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SALUS POPULI SUPREMA LEX ESTO

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



JASON KANDER  
SECRETARY OF STATE

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January 2, 2014 January 15, 2014	February 3, 2014 February 18, 2014	February 28, 2014 February 28, 2014	March 30, 2014 March 30, 2014

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

# Missouri Participating Libraries

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## HOW TO CITE RULES AND RSMo

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

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

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

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

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

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

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

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

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

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

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

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

Proposed Amendment Text Reminder:

**Boldface text indicates new matter.**

*[Bracketed text indicates matter being deleted.]*

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

**PROPOSED AMENDMENT**

**10 CSR 10-6.020 Definitions and Common Reference Tables.** The commission proposes to amend section (1) and subsections (2)(A)–(2)(I), (2)(L), (2)(N)–(2)(P), (2)(R)–(2)(T), and (2)(V)–(2)(W). If the commission adopts this rule action, it will be the department's intention to submit this rule amendment to the U.S. Environmental Protection Agency to replace the current rule that is in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end

of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, [www.dnr.mo.gov/regs/index.html](http://www.dnr.mo.gov/regs/index.html).

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

(1) Applicability. This rule shall apply throughout Missouri defining terms and expressions used in all Title 10, Division 10—Air Conservation Commission rules. If a definition in this rule conflicts with a definition in any other **10 CSR 10** rule, the definition in 10 CSR 10-6.020 shall take precedence with the exception *[of]* **that federal definitions [pertaining to 10 CSR 10-6.060] incorporated by reference into a 10 CSR 10 rule take precedence over definitions in 10 CSR 10-6.020.**

(2) Definitions.

(A) All terms beginning with A.

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

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

3. Account certificate of representation—The completed and signed submission for certifying the designation of a nitrogen oxides (NO<sub>x</sub>) authorized account representative for an affected unit or a group of identified affected units who is authorized to represent the owners or operators of such unit(s) and of the affected units at such source(s) with regard to matters under a NO<sub>x</sub> trading program.

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

5. Account number—The identification number given to each NO<sub>x</sub> allowance tracking system account.

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

7. Act—The Clean Air Act, 42 U.S.C. 7401. References to the word Title pertain to the titles of the Clean Air Act Amendments of 1990, P.L. 101-549.

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

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

10. Activity level—Defined as follows:

A. For the purpose of 10 CSR 10-6.410, *[activity level is]* the amount of activity at a source measured in terms of production, use, raw materials input, vehicle miles traveled, or other similar units that have a direct correlation with the economic output of the source and is not affected by changes in the emissions rate (i.e., mass per unit of activity); and

B. For all other purposes, *[activity level means a]* the measurable factor or parameter that relates directly or indirectly to the emissions of an air pollution source. Depending on the source category, activity information includes, but is not limited to, the amount of fuel combusted, raw material processed, product manufactured, or material handled or processed.

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

A. Actual emissions as of a particular date shall equal the

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

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

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

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

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

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

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

16. Administrator—Defined as follows:

A. For the purpose of 10 CSR 10-6.360, *[administrator is]* the administrator of the U.S. Environmental Protection Agency (EPA) or the administrator's duly[-] authorized representative; and

B. For all other purposes, *[administrator means]* the regional administrator for Region VII, *[U.S. Environmental Protection Agency] EPA*.

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

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

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

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

21. Affected federal land manager—For the purpose of 10 CSR 10-6.300, the federal agency or the federal official charged with direct responsibility for management of an area designated as Class I under the Clean Air Act (42 U.S.C. 7472) that is located within one hundred kilometers (100 km) of the proposed federal action.

22. Affected source—Defined as follows:

A. For the purpose of 10 CSR 10-5.530, *[affected source is]* a wood furniture manufacturing facility that meets the criteria listed in subsections (1)(A) and (1)(B) of 10 CSR 10-5.530; and

B. For all other purposes, *[affected source means]* a source that includes one (1) or more emission units subject to emission reduction requirements or limitations under Title IV of the Act.

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

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

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

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

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

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

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

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

*[31.]30.* Air pollutant—Agent, or combination of agents, including any physical, chemical, biological, radioactive (including source material, special nuclear material, and by-product material) substance, or matter which is emitted into or otherwise enters the ambient air. Such term includes any precursors to the formation of any air pollutant, to the extent the administrator of the U.S. Environmental Protection Agency, or the administrator's duly authorized representative has identified such precursor(s) for the particular purpose for which the term air pollutant is used.

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

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

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

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

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

*[37.]36.* Alcohol—Refers to isopropanol, isopropyl alcohol, normal propyl alcohol, or ethanol.

*[38.]37.* Alcohol substitutes—Nonalcohol additives that contain volatile organic compounds and are used in *[the]* fountain solution.

[39.]38. Allocate or allocation—The determination by the director or the administrator of the number of NO<sub>x</sub> allowances to be initially credited to a NO<sub>x</sub> budget unit or an allocation set-aside.

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

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

B. The emission rate specified as a permit condition.

[41.]40. Allowance—An authorization, allocated to an affected unit by the administrator under Title IV of the Act, to emit, during or after a specified calendar year, one (1) ton of sulfur dioxide (SO<sub>2</sub>).

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

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

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

[45.]44. Ambient air—*[All space outside of buildings, stacks, or exterior ducts]* **That portion of the atmosphere, external to buildings, to which the general public has access.**

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

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

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

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

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

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

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

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

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

[55.]54. Applicable requirement—All of the following listed in

the Act:

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

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

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

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

E. Any standard or requirement of the Acid Rain Program under Title IV of the Act or the regulations promulgated under it;

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

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

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

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

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

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

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

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

[56.]55. Approved source—For the purpose of 10 CSR 10-5.120, a source of fuel which has been found by the department director, after the tests as s/he may require, to be in compliance with applicable rules.

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

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

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

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

[61.]60. Area-wide air quality modeling analysis—An assessment on a scale that includes the entire nonattainment or maintenance area using an air quality dispersion model or photochemical grid model to determine the effects of emissions on air quality; for

example, an assessment using the U.S. Environmental Protection Agency's community multi-/scale air quality (CMAQ) modeling system.

