

Volume 37, Number 16
Pages 1217-1286
August 15, 2012

SALUS POPULI SUPREMA LEX ESTO

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



ROBIN CARNAHAN
SECRETARY OF STATE

MISSOURI
REGISTER

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The *Missouri Register* is published semi-monthly by

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ISSN 0149-2942, USPS 320-630; periodical postage paid at Jefferson City, MO
Subscription fee: \$56.00 per year

POSTMASTER: Send change of address notices and undelivered copies to:

MISSOURI REGISTER

Office of the Secretary of State

Administrative Rules Division

PO Box 1767

Jefferson City, MO 65102

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

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HOW TO CITE RULES AND RSMo

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

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

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

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

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

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

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

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

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

ment, the decreased fee requirement will not be effective in time for the renewal notice and the board will collect more revenue than it is statutorily authorized to collect.

The scope of the emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. In developing this emergency amendment, the board has determined that the fee decrease is necessary for the 2012 renewal period to prevent funds from exceeding the maximum fund balance thereby resulting in a transfer from the fund to general revenue as set forth in section 338.070.3, RSMo. Pursuant to section 324.001.10, RSMo, a compelling governmental interest is deemed to exist for the purposes of section 536.025, RSMo, for licensure fees to be reduced by emergency rulemaking, if the projected fund balance of any agency assigned to the Division of Professional Registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue. The board believes this emergency amendment to be fair to all interested parties under the circumstances. This emergency amendment was filed July 6, 2012, becomes effective July 31, 2012, and expires February 28, 2013.

(1) The following fees are established by the State Board of Pharmacy:

(D) Pharmacist License Renewal Fee \$/225/ 200

AUTHORITY: sections 338.020, 338.040, 338.060, 338.070, [338.140,] 338.185, 338.280, and 338.350, RSMo 2000, and sections [338.013,] 338.035, 338.140, [and] 338.220, and 338.335, RSMo Supp. [2007] 2011. This rule originally filed as 4 CSR 220-4.010. Emergency rule filed July 15, 1981, effective Aug. 3, 1981, expired Nov. 11, 1981. Original rule filed Aug. 10, 1981, effective Nov. 12, 1981. For intervening history, please consult the Code of State Regulations. Emergency amendment filed July 6, 2012, effective July 31, 2012, expires Feb. 28, 2013. A proposed amendment covering this same material is published in this issue of the Missouri Register.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2220—State Board of Pharmacy
Chapter 4—Fees Charged by the Board of Pharmacy**

EMERGENCY AMENDMENT

20 CSR 2220-4.010 General Fees. The board is amending subsection (1)(D).

PURPOSE: This amendment reduces the pharmacist license renewal fee.

EMERGENCY STATEMENT: The Board of Pharmacy is statutorily obligated to enforce and administer the provisions of Chapter 338, RSMo, governing the practice of pharmacy. Pursuant to section 338.070, RSMo, the board shall set the appropriate amount of fees by rule, so that the revenue produced shall not substantially exceed the cost and expense of administering the provisions of Chapter 338, RSMo. Therefore, the board is proposing to decrease the biennial pharmacist renewal fee from two hundred twenty-five dollars (\$225) to two hundred dollars (\$200).

Pharmacist licenses expire on October 31, 2012. The renewal notice for pharmacists will be mailed August 1, 2012, and any pharmacists renewing their license beginning August 1, 2012 will be assessed the decreased renewal fee. Without this emergency amend-

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

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

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

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

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

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

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

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

PROPOSED AMENDMENT

10 CSR 10-6.020 Definitions and Common Reference Tables. The commission proposes to amend subsections (2)(A), (2)(C)-(2)(E), (2)(I), (2)(M), (2)(T)-(2)(Z), and (3)(C). If the commission adopts this rule action, it will be the department's intention to submit this rule amendment to the U.S. Environmental Protection Agency to replace the current rule that is in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information

concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/index.html.

PURPOSE: This rule defines key words and expressions used in Chapters 1 through 6 and provides common reference tables. This amendment will provide a maintenance update to add definitions needed for other rulemakings filed while the general definitions rule was being changed and remove obsolete definitions. In addition, several non-substantive error corrections and clarifications will be made. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is the public hearing testimony for this rulemaking.

(2) Definitions.

(A) All terms beginning with ["JA.["

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

2. **ABS plastic solvent welding—A process to weld acrylonitrile-butadiene-styrene pipe.**

[2.]3. 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.]4. Account holder—Any person that chooses to participate in the **emission reduction credit (ERC)** program by generating, buying, selling, or trading *[emission reduction credits (ERCs)]*.

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

[5.]6. 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. 101-549/549.

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. **Activity level—A measurable factor or parameter that relates directly or indirectly to the emissions of an air pollution source. Depending on the source category, activity information includes, but is not limited to, the amount of fuel combusted, raw material processed, product manufactured, or material handled or processed. For the purpose of 10 CSR 10-6.410, activity level is the amount of activity at a source measured in terms of production, use, raw materials input, vehicle miles traveled, or other similar units that have a direct correlation with the economic output of the source and is not affected by changes in the emissions rate (i.e., mass per unit of activity).**

[10.]11. 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—**For the purpose of 10 CSR 10-6.300, [T]**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.]26. Air cleaning device—Any method, process, or equipment which removes, reduces, or renders less obnoxious air contaminants discharged into the ambient air.

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

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

[30.]29. 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)).

30. Air emissions reporting rule (AERR)—The U.S. Environmental Protection Agency rule that finalized changes to emission reporting requirements in 40 CFR 51 (Federal Register, December 18, 2008).

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 reaches 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] the U.S. Environmental Protection Agency 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] For the purpose of 10 CSR 10-5.120, 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] the U.S. Environmental Protection Agency's community multi-scale air quality (CMAQ) modeling system.

62. As applied—The *[VOC] volatile organic compound* 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.]65. 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.]66. 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.]67. Asbestos air sampling technician—An individual who has been trained by an air sampling professional to do air monitoring. *[That] Such* individual conducts air monitoring of an asbestos abatement project before, during, and after the project has been completed.

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

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

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

[73.]70. Asbestos Hazard Emergency Response Act (AHERA)—Law enacted in 1986 (P.L. 99-519) that directs *[EPA] the U.S. Environmental Protection Agency* 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.

71. Asbestos inspector—An individual, under the Asbestos Hazard Emergency Response Act, who collects and assimilates information used to determine whether asbestos-containing material is present in a building or other air contaminant sources.

72. Asbestos management planner—An individual, under the Asbestos Hazard Emergency Response Act, who devises and writes plans for asbestos abatement.

[74.]73. 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.]

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

75. Asbestos worker—An individual who engages in asbestos projects.

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

[78.]77. 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.]78. 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.]79. 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.]80. 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.]81. Automobile—A four (4)-wheel passenger motor vehicle or derivative capable of seating no more than twelve (12) passengers.

[84.]82. 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.]83. 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.]84. 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.]85. 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.]86. 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.]87. 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.]88. 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.]89. 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.]90. 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.]91. 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.]92. 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.]93. 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.]94. Automotive underbody deadeners—Any coating applied to the underbody of a motor vehicle to reduce the noise reaching the passenger compartment.

[97.]95. 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 [A]administrator under part 89 of Title 40, *Code of Federal Regulations* (or any successor regulation), as meeting applicable emissions standards.

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

(C) All terms beginning with ["/]C.[/]

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

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

[3.]2. 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.]3. 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.]4. 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.]5. 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.]6. Cargo tank—A delivery tank truck or railcar which is loading gasoline or which has loaded gasoline on the immediately previous load.

[9.]7. 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.]8. 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.]9. 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.]10. 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.]11. Ceramic tile installation adhesive—An adhesive intended by the manufacturer for use in the installation of ceramic tiles.

[16.]12. Certified product data sheet—Documentation furnished by a coating supplier or an outside laboratory that provides the **volatile organic compound** (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.]13. 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.]14. Charcoal kiln control system—A combination of an emission control device and connected charcoal kiln(s).

[19.]15. 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 (i.e., **bonding, critical use and line sealer, and seal coat**) are also not included in this definition.

[20.]16. 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.]17. 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.

18. Class IA concentrated animal feeding operation—Any concentrated animal feeding operation with a capacity of seven thousand (7,000) animal units or more and corresponding to the following number of animals by species listed below:

Class IA concentrated animal feeding operation 7,000 animal unit equivalents		
Animal species	Animal unit equivalent	Number of animals
Beef feeder or slaughter animal	1.0	7,000
Horse	0.5	3,500
Dairy cow	0.7	4,900
Swine weighing > 55 lbs.	2.5	17,500
Swine weighing < 55 lbs.	10	70,000
Sheep	10	70,000
Laying hens	30	210,000
Pullets	60	420,000
Turkeys	55	385,000
Broiler chickens	100	700,000

[22.]19. 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.]20. 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.

21. Clean Air Act (CAA)—The Clean Air Act, as amended; also see Act.

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

[25.]22. 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] **vehicle inspection report** for the purpose of bypassing the required OBD test procedure.

