10 CSR 10-6.020(3)(A), does not list greenhouse gases that are not otherwise regulated as criteria pollutants or hazardous air pollutants.

REGFORM suggested that the following text be added to the end of the language in subsection (5)(A):

For new or modified sources of greenhouse gases, as defined at 40 CFR 52.21(b)(49)(i), a *de minimis* permit shall not be required as a result of emission increases in greenhouse gases only. *De minimis* permits issued as a result of emission increases in other pollutants

shall not contain independent control requirements for greenhouse gas emissions.

RESPONSE: As referenced above, section 643.055, RSMo, specifically prohibits the Missouri Air Conservation Commission from establishing standards and guidelines that are stricter or enforced prior to what is required by the federal Clean Air Act. The department's Air Pollution Control Program does not intend to issue any permits to control greenhouse gases less than the threshold required by EPA. No change was made to the rule text as a result of this comment.

COMMENT #4: REGFORM commented that the federal definition of "Regulated NSR Pollutant" at 40 CFR 52.21(b)(2)(50)(ii) states that any pollutant that is subject to any standard promulgated under section 111 of the Act is a Regulated NSR Pollutant. This provision was not modified by EPA's tailoring rule, but it poses a future problem, and not just in Missouri. EPA plans to issue New Source Performance Standards (Sec. 111) for certain GHG emission sources. Once this occurs, the federal definition of Regulated NSR Pollutant would sweep in all GHG emissions, without regard to tailoring thresholds. This has been brought to EPA's attention in comments on the September 2, 2010, GHG State Implementation Plan (SIP)/Federal Implementation Plan (FIP) proposals. Unfortunately, it was not addressed in the June 3, 2010, tailoring rule incorporated by reference in Missouri's draft proposal.

Missouri could wait to see whether EPA remedies this oversight in its final GHG SIP/FIP rule, which is due to be issued late 2010. If EPA does so, Missouri may need to incorporate the updated reference in its formal tailoring proposal, since the draft proposal only includes the June 3, 2010, tailoring provisions, not any subsequent changes. If EPA does not remedy this problem in the near term, Missouri-specific language may be needed in its formal proposal.

RESPONSE: The department's Air Pollution Control Program continues to monitor the activities occurring with the federal regulations concerning greenhouse gases. EPA is aware of this issue and intends to address this prior to promulgating any New Source Performance Standard that would include standards for GHGs. EPA did not intend for the New Source Performance Standard to alter the applicability levels of GHGs set forth in the tailoring rule. No change was made to the rule text as a result of this comment.

COMMENT #5: The St. Louis County Air Pollution Control Program commented that they support the amendments.

RESPONSE: The Missouri Department of Natural Resources' Air Pollution Control Program appreciates the support. No change was made to the rule text as a result of this comment.

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-6.065 Operating Permits is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2011 (36 MoReg 793-800). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received three (3) comments from three (3) sources on this proposed amendment: the Missouri Farm Bureau, the Regulatory Environmental Group for Missouri, and the St. Louis County Air Pollution Control Program.

COMMENT #1: The Missouri Farm Bureau (MFB) commented that they oppose the regulation of greenhouse gases under the federal Clean Air Act and have expressed concerns to the U.S. Environmental Protection Agency (EPA), the Missouri Congressional delegation, and to the Missouri Air Conservation Commission. Now that EPA has finalized its rules, Missouri and other states with delegated permitting authority have two (2) choices: adopt the regulatory framework put in place by EPA or allow EPA to issue a Federal Implementation Plan that gives it the authority to apply federal construction and operating requirements to large sources of greenhouse gases in Missouri. The MFB cannot support either option because they disagree with the underlying premise. Though they cannot support either option, they would rather the state be the permitting authority in the state rather than EPA.

RESPONSE: The department's Air Pollution Control Program continues to monitor the activities occurring with the federal regulations concerning greenhouse gases. However, until such time as new rules or guidelines are issued concerning the tailoring rule, we will continue to pursue compliance with federal requirements as they currently exist. This will insure that the state maintains full authority over its permitting programs and avoids obligating EPA to exercise its oversight authority to require states to meet the minimum federal standards. No change was made to the rule text as a result of this comment.