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

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

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

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

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

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

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

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

[70.]68. Asbestos Hazard Emergency Response Act (AHERA)—Law enacted in 1986 (P.L. 99-519) *[that directs the U.S. Environmental Protection Agency to develop a regulatory framework to require schools to inspect their building(s) for asbestos and take appropriate abatement actions using qualified, accredited persons for inspection and abatement]*.

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

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

[73.]71. Asbestos projects—An activity undertaken to *[remove or]* encapsulate, **enclose, or remove at least** one hundred sixty (160) square feet *[or]*, two hundred sixty (260) linear feet, or *[more]* **thirty-five (35) cubic feet of [friable] regulated** asbestos-containing materials *[or demolition of any structure or building or a part of it]* **(RACM) from buildings and other air contaminant sources, or to demolish buildings and other air contaminant sources** containing the previously-*[/]* mentioned quantities of *[asbestos-containing materials]* **RACM**.

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

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

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

[77.]75. Asphalt seal coat—An application of a thin asphalt surface treatment used to waterproof and improve the texture of an absorbent surface or a nonabsorbent surface such as asphalt or con-

crete.

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

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

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

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

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

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

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

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

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

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

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

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

[90. *Automobile and light duty truck surface coating*



operations—The application, flash-off, and curing of primer, primer-surfacer, topcoat, and final repair coatings during the assembly of passenger cars and light duty trucks excluding the following operations:

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

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

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

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

[94.]91. Automotive underbody deadeners—Any coating applied to the underbody of a motor vehicle to reduce the noise reaching the passenger compartment.

[95.]92. Auxiliary power unit (APU)—An integrated system that—

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

B. Is certified by the administrator under [part 89 of Title 40, Code of Federal Regulations] 40 CFR 89 (or any successor regulation), as meeting applicable emissions standards.

[96.]93. Average emission rate—The simple average of the hourly NO<sub>x</sub> emission rate as recorded by approved monitoring systems.

(B) All terms beginning with B.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9. Batch—[A discontinuous process involving the bulk movement of material through sequential manufacturing steps, typically characterized as non-steady-state.] Defined as follows:

A. For the purpose of 10 CSR 10-5.442 [only], a supply of fountain solution that is prepared and used without alteration until completely used or removed from the printing process. This term may apply to solutions prepared in either discrete batches or solutions that are continuously blended with automatic mixing units/./; and

B. For all other purposes, a discontinuous process involving the bulk movement of material through sequential manufacturing steps, typically not characterized as steady state.

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

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

12. Batch mode—A noncontinuous operation or process in which a discrete quantity or batch of feed is charged into a process unit and distilled or reacted at one time.

[12.]13. Batch process operation—For the purpose of 10 CSR 10-5.540, [A/a discontinuous operation in which a discrete quantity or batch of feed is charged into a chemical manufacturing process unit and distilled or reacted, or otherwise used at one time, and may include, but is not limited to, reactors, filters, dryers, distillation columns, extractors, crystallizers, blend tanks, neutralizer tanks, digesters, surge tanks, and product separators. After each batch

process operation, the equipment is generally emptied before a fresh batch is started.

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

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

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

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

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

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

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

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

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

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

threat to public safety.

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

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

**[25.]26.** Burn cycle—**For the purpose of 10 CSR 10-6.330, [The burn cycle for a charcoal kiln begins at] the period of time [that] beginning when** a batch of wood is initially lit and **[ends] ending** when the burn for that batch is completed and the kiln is sealed. The burn cycle does not include cool-down time.

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

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

**[28.]29.** By compound—By individual stream components, not carbon equivalents.

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

(C) All terms beginning with C.

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

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

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

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

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

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

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

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

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

A. Causes a new violation of a national ambient air quality standard (NAAQS) at a location in a nonattainment or maintenance area which would otherwise not be in violation of the standard during

the future period in question if the federal action were not taken; or

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

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

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

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

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

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

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

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

17. Circumvention—Building, erecting, installing, or using any article, machine, equipment, process, or method which, when used, would conceal an emission that would otherwise constitute a violation of an applicable standard or requirement. That concealment includes, but is not limited to, the use of gaseous adjuncts to achieve compliance with a visible emissions standard, and the piecemeal carrying out of an operation to avoid coverage by a standard that applies only to operations larger than a specific size.

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

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

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

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

21. Clean Air Act (CAA)—The Clean Air Act, as amended; also *[see]* refer to Act.

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

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

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

**25. Clean wood—Wood that has not been treated (including, but not limited to, treatment with copper chromium arsenate, creosote, or pentachlorophenol) and has no paint, stain, or any other type of coating.**

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

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

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

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

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

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

31. Coating—A protective, decorative, or functional material applied in a thin layer to a surface. Such materials include, but are not limited to, paints, topcoats, varnishes, sealers, stains, washcoats, basecoats, inks, and temporary protective coatings. Inks not included in the coating definition are—

A. For the purpose of 10 CSR 10-5.330, ink used in printing operations regulated under 10 CSR 10-5.340 and 10 CSR 10-5.442; and

B. For the purpose of 10 CSR 10-2.230, ink used in printing operations regulated under 10 CSR 10-2.290 and 10 CSR 10-2.340.

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

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

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

35. Co-fired combustor—A unit combusting hospital waste

and/or medical/infectious waste with other fuels or wastes and subject to an enforceable requirement limiting the unit to combusting a fuel feed stream, ten percent (10%) or less of the weight of which is comprised, in aggregate, of hospital waste and medical/infectious waste as measured on a calendar-quarter basis. For purposes of this definition, pathological waste, chemotherapeutic waste, and low-level radioactive waste are considered other wastes when calculating the percentage of hospital waste and medical/infectious waste combusted.

