any change in its permitted installation's operations, activities, or emissions that is not addressed in, constrained by, or prohibited by the permit without obtaining a permit revision. Insignificant activities listed in the permit, but not otherwise addressed in or prohibited by the permit, are not considered to be constrained by the permit for purposes of the off-permit provisions of this section. Off-permit changes shall be subject to the following requirements and restrictions:

A. Compliance with applicable requirements. The change must meet all applicable requirements of the Act and may not violate any existing permit term or condition; no permittee may change a permitted installation without a permit revision, even if the change is not addressed in or constrained by, the permit, if this change is subject to any requirements under Title IV of the Act or is a Title I modification;

B. Contemporaneous notice, except insignificant activities. The permittee must provide contemporaneous written notice of the change to the permitting authority and to the administrator. This notice is not required for changes that are insignificant activities under paragraph (5)(B)3. of this rule. This written notice shall describe each change, including the date, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change;

C. Record of changes. The permittee shall keep a record describing all changes made at the installation that result in emissions of a regulated air pollutant subject to an applicable requirement and the emissions resulting from these changes; and

D. Permit shield not applicable. The permit shield shall not apply to these changes.

(D) Unified Review. When the construction or modification and operation of any installation requires a construction permit under 10 CSR 10-6.060, and an operating permit or its amendment under this rule, the installation shall receive a unified construction and operating permit or its amendments, review, hearing, and approval process, unless the applicant requests in writing that the construction and operating permit, or its amendment application, be reviewed separately. Under this unified review process, the applicant shall submit all the applications, forms, and other information required by the permitting authority.

1. Review of applications. The permitting authority shall complete any unified review within one hundred eighty-four (184) days, as provided under the procedures of this rule and 10 CSR 10-6.060 Construction Permits Required.

2. Issuance of permits. As soon as the unified review process is completed, if the applicant complies with all applicable requirements under this rule and 10 CSR 10-6.060, the construction permit and the operating permit or its amendment shall be issued to the applicant and the applicant may commence construction. The operating permit or its amendment shall be retained by the permitting authority until validated pursuant to this subsection (5)(D).

3. Validation of operating permits. Within one hundred and eighty (180) days after commencing operation, the holder of an operating permit or its amendment issued by the unified review processing shall submit to the permitting authority all information required by the permitting authority to demonstrate compliance with the terms and conditions of the issued operating permit or its amendment. The permittee shall also provide information identifying any applicable requirements which became applicable subsequent to issuance of the operating permit. Within thirty (30) days after the applicant's request for validation, the permitting authority will take action denying or approving validation of the issued operating permit or its amendment. If the permittee demonstrates compliance with both the construction and operating permits, and all of the requirements for permit issuance in subsection (5)(E) of this rule have been met, the permitting authority shall validate the operating permit and forward it to the permittee. No part 70 permit will be validated unless –

A. At the time of validation, the permitting authority certifies that the issued permit contains all applicable requirements; or

B. The procedures for permit renewal in paragraph (5)(E)3. have occurred prior to validation to insure the inclusion of any new applicable requirements to which the part 70 permit is subject.

(E) Permit Issuance, Renewal, Reopenings, and Revisions.

1. Action on application.

A. General requirements. A part 70 operating permit, permit modification, or permit renewal may be issued only if all of the following conditions have been met:

(I) Except for a general permit authorization, the permitting authority has received a complete application for a permit, permit modification, or permit renewal;

(II) Except for permit modifications qualifying for minor permit modification procedures, the permitting authority has complied with the requirements for public participation;

(III) The permitting authority has complied with the requirements for notifying and responding to affected states;

(IV) The permitting authority finds that the conditions of the permit provide for compliance with all applicable requirements and the requirements of the Act and the requirements of this rule; and

(V) The administrator has received a copy of the draft permit and any notices required, and has not objected to issuance of the permit under 40 CFR 70.8(c) within the time specified therein.

B. Completeness determination. After receipt of an application, the permitting authority promptly shall provide notice to the applicant of whether the application is complete. Unless the permitting authority notifies the applicant that the application is not complete within sixty (60) days after receipt, the application shall be deemed complete.

(I) The permitting authority shall make available to applicants all the necessary application forms, together with a checklist of items required for a complete application package. An application will be deemed complete in the first instance if the applicant submits a completed application form, together with the other items on the checklist.

(II) No completeness determination shall be required for applications for minor permit modifications.