COMMENT #2: The Regulatory Environmental Group for Missouri (REGFORM) commented during the Regulatory Impact Report phase of this rulemaking that they had submitted suggested rule language which would prevent these greenhouse gas permitting rules from taking effect in Missouri if the federal rules on which they are based are voided, stayed, deferred, or otherwise made ineffective by action of the federal courts, Congressional action, or Presidential Order. REGFORM re-submits their request. The Department of Natural Resources and the Air Conservation Commission stated that the department intend to observe the statutory clause found in section 643.055, RSMo, and not pursue greenhouse gas permitting in Missouri beyond what is federally required in the future and they support those statements. If the commission decides against including self-voiding language in the Missouri rules, REGFORM encourages the Air Pollution Control Program to watch federal developments closely and minimize the lag between federal changes and Missouri rules that reflect those changes. REGFORM recommends a savings clause so that the Missouri rules, standing alone, do not initiate construction or operating permitting for greenhouse gas sources if federal stationary source greenhouse gas (GHG) rules are no longer in effect or are altered. This language has to be carefully crafted so that Missouri avoids unintended consequences.

REGFORM suggested that the following text be added to the end of the language in paragraph (2)(A)2.:

In the event that all or any portion of the 40 CFR 70.2 definition of "subject to regulation" is declared or adjudged to be invalid or stayed by a federal court whose jurisdiction includes Missouri, or is withdrawn, stayed, or otherwise rendered of no force and effect by the United States Environmental Protection Agency, Congress, or Presidential Executive Order, such action shall render that portion of the "subject to regulation" definition herein as invalid, stayed, or otherwise without force and effect for purposes of this rule upon the date such action becomes final and effective.

RESPONSE: The comment raises a concern about the link between federal and state regulations. While state regulations may incorporate by reference or substantially restate or repeat federal regulations, the impact of federal regulations being stayed, vacated, withdrawn,

etc., is not always clear. Section 643.055, RSMo, specifically prohibits the Missouri Air Conservation Commission from establishing standards and guidelines that are stricter or enforced prior to what is required by the federal Clean Air Act. The department intends to implement applicable federal requirements related to greenhouse gases, and does not intend to proceed sooner than EPA requires. In the event that federal requirements related to greenhouse gases are invalidated or stayed, the department intends to clarify for the regulated community what the department's expectations are of permittees, whether in the form of an emergency rule amendment/rescission, an In Addition notice or annotation published in the *Missouri Register* and *Code of State Regulations*, or otherwise. The department's Air Pollution Control Program continues to monitor the activities occurring with the federal regulations concerning greenhouse gases. However, until such time as federal requirements related to the tailoring rule are altered, the department intends to continue pursuing compliance with federal requirements as they currently exist. No change was made to the rule text as a result of this comment.

COMMENT #3: The St. Louis County Air Pollution Control Program commented that they support the proposed amendments.

RESPONSE: The Missouri Department of Natural Resources' Air Pollution Control Program appreciates the support. No change was made to the rule text as a result of this comment.

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-6.200 Hospital, Medical, Infectious Waste Incinerators
is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2011 (36 MoReg 801-816). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received two (2) comments from two (2) sources on this proposed amendment: the Missouri Hospital Association (MHA) and the Saint Louis County Department of Health Air Pollution Control Program.

COMMENT #1: The MHA commented that proposed amendments published in the May 14, 2010, *Federal Register*, corrected errors identified in the U.S. Environmental Protection Agency (EPA) final rule published in the October 6, 2009, *Federal Register*. It is recommended that Table 1B, published in the May 14, 2010, *Federal Register*, be adopted to replace Table 1 in the proposed rule, as published in the January 3, 2011, *Missouri Register*. The adjusted timeline should also correspond with the timeline established by the EPA in the final rule.

RESPONSE: EPA's proposed amendments to Table 1B published on May 14, 2010, became final on April 4, 2011, and apply to new sources and not to existing sources. Since rule 10 CSR 10-6.200 only applies to existing sources in the state, no change was made to the rule text as a result of this comment.

COMMENT #2: The St. Louis County Air Pollution Control Program commented that they support the proposed amendments.
RESPONSE: The Missouri Department of Natural Resources' Air Pollution Control Program appreciates the support. No change was made to the rule text as a result of this comment.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
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Chapter 6—Air Quality Standards, Definitions, Sampling
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Regulations for the Entire State of Missouri**

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-6.300 Conformity of General Federal Actions to State Implementation Plans **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2011 (36 MoReg 816–831). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received one (1) comment from St. Louis County Air Pollution Control Program.

COMMENT #1: The St. Louis County Air Pollution Control Program commented that they support the proposed amendments.
RESPONSE: The Missouri Department of Natural Resources' Air Pollution Control Program appreciates the support. No change was made to the rule text as a result of this comment.