[26.]23. 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.]24. 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.]25. 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.]26. Clear wood finishes—Clear and semi-transparent topcoats applied to wood substrates to provide a transparent or translucent film.

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

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

[32.]29. 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.]30. Closure—That point in time when a landfill becomes a closed landfill.

[34.]31. 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. **For the purpose of 10 CSR 10-2.230, coating does not include ink used in printing operations regulated under 10 CSR 10-2.290 and 10 CSR 10-2.340.**

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

[36.]33. 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.]34. 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.]35. 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.]36. Cogenerator—For the purpose/s/ 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 ninety 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 ninety 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.]37. 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.]38. 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-thousands of one inch (0.3" to 0.002"). Reductions to finish gauge may occur in one (1) pass or several passes.

[42.]39. 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.]40. 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.]41. 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.]42. 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.]43. 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.]44. Commercial hospital/medical/infectious waste incinerator (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.]45. Commercial solid waste—All types of solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities, excluding residential and industrial wastes.

[49.]46. 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.]47. 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.]48. Commission—The Missouri Air Conservation Commission established pursuant to [section] 643.040, RSMo.

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

[53.]50. 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.]51. 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.]52. 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.]53. Compliant coating—A finishing material or strippable booth coating that meets the emission limits as specified.

[57.]54. 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.]55. 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.]56. 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.]57. 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.]58. 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.]59. 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.]60. Conservation vent—Any valve designed and used to reduce evaporation losses of *[VOC] volatile organic compounds* by limiting the amount of air admitted to, or vapors released from, the vapor space of a closed storage vessel.

[64.]61. 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.]62. 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.]63. 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.]64. 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.]65. 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.]66. Continuous hospital/medical/infectious waste incinerator (HMIWI)—An HMIWI that is designed to allow waste charging and ash removal during combustion.

[71.]67. 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.]68. Continuous program to implement—**For the purpose of 10 CSR 10-6.300, [7]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.]69. Continuous recorder—A data recording device recording an instantaneous data value at least once every fifteen (15) minutes.

[74.]70. Contractor—**Any person, who by agreement, contractual or otherwise, conducts projects or provides services. For the purpose of 10 CSR 10-5.381, [7]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.]71. 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.]72. 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.]73. Control period—The period beginning May 1 of a calendar year and ending on September 30 of the same calendar year.

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

[79.]75. Controlled landfill—Any landfill at which collection and control systems are required *[under this rule]* as a result of the nonmethane 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.]76. 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.]77. ConveyORIZED degreaser—A type of degreaser in which the parts are loaded continuously.

[82.]78. 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.]79. 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.]80. Criteria pollutant or standard—Any pollutants for which there is established a *[NAAQs] National Ambient Air Quality Standard* at 40 CFR 50.

[85.]81. Crude oil—A naturally-occurring mixture which consists of hydrocarbons and sulfur, nitrogen, or oxygen derivatives/, or

a combination of these,] of hydrocarbons (or a combination of these derivatives) which is a liquid at standard conditions.

[86./82. 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./83. Cutback asphalt—Any asphaltic cement that has been liquefied by blending with [VOC] volatile organic compound liquid diluents.

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

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

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

(D) All terms beginning with [“]D.[“]

1. Data Link Connector (DLC)—The terminal required to be installed on all On-Board Diagnostics (OBD) equipped vehicles that allows communication with a vehicle’s OBD system.

2. Day—A period of twenty-four (24) consecutive hours beginning at midnight local time, or beginning at a time consistent with a facility’s operating schedule.

3. Degreasing—A solvent metal cleaning in which nonaqueous solvents are used to clean and remove soils from metal surfaces.

4. Delivery vessel—A tank truck, trailer, or railroad tank car.

5. *De minimis* levels—Any emissions level less than or equal to the rates listed in Table 1, subsection (3)(A) of this rule.

6. Demolition [project]—The wrecking, razing, burning, or removing of any load-supporting structural member or portion of a structure together with any related handling operation.

7. Department—The Missouri Department of Natural Resources, which includes the director thereof, or the person or division or program within the department delegated the authority to render the decision, order, determination, finding, or other action that is subject to review by the commission. PO Box 176, Jefferson City, MO 65102. **For the purpose of 10 CSR 10-5.381, the department is the state agency responsible for oversight of the vehicle emissions inspection and maintenance program required by the 1990 Federal Clean Air Act Amendments.**

[8. Department-approved inhouse project—An asbestos abatement project in a person’s own facility using their own trained facility employees; the project has received departmental approval as part of planned renovation operations.]

[9./8. Design capacity—The maximum amount of solid waste the landfill can accept, as indicated in terms of volume or mass in the most recent operating or construction permit issued by the county or state agency responsible for regulating the landfill, plus any in-place waste not accounted for in the most recent permit. If the owner or operator chooses to convert the design capacity from volume to mass or from mass to volume to demonstrate its design capacity is less than two and one-half (2.5) million megagrams or two and one-half (2.5) million cubic meters, the calculation must include a site-specific density, which must be recalculated annually.

[10./9. Designated representative—A responsible individual authorized by the owner or operator of an affected source and of all affected units at the source, as evidenced by a certificate of representation submitted in accordance with 40 CFR 72, subpart B to represent and legally bind each owner and operator, as a matter of federal law, in matters pertaining to the acid rain program. Whenever the term [“]responsible official[“] is used in 40 CFR 70, 10 CSR 10-6.065, or in any other regulations implementing Title V of the Act, it shall be deemed to refer to the [“]designated representative[“] with regard to all matters under the acid rain program.

[11./10. Diagnostic Trouble Code (DTC)—An alphanumeric code consisting of five (5) characters which is stored by a vehicle’s On-Board Diagnostics system if a vehicle malfunctions or deteriorates

in such a way as to potentially raise the vehicle’s tailpipe or evaporative emissions more than one and one-half (1.5) times the federal test procedure certification limits. The code indicates the system or component that is in need of diagnosis and repair to prevent the vehicle’s emissions from increasing further.

[12./11. Diammonium phosphate—A product resulting from the reaction between phosphoric acid and ammonia having the molecular formula $(\text{NH}_4)_2\text{HPO}_4$.

[13./12. Diesel engine—A compression-ignited [(C)] two (2)- or four (4)-stroke engine in which liquid fuel is injected into the combustion chamber and ignited when the air charge has been compressed to a temperature sufficiently high for auto-ignition.

[14./13. Digital printing—A print-on-demand method of printing in which an electronic output device transfers variable data, in the form of an image, from a computer to a variety of substrates. Digital printing methods include, but are not limited to, inkjet printing, electrophotographic printing, dye sublimation printing, thermal wax printing, and solid ink printing.

[15./14. Dioxins/furans—The combined emission of tetra-through octa-chlorinated dibenzo-para-dioxins and dibenzofurans as measured by the [U.S. Environmental Protection Agency (EPA)] Reference Method 23 of 40 CFR 60, Appendix A-7.

[16./15. Direct emissions—Those emissions of a criteria pollutant or its precursors that are caused or initiated by the federal action and originate in a nonattainment or maintenance area and occur at the same time and place as the action and are reasonably foreseeable.

[17./16. Director or department director—Director of the Missouri Department of Natural Resources, or a designated representative, to carry out the duties as described in [section] 643.060, RSMo.

[18./17. Dispersion technique—

A. A dispersion technique is any technique designed to affect the concentration of a pollutant in the ambient air by—

(I) Using that portion of a stack which exceeds good engineering practice stack height;

(II) Varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant; or

(III) Increasing final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters, stack parameters, or combining exhaust gases from several existing stacks into one (1) stack; or other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise; and

B. This definition does not include:

(I) The reheating of a gas stream, following use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the installation generating the gas stream;

(II) The merging of exhaust gas streams where—

(a) The installation owner or operator demonstrates that the installation was originally designed and constructed with the merged gas streams;

(b) After July 8, 1985, the merging is part of a change in operation at the installation that includes the installation of emissions control equipment and is accompanied by a net reduction in the allowable emissions of a pollutant. This exclusion from the definition of dispersion technique shall apply only to the emission limitation for the pollutant affected by a change in operation; or

(c) Before July 8, 1985, the merging was part of a change in operation at the installation that included the installation of emissions control equipment or was carried out for sound economic or engineering reasons. Where there was an increase in the emission limitation or in the event that no emission limitation was in existence prior to the merging, the director shall presume that merging was significantly motivated by an intent to gain emissions credit for greater dispersion. Without a demonstration by the source owner or operator that merging was not significantly motivated by that intent, the director shall deny credit for the effects of merging in calculating the

allowable emissions for the source;

(III) Smoke management in agricultural or silvicultural prescribed burning programs;

(IV) Episodic restrictions on residential woodburning and open burning; or

(V) Techniques under part [(2)(D)10.A.(III)] (2)(D)17.A.(III) of this [definition] rule which increase final exhaust gas plume rise where the resulting allowable emissions of sulfur dioxide from the installation do not exceed five thousand (5,000) tons per year.