C. Drafts for public comment. Following review of an application, the permitting authority shall issue a draft permit, draft permit modification, or draft permit renewal for public comment, in accordance with section (6). The draft shall be accompanied by a statement setting forth the legal and factual basis for the draft permit conditions (including references to applicable statutory or regulatory provisions). The permitting authority shall send this statement to the administrator, to affected states, and to the applicant and shall place a copy in the public file.

D. Proposals for review. Following the end of the public comment period, the permitting authority shall prepare and submit to the administrator a draft permit, permit modification,

or permit renewal.

(I) The draft permit, modification, or renewal shall be issued no later than forty-five (45) days preceding the deadline for final action under this section and shall contain all applicable requirements that have been promulgated and made applicable to the installation as of the date of issuance of the draft permit.

(II) If new requirements are promulgated or otherwise become newly applicable to the installation following the issuance of the draft permit but before issuance of a final permit (or in the case of unified review, before validation of an issued permit), the permitting authority may elect to either –

(a) Extend or reopen the public comment period to solicit comment on additional draft permit provisions to implement the new requirements; or

(b) If the permitting authority determines that this extension or reopening of the public comment period would delay issuance of the permit unduly, the permitting authority may include in the permit a provision stating that the permit is reopened upon issuance or validation to incorporate the new requirements and stating that the new requirements are excluded from the protection of the permit shield. If the permitting authority elects to issue the permit without incorporating the new requirements, the permitting authority shall institute, within thirty (30) days after the new requirements become applicable to the source, proceedings pursuant to this section to reopen the permit to incorporate the new requirements. These reopening proceedings may be instituted, but need not be completed, before issuance of the final permit.

E. Action following the administrator's review.

(I) Upon receipt of notice that the administrator will not object to a permit, permit modification, or permit renewal that has been submitted for the administrator's review pursuant to this section, the permitting authority shall issue the permit, permit modification, or permit renewal forthwith, but in no event later than the fifth day following receipt of the notice from the administrator.

(II) Forty-five (45) days after receipt by the administrator of a draft permit, permit modification, or permit renewal for the administrator's review, and if the administrator has not notified the permitting authority that s/he objects to the permit action, the permitting authority shall promptly issue the permit, permit modification, or permit renewal, but in no event later than the fiftieth day following receipt by the administrator.

(III) If the administrator objects to the permit, modification, or renewal, the permit shall not be issued and the permitting authority shall consult with the administrator and the applicant, and shall submit a revised proposal to the administrator within ninety (90) days after the date of the administrator's objection. If the permitting authority does not revise the permit, the permitting authority will inform the administrator within ninety (90) days following the date of the objection and decline to make those revisions. If the administrator disagrees with the permitting authority, the administrator may issue the permit with the revisions incorporated.

F. Final actions.

(I) Noninitial applications. Except as provided in this subsection (5)(E), the permitting authority shall take final action on each application for a part 70 operating permit within eighteen (18) months after receiving a complete application. Final action on each application for a significant permit modification or permit renewal shall be taken within six (6) months after receipt of a complete application. For each application, the permitting authority shall submit a draft permit, modification, or renewal to the administrator no later than forty-five (45) days before the deadline for final action established in this section. The permitting authority shall take action on any permit, permit modification, or permit renewal issued in compliance with rules promulgated under Title IV or V of the Act for the permitting of affected installations under the acid rain program within the time specified in those regulations.

(II) Initial applications. Applications accepted under the registry system shall be acted upon according to that registry.

G. Order for acting on applications. To the extent feasible, applications shall be acted upon in the order received, except that –

(I) Priority shall be given to taking final action on applications for construction or permit modification under Title I, Parts C and D of the Act and to applications for general permits. To the extent feasible, final action on these applications shall be taken within six (6) months following receipt of a complete application;

(II) For processing purposes, the permitting authority may group together applications addressing similar installations; and

(III) The permitting authority may give expedited treatment to simple applications that do not require significant review (for example, permits incorporating few or no substantive regulatory requirements).

2. Application shield.

A. Protection for not having a permit. If an installation subject to the requirement to obtain a permit under this section submits a timely and complete application for permit issuance or renewal, that installation's failure to have an issued permit shall not be a violation of the requirement to have the permit until the permitting authority takes final action on the application. This application protection shall cease to apply if, subsequent to a completeness determination, the applicant fails to submit, by the deadline specified in writing by the permitting authority, any additional information identified as being reasonably required to process the application.

B. Loss of protection. If an applicant files a timely application that the permitting authority determines is not complete, or if the applicant loses the protection granted under this section as a result of the failure to provide additional information reasonably requested by the permitting authority within the time specified, the applicant is in violation of this section for failure to have an issued permit.

