



Subpart	Title
D	Standards of Performance for Fossil-Fuel-Fired Steam Generators
Da	Standards of Performance for Electric Utility Steam Generating Units
Db	Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units
Dc	Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units
E	Standards of Performance for Incinerators
Ea	Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989 and On or Before September 20, 1994
Eb	Standards of Performance for Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996
Ec	Standards of Performance for New Stationary Sources: Hospital/Medical/Infectious Waste Incinerators
F	Standards of Performance for Portland Cement Plants
G	Standards of Performance for Nitric Acid Plants
Ga	Standards of Performance for Nitric Acid Plants for Which Construction, Reconstruction, or Modification Commenced After October 14, 2011
H	Standards of Performance for Sulfuric Acid Plants
I	Standards of Performance for Hot Mix Asphalt Facilities
J	Standards of Performance for Petroleum Refineries
Ja	Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007
K	Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978
Ka	Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984
Kb	Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984
L	Standards of Performance for Secondary Lead Smelters
M	Standards of Performance for Secondary Brass and Bronze Production Plants
N	Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973
Na	Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983
O	Standards of Performance for Sewage Treatment Plants



P	Standards of Performance for Primary Copper Smelters
Q	Standards of Performance for Primary Zinc Smelters
R	Standards of Performance for Primary Lead Smelters
S	Standards of Performance for Primary Aluminum Reduction Plants
T	Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants
U	Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants
V	Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants
W	Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants
X	Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities
Y	Standards of Performance for Coal Preparation and Processing Plants
Z	Standards of Performance for Ferroalloy Production Facilities
AA	Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and On or Before August 17, 1983
AAa	Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983
BB	Standards of Performance for Kraft Pulp Mills
BBa	Standards of Performance for Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013
CC	Standards of Performance for Glass Manufacturing Plants
DD	Standards of Performance for Grain Elevators
EE	Standards of Performance for Surface Coating of Metal Furniture
GG	Standards of Performance for Stationary Gas Turbines
HH	Standards of Performance for Lime Manufacturing Plants
KK	Standards of Performance for Lead-Acid Battery Manufacturing Plants
LL	Standards of Performance for Metallic Mineral Processing Plants
MM	Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations
NN	Standards of Performance for Phosphate Rock Plants
PP	Standards of Performance for Ammonium Sulfate Manufacture
QQ	Standards of Performance for the Graphic Arts Industry: Publication Rotogravure Printing
RR	Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations
SS	Standards of Performance for Industrial Surface Coating: Large Appliances
TT	Standards of Performance for Metal Coil Surface Coating
UU	Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture
VV	Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and on or Before November 7, 2006



VVa	Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006
WW	Standards of Performance for the Beverage Can Surface Coating Industry
XX	Standards of Performance for Bulk Gasoline Terminals
BBB	Standards of Performance for the Rubber Tire Manufacturing Industry
DDD	Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry
FFF	Standards of Performance for Flexible Vinyl and Urethane Coating and Printing
GGG	Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and on or Before November 7, 2006
GGGa	Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006
HHH	Standards of Performance for Synthetic Fiber Production Facilities
III	Standards of Performance for Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes
JJJ	Standards of Performance for Petroleum Dry Cleaners
KKK	Standards of Performance for Equipment Leaks of VOC From Onshore Natural Gas Processing Plants for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011
LLL	Standards of Performance for SO ₂ Emissions From Onshore Natural Gas Processing for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011
NNN	Standards of Performance for Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations
OOO	Standards of Performance for Nonmetallic Mineral Processing Plants
PPP	Standard of Performance for Wool Fiberglass Insulation Manufacturing Plants
QQQ	Standards of Performance for VOC Emissions From Petroleum Refinery Wastewater Systems
RRR	Standards of Performance for Volatile Organic Compound Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes
SSS	Standards of Performance for Magnetic Tape Coating Facilities
TTT	Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines
UUU	Standards of Performance for Calciners and Dryers in Mineral Industries
VVV	Standards of Performance for Polymeric Coating of Supporting Substrates Facilities
WWW	Standards of Performance for Municipal Solid Waste Landfills



XXX	Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014
AAAA	Standards of Performance for Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001
CCCC	Standards of Performance for Commercial and Industrial Solid Waste Incineration Units
EEEE	Standards of Performance for Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006
III	Standards of Performance for Stationary Compression Ignition Internal Combustion Engines
JJJ	Standards of Performance for Stationary Spark Ignition Internal Combustion Engines
KKK	Standards of Performance for Stationary Combustion Turbines
LLL	Standards of Performance for New Sewage Sludge Incineration Units
OOO	Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution for which Construction, Modification or Reconstruction Commenced After August 23, 2011, and on or before September 18, 2015
OOOa	Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After September 18, 2015



(4) Reporting. Reporting requirements are specified in each federal regulation incorporated by reference.

(5) Test Methods. The test methods are specified in 40 CFR 60, Appendices A-1 through A-8 and 10 CSR 10-6.030.

AUTHORITY: section 643.050, RSMo 2016. Original rule filed Dec. 10, 1979, effective April 11, 1980. Amended: Filed Feb. 9, 1981, effective July 11, 1981. Amended: Filed Dec. 10, 1981, effective June 11, 1982. Amended: Filed Dec. 15, 1982, effective May 12, 1983. Amended: Filed Jan. 12, 1983, effective June 11, 1983. Amended: Filed Feb. 14, 1984, effective July 12, 1984. Amended: Filed March 14, 1985, effective Aug. 26, 1985. Amended: Filed June 5, 1986, effective Sept. 26, 1986. Amended: Filed April 2, 1987, effective Aug. 27, 1987. Amended: Filed March 2, 1988, effective June 27, 1988. Amended: Filed June 6, 1989, effective Oct. 27, 1989. Amended: Filed March 31, 1992, effective Feb. 26, 1993. Amended: Filed March 25, 1993, effective Nov. 8, 1993. Amended: Filed June 30, 1994, effective Feb. 26, 1995. Amended: Filed Sept. 14, 1995, effective May 30, 1996. Amended: Filed July 15, 1997, effective Feb. 28, 1998. Amended: Filed March 15, 1999, effective Oct. 30, 1999. Amended: Filed July 30, 1999, effective March 30, 2000. Amended: Filed May 15, 2000, effective Dec. 30, 2000. Amended: Filed Jan. 31, 2002, effective Sept. 30, 2002. Amended: Filed Feb. 14, 2003, effective Oct. 30, 2003. Amended: Filed Feb. 17, 2005, effective Nov. 30, 2005. Amended: Filed May 2, 2006, effective Dec. 30, 2006. Amended: Filed Dec. 6, 2006, effective Aug. 30, 2007. Amended: Filed March 25, 2008, effective Nov. 30, 2008. Amended: Filed Sept. 24, 2009, effective May 30, 2010. Amended: Filed June 18, 2010, effective Feb. 28, 2011. Amended: Filed July 1, 2011, effective Feb. 29, 2012. Amended: Filed May 15, 2012, effective Dec. 30, 2012. Amended: Filed May 7, 2013, effective Dec. 30, 2013. Amended: Filed May 15, 2018, effective Feb. 28, 2019. Amended: Filed Nov. 25, 2019, effective Sept. 30, 2020.*

**Original authority: 643.050, RSMo 1965, amended 1972, 1992, 1993, 1995, 2011.*

10 CSR 10-6.075 Maximum Achievable Control Technology Regulations

PURPOSE: This rule incorporates by reference the maximum achievable control technology regulations in 40 CFR 63, providing the Missouri Department of Natural Resources the authority to implement and enforce these U.S. Environmental Protection Agency regulations. Since EPA enforces some subparts of 40 CFR 63 within Missouri, this rule also specifies whether EPA or the department is the enforcing authority for each subpart.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Applicability. This rule applies to sources subject to 40 CFR 63 subparts incorporated by reference in subsection (3)(A) of this rule.

(2) Definitions. Certain terms used in 40 CFR 63 refer to federal officers, agencies, and publications. The following terms are

substituted when applicable to Missouri where appropriate for the federal counterparts:

(A) Director is substituted for Administrator;

(B) Missouri Department of Natural Resources is substituted for EPA, EPA Regional Office, or Environmental Protection Agency; and

(C) Missouri Register is substituted for Federal Register.

(3) General Provisions.

(A) Incorporations by Reference.

1. The provisions of 40 CFR 63, promulgated as of July 1, 2019, are hereby incorporated by reference in this rule, as published by the Office of the Federal Register. Copies can be obtained from the U.S. Publishing Office Bookstore, 710 N. Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions.

2. Exceptions to paragraph (3)(A)1. of this rule are –

A. Those provisions which are not delegable by the United States Environmental Protection Agency (EPA); and

B. Sections 63.13 and 63.15(a)(2) of subpart A.

(B) The Missouri Department of Natural Resources (MoDNR) maintains authority for implementation of all standards incorporated by reference in subsection (3)(A) of this rule. The table below lists the subparts of 40 CFR 63 incorporated by reference in subsection (3)(A) of this rule, including the primary agency responsible for enforcement of the standard:



Subpart	Title	Primary Regulating Agency
F	National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry	MoDNR
G	National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater	MoDNR
H	National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks	MoDNR
I	National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks	MoDNR
J	National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production	MoDNR
L	National Emission Standards for Coke Oven Batteries	MoDNR
M	National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities	MoDNR
N	National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks	MoDNR
O	Ethylene Oxide Emissions Standards for Sterilization Facilities	MoDNR
Q	National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers	MoDNR
R	National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)	MoDNR
S	National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry	MoDNR
T	National Emission Standards for Halogenated Solvent Cleaning	MoDNR
U	National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins	MoDNR
W	National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production	MoDNR
X	National Emission Standards for Hazardous Air Pollutants From Secondary Lead Smelting	MoDNR
Y	National Emission Standards for Marine Tank Vessel Loading Operations	MoDNR
AA	National Emission Standards for Hazardous Air Pollutants from Phosphoric Acid Manufacturing Plants	MoDNR
BB	National Emission Standards for Hazardous Air Pollutants from Phosphate Fertilizers Production Plants	MoDNR
CC	National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries	MoDNR



DD	National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations	MoDNR
EE	National Emission Standards for Magnetic Tape Manufacturing Operations	MoDNR
GG	National Emission Standards for Aerospace Manufacturing and Rework Facilities	MoDNR
HH	National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities	MoDNR
II	National Emission Standards for Shipbuilding and Ship Repair (Surface Coating)	MoDNR
JJ	National Emission Standards for Wood Furniture Manufacturing Operations	MoDNR
KK	National Emission Standards for the Printing and Publishing Industry	MoDNR
LL	National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants	MoDNR
MM	National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semicheical Pulp Mills	MoDNR
NN	National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing at Area Sources	EPA
OO	National Emission Standards for Tanks—Level 1	MoDNR
PP	National Emission Standards for Containers	MoDNR
QQ	National Emission Standards for Surface Impoundments	MoDNR
RR	National Emission Standards for Individual Drain Systems	MoDNR
SS	National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process	MoDNR
TT	National Emission Standards for Equipment Leaks—Control Level 1	MoDNR
UU	National Emission Standards for Equipment Leaks—Control Level 2 Standards	MoDNR
VV	National Emission Standards for Oil-Water Separators and Organic-Water Separators	MoDNR
WW	National Emission Standards for Storage Vessels (Tanks)—Control Level 2	MoDNR
XX	National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations	MoDNR
YY	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards	MoDNR
CCC	National Emission Standards for Hazardous Air Pollutants for Steel Pickling—HCl Process Facilities and Hydrochloric Acid Regeneration Plants	MoDNR



DDD	National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production	MoDNR
EEE	National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors	MoDNR
GGG	National Emission Standards for Pharmaceuticals Production	MoDNR
HHH	National Emission Standards for Hazardous Air Pollutants From Natural Gas Transmission and Storage Facilities	MoDNR
III	National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production	MoDNR
JJJ	National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins	MoDNR
LLL	National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry	MoDNR
MMM	National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production	MoDNR
NNN	National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing	MoDNR
OOO	National Emission Standards for Hazardous Air Pollutant Emissions: Manufacture of Amino/Phenolic Resins	MoDNR
PPP	National Emission Standards for Hazardous Air Pollutant Emissions for Polyether Polyols Production	MoDNR
QQQ	National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting	MoDNR
RRR	National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production	MoDNR
TTT	National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting	MoDNR
UUU	National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units	MoDNR
VVV	National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works	MoDNR
XXX	National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese	MoDNR
AAAA	National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills	MoDNR
CCCC	National Emission Standards for Hazardous Air Pollutants: Manufacturing of Nutritional Yeast	MoDNR
DDDD	National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products	MoDNR
EEEE	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline)	MoDNR
FFFF	National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing	MoDNR



GGGG	National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production	MoDNR
HHHH	National Emission Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production	MoDNR
IIII	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks	MoDNR
JJJJ	National Emission Standards for Hazardous Air Pollutants: Paper and Other Web Coating	MoDNR
KKKK	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans	MoDNR
MMMM	National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products	MoDNR
NNNN	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances	MoDNR
OOOO	National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles	MoDNR
PPPP	National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products	MoDNR
QQQQ	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products	MoDNR
RRRR	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture	MoDNR
SSSS	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil	MoDNR
TTTT	National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations	MoDNR
UUUU	National Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing	MoDNR
VVVV	National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing	MoDNR
WWWW	National Emission Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production	MoDNR
XXXX	National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing	MoDNR
YYYY	National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines	MoDNR
ZZZZ	National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines	EPA (Area Sources) MoDNR (Major Sources)
AAAAA	National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants	MoDNR
BBBBB	National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing	MoDNR



CCCCC	National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks	MoDNR
DDDDD	National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters	MoDNR
EEEEEE	National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries	MoDNR
FFFFF	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities	MoDNR
GGGGG	National Emission Standards for Hazardous Air Pollutants: Site Remediation	MoDNR
HHHHH	National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing	MoDNR
IIIII	National Emission Standards for Hazardous Air Pollutants: Mercury Emissions From Mercury Cell Chlor-Alkali Plants	MoDNR
JJJJJ	National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing	MoDNR
KKKKK	National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing	MoDNR
LLLLL	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing	MoDNR
MMMMM	National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations	MoDNR
NNNNN	National Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production	MoDNR
PPPPP	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards	MoDNR
QQQQQ	National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities	MoDNR
RRRRR	National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing	MoDNR
SSSSS	National Emissions Standards for Hazardous Air Pollutants for Refractory Products Manufacturing	MoDNR
TTTTT	National Emissions Standards for Hazardous Air Pollutants for Primary Magnesium Refining	MoDNR
UUUUU	National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units	MoDNR
WWWWW	National Emission Standards for Hospital Ethylene Oxide Sterilizers	EPA
YYYYY	National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities	EPA
ZZZZZ	National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources	EPA



BBBBBB	National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities	EPA
CCCCCC	National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities	EPA
DDDDDD	National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources	EPA
EEEEEE	National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources	EPA
FFFFFF	National Emission Standards for Hazardous Air Pollutants for Secondary Copper Smelting Area Sources	EPA
GGGGGG	National Emission Standards for Hazardous Air Pollutants for Primary Nonferrous Metals Area Sources—Zinc, Cadmium, and Beryllium	EPA
HHHHHH	National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources	EPA
JJJJJJ	National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources	EPA
LLLLLL	National Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources	EPA
MMMMMM	National Emission Standards for Hazardous Air Pollutants for Carbon Black Production Area Sources	EPA
NNNNNN	National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources: Chromium Compounds	EPA
OOOOOO	National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources	EPA
PPPPPP	National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources	EPA
QQQQQQ	National Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources	EPA
RRRRRR	National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing Area Sources	EPA
SSSSSS	National Emission Standards for Hazardous Air Pollutants for Glass Manufacturing Area Sources	EPA
TTTTTT	National Emission Standards for Hazardous Air Pollutants for Secondary Nonferrous Metals Processing Area Sources	EPA
VVVVVV	National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources	EPA
WWWWWW	National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations	EPA



XXXXXX	National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories	EPA
YYYYYY	National Emission Standards for Hazardous Air Pollutants for Area Sources: Ferroalloys Production Facilities	EPA
ZZZZZZ	National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries	EPA
AAAAAAA	National Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing	EPA
BBBBBBB	National Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry	EPA
CCCCCCC	National Emission Standards for Hazardous Air Pollutants for Area Sources: Paints and Allied Products Manufacturing	EPA
DDDDDDD	National Emission Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds Manufacturing	EPA
EEEEEEE	National Emission Standards for Hazardous Air Pollutants: Gold Mine Ore Processing and Production Area Source Category	EPA
HHHHHHH	National Emission Standards for Hazardous Air Pollutant Emissions for Polyvinyl Chloride and Copolymers Production	MoDNR



(4) Reporting. Reporting requirements are specified in each federal regulation incorporated by reference.

(5) Test Methods. Test methods are specified in each federal regulation incorporated by reference.

AUTHORITY: section 643.050, RSMo 2016. Original rule filed May 1, 1996, effective Dec. 30, 1996. Amended: Filed April 14, 1998, effective Nov. 30, 1998. Amended: Filed March 15, 1999, effective Oct. 30, 1999. Amended: Filed July 30, 1999, effective March 30, 2000. Amended: Filed May 15, 2000, effective Dec. 30, 2000. Amended: Filed Jan. 31, 2002, effective Sept. 30, 2002. Amended: Filed Feb. 14, 2003, effective Oct. 30, 2003. Amended: Filed Feb. 17, 2005, effective Nov. 30, 2005. Amended: Filed May 2, 2006, effective Dec. 30, 2006. Amended Filed Dec. 6, 2006, effective Aug. 30, 2007. Amended: Filed March 25, 2008, effective Nov. 30, 2008. Amended: Filed Sept. 24, 2009, effective May 30, 2010. Amended: Filed June 18, 2010, effective Feb. 28, 2011. Amended: Filed July 1, 2011, effective Feb. 29, 2012. Amended: Filed May 15, 2012, effective Dec. 30, 2012. Amended: Filed May 7, 2013, effective Dec. 30, 2013. Amended: Filed Oct. 7, 2016, effective July 30, 2017. Amended: Filed May 15, 2018, effective Feb. 28, 2019. Amended: Filed Nov. 25, 2019, effective Sept. 30, 2020.*

**Original authority: 643.050, RSMo 1965, amended 1972, 1992, 1993, 1995, 2011.*

10 CSR 10-6.080 Emission Standards for Hazardous Air Pollutants

PURPOSE: This rule incorporates by reference the maximum achievable control technology regulations in 40 CFR 61. This provides the Missouri Department of Natural Resources the authority to implement and enforce these U.S. Environmental Protection Agency regulations.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Applicability. This rule applies to sources subject to 40 CFR 61 subparts incorporated by reference in subsection (3)(A) of this rule.

(2) Definitions. Certain terms used in 40 CFR 61 refer to federal officers, agencies, and publications. The following terms are substituted when applicable to Missouri where appropriate for the federal counterparts:

(A) Director is substituted for Administrator;

(B) Missouri Department of Natural Resources is substituted for EPA, EPA Regional Office, or Environmental Protection Agency; and

(C) *Missouri Register* is substituted for *Federal Register*.

(3) General Provisions.

(A) Incorporations by Reference.

1. The provisions of 40 CFR 61 promulgated as of July 1, 2019, are hereby incorporated by reference in this rule, as published by the Office of the Federal Register. Copies can be obtained from the U.S. Publishing Office Bookstore, 710 N. Capitol Street NW, Washington, DC 20401. This rule does not

incorporate any subsequent amendments or additions.