[19.]18. Disposal facility—All contiguous land and structures, other appurtenances, and improvements on the land used for the disposal of solid waste.

[20.]19. Disposed off-site—Sending used organic solvents or coatings outside of the facility boundaries for disposal.

[21.]20. Distillation operation—An operation separating one (1) or more feed stream(s) into two (2) or more exit stream(s), each exit stream having component concentration different from those in the feed stream(s). The separation is achieved by the redistribution of the components between the liquid- and vapor-phase as they approach equilibrium within the distillation unit.

[22.]21. Distillation unit—A device or vessel in which distillation operations occur, including all associated internals (such as trays or packing) and accessories (such as reboiler, condenser, vacuum pump, steam jet, etc.), plus any associated recovery system.

[23.]22. Draft permit—The version of a permit for which the permitting authority offers public participation or affected state review.

[24.]23. Drum—Any cylindrical container of thirteen to one hundred ten (13–110)-gallon capacity.

[25.]24. Dry cleaning installation—An installation engaged in the cleaning of fabrics in an essentially nonaqueous solvent by means of one (1) or more washes in solvent, extraction of excess solvent by spinning and drying by tumbling in an airstream. The installation includes, but is not limited to, any washer, dryer, filter and purification systems, waste disposal systems, holding tanks, pumps, and attendant piping and valves.

[26.]25. Dry scrubber—An add-on air pollution control system that injects dry alkaline sorbent (dry injection) or sprays an alkaline sorbent (spray dryer) to react with and neutralize acid gases in the exhaust stream forming a dry powder material.

[27.]26. Dual fuel engine—Compression ignited stationary internal combustion engine that is capable of burning liquid fuel and gaseous fuel simultaneously.

(E) All terms beginning with ["JE.["]

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

[5.]4. 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.]5. 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.]6. Electric-insulating varnish—A non-convertible-type coat-

ing applied to electric motors, components of electric motors, or power transformers, to provide electrical, mechanical, and environmental protection or resistance.

[8.]7. 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.

8. Electromagnetic interference/radio frequency interference (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.

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 or occurrence of a serious nature that develops suddenly, unexpectedly, and demands immediate action. For the purpose of 10 CSR 10-6.300, an emergency is /A/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.]18. 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.]19. 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)] (2)(E)19.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.]20. Emission events—Discrete venting episodes that may be associated with a single unit of operation.

[22.]21. 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.]22. 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.]23. 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] the U.S. Environmental Protection Agency's* new source review requirements.

[25.]24. 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.]25. 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.]26. Emissions budgets—Those portions of the total allowable emissions defined in *[an EPA] a U.S. Environmental Protection Agency*-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] Clean Air Act*. 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.]27. Emissions inspection—**For the purpose of 10 CSR 10-5.381, [T]tests** performed on a vehicle in order to evaluate whether the vehicle's emissions control components are present and properly functioning.

[29.]28. Emissions report—A report that satisfies the provi-

sions of *[this rule] 10 CSR 10-6.110* 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.]29. 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.]30. 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.]31. 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.]32. 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.]33. End exterior coating—A coating applied to the exterior end of a can to provide protection to the metal.

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

[36.]35. 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.]36. Energy Information Administration—The Energy Information Administration of the United States Department of Energy.

[38.]37. 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.]38. 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 of membrane material.]

[42.]39. 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.]40. 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.]41. 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 pretreatment coating followed by a primer.

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

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

[46.]44. 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.] (2)(E)44.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.]45. 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 10-6.405, existing is any source which was in being, installed, or under construction on February 15, 1979, in the Kansas City or St. Louis metropolitan area, except that if any source in these areas 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.]46. 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.]47. 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.]48. 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.]49. 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.]50. 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.

(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]* **For the purpose of 10 CSR 10-5.381**, 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 **onboard refueling vapor recovery (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.]17. 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.]18. Institutional cleaning—Cleaning activities conducted at organizations, societies, or corporations including but not limited to schools, hospitals, sanitariums, and prisons.

[20.]19. 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.]20. 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.]21. 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.]22. 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.]23. 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.]24. Intermittent hospital/medical/infectious waste incinerator (HMIWI)—An HMIWI that is designed to allow waste charging, but not ash removal, during combustion.

[26.]25. 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.]26. Internal floating roof—A product cover in a fixed roof tank which rests upon or is floated upon the *[VOC] volatile organic compound* 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 is achievable for new or existing sources in the category or subcategory to which this emission standard applies, through application of measures, 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.]1. 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.]2. 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.]3. Maintenance plan—A revision to the applicable Missouri State Implementation Plan [(SIP)], meeting the requirements of section 175A of the [CAA] Clean Air Act.

[5.]4. 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.]5. 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.]6. 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.]7. 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.]8. Marine vessel—A craft capable of being used as a means of transportation on water, except amphibious vehicles.

[11.]9. Maskant—A coating applied directly to an aerospace component to protect those areas when etching other parts of the component.

[12.]10. Mask coating—A thin film coating applied through a template to coat a small portion of a substrate.

[13.]11. 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.

12. Maximum achievable control technology (MACT)—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) that the administrator, taking into consideration the cost of achieving emissions reductions and any non-air quality health and environmental impacts and requirements, determines is achievable for new or existing sources in the category or subcategory to which this emission standard applies, through application of measures, 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)12.A.–D of this rule.

[14.]13. Maximum charge rate—For continuous and intermittent hospital/medical/infectious waste incinerator (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.]14. 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.]15. 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.]16. 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.]17. 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.]18. 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.]19. 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.]20. 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.]21. 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.]22. 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.]23. Medium hospital/medical/infectious waste incinerator (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.]24. 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.]25. 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.]26. 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] Clean Air Act*.

[28.]27. 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.]28. Milestone—The meaning given in sections 182(g)(1) and 189(c)(1) of the *[CAA] Clean Air Act*. It consists of an emissions level and the date on which it is required to be achieved.

[30.]29. Military specification coating—A coating which has a formulation approved by a United States Military Agency for use on military equipment.

[31.]30. 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.]31. 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.]32. 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.]33. 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.]34. 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.]35. 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.]36. 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.]37. 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] hydrogen chloride emission limits.

[39.]38. 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.]39. 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.]40. 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. On-board diagnostics (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.]41. Missouri Department of Revenue (MDOR)—The state agency that serves as the central collection agency for all state revenue with primary duties of collecting tax, registering and titling vehicles, and licensing drivers. For the purpose of 10 CSR 10-5.381, the Missouri Department of Revenue is 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.]42. Missouri Emissions Inventory System (MoEIS)—Online interface of the state of Missouri's air emissions inventory database.

43. Missouri performance evaluation test procedure (MOPETP)—The 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.

44. Missouri State Highway Patrol (MSHP)—The state law enforcement agency with the primary duties of enforcing the traffic laws and promoting highway safety. For the purpose of 10 CSR 10-5.381, the Missouri State Highway Patrol is 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 and 10 CSR 10-6.310 [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. For the purpose of 10 CSR 10-6.165, modification is any change to a source of odor emissions or source operations, including odor controls, that causes or could cause an increase in potential odor emissions.

50. Modification, Title I—See Title I modification.

51. Modified hospital/medical/infectious waste incinerator (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] Clean Air Act*.

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.]56. 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.]57. Motor vehicle—Any self-propelled vehicle.

[59.]58. 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.]59. 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.]60. 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.]61. 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.]62. 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.]63. 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.]64. 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.]65. 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.]66. Motor vehicle trunk 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.]67. 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.]68. 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.]69. Motorcycle—A motor vehicle operated on two (2) wheels.

[71.]70. 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.]71. 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.]72. Multi-day violation—A violation which has occurred on or continued for two (2) or more consecutive or nonconsecutive days.

[74.]73. 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.]74. 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.]75. Municipal solid waste (MSW) 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.]76. Municipal solid waste (MSW) 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.

(T) All terms beginning with *["]T.["]*

1. Tangentially-fired boiler—A boiler that has coal and air nozzles mounted in each corner of the furnace where the vertical furnace walls meet. Both pulverized coal and air are directed from the furnace corners along a line tangential to a circle lying in a horizontal plane of the furnace.

2. Take or start the federal action—The date that the federal agency signs or approves the permit, license, grant, or contract or otherwise physically begins the federal action that requires a conformity evaluation.

3. Temporary boiler—Any gaseous or liquid fuel boiler that is designed to be, and is capable of being, carried or moved from one (1) location to another. A temporary boiler that remains at a location

for more than one hundred eighty (180) days during any three hundred sixty-five (365)-day period is no longer considered to be a temporary boiler. Any temporary boiler that replaces a temporary boiler at a location and is intended to perform the same or similar function will be included in calculating the consecutive time period.

4. Temporary installation—An installation which operates or emits pollutants less than two (2) years.

5. Texture coat—A coating that is applied to a plastic part which, in its finished form, consists of discrete raised spots of the coating.