C. Construction permits not affected. The submittal of a complete part 70 operating permit application shall not affect the requirement, where applicable, that an installation have a construction permit.

3. Permit renewal and expiration.

A. Renewal application requirements. Applications for permit renewals shall be subject to the same procedural requirements, including public participation, affected state comment, and the administrator review, that apply to initial permit issuance. The permitting authority, in issuing a permit or renewal permit, may identify those portions that are proposed to be revised, supplemented, or deleted.

B. Timely application. An installation's right to operate shall terminate upon the expiration of the permit, unless a complete permit renewal application is submitted at least six (6) months before the date of expiration, or unless the permitting authority takes final action approving an application for a

permit renewal by the expiration date.

C. Extension of expired permits. If a timely and complete application for a permit renewal is submitted, but the permitting authority fails to take final action to issue or deny the renewal permit before the end of the term of the previous permit, the previous permit shall not expire until the renewal permit is issued or denied. Any permit shield granted under the previous permit shall continue in effect during this period of time. However, the administrator may invoke its authority under section 505(e) of the Act to terminate or revoke and reissue the permit.

4. Administrative permit amendments.

A. Definition. An administrative permit amendment is a permit revision that –

(I) Corrects typographical errors;

(II) Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the installation;

(III) Requires more frequent monitoring or reporting by the permittee;

(IV) Allows for a change in ownership or operational control of an installation where no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee is submitted to the permitting authority; and/or

(V) Incorporates in the part 70 operating permit the requirements of a unified construction permit issued by the permitting authority.

B. Acid rain provisions. For purposes of any acid rain portion of a part 70 operating permit, administrative permit amendments shall be governed by rules promulgated under Title IV of the Act.

C. Procedures. An administrative permit amendment shall be made by the permitting authority under the following procedures:

(I) The permitting authority shall take final action on a request for an administrative permit amendment within sixty (60) days after receipt of the request, and may incorporate the proposed changes in a permit without providing notice to the public or affected states, if any of the permit revisions are designated as having been made pursuant to this paragraph (5)(E)4.;

(II) The permitting authority shall transmit a copy of the amended permit to the administrator; and

(III) An installation may implement the changes addressed in a request for an administrative permit amendment immediately upon submittal of the request.

D. Permit shield applicable. The permitting authority, upon taking final action granting a request for an administrative permit amendment, shall allow coverage by the permit shield.

5. Permit modifications.

A. Definition. A permit modification is any revision to a part 70 operating permit which is not an administrative amendment under paragraph (5)(E)4. of this rule. A permit modification for the purposes of the acid rain portion of the permit shall be governed by regulations promulgated under Title IV of the Act.

B. Minor permit modification.

(I) Criteria.

(a) Minor permit modifications involve changes to an installation that do not –

I. Violate any applicable requirement;

II. Involve significant changes to monitoring, reporting, or record-keeping requirements in the permit;

III. Require or change any case-by-case or source-specific determination contained in the permit, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis;

IV. Establish or change a permit term for which there is no corresponding underlying applicable requirement and which the source has assumed in order to avoid an applicable requirement to which it would otherwise be subject, such as a federally-enforceable emissions cap voluntarily agreed to in order to avoid classification as a Title I modification or an alternative emissions limit approved pursuant to 112(i)(5) of the Act;

V. Constitute a Title I modification; and

VI. Constitute a significant permit modification.

(b) Notwithstanding subpart (5)(E)5.B.(I)(a) and subparagraph (5)(E)5.C. of this section, minor permit modification procedures may be used for permit modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that such minor permit modification procedures are explicitly provided for in an applicable implementation plan or in applicable requirements promulgated by EPA.

(II) Procedures.

(a) The applicant should complete a minor permit modification form application which is consistent with the requirements of this section (5), and which includes at least the following information:

I. A description of the proposed change, the resulting emissions, and any new applicable requirements;

II. The applicant's draft modified permit;

III. Certification by a responsible official consistent with paragraph (5)(B)4. of this rule, that the proposed modification meets the criteria for use of minor permit modification procedures; and

IV. Completed forms to enable the permitting authority to notify the administrator and affected states.

(b) The permitting authority will notify the administrator and affected states within five (5) days after receipt of the application.

(c) Public participation requirements are not applicable to minor permit modifications.

(d) Within thirty (30) days after receiving the minor permit modification application, the permitting authority will notify the applicant whether the application is deemed complete or if further information is needed to deem it so.