2. Exceptions to paragraph (3)(A)1. of this rule are –

A. Those provisions which are not delegable by the U.S. Environmental Protection Agency (EPA);

B. Sections 61.04, 61.16, and 61.17 of subpart A;

C. Subpart B;

D. Subpart H;

E. Subpart I;

F. Subpart K;

G. Subpart Q;

H. Subpart R;

I. Subpart T; and

J. Subpart W.

(B) The subparts of 40 CFR 61 incorporated by reference in subsection (3)(A) of this rule are –



Subpart	Title
C	National Emission Standard for Beryllium
D	National Emission Standard for Beryllium Rocket Motor Firing
E	National Emission Standard for Mercury
F	National Emission Standard for Vinyl Chloride
J	National Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene
L	National Emission Standard for Benzene Emissions from Coke By-Product Recovery Plants
M	National Emission Standard for Asbestos
N	National Emission Standard for Inorganic Arsenic Emissions From Glass Manufacturing Plants
O	National Emission Standard for Inorganic Arsenic Emissions From Primary Copper Smelters
P	National Emission Standard for Inorganic Arsenic Emissions From Arsenic Trioxide and Metallic Arsenic Production Facilities
V	National Emission Standard for Equipment Leaks (Fugitive Emission Sources)
Y	National Emission Standards for Benzene Emissions From Benzene Storage Vessels
BB	National Emission Standards for Benzene Emissions From Benzene Transfer Operations
FF	National Emission Standard for Benzene Waste Operations



(4) Reporting. Reporting requirements are specified in each federal regulation incorporated by reference.

(5) Test Methods. Test methods are specified in each federal regulation incorporated by reference.

AUTHORITY: section 643.050, RSMo 2016. Original rule filed Dec. 10, 1979, effective April 11, 1980. Amended: Filed Feb. 9, 1981, effective July 11, 1981. Amended: Filed Dec. 10, 1981, effective June 11, 1982. Amended: Filed Jan. 12, 1983, effective June 11, 1983. Amended: Filed Feb. 14, 1984, effective July 12, 1984. Amended: Filed June 4, 1985, effective Oct. 26, 1985. Amended: Filed June 5, 1986, effective Sept. 26, 1986. Amended: Filed Feb. 4, 1987, effective May 28, 1987. Amended: Filed April 2, 1987, effective Aug. 27, 1987. Amended: Filed March 2, 1988, effective June 27, 1988. Amended: Filed June 6, 1989, effective Oct. 27, 1989. Amended: Filed May 1, 1992, effective Feb. 26, 1993. Amended: Filed March 25, 1993, effective Nov. 8, 1993. Amended: Filed June 30, 1994, effective Feb. 26, 1995. Amended: Filed Sept. 14, 1995, effective May 30, 1996. Amended: Filed July 15, 1997, effective Feb. 28, 1998. Amended: Filed March 15, 1999, effective Oct. 30, 1999. Amended: Filed July 30, 1999, effective March 30, 2000. Amended: Filed May 15, 2000, effective Dec. 30, 2000. Amended: Filed Jan. 31, 2002, effective Sept. 30, 2002. Amended: Filed Feb. 14, 2003, effective Oct. 30, 2003. Amended: Filed Feb. 17, 2005, effective Nov. 30, 2005. Amended: Filed May 2, 2006, effective Dec. 30, 2006. Amended: Filed Dec. 6, 2006, effective Aug. 30, 2007. Amended: Filed March 25, 2008, effective Nov. 30, 2008. Amended: Filed Sept. 24, 2009, effective May 30, 2010. Amended: Filed June 18, 2010, effective Feb. 28, 2011. Amended: Filed July 1, 2011, effective Feb. 29, 2012. Amended: Filed May 15, 2012, effective Dec. 30, 2012. Amended: Filed May 7, 2013, effective Dec. 30, 2013. Amended: Filed Oct. 7, 2016, effective July 30, 2017. Amended: Filed May 15, 2018, effective Feb. 28, 2019. Amended: Filed Nov. 25, 2019, effective Sept. 30, 2020.*

**Original authority: 643.050, RSMo 1965, amended 1972, 1992, 1993, 1995, 2011.*

10 CSR 10-6.090 Restriction of Emission of Fluorides From Primary Aluminum Reduction Installations

PURPOSE: This rule establishes the maximum allowable rate of primary (stack) emissions of total fluorides from primary aluminum reduction installations, except where New Source Performance Standards apply (as provided in 10 CSR 10-6.070). Fugitive emissions (those escaping the primary collection system) for installations of the type found in Missouri have been determined to be small, due to the efficiencies of the primary collection systems and are not otherwise regulated.

(1) Application. This rule shall apply to primary (stack) emissions of total fluoride from potroom groups and anode bake plants within a primary aluminum reduction installation constructed before August 13, 1981.

(2) Definitions of words or phrases used in this rule may be found in 10 CSR 10-6.020.

(3) Maximum allowable emission of total fluorides. Primary (stack) emissions of total fluorides from any primary aluminum reduction installation shall not exceed 1.25 kilograms/metric ton (2.5 pounds/ton) of aluminum produced.

(4) Time Schedule for Compliance. All sources subject to this rule shall comply by the schedule set forth as follows:

Installation of air pollution control equipment completed
Start-up period completed
Compliance testing completed

September 1, 1981;
December 1, 1981;
December 31, 1981.

(5) Monitoring of Operations.

(A) The owner or operator of any primary aluminum reduction installation subject to the requirements of this rule shall maintain and operate weighing devices which can be used to monthly determine the weight of aluminum produced. The weighing devices shall have an accuracy of plus or minus five percent ($\pm 5\%$) over their operating range.

(B) The owner or operator of any affected primary aluminum reduction installation shall maintain a record of the daily production rates of aluminum. These records shall be retained by the owner or operator for a minimum of two (2) years.

(6) Performance Testing. Compliance with the requirements of this rule shall be determined as set forth in 10 CSR 10-6.030(13), Method 13A or 13B.

AUTHORITY: section 643.050, RSMo Supp. 1992. Original rule filed March 11, 1981, effective Aug. 13, 1981.*

**Original authority: 643.050, RSMo 1965, amended 1972.*

10 CSR 10-6.100 Alternate Emission Limits (Rescinded September 30, 2018)

AUTHORITY: section 643.050, RSMo 2000. Original rule filed June 14, 1982, effective Dec. 11, 1982. Amended: Filed Nov. 14, 2002, effective July 30, 2003. Amended: Filed Oct. 15, 2008, effective July 30, 2009. Rescinded: Filed Jan. 4, 2018, effective Sept. 30, 2018.

10 CSR 10-6.110 Reporting Emission Data, Emission Fees, and Process Information

PURPOSE: This rule provides procedures for reporting emission related information and establishing emission fees for the purpose of state air resource planning.

PUBLISHER'S NOTE: The secretary of state has determined that publication of the entire text of the material that is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Applicability. This rule applies to any installation that is subject to any one (1) of the following:

- (A) Notifies and accepts a permit-by-rule under 10 CSR 10-6.062;
- (B) Is required to obtain a construction permit under 10 CSR 10-6.060; or
- (C) Is required to obtain an operating permit under 10 CSR 10-6.065.

(2) Definitions.

(A) Missouri Emissions Inventory System (MoEIS) – Online interface of the state of Missouri's air emissions inventory database.



(B) Point source – Large, stationary (nonmobile), identifiable source of emissions that releases pollutants into the atmosphere. A point source is an installation that is either –

1. A major source under 40 CFR part 70 for the pollutants for which reporting is required; or
2. A holder of an intermediate operating permit.

(C) Reportable pollutants – The regulated air pollutants at the process level required for emission inventory reporting as summarized in Table 1 of this rule.

(D) Reporting threshold – Minimum amount of reportable emissions at the emission unit level that requires reporting as summarized in Table 1 of this rule. Emissions below this amount may be designated as insignificant on the Full Emissions Report.

(E) Reporting year – Twelve- (12-) month calendar year ending December 31. The reporting requirement for installations with three- (3-) year reporting cycles begins with the 2011 reporting year. The subsequent reporting years will be every three (3) years following 2011 (i.e., 2014, 2017, 2020, etc.).

(F) Small source – An installation subject to this rule but not a point source as defined in this section of the rule.

(G) Definitions of certain terms specified in this rule, other than those specified in this rule section, may be found in 10 CSR 10-6.020.

TABLE 1. Reportable Pollutants with Reporting Thresholds

Process Level Reportable Pollutants		Emission Unit Level Reporting Threshold	
Point Sources	Small Sources	Tons	Pounds
PM ₁₀ fil	PM ₁₀ pri	0.438	876
PMcon			
PM _{2.5} fil	PM _{2.5} pri	0.438	876
PMcon			
SO ₂		1	2000
NO _x		1	2000
VOC		0.438	876
CO		1	2000
Category One (1) HAP ^a		0.01 ^a	20 ^a
Category Two (2) HAP ^b		0.1 ^b	200 ^b
NH ₃		0.438	876
Lead ^a		0.01 ^a	20 ^a

^a Category One (1) Hazardous Air Pollutant (HAP) chemicals include Polycyclic Organic Matter, Arsenic Compounds, Lead Compounds, Chromium Compounds, Mercury Compounds (Alkyl and Aryl), Mercury Compounds (Inorganic), Nickel Compounds, Chlordane, Benzene, Methoxychlor, Vinyl Chloride, Heptachlor, Benzidine, Butadiene (1,3-), Chloromethyl Methyl Ether, Hexachlorobenzene, Bis(chloromethyl)ether, Asbestos, Polychlorinated Biphenyls, Trifluralin, Tetrachlorodibenzo-P-Dioxin (2,3,7,8-), Toxaphene, 1-Bromopropane (1-BP), and Coke Oven Emissions.

^b Category Two (2) HAP chemicals are those defined in 10 CSR 10-6.020 that are not included in the list of Category One (1) HAP chemicals.



(3) General Provisions.

(A) Fees.

1. Any installation subject to this rule, except sources that produce charcoal from wood, shall pay an annual emission fee per ton of applicable pollutant emissions identified in Table 3. of this rule based on previous calendar year emissions and in accordance with paragraphs (3)(A)2. through (3)(A)8. of this rule. The emission fee shall be fifty-five dollars and no cents (\$55.00) per ton emitted in calendar year 2024, fifty-eight dollars and no cents (\$58.00) per ton emitted in calendar year 2025, sixty dollars and no cents (\$60.00) per ton emitted in calendar year 2026, and sixty-two dollars and no cents (\$62.00) per ton emitted in calendar year 2027 and beyond.

2. For Full Emissions Reports, the fee is based on the information provided in the installation's emissions report. For sources which qualify for and use the Reduced Reporting Form, the fee shall be based on the last Full Emissions Report.

3. The fee shall apply to the first four thousand (4,000) tons of each air pollutant subject to fees as identified in Table 3. of this rule. No installation shall be required to pay fees on total emissions in excess of twelve thousand (12,000) tons for any reporting year. An installation subject to this rule which emitted less than one (1) ton of all pollutants subject to fees shall pay a fee for one (1) ton.

4. An installation which pays emission fees to a holder of a certificate of authority issued pursuant to section 643.140, RSMo, may deduct those fees from the emission fee due under this section.

5. The fee imposed in paragraph (3)(A)1. of this rule shall not apply to NH_3 , CO , $\text{PM}_{2.5}$, or HAPs reported as PM_{10} or VOC, as summarized in Table 3. of this rule.

6. Emission fees for the reporting year are due June 1 after each reporting year. The fees shall be payable to the Missouri Department of Natural Resources.

7. To determine emission fees, an installation shall be considered one (1) source as defined in section 643.078.2, RSMo, except that an installation with multiple operating permits shall pay emission fees separately for air pollutants emitted under each individual permit.

8. Beginning January 1, 2025, any installation subject to this rule, except sources that produce charcoal from wood, shall pay an annual base fee in addition to any applicable emission fees. The annual base fee is as specified in Table 2. of this rule, due June 1 the following year.

Table 2. Tiered Base Fee Structure

Title V and Intermediate Sources	
Base Fee	Actual Emission Thresholds
\$100	0 to 10 tons
\$250	11 to 20 tons
\$500	21 to 100 tons
\$1,500	101 to 500 tons
\$2,500	501 tons and over
Non-Title V Sources	
Base Fee	Actual Emission Thresholds
\$50	0 to 0 tons
\$100	1 to 5 tons
\$250	6 to 20 tons
\$500	21 tons and over

Table 3. Pollutant Fee Applicability

Pollutants Subject to Fees	Pollutants Not Subject to Fees
PM_{10} pri	$\text{PM}_{2.5}$ pri
SO_2	CO
NO_x	NH_3
VOC	HAPs reported as PM_{10} or VOC
HAP	
Lead	

(B) Emission Estimation Calculation and Verification.

1. The method of determining an emission factor, capture efficiency, or control efficiency for use in the emissions report shall be consistent with the installation's applicable permit. Variance from this method shall be based on the hierarchy described below. If data is not available for an emission estimation method or an emission estimation method is impractical for a source, then the subsequent emission estimation method shall be used in its place –

A. Continuous Emission Monitoring System (CEMS) as specified in subparagraph (3)(B)2.A. of this rule;

B. Stack tests as specified in subparagraph (3)(B)2.B. of this rule;

C. Material/mass balance;

D. AP-42 (Environmental Protection Agency (EPA) *Compilation of Air Pollution Emission Factors*) or FIRE (Factor Information and Retrieval System) as published by EPA August 2023 and August 2021, respectively, and hereby incorporated by reference in this rule. Copies can be obtained from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161. This rule does not incorporate any subsequent amendments or additions;

E. Other EPA documents as specified in subparagraph (3)(B)2.C. of this rule;

F. Sound engineering or technical calculations; or

G. Facilities shall obtain department approval of emission estimation methods other than those listed in subparagraphs (3)(B)1.A.–F. of this rule before using any such method to estimate emissions in the submission of an emissions report.

2. The director reserves the authority to review and approve all emission estimation methods used to calculate emissions for the purpose of filing an emissions report for accuracy, reliability, and appropriateness. Inappropriate usage of an emission factor or method shall include but is not limited to varying from the method used in permit without prior approval, using emission factors not representative of a process, using equipment in a manner other than that for which it was designed in calculating emissions, or using a less accurate emission estimation method for a process when a facility has more accurate emission data available. Additional requirements for the use of a specific emission estimation method include –

A. Continuous Emission Monitoring System (CEMS).

(I) CEMS must be shown to have met applicable performance specifications during the period for which data is being presented.

(II) CEMS data must be presented in the units which the system was designed to measure. Additional data sets used to extrapolate CEMS data must have equal or better reliability for such extrapolation to be acceptable.



(III) When using CEMS data to estimate emissions, the data must include all parameters (i.e., emission rate, gas flow rate, etc.) necessary to accurately determine the emissions. CEMS data which does not include all the necessary parameters must be reviewed and approved by the director or local air pollution control authority before it may be used to estimate emissions;

B. Stack tests.

(I) Stack tests must be conducted on the specific equipment for which the stack test results are used to estimate emissions.

(II) Stack tests must be conducted according to the methods cited in 10 CSR 10-6.030, unless an alternative method has been approved in advance by the director or local air pollution control authority.

(III) Stack tests will not be accepted unless the choice of test sites and a detailed test plan have been approved in advance by the director or local air pollution control authority.

(IV) Stack tests will not be accepted unless the director or local air pollution control authority has been notified of test dates at least thirty (30) days in advance and thus provided the opportunity to observe the testing. This thirty- (30-) day notification may be reduced or waived on a case-by-case basis by the director or local air pollution control authority.

(V) Stack test results which do not meet all the criteria of parts (3)(B)2.B.(I)–(IV) of this rule may be acceptable for estimating emissions but must be submitted for review and approval by the director or local air pollution control authority on a case-by-case basis; and

C. Other EPA documents may be used to estimate emissions if the emission factors are more appropriate or source specific than AP-42 or FIRE. Newly developed EPA emission factors must be published by December 31 of the year for which the facility is submitting an emissions report.

(C) Emission Data and Fee Auditing and Adjustment.

1. The department may conduct detailed audits of emissions reports and supporting documentation as the director deems necessary. A minimum seven- (7-) day notice must be provided to the installation to prepare documentation if this audit is done on-site.

2. The department may make emission fee adjustments when any of the following applies:

A. Clerical or arithmetic errors have been made;

B. Submitted documentation is not supported by inspections or audits;

C. Emissions estimates are modified as a result of emission verification or audits;

D. Credit has been incorrectly applied for an emissions fee paid to a local air pollution control agency; or

E. Emission estimation calculation varies from the methods described in subsection (3)(B) of this rule.

3. The department is not limited by subparagraphs (3)(C)2.A.–E. of this rule in making emission fee adjustments.

4. Adjustments to data and fees will be subject to a three- (3-) year statute of limitations unless it is –

A. Due to a willful failure to report emissions or fraudulent representation for which there shall be no statute of limitations; or

B. Adjustment of emissions is based on a permitting action under 40 CFR 52.21 for which an adjustment of fees is required to all years of emission data changed up to a maximum of ten (10) years. 40 CFR 52.21 was promulgated as of July 1, 2023, and is hereby incorporated by reference as published by the Office of the Federal Register. Copies can be obtained from the U.S. Government Publishing Office at [https://bookstore.gpo.](https://bookstore.gpo.gov/)

gov/ or for mail orders, print and fill out an order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000. This rule does not incorporate any subsequent amendments or additions. If approved, fees in effect at the time will be due, but no credit will be applied at the emission unit level.

(D) Public Availability of Emission Data and Process Information. Any information obtained pursuant to the rule(s) of the Missouri Air Conservation Commission that would not be entitled to confidential treatment under 10 CSR 10-6.210 shall be made available to any member of the public upon request.

(4) Reporting and Recordkeeping. All data collected and recorded in accordance with the provisions of this rule shall be retained by the owner or operator for not less than five (5) years after the end of the calendar year in which the data was collected, and all these records shall be made available upon the director's request.

(A) The owner or operator of an installation that is subject to this rule shall collect information as required in this section of the rule. The information required in the emissions report is listed in Table 4. of this rule. All data elements must be reported initially, and only changed data elements must be reported subsequently. To ensure permit consistency, the Air Pollution Control Program Emissions Inventory Unit will provide assistance to identify and quantify the data elements in Table 4. of this rule.

**Table 4. Data Elements**

1. Inventory year
2. Contact name
3. Contact phone number
4. Federal Information Processing Standard (FIPS) County Code
5. Installation plant ID code
6. Emission unit ID
7. Stack ID
8. Site name
9. Physical address
10. Source Classification Code (SCC)
11. Heat content (fuel) (annual average)
12. Ash content (fuel) (annual average)
13. Sulfur content (fuel) (annual average)
14. Reportable pollutant
15. Activity level/throughput
16. Annual emissions
17. Emission factor, with method
18. Winter throughput (percent)
19. Spring throughput (percent)
20. Summer throughput (percent)
21. Fall throughput (percent)
22. Hr/day in operation
23. Days/wk in operation
24. Wks/yr in operation
25. Stack height
26. Stack diameter
27. Exit gas temperature
28. Exit gas velocity
29. Exit gas flow rate
30. Capture efficiency (percent)
31. Control efficiency (percent)
32. Control device type and ID
33. Emission release point type
34. Maximum Hourly Design Rate (MHDR)

(B) Types and Frequency of Reporting. The requirements in this subsection are summarized in Table 5. of this rule.

1. All sources (part 70, intermediate, and small) must submit a Full Emissions Report for the first full calendar year of operation and, for point sources, a Full Emissions Report is required for an initial partial year of operation.