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

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

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

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

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

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

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

41. Commence[d]—*[An owner or operator has undertaken a continuous program of construction or modification, has entered into a binding agreement, or has contractual obligation to undertake and complete within a reasonable time a continuous program of construction or modification]* **For the purposes of major stationary source construction or major modification, the owner or operator has all necessary preconstruction approvals or permits and—**

**A. Began, or caused to begin, a continuous program of**

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

**B. 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.**

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

A. Except as provided in subsection (1)(E) of 10 CSR 10-6.360, for a unit that is a NO<sub>x</sub> budget unit under section (1) of 10 CSR 10-6.360 on the date the unit commences commercial operation, such date shall remain the unit's date of commencement of commercial operation even if the unit is subsequently modified, reconstructed, or repowered; and

B. Except as provided in subsections (1)(E) or (3)(H) of 10 CSR 10-6.360, for a unit that is not a NO<sub>x</sub> budget unit under section (1) of 10 CSR 10-6.360 on the date the unit commences commercial operation, the date the unit becomes a NO<sub>x</sub> budget unit under section (1) of 10 CSR 10-6.360 shall be the unit's date of commencement of commercial operation.

43. Commence[d] operation—Defined as follows:

A. For the purpose of 10 CSR 10-6.360, *[commenced operation is to have begun] begin* any mechanical, chemical, or electronic process, including, with regard to a unit, start-up of a unit's combustion chamber and the date of commencement of operation shall be as follows:

(I) Except as provided in subsection (1)(E) of 10 CSR 10-6.360, for a unit that is a NO<sub>x</sub> budget unit under section (1) of 10 CSR 10-6.360 on the date of commencement of operation, such date shall remain the unit's date of commencement of operation even if the unit is subsequently modified, reconstructed, or repowered; and

(II) Except as provided in subsection (1)(E) of 10 CSR 10-6.360 or subsection (3)(H) of 10 CSR 10-6.360, for a unit that is not a NO<sub>x</sub> budget unit under section (1) of 10 CSR 10-6.360 on the date of commencement of operation, the date the unit becomes a NO<sub>x</sub> budget unit under section (1) of 10 CSR 10-6.360 shall be the unit's date of commencement of operation; and

B. For all other purposes, *[commenced operation means the]* initially set[ting] into operation *[of any]* air pollution control equipment or process equipment.

44. Commercial hospital/medical/infectious waste incinerator (HMIWI)—An HMIWI which offers incineration services for hospital/medical/infectious waste generated off-site by firms unrelated to the firm that owns the HMIWI.

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

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

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

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

49. Common stack—A single flue through which emissions from two (2) or more NO<sub>x</sub> units are exhausted.

50. Compliance account—A NO<sub>x</sub> allowance tracking system account, established for an affected unit, in which the NO<sub>x</sub> allowance allocations for the unit are initially recorded and in which are held

NO<sub>x</sub> allowances available for use by the unit for a control period for the purpose of meeting the unit's NO<sub>x</sub> emission limitation.

51. Compliance certification—A submission to the director or the administrator, that is required to report a NO<sub>x</sub> budget source's or a NO<sub>x</sub> budget unit's compliance or noncompliance with stated requirements and that is signed by the NO<sub>x</sub> authorized account representative in accordance with 10 CSR 10-6.360.

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

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

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

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

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

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

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

57. Confidential business information—Defined as follows:

A. For the purpose of 10 CSR 10-6.300, *[confidential business information is]* information that has been determined by a federal agency, in accordance with its applicable regulations, to be a trade secret, or commercial or financial information obtained from a person and privileged or confidential and is exempt from required disclosure under the Freedom of Information Act (5 U.S.C. 552(b)(4)); and

B. For all other purposes, *[confidential business information means]* 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.

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

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

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

61. Construct a major source—For the purpose of 10 CSR 10-6.060(9), fabricate, erect, or install—

A. For a greenfield site, a stationary source or group of stationary sources which is located within a contiguous area and under common control and which emits or has the potential to emit ten (10) tons per year of any hazardous air pollutant (HAP) or twenty-five (25) tons per year of any combination of HAPs; or

B. For a developed site, a new process or production unit,

which in and of itself, emits or has the potential to emit, ten (10) tons per year of any HAP or twenty-five (25) tons per year of any combination of HAPs.

/61./62. Construction—Fabricating, erecting, reconstructing, or installing a source operation. Construction shall include installation of building supports and foundations, laying of underground pipe work, building of permanent storage structures, and other construction activities related to the source operation.

/62./63. Contact adhesive—A contact adhesive does not include rubber cements that are primarily intended for use on paper substrates. Contact adhesive also does not include vulcanizing fluids that are designed and labeled for tire repair only. A contact adhesive is an adhesive that—

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

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

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

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

/63./64. Continuing program responsibility—A federal agency has responsibility for emissions caused by actions it takes itself or actions of non-/federal entities that the federal agency, in exercising its normal programs and authorities, approves, funds, licenses, or permits, provided the agency can impose conditions on any portion of the action that could affect the emissions.

/64./65. Continuous coater—A finishing system that continuously applies finishing materials onto furniture parts moving along a conveyor system. Finishing materials that are not transferred to the part are recycled to the finishing material reservoir. Several types of application methods can be used with a continuous coater including spraying, curtain coating, roll coating, dip coating, and flow coating.

/65./66. Continuous emissions monitoring system (CEMS)—Defined as follows:

A. For the purpose of 10 CSR 10-6.350 and 10 CSR 10-6.360, *[CEMS means]* the equipment required to sample, analyze, measure, and provide, by readings taken at least once every fifteen (15) minutes of the measured parameters, a permanent record of nitrogen oxides emissions, expressed in tons per hour for nitrogen oxides. The following systems are component parts included, consistent with 40 CFR 75, in a continuous emissions monitoring system:

(I) Flow monitor;

(II) Nitrogen oxides pollutant concentration monitors;

(III) Diluent gas monitor (oxygen or carbon dioxide) when such monitoring is required;

(IV) A continuous moisture monitor when such monitoring is required; and

(V) An automated data acquisition and handling system;

and

B. For all other purposes, *[continuous emission monitoring system means]* a monitoring system for continuously measuring and recording the emissions of a pollutant from an affected facility.

/66./67. Continuous hospital/medical/infectious waste incinerator (HMIWI)—An HMIWI that is designed to allow waste charging and ash removal during combustion.

/67./68. 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.