(e) Within ninety (90) days after receiving the minor permit modification application, or fifteen (15) days after the end of the administrator's forty-five (45)-day review period, whichever is later, the permitting authority shall –

I. Issue the permit modification as proposed;

II. Deny the permit modification;

III. Determine that the requested change is a significant permit modification that should be reviewed as such; or

IV. Revise the draft modified permit and notify the applicant and the administrator by providing a written copy of the proposed intended changes, a written statement of the factual and legal reasons for the changes, and notice of the rights of the applicant and the administrator to appeal or object to the changes, including any deadlines for this appeal or objection.

(f) An applicant for a minor permit modification may make the change proposed immediately after filing the application. After making the change, and until the permitting authority takes any of the actions specified in this section (5), the

applicant must comply with both the applicable requirements governing the change and the proposed modified permit terms and conditions. During this time period, the installation need not comply with the existing permit terms and conditions the applicant is seeking to modify. However, if the applicant fails to comply with the proposed modified permit terms and conditions during this time period, the existing permit terms and conditions which the applicant is seeking to modify may be enforced against the installation.

(III) Permit shield not applicable. The permit shield does not apply to minor permit modifications.

C. Group processing of minor permit modifications. Pursuant to this paragraph (5)(E)5., the permitting authority may modify the procedures outlined in this section (5) to process groups of an installation's applications for certain modifications eligible for minor permit modification processing.

(I) Criteria. Group processing of proposed minor permit modifications may be used only for those which –

(a) Meet the criteria for minor permit modification procedures under this section; and

(b) Collectively are below the following threshold level: ten percent (10%) of the emissions allowed by the permit for the emissions unit for which the change is proposed; twenty percent (20%) of the applicable definition of a part 70 installation; or five (5) tons per year, whichever is least.

(II) Applications. An application requesting the use of group processing procedures shall meet the requirements of this subparagraph and shall include the following:

(a) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;

(b) The applicant's draft modified permit;

(c) Certification by a responsible official, consistent with this section, that the proposed modification meets the criteria for use of group processing procedures and a request that these procedures be used;

(d) A list of the installation's other pending applications awaiting group processing and a determination of whether the requested modification, aggregated with these other applications, equals or exceeds the threshold established under this section (5);

(e) Certification, consistent with this section (5), that the applicant has notified the administrator of the proposed modification. This notification need only contain a brief description of the proposed modification; and

(f) Completed forms for the permitting authority to use to notify the administrator and affected states.

(III) Administrator and affected state notification. On a quarterly basis or within five (5) business days after receipt of an application demonstrating that the aggregate of an installation's pending applications equals or exceeds the threshold level established under this section, whichever is earlier, the permitting authority promptly, in accordance with section (6) of this rule, shall notify the administrator and affected states of the proposed permit modifications. The permitting authority shall send any notice required to the administrator.

(IV) Timetable for issuance. The provisions of this section shall apply to modifications eligible for group processing, except that the permitting authority shall take one (1) of the actions specified in this paragraph within one hundred eighty (180) days after receipt of the application or fifteen (15) days after the end of the administrator's forty-five (45)-day review period, whichever is later.

(V) Installation's ability to make change. The provisions of this subpart (5)(E)5.B.(II)(f) shall apply to modifications eligible for group processing.

(VI) Permit shield not applicable. The provisions of part (5)(E)5.B.(III) shall apply to modifications eligible for group processing.

D. Significant permit modifications.

(I) Definition. Any permit revision which is not a minor modification or administrative permit amendment is a significant permit modification. This revision includes, but is not limited to, significant changes in monitoring, reporting, or record keeping permit terms and any change in the method of measuring compliance with existing permit requirements. Criteria for determining whether a proposed change is significant shall include the magnitude of the change and the resulting impact on the environment.

(II) Procedures.

(a) An applicant for a significant permit modification shall adhere to all the relevant requirements for an initial permit application under section (5) of this rule, as well as requirements for public participation under section (6), and review by the administrator and affected states under subsection (5)(F) except –

I. The applicant should use the form for a significant permit modification application, rather than the form for an initial permit issuance; and

II. The permitting authority will complete review of significant permit modification applications within nine (9) months after receipt of an application.