2. Starting with reporting year 2011, subsequent years of operation reports or forms shall be submitted as follows:

A. Part 70 sources must continue to submit a Full

Emissions Report annually;

B. Intermediate sources must submit a Full Emissions Report every third year after 2011 (subsequent years 2014, 2017, 2020, etc.) and may submit a Reduced Reporting Form in other years unless either or both of the following apply:

(I) Any change in installation-wide emissions subject to fees of plus or minus five (5) tons or more since the last Full Emissions Report submitted requires a Full Emissions Report for that year; and

(II) A construction permit action issued under 10 CSR 10-6.060 section (5) or (6) requires a Full Emissions Report for the first full year the affected permitted equipment operates; and

C. Small sources may submit a Reduced Reporting Form for all subsequent years after a Full Emissions Report unless either or both of the following apply:

(I) Any change in installation-wide emissions subject to fees of plus or minus five (5) tons or more since the last Full Emissions Report submitted requires a Full Emissions Report for that year; and

(II) A construction permit action issued under 10 CSR 10-6.060 section (5) or (6) requires a Full Emissions Report for the first full year the affected permitted equipment operates.

3. An installation may choose to complete a Full Emissions Report in any year.



TABLE 5. Summary of Types and Frequency of Reporting

Installation Classification	Emission Year					Years Beyond 2027*
	2023	2024	2025	2026	2027	
Part 70	Full Emissions Report	Full Emissions Report	Full Emissions Report	Full Emissions Report	Full Emissions Report	*
Intermediate	Full Emissions Report	Reduced Reporting Form (subparagraph (4)(B)2.B.)	Reduced Reporting Form (subparagraph (4)(B)2.B.)	Full Emissions Report	Reduced Reporting Form (subparagraph (4)(B)2.B.)	*
Small Source	Reduced Reporting Form (subparagraph (4)(B)2.C.)	Reduced Reporting Form (subparagraph (4)(B)2.C.)	Reduced Reporting Form (subparagraph (4)(B)2.C.)	Reduced Reporting Form (subparagraph (4)(B)2.C.)	Reduced Reporting Form (subparagraph (4)(B)2.C.)	*

*Reporting requirements for years beyond 2027 are repeated in three- (3-) year cycles (e.g., requirements for years 2028, 2029, and 2030 are the same as years 2025, 2026, and 2027 respectively).

(C) Submittal Requirements.

1. The Full Emissions Report shall be submitted either electronically via MoEIS, which requires Form 1.0 signed by an authorized company representative, or on Emissions Inventory Questionnaire (EIQ) paper forms on the frequency specified in Table 5. of this rule. Alternate methods of reporting the emissions, such as a spreadsheet file, can be submitted for approval by the director.

2. An installation that does not submit a Full Emissions Report is required to submit a Reduced Reporting Form, which is due April 1 after each reporting year.

3. The Full Emissions Report is due April 1 after each reporting year. If the Full Emissions Report is filed electronically via MoEIS, this due date is extended to May 1.

4. The installation owner or operator of record on December 31 of the reporting year is responsible for the emissions report and associated fees for the entire reporting year.

5. If there is no production from an installation in a reporting year, no emission fees are due for that year but notice of such status must be provided to the director in writing by the emissions report due date of April 1.

6. If an installation is out of business, the final emissions report required will be for the full or partial year the installation went out of business. Notice of such status must be provided to the director in writing by the emissions report due date of April 1.

(5) Test Methods. (Not Applicable)

AUTHORITY: sections 643.050 and 643.079, RSMo Supp. 2024. Original rule filed June 13, 1984, effective Nov. 12, 1984. Amended: Filed April 2, 1987, effective Aug. 27, 1987. Amended: Filed May 14, 1993, effective Jan. 31, 1994. Amended: Filed Sept. 2, 1993, effective May 9, 1994. Amended: Filed May 15, 1995, effective Dec. 30, 1995. Amended: Filed May 15, 1997, effective Dec. 30, 1997. Amended: Filed May 12, 1998, effective Dec. 30, 1998. Amended: Filed May 14, 1999, effective Dec. 30, 1999. Amended: Filed April 6, 2000, effective Nov. 30, 2000. Amended: Filed June 1, 2001, effective Dec. 30, 2001. Amended: Filed Jan. 16, 2002, effective Aug. 30, 2002. Amended: Filed May 15, 2003, effective Dec. 30, 2003. Amended: Filed May 17, 2004, effective Dec. 30, 2004. Amended:*

Filed May 16, 2005, effective Dec. 30, 2005. Amended: Filed May 11, 2006, effective Dec. 30, 2006. Amended: Filed May 14, 2007, effective Dec. 30, 2007. Amended: Filed May 19, 2008, effective Dec. 30, 2008. Amended: Filed Jan. 21, 2010, effective Sept. 30, 2010. Amended: Filed March 13, 2013, effective Oct. 30, 2013. Amended: Filed Sept. 2, 2014, effective March 30, 2015. Amended: Filed April 13, 2018, effective Jan. 30, 2019. Amended: Filed July 15, 2020, effective March 30, 2021. Amended: Filed June 13, 2024, effective Feb. 28, 2025.

**Original authority: 643.050, RSMo 1965, amended 1972, 1992, 1993, 1995, 2011, 2022, and 643.079, RSMo 1992, amended 2005, 2007, 2011, 2013, 2014, 2022, 2023.*

10 CSR 10-6.120 Restriction of Emissions of Lead From Specific Lead Smelter-Refinery Installations

PURPOSE: This rule establishes maximum allowable rates of emissions of lead from stacks in specific lead-smelter installations, except where New Source Performance Standards apply (as provided in 10 CSR 10-6.070). It also provides for the operation and maintenance of equipment and procedures specific to controlling lead emissions to the ambient air, both from stacks and from the fugitive emissions that escape stack collection systems at these installations.

(1) Applicability.

(A) This rule applies to existing installations in Missouri engaged in specific smelting and refining for the production of lead.

(B) Operation and Maintenance of Lead Emissions Control Equipment and Procedures. The owner or operator of any specific lead smelter shall operate and maintain all lead emissions control equipment and perform all procedures as required by this rule.

(2) Definitions. Definitions of certain terms specified in this rule, other than those specified in this rule section, may be found in 10 CSR 10-6.020.

(3) General Provisions.

(A) Operational Malfunction.



1. The owner or operator shall maintain a file which identifies the date and time of any significant malfunction of plant process operations or of emission control equipment which results in increased lead emissions. The file also shall contain a description of any corrective action taken, including the date and time. 10 CSR 10-6.050 Start-Up, Shutdown, and Malfunction Conditions shall apply.

2. All of these files relating to operational malfunction shall be retained for a minimum of two (2) years and, upon request, shall be made available to the director.

(B) Provisions Pertaining to Limitations of Lead Emissions from Specific Installations. Doe Run Resource Recycling Division in Boss, Missouri, shall limit total lead production to one hundred seventy-five thousand (175,000) tons per year.

(C) Provisions Pertaining to Limitations of Lead Emissions From Other Than Stacks at All Installations.

1. The owner or operator shall control fugitive emissions of lead from all process and area sources at an installation by measures described in a work practice manual identified in paragraph (3)(C)2. of this rule. It is a violation of this rule to fail to adhere to the requirements of these work practices.

2. Work practice manual.

A. The owner or operator shall prepare, submit for approval, and then implement a process and area-specific work practice manual that will apply to locations of fugitive lead emissions at the installation.

B. The manual shall be the method of determining compliance with the provisions of this section. Failure to adhere to the work practices in the manual is a violation of this rule.

C. Any change to the manual proposed by the owner or operator following the initial approval shall be requested in writing to the director. Any proposed change shall demonstrate that the change in the work practice will not lessen the effectiveness of the fugitive emission reductions for the work practice involved. Written approval by the director is required before any change becomes effective in the manual.

D. If the director determines a change in the work practice manual is necessary, the director will notify the owner or operator of that installation. The owner or operator shall revise the manual to reflect these changes and submit the revised manual within thirty (30) days of receipt of notification. These changes shall become effective following written approval of the revised manual by the director.

(4) Reporting and Record Keeping.

(A) The operator shall keep records and files generated by the work practice manual's implementation.

(B) The work practice manual shall contain the requirement that records of inspections made by the operator of fugitive emissions control equipment such as hoods, air ducts, and exhaust fans be maintained by the operator.

(C) The Doe Run Resource Recycling Division, Boss, Missouri, operator shall keep records that demonstrate compliance with the emissions limitations described in subsection (3)(B) using the sampling methods described in subsection (5)(E) of this rule. These records shall be maintained on-site in accordance with record keeping and reporting requirements in subsection (5)(E) of this rule.

(D) Records shall be kept for a minimum of two (2) years at the installation and shall be made available upon request of the director for purposes of determining compliance.

(5) Test Methods.

(A) The method of determining the concentration of visible

emissions from stack sources shall be Method 9 – Visual Determination of the Opacity of Emissions from Stationary Sources or Method 22 – Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares as specified in 10 CSR 10-6.030(22).

(B) The method of measuring lead in stack gases shall be Method 12 – Determination of Inorganic Lead Emissions from Stationary Sources as specified in 10 CSR 10-6.030(22).

(C) The method of quantifying the determination of compliance with the emission limitations from stacks in this rule shall be as follows:

1. Three (3) stack samplings shall be planned to be conducted for any one (1) stack within a twenty-four (24)-hour period in accordance with subsection (5)(B) of this rule. If this cannot be done due to weather, operating, or other preventative conditions that develop during the twenty-four (24)-hour period, then the remaining samplings may be conducted in a reasonable time determined by the director following the twenty-four (24)-hour period;

2. Each stack sample shall have a sampling time of at least one (1) hour;

3. The process(es) producing the emissions to that stack being tested shall be operating at a minimum of ninety percent (90%) of capacity of the process(es) for the full duration of the samplings; and

4. The emission rate to be used for compliance determination shall be quantified by using the following formula:

$$Ec = T \text{ avg lbs per hour} \times 24 \text{ hours} = \text{lbs per 24 hours}$$

Where:

Ec = 24-hour emission rate extrapolated from stack sampling results used for compliance determination; and

T avg = Summation of hourly emission rates of three (3) stack sampling results, divided by three (3) for the average hourly rate.

(D) The method of measuring lead in the ambient atmosphere shall be the reference method as specified in 10 CSR 10-6.040(4)(G).

(E) The methods for demonstrating compliance at the Doe Run Resource Recycling Division in Boss, Missouri, shall be those specified in 40 CFR 63, subpart X. 40 CFR 63, Subpart X promulgated as of July 1, 2018 is hereby incorporated by reference in this rule, as published by the Office of the Federal Register. Copies can be obtained from the U.S. Publishing Office Bookstore, 710 N. Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 643.050 and 643.055, RSMo 2016. Original rule filed Aug. 4, 1988, effective Dec. 29, 1988. Amended: Filed Sept. 5, 1990, effective March 14, 1991. Amended: Filed March 4, 1993, effective Oct. 10, 1993. Amended: Filed Aug. 3, 1993, effective April 9, 1994. Amended: Filed Feb. 16, 1994, effective Aug. 28, 1994. Amended: Filed Nov. 14, 1995, effective June 30, 1996. Amended: Filed March 16, 1998, effective Oct. 30, 1998. Amended: Filed Aug. 11, 2000, effective March 30, 2001. Amended: Filed Aug. 6, 2002, effective April 30, 2003. Amended: Filed July 1, 2004, effective March 30, 2005. Amended: Filed Dec. 17, 2008, effective Sept. 30, 2009. Amended: Filed May 9, 2018, effective Feb. 28, 2019.*

**Original authority: 643.050, RSMo 1965, amended 1972, 1992, 1993, 1995, 2011 and 643.055, RSMo 1979, amended 1992, 1994, 2014.*



10 CSR 10-6.130 Controlling Emissions During Episodes of High Air Pollution Potential

PURPOSE: This rule specifies the conditions that establish air pollution alert and emergency alert levels and the associated procedures and emissions reduction objectives.

(1) Applicability.

(A) This rule shall apply to all sources and premises throughout the entire state with air emissions that contribute to sulfur dioxide (SO₂), carbon monoxide (CO), ozone (O₃), nitrogen dioxide (NO₂), or Particulate Matter – 10 Micron (PM₁₀) and 2.5 Micron (PM_{2.5}).

(B) The boundaries of the affected area shall be determined at the discretion of the director in accordance with the nature and magnitude of the pollutant concentrations and meteorological conditions that cause the alert.

(2) Definitions. Definitions of certain terms specified in this rule may be found in 10 CSR 10-6.020.

(3) General Provisions.

(A) Air Pollution Alerts.

1. The Air Quality Index shall be reported to the general public on a daily basis by all metropolitan statistical areas with a population exceeding three hundred fifty thousand (350,000).

2. Alert levels for applicable air pollutants are stated in terms of the Air Quality Index (AQI) as defined in 40 CFR 58, Appendix G. Table A shows the relation of the AQI ranges to alert categories.

Table A		
AQI		
AQI	Alert Category	Alert Color
0–50	Good	Green
51–100	Moderate	Yellow
101–150	Unhealthy for Sensitive groups	Orange
151–200	Unhealthy	Red
201–300	Very Unhealthy	Purple
301–400	Hazardous	Maroon
401–500	Hazardous	Maroon

3. Alert types and levels of initiation. If an AQI value falls within the AQI range listed in Table A of this rule, the corresponding alert color shall be initiated.

4. Declaration of alerts. An orange alert, red alert, purple alert, or maroon emergency alert may be declared on the basis of deteriorating air quality alone; an Air Stagnation Advisory need not be in effect. The appropriate alert level should be declared by the director as ambient monitoring would indicate.

5. Termination of alerts. When, in the judgment of the director, meteorological conditions and pollutant concentrations warrant discontinuance of any alert condition, the director shall notify the technical staff, the chairman, and members of the Missouri Air Conservation Commission that the alert has been discontinued and issue a public notice to

that effect.

(B) Conditions. This subsection provides conditions that establish alert level categories.



Table B			
Conditions for Alert Level Categories			
Orange (101-150)	Red (151-200)	Purple (201-300)	Maroon (301-500)
<p>This alert level AQI value is equaled or exceeded at any one (1) monitoring station within the affected area, unless there is a current forecast of meteorological improvement within the next twenty-four (24) hours.</p> <p>-- and --</p> <p>Meteorological conditions are such that the conditions can be expected to remain or reoccur in this alert level range during the next twenty-four (24) or more hours or increase unless control actions are taken.</p>	<p>This alert level AQI value is equaled or exceeded at any one (1) monitoring station within the affected area, unless there is a current forecast of meteorological improvement within the next twenty-four (24) hours.</p> <p>-- and --</p> <p>Meteorological conditions are such that the conditions can be expected to remain or reoccur in this alert level range during the next twenty-four (24) or more hours or increase unless control actions are taken.</p>	<p>This alert level AQI value is equaled or exceeded at any one (1) monitoring station within the affected area.</p>	<p>This alert level AQI value is equaled or exceeded at any one (1) monitoring station within the affected area.</p>
		<p>-- or --</p> <p>This alert level AQI value is equaled or exceeded as the arithmetic mean for twelve (12) consecutive hours and an Air Stagnation Advisory is in effect.</p>	<p>-- or --</p> <p>This alert level AQI value is equaled or exceeded as the arithmetic mean for twelve (12) consecutive hours and a forecast of stagnation for the following twelve (12) hours is received.</p>
		<p>-- or --</p> <p>The red alert AQI value is equaled or exceeded as the arithmetic mean for twenty-four (24) consecutive hours and a forecast of stagnation for the following twelve (12) hours is received.</p>	<p>-- or --</p> <p>The purple alert AQI value is equaled or exceeded as the arithmetic mean for twenty-four (24) consecutive hours and a forecast of stagnation for the following twelve (12) hours is received.</p>
			<p>-- or --</p> <p>The red alert AQI value is equaled or exceeded as the arithmetic mean for thirty-six (36) consecutive hours and a forecast of stagnation for the following twelve (12) hours is received.</p>

(C) Procedures. This subsection establishes procedures for addressing alert level conditions.



Table C		
Procedures		
Red (151-200)	Purple (201-300)	Maroon (301-500)
The general public shall be informed through the news media that an alert of this level exists, the geographical area(s) where the alert is applicable, the emission and type of source(s) that initiated the alert, individual abatement actions that will help alleviate the problem, and encourage those with respiratory ailments or heart conditions to take the most appropriate and expedient precautions.	The general public shall be informed through the news media that an alert of this level exists, the geographical area(s) where the alert is applicable, the emission and type of source(s) that initiated the alert, individual abatement actions that will help alleviate the problem, and encourage those with respiratory ailments or heart conditions to take the most appropriate and expedient precautions.	The general public shall be informed through the news media that an alert of this level exists, the geographical area(s) where the alert is applicable, the emission and type of source(s) that initiated the alert, individual abatement actions that will help alleviate the problem, and encourage those with respiratory ailments or heart conditions to take the most appropriate and expedient precautions.
All affected governmental control agencies shall be notified of the existing alert level and that coordination of action is required.	All affected governmental control agencies shall be notified of the existing alert level and that coordination of action is required.	All affected governmental control agencies shall be notified of the existing alert level and that coordination of action is required.
All hospitals within the affected area shall be notified of the existing alert level and be prepared for an increase in the number of patients seeking treatment.	All hospitals within the affected area shall be notified of the existing alert level and be prepared for an increase in the number of patients seeking treatment.	All hospitals within the affected area shall be notified of the existing alert level and be prepared for an increase in the number of patients seeking treatment.
The frequency of air monitoring shall be increased at all monitoring stations that are not continuous at intervals not exceeding one (1) hour with continual hourly review at a central control location, if this equipment is available and it is deemed necessary by the director.	The frequency of air monitoring shall be increased at all monitoring stations that are not continuous at intervals not exceeding one (1) hour with continual hourly review at a central control location, if this equipment is available and it is deemed necessary by the director.	The frequency of air monitoring shall be increased at all monitoring stations that are not continuous at intervals not exceeding one-half (1/2) hour with continual half-hour review at a central control location, if this equipment is available and it is deemed necessary by the director.
All open burning shall cease throughout the affected area.	All open burning and incineration shall cease throughout the affected area.	All open burning and incineration shall cease throughout the affected area.
The general public shall be requested through the news media to restrict the unnecessary use of motor vehicles.	The general public shall be told through the news media that local vehicular traffic shall avoid certain areas and all unnecessary use of motor vehicles is restricted. Nonlocal vehicular traffic may be diverted around the affected area depending upon which pollutant(s) caused the existing conditions.	The use of motor vehicles is prohibited except in emergencies with the approval of local or state police.



	Airlines operating within the purple alert area shall be notified that those conditions exist and that a reduction of flights out of the airport may be required.	All airplane flights originating within the area of the maroon emergency alert shall be cancelled.
	If requested by the director, facilities that are sources of air contaminant emissions are required to file alert plans in accordance with section (4) of this rule and shall be prepared to implement the plan upon notification by the director in the event of a purple alert.	If requested by the director, facilities that are sources of air contaminant emissions are required to file alert plans in accordance with section (4) of this rule and shall be prepared to implement the plan upon notification by the director in the event of a maroon emergency alert.
		All places of employment described as follows shall immediately cease operation during a maroon emergency alert: mining and quarrying; contract construction work; wholesale trade establishments; schools and libraries; governmental agencies except those needed to administer the air pollution alert program and other essential agencies determined by the director to be vital for public safety and welfare and needed to administer the provisions of this rule; retail trade stores except those dealing primarily in sale of food or pharmacies; banks, real estate agencies, insurance offices, and similar business; laundries, cleaners and dryers, beauty and barber shops, and photographic studios; amusement, recreational, gaming, and entertainment service establishments; automobile repair and automobile service garages; and advertising offices, consumer credit reporting, adjustment and collection agencies, printing and duplicating services, rental agencies, and commercial testing laboratories.
		All manufacturing facilities except those required to submit alert plans shall institute action that will result in maximum reduction of air contaminants from their operations by ceasing, curtailing, or postponing operations to the extent possible without causing injury to persons or damage to equipment.



(4) Reporting and Record Keeping. Facilities that are sources of air contaminant emissions and required to file alert plans per Table C of this rule shall file purple and maroon alert plans with the director within sixty (60) days of the director's request.