/68./69. Continuous program to implement—For the purpose of 10 CSR 10-6.300, the federal agency has started the action identified in the plan and does not stop the actions for more than an eighteen

(18)-month period, unless it can demonstrate that such a stoppage was included in the original plan.

**[69.]70.** Continuous recorder—A data recording device recording an instantaneous data value at least once every fifteen (15) minutes.

**[70.]71.** Contractor—Defined as follows:

A. For the purpose of 10 CSR 10-5.381, the state contracted company who shall implement the decentralized motor vehicle emissions inspection program as specified in 643.300–643.355, RSMo, and the state contracted company who shall implement the acceptance test procedure; *landl*

**B. For the purposes of 10 CSR 10-6.241 and 10 CSR 10-6.250, see asbestos contractor; and**

**[B.]C.** For all other purposes, *[contractor means]* any person, who by agreement, contractual or otherwise, conducts projects or provides services.

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

**[72.]73.** Control device efficiency—The ratio of the pollution released by a control device and the pollution introduced to the control device, expressed as a fraction.

**[73.]74.** Control period—*[The period beginning May 1 of a calendar year and ending on September 30 of the same calendar year.]* Defined as follows:

**A. For the purposes of 10 CSR 10-5.490 and 10 CSR 10-6.310, the interval of time for which the collection and control system has been operated; and**

**B. For all other purposes, the period beginning May 1 of a calendar year and ending on September 30 of the same calendar year.**

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

**[75.]76.** Controlled landfill—Any landfill at which collection and control systems are required as a result of the nonmethane organic compounds emission rate. The landfill is considered controlled if a collection and control system design plan is submitted in compliance with the applicable rule.

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

**[77.]78.** Conveyorized degreaser—A type of degreaser in which the parts are loaded continuously.

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

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

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

**[81.]82.** Crude oil—A naturally-/- occurring mixture which consists of hydrocarbons and sulfur, nitrogen, or oxygen derivatives of hydrocarbons (or a combination of these derivatives) which is a liquid at standard conditions.

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

**[83.]84.** Cutback asphalt—Any asphaltic cement that has been liquefied by blending with volatile organic compound liquid diluents.

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

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

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

(D) All terms beginning with D.

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

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

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

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

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

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

7. Department—Defined as follows:

A. For the purpose of 10 CSR 10-5.381, *[the department is]* the state agency responsible for oversight of the vehicle emissions inspection and maintenance program required by the 1990 Federal Clean Air Act Amendments; and

B. For all other purposes, *[department means]* the Missouri Department of Natural Resources, which includes the director thereof, or the person or division or program within the department delegated the authority to render the decision, order, determination, finding, or other action that is subject to review by the commission. PO Box 176, Jefferson City, MO 65102.

8. Design capacity—**For the purposes of 10 CSR 10-5.490 and 10 CSR 10-6.310, /7/**the maximum amount of solid waste the landfill can accept, as indicated in terms of volume or mass in the most recent operating or construction permit issued by the county or state agency responsible for regulating the landfill, plus any in-place waste not accounted for in the most recent permit. If the owner or operator chooses to convert the design capacity from volume to mass or from mass to volume to demonstrate its design capacity is less than two and one-half (2.5) million megagrams or two and one-half (2.5) million cubic meters, the calculation must include a site-specific density, which must be recalculated annually.

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

10. Diagnostic Trouble Code (DTC)—An alphanumeric code consisting of five (5) characters which is stored by a vehicle's *[On-Board] Onboard* Diagnostics system if a vehicle malfunctions or deteriorates in such a way as to potentially raise the vehicle's tailpipe or evaporative emissions more than one and one-half (1.5) times the federal test procedure certification limits. The code indicates the system or component that is in need of diagnosis and repair to prevent the vehicle's emissions from increasing further.

11. Diammonium phosphate—A product resulting from the reaction between phosphoric acid and ammonia having the molecular formula (NH<sub>4</sub>)<sub>2</sub>HPO<sub>4</sub>.

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

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

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

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

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

17. Dispersion technique—

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

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

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

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

B. This definition does not include:

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

(II) The merging of exhaust gas streams where—

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

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

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

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

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

(V) Techniques under part (2)(D)17.A.(III) 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.

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

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

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

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

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

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

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

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

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

(E) All terms beginning with E.

1. Early reduction credit (ERC)—NO<sub>x</sub> emission reductions in the years 2000, 2001, 2002, and 2003 that are below the limits specified in subsection (3)(A) of 10 CSR 10-6.350; ERCs will only be available for use during the years of 2004 and 2005. When calculating ERCs or performing calculations involving ERCs, ERCs shall always be rounded down to the nearest ton.

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

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

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

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

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

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

8. Electromagnetic interference/radio frequency interference (EMI/RFI) shielding—A coating used on electrical or electronic

equipment to provide shielding against electromagnetic interference (EMI), radio frequency interference (RFI), or static discharge.

9. Electronic component—All portions of an electronic assembly, including, but not limited to, circuit board assemblies, printed wire assemblies, printed circuit boards, soldered joints, ground wires, bus bars, and associated electronic component manufacturing equipment such as screens and filters.

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

11. Emergency—Defined as follows:

A. For the purpose of 10 CSR 10-6.300, *[an emergency is]* a situation where extremely quick action on the part of the federal agencies involved is needed and where the timing of such federal activities makes it impractical to meet the requirements of 10 CSR 10-6.300, such as natural disasters like hurricanes or earthquakes, civil disturbances such as terrorist acts, and military mobilizations; and

B. For all other purposes, *[emergency means]* a situation or occurrence of a serious nature that develops suddenly, unexpectedly, and demands immediate action.

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

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

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

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

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

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

18. Emission(s)—Defined as follows:

A. For the purpose of 10 CSR 10-6.360, air pollutants exhausted from a unit or source into the atmosphere, as measured, recorded, and reported to the administrator by the NO<sub>x</sub> authorized account representative and as determined by the administrator; and

B. For all other purposes, *[emission(s) means]* the release or discharge, whether directly or indirectly, into the atmosphere of one (1) or more air contaminants.