6. Thin metal laminating adhesive—An adhesive intended by the manufacturer for use in bonding multiple layers of metal to metal or metal to plastic in the production of electronic or magnetic components in which the thickness of the bond line(s) is less than 0.25 millimeters.

7. Tileboard—A premium interior wall paneling product made of hardboard that is used in high-moisture areas of the home, such as kitchens and bathrooms, and meets the specifications for Class I hardboards as approved by the American National Standards Institute.

8. Tire-derived fuel—The end product of a process that converts whole scrap tires into a specific chipped form capable of being used as fuel.

9. Tire repair—A process that includes expanding a hole, tear, fissure, or blemish in a tire casing by grinding or gouging, applying adhesive, and filling the hole or crevice with rubber.

10. Title I modification—Any modification that requires a permit under 10 CSR 10-6.060 section (7) or (8) or that is subject to any requirement under 10 CSR 10-6.070 or 10 CSR 10-6.080.

11. Title V operating permit—A permit issued under Title V of the *CAA/ Clean Air Act* and 40 CFR 70 or 40 CFR 71.

12. Title V operating permit regulations—The regulations that the administrator has approved or issued as meeting the requirements of Title V of the *CAA/ Clean Air Act* and 40 CFR 70 or 40 CFR 71.

13. Ton or tonnage—Any *["short ton"]* (i.e., two thousand pounds (2,000 lbs)). For the purpose of determining compliance with the NO_x budget emissions limitation, total tons for a control period shall be calculated as the sum of all recorded hourly emissions (or the tonnage equivalent of the recorded hourly emissions rates) in accordance with applicable requirements, with any remaining fraction of a ton equal to or greater than one-half (0.50) ton deemed to equal one (1) ton and any fraction of a ton less than one-half (0.50) ton deemed to equal zero (0) tons.

14. Topcoat—The last film-building finishing material applied for the purpose of establishing the color or protective surface, or both, including groundcoat and paint sealer materials, base coat, and clear coat. Nonpermanent final finishes are not topcoats.

15. Total fluoride—The elemental fluorine and all fluoride compounds as measured by reference methods specified in 10 CSR 10-6.030(12) or equivalent or alternative methods.

16. Total of direct and indirect emissions—The sum of direct and indirect emissions increases and decreases caused by the federal action; that is, the net emissions considering all direct and indirect emissions. Any emissions decreases used to reduce such total shall have already occurred or shall be enforceable under state and federal law. The portion of emissions which are exempt or presumed to conform under subsection (3)(C), (D), (E), or (F) of 10 CSR 10-6.300 are not included in the *["total of direct and indirect emissions,"]* except as provided in subsection (3)(J) of 10 CSR 10-6.300. The *["total of direct and indirect emissions["]* includes emissions of criteria pollutants and emissions of precursors of criteria pollutants. The segmentation of projects for conformity analyses when emissions are reasonably foreseeable is not permitted by *[this rule] 10 CSR 10-6.300*.

17. Total organic compounds *[or "TOC"]* (TOC)—Those compounds measured according to the procedures of EPA Method 18 of 40 CFR 60, Appendix A. For the purposes of measuring molar com-

positions as required in subparagraph (3)(B)3.D. of 10 CSR 10-5.550*[/;]*, hourly emissions rate as required in subparagraph (3)(B)5.D. of 10 CSR 10-5.550 and paragraph (3)(B)2. of 10 CSR 10-5.550*[/;]*, and TOC concentration as required in paragraph (4)(A)4. of 10 CSR 10-5.550*[/;]*; *[T]*the definition of TOC exclude*[d/s]* those compounds *[that]* the administrator designates as having negligible photochemical reactivity. The administrator has designated the following organic compounds negligibly reactive: methane; ethane; 1,1,1-trichloroethane; methylene chloride; trichlorofluoromethane; dichlorodifluoromethane; chlorodifluoromethane; trifluoromethane; trichlorotrifluoroethane; dichlorotetrafluoroethane; and chloropentafluoroethane.

18. Total resource effectiveness (TRE) index value *[or "TRE index value"]*—A measure of the supplemental total resource requirement per unit reduction of organic hazardous air pollutants associated with a process vent stream, based on vent stream flow rate, emission rate of volatile organic compound, net heating value, and corrosion properties (whether or not the vent stream contains halogenated compounds) as quantified by the given equations in **10 CSR 10-5.550**. The TRE index is a decision tool used to determine if the annual cost of controlling a given vent gas stream is acceptable when considering the emissions reduction achieved.

19. Touch-up coating—A coating used to cover minor coating imperfections appearing after the main coating operation.

20. Touch-up and repair operation—That portion of the coating operation that is the incidental application of finishing materials used to cover minor imperfections in the coating finish or to achieve complete coverage. This definition includes out-of-sequence or out-of-cycle coating.

21. Trade waste—The solid, liquid, or gaseous material resulting from construction or the prosecution of any business, trade, or industry or any demolition operation including, but not limited to, plastics, cardboard cartons, grease, oil, chemicals, or cinders.

22. Traffic coatings—Coatings formulated for and applied to public streets, highways, and other surfaces including, but not limited to, curbs, berms, driveways, and parking lots.

23. Transfer efficiency (TE)—Ratio of the amount of coating solids transferred onto a product to the total of coating solids used. In any surface coating operation, TE is the ratio of solids in a coating that adhere on a target surface to the total solids used in the process for coating the target surface.

24. Translucent coating—A coating which contains binders and pigment and is formulated to form a colored, but not opaque, film.

25. Treated wood—Wood that has been subjected to a chemical process or application.

26. Tribal implementation plan (TIP)—A plan to implement the national ambient air quality standards adopted and submitted by a federally-recognized Indian tribal government determined to be eligible under 40 CFR 49.9 and the plan has been approved by *[EPA/ the U.S. Environmental Protection Agency]*.

27. True vapor pressure—The equilibrium partial pressure exerted by a petroleum liquid as determined in American Petroleum Institute Bulletin 2517, *Evaporation Loss from Floating Roof Tanks*, 1962.

28. Type I etchant—A chemical milling etchant that contains varying amounts of dissolved sulfur and does not contain amines.

29. Type II etchant—A chemical milling etchant that is a strong sodium hydroxide solution containing amines.

(U) All terms beginning with *["U."/]*

1. Uncombined water—The visible condensed water which is not bound, physically or chemically, to any air contaminant.

2. Unit—A fossil-fuel-fired combustion device such as a stationary boiler, combustion turbine, or combined cycle system. For the purpose of 10 CSR 10-6.390 *[only]*, unit is any diesel, lean-burn, or rich-burn stationary internal combustion engine as defined in this rule.

3. Unit load—The total (i.e., gross) output of a unit in any control period (or other specified time period) produced by combusting a given heat input of fuel expressed in terms of—

A. The total electrical generation (expressed as megawatt) produced by the unit, including generation for use within the plant; or

B. In the case of a unit that uses heat input for purposes other than electrical generation, the total steam flow (lb/hr) or total steam pressure (psia) produced by the unit, including steam for use by the unit.

4. Unit operating day—A calendar day in which a unit combusts any fuel.

5. Unit operating hour or hour of unit operation—Any hour or fraction of an hour during which a unit combusts fuel.

6. Unit operations—Discrete processing steps that occur within distinct equipment that are used to prepare reactants, facilitate reactions, separate and purify products, and recycle materials.

7. Untreated wood—Lumber and other wooden materials that have not been chemically treated for resistance to moisture, fire, fungi, insects, and other pests, or has not otherwise been treated or manufactured with chemicals, or that does not contain adhesives or resins. Untreated wood does not include plywood, particleboard, chipboard, and wood with other-than-insignificant quantities of paint, coating, or finish.

[8. U.S. EPA—The United States Environmental Protection Agency.]

[9.]8. User source—Any source that seeks to use [ERCs] emission reduction credits to comply with an applicable emission reduction requirement.

[10.]9. Utilization—The heat input (expressed in mmBtu/time) for a unit. The unit's total heat input for the control period in each year will be determined in accordance with 40 CFR 75 if the NO_x budget unit was otherwise subject to the requirements of 40 CFR 75 for the year or will be based on the best available data reported to the administrator for the unit if the unit was not otherwise subject to the requirements of 40 CFR 75 for the year.

[11.]10. Utilization rate—The amount of an engine's capacity reported in horsepower-hours that is utilized.

(V) All terms beginning with [“N.”]

1. Vacuum-metalizing coating—Topcoats and basecoats that are used in the vacuum-metalizing process.

2. Vapor recovery system—A vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged and a vapor disposal system capable of processing the hydrocarbon vapors and gases so as to limit their emission to the atmosphere.

3. Vapor recovery system modification—Any repair, replacement, alteration, or upgrading of Stage I or Stage II vapor recovery control equipment or gasoline dispensing equipment equipped with Stage II vapor recovery beyond normal maintenance of the system as permitted by the staff director.