Alert plans shall –

(A) Address the objectives provided in Tables D, E, and F; and

(B) Include the planning necessary for implementation.

Updates to alert plans, including requests for rescissions, shall be provided when changes to operations necessitate.

Table D	
Purple Alert (201-300) Plan Objectives	
Sources	Objectives
Electric power generating facilities	Reduction of emissions by diverting electric power generation to facilities outside of area for which the alert is called.
	If applicable, reduce emissions by utilization of fuels having low ash and sulfur content. If applicable, soot blowing and boiler lancing to be allowed only during periods of high atmospheric turbulence (12:00 noon to 4:00 p.m.).
Process steam generating facilities	Reduction of steam load demands consistent with continuing the operation of the plant.
	If applicable, reduce emissions by utilization of fuels having low ash and sulfur content. If applicable, soot blowing and boiler lancing to be allowed only during periods of high atmospheric turbulence (12:00 noon to 4:00 p.m.).
Manufacturing industries of the following Standard Industrial Classification Manual (SIC) group designations: grain industries, group 20; paper and allied products industries, group 26; chemicals and allied products industries, group 28; petroleum refining and related industries, group 29; stone, glass, clay, and concrete product industries, group 32; primary metal industries, group 33	Reduction of heat load demands for processing to a minimum.
	Reduction of air contaminant emissions by curtailing, postponing, or deferring production and allied operations. Stoppage of all trade waste disposal practices that emit particles, gases, vapors, or malodorous substances including incineration.
Other manufacturing facilities required to submit alert plans by the director	Reduction of heat load demands for processing to a minimum.
	Reduction of air contaminant emissions by curtailing, postponing, or deferring production and allied operations. Stoppage of all trade waste disposal practices that emit particles, gases, vapors, or malodorous substances including incineration.
Private, public, and commercial operations	For refuse disposal, stoppage of all open burning including disposal of trees and burning at fire-fighting schools, except as required for disposal of hazardous materials or other emergency needs.
	For refuse disposal, operation of incinerators shall cease per Table C of this rule.
Transportation	See Table C of this rule for motor vehicle restrictions.



Table E	
Maroon Emergency Alert (301-400) Plan Objectives	
Sources	Objectives
Electric power generating facilities	Reduction of emissions by diverting electric power generation to facilities outside of area for which the alert is called.
	If applicable, reduce emissions by utilization of fuels having low ash and sulfur content. If applicable, soot blowing and boiler lancing to be allowed only during periods of high atmospheric turbulence (12:00 noon to 4:00 p.m.).
Process steam generating facilities	If applicable, obtain maximum reduction of air contaminant emissions by utilization of fuels having the lowest ash and sulfur content.
	If applicable, maximize use of periods of high atmospheric turbulence (12:00 noon to 4:00 p.m.) for soot blowing and boiler lancing.
Manufacturing industries of the following Standard Industrial Classification Manual (SIC) group designations: grain industries, group 20; paper and allied products industries, group 26; chemicals and allied products industries, group 28; petroleum refining and related industries, group 29; stone, glass, clay, and concrete product industries, group 32; primary metal industries, group 33	Maximum reduction of heat load demands for processing.
	Maximum reduction of air contaminant emissions by, if necessary, postponing production and allied operations. Stoppage of all trade waste disposal practices that emit particles, gases, vapors, or malodorous substances including incineration.
Other manufacturing facilities required to submit alert plans by the director	Maximum reduction of heat load demands for processing.
	Maximum reduction of air contaminant emissions by, if necessary, postponing production and allied operations. Stoppage of all trade waste disposal practices that emit particles, gases, vapors, or malodorous substances including incineration.
Private, public, and commercial operations	For refuse disposal, stoppage of all open burning including disposal of trees and burning at fire-fighting schools, except as required for disposal of hazardous materials or other emergency needs.
	For refuse disposal, operation of incinerators shall cease per Table C of this rule.
Transportation	See Table C of this rule for motor vehicle restrictions.



Table F

Maroon Emergency Alert (401-500) Plan Objectives

Sources	Objectives
Electric power generating facilities	Reduction of emissions by diverting electric power generation to facilities outside of area for which the alert is called.
	If applicable, reduce emissions by utilization of fuels having low ash and sulfur content. If applicable, soot blowing and boiler lancing to be allowed only during periods of high atmospheric turbulence (12:00 noon to 4:00 p.m.).
Process steam generating facilities	Maximum reduction of air contaminant emissions by reducing heat and steam load demands to values consistent with preventing equipment damage.
	If applicable, maximize use of periods of high atmospheric turbulence (12:00 noon to 4:00 p.m.) for soot blowing and boiler lancing.
Manufacturing industries of the following Standard Industrial Classification Manual (SIC) group designations: grain industries, group 20; paper and allied products industries, group 26; chemicals and allied products industries, group 28; petroleum refining and related industries, group 29; stone, glass, clay, and concrete product industries, group 32; primary metal industries, group 33	Maximum reduction of heat load demands for processing.
	Elimination of air contaminant emissions from the manufacturing operations by ceasing, curtailing, postponing, or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment.
Other manufacturing facilities required to submit alert plans by the director	Maximum reduction of heat load demands for processing.
	Elimination of air contaminant emissions from the manufacturing operations by ceasing, curtailing, postponing, or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment.
Private, public, and commercial operations	For refuse disposal, stoppage of all open burning including disposal of trees and burning at fire-fighting schools, except as required for disposal of hazardous materials or other emergency needs.
	For refuse disposal, operation of incinerators shall cease per Table C of this rule.
	The following places of employment, if notified by the director, immediately shall cease operations: mining and quarrying operations; construction projects except as required to avoid emergent physical harm; manufacturing establishments except those required to have in force an air pollution alert plan; wholesale trade establishments; governmental units, except as required to implement the provisions of this rule and other operations essential to immediate protection of the public welfare and safety; retail trade and service establishments except pharmacies, food stores, and other similar operations providing for emergency needs; other commercial service operations, such as those engaged in banking, insurance, real estate, advertising, and the like; educational institutions; and amusement, recreational, gaming, and entertainment facilities.
Transportation	See Table C of this rule for motor vehicle restrictions.



(5) Test Methods. The testing references for Missouri ambient air quality data are as specified in 10 CSR 10-6.040 Reference Methods.

AUTHORITY: section 643.050, RSMo Supp. 2013. Original rule filed May 11, 1984, effective Oct. 11, 1984. Amended: Filed Jan. 5, 1988, effective April 28, 1988. Amended: Filed March 13, 2002, effective Nov. 30, 2002. Amended: Filed Sept. 24, 2009, effective May 30, 2010. Amended: Filed May 7, 2013, effective Dec. 30, 2013.*

**Original authority: 643.050, RSMo 1965, amended 1972, 1992, 1993, 1995, 2011.*

10 CSR 10-6.140 Restriction of Emissions Credit for Reduced Pollutant Concentrations From the Use of Dispersion Techniques

PURPOSE: This rule implements provisions of federal regulations which restrict credit in the calculation of emission limitations for reduced pollutant concentrations due to the use of dispersion techniques.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Applicability.

(A) This rule applies to the procedures to account for emission dispersion techniques used in the calculation of any emission limitation or any revision of any limitation to be established by the director or to be considered for establishment by the Missouri Air Conservation Commission (MACC). This rule also requires that all emission limitations established by the director or by the MACC after December 31, 1970, be reviewed for compliance with this rule.

(B) 40 CFR 51, Appendix W, promulgated as of July 1, 2017 shall apply and is hereby incorporated by reference in this rule, as published by the Office of the Federal Register. Copies can be obtained from the U.S. Publishing Office Bookstore, 710 N. Capitol Street NW, Washington DC 20401. This rule does not incorporate any subsequent amendments or additions.

(C) Exemptions. The provisions of section (3) of this rule do not apply to emission limitation credits from –

1. Stack heights on which construction commenced on or before December 31, 1970, except where pollutants are being emitted from the stacks by source operations which were constructed, reconstructed, or on which major modifications were carried out after December 31, 1970; or

2. Dispersion techniques implemented before December 31, 1970, except where these dispersion techniques are being applied to source operations which were constructed, reconstructed, or on which major modifications were carried out after December 31, 1970.

(2) Definitions.

(A) Commence – For the purposes of major stationary source construction or major modification, the owner or operator has all necessary preconstruction approvals or permits and –

1. Began, or caused to begin, a continuous program of

actual on-site construction of the source, to be completed within a reasonable time; or

2. Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

(B) Dispersion technique –

1. Any technique designed to affect the concentration of a pollutant in the ambient air by –

A. Using that portion of a stack which exceeds good engineering practice stack height;

B. Varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant; or

C. 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

2. This definition does not include:

A. 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;

B. The merging of exhaust gas streams where –

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

(II) 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

(III) 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;

C. Smoke management in agricultural or silvicultural prescribed burning programs;

D. Episodic restrictions on residential woodburning and open burning; or

E. Techniques under subparagraph (2)(B)1.C. of this 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.

(C) 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.

(D) Excessive concentration –

1. For installations seeking credit for reduced ambient



pollutant concentrations from stack height exceeding that defined in paragraph (2)(E)2. 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;

2. For installations seeking credit after October 11, 1983, for increases in stack heights up to the heights established under paragraph (2)(E)2. of this rule, an excessive concentration is either –

A. A maximum ground-level concentration due in whole or part to downwash, wakes, or eddy effects as provided in paragraph (2)(D)1. 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

B. The actual presence of a local nuisance caused by the stack, as determined by the director; and

3. For installations seeking credit after January 12, 1979, for a stack height determined under paragraph (2)(E)2. 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 paragraph (2)(E)2. of this rule, a maximum groundlevel 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.

(E) Good engineering practice (GEP) stack height – The greater of –

1. Sixty-five meters (65 m) measured from the ground-level elevation at the base of the stack;

2. For stacks on which construction commenced on or before January 12, 1979, and for which the owner or operator had obtained all applicable permits or approvals required under 40 CFR 51 and 52,

$$Hg = 2.5H$$

provided the owner or operator produces evidence that this equation was actually relied on in establishing an emission limitation; and for all other stacks,

$$Hg = H + 1.5L$$

Where:

Hg = GEP stack height, measured from the ground-level elevation at the base of the stack;

H = height of nearby structure(s) measured from the ground-level elevation at the base of the stack; and

L = lesser dimension, height, or projected width of the nearby structure(s). Provided that the director may require the use of a field study or fluid model to verify GEP stack height for the installation; or

3. The height demonstrated by a fluid model or field study approved by the director, which ensures that the emissions from a stack do not result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, nearby structures, or nearby terrain features.

(F) 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:

1. Routine maintenance, repair, and replacement of parts;

2. 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;

3. 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;

4. 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

5. Use of an alternative fuel by reason of an order or rule under section 125 of the Clean Air Act.

(G) Nearby – Nearby, as used in the definition good engineering practice (GEP) stack height in paragraph (2)(E)2. of this rule, is defined for a specific structure or terrain feature –

1. For purposes of applying the formula provided in paragraph (2)(E)2. of this rule, nearby means that distance up to five (5) times the lesser of the height or the width dimension of a structure, but not greater than one-half (1/2) mile; and

2. For conducting fluid modeling or field study demonstrations under paragraph (2)(E)3. of this rule, nearby means not greater than one-half (1/2) mile, except that the portion of a terrain feature may be considered to be nearby which falls within a distance of up to ten (10) times the maximum height of the feature, not to exceed two (2) miles if feature achieves a height one-half (1/2) mile from the stack that is at least forty percent (40%) of the GEP stack height determined by the formula provided in paragraph (2)(E)2. of this rule, or twenty-six meters (26 m), whichever is greater, as measured from the ground-level elevation at the base of the stack. The height of the structure or terrain feature is measured from the ground-level elevation at the base of the stack.

(H) Stack – Any spatial point in an installation designed to emit air contaminants into ambient air. An accidental opening such as a crack, fissure, or hole is a source of fugitive emissions, not a stack.

(I) Definitions of certain terms in this rule, other than those specified in this rule section, may be found in 10 CSR 10-6.020.



(3) General Provisions.

(A) The degree of emission limitation required of any installation for control of any air pollutant must not be affected by that portion of any installation's stack height that exceeds good engineering practice (GEP) or by any other dispersion technique, except as provided in section (1).

(B) Before the director or the MACC establishes an emission limitation that is based on a GEP stack height that exceeds the formula GEP height allowed by this rule, the director must notify the public of the availability of the demonstration study and must provide opportunity for public hearing on it.

(C) This rule does not restrict the actual stack height of any installation or the use of any dispersion technique by any installation.

(4) Reporting and Recordkeeping. (*Not applicable*)(5) Test Methods. (*Not applicable*)

AUTHORITY: section 643.050, RSMo 2016. Original rule filed Jan. 6, 1986, effective May 11, 1986. Amended: Filed May 1, 2019, effective Jan. 30, 2020.*

**Original authority: 643.050, RSMo 1965, amended 1972, 1992, 2011.*

10 CSR 10-6.150 Circumvention

PURPOSE: This rule prohibits the installation or use of any device or means which conceals or dilutes an emission violating a rule.

(1) No person shall cause or permit the installation or use of any device or any means which, without resulting in reduction in the total amount of air contaminant emitted, conceal or dilute an emission or air contaminant which violates a rule of the Missouri Air Conservation Commission.

AUTHORITY: section 643.050, RSMo Supp. 1992. This rule was previously filed as 10 CSR 10-2.090, 10 CSR 10-4.130 and 10 CSR 10-5.230. Original rule filed April 18, 1990, effective Nov. 30, 1990.*

**Original authority: 643.050, RSMo 1965, amended 1972, 1992.*

10 CSR 10-6.160 Medical Waste and Solid Waste Incinerators

Editor's Note: On March 29, 1993, the Circuit Court of Cole County found that 10 CSR 10-6.160 was void since it exceeds the statutory cost analysis requirements of sections 536.200 and 536.205, RSMo.

10 CSR 10-6.161 Commercial and Industrial Solid Waste Incinerators.

PURPOSE: This rule incorporates by reference the federal regulatory requirements for existing commercial and industrial solid waste incineration units in Missouri.

PUBLISHER'S NOTE: The secretary of state has determined that publication of the entire text of the material that is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed

here.

(1) Applicability.

(A) This rule applies to commercial and industrial solid waste incinerator (CISWI) units, defined by section (2) of this rule, as follows:

1. Energy recovery units, waste burning kilns, and small remote incinerators that commenced construction on or before June 4, 2010, or commenced modification or reconstruction after June 4, 2010, but no later than August 7, 2013;

2. Other CISWI incinerators that commenced construction on or before November 30, 1999, and were not modified or reconstructed after June 1, 2001; and

3. Other CISWI incinerators that commenced construction after November 30, 1999, but no later than June 4, 2010, or commenced modification or reconstruction on or after June 1, 2001, but no later than August 7, 2013.

(B) If the owner or operator of a CISWI unit makes changes that meet the definition of modification or reconstruction on or after June 1, 2001, the CISWI unit becomes subject to 40 CFR 60 subpart CCCC and the CISWI state plan no longer applies to that unit.

(C) Exemptions to this rule are as follows:

1. This rule does not apply to combustion units listed in 40 CFR 60.2555; and

2. If the owner or operator of a CISWI unit makes physical or operational changes to an existing CISWI unit primarily to comply with the CISWI state plan, 40 CFR 60 subpart CCCC does not apply to that unit because such changes do not qualify as modifications or reconstructions under 40 CFR 60 subpart CCCC.

(2) Definitions. The provisions of 40 CFR 60.2875, promulgated as of July 1, 2022, are hereby incorporated by reference in this rule, as published by the U.S. Government Publishing Office and available at <https://bookstore.gpo.gov/> or for mail orders, print and fill out an order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000. This rule does not incorporate any subsequent amendments or additions.

(3) General Provisions. The following references to the provisions of 40 CFR 60.2575 through 60.2735, 40 CFR 60.2805 through 60.2870, 40 CFR 60 subpart DDDD Tables 1 through 9, 40 CFR 63.1348 through 63.1350, and 40 CFR 60 Appendix B Specifications 12A and 12B, promulgated as of July 1, 2022, apply and said provisions are hereby incorporated by reference in this rule, as published by the U.S. Government Publishing Office and available at <https://bookstore.gpo.gov/> or for mail orders, print and fill out an order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000. This rule does not incorporate any subsequent amendments or additions:

(A) Increments of Progress – 40 CFR 60.2575 through 60.2615 and 40 CFR 60.2815 through 60.2855;

(B) Waste Management Plan – 40 CFR 60.2620 through 60.2630;

(C) Operator Training and Qualification – 40 CFR 60.2635 through 60.2665;

(D) Emission Limitations and Operating Limits – 40 CFR 60.2670 through 60.2680 and 40 CFR 60.2860;

(E) Performance Testing – 40 CFR 60.2690 through 60.2695;

(F) Initial Compliance Requirements – 40 CFR 60.2700 through 60.2706. If the owner or operator of a waste-burning kiln chooses to switch to and comply with the equivalent



production-based mercury emission limit in subparagraph (3)(K)1.B. of this rule, initial compliance shall be demonstrated pursuant to 40 CFR 63.1348(a)(5). The initial compliance test must begin on the first operating day following completion of the field testing and data collection that demonstrates that the continuous emissions monitoring system has satisfied the relevant performance acceptance criteria of Performance Specifications 12A or 12B in 40 CFR 60 Appendix B. The notification required by 40 CFR 60.2760(a) through (c) shall also include the owner or operators intention to comply with the equivalent production-based mercury emission limit in subparagraph (3)(K)1.B. of this rule. For waste-burning kilns choosing to comply with the equivalent production-based mercury emission limit in paragraph (3)(K)1.B. of this rule, the term operating day in 40 CFR 63.1348(a)(5), 40 CFR 63.1348(b)(7) and 40 CFR 63.1349(b)(5) means any twenty-four- (24-) hour period beginning at 12:00 midnight during which the kiln produces any amount of clinker. The requirements of 40 CFR 63.1348(a)(5), 40 CFR 63.1348(b)(7), 63.1349(b)(5), and 40 CFR 60 Appendix B Specifications 12A and 12B apply;

(G) Continuous Compliance Requirements – 40 CFR 60.2710 through 60.2725. If the owner or operator of a waste-burning kiln chooses to switch to and comply with the equivalent production-based mercury emission limit in subparagraph (3)(K)1.B. of this rule, continuous compliance shall be demonstrated pursuant to the procedures of 40 CFR 63.1348(b)(7) and 40 CFR 63.1349(b)(5). The requirements of 40 CFR 63.1348(b)(7) and 63.1349(b)(5) apply;

(H) Monitoring – 40 CFR 60.2730 through 60.2735 and 40 CFR 60.2865. If the owner or operator of a waste-burning kiln chooses to switch to and comply with the equivalent production-based mercury emission limit in subparagraph (3)(K)1.B. of this rule, it must also monitor mercury pursuant to 40 CFR 63.1350(k), the clinker production rate pursuant to 40 CFR 63.1350(d), and the flow rate pursuant to 40 CFR 63.1350(n). An owner or operator of a waste-burning kiln is not required to develop an emissions monitoring plan pursuant to 40 CFR 63.1350(p)(1) through (p)(4) if the owner or operator prepares the emissions monitoring plan required pursuant to 40 CFR 60.2710(k) and 40 CFR 60.2710(l). The requirements of 40 CFR 63.1350(d), (k), (n), and (p)(1) apply;

(I) Title V Operating Permits – 40 CFR 60.2805;

(J) 40 CFR 60 subpart DDDD Table 1 through Table 9. The compliance dates for the increments of progress are –

1. For Increment 1, the final control plan must be submitted within one (1) year of March 30, 2014; and

2. For Increment 2, for CISWI units that commenced construction on or before June 4, 2010, the final compliance date is February 7, 2018; and

(K) Other requirements –

1. Units applicable under paragraph (1)(A)1. of this rule must comply with the emission limits as follows:

A. For energy recovery units, Table 7 of 40 CFR 60 subpart DDDD;

B. For waste burning kilns, Table 8 of 40 CFR 60 subpart DDDD; and

C. For small remote incinerators, Table 9 of 40 CFR 60 subpart DDDD;

2. Units applicable under paragraph (1)(A)2. of this rule, Table 2 of 40 CFR 60 subpart DDDD; and

3. Units applicable under paragraph (1)(A)3. of this rule, Table 6 of 40 CFR 60 subpart DDDD or Table 1 of 40 CFR 60 subpart CCCC, whichever is more stringent.