19. Emission data—

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

(I) Has been emitted from an emission unit;

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

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

(IV) Is a combination of any of the parts (2)(E)19.A.(I), (II), or (III) of this rule;

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

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

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

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

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

23. Emission offsets—For the purpose of 10 CSR 10-6.300, *[E]*emissions reductions which are quantifiable, consistent with the applicable implementation plan attainment and reasonable further progress demonstrations, surplus to reductions required by, and credited to, other applicable implementation plan provisions, enforceable under both state and federal law, and permanent within the time frame specified by the program. Emissions reductions intended to be achieved as emissions offsets must be monitored and enforced in a manner equivalent to that under the U.S. Environmental Protection Agency's new source review requirements.

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

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

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

27. Emissions inspection—For the purpose of 10 CSR 10-5.381, tests performed on a vehicle in order to evaluate whether the vehicle's emissions control components are present and properly functioning.

28. Emissions report—A report that satisfies the provisions of 10 CSR 10-6.110 and is either a—

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

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

29. Emissions unit—Defined as follows:

A. For the purpose of 10 CSR 10-6.410, *[emissions unit is]* any part of a source or activity at a source that emits or would have the potential to emit criteria pollutants or their precursors; and

B. For all other purposes, *[emissions unit means]* any part or activity of an installation that emits or has the potential to emit any regulated air pollutant or any pollutant listed under section



112(b) of the Act. This term is not meant to alter or affect the definition of the term unit for the purposes of Title IV of the Act.

30. Emulsified asphalt—An emulsion of asphalt cement and water that contains a small amount of an emulsifying agent, as specified in ASTM D [(977-77)] **977-12b** or ASTM D [(2397-73)] **2397-12**.

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

32. Enclosed combustor—An enclosed firebox which maintains a relatively[-] constant limited peak temperature generally using a limited supply of combustion air. An enclosed flare is considered an enclosed combustor.

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

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

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

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

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

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

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

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

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

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

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

[44.]43. Excessive concentration—

A. For installations seeking credit for reduced ambient pollutant concentrations from stack height exceeding that defined in subparagraph (2)(G)/15./14.B. of this rule, an excessive concentration is a maximum ground-level concentration due to emissions from a stack due in whole or part to downwash, wakes, or eddy effects produced by nearby structures or nearby terrain features which are at least forty percent (40%) in excess of the maximum concentration experienced in the absence of the downwash, wakes, or eddy effects, and that contributes to a total concentration due to emissions from all installations that is greater than an ambient air quality standard. For installations subject to the prevention of significant deterioration program as set forth in 10 CSR 10-6.060(8), an excessive concentration means a maximum ground-level concentration due to emissions from a stack due to the same conditions as mentioned previously and is greater than a prevention of significant deterioration increment. The allowable emission rate to be used in making demonstrations under this definition shall be prescribed by the new source performance regulation as referenced by 10 CSR 10-6.070 for the source category unless the owner or operator demonstrates that this emission rate

is infeasible. Where demonstrations are approved by the director, an alternative emission rate shall be established in consultation with the source owner or operator;

B. For installations seeking credit after October 11, 1983, for increases in stack heights up to the heights established under subparagraph (2)(G)/15./14.B. of this rule, an excessive concentration is either—

(I) A maximum ground-level concentration due in whole or part to downwash, wakes, or eddy effects as provided in subparagraph (2)(E)/44./43.A. of this rule, except that the emission rate used shall be the applicable emission limitation (or, in the absence of this limit, the actual emission rate); or

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

C. For installations seeking credit after January 12, 1979, for a stack height determined under subparagraph (2)(G)/15./14.B. of this rule where the director requires the use of a field study of fluid model to verify good engineering practice stack height, for installations seeking stack height credit after November 9, 1984, based on the aerodynamic influence of cooling towers, and for installations seeking stack height credit after December 31, 1970, based on the aerodynamic influence of structures not represented adequately by the equations in subparagraph (2)(G)/15./14.B. of this rule, a maximum ground-level concentration due in whole or part to downwash, wakes, or eddy effects that is at least forty percent (40%) in excess of the maximum concentration experienced in the absence of downwash, wakes, or eddy effects.

[45.]44. Existing—Defined as follows:

A. For the purpose of 10 CSR 10-6.405, [existing is] any source [which was in being] that is **existing**, installed, or under construction on February 15, 1979, in the Kansas City or St. Louis metropolitan area, except that if any source in these areas subsequently is altered, repaired, or rebuilt at a cost of thirty percent (30%) or more of its replacement cost, exclusive of routine maintenance, it shall no longer be existing but shall be considered as new; and

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

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

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

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

[49.]47. Extreme high gloss coating—A coating applied to—

A. Pleasure craft, which, when tested by [the] ASTM [Test Method] D[-]523-89] **523-08**, shows a reflectance of ninety percent (90%) or more on a sixty-degree (60°) meter; or

B. Metal and plastic parts that are not components of pleasure craft, which, when tested by *[the] ASTM [Test Method] D1- 523 adopted in 1980] 523-08*, shows a reflectance of seventy-five percent (75%) or more on a sixty-degree (60°) meter.

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

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

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

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

(F) All terms beginning with F.

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

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

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

**4. Facility—Defined as follows:**

**A. For the purposes of 10 CSR 10-6.241 and 10 CSR 10-6.250, any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four (4) or fewer dwelling units); any ship; and any active or inactive waste disposal site. Any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. This definition does include any structure, installation, or building that was previously subject to 40 CFR 61, subpart M, regardless of its current use or function; and**

**B. For all other purposes, see installation.**

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

**[5.]6.** Federal agency—A federal department, agency, or instrumentality of the federal government.

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

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

**[8.]9.** Final permit—The version of a part 70 permit issued by the permitting authority that has completed all review procedures as

required in 40 CFR 70.7 and 70.8.