4. Vapor tight—When applied to a delivery vessel or vapor recovery system as one that sustains a pressure change of no more than seven hundred fifty (750) pascals (three inches (3") of H₂O) in five (5) minutes when pressurized to a gauge pressure of four thousand five hundred (4,500) pascals (eighteen inches (18") of H₂O) or evacuated to a gauge pressure of one thousand five hundred (1,500) pascals (six inches (6") of H₂O).

5. Varnish—An unpigmented surface coating containing [VOC] volatile organic compounds and composed of resins, oils, thinners, and driers used to give a glossy surface to wood, metal, etc.

6. Vehicle—Any mechanical device on wheels, designed primarily for use on streets, roads, or highways, except those propelled or drawn by human or animal power or those used exclusively on fixed rails or tracks.

7. Vehicle Inspection Database (VID)—The vehicle inspection database, operated and maintained by the department's contractor. All vehicle emissions inspection information is uploaded by the [MDAS] Missouri Decentralized Analyzer System inspection equipment to the VID on a real-time basis as soon as each inspection

is complete.

8. Vehicle Inspection Report (VIR)—The vehicle inspection report printed by the [MDAS] Missouri Decentralized Analyzer System inspection equipment at the conclusion of each vehicle's emissions inspection. The VIR is designed solely to provide information regarding the emissions inspection results to motorists and may not be valid for vehicle registration purposes.

9. Vent—A point of emission from a unit operation. Typical process vents from batch processes include condenser vents, vacuum pumps, steam ejectors, and atmospheric vents from reactors and other process vessels. Vents also include relief valve discharges. Equipment exhaust systems that discharge from unit operations also would be considered process vents.

10. Vent stream—Any gas stream discharge directly from a distillation operation or reactor process to the atmosphere or indirectly to the atmosphere after diversion through other process equipment. The vent stream excludes relief valve discharges and equipment leaks including, but not limited to, pumps, compressors, and valves.

11. Vinyl coating—A functional, decorative, or protective top-coat or printing applied to vinyl-coated fabric or vinyl sheets.

12. Visible emission—Any discharge of an air contaminant, including condensibles, which reduces the transmission of light or obscures the view of an object in the background.

13. Volatile organic compounds (VOC)—Any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, that participates in atmospheric photochemical reactions to produce ozone.

A. The following compounds are not considered VOCs because of their known lack of participation in the atmospheric reactions to produce ozone:

CAS #	Compound
138495428	1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee)
431890	1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea)
375031	1,1,1,2,2,3,3-heptafluoro-3-methoxypropane (n-C ₃ F ₇ OCH ₃ or HFE-7000)
690391	1,1,1,3,3,3-hexafluoropropane (HFC-236fa)
679867	1,1,2,2,3-pentafluoropropane (HFC-245ca)
24270664	1,1,2,3,3-pentafluoropropane (HFC-245ea)
431312	1,1,1,2,3-pentafluoropropane (HFC-245eb)
460731	1,1,1,3,3-pentafluoropropane (HFC-245fa)
431630	1,1,1,2,3,3-hexafluoropropane (HFC-236ea)
406586	1,1,1,3,3-pentafluorobutane (HFC-365mfc)
422560	3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca)
507551	1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb)
354234	1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a)
1615754	1-chloro-1-fluoroethane (HCFC-151a)
163702076	1,1,1,2,2,3,3,4,4,4-nonafluoro-4-methoxy-butane (C ₄ F ₉ OCH ₃ or HFE-7100)
163702087	2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF ₂) ₂ CF ₂ OCH ₃)
163702054	1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C ₄ F ₉ OC ₂ H ₅ or HFE-7200)

163702065	2-(ethoxydifluoromethyl)- 1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CF_2OC_2H_5$)
297730939	3-ethoxy-1,1,1,2,3,4,4,5,5,6,6-dodecafluoro-2-(trifluoromethyl)hexane (HFE-7500)
71556	1,1,1-trichloroethane (methyl chloroform)
67641	acetone
[25497294] 75683	1-chloro 1,1-difluoroethane (HCFC-142b)
75456	chlorodifluoromethane (HCFC-22)
593704	chlorofluoromethane (HCFC-31)
76153	chloropentafluoroethane (CFC-115)
[63938103] 2837890	2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124)
75718	dichlorodifluoromethane (CFC-12)
1717006	1,1-dichloro 1-fluoroethane (HCFC-141b)
[1320372] 76142	1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114)
[34077877	1,1,1-trifluoro 2,2-dichloroethane (HCFC-123)]
75376	1,1-difluoroethane (HFC-152a)
75105	difluoromethane (HFC-32)
74840	ethane
353366	ethylfluoride (HFC-161)
74828	methane
79209	methyl acetate
75092	methylene chloride (dichloromethane)
98566	parachlorobenzotrifluoride (PCBTF)
354336	pentafluoroethane (HFC-125)
127184	perchloroethylene (tetrachloroethylene)
359353	1,1,2,2-tetrafluoroethane (HFC-134)
811972	1,1,1,2-tetrafluoroethane (HFC-134a)
75694	trichlorofluoromethane (CFC-11)
26523648	1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113)
306832	1,1,1-trifluoro 2,2-dichloroethane (HCFC-123)
[27987060] 420462	1,1,1-trifluoroethane (HFC-143a)
75467	trifluoromethane (HFC-23)
107313	methyl formate ($HCOOCH_3$),
0	1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethylpentane ($C_2F_5CF(OCH_3)CF(CF_3)_2$ or HFE-7300)
108327	propylene carbonate ($C_4H_6O_3$)
616386	dimethyl carbonate ($C_3H_6O_3$)
Perfluorocarbon compounds in the following classes:	
0	Cyclic, branched or linear, completely fluorinated alkanes
0	Cyclic, branched or linear, completely fluorinated ethers with no unsaturations
0	Cyclic, branched or linear, completely methylated siloxanes
0	Cyclic, branched or linear, completely fluorinated tertiary amines with no unsaturations
0	Sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine

VOC may be measured by a reference method, an equivalent method, an alternative method, or by procedures specified in either 10 CSR 10-6.030 or 40 CFR 60. These methods and procedures may measure nonreactive compounds, so an owner or operator must exclude these nonreactive compounds when determining compliance.

B. The following compound(s) are considered VOC for purposes of all record keeping, emissions reporting, photochemical dispersion modeling, and inventory requirements which apply to VOC and shall be uniquely identified in emission reports, but are not VOC for purposes of VOC emissions limitations or VOC content requirements.

CAS #	Compound
540885	t-butyl acetate

14. Volatile organic liquid—Any substance which is a liquid at storage conditions and which contains one (1) or more volatile organic compounds as defined in this rule.

15. Volatility—For purposes of 10 CSR 10-5.540 [only], low volatility materials are defined as those which have a vapor pressure less than or equal to seventy-five (75) mmHg at twenty degrees Celsius (20 °C), moderate volatility materials have a vapor pressure greater than seventy-five (75) and less than or equal to one hundred fifty (150) mmHg at twenty degrees Celsius (20 °C), and high volatility materials have a vapor pressure greater than one hundred fifty (150) mmHg at twenty degrees Celsius (20 °C). To evaluate **volatile organic compound** (VOC) volatility for single unit operations that service numerous VOCs or for processes handling multiple VOCs, the weighted average volatility can be calculated from knowing the total amount of each VOC used in a year, and the individual component vapor pressure, per the equation in paragraph (1)(E)1. of 10 CSR 10-5.540.

(W) All terms beginning with ["W.["

1. Wall-fired boiler—A boiler that has pulverized coal burners arranged on the wall of the furnace. The burners have discrete, individual flames that extend perpendicularly into the furnace area.

2. Washcoat—A transparent special-purpose coating having a solids content by weight of twelve percent (12%) or less. They are applied over initial stains to protect and control color and to stiffen the wood fibers in order to aid sanding.

3. Washing—Purifying, cleaning, or removing impurities from coal by mechanical process, regardless of the cleaning medium used.

4. Washoff operations—Those operations in which organic solvent is used to remove coating from a substrate.

5. Waste generator—The business entity that is directly responsible for the supervision of activities that result in the accumulation of friable asbestos-containing waste materials.

6. Waxy, heavy pour crude oil—A crude oil with a pour point of fifty degrees Fahrenheit (50 °F) or higher as determined by the ASTM Standard D (97-66), *Test for Pour Point of Petroleum Oils*.

7. Waterproof resorcinol glue—A two (2)-part resorcinol-resin-based adhesive designed for applications where the bond line must be resistant to conditions of continuous immersion in fresh or salt water.

8. Web—A printing process where a continuous roll of substrate is fed into the press.

9. Wet cleaning—The process of using water or other liquid and a wet brush, mop, cloth, sponge, or similar wet cleaning device to completely remove any residue of asbestos-containing materials from surfaces on which they may be located. This definition does not include the use of a wet vacuum cleaner.

10. Wet scrubber—An add-on air pollution control device that utilizes an alkaline scrubbing liquor to collect particulate matter (including nonvolatile metals and condensed organics) and/or to absorb and neutralize acid gases.