(4) Reporting and Record Keeping. The provisions of 40 CFR

60.2740 through 60.2800 and 40 CFR 60.2870, promulgated as of July 1, 2022, apply and are hereby incorporated by reference in this rule, as published by the U.S. Government Publishing Office and available at <https://bookstore.gpo.gov/> or for mail orders, print and fill out an order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000. This rule does not incorporate any subsequent amendments or additions. If the owner or operator of a waste-burning kiln chooses to switch to and comply with the equivalent production-based mercury emission limit in subparagraph (3)(K)1.B. of this rule, it shall also keep records of all data collected from the continuous flow rate monitoring system required by 40 CFR 63.1350(n), all data collected from the clinker production monitoring system required by 40 CFR 63.1350(d), and all calculated thirty (30) operating day rolling average values derived from the mercury monitoring system. Units in the waste-burning kiln subcategory complying with the equivalent production-based mercury emission limit in subparagraph (3)(K)1.B. of this rule must also report all deviations from the equivalent production-based mercury limit in accordance with 40 CFR 60.2740 through 40 CFR 60.2800. The requirements of 40 CFR 63.1350(d) and (n) apply.

(5) Test Methods. *(Not applicable)*

AUTHORITY: section 643.050, RSMo Supp. 2023. Original rule filed July 12, 2013, effective March 30, 2014. Amended: Filed May 9, 2018, effective Feb. 28, 2019. Amended: Filed June 14, 2019, effective Feb. 29, 2020. Amended: Filed July 3, 2023, effective Feb. 29, 2024.*

**Original authority: 643.050, RSMo 1965, amended 1972, 1992, 1993, 1995, 2011.*

10 CSR 10-6.165 Restriction of Emission of Odors

PURPOSE: This rule restricts the emission of excessive odorous matter. The evidence supporting the need for this rule, per 536.016, RSMo, are minutes from a May 28, 2009, Missouri Air Conservation Commission meeting, letters from Washington University in St. Louis School of Law and the Attorney General's Office dated October 6, 2006, and odor workgroup meeting notes from 2007.

(1) Applicability. This rule shall apply to any person that causes, permits, or allows emission of odorous matter throughout the state of Missouri, except –

(A) The provisions of section (3) of this rule shall not apply to the emission of odorous matter from the pyrolysis of wood in the production of charcoal in a Missouri-type charcoal kiln;

(B) The provisions of section (3) of this rule shall not apply to the emission of odorous matter from the raising and harvesting of crops nor from the feeding, breeding, and management of livestock or domestic animals or fowl with the exception of Class IA concentrated animal feeding operations; and

(C) The provisions of this rule shall not apply to emissions of odorized natural gas, or the chemicals used to achieve the regulated odorization of natural gas, inherent to the operations of a natural gas utility.

(2) Definitions. Definitions of certain terms specified in this rule may be found in 10 CSR 10-6.020.

(3) General Provisions. No person may cause, permit, or allow the emission of odorous matter in concentrations and



frequencies or for durations that odor can be perceived when one (1) volume of odorous air is diluted with seven (7) volumes of odor-free air for two (2) separate trials not less than fifteen (15) minutes apart within the period of one (1) hour. This odor evaluation shall be taken at a location outside of the installation's property boundary.

(A) Control of Odors from Class IA Concentrated Animal Feeding Operations. Notwithstanding any provision in any other regulation to the contrary, all Class IA concentrated animal feeding operations shall operate under an odor control plan describing measures to be used to control odor emissions that are necessary to maintain compliance with the odor performance standard described in section (3). All new Class IA concentrated animal feeding operations and any operation that expands to become a Class IA concentrated animal feeding operation shall obtain approval from the department for an odor control plan at least sixty (60) days prior to commencement of operation.

1. The odor control plan shall contain the following:

A. A listing of all sources of odor emissions and description of how odors are currently being controlled;

B. A listing of all potentially innovative and proven odor control options for reducing odor emissions. Odor control options may include odor reductions achieved through: odor prevention, odor capture and treatment, odor dispersion, add-on control devices, management practices, modifications to feed-stock or waste handling practices, or process changes;

C. A detailed discussion of feasible odor control options for odor emissions. The discussion shall include options determined to be infeasible. Determination of infeasibility should be well documented and based on physical, chemical, and engineering principles demonstrating that technical difficulties would preclude the success of the control option;

D. A ranking of feasible odor control options from most to least effective. Ranking factors shall include odor control effectiveness, expected odor reduction, energy impacts, and economic impacts;

E. An evaluation of the most effective odor control options. Energy, environmental, and economic impacts shall be evaluated on a case-by-case basis;

F. Description of the odor control options to be implemented to reduce odor emissions;

G. A schedule for implementation. The schedule shall establish interim milestones in implementing the odor control plan prior to the implementation deadline if the plan is not implemented at one time; and

H. An odor monitoring plan.

2. The Missouri Department of Natural Resources' Air Pollution Control Program shall review and approve or disapprove the odor control plan.

A. After the program receives an odor control plan, they shall perform a completeness review. Within thirty (30) days of receipt, the program shall notify the plan originator if the plan contains all the elements of a complete odor control plan. If found incomplete, the program shall provide the originator a written explanation of the plan's deficiencies.

B. Within sixty (60) days after determining an odor control plan submittal is deemed complete, the program shall approve or disapprove the plan. During this sixty (60)-day technical review period, the program may request additional information needed for review. If the plan is disapproved, the program shall give the plan originator a written evaluation explaining the reason(s) for disapproval.

(B) Existing odor control plans shall be amended within thirty (30) calendar days of either –

1. A determination by the staff director that there has been a violation of any requirement of this rule; or

2. A determination by the staff director that an amended odor control plan is necessary to address recurring odor emissions.

(4) Reporting and Record Keeping. Odor control plans shall be reviewed and updated as necessary a minimum of every five (5) years from the date last approved or when a modification occurs. In lieu of a full plan update, a letter may be provided to the department stating that a review was performed and the existing odor control plan is adequate. This review letter or odor control plan update shall be due to the department six (6) months before the current odor control plan expires or at least thirty (30) days prior to the modification occurring with the following provisions:

(A) All existing odor control plans shall be updated by March 31, 2011; and

(B) Any person may petition the department to be removed from the odor control plan requirement based on documentation that the odor source has been removed.

(5) Test Methods. Measurements shall be made with a Nasal Ranger as manufactured by St. Croix Sensory, Inc. or by a similar instrument or technique that will give substantially similar results, or as approved by the department.

AUTHORITY: section 643.050, RSMo Supp. 2013. Original rule filed April 14, 2010, effective Nov. 30, 2010. Amended: Filed Feb. 18, 2014, effective Sept. 30, 2014.*

**Original authority: 643.050, RSMo 1965, amended 1972, 1992, 1993, 1995, 2011.*

10 CSR 10-6.170 Restriction of Particulate Matter to the Ambient Air Beyond the Premises of Origin

PURPOSE: This rule restricts the emission of particulate matter to the ambient air beyond the premises of origin.

(1) Applicability. This rule applies to any operation, process, or activity resulting in fugitive particulate matter (PM) emissions throughout the state of Missouri, with the following exceptions:

(A) Fugitive PM emissions from unpaved public roads located in areas not designated as nonattainment for PM;

(B) Agricultural operations including tilling, planting, cultivating or harvesting within a field, the moving of livestock on foot, or the hauling of produce within the confines of a farm;

(C) Fugitive PM emissions from driveways limited to residential use; and

(D) Fugitive PM emissions in violation of this rule which, according to the director, occurred due to unusual or adverse weather conditions. These conditions may include, but are not limited to, high winds, extended dry weather periods, and extreme cold weather periods.

(2) Definitions.

(A) Control measure – Any means which reduce the quantity of a pollutant that is emitted into the air.

(B) Director – Director of the Missouri Department of Natural Resources or a representative designated to carry out the duties as described in 643.060, RSMo.

(C) Facility – All contiguous or adjoining property that is under common ownership or control, including properties that



are separated only by a road or other public right-of-way.

(D) Fugitive particulate matter emissions—Any particulate matter emissions which could not reasonably be passed through a stack, chimney, vent, or other functionally equivalent opening.

(E) Nonattainment area (NAA)—Any geographic area of the United States which has been designated as nonattainment under section 107 of the Clean Air Act and described in 40 CFR 81.

(F) Particulate matter—Any liquid or solid material, except uncombined water, that exists in a finely divided form with an aerodynamic diameter smaller than one hundred micrometers (100 µm).

(3) General Provisions.

(A) Restrictions to Limit Fugitive Particulate Matter Emissions.

1. No person shall cause or allow fugitive particulate matter emissions to—

A. Go beyond the premises of origin in such quantities that the particulate matter may be found on surfaces beyond the property line of origin due to the following activities:

(I) Handling, transporting, or storing of any material;

(II) Construction, repair, cleaning, or demolition of a building or its appurtenances;

(III) Construction or use of a road, driveway, or open area; or

(IV) Operation of a commercial or industrial facility; or

B. Remain visible in the ambient air beyond the property line of origin.

2. The nature or origin of the particulate matter shall be determined to a reasonable degree of certainty by a technique proven to be accurate and approved by the director.

(B) Should the director determine that noncompliance with subsection (3)(A) has occurred at a location, the director may require reasonable control measures, as may be necessary. These measures may include, but are not limited to, the following:

1. Revision of procedures involving construction, repair, cleaning, and demolition of buildings and their appurtenances that produce particulate matter emissions;

2. Paving or frequent cleaning of roads, driveways, and parking lots;

3. Application of dust-free surfaces;

4. Application of water; and

5. Planting and maintenance of vegetative ground cover.

(4) Reporting and Record Keeping. (Not Applicable)

(5) Test Methods. (Not Applicable)

AUTHORITY: section 643.050, RSMo 2016. Original rule filed March 5, 1990, effective Nov. 30, 1990. Amended: Filed March 18, 1996, effective Oct. 30, 1996. Amended: Filed Jan. 2, 1998, effective Aug. 30, 1998. Amended: Filed June 27, 2018, effective March 30, 2019.*

**Original authority: 643.050, RSMo 1965, amended 1972, 1992, 1995, 2011.*

10 CSR 10-6.180 Measurement of Emissions of Air Contaminants

PURPOSE: This rule allows the director to obtain air contaminant emissions data upon request.

(1) Applicability. This rule applies to all sources and persons responsible for the emission of air contaminants throughout the state of Missouri.

(2) Definitions.

(A) Air contaminant—Any particulate matter or any gas or vapor or any combination of them.

(B) Director—Director of the Missouri Department of Natural Resources or a representative designated to carry out the duties as described in 643.060, RSMo.

(C) Facility—All contiguous or adjoining property that is under common ownership or control, including properties that are separated only by a road or other public right-of-way.

(D) Qualified personnel—A reputable person or group possessing the necessary experience, knowledge, education, training, or certification to accurately conduct a given emission test.

(E) Source—Any governmental, institutional, commercial, or industrial structure, plant, building, or facility that emits or has the potential to emit any regulated air pollutant under the Clean Air Act (CAA).

(3) General Provisions.

(A) The director may require any person or owner/operator of a source responsible for the emission of air contaminants to conduct tests to determine the quantity or nature, or both, of their air contaminant emissions.

1. The director may specify test methods to be used and observe testing as it is performed.

2. All tests must be performed by qualified personnel.

3. The director shall be provided a copy of the test results in writing and signed by the person responsible for the tests.

(B) The director may conduct tests of emissions of air contaminants from any source. Upon the director's request, the person responsible for the source to be tested shall provide necessary ports in stacks or ducts and other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices as may be necessary for proper determination of the emission of air contaminants.

(4) Reporting and Record Keeping. (Not Applicable)

(5) Test Methods. (Not Applicable)

AUTHORITY: section 643.050, RSMo 2016. Original rule filed Aug. 2, 1990, effective Dec. 31, 1990. Amended: Filed March 27, 2018, effective Nov. 30, 2018.*

**Original authority: 643.050, RSMo 1965, amended 1972, 1992, 1993, 1995, 2011.*

10 CSR 10-6.190 Sewage Sludge and Industrial Waste Incinerators

Editor's Note: On March 29, 1993 the Circuit Court of Cole County found that 10 CSR 10-6.190 was void since it exceeds the statutory cost analysis requirements of sections 536.200 and 536.205, RSMo.

10 CSR 10-6.191 Sewage Sludge Incinerators

*PURPOSE: This rule incorporates by reference the federal regulatory requirements for existing sewage sludge incineration units in Missouri. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is **Federal Register** Notice 76 FR 15372, dated March 21, 2011.*



PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Applicability.

(A) This rule applies to each sewage sludge incineration (SSI) unit, as defined in section (2) of this rule, for which construction was commenced on or before October 14, 2010, except as provided in subsection (1)(C) of this rule.

(B) If the owner or operator of an SSI unit makes physical or operational changes to an SSI unit for which construction commenced on or before September 21, 2011, primarily to comply with this rule, 10 CSR 10-6.070 New Source Performance Regulations does not apply to that unit.

(C) Exemptions to this rule are as follows:

1. Combustion units that incinerate sewage sludge and are not located at a wastewater treatment facility designed to treat domestic sewage sludge. Owners or operators of combustion units claiming exemption under this paragraph must notify the director; and

2. Any SSI unit that becomes subject to 10 CSR 10-6.070 New Source Performance Regulations because the owner or operator made changes after September 21, 2011, that meet the definition of modification, as defined in section (2) of this rule.

(2) Definitions.

(A) The provisions of 40 CFR 60.5250, promulgated as of July 1, 2011, shall apply and are hereby incorporated by reference in this rule, as published by the Office of Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, DC 20408. This rule does not incorporate any subsequent amendments or additions.

(B) Definitions of certain terms specified in this rule, other than those defined in subsection (2)(A) of this rule, may be found in 10 CSR 10-6.020.

(3) General Provisions. The following references to 40 CFR 60.5085 through 60.5225, 40 CFR 60.5240 through 60.5245, and 40 CFR 60, Subpart M Tables 1 through 6, promulgated as of July 1, 2011, shall apply and are hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, DC 20408. This rule does not incorporate any subsequent amendments or additions.

(A) Increments of Progress – 40 CFR 60.5085 through 60.5125;

(B) Operator Training and Qualifications – 40 CFR 60.5130 through 60.5160;

(C) Emission Limits, Emission Standards, and Operating Limits and Requirements – 40 CFR 60.5165 through 60.5181;

(D) Initial Compliance Requirements – 40 CFR 60.5185 through 60.5200;

(E) Continuous Compliance Requirements – 40 CFR 60.5205 through 60.5215;

(F) Performance Testing, Monitoring, and Calibration Requirements – 40 CFR 60.5220 through 60.5225;

(G) Title V Operating Permit – 40 CFR 60.5240 through 60.5245; and

(H) Table 1 through Table 6. The compliance dates for the increments of progress are –

1. For Increment 1, submit final control plan within one (1)

year of the effective date of this rule; and

2. For Increment 2, final compliance by March 21, 2016.

(4) Reporting and Record Keeping. The provisions of 40 CFR 60.5230 through 40 CFR 60.5235, promulgated as of July 1, 2011, shall apply and are hereby incorporated by reference in this rule, as published by the Office of Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, DC 20408. This rule does not incorporate any subsequent amendments or additions.

(5) Test Methods. *(Not applicable)*

*AUTHORITY: section 643.050, RSMo Supp. 2012. * Original rule filed Aug. 27, 2012, effective May 30, 2013.*

**Original authority: 643.050, RSMo 1965, amended 1972, 1992, 1993, 1995, 2011.*

10 CSR 10-6.200 Hospital, Medical, Infectious Waste Incinerators

PURPOSE: This rule establishes emission limits for existing hospital, medical, and infectious waste incinerators. The pollutants regulated include metals, particulate matter, acid gases, organic compounds, carbon monoxide, and opacity. This rule includes requirements for operator training and qualification, waste management, compliance and performance testing, monitoring, and reporting/record keeping.

PUBLISHER'S NOTE: The secretary of state has determined that publication of the entire text of the material that is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Applicability.

(A) Except as provided in subsection (1)(B) of this rule, this rule applies to each individual hospital or medical/infectious waste incinerator (HMIWI) –

1. For which construction was commenced on or before June 20, 1996, or for which modification was commenced on or before March 16, 1998; or

2. For which construction was commenced after June 20, 1996, but no later than December 1, 2008, or for which modification is commenced after March 16, 1998, but no later than April 6, 2010.

(B) The exemptions of 40 CFR 62.14400(b) and (c), promulgated as of July 1, 2022, are hereby incorporated by reference in this rule, as published by the U.S. Government Publishing Office and available at <https://bookstore.gpo.gov/> or for mail orders, print and fill out an order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000. This rule does not incorporate any subsequent amendments or additions.

(2) Definitions.

(A) The definitions of 40 CFR 62.14490, promulgated as of July 1, 2022, are hereby incorporated by reference in this rule, as published by the U.S. Government Publishing Office and



available at <https://bookstore.gpo.gov/> or for mail orders, print and fill out an order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000. This rule does not incorporate any subsequent amendments or additions.

(B) Definitions of certain terms specified in this rule, other than those defined in subsection (2)(A) of this rule, may be found in 10 CSR 10-6.020.

(3) General Provisions. Owners and operators of HMIWI subject to this rule must comply with the provisions listed below. The following references to 40 CFR 62.14410 through 40 CFR 62.14472 and 40 CFR 62 Subpart HHH Tables 1 through 3, promulgated as of July 1, 2022, are hereby incorporated by reference in this rule, as published by the U.S. Government Publishing Office and available at <https://bookstore.gpo.gov/> or for mail orders, print and fill out an order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000. This rule does not incorporate any subsequent amendments or additions:

(A) Emission limits – 40 CFR 62.14410 through 40 CFR 62.14413;

(B) Operator training and qualification requirements – 40 CFR 62.14420 through 40 CFR 62.14423;

(C) Waste management plan – 40 CFR 62.14430 through 40 CFR 62.14432;

(D) Inspection – 40 CFR 62.14440 through 40 CFR 62.14443;

(E) Compliance, performance testing, and monitoring – 40 CFR 62.14451 through 40 CFR 62.14455 and 40 CFR 62.14470 through 40 CFR 62.14472; and

(F) Permitting obligation – 40 CFR 62.14480 through 40 CFR 62.14481.

(4) Reporting and Record Keeping. Owners and operators of HMIWI subject to this rule must comply with the following reporting and record keeping provisions. The provisions of 40 CFR 62.14424 and 40 CFR 62.14460 through 40 CFR 62.14465, promulgated as of July 1, 2022, are hereby incorporated by reference in this rule, as published by the U.S. Government Publishing Office and available at <https://bookstore.gpo.gov/> or for mail orders, print and fill out an order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000. This rule does not incorporate any subsequent amendments or additions.