6. Reopening permits for cause.

A. Cause to reopen. A part 70 operating permit shall be reopened for cause if –

(I) The permitting authority receives notice from the administrator that the administrator has granted a petition for disapproval of a permit pursuant to 40 CFR 70.8(d), provided that the reopening may be stayed pending judicial review of that determination;

(II) The permitting authority or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions limitations standards or other terms of the permit;

(III) Additional applicable requirements under the Act become applicable to the installation; however, reopening on this ground is not required if –

(a) The permit has a remaining term of less than three (3) years;

(b) The effective date of the requirement is later than the date on which the permit is due to expire; or

(c) The additional applicable requirements are implemented in a general permit that is applicable to the installation and the installation receives authorization for coverage under that general permit;

(IV) The installation is an affected source under the acid rain program and additional requirements (including excess emissions requirements) become applicable to that source, provided that, upon approval by the administrator, excess emissions offset plans shall be deemed to be incorporated into the permit; or

(V) The permitting authority or the administrator determines that the permit must be reopened and revised to assure compliance with applicable requirements.

B. Notice to the permittee. If the permitting authority finds reason to believe that a permit should be reopened for cause, it shall provide at least thirty (30) day's prior written notice to the permittee, except the notice period may be less if the permitting authority finds that an emergency exists.

(I) This notice shall include a statement of the terms and conditions that the permitting authority proposes to change, delete, or add to the permit. If the permitting authority does not have sufficient information to determine the terms and conditions that must be changed, deleted, or added to the permit, the notice shall request the permittee to provide that information within a period of time specified in the notice, which shall be not less than thirty (30) days except in the case of an emergency.

(II) If the proposed reopening is pursuant to subparagraph (5)(E)6.A. of this rule, the permitting authority shall give the permittee an opportunity to provide evidence that the permit should not be reopened.

C. Procedures for reissuance. In reissuing the permit, the permitting authority shall follow the procedures established under subsection (5)(E). The permittee shall in all cases be afforded an opportunity to comment on the revised permit terms.

D. Judicial review. Upon issuance of the revised permit, both the determination to reopen the permit and the revised permit terms shall be subject to judicial review.

E. Extension of permit shield. While a reopening proceeding is pending, the permittee shall be entitled to the continued protection of any permit shield provided in the permit pending issuance of a revised permit, unless the permitting authority specifically suspends the permit shield on the basis of a finding that this suspension is necessary to implement applicable requirements. If this finding applies only to certain applicable requirements or to certain permit terms, the suspension shall extend only to those requirements or terms.

F. Deadline for completion. Any reopening and reissuance proceeding shall be completed within eighteen (18) months after promulgation of the applicable requirements.

7. Reopening permits for cause by the administrator.

A. Notice of cause. If the permitting authority receives notice from the administrator that the administrator has found cause to revoke, modify, or reopen and reissue a part 70 operating permit, the permitting authority, within ten (10) days after receipt of this notification, shall provide notice to the permittee. The notice to the permittee shall include a copy of the notice from the administrator and invite the permittee to comment in writing on the proposed action.

B. Proposed permitting authority response. Within ninety (90) days following receipt of the notification from the administrator, the permitting authority shall issue and forward to the administrator a proposed determination in response to the administrator's notification. The permitting authority may request an additional ninety (90) days for this submission if this time is required to obtain a new or revised permit application or other information from the permittee.

C. Comment by the administrator. The permitting authority shall address any further comment or objection from the administrator on the permitting authority's response to the administrator notification pursuant to this section.

8. Revocations and terminations.

A. Cause for revocation. The permitting authority may revoke a part 70 operating permit only upon request of the permittee or for cause. For purposes of this section, cause for revocation exists if –

(I) There is a pattern of unresolved and repeated noncompliance with the terms and conditions of the permit and the permittee has refused to take appropriate action (such as a schedule of compliance) to resolve the noncompliance;

(II) The permittee has failed to disclose material facts relevant to issuance of the permit or has knowingly submitted false or misleading information to the permitting authority;

(III) The permitting authority finds that the permitted installation or activity endangers public health, safety, or the environment, and that the danger cannot be removed by a modification of the terms of the permit; or

(IV) The permittee has failed to pay a civil or criminal penalty imposed for violations of the permit.

B. Notice to permittee. Upon finding that cause exists for the revocation of a permit, the permitting authority shall notify the permittee of that finding in writing, stating the reasons for the proposed revocation. Within thirty (30) days following receipt of the notice, the permittee may submit written comments concerning the proposed revocation. If the permitting authority after that makes a final determination to revoke the permit, it shall provide a written notice to the permittee specifying the reasons for the decision and the effective date of the revocation.

C. Conditional revocation. A permit revocation issued under this section may be issued conditionally, with a future effective date, and may specify that the revocation will not take effect if the permittee satisfies the specified conditions before the effective date.