11. Wood furniture—Any product made of wood, a wood product such as rattan or wicker, or an engineered wood product such as

particleboard that is manufactured under any of the following standard industrial classification codes: 2434, 2511, 2512, 2517, 2519, 2521, 2531, 2541, 2599, or 5712.

12. Wood furniture component—Any part that is used in the manufacture of wood furniture. Examples include, but are not limited to, drawer sides, cabinet doors, seat cushions, and laminated tops.

13. Wood furniture manufacturing operations—The finishing, cleaning, and washoff operations associated with the production of wood furniture or wood furniture components.

14. Work area—A specific room or physically-isolated portion of a room, other than the space enclosed within a glove bag, in which friable asbestos-containing material is required to be handled in accordance with 10 CSR 10-/6.240/6.241. The area is designated as a work area from the time that the room, or portion of it, is secured and access restrictions are in place. The area remains designated as a work area until the time that it has been cleaned in accordance with any requirements applicable to these operations.

15. Working day—A day, or any part of a day, in which a facility is engaged in manufacturing.

(X) All terms beginning with ["X.["

(Y) All terms beginning with ["Y.["

(Z) All terms beginning with ["Z.["

(3) General Provisions. Common reference tables are provided in this section of the rule.

(C) Table 3—Hazardous Air Pollutants.

CAS #	Hazardous Air Pollutant
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75070	Acetaldehyde
60355	Acetamide
75058	Acetonitrile
98862	Acetophenone
53963	2-Acetylaminofluorene
107028	Acrolein
79061	Acrylamide
79107	Acrylic acid
107131	Acrylonitrile
107051	Allyl chloride
92671	4-Aminobiphenyl
62533	Aniline
90040	o-Anisidine
1332214	Asbestos
71432	Benzene (including from gasoline)
92875	Benzidine
98077	Benzotrichloride
100447	Benzyl chloride
92524	Biphenyl
117817	Bis(2-ethylhexyl)phthalate (DEHP)
542881	Bis(chloromethyl)ether
75252	Bromoform
106990	1,3-Butadiene
156627	Calcium cyanamide
133062	Captan
63252	Carbaryl
75150	Carbon disulfide
56235	Carbon tetrachloride
463581	Carbonyl sulfide
120809	Catechol
133904	Chloramben
57749	Chlordane
7782505	Chlorine
79118	Chloroacetic acid
532274	2-Chloroacetophenone
108907	Chlorobenzene
510156	Chlorobenzilate
67663	Chloroform
107302	Chloromethyl methyl ether

126998	Chloroprene
1319773	Cresols/Cresylic acid (isomers and mixture)
108394	m-Cresol
95487	o-Cresol
106445	p-Cresol
98828	Cumene
94757	2,4-D, salts and esters
3547044	DDE
334883	Diazomethane
132649	Dibenzofurans
96128	1,2-Dibromo-3-chloropropane
84742	Dibutylphthalate
106467	1,4-Dichlorobenzene(p)
1941	3,3-Dichlorobenzidine
111444	Dichloroethyl ether (Bis(2-chloroethyl)ether)
542756	1,3-Dichloropropene
62737	Dichlorvos
111422	Diethanolamine
121697	N,N-Diethyl aniline (N,N-Dimethylaniline)
64675	Diethyl sulfite
119904	3,3-Dimethoxybenzidine
60117	Dimethyl aminoazobenzene
119937	3,3-Dimethyl benzidine
79447	Dimethyl carbamoyl chloride
68122	Dimethyl formamide
57147	1,1-Dimethyl hydrazine
131113	Dimethyl phthalate
77781	Dimethyl sulfate
534521	4,6-Dinitro-o-cresol and salts
51285	2,4-Dinitrophenol
121142	2,4-Dinitrotoluene
123911	1,4-Dioxane (1,4-Diethyleneoxide)
122667	1,2-Diphenylhydrazine
106898	Epichlorohydrin (1-Chloro-2,3-epoxypropane)
106887	1,2-Epoxybutane
140885	Ethyl acrylate
100414	Ethyl benzene
51796	Ethyl carbamate (Urethane)
75003	Ethyl chloride (Chloroethane)
106934	Ethylene dibromide (1,2-Dibromoethane)
107062	Ethylene dichloride (1,2-Dichloroethane)
107211	Ethylene glycol
151564	Ethylene imine (Aziridine)
75218	Ethylene oxide
96457	Ethylene thiourea
75343	Ethylidene dichloride (1,1-Dichloroethane)
50000	Formaldehyde
76448	Heptachlor
118741	Hexachlorobenzene
87683	Hexachlorobutadiene
77474	Hexachlorocyclopentadiene
67721	Hexachloroethane
822060	Hexamethylene-1,6-diisocyanate
680319	Hexamethylphosphoramide
110543	Hexane
302012	Hydrazine
7647010	Hydrochloric acid
7664393	Hydrogen fluoride (hydrofluoric acid)
123319	Hydroquinone
78591	Isophorone
58899	Lindane (all isomers)
108316	Maleic anhydride
67561	Methanol
72435	Methoxychlor
74839	Methyl bromide (Bromomethane)
74873	Methyl chloride (Chloromethane)
71556	Methyl chloroform (1,1,1-Trichloroethane)
60344	Methyl hydrazine

74884	Methyl iodide (Iodomethane)
108101	Methyl isobutyl ketone (Hexone)
624839	Methyl isocyanate
80626	Methyl methacrylate
1634044	Methyl tert butyl ether
101144	4,4-Methylene bis(2-chloroaniline)
75092	Methylene chloride (Dichloromethane)
101688	Methylene diphenyl diisocyanate (MDI)
101779	4,4-Methylenedianiline
91203	Naphthalene
98953	Nitrobenzene
92933	4-Nitrobiphenyl
100027	4-Nitrophenol
79469	2-Nitropropane
684935	N-Nitroso-N-methylurea
62759	N-Nitrosodimethylamine
59892	N-Nitrosomorpholine
56382	Parathion
82688	Pentachloronitrobenzene (Quintobenzene)
87865	Pentachlorophenol
108952	Phenol
106503	p-Phenylenediamine
75445	Phosgene
7803512	Phosphine
7723140	Phosphorus
85449	Phthalic anhydride
1336363	Polychlorinated biphenyls (Aroclors)
1120714	1,3-Propane sultone
57578	beta-Propiolactone
123386	Propionaldehyde
114261	Propoxur (Baygon)
78875	Propylene dichloride (1,2-Dichloropropane)
75569	Propylene oxide
75558	1,2-Propylenimine (2-Methylaziridine)
91225	Quinoline
106514	Quinone
100425	Styrene
96093	Styrene oxide
1746016	2,3,7,8-Tetrachlorodibenzo-p-dioxin
79345	1,1,2,2-Tetrachloroethane
127184	Tetrachloroethylene (Perchloroethylene)
7550450	Titanium tetrachloride
108883	Toluene
95807	2,4-Toluene diamine
584849	2,4-Toluene diisocyanate
95534	o-Toluidine
8001352	Toxaphene (chlorinated camphene)
120821	1,2,4-Trichlorobenzene
79005	1,1,2-Trichloromethane/Trichloroethane
79016	Trichloroethylene
95954	2,4,5-Trichlorophenol
88062	2,4,6-Trichlorophenol
121448	Triethylamine
1582098	Trifluralin
540841	2,2,4-Trimethylpentane
108054	Vinyl acetate
593602	Vinyl bromide (bromoethene)
75014	Vinyl chloride
75354	Vinylidene chloride (1,1-Dichloroethylene)
1330207	Xylenes (isomers and mixture)
108383	m-Xylenes
95476	o-Xylenes
106423	p-Xylenes
0	Antimony compounds
0	Arsenic compounds (inorganic including arsine)
0	Beryllium compounds
0	Cadmium compounds
0	Chromium compounds

0	Cobalt compounds
0	Coke oven emissions
0	Cyanide compounds ¹
0	Glycol ethers ²
0	Lead compounds
0	Manganese compounds
0	Mercury compounds
0	Fine mineral fibers ³
0	Nickel compounds
0	Polycyclic organic matter ⁴
0	Radionuclides (including radon) ⁵
0	Selenium compounds

Note: For all listings in this table that contain the word compounds and for glycol ethers, the following applies: Unless otherwise specified, these listings are defined as including any unique chemical substance that contains the named chemical (that is, antimony, arsenic, and the like) as part of that chemical's infrastructure.

¹ X'CN where X-H' or any other group where a formal dissociation may occur, for example, KCN or Ca(CN)₂.

² Includes mono- and diethers of ethylene glycol, diethylene glycol and triethylene glycol R-(OCH₂CH₂)_n-OR' where n = 1, 2, or 3; R = Alkyl or aryl groups; R' = R, H, or groups which, when removed, yield glycol ethers with the structure R-(OCH₂CH₂)_n-OH. Polymers and ethylene glycol monobutyl ether are excluded from the glycol category.