(5) Test Methods. The provisions of 40 CFR 62.14452 and 40 CFR 62 subpart HHH Table 1 through Table 3, promulgated as of July 1, 2022, are hereby incorporated by reference in this rule, as published by the U.S. Government Publishing Office and available at <https://bookstore.gpo.gov/> or for mail orders, print and fill out an order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: section 643.050, RSMo Supp. 2023. Original rule filed Dec. 1, 1998, effective July 30, 1999. Amended: Filed Oct. 13, 2000, effective July 30, 2001. Amended: Filed Nov. 26, 2010, effective Aug. 30, 2011. Amended: Filed Nov. 1, 2013, effective July 30, 2014. Amended: Filed April 13, 2018, effective Jan. 30, 2019. Amended: Filed May 30, 2019, effective Feb. 29, 2020. Amended: Filed July 3, 2023, effective Feb. 29, 2024.*

**Original authority: 643.050, RSMo 1965, amended 1972, 1992, 1993, 1995, 2011.*

10 CSR 10-6.210 Confidential Information

PURPOSE: This rule provides procedures and conditions for handling confidential information.

(1) Applicability. This rule shall apply to all business information requested to be designated confidential under Chapter 643, RSMo.

(2) Definitions.

(A) 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.

(B) Emission data –

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

A. Has been emitted from an emission unit;

B. Results from any emission by the emissions unit;

C. Under an applicable standard or limitation, the emissions unit was authorized to emit; or

D. Is a combination of any of the subparagraphs (2)

(B)1.A., B., or C. of this rule;

2. 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

3. The results of any emission testing or monitoring required to be reported under this rule or other rules of the commission.

(C) Definitions of certain terms specified in this rule, other than those defined in this rule section, may be found in 10 CSR 10-6.020.

(3) General Provisions. Any information or records submitted or obtained pursuant to Chapter 643, RSMo, is subject to public disclosure unless a request for confidentiality is made by the person submitting the information or records and the request has been approved pursuant to the following procedures:

(A) Procedures.

1. An owner or operator who wishes to claim confidentiality for any information submitted pursuant to this rule or other rules of the commission should submit a claim of confidentiality when the information is initially submitted. Failure to submit a claim of confidentiality when the information is initially submitted may result in public disclosure.

2. The claim of confidentiality shall be accompanied by a justification that the information is entitled to confidential treatment.

3. When information claimed to be confidential is being submitted with a permit application, emissions report, or any other documentation containing information subject to public disclosure, a separate version that may be viewed by the public shall be provided by the owner or operator.

4. Upon receipt of a claim of confidentiality, the director shall evaluate the claim and inform the owner or operator that the claim has been approved, or that a preliminary decision has been made to deny the claim in whole or in part. Until that time in which the claim is reviewed it shall be held in confidence.

5. If a claim of confidentiality is denied in the preliminary



review, the owner or operator will have fifteen (15) days from the date of the denial letter to submit further justification or comments to the director for consideration in the final decision on confidentiality. The director shall inform the owner or operator of his/her final decision on whether the claim will be denied in whole or in part within ten (10) working days of receiving the owner or operator's further justification or comments.

6. The owner or operator may appeal the director's final decision to deny a claim of confidentiality, in whole or part, to the administrative hearing commission pursuant to section 621.250, RSMo, and 10 CSR 10-1.030. Upon the timely filing of a notice of appeal, the confidentiality of the information shall be preserved until the entry of a final order by the commission.

7. If the commission's final decision is to deny the claim of confidentiality, in whole or in part, the director shall treat the information as subject to public disclosure unless the owner or operator files a timely action for judicial review pursuant to section 536.110, RSMo. If a timely action for judicial review is filed, the confidentiality of the information shall be preserved until adjudication of the matter upon judicial review.

8. A claim of confidentiality under this rule shall be approved if –

A. The owner or operator has asserted a business confidentiality claim that has not expired by its terms or been withdrawn;

B. The owner or operator has satisfactorily shown that it has taken reasonable measures to protect the confidentiality of the information and that it intends to continue to take those measures;

C. The information is not, and has not been, reasonably obtained without the owner's or operator's consent by other persons (other than governmental bodies) by use of legitimate means (other than discovery based on a showing of special needs in a judicial or quasi-judicial proceeding);

D. No statute specifically requires public disclosure of the information;

E. The information is not emission data; and

F. The owner or operator has satisfactorily shown that –

(I) Public disclosure of the information is likely to cause substantial harm to the business' competitive position; or

(II) The information was voluntarily submitted and if disclosed, the submitter would be reluctant to provide additional information to the director in the future. Information is voluntarily submitted if the facility has no statutory, regulatory, or contractual obligation to provide the information; or the director has no statutory, regulatory, or contractual authority to obtain the information under federal or state law; and

(B) Conditions for Any Disclosure.

1. Public request. Upon receipt of a request from a member of the public for release of any information submitted under a claim of confidentiality, and for which the claim has not been finally denied, the director shall inform both the person making the request and the owner or operator that the request for the information is denied or that a tentative decision has been made to release the information. A preliminary decision to release the information shall be treated in the same manner as a preliminary decision to deny a claim of confidentiality under paragraphs (3)(A)4.–8. of this rule.

2. Confidential and public information. If information entitled to confidentiality cannot reasonably be separated from information not entitled to confidentiality, all the information must be treated as subject to public disclosure.

3. Public release. The director and his/her designees shall not release to the public, or place in the public file, any information for which a claim of confidentiality has been made until the procedures under paragraphs (3)(A)4.–8. and (3)(B)1. of this rule have been observed.

4. Disclosure to local agencies. Information submitted under a claim of confidentiality, where the claim has not been finally denied, may be disclosed to local air pollution control agencies if –

A. The owner or operator is given prior notice fifteen (15) working days in which to obtain an order from a court of competent jurisdiction restraining or enjoining the disclosure to the local agency, and if no such order is obtained, or obtained and later dissolved; or

B. The local agency has ordinances or regulations respecting the treatment of confidential business information that is equivalent to this rule, the director provides notice to the owner or operator that the information is being disclosed to the local agency, and the director informs the local agency that the information is subject to a claim of confidentiality.

5. Disclosure to administrator. Information submitted under a claim of confidentiality, where the claim has not been finally denied, may be disclosed to the administrator provided the administrator agrees, pursuant to 40 CFR 2.215, that the information will be kept confidential.

6. Subpoenas for confidential information. The director shall respond to subpoenas and discovery requests for information submitted under a claim of confidentiality, if the claim has not been finally denied, in a manner that is designed to preserve the claim of confidentiality until a confidentiality determination is made by a court or other tribunal of competent jurisdiction.

(4) Reporting and Record Keeping. (*Not Applicable*)

(5) Test Methods. (*Not Applicable*)

AUTHORITY: section 643.050, RSMo 2016. Original rule filed Sept. 2, 1993, effective May 9, 1994. Amended: Filed May 2, 2016, effective Dec. 30, 2016. Amended: Filed Jan. 14, 2022, effective Sept. 30, 2022.*

**Original authority: 643.050, RSMo 1965, amended 1972, 1992, 1993, 1995, 2011.*

10 CSR 10-6.220 Restriction of Emission of Visible Air Contaminants

PURPOSE: This rule specifies the maximum allowable opacity of visible air contaminant emissions and requires the use of continuous monitoring systems (CMS) on certain air contaminant emission units.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Applicability. This rule applies to all sources of visible emissions, excluding water vapor, throughout the state of Missouri with the exception of the following:



- (A) Internal combustion engines;
- (B) Wood burning stoves or fireplaces used for heating;
- (C) Fires used for recreational or ceremonial purposes or fires used for the noncommercial preparation of food by barbecuing;
- (D) Fires used solely for the purpose of fire-fighter training;
- (E) Smoke generating devices when a required permit (under 10 CSR 10-6.060 or 10 CSR 10-6.065) has been issued or a written determination that a permit is not required has been obtained;
- (F) The pyrolysis of wood for the production of charcoal in batch-type charcoal kilns regulated under 10 CSR 10-6.330;
- (G) Truck dumping of nonmetallic minerals into any screening operation, feed hopper, or crusher;
- (H) Emission units specifically exempt or regulated under 10 CSR 10-6.070;
- (I) Any open burning that is exempt from open burning rule 10 CSR 10-6.045;
- (J) Emission units regulated under 40 CFR 63 subpart DDDDD – *National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters* that meet one (1) of the following criteria:
 - 1. Constructed or reconstructed after June 4, 2010;
 - 2. The unit is subject to a ten percent (10%) opacity limit as described in Table 4 of 40 CFR 63 subpart DDDDD; or
 - 3. The unit is in Table 2 of 40 CFR 63 subpart DDDDD and has a filterable particulate matter limitation of less than or equal to 4E-02 pounds per million British thermal units (lbs/MMBtu);
- (K) Fugitive emissions regulated under 10 CSR 10-6.170;
- (L) Any emission unit burning only natural gas, landfill gas, propane, liquefied petroleum gas, digester gas, or refinery gas;
- (M) Emission units regulated under 40 CFR 63 subpart JJJJJ – *National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources* that meet all of the following criteria:
 - 1. Constructed or reconstructed after June 4, 2010;
 - 2. In compliance with the 3.0E-02 lbs/MMBtu filterable particulate matter emission limit described in Table 1 of 40 CFR 63 subpart JJJJJ or maintaining opacity to less than or equal to ten percent (10%) as described in Table 3 of 40 CFR 63 subpart JJJJJ; and
 - 3. Demonstrating compliance with a continuous monitoring system (CMS), including a continuous emission monitoring system (CEMS), a continuous opacity monitoring system (COMS), or a continuous parameter monitoring system (CPMS);
- (N) Emission units regulated under 40 CFR 63 subpart UUUUU – *Mercury and Air Toxics Standards*, and demonstrating compliance with a particulate matter continuous emission monitoring system;
- (O) Emission units that are contained within and emit only within a building space. This does not include emission units with a capture device vented outside the building space; and
- (P) Emission units subject to an equivalent or more restrictive emission limit under –
 - 1. 10 CSR 10-6.075; or
 - 2. Any federally enforceable permit.

(2) Definitions.

- (A) Batch-type charcoal kiln – Charcoal kilns that manufacture charcoal with a batch process rather than a continuous process. The batch-type charcoal kiln process typically includes loading wood, sealing the kiln, igniting the wood, and controlled burning of the wood to produce charcoal which is unloaded.
- (B) Capacity factor – The 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.

(C) Capture device – A hood, enclosed room, floor sweep, or other means of collecting air pollutants into a duct.

(D) Continuous monitoring system (CMS) – A comprehensive term that may include, but is not limited to, continuous emission monitoring systems, continuous opacity monitoring systems, continuous parameter monitoring systems, or other manual or automatic monitoring that is used for demonstrating compliance with this rule on a continuous basis as defined by the regulation.

(E) 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.

(F) Digester gas – A gas, consisting of mostly methane (CH₄) and carbon dioxide (CO₂), generated during anaerobic digestion when microorganisms break down organic materials in the absence of oxygen.

(G) Director – Director of the Missouri Department of Natural Resources, or a representative designated to carry out duties as described in 643.060, RSMo.

(H) Emission unit – any part or activity of a facility that emits or has the potential to emit any regulated air pollutant.

(I) Excess emissions – The opacity emissions which exceed the requirements of any applicable emission limit within this rule.

(J) Existing emission unit – Any emission unit in operation, installed, or under construction prior to July 11, 1977 that has not been subsequently altered, repaired, or rebuilt at a cost of fifty percent (50%) or more of its replacement cost exclusive of routine maintenance. 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 an existing emission unit.

(K) Facility – All contiguous or adjoining property that is under common ownership or control, including properties that are separated only by a road or other public right-of-way.

(L) Fugitive emissions – Those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

(M) 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.

(N) 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.

(O) Kansas City metropolitan area – The geographical area comprised of Jackson, Cass, Clay, Platte, Ray, and Buchanan counties.

(P) Landfill gas – A gaseous byproduct of landfills, consisting of mostly methane (CH₄) and carbon dioxide (CO₂), produced by microorganisms within a landfill under anaerobic conditions.

(Q) Liquefied petroleum gas – A gas consisting of propane, propylene, butane, and butylenes.

(R) Natural gas – A naturally occurring fluid mixture of hydrocarbons (e.g., methane, ethane, or propane) produced



in geological formations beneath the Earth's surface that maintains a gaseous state at standard atmospheric temperature and pressure under ordinary conditions.

(S) New emission unit—Any emission unit which is not permanently shutdown or an existing emission unit as defined in subsection (2)(I) of this rule.

(T) Opacity—The extent to which airborne material obstructs the transmission of incident light and obscures the visual background. Opacity is stated as a percentage of light obstructed and can be measured by a continuous opacity monitoring system or a trained observer. An opacity of one hundred percent (100%) represents a condition in which no light is transmitted, and the background is completely obscured.

(U) Open burning—The burning of any materials where air contaminants resulting from combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. For purposes of this definition, a chamber shall be regarded as enclosed, when, during the time combustion takes place, only those apertures, ducts, stacks, flues, or chimneys, as are necessary to provide combustion air and to permit the escape of exhaust gases, are open.

(V) Outstate area—Any area throughout the state of Missouri except the City of St. Louis and St. Charles, St. Louis, Jefferson, Franklin, Clay, Cass, Buchanan, Ray, Jackson, Platte, and Greene counties.

(W) Particulate matter—Any material, except uncombined water, that exists in a finely divided form as a liquid or solid that enters the atmosphere as a direct emission from a stack or an open source.

(X) Portland cement kiln—A system, including any solid, gaseous, or liquid fuel combustion equipment, used to calcine and fuse raw materials, including limestone and clay, to produce Portland cement clinker.

(Y) Qualified observer—An individual or device with a current certification to measure opacity using one (1) of the methods listed in section (5) of this rule.

(Z) Refinery gas—Any gas that is generated as a byproduct at a petroleum refinery or petrochemical plant and that is combusted separately or in combination with any type of gas.

(AA) Six (6)-minute period—A three-hundred-sixty (360)-consecutive-second time interval. Six (6)-minute block averages shall be utilized for COMS data per the provisions of Appendix B to 40 CFR 60, Performance Specification 1, as specified in 10 CSR 10-6.030(22).

(BB) Smoke generating device—A specialized piece of equipment which is not an integral part of a commercial, industrial, or manufacturing process and whose sole purpose is the creation and dispersing of fine solid or liquid particles in a gaseous medium.

(CC) Springfield-Greene County area—The geographical area contained within Greene County.

(DD) St. Louis metropolitan area—The geographical area comprised of St. Louis, St. Charles, Jefferson, and Franklin counties and the City of St. Louis.

(EE) Visible emission—Any discharge of an air contaminant, including condensables, which reduces the transmission of light or obscures the view of an object in the background.

(3) General Provisions.

(A) Visible Emissions Limitations.

1. Maximum Visible Emissions Limitations. Unless specified otherwise in this rule, no owner or operator shall cause or permit to be discharged into the atmosphere from

any emission unit, not exempted under this rule, any visible emissions greater than the limitations in the following table for any continuous six (6)-minute period as measured by the test method used to demonstrate compliance with this rule:

Area of State	Visible Emission Limitations	
	Existing Emission Units	New Emission Units
Kansas City Metropolitan Area	20%	20%
St. Louis Metropolitan Area	20%*	20%
Springfield-Greene County Area	40%	20%
Outstate Area	40%	20%

*Exception: Existing emission units in the St. Louis metropolitan area that are not incinerators and emit less than twenty-five (25) lbs/hr of particulate matter shall be limited to forty percent (40%) opacity.

2. Visible Emissions Limitations, Exceptions Allowed In One (1) Continuous Six (6)-Minute Period. The visible emissions limitations in the following table shall be allowed for one (1) continuous six (6)-minute period in any sixty (60) minutes as measured by the test method used to demonstrate compliance with this rule:

Area of State	Visible Emission Limitations, Exceptions	
	Existing Emission Units	New Emission Units
Kansas City Metropolitan Area	60%**	60%**
St. Louis Metropolitan Area	40%	40%
Springfield-Greene County Area	60%**	60%**
Outstate Area	60%	60%

**This exception does not apply to existing and new incinerators in the Kansas City metropolitan area and Springfield-Greene County.

(B) Failure to meet the requirements of subsection (3)(A) solely because of the presence of uncombined water is not a violation of this rule.

(C) Compliance Determination. Compliance for any emission unit to which this rule applies shall be determined from opacity measurements taken in accordance with subsection (3)(D) or (3)(E) of this rule. If opacity measurements taken by a non-department qualified observer differ from visual measurements taken by a qualified department observer, the qualified department observer's opacity measurements shall be used to determine compliance.

(D) Coal-fired steam generating units with maximum heat input rate greater than two hundred fifty (250) million British thermal units (Btus)/hour shall install a CMS in accordance with subsection (3)(F) of this rule unless the emission unit—

1. Is exempt under section (1) of this rule; or
2. Has an annual boiler capacity factor of thirty percent (30%) or less.

(E) Unless otherwise specified in this rule, owners or operators shall have the opacity of visible emissions determined by one (1) of the methods in section (5) of this rule.

(F) Continuous Monitoring Requirements. Sources with emission units that are required to install a CMS must select one (1) of the following options:

1. Install, calibrate, and maintain a COMS according to the following conditions:
 - A. Source operating time includes any time fuel is being



combusted and/or a fan is being operated;

B. Cycling time. Cycling times include the total time a monitoring system requires to sample, analyze, and record an emission measurement. Continuous monitoring systems for measuring opacity shall complete a minimum of one (1) cycle of operation (sampling, analyzing, and data recording) for each successive ten (10)-second period;

C. Certification. All COMS shall be certified by the director after review and acceptance of a demonstration of conformance with 40 CFR 60, Appendix B, Performance Specification 1, as specified in 10 CSR 10-6.030(22);

D. Audit authority. All COMS shall be subject to audits conducted by the department, and all COMS records shall be made available upon request to department personnel; or

2. Install, calibrate, and maintain an alternative CMS according to the following conditions:

A. All alternative CMS, monitoring systems requirements, system locations, reporting and record keeping requirements, and procedures for operation and maintenance must be approved by the staff director and the U.S. Environmental Protection Agency (EPA); and incorporated into this rule and the state implementation plan (SIP) prior to implementation;

B. Demonstrate that a requirement of paragraph (3)(F)1. or section (4) of this rule cannot be practically met; and

C. Demonstrate that the alternative CMS produces results that adequately verify compliance.

(G) If a CMS is malfunctioning, a non-department qualified observer measurement may be used as a temporary substitute.

(4) Reporting and Record Keeping.

(A) COMS Reporting. Owners or operators required to install COMS shall submit a quarterly written report to the director. All quarterly reports shall be postmarked no later than the thirtieth day following the end of each calendar quarter and include the following emissions data:

1. A summary including total time for each cause of excess emissions and/or monitor downtime;

2. Nature and cause of excess emissions, if known;

3. The six (6)-minute average opacity values greater than the opacity emission requirements (The average of the values shall be obtained by using the procedures specified in the Reference Method used to determine the opacity of the visible emissions);

4. The date and time identifying each period during which the COMS was inoperative (except for zero and span checks), including the nature and frequency of system repairs or adjustments that were made during these times; and

5. If no excess emissions have occurred during the reporting period and the COMS has not been inoperative, repaired, or adjusted, this information shall be stated in the report.

(B) COMS Records to be Maintained. Owners or operators of affected emission units shall maintain a file (hard copy or electronic version) of the following information for a minimum of two (2) years from the date the data was collected:

1. All information reported in the quarterly summaries; and

2. All six (6)-minute opacity averages and daily Quality Assurance (QA)/Quality Control (QC) records.

(5) Test Methods.

(A) Method 9 – Visual Determination of the Opacity of Emissions from Stationary Sources of 40 CFR 60, Appendix A-4, as specified in 10 CSR 10-6.030(22).

(B) Photogrammetric opacity measurement in accordance with EPA Alternative Test Method Decision Letter Number

ALT-082, dated May 15, 2012 as published by EPA and hereby incorporated by reference in this rule. Copies can be obtained from the Office of Air Quality Planning and Standards, Measurement Technology Group, Mail Drop: E143-02, Research Triangle Park, NC 27711. This rule does not incorporate any subsequent amendments or additions.