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

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

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

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

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

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

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

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

**[17.]18.** Flare—An open combustor without enclosure or shroud.

**[18.]19.** Flash-off area—The space between the application area and the oven.

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

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

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

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

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

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

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

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

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

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

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

**A. For the purpose of 10 CSR 10-6.360, with regard to a unit, the combustion of fossil fuel, alone or in combination with any other fuel, where fossil fuel—**

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

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

**B. For all other purposes, with regard to a unit, the combustion of fossil fuel, alone or in combination with any other fuel, where fossil fuel is projected to comprise more than fifty percent (50%) of the annual heat input.**

[30.]31. Fountain solution—The solution which is applied to the image plate to maintain the hydrophilic properties of the nonimage areas. It is primarily water containing an etchant, a gum arabic, and a dampening aid (commonly containing alcohol and alcohol substitutes).

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

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

[33.]34. Freeboard height—

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

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

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

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

[35.]36. Friable asbestos-containing material—Any material that contains more than one percent (1%), **as determined by either the method specified in appendix E, section 1 Polarized Light Microscopy in 40 CFR 61, subpart M or EPA/600/R-93/116 Method for the Determination of Asbestos in Bulk Building Materials, asbestos that, [by weight, which is applied to ceilings, walls, structural members, piping, ductwork, or any other part of a building or facility and which,] when dry, may be crumbled, pulverized, or reduced to powder by hand pressure.**

[36.]37. Fugitive emissions—Those emissions which according

to good engineering practice could not pass through a stack, chimney, vent, or other functionally[-] equivalent opening.

(G) All terms beginning with G.

1. Gas mover equipment—The equipment (i.e., fan, blower, compressor) used to transport landfill gas through the header system.

2. Gas volatile organic compounds (VOC) service—A component that contacts a process fluid containing ten percent (10%) or greater VOC by weight that is in a gaseous state at operating conditions.

**3. Gaseous fuel—A combustible gas that includes, but is not limited to, natural gas, landfill gas, coal-derived gas, refinery gas, and biogas. Blast furnace gas is not considered a gaseous fuel under this definition.**

[3.]4. Gasoline—A petroleum liquid having a Reid vapor pressure four pounds (4 lbs) per square inch or greater.

[4.]5. Gasoline dispensing facility—Any stationary facility which dispenses gasoline into the fuel tank of a motor vehicle.

[5.]6. Gasoline distribution facility—Any stationary facility which transfers, loads, and/or unloads gasoline, including but not limited to gasoline bulk terminals, bulk plants, and pipeline facilities, that also does not meet the definition of a gasoline dispensing facility.

[6. Gaseous fuel—A combustible gas that includes, but is not limited to, natural gas, landfill gas, coal-derived gas, refinery gas, and biogas. Blast furnace gas is not considered a gaseous fuel under this definition.]

7. General account—A NO<sub>x</sub> allowance tracking system account that is not a compliance account or an overdraft account.

8. General aviation—Segment of civil aviation that encompasses all facets of aviation except air carriers, commuters, and military. General aviation includes charter and corporate-executive transportation, instruction, rental, aerial application, aerial observation, business, pleasure, and other special uses.

9. General aviation rework facility—Any aerospace installation with the majority of its revenues resulting from the reconstruction, repair, maintenance, repainting, conversion, or alteration of general aviation aerospace vehicles or components.

10. Generating activity—Any process modification that results in a permanent reduction in emissions.

11. Generator—A device that produces electricity.

12. Generator source—Any source that generates an [ERC] **emission reduction credit.**

13. Gloss reducer—A coating that is applied to a plastic part solely to reduce the shine of the part.

[14. Glove bag—A manufactured or fabricated device, typically constructed of six (6) mil transparent polyethylene or polyvinyl chloride plastic. This device consists of two (2) inward projecting long sleeves, an internal tool pouch, and an attached, labeled receptacle for asbestos waste. The bags are especially designed to contain sections of pipe for the purpose of removing a short length of damaged asbestos material without releasing fibers into the air.]

[15.]14. Good engineering practice (GEP) stack height—[GEP stack height means the] **The greater of—**

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

B. 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,

$$\text{Hg} = 2.5\text{H}$$

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

$$\text{Hg} = \text{H} + 1.5\text{L}$$

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

C. 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.

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

[17.]16. Greenfield site—For the purpose of 10 CSR 10-6.060(9), [A/a] contiguous area under common control that is an undeveloped site.

[18.]17. Gross vehicle weight rating (GVWR)—The value specified by the manufacturer as the maximum design loaded weight of a single vehicle.

[19.]18. Ground-level ozone—A colorless, odorless gas formed by the mixing of volatile organic compounds and oxides of nitrogen from stationary and mobile pollution sources in the presence of heat and sunlight. Ground-level ozone is a strong oxidizer that negatively affects human health by causing diminished lung function in both healthy individuals and those with pre-existing respiratory problems.

[20. Growth increment—The limit on new installation or major modification emissions of a nonattainment pollutant. Growth increment is reserved for use only by installations with no applicable, internally-generated, banked emissions reductions.]

(H) All terms beginning with H.

1. Halogenated vent stream—Any vent stream determined to have a total concentration of halogen atoms (by volume) contained in organic compounds of two hundred (200) parts per million by volume or greater determined by Method 18 of 40 CFR 60, Appendix A, or other test or data validated by Method 301 of 40 CFR 63, Appendix A, or by engineering assessment or process knowledge that no halogenated organic compounds are present. For example, one hundred fifty (150) parts per million by volume of ethylene dichloride would contain three hundred (300) parts per million by volume of total halogen atoms.

2. Hand cleaning/wiping operation—The removal of contaminants, such as dirt, grease, oil, and coatings, from a surface by physically rubbing it with a material such as a rag, paper, or cotton swab that has been moistened with a cleaning solvent.

3. Hand-fired fuel-burning equipment—Any stove, furnace, or other fuel-burning device in which fuel is manually introduced directly into the combustion chamber.

4. Hardboard—A panel manufactured primarily from interfelted lignocellulosic fibers that are consolidated under heat and pressure in a hot press.

5. Hardwood particleboard—A manufactured board one-fourth inch (1/4") or less in thickness made of individual wood particles that have been coated with a binder and formed into flat sheets by pressure.