³ Includes glass microfibers, glass wool fibers, rock wool fibers, and slag wool fibers, each characterized as respirable (fiber diameter less than three and one-half (3.5) micrometers) and possessing an aspect ratio (fiber length divided by fiber diameter) greater than or equal to three (3), as emitted from production of fiber and fiber products.

⁴ Includes organic compounds with more than one (1) benzene ring, and which have a boiling point greater than or equal to one hundred degrees Celsius (100 °C).

⁵ A type of atom which spontaneously undergoes radioactive decay.

AUTHORITY: section 643.050, *RSMo Supp. 2011*, and section 643.055, *RSMo 2000*. Original rule filed Aug. 16, 1977, effective Feb. 11, 1978. For intervening history, please consult the *Code of State Regulations*. Amended: Filed July 3, 2012.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., September 27, 2012. The public hearing will be held at Hampton Inn & Suites, Plaza C, 4600 Summit Street, Kansas City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., October 4, 2012. Written comments shall be sent to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to apcrule-spn@dnr.mo.gov.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2220—State Board of Pharmacy
Chapter 4—Fees Charged by the Board of Pharmacy**

PROPOSED AMENDMENT

20 CSR 2220-4.010 General Fees. The board is amending subsection (1)(D).

PURPOSE: The Board of Pharmacy is statutorily obligated to enforce and administer the provisions of Chapter 338, RSMo, governing the practice of pharmacy. Pursuant to section 338.070, RSMo, the board shall set the appropriate amount of fees by rule, so that the revenue produced shall not substantially exceed the cost and expense of administering the provisions of Chapter 338, RSMo. Based on the board's five- (5-) year projections, the board is proposing to reduce the pharmacist renewal fee.

(1) The following fees are established by the State Board of Pharmacy:

(D) Pharmacist License Renewal Fee ~~\$/225/~~ **200**

*AUTHORITY: sections 338.020, 338.040, 338.060, 338.070, [338.140,] 338.185, 338.280, and 338.350, RSMo 2000, and sections [338.013,] 338.035, **338.140**, [and] 338.220, and **338.335**, RSMo Supp. [2007] **2011**. This rule originally filed as 4 CSR 220-4.010. Emergency rule filed July 15, 1981, effective Aug. 3, 1981, expired Nov. 11, 1981. Original rule filed Aug. 10, 1981, effective Nov. 12, 1981. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed July 6, 2012, effective July 31, 2012, expires Feb. 28, 2013. Amended: Filed July 6, 2012.*

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately two hundred seven thousand three hundred seventy-five dollars (\$207,375) biennially for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed amendment will save private entities approximately two hundred seven thousand three hundred seventy-five dollars (\$207,375) biennially for the life of the rule. It is anticipated that the savings will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Pharmacy, PO Box 625, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 526-3464, or via email at pharmacy@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 -Department of Insurance, Financial Institutions and Professional Registration
Division 2220 - State Board of Pharmacy
Chapter 4 - Fees Charged by the Board of Pharmacy
Proposed Amendment to 20 CSR 2220-4.010 General Fees
Prepared July 5, 2012 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Revenue	
State Board of Pharmacy	(\$207,375)	
	Total Revenue Annually for the Life of the Rule	(\$207,375)

III. WORKSHEET

See Private Entity Fiscal Note

IV. ASSUMPTION

1. The total loss of revenue is based on the cost savings reflected in the Private Entity Fiscal Note filed with this rule.
2. The board utilizes a rolling five year financial analysis process to evaluate its fund balance, establish fee structure and assess budgetary needs. The five year analysis is based on the projected revenue, expenses and number of licensees. Based on the board's recent five year analysis, the board voted on a reduction in the pharmacist renewal fee.
3. It is anticipated that the total loss in revenue will begin FY2013, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.
4. The board is statutorily obligated to enforce and administer the provisions of Chapter 338, RSMo governing the practice of pharmacy. Pursuant to section 338.070, RSMo, the board of pharmacy shall by rule set the amount of the fees which this chapter authorizes and requires. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering this chapter.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER**Title 20 -Department of Insurance, Financial Institutions and Professional Registration****Division 2220 - State Board of Pharmacy****Chapter 4 - Fees Charged by the Board of Pharmacy****Proposed Amendment to 20 CSR 2220-4.010 General Fees**

Prepared July 5, 2012 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
8,295	Pharmacist (Renewal Fee Decrease @ \$25)	\$207,375
	Estimated Biennial Savings for the Life of the Rule	\$207,375

III. WORKSHEET

See Table Above

IV. ASSUMPTION

1. The above figures are based on FY2008 - FY2012 actuals.
2. It is anticipated that the total fiscal savings will occur beginning in FY2013, may vary with inflation, and is expected to increase at the rate projected by the Legislative Oversight Committee.
3. The board is statutorily obligated to enforce and administer the provisions of Chapter 338, RSMo governing the practice of pharmacy. Pursuant to section 338.070, RSMo, the board of pharmacy shall by rule set the amount of the fees which this chapter authorizes and requires. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering this chapter.

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 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 10—Division of Employment Security
Chapter 3—Unemployment Insurance**

ORDER OF RULEMAKING

By the authority vested in the Division of Employment Security under sections 288.040 and 288.070, RSMo Supp. 2011, and section 288.220.5., RSMo 2000, the division amends a rule as follows:

8 CSR 10-3.010 Registration and Claims in General **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2012 (37 MoReg 679). 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: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 40—Comprehensive Emergency Medical Services
Systems Regulations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Health and

Senior Services under sections 190.165 and 190.185, RSMo Supp. 2011, the department amends a rule as follows:

19 CSR 30-40.365 Reasons and Methods the Department Can Use to Take Administrative Licensure Actions **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2012 (37 MoReg 523). No changes have been made to 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 Department of Health and Senior Services received three (3) letters with one (1) comment.

COMMENT #1: Mid-America Regional Council Emergency Rescue, Missouri Emergency Medical Services Association, and Missouri Ambulance Association all submitted the same comment written by Harvey M. Tettlebaum. Mr. Tettlebaum commented that although the proposed amendment appears to be consistent with the statute, the department should use its regulatory authority provided in section 190.185, RSMo, to bring the new subsections (2)(O), (P), and (Q) closer to meeting the constitutional standard required in Article I, Section 10 of the *Missouri Constitution* and the Fifth and Fourteenth Amendments of the *United States Constitution*.

RESPONSE: The language in the proposed amendment is identical to that used in the statute. All of the reasons and methods the department can use to take administrative licensure action in the rule, in both the paragraphs proposed to be amended and those not amended, mirror the applicable statute, section 190.165, RSMo. Regardless of the language in the applicable statute, the department is bound by the *United States* and *Missouri Constitutions*. Therefore, after careful consideration no changes have been made to the rule as a result of this comment.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 81—Certification**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under section 536.021, RSMo Supp. 2011, the department rescinds a rule as follows:

19 CSR 30-81.015 Resident Assessment Instrument **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2012 (37 MoReg 523). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 86—Residential Care Facilities and Assisted
Living Facilities**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 198.073 and 198.076, RSMo Supp. 2011, the department amends a rule as follows:

19 CSR 30-86.043 Administrative, Personnel, and Resident Care Requirements for Facilities Licensed as a Residential Care Facility II on August 27, 2006 that Will Comply with Residential Care Facility II Standards is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2012 (37 MoReg 524-525). 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 department received eight (8) comments on the proposed amendment.

COMMENT #1: Keith Sappington, Executive Director of Missouri Assisted Living Association, opposes amendments to any part of this regulation set based on section 198.073, RSMo.

RESPONSE: The department acknowledges that section 198.073.3, RSMo, prohibits amending the administrative, personnel, and resident care requirements for facilities licensed as a residential care facility II (RCF II) on August 27, 2006. However, the department opened this regulation set in order to be consistent with statutory changes regarding criminal background checks (CBC) and employee disqualification list (EDL) checks and the licensing of administrators. In 2011, the Missouri Board of Nursing Home Administrators (BNHA) modified its licensure requirements to issue separate licenses to administrators of RCF IIs and assisted living facilities. The department would be required to enforce a more stringent standard for an RCF II administrator versus an administrator at an assisted living facility if not permitted to revise the administrator language in this rule. The statutory language regarding CBC and EDL requirements was modified by the legislature in 2003. The department believes the proposed revisions provide an opportunity to be consistent with those legislative changes as well as the regulations in 19 CSR 30-86.042 and 19 CSR 30-86.047. No changes have been made to the rule as a result of this comment.

COMMENT #2: Keith Sappington commented that the proposed language in section (11) deals with two (2) separate and distinct issues: acts by persons who affect the health, safety, and welfare of residents; and the employee disqualification list. This should be broken into two (2) different rules.

RESPONSE: The department does not believe the regulation needs to be separated into two (2) different requirements. This would require renumbering of the sections throughout that has not been available for public review and/or comment. The department added the proposed language in order to be consistent with the language provided in regulation sets 19 CSR 30-86.042(10) and 19 CSR 30-86.047(12). No changes have been made to the rule as a result of this comment.