(C) A modification of the test methods listed in subsections (5)(A) or (5)(B) of this rule. Any modification of a test method listed in subsections (5)(A) or (5)(B) of this rule must be approved by the director and the EPA; and incorporated into this rule and the SIP prior to implementation.

AUTHORITY: section 643.050, RSMo 2016. Original rule filed March 31, 1999, effective Nov. 30, 1999. Amended: Filed Feb. 28, 2002, effective Nov. 30, 2002. Amended: Filed Feb. 4, 2008, effective Sept. 30, 2008. Amended: Filed March 29, 2016, effective Dec. 30, 2016. Amended: Filed June 27, 2018, effective March 30, 2019.*

**Original authority: 643.050, RSMo 1965, amended 1972, 1992, 1993, 1995, 2011.*

10 CSR 10-6.230 Administrative Penalties

PURPOSE: This rule establishes the procedures for assessment of administrative penalties.

(1) Applicability. This rule applies to installations and individuals throughout Missouri that are subject to sections 643.010–643.250, RSMo or any rule of the Missouri Air Conservation Commission or any site that is permitted by the Missouri Air Pollution Control Program.

(2) Definitions.

(A) Definitions for key words used in this rule may be found in 10 CSR 10-6.020(2).

(B) Additional definitions specific to this rule are as follows:

1. 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 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;

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

3. Gravity-based assessment – The degree of seriousness of a violation taking into consideration the risk to human health and the environment posed by the violation and considering the extent of deviation from sections 643.010–643.250, RSMo;

4. 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;

5. Multi-day violation – A violation which has occurred on or continued for two (2) or more consecutive or nonconsecutive days; and

6. 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.



(3) General Provisions.

(A) Pursuant to section 643.085, RSMo, and in addition to any other remedy provided by law, upon determination by the department that a provision of sections 643.010–643.250, RSMo, or a standard, limitation, order or rule promulgated, or a term or condition of any permit has been violated, the director may issue an order assessing an administrative penalty upon the violator. The amount of the administrative penalty will be determined according to section (6) of this rule. In no event may the total penalty assessed per day of violation exceed the statutory maximum specified in section 643.151, RSMo.

(B) An administrative penalty shall not be imposed until the department has sought to resolve the violations through conference, conciliation and persuasion and shall not be imposed for minor violations. If the violation is resolved through conference, conciliation and persuasion, no administrative penalty shall be assessed unless the violation has caused, or had the potential to cause, a risk to human health or to the environment, or has caused or has potential to cause pollution, or was knowingly committed, or is not a minor violation.

(C) An order assessing an administrative penalty shall be served upon the operator, owner or appropriate representative through United States Postal Service certified mail, return receipt requested, a private courier or messenger service which provides verification of delivery or by hand delivery to the operator's or owner's residence or place of business. An order assessing an administrative penalty shall be considered served if verified receipt is made by the operator, owner or appropriate representative. A refusal to accept, or a rejection of certified mail, private courier or messenger service delivery or by hand delivery of an order assessing an administrative penalty constitutes service of the order.

(D) The director may at any time withdraw without prejudice any administrative penalty order.

(E) An order assessing an administrative penalty shall describe the nature of the violation(s), the amount of the administrative penalty being assessed and the basis of the penalty calculation.

(4) Reporting and Record Keeping. *(Not Applicable)*

(5) Test Methods. *(Not Applicable)*

(6) Determination of Penalties. The amount of an administrative penalty will involve the application of a gravity-based assessment under subsection (6)(A) and may involve additional factors for multiple violations, (6)(B), multi-day violations, (6)(C) and economic benefit resulting from noncompliance, (6)(D). The resulting administrative penalty may be further adjusted as specified under (6)(E).

(A) Gravity-Based Assessment. The gravity-based assessment is determined by evaluating the potential for harm posed by the violation and the extent to which the violation deviates from the requirements of the Missouri Air Conservation Law.

1. Potential for harm. The potential for harm posed by a violation is based on the risk to human health, safety or the environment or to the purposes of implementing the Missouri Air Conservation Law and associated rules or permits.

A. The risk of exposure is dependent on both the likelihood that humans or the environment may be exposed to contaminants and the degree of potential exposure. Penalties will reflect the probability the violation either did result in or could have resulted in a release of contaminants in the environment, and the harm which either did occur or would have occurred if the release had in fact occurred.

B. Violations which may or may not pose a potential threat to human health or the environment, but which have an adverse effect upon the purposes of or procedures for implementing the Missouri Air Conservation Law and associated rules or permits may be assessed a penalty.

C. The potential for harm shall be evaluated according to the following degrees of severity:

(I) Major. The violation poses or may pose a substantial risk to human health and safety or to the environment, or has or may have a substantial adverse effect on the purposes of or procedures for implementing the Missouri Air Conservation Law and associated rules and/or permits;

(II) Moderate. The violation poses or may pose a significant risk to human health and safety or to the environment, or has or may have a significant adverse effect on the purposes of or procedures for implementing the Missouri Air Conservation Law and associated rules and/or permits; and

(III) Minor. The violation does not pose significant or substantial risk to human health and safety or to the environment, was not knowingly committed, and is not defined by the United States Environmental Protection Agency as other than minor.

2. Extent of deviation. The extent of deviation may range from slight to total disregard of the requirements of the Missouri Air Conservation Law and associated rules and/or permits. The assessment will reflect this range and will be evaluated according to the following degrees of severity:

A. Major. The violator has deviated substantially from the requirements of the Missouri Air Conservation Law, associated rules, or permits resulting in substantial noncompliance;

B. Moderate. The violator has deviated significantly from the requirements of the Missouri Air Conservation Law, associated rules, or permits resulting in significant noncompliance; and

C. Minor. The violator has deviated slightly from the requirements of the Missouri Air Conservation Law, associated rules, or permits that does not result in substantial or significant noncompliance; most provisions were implemented as intended; the violation was not knowingly committed; and is not defined by the United States Environmental Protection Agency as other than minor.

3. Gravity-based penalty assessment matrix. The matrix that follows will be used to determine the gravity-based assessment portion of the administrative penalty. Potential for harm and extent of deviation form the axes of the matrix. The penalty range selected may be adapted to the circumstances of a particular violation.



Gravity-Based Penalty Assessment Matrix

Potential for Harm	Extent of Deviation		
	Major	Moderate	Minor
Major	\$10,000 to \$8,750	\$8,750 to \$7,500	\$7,500 to \$6,250
Moderate	\$6,250 to \$5,000	\$5,000 to \$3,750	\$3,750 to \$2,500
Minor	\$2,500 to \$1,250	\$1,250 to \$500	\$0

(B) Multiple Violation Penalty. Penalties for multiple violations may be determined when a violation is independent of or substantially different from any other violation. The director may order a separate administrative penalty for that violation as set forth in this rule.

(C) Multi-Day Penalty. Penalties for multi-day violations may be determined when the director has concluded that a violation(s) has continued or occurred for more than one (1) day. Multi-day penalty assessments will be determined by using the Gravity-Based Assessment Matrix in paragraph (6)(A)3. The director may seek penalties for each day of noncompliance not to exceed the amount of the civil penalty specified in section 643.151, RSMo.

(D) Economic Benefit. Any economic benefits, including delayed and avoided costs that have accrued to the violator as a result of noncompliance, will be added to the penalty amount. The department using an economic benefit formula that provides a reasonable estimate of the economic benefit of noncompliance will make determination. Economic benefit may be excluded from the administrative penalty if –

1. The economic benefit is an insignificant amount;
2. There are compelling public concerns that would not be served by taking a case to trial; or
3. It is unlikely that the department would be able to recover the economic benefit in litigation based on the particular case.

(E) Adjustments. The department may add to or subtract from the total amount of the penalty after consideration of the following adjustments:

1. Recalculation of penalty amount. After the issuance of an order by the director, if new information about a violation becomes available which indicates that the original penalty calculation may have been incorrect, the department may recalculate the penalty;

2. Good faith efforts to comply. The department may adjust a penalty amount downward if good faith efforts have been adequately documented by the violator. Good faith efforts include, but are not limited to, documentation that the violator has reported noncompliance or instituted measures to remedy the violation prior to detection by the department. However, good faith efforts to achieve compliance after agency detection are assumed and are not grounds for decreasing the penalty amount;

3. Culpability. In cases of heightened culpability which do not meet the standard of criminal activity, the penalty may be increased at the department's discretion, within the ranges of the matrix. Likewise, in cases where there is a demonstrable absence of culpability, the department may decrease the penalty. Lack of knowledge of the Missouri Air Conservation Law and any associated rule and/or permit shall not be a basis of decreased culpability. The following criteria will be used to determine culpability:

- A. How much control the violator had over the events constituting the violation;
- B. The foreseeability of the events constituting the violation;
- C. Whether the violator took reasonable precautions against the events constituting the violation;
- D. Whether the violator knew or should have known of the hazards associated with the conduct; and
- E. Whether the violator knew or should have known of the legal requirement which was violated. This criteria shall be used only to increase a penalty, not to decrease it;

4. History of noncompliance. Where there has been a history of noncompliance with the Missouri Air Conservation Law or any associated rule or permit, to a degree deemed significant due to frequency, similarity or seriousness of past violations, and considering the violator's response to previous enforcement actions, the department may increase the administrative penalty. No downward adjustment is allowed because of this factor;

5. Ability to pay. When a violator has adequately documented that payment of all or a portion of the penalty will preclude the violator from achieving compliance or from carrying out important remedial measures, the department may –

- A. Waive any of the administrative penalty; or
- B. Negotiate a delayed payment schedule, installment plan or penalty reductions with stipulated penalties; and

6. Other adjustment factors. This rule allows for other penalty adjustments based on fairness and equity not mentioned in this rule which may arise on a case-by-case basis.

(7) Proceeds from Administrative Penalties. The proceeds from any administrative penalty assessed in accordance with this rule shall be paid to the county treasurer of the county in



which the violation(s) occurred for the use and benefit of the county schools within that county.

(8) Natural Resource Damages. Nothing in this rule shall be construed as satisfying any claim by the state for natural resource damages.

AUTHORITY: sections 643.050 RSMo Supp. 1998 and 643.085, RSMo 1994. Original rule Sept. 11, 1992, effective July 8, 1993. Rescinded and readopted: Filed April 15, 1999, effective Nov. 30, 1999.*

**Original authority: 643.050, RSMo 1965, amended 1972, 1992, 1993, 1995 and 643.085, RSMo 1991, amended 1992, 1993.*

10 CSR 10-6.240 Asbestos Abatement Projects – Registration, Notification and Performance Requirements (Rescinded September 30, 2004)

AUTHORITY: section 643.050, RSMo Supp. 1992. Original rule filed Dec. 14, 1992, effective Sept. 9, 1993. Rescinded: Filed Jan. 12, 2004, effective Sept. 30, 2004.

Corvera Abatement Technologies, Inc. v. Air Conservation Commission and Missouri Department of Natural Resources, Case No. CV 197-985 CC. An action for declaratory judgment and injunctive relief to challenge the final rulemaking decision of the commission was taken to the Cole County Circuit Court. After a hearing conducted January 30, 1998, the circuit court issued an order on February 3, 1998, finding that 10 CSR 10-6.240 is void from its inception. The Missouri Department of Natural Resources was permanently enjoined from enforcing 10 CSR 10-6.240. A notice of appeal for this case was filed February 10, 1998.

10 CSR 10-6.241 Asbestos Projects – Registration, Abatement, Notification, Inspection, Demolition, and Performance Requirements

PURPOSE: This rule requires asbestos contractors to register with the department, to notify the department of each asbestos project, to allow the department to inspect asbestos projects, and to pay inspection fees. Each person who intends to perform asbestos projects in Missouri must register annually with the Missouri Department of Natural Resources' Air Pollution Control Program. Any person undertaking a demolition or asbestos project must submit a notification to the appropriate agency of the department for each asbestos project and each notification must be accompanied by a fee. Asbestos contractors must allow representatives of the department to conduct inspections of projects and must pay inspection fees.

(1) Applicability.

(A) This rule applies to –

1. All persons that authorize, design, conduct, and work in asbestos projects; and
2. All persons that undertake demolitions or monitor airborne asbestos and dispose of asbestos waste as a result of asbestos projects.

(B) Exemptions. The department may exempt a person from registration, certification, and certain notification requirements provided the person conducts asbestos projects solely at the person's own place of business as part of normal operations in the facility and also is subject to the requirements and appli-

cable standards of the United States Environmental Protection Agency (EPA) and United States Occupational Safety and Health Administration (OSHA) 29 CFR 1926.1101 promulgated as of July 1, 2023, hereby incorporated by reference as published by the Office of the Federal Register. Copies can be obtained from the U.S. Government Publishing Office at <https://bookstore.gpo.gov/> or for mail orders, print and fill out an order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000. This rule does not incorporate any subsequent amendments or additions. This exemption shall not apply to asbestos contractors, to those subject to the requirements of the Asbestos Hazard Emergency Response Act (AHERA), and to those persons who provide a service to the public in their place(s) of business as the economic foundation of the facility. These shall include, but not be limited to, child daycare centers, restaurants, nursing homes, retail outlets, medical care facilities, hotels, and theaters. Business entities that have received state-approved exemption status shall comply with all federal air sampling requirements for their planned renovation operations. The Asbestos Hazard Emergency Response Act as published by the Department of Commerce and Trade October 1986 is incorporated by reference in this rule. Copies can be obtained from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161. This rule does not incorporate any subsequent amendments or additions.

(2) Definitions.

(A) Asbestos – The asbestiform varieties of serpentinite (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite (amosite), anthophyllite, and actinolite-tremolite.

(B) Asbestos abatement – The encapsulation, enclosure, or removal of asbestos-containing materials, in or from a facility, or air contaminant source; or preparation of regulated asbestos-containing material prior to demolition or renovation.

(C) Asbestos abatement project – See asbestos project.

(D) Asbestos-containing material (ACM) – Any material or product which contains more than one percent (1%) asbestos.

(E) Asbestos project – An activity undertaken to remove or encapsulate one hundred sixty (160) square feet or two hundred sixty (260) linear feet or thirty-five (35) cubic feet or more of regulated asbestos-containing materials or demolition of any structure or building or a part of it containing the previously mentioned quantities of asbestos-containing materials.

(F) Demolition – The wrecking or taking out of any load-supporting structural member of a facility together with any related handling operations or the intentional burning of any facility.

(G) Regulated asbestos-containing material (RACM) – Defined as follows:

1. Friable asbestos material;
2. Category I nonfriable ACM that has become friable;
3. Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading; or
4. Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this paragraph.

(H) Definitions. Definitions of certain terms specified in this rule, other than those defined in this rule section, may be found in 10 CSR 10-6.020.

(3) General Provisions.

(A) Registration.



1. Any person that conducts an asbestos project shall register with the department. Business entities that qualify for exemption status from the state must reapply for exemption from registration.

2. The person shall apply for registration renewal on an annual basis, and two (2) months before the expiration date shall send the application to the department for processing. The contractor registration application or business exemption information shall be submitted on the forms provided by the department.

3. Annually, the person submitting a registration application to the department shall remit a nonrefundable fee of two thousand six hundred fifty dollars (\$2,650) to the department. Effective January 1, 2026, the registration fee is two thousand nine hundred dollars (\$2,900).

4. To determine eligibility for registration and registration renewal, the department may consider the compliance history of the applicant as well as that of all management employees and officers. The department may also consider the compliance record of any other entity of which those individuals were officers and management employees.

5. Registration may be denied for any one (1) or more of the following reasons:

A. Providing false or misleading statements in the application;

B. Failure to submit a complete application;

C. Three (3) or more citations or violations of existing asbestos regulations within the last two (2) years;

D. Three (3) or more violations of 29 CFR 1910.1001 or 29 CFR 1926.1101 within the last two (2) years;

E. Fraud or failure to disclose facts relevant to their application; and

F. Any other information which may affect the applicant's ability to appropriately perform asbestos work.

(B) Abatement Procedures and Practices.

1. Asbestos project contractors shall use only individuals that have been certified by the department in accordance with 10 CSR 10-6.250 and Chapter 643, RSMo, on asbestos abatement projects.

2. At each asbestos project site the person shall provide the following information for inspection by the department:

A. Proof of current departmental registration;

B. Proof of current departmental occupational certification for those individuals on the project;

C. Most recent available air sampling results;

D. Current photo identification for all applicable individuals engaged in the project; and

E. Proof of passage of the training course for the air sampling technicians and photo identifications for air sampling technicians.

(C) Revocation of Registration. The director may deny, suspend, or revoke any person's registration obtained under section (3) of this rule if the director finds the person in violation of sections 643.225–643.250, RSMo, or Missouri rules 10 CSR 10-6.241 or 10 CSR 10-6.250 or any applicable federal, state, or local standard for asbestos abatement projects.

(D) Any person that authorizes an asbestos project, asbestos inspection, or any AHERA-related work shall ensure that Missouri registered contractors and certified individuals are employed, and that all post-notification procedures on the project are in compliance with this rule and 10 CSR 10-6.250 and Chapter 643, RSMo. Business entities that have exemption status from the state are exempt from using registered contractors and from post-notification requirements, when performing in-house asbestos abatement projects.

(E) Asbestos Project Notification. Any person undertaking an asbestos project shall submit a notification to the department for review at least ten (10) working days prior to the start of the project. Business entities with state-approved exemption status are exempt from notification except for those projects for which notification is required by the EPA's National Emission Standards for Hazardous Air Pollutants (NESHAPS). The department may waive the ten- (10-) working-day review period upon request for good cause. To apply for this waiver, the person shall complete the appropriate sections of the notification form provided by the department. The person who applies for the ten- (10-) working-day waiver must obtain approval from the department before the project can begin.

1. The person shall submit the notification by email, U.S. Postal Service, fax, or commercial delivery on the form provided by the department.

2. If an amendment to the notification is necessary, the person shall notify the department immediately by email, U.S. Postal Service, commercial delivery, or fax.

3. Asbestos project notifications shall state actual dates and times of the project, the on-site supervisor, and a description of work practices. If the person must revise the dates and times of the project, the person shall notify the department and the regional office or the appropriate local delegated enforcement agency at least twenty-four (24) hours in advance of the change by email, U.S. Postal Service, commercial delivery, or fax.

4. A nonrefundable notification fee of two hundred dollars (\$200) will be charged for each project constituting one hundred sixty (160) square feet, two hundred sixty (260) linear feet, or thirty-five (35) cubic feet or greater. Effective January 1, 2026, the notification fee is two hundred forty dollars (\$240). If an asbestos project is in an area regulated by an authorized local air pollution control agency, and the person is required to pay notification fees to that agency, the person is exempt from paying the state fees. Persons conducting planned renovation projects determined by the department to fall under EPA's 40 CFR part 61 subpart M as specified in 10 CSR 10-6.080(3)(A) must pay this fee and the inspection fees required in subsection (3)(F) of this rule.

5. Emergency project. Any person undertaking an emergency asbestos project shall notify the department within twenty-four (24) hours of the onset of the project by telephone or by email and must receive departmental approval of emergency status. Business entities with state-approved exemption status are exempt from emergency notification for state-approved projects that are part of a NESHAPS planned renovation annual notification. If the emergency occurs after normal working hours or weekends, the person shall contact the Environmental Services Program. The notice shall provide –

A. A description of the nature and scope of the emergency;

B. A description of the measures immediately used to mitigate the emergency; and

C. A schedule for removal. Following the emergency notice, the person shall provide to the director a notification on the form provided by the department and submit it to the director within seven (7) days of the onset of the emergency. The amendment requirements for notification found in subsection (3)(E) of this rule are applicable to emergency projects.