D. Application for termination. A permittee may apply at any time for termination of all or a portion of its part 70 operating permit relating solely to operations, activities, and emissions that have been permanently discontinued at the permitted installation. An application for termination shall identify with specificity the permit or permit terms that relate to the discontinued operations, activities, and emissions. The permitting authority shall act on an application for termination on this ground within ninety (90) days after receipt, and shall grant the application for termination upon finding that the permit terms for which termination is sought relate solely to operations, activities, and emissions that have been permanently discontinued. In terminating all or portions of a permit pursuant to this subsection, the permitting authority may make appropriate orders for the submission of a final report or other information from the permittee to verify the complete discontinuation of the relevant operations, activities, and emissions.

E. Application for termination based on general permit. A permittee may apply for termination of its permit on the ground that its operations, activities, and emissions are fully covered by a general permit for which it has applied and received coverage. The permitting authority shall act on an application for termination on this ground within ninety (90) days after receipt, and shall grant the application upon a finding that the permittee's installation's operations, activities, and emissions are fully covered by a general permit.

F. Application for new permit. An installation that has received a final revocation or termination of its permit may apply for a new permit.

9. Case-by-case determinations. If applicable requirements require the permitting authority to make a case-by-case determination of an emission limitation, technology requirement, work practice standard, or other requirement for an installation, and to include terms and conditions implementing that determination in the installation's part 70 operating permit, the installation shall include in its permit application a proposed determination, together with the data and other information upon which the determination is to be based, and proposed terms and conditions to implement the determination. Upon receipt of a request from the applicant, the permitting authority shall meet with the applicant before the

permit application is submitted to discuss the determination and the information required to make it. In the event the permitting authority determines that the applicant's proposed determination and implementing terms and conditions should be revised in the draft permit or the final permit, the permitting authority shall in all cases inform the applicant of the changes to be made, and allow the applicant to comment on those changes before issuing the draft permit or final permit.

10. Public participation. The procedures of section (6) of this rule shall be followed.

11. Judicial review. Any final action in granting or denying an application for a permit, permit amendment, or modification or permit renewal shall be subject to Missouri Air Conservation Commission review as provided in 643.078 and 643.130, RSMo upon an appeal filed by the applicant or permittee, or by any affected state or other person who participated in the public comment process. If no public comment procedure was employed for the action under challenge, an application for review may be filed by the permittee or an affected state. The opportunity for judicial review provided for in this subsection shall be the exclusive means for obtaining judicial review of any permit action.

A. Deadline for filing. No application for judicial review may be filed more than ninety (90) days following the final action on which review is sought, unless the grounds for review arose at a later time, in which case the application for review shall be filed within ninety (90) days of the date on which the grounds for review first arose, and review shall be limited to such later-arising grounds.

B. Scope of review. Any application for judicial review shall be limited to issues that –

(I) Were raised in written comments filed with the permitting authority or during a public hearing on the proposed permit action (if the grounds on which review is sought were known at that time), except that this restriction does not apply if the person seeking review was not afforded an advance opportunity to comment on the challenged action; and

(II) Are germane and material to the permit action at issue.

C. Deadline for final action. For purposes of this section (5), final action shall include a failure by the permitting authority to take final action to issue or deny an application within the time specified in these regulations.

(F) Permit Review by the Administrator and Affected States.

1. Administrator review.

A. Copies of applications, proposals, and final actions. The applicant will provide two (2) copies of the information included in an application under this section. The permitting authority will forward to the administrator one (1) copy of each permit application, including application for permit modification, request for validation, application for permit renewal, draft permit, and each final operating permit, modified permit, and permit renewal.

B. Administrator's objection. No permit shall be issued or validated under this section if the administrator objects to its issuance in writing within forty-five (45) days after receipt of the draft permit, modified permit, or permit renewal and all necessary supporting information.

C. Failure to respond to objection. If the permitting authority does not respond to an objection of the administrator by transmitting a revised draft permit, modified permit, or renewal permit within ninety (90) days after receipt of such objection, the administrator may issue or deny the permit, modified permit, or permit renewal in accordance with the Act.

D. Public petitions for objection. If the administrator does not object to a proposed permit action, any person may petition the administrator to make an objection within sixty (60) days after expiration of the administrator's forty-five (45)-day review period.

(I) This petition may only be based on objections raised during the public review process, unless the petitioner demonstrates that it was impracticable to raise objection during the public review period (including when the grounds for objection arose after that period).

(II) If the administrator responds to a petition filed under this section by issuing an objection, the permitting authority will not issue the permit until the objection has been resolved. If the permit was issued after the administrator's forty-five (45)-day review period, and prior to any objection by the administrator, the permitting authority shall treat that objection as if the administrator were reopening the permit for cause. In these circumstances, the petition to the administrator does not stay the effectiveness of the issued permit, and the permittee is not in violation of the requirement to have submitted a complete and timely permit application.