COMMENT #3: Keith Sappington commented that the proposed language in section (11) listing a few select examples such as “scout groups, bingo leaders, or sing-along leaders” should be removed to avoid confusion.

RESPONSE: The department worked in cooperation with and the recommendation of industry representatives during the 2006/2007 assisted living bill legislation to develop and add this definition of volunteers. This language is consistent with language that is provided in regulations 19 CSR 30-86.042(10) and 19 CSR 30-86.047(12). No changes have been made to the rule as a result of this comment.

COMMENT #4: Keith Sappington commented that the proposed

classification in paragraph (11)(A)1. should not be changed from a class II/III to a class I/II because there are other rules which cover harm to residents that are classified as a I or I/II.

RESPONSE: Since paragraph (11)(A)1. does not exist in this regulation the department can only assume the comments should be addressed to the proposed language in paragraph (12)(A)1. This is a statutory requirement; therefore it must be, at a minimum, classified as a II. The department believes residents will be placed in imminent danger if facilities hire or retain individuals who have been convicted of, found guilty of, pled guilty to, or pled *nolo contendere* to a class A or B felony in violation of Chapters 565, 566, or 569, RSMo. This classification is consistent with the regulation in 19 CSR 30-86.042(11). No changes have been made to the rule as a result of this comment.

COMMENT #5: Keith Sappington commented that the proposed classification in paragraph (11)(A)2. should not be changed from a class II/III to a class I/II because there are other rules which cover harm to residents that are classified as a I or I/II.

RESPONSE: Since paragraph (11)(A)2. does not exist in this regulation the department can only assume the comments should be addressed to the proposed language in paragraph (12)(A)2. This is a statutory requirement; therefore it must be, at a minimum, classified as a II. The department believes residents will be placed in imminent danger if facilities retain hired individuals who have been convicted of, found guilty of, pled guilty to, or pled *nolo contendere* to a class A or B felony in violation of Chapters 565, 566, or 569, RSMo. This classification is consistent with the regulation in 19 CSR 30-86.042(11)(A)2. and in the proposed change to regulation 19 CSR 30-86.047(13)(A)2. No changes have been made to the rule as a result of this comment.

COMMENT #6: Keith Sappington commented that the proposed classification in subsection (11)(B) should not be changed from a class II/III to a class I/II because there are other rules which cover harm to residents that are classified as a I or I/II.

RESPONSE: Since subsection (11)(B) does not exist in this regulation the department can only assume the comments should be addressed to the proposed language in subsection (12)(B). The department did not make any changes in the classification. The classification is actually listed as a II/III, not I/II. Additionally, this classification is consistent with the regulation in 19 CSR 30-86.042(11)(B) and 19 CSR 30-86.047(13)(B). No changes have been made to the rule as a result of this comment.

COMMENT #7: Keith Sappington commented that the proposed classification in subsection (11)(C) should not be changed from a class II/III to a class I/II because there are other rules which cover harm to residents that are classified as a I or I/II.

RESPONSE: Since subsection (11)(C) does not exist in this regulation the department can only assume the comments should be addressed to the proposed language in subsection (12)(C). The department believes residents will be placed in imminent danger if facilities hire and retain contracted professionals who are found guilty of, pled guilty to, or pled *nolo contendere* to a class A or B felony in violation of Chapters 565, 566, or 569, RSMo. This classification is consistent with the regulation in 19 CSR 30-86.042(11)(D) and regulation 19 CSR 30-86.047(13)(D). No changes have been made to the rule as a result of this comment.

COMMENT #8: Keith Sappington commented that the criminal background checks would cost private entities more than five hundred dollars (\$500) because the department included people who would have “potential” contact with all residents.

RESPONSE: The word “potential” can be found in the last sentence of the proposed language in section (11). In regard to this particular sentence, the department is proposing employee disqualification list (EDL) checks for those serving as volunteer facility chaplains. The

department is not requiring criminal background checks for such individuals. There is no fee associated with EDL checks on the department website. No changes have been made to the rule as a result of this comment.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 86—Residential Care Facilities and Assisted
Living Facilities**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 198.073 and 198.076, RSMo Supp. 2011, the department amends a rule as follows:

19 CSR 30-86.047 Administrative, Personnel, and Resident Care Requirements for Assisted Living Facilities is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2012 (37 MoReg 525-526). 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 department received eight (8) comments on the proposed amendment.

COMMENT #1: Keith Sappington, Executive Director of Missouri Assisted Living Association, commented the language in subsection (4)(G) is vague and needs to be clarified regarding the seven items identified as home-like.

RESPONSE: This subsection was not opened for comment. The department believes this would add a new requirement that has not been available for public review and/or comment. In 2007, the department promulgated the definition of home-like for clarification purposes. This definition can be found in 19 CSR 30-83.010 Definition of Terms. It includes references on how a facility is designed. No changes have been made to the rule as a result of this comment.

COMMENT #2: Keith Sappington commented that the language in section (8) regarding administrator absences is confusing and that limiting their absences could possibly conflict with federal employee leave requirements or various employment and union contracts. The last sentence of section (8) should be removed.

RESPONSE: The department opened this section to revise the language regarding the licensing of administrators. The department is willing to review the language regarding absences the next time this regulation is open for review. No changes have been made to the rule as a result of this comment.

COMMENT #3: Keith Sappington commented that the proposed language in section (12) deals with two (2) separate and distinct issues: acts by persons who affect the health, safety, and welfare of residents; and the employee disqualification list. This should be broken into two (2) different rules.

RESPONSE: The department does not believe the regulation needs to be separated into two (2) different requirements. This would require renumbering of the sections throughout that has not been available for public review and/or comment. The department added the proposed language in order to be consistent with the language provided in regulation 19 CSR 30-86.042(10) and proposed language in 19 CSR 30-86.043(11). No changes have been made to the rule as a result of this comment.

COMMENT #4: Keith Sappington commented that the proposed language in section (12) listing a few select examples such as “scout groups, bingo leaders, or sing-along leaders” should be removed to avoid confusion.

RESPONSE: The department worked in cooperation with and the recommendation of industry representatives during the 2006/2007 assisted living bill legislation to develop and add this definition of volunteers. This language is consistent with language that is provided in regulation 19 CSR 30-86.042(10). No changes have been made to the rule as a result of this comment.

COMMENT #5: Keith Sappington commented that the proposed classification in paragraph (13)(A)1. should not be changed from a class II/III to a class I/II. Simply failing to check the employee disqualification list does not rise to the level of class I. There are other rules which cover harm to residents that are classified as a I or I/II. **RESPONSE:** This is a statutory requirement; therefore it must be, at a minimum, classified as a II. This regulation is about disclosure of a criminal history not the employee disqualification list checks. The department believes residents will be placed in imminent danger if facilities hire or retain individuals who have been convicted of, found guilty of, pled guilty to, or pled *nolo contendere* to a class A or B felony in violation of Chapters 565, 566, or 569, RSMo. This classification is consistent with the regulation in 19 CSR 30-86.042(11) and proposed language in 19 CSR 30-86.043(12)(A)1. No changes have been made to the rule as a result of this comment.

COMMENT #6: Keith Sappington commented that the proposed classification in paragraph (13)(A)2. should not be changed from a class II/III to a class I/II. Simply failing to check the employee disqualification list does not rise to the level of class I. There are other rules which cover harm to residents that are classified as a I or I/II. **RESPONSE:** This is a statutory requirement; therefore it must be, at a minimum, classified as a II. This regulation is about criminal background check information not the employee disqualification list checks. The department believes residents will be placed in imminent danger if facilities hire or retain individuals who have been convicted of, found guilty of, pled guilty to, or pled *nolo contendere* to a class A or B felony in violation of Chapters 565, 566, or 569, RSMo. This classification is consistent with the regulation in 19 CSR 30-86.042(11) and proposed language in 19 CSR 30-86.043(12)(A)2. No changes have been made to the rule as a result of this comment.

COMMENT #7: Keith Sappington commented that the proposed classification in subsection (13)(D) does not rise to the level of imminent danger and the classification should remain II/III.

RESPONSE: The department did not change this classification. The classification has always been a I/II. However, the department does believe residents will be placed in imminent danger if facilities hire and retain contracted professionals who are found guilty of, pled guilty to, or pled *nolo contendere* to a class A or B felony in violation of Chapters 565, 566, or 569, RSMo. This classification is consistent with the regulation in 19 CSR 30-86.042(11)(D) and the proposed language in 19 CSR 30-86.043(12)(C). No changes have been made to the rule as a result of this comment.

COMMENT #8: Keith Sappington commented that the criminal background checks would cost private entities more than five hundred dollars (\$500) because the department included people who would have “potential” contact with all residents.

RESPONSE: The proposed word “potential” can be found in the last sentence in section (12). In regard to this particular sentence, the department is proposing employee disqualification list (EDL) checks for those serving as volunteer facility chaplains. The department is not requiring criminal background checks for such individuals. There is no fee associated with EDL checks on the department website. No changes have been made to the rule as a result of this comment.