(F) Inspections. There shall be a charge of two hundred dollars (\$200) per inspection for the first two (2) inspections of any asbestos project. Effective January 1, 2026, the inspection fee is two hundred thirty dollars (\$230) per inspection for the first two (2) inspections. The department or the local delegated enforcement agency shall bill the person for that inspection(s).



and the person shall submit the fee(s) within sixty (60) days of the date of the invoice, or sooner if required by a local delegated enforcement agency within its area of jurisdiction.

(G) All information required under this rule must be submitted on the appropriate forms and contain accurate, legible information. Failure to provide the required information, failure to submit legible information, submission of false information, or failure to provide complete information as required shall be a violation of this rule and may result in the director's denial or revocation of the forms submitted.

(H) Failure to comply with this rule is a violation of this rule and Chapter 643, RSMo. Compliance with this rule does not relieve the participants from compliance with any other applicable federal and state rules, laws, standards, or building codes.

(I) Demolition. A nonrefundable notification fee of one hundred dollars (\$100) will be charged for each demolition regulated under 10 CSR 10-6.080. Effective January 1, 2026, the notification fee is one hundred twenty dollars (\$120). If a demolition is in an area regulated by an authorized local air pollution control agency and the person is required to pay notification fees to that agency, the person is exempt from paying the state fees.

(4) Reporting and Recordkeeping.

(A) Post-Notification.

1. Any person undertaking an asbestos project that requires notification according to subsection (3)(E) of this rule, on the department-provided form shall notify the department within sixty (60) days of the completion of the project. This notice shall include a signed and dated receipt for the asbestos waste generated by the project issued by the landfill named on the notification and any final clearance air monitoring results. The technician performing the analysis shall sign and date all reports of analyses.

2. Business entities are exempt from post-notification requirements, but shall keep records of waste disposal for department inspection.

(B) Additional Recordkeeping. The contractor and the owner shall keep the air monitoring results for three (3) years and make the results available to representatives of the department upon request. All AHERA projects shall comply with EPA air monitoring requirements in 40 CFR part 763 promulgated as of July 1, 2023, and are hereby incorporated by reference as published by the Office of the Federal Register. Copies can be obtained from the U.S. Government Publishing Office at <https://bookstore.gpo.gov/> or for mail orders, print and fill out an order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000. This rule does not incorporate any subsequent amendments or additions.

(5) Test Methods. *(Not Applicable)*

AUTHORITY: section 643.225, RSMo 2016, and section 643.079, RSMo Supp. 2024. Original rule filed Jan. 12, 2004, effective Sept. 30, 2004. Amended: Filed June 7, 2007, effective Jan. 30, 2008. Amended: Filed July 14, 2015, effective Feb. 29, 2016. Amended: Filed May 9, 2018, effective Feb. 28, 2019. Amended: Filed Oct. 8, 2019, effective July 30, 2020. Amended: Filed June 13, 2024, effective Feb. 28, 2025.*

**Original authority: 643.225, RSMo 1989, amended 2011, 2012, and 643.079, RSMo 1992, amended 2005, 2007, 2011, 2013, 2014, 2022, 2023.*

10 CSR 10-6.250 Asbestos Projects – Certification, Accreditation and Business Exemption Requirements

PURPOSE: This rule requires individuals who work in asbestos projects to be certified by the Missouri Department of Natural Resources Air Pollution Control Program. This rule requires training providers who offer training for asbestos occupations to be accredited by the Missouri Department of Natural Resources Air Pollution Control Program. This rule requires persons who hold exemption status from certain requirements of this rule to allow the department to monitor training provided to employees. Each individual who works in asbestos projects must first obtain certification for the appropriate occupation from the department. Each person who offers training for asbestos occupations must first obtain accreditation from the department. Certain business entities who meet the requirements for state-approved exemption status must allow the department to monitor training classes provided to employees who perform asbestos projects.

PUBLISHER'S NOTE: The secretary of state has determined that publication of the entire text of the material that is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Applicability. This rule applies to –

- (A) All persons who authorize, design, conduct, and work in asbestos projects;
- (B) Those who monitor airborne asbestos as a result of asbestos projects;
- (C) Individuals who conduct asbestos inspections and develop Asbestos Hazard Emergency Response Act (AHERA) management plans and project designs; and
- (D) Those who provide training for individuals involved in subsections (1)(A)–(C) of this rule.

(2) Definitions.

(A) Asbestos – The asbestiform varieties of serpentinite (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite (amosite), anthophyllite, and actinolite-tremolite.

(B) Asbestos abatement – The encapsulation, enclosure, or removal of asbestos-containing materials in or from a facility or air contaminant source; or preparation of regulated asbestos-containing material prior to demolition or renovation.

(C) 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.

(D) Asbestos abatement project – See asbestos project.

(E) Asbestos-containing material (ACM) – Any material or product which contains more than one percent (1%) asbestos.

(F) Asbestos inspector – An individual who collects and assimilates information used to determine the presence and condition of asbestos-containing material in a facility or other air contaminant source. An asbestos inspector has to hold a diploma from a fully-approved EPA or Missouri-accredited AHERA inspector course and a high school diploma or its equivalent.

(G) Asbestos project – An activity undertaken to remove or encapsulate one hundred sixty (160) square feet or two hundred sixty (260) linear feet or thirty-five (35) cubic feet or more of



regulated asbestos-containing materials or demolition of any structure or building or a part of it containing the previously mentioned quantities of asbestos-containing materials.

(H) Facility—Any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four (4) or fewer dwelling units); any ship; and any active or inactive waste disposal site. For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, installation or building that was previously subject to this subsection is not excluded, regardless of its current use or function.

(I) Definitions. Definitions of certain terms specified in this rule, other than those defined in this rule section, may be found in 10 CSR 10-6.020.

(3) General Provisions.

(A) Certification.

1. An individual must receive certification from the department before that individual participates in an asbestos project, inspection, AHERA management plan, abatement project design, or asbestos air sampling in the state of Missouri. This certification must be renewed annually with the exception of air sampling professionals. To become certified an individual must meet the qualifications in the specialty area as defined in the EPA's AHERA Model Accreditation Plan, 40 CFR part 763, Appendix C, subpart E promulgated as of July 1, 2023, hereby incorporated by reference as published by the Office of the Federal Register. Copies can be obtained from the U.S. Government Publishing Office at <https://bookstore.gpo.gov/> or for mail orders, print and fill out an order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000. This rule does not incorporate any subsequent amendments or additions. The individual must successfully complete a fully approved U.S. Environmental Protection Agency (EPA) or Missouri-accredited AHERA training course and pass the training course exam and pass the Missouri asbestos examination with a minimum score of seventy percent (70%) and submit a completed department-supplied application form to the department along with the appropriate certification fees. The department shall issue a certificate to each individual that meets the requirements for the job category.

2. In order to receive Missouri certification, individuals must be trained by Missouri accredited providers.

3. Qualifications. An individual shall present proof of these to the department with the application for certification. The following are the minimum qualifications for each job category:

A. An asbestos air sampling professional conducts, oversees, or is responsible for air monitoring of asbestos projects. Air sampling professionals must satisfy one (1) of the following qualifications for certification:

(I) Bachelor of science degree in industrial hygiene plus one (1) year of field experience. The individual must provide a copy of his/her diploma, a certified copy of his/her transcript, and documentation of one (1) year of experience;

(II) Master of science degree in industrial hygiene. The individual must provide a copy of his/her diploma and a certified copy of his/her transcript;

(III) Certification as an industrial hygienist as designated by the American Board of Industrial Hygiene. The

individual must provide a copy of his/her certificate and a certified copy of his/her transcript, if applicable;

(IV) Three (3) years of practical industrial hygiene field experience including significant asbestos air monitoring and completion of a forty- (40-) hour asbestos course including air monitoring instruction. At least fifty percent (50%) of the three- (3-) year period must have been on projects where a degreed or certified industrial hygienist or a Missouri certified asbestos air sampling professional was involved. The individual must provide to the department written reference by the industrial hygienist or the asbestos air sampling professional stating the individual's performance of monitoring was acceptable and that the individual is capable of fulfilling the responsibilities associated with certification as an asbestos air sampling professional. The individual must also provide documentation of his/her experience and a copy of his/her asbestos course certificate; or

(V) Other qualifications including but not limited to an American Board of Industrial Hygiene accepted degree or a health/safety related degree combined with related experience. The individual must provide a copy of his/her diploma and/or certification, a certified copy of his/her transcript, and letters necessary to verify experience;

B. An asbestos air sampling technician is an individual who has been trained by an air sampling professional to do air monitoring and who conducts air monitoring of asbestos projects. Air sampling technicians need not be certified but are required to pass a training course and have proof of passage of the course at the site along with photo identification. This course shall include –

(I) Air monitoring equipment and supplies;

(II) Experience with pump calibration and location;

(III) Recordkeeping of air monitoring data for asbestos projects;

(IV) Applicable asbestos regulations;

(V) Visual inspection for final clearance sampling; and

(VI) A minimum of sixteen (16) hours of air monitoring field equipment training by a certified air sampling professional;

C. An asbestos inspector is an individual who collects and assimilates information used to determine the presence and condition of asbestos-containing material in a building or other air contaminant source. An asbestos inspector must hold a diploma from a fully approved EPA or Missouri-accredited AHERA inspector course and a high school diploma or its equivalent;

D. An AHERA asbestos management planner is an individual who, under AHERA, reviews the results of inspections, reinspections, or assessments and writes recommendations for appropriate response actions. An AHERA asbestos management planner must hold diplomas from a fully approved EPA or Missouri-accredited AHERA inspector course and a fully approved EPA or Missouri-accredited management planner course. The individual must also hold a high school diploma or its equivalent;

E. An abatement project designer is an individual who designs or plans asbestos abatement. An abatement project designer must –

(I) Have a diploma from a fully approved EPA or Missouri-accredited project designer course;

(II) Have an engineering or industrial hygiene degree;

(III) Have working knowledge of heating, ventilation, and air conditioning systems;

(IV) Hold a high school diploma or its equivalent; and

(V) Have at least four (4) years experience in building design, heating, ventilation, and air conditioning systems. The



department may require individuals with professional degrees for complex asbestos projects;

F. An asbestos supervisor is an individual who directs, controls, or supervises others in asbestos projects. An asbestos supervisor shall –

(I) Hold a diploma from a fully approved EPA or Missouri-accredited AHERA abatement contractor/supervisor course; and

(II) Have one (1) year full-time prior experience in asbestos abatement work or in general construction work; and

G. An asbestos abatement worker is an individual who engages in asbestos projects. An asbestos abatement worker shall –

(I) Hold a diploma from a fully approved EPA; or

(II) Missouri-accredited AHERA worker training course.

4. Certification may be denied for any one (1) or more of the following:

A. Failure to meet minimum training, education, or experience requirements;

B. Providing false or misleading statements in the application;

C. Failure to submit a complete application;

D. Three (3) or more citations or violations of existing asbestos regulations within the last two (2) years;

E. Three (3) or more violations of 29 CFR 1910.1001 or 29 CFR 1926.1101 within the last two (2) years. 29 CFR 1910.1001 and 29 CFR 1926.1101 promulgated as of July 1, 2023, are hereby incorporated by reference as published by the Office of the Federal Register. Copies can be obtained from the U.S. Government Publishing Office at <https://bookstore.gpo.gov/> or for mail orders, print and fill out an order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000. This rule does not incorporate any subsequent amendments or additions;

F. Fraud or failure to disclose facts relevant to their application;

G. Permitting the duplication or use by another of the individual's certificate; and

H. Any other information which may affect the applicant's ability to appropriately perform asbestos work.

(B) Recertification.

1. All asbestos inspectors, management planners, abatement project designers, supervisors, and workers shall pass a Missouri-accredited annual AHERA refresher course and examination in their specialty area. The refresher course must be specific to the individual's initial certification and must meet the requirements of the EPA's AHERA Model Accreditation Plan 40 CFR part 763 promulgated as of July 1, 2023, hereby incorporated by reference as published by the Office of the Federal Register. Copies can be obtained from the U.S. Government Publishing Office at <https://bookstore.gpo.gov/> or for mail orders, print and fill out an order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000. This rule does not incorporate any subsequent amendments or additions.

2. In the case of significant changes in Missouri statutes or rules the department will require individuals to retake a revised version of the Missouri asbestos examination prior to being recertified.

(C) Certification/Recertification Fees. The department shall assess –

1. A one-hundred-dollar (\$100) application fee for each individual applying for certification except for asbestos abatement workers, asbestos air sampling professionals, and asbestos air sampling technicians. Effective January 1, 2026, the

application fee is one hundred ten dollars (\$110);

2. A forty-dollar (\$40) application fee for each asbestos abatement worker. Effective January 1, 2026, the application fee is fifty dollars (\$50);

3. A one-hundred-dollar (\$100) application fee for asbestos air sampling professional certification. Effective January 1, 2026, the application fee for asbestos air sampling professional certification is three hundred dollars (\$300). No renewal fees for asbestos air sampling professionals. No application or renewal fees for asbestos air sampling technicians;

4. A twenty-five-dollar (\$25) fee for each Missouri asbestos examination;

5. A twenty-dollar (\$20) renewal fee for each renewal certificate for asbestos abatement workers. Effective January 1, 2026, the renewal fee is thirty dollars (\$30); and

6. A fifty-dollar (\$50) renewal fee for each renewal certificate for non-asbestos abatement workers. Effective January 1, 2026, the renewal fee is sixty dollars (\$60).

(D) Accreditation of Training Programs. To be a training provider for the purposes of this rule, a person shall apply for accreditation to the department and comply with EPA's AHERA Model Accreditation Plan 40 CFR part 763, Appendix C, subpart E as incorporated by reference in paragraph (3)(B)1. of this rule. Business entities that are determined by the department to fall under subsection (3)(E) of this rule are exempt from this section.

1. Training providers shall apply for approval of a training course(s) as provided in section 643.228, RSMo, on the department-supplied Asbestos Training Course Accreditation form.

A. In addition to the written application, the training provider shall present each initial course for the department to audit. The department may deny accreditation of a course if the applicant fails to provide information required within sixty (60) days of receipt of written notice that the application is deficient. All training providers must apply for reaccreditation biennially.

B. Training providers must submit documentation that their courses meet the criteria set forth in this rule. Out-of-state providers must submit documentation of biennial audit by an accrediting agency with a written verification that Missouri rules are addressed in the audited course.

C. Providers must pay an accreditation fee of one thousand dollars (\$1,000) per course category prior to issuance or renewal of an accreditation. Effective January 1, 2026, the accreditation fee is one thousand one hundred fifty dollars (\$1,150). No person shall pay more than three thousand dollars (\$3,000) for all course categories for which accreditation is requested at the same time. Effective January 1, 2026, the accreditation fee cap is three thousand four hundred fifty dollars (\$3,450).

2. At least two (2) weeks prior to the course starting date, training providers shall notify the department of their intent to offer initial training and refresher courses. The notification shall include the course title, starting date, the location at which the course will take place, and a list of the course instructors.

3. All training courses shall have a ratio of students to instructors in hands-on demonstrations that shall not exceed ten-to-one (10:1).

4. Instructor qualifications.

A. An individual must be Missouri-certified in a specialty area before they will be allowed to teach in that specialty area, except that instructors certified as supervisors may also instruct a worker course.



B. An individual with experience and education in industrial hygiene shall teach the sections of the training courses concerning the performance and evaluation of air monitoring programs and the design and implementation of respiratory protection programs. The department does not require that the instructor hold a degree in industrial hygiene, but the individual must provide documentation and written explanation of experience and training.

C. An individual who is a Missouri-certified supervisor, and who has sufficient training and work experience to effectively present the assigned subject matter, shall teach the hands-on training sections of all courses.

D. An individual who teaches the portions of the project designer's course involving heating, ventilation, and air conditioning (HVAC) systems, must –

(I) Be a licensed architect or a licensed engineer; or

(II) Must provide documentation of training and at least five (5) years' experience in the field.

5. The course provider must administer and monitor all course examinations. The course provider assumes responsibility for the security of exam contents and shall ensure that the participant passes the exam on his/her own merit. Minimum security measures for the written exams include ample space between participants, absence of written materials other than the examination and supervision of the exam by course provider.

6. When the provider offers training on short notice, the training provider shall notify the department as soon as possible but no later than two (2) days prior to commencement of that training.

7. When the provider cancels the course, the training provider should notify the department at the same time s/he notifies course participants, and shall follow up with written notification.

8. When rules, policies, or procedures change, the training provider must update the initial and refresher courses. The training provider must notify the department as soon as s/he makes the changes.

9. The department may withdraw accreditation from providers who fail to accurately portray their Missouri accreditation in advertisements, who fail to ensure security of examinations, who fail to ensure that each student passes the exam on his/her own merit, or who issue improper certificates.

10. Training course providers must notify the department of any changes in training course content or instructors. Training course providers must submit résumés of all new instructors to the department as soon as substitutions or additions are made.

11. The department may revoke or suspend accreditation of any course subject to this rule if alterations in the course cause it to fail the department's accreditation criteria.

12. Training providers shall have thirty (30) days to correct identified deficiencies in training course(s) before the department revokes accreditation.

(E) Business Exemptions. The department may exempt a person from registration, certification, and certain notification requirements provided the person conducts asbestos projects solely at the person's own place(s) of business as part of normal operations in the facility and the person is also subject to the requirements and applicable standards of the EPA and United States Occupational Safety and Health Administration (OSHA) 29 CFR 1926.1101 as incorporated by reference in subparagraph (3)(A)4.E. of this rule. The person shall submit an application for exemption to the department on the department-supplied form. This exemption shall not apply to asbestos abatement

contractors, to those subject to the requirements of AHERA, and to those persons who provide a service to the public in their place(s) of business as the economic foundation of the facility. These shall include, but not be limited to, child daycare centers, restaurants, nursing homes, retail outlets, medical care facilities, hotels, and theaters. The department shall review the exemption application within one hundred eighty (180) days. State-exempted business entities shall comply with all federal air sampling requirements for planned renovation operations.

1. Training course requirements.

A. The person shall fill out the department-supplied form describing training provided to employees and an explanation of how the training meets the applicable OSHA and EPA standards.

B. The person shall notify the department two (2) weeks before the person conducts training programs. This notification shall include the course title, start-up date, location, and course instructor(s).

C. If the person cancels the course, the person shall notify the department at the same time the person notifies course participants and follow up with written notification to the department.

D. When regulations, policies, or procedures change, the person must update the initial and refresher courses and notify the department as soon as the person makes the changes.

E. When the person conducts hands-on training, the ratio of students to instructors shall not exceed ten-to-one (10:1).

F. The person must allow representative(s) of the department to attend the training course for purposes of determining compliance with this rule.

G. Exempted persons shall submit to the director changes in curricula, instructors, and other significant revisions to the training program as they occur and submit résumés of all new instructors to the department as soon as substitutions or additions are made.

H. The department may revoke or suspend an exemption if on-site inspection indicates that the training fails the exemption requirements. These include, but are not limited to, a decrease in course length, a change in course content, or use of different instructors than those indicated in the application. The department, in writing, shall notify the person responsible for the training of deficiencies. The person shall have thirty (30) days to correct the deficiencies before the department issues final written notice of exemption withdrawal.

2. If the department finds an exemption application deficient, the person has sixty (60) days to correct the deficiencies. If, within sixty (60) days, the person fails to provide the department with the required information, the department may deny approval of the exemption.

3. The person shall submit a fee of two hundred fifty dollars (\$250) with the application for exemption. This is a nonrefundable one- (1-) time fee.

(F) All information required under this rule must be submitted on the appropriate forms and contain accurate, legible information. Failure to provide the required information, failure to submit legible information, submission of false information, or failure to provide complete information as required shall be a violation of this rule and may result in the director's denial or revocation of the forms provided.

(4) Reporting and Recordkeeping. (*Not Applicable*)

(5) Test Methods. (*Not Applicable*)