6. Hazardous air pollutant—Any of the air pollutants listed in subsection (3)(C) of this rule.

7. Hearing—Any presentation to, or consideration by, the hearing officer of evidence or argument on a petition seeking the commission's review of an action by the department.

8. Hearing officer—A person appointed by the Administrative Hearing Commission.

9. Heat input—The product (in mmBtu/time) of the gross calorific value of the fuel (in Btu/lb) and the fuel feed rate into a

combustion device (in mass of fuel/time), as measured, recorded, and reported to the administrator by the NO<sub>x</sub> authorized account representative and as determined by the administrator in accordance with the approved process, and does not include the heat derived from preheated combustion air, recirculated flue gases, or exhaust from other sources.

10. Heat resistant coating—A coating that must withstand a temperature of at least four hundred degrees Fahrenheit (400 °F) during normal use.

11. Heatset—A class of web-offset lithographic and letterpress printing in which the setting of the printing inks requires a heated dryer to evaporate the ink oils. The setting or curing of inks using only radiation (e.g., infrared, ultraviolet light, or electron beam) is not heatset and is classified as non-/heatset.

12. Heavy-duty diesel vehicle—A vehicle that—

A. Has a gross vehicle weight rating greater than ten thousand pounds (10,000 lbs);

B. Is powered by a diesel engine; and

C. Is designed primarily for transporting persons or property on a public street or highway.

13. Heavy-duty vehicle (HDV)—Any motor vehicle rated at eight thousand five hundred one pounds (8,501 lbs) [GVWR] gross vehicle weight rating or more.

14. High-air phase—The stage of the batch operating cycle when the primary chamber reaches and maintains maximum operating temperatures.

15. High-bake coating—A coating which is designed to cure only at temperatures of more than one hundred ninety-four degrees Fahrenheit (194 °F).

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

17. High-gloss coating—A coating applied to pleasure craft which, when tested by [the] ASTM [Test Method] D[-523-89] 523-08, shows a reflectance of eighty-five percent (85%) or more on a sixty-degree (60°) meter.

18. High-performance architectural coating—A coating used to protect architectural subsections and which meets the requirements of the Architectural Aluminum Manufacturer Association's publication number AAMA 2604-05, Voluntary Specification, Performance Requirements, and Test Procedures for High Performance Organic Coatings on Aluminum Extrusions and Panels or AAMA 2605-05, Voluntary Specification, Performance Requirements, and Test Procedures for Superior Performing Organic Coatings on Aluminum Extrusions and Panels.

19. High-temperature coating—A coating that is certified to withstand a temperature of one thousand degrees Fahrenheit (1,000 °F) for twenty-four (24) hours.

20. High terrain—Any area having an elevation nine hundred feet (900') or more above the base of the stack of the installation.

21. High-volume low-pressure (HVLP) spray equipment—Spray equipment that is used to apply coating by means of spray gun that operates at ten pounds per square inch gauge (10.0 psig) of atomizing air pressure or less at the air cap.

22. Higher heating value (HHV)—The total heat liberated per mass of fuel burned in British thermal units (Btu) per pound, when fuel and dry air at standard conditions undergo complete combustion and all resultant products are brought to their standard states at standard conditions. It can be determined by 10 CSR 10-6.040(2) [(ASTM Standard: D 2015-66, Part 19, 1972, Standard Method for Determining Gross Heating Values of Solid Fuels). For the purpose of 10 CSR 10-6.390 only, if certification of the HHV is not provided by the third party fuel supplier, it shall be determined by one (1) of the following test methods: ASTM D2015-85 for solid fuels; ASTM D240-87 or ASTM D2382-88 for liquid hydrocarbon fuels; or ASTM

*D1826-88 or ASTM D1945-81 in conjunction with ASTM D3588-89 for gaseous fuels]* for solid fuels or 10 CSR 10-6.040(3) for liquid hydrocarbons.

23. HMIWI operator—Any person who operates, controls, or supervises the day-to-day operation of an HMIWI.

24. Hospital—Any facility which has an organized medical staff, maintains at least six (6) inpatient beds, and where the primary function of the institution is to provide diagnostic and therapeutic patient services and continuous nursing care primarily to human inpatients who are not related and who stay on average in excess of twenty-four (24) hours per admissions. This definition does not include facilities maintained for the sole purpose of providing nursing or convalescent care to human patients who generally are not acutely ill but who require continuing medical supervision.

25. Hospital/medical/infectious waste incinerator (HMIWI) or HMIWI unit—Any device that combusts any amount of hospital waste and/or medical/infectious waste.

26. Hospital waste—Discards generated at a hospital, except unused items returned to the manufacturer. The definition of hospital waste does not include human corpses, remains, and anatomical parts that are intended for interment or cremation.

*[27. Hot car—A vehicle which transfers hot coke from the oven to the area of quenching.]*

*[28.]* 27. Household waste—Any solid waste (including garbage, trash, and sanitary waste in septic tanks) derived from households (including, but not limited to, single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas).

(I) All terms beginning with I.

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

2. Incinerator—Defined as follows:

A. For the purpose of 10 CSR 10-5.530, *[incinerator is an]* any enclosed combustion device that thermally oxidizes volatile organic compounds to carbon monoxide (CO) and carbon dioxide (CO<sub>2</sub>). This term does not include devices that burn municipal or hazardous waste material;

B. For the purpose of 10 CSR 10-5.550, *[incinerator is]* any enclosed combustion device that is used for destroying organic compounds. Auxiliary fuel may be used to heat waste gas to combustion temperatures. Any energy recovery section present is not physically formed into one (1) section; rather, the energy recovery system is a separate section following the combustion section and the two (2) are joined by ducting or connections that carry fuel gas; and

C. For all other purposes, *[incinerator means]* any article, machine, equipment, contrivance, structure, or part of a structure used to burn refuse or to process refuse material by burning other than by open burning as defined in this rule.

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

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

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

B. That are reasonably foreseeable; and

*[C. That the agency can practically control;*

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

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

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

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

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

(IV) Emissions related to the use of federal facilities under lease or temporary permit. For the purposes of this definition, even if a federal licensing, rulemaking, or other approving action is a required initial step for a subsequent activity that causes emissions, such initial steps do not mean that a federal agency can practically control any resulting emissions.