2. Affected state review.

A. Notice of draft actions. The permitting authority will give notice of each draft permit, modified permit, and renewed permit to any affected state on or before the time that the permitting authority provides notice to the public, except in the case of minor permit modifications. Affected states may comment on the draft permit action during the period allowed for public comment, as shall be set forth in a notice to affected states.

B. Refusal to accept recommendations. If the permitting authority refuses to accept all recommendations for a proposed permit action that any affected state has submitted during the review period, the permitting authority shall notify the administrator and the affected state in writing of its reasons for not accepting the recommendations.

(6) Public Participation. Except for proposed modifications qualifying for the minor permit modification procedures, all permit proceedings, including initial permit issuance, significant permit modifications, and permit renewals, shall be conducted in accordance with the procedures for public participation in this section (6).

(A) Drafts for Public Comment and Public Notice. After receipt of an application for a permit, significant permit modification, or permit renewal, and no later than sixty (60) days before the deadline for issuance of a permit, significant permit modification, or permit renewal for the administrator's review, the permitting authority shall issue a draft permit and solicit comment from the applicant, affected states, and the public as follows:

1. The permitting authority shall provide notice to the public by –

A. Making available in at least one (1) location in the area in which the installation is located a public file containing copies of all materials that the applicant has submitted other than those granted confidential treatment, copies of the preliminary determination and draft permit, modified permit, or permit renewal, and a copy or summary of other materials, if any, considered in making the preliminary permit determination; or

B. State publication or web site designed to give general public notice details of the proposed action or publishing in at least one (1) newspaper of general circulation in the area in

which the installation is located, a notice of the application, the preliminary permit determination, the location of the public file, the procedures for submitting written comments and for requesting a public hearing, and the date, time, and location for a public hearing if one is to be held; and

2. Copies of the notice required shall be sent to the applicant and to the representatives of affected states designated by those states to receive the notices.

(B) Public Notice. The public notice shall establish a period of not less than thirty (30) days following publication of the notice for the submission of written comments, and identify the affected installation, the name and address of the applicant or permittee, the name and address of a permitting authority representative with responsibility for the permitting action, the activity(ies) involved in the permit action, the emissions change involved in any permit modification and the location of the public file.

(C) Public Hearing Opportunity. The permitting authority shall hold an informal public hearing on the draft permit, modified permit, or permit renewal if –

1. A timely request is made for such a hearing during the public comment period; and

2. The person requesting the hearing identifies material issues concerning the preliminary permit determination and the permitting authority determines that a public hearing will be useful in resolving those issues.

(D) Time of Public Hearing. Any public hearing held under this section shall be held no earlier than the thirty-first day following publication of the public notice and no later than the thirtieth day preceding the deadline for the draft permit, modified permit, or permit renewal under this section.

(E) Scope of Public Hearing. The permitting authority may limit participation at the public hearing to issues raised in written comments submitted during the public comment period. The officer conducting the hearing, as appropriate, may impose additional limitations, including time restrictions.

(F) Applicant's Opportunity to Respond to Comments. The applicant shall be afforded an opportunity to submit, within ten (10) days following the close of the public comment period or the public hearing, whichever is later, a response to any comments made.

(G) Consideration of Comments Received. The permitting authority shall consider all comments submitted by the applicant, the public, and affected states in reaching its final determination and issuing the proposed permit, modified permit, or permit renewal for the administrator's review. The permitting authority shall maintain a list of all commenters and a summary of the issues raised and make that information available in the public file and supply it to the administrator upon request.

(H) Written Response to Comments. At the time a draft permit, modified permit, or permit renewal is proposed for the administrator's review, the permitting authority shall issue a written response to all comments submitted by affected states and all significant comments submitted by the applicant and the public. Copies of this written response shall be provided to the administrator, affected states, and the applicant and a copy shall be placed in the public file.

AUTHORITY: section 643.050, RSMo 2016. Original rule filed Sept. 2, 1993, effective May 9, 1994. Amended: Filed June 5, 1995, effective Jan. 30, 1996. Amended: Filed Oct. 3, 1995, effective June 30, 1996. Amended: Filed Aug. 14, 1997, effective April 30, 1998. Amended: Filed Sept. 22, 1999, effective May 30, 2000. Amended: Filed Sept. 4, 2001, effective May 30, 2002. Amended: Filed July 19, 2002, effective April 30, 2003. Amended: Filed March 5, 2003, effective Oct. 30, 2003. Amended: Filed Dec. 14, 2004, effective Sept. 30, 2005. Emergency amendment filed Dec. 15, 2010, effective Jan. 3, 2011, expired July 1, 2011. Amended: Filed Nov. 30, 2010, effective Aug. 30, 2011. Amended: Filed Jan. 31, 2012, effective Sept. 30, 2012. Amended: Filed Aug. 17, 2015, effective March 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 10-6.070 New Source Performance Regulations

PURPOSE: This rule incorporates by reference the new source performance standards in 40 CFR 60. 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 60 subparts incorporated by reference in subsection (3)(A) of this rule.

(2) Definitions. Certain terms used in 40 CFR 60 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 60, 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 60.4, 60.9, and 60.10 of subpart A;

C. Subpart B;

D. Subpart AAA;

E. Subpart QQQQ; and

F. Incinerators subject to Hazardous Waste Management Commission rule 40 CFR 264, subpart O, as incorporated in 10 CSR 25-7.264, are not subject to this rule. The sources exempted in 40 CFR 264.340(b), as incorporated in 10 CSR 25-7.264, are subject to this rule. All other applicable requirements of Division 25 remain in effect.

(B) The subparts of 40 CFR 60 incorporated by reference in subsection (3)(A) of this rule are –

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
IIII	Standards of Performance for Stationary Compression Ignition Internal Combustion Engines
JJJJ	Standards of Performance for Stationary Spark Ignition Internal Combustion Engines
KKKK	Standards of Performance for Stationary Combustion Turbines
LLLL	Standards of Performance for New Sewage Sludge Incineration Units
OOOO	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
OOOOa	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 Semichemical 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
EEEEE	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/Stands	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	September 1, 1981;
Start-up period completed	December 1, 1981;
Compliance testing completed	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 (±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 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 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, 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) Emission 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 2 of this rule based on previous calendar year emissions and in accordance with paragraphs (3)(A)2. through (3)(A)7. of this rule. The emission fee shall be fifty-three dollars and no cents ($53.00) per ton emitted in calendar year 2021, and fifty-five dollars and no cents ($55.00) per ton emitted in calendar year 2022 and thereafter.

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 2 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, $PM_{2.5}$, or HAPs reported as PM_{10} or VOC, as summarized in Table 2 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.

TABLE 2. Pollutant Fee Applicability

Pollutants Subject to Fees	Pollutants Not Subject to Fees
PM_{10} pri	$PM_{2.5}$ 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 2018 and August 2017, 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 for 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, 2018 and is hereby incorporated by reference 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. 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 Record Keeping. 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 3 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 3 of this rule.

TABLE 3. 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/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 4 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 4. Summary of Types and Frequency of Reporting

	Emission Year							
Installation classification	**2020**	**2021**	**2022**	**2023**	**2024**	**2025**	**2026**	**Years Beyond 2026***
Part 70	Full Emissions Report	Full Emissions Report	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.)*	Reduced Reporting Form *(subparagraph (4)(B)2.B.)*	Full Emissions Report	*
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.)*	Reduced Reporting Form *(subparagraph (4)(B)2.C.)*	Reduced Reporting Form *(subparagraph (4)(B)2.C.)*	*

*Reporting requirements for years beyond 2026 are repeated in three (3)-year cycles.
(e.g. requirements for years 2027, 2028, and 2029 are the same as years 2021, 2022, and 2023 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 4 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: section 643.050, RSMo 2016. 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.*

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

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 avg lbs per hour × 24 hours = 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 (SO_2), carbon monoxide (CO), ozone (O_3), nitrogen dioxide (NO_2), or Particulate Matter – 10 Micron (PM_{10}) 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)
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. *-- and --* 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.	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. *-- and --* 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.	This alert level AQI value is equaled or exceeded at any one (1) monitoring station within the affected area.	This alert level AQI value is equaled or exceeded at any one (1) monitoring station within the affected area.
		-- or -- 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.	*-- or --* 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.
		-- or -- 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.	*-- or --* 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.
			-- or -- 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.

(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 MMMM 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 though 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.*

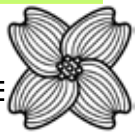
**Original authority: 643.050, RSMo 1965, amended 1972, 1992, 1993, 1995, 2011.*

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 JJJJJJ – *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 JJJJJJ or maintaining opacity to less than or equal to ten percent (10%) as described in Table 3 of 40 CFR 63 subpart JJJJJJ; 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 (CH_4) and carbon dioxide (CO_2), 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 (CH_4) and carbon dioxide (CO_2), 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