5. Indirect heating source—A source operation in which fuel is burned for the primary purpose of producing steam, hot water, or hot air, or other indirect heating of liquids, gases, or solids where, in the course of doing so, the products of combustion do not come into direct contact with process materials.

6. Indoor floor covering installation adhesive—An adhesive intended by the manufacturer for use in the installation of wood flooring, carpet, resilient tile, vinyl tile, vinyl-backed carpet, resilient sheet, and roll or artificial grass. Adhesives used to install ceramic tile and perimeter bonded sheet flooring with vinyl backing onto a non-/porous substrate, such as flexible vinyl, are excluded from this category.

7. Industrial boiler—A boiler used in manufacturing, processing, mining, and refining, or any other industry to provide steam, hot water, and/or electricity.

8. Industrial solid waste—Solid waste generated by manufacturing or industrial processes that is not a hazardous waste regulated under Subtitle C of the Resource Conservation and Recovery Act, 40 CFR 264 and 265. Such waste may include, but is not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer/agricultural chemicals; food and related products/by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

9. Industrial surface coating operation—The surface coating of manufactured items intended for distribution in commerce to persons other than the person or legal entity performing the surface coating.

10. Infectious agent—Any organism (such as a virus or bacteria) that is capable of being communicated by invasion and multiplication in body tissues and capable of causing disease or adverse health impacts in humans.

11. Initial emissions inspection—For the purpose of 10 CSR 10-5.381, an emissions inspection consisting of the inspection series that occurs the first time a vehicle is inspected in a compliance cycle.

12. Initial fueling of motor vehicles—The operation, including related equipment, of dispensing gasoline fuel into a newly-/ assembled motor vehicle equipped with onboard refueling vapor recovery (ORVR) at an automobile assembly plant while the vehicle is still being assembled on the assembly line. Newly-/ assembled motor vehicles being fueled on the assembly line shall be equipped with ORVR and have fuel tanks that have never before contained gasoline fuel.

13. Ink formulation as applied—The base graphic arts coating and any additives such as thinning solvents to make up the ink material that is applied to a substrate.

14. In-line repair—The operation performed and coating(s) applied to correct damage or imperfections in the topcoat on parts that are not yet on a completely-/ assembled vehicle. The curing of the coatings applied in these operations is accomplished at essentially the same temperature as that used for curing the previously-/ applied topcoat. Also referred to as high-bake repair or high-bake reprocess and is considered part of the topcoat operation.

15. Innovative control technology—Any system of air pollution

control that has not been adequately demonstrated in practice but would have a substantial likelihood of achieving greater continuous emission reduction than any control system in current practice or of achieving at least comparable reductions at lower cost in terms of energy, economics, or non-air quality environmental impacts.

16. Insignificant activity—An activity or emission unit in which the only applicable requirement would be to list the requirement in an operating permit application under 10 CSR 10-6.065 and is either of the following:

A. Emission units whose aggregate emission levels for the installation do not exceed that of the *de minimis* levels; and

B. Emission units or activities listed in 10 CSR 10-6.061 as exempt or excluded from construction permit review under 10 CSR 10-6.060.

17. Installation—*[All source operations including activities that result in fugitive emissions, that belong to the same industrial grouping (that have the same two (2)-digit code as described in the Standard Industrial Classification Manual, 1987), and any marine vessels while docked at the installation, located on one (1) or more contiguous or adjacent properties and under the control of the same person (or persons under common control).] Defined as follows:*

A. For the purposes of 10 CSR 10-6.241 and 10 CSR 10-6.250, any building or structure, or any group of buildings or structures, at a single demolition or renovation site that are under the control of the same owner or operator (or owner or operator under common control); and

B. For all other purposes, all source operations including activities that result in fugitive emissions, that belong to the same industrial grouping (that have the same two (2)-digit code as described in the Standard Industrial Classification Manual, 1987), and any marine vessels while docked at the installation, located on one (1) or more contiguous or adjacent properties and under the control of the same person (or persons under common control).

18. Institutional cleaning—Cleaning activities conducted at organizations, societies, or corporations including but not limited to schools, hospitals, sanitariums, and prisons.

19. Institutional vehicle—Any motor vehicle, other than a passenger vehicle, and any trailer, semitrailer, or pole trailer drawn by such a motor vehicle, that is designed, used, and maintained for the transportation of persons or property for an establishment, foundation, society, or the like, devoted to the promotion of a particular cause or program, especially one of a public, educational, or charitable character.

20. Interior body spray (two (2)- and three (3)-piece)—The surface coating for the interior and ends of a two (2)-piece formed can or the surface coating of the side of the rectangular material to be used as the interior and ends of a three (3)-piece can.

21. Interior well—Any well or similar collection component located inside the perimeter of the landfill waste. A perimeter well located outside the landfill waste is not an interior well.

22. Intermediate foil mill—Batch process aluminum foil rolling mill with the work rolls in contact to reduce foil gauge. This process reduces finished sheet to intermediate foil gauges. An intermediate foil mill is used mainly in the production of aluminum foil at gauges between 0.010 inches to 0.0004 inches. Reductions to finish gauge may occur in several passes through the mill.

23. Intermediate installations—Part 70 installations that become basic state installations based on their potential to emit by accepting the imposition of voluntarily[-] agreed[-] to federally[-] enforceable limitations on the type of materials combusted or processed, operating rates, hours of operation, or emission rates more stringent than those otherwise required by rule or regulation.

24. Intermittent hospital/medical/infectious waste incinerator (HMIWI)—An HMIWI that is designed to allow waste charging, but not ash removal, during combustion.

25. Internal combustion engine—Any engine in which power,

produced by heat and/or pressure developed in the engine cylinder(s) by burning a mixture of fuel and air, is subsequently converted to mechanical work by means of one (1) or more pistons.

26. Internal floating roof—A product cover in a fixed roof tank which rests upon or is floated upon the volatile organic compound liquid being contained and which is equipped with a sliding seal(s) to close the space between the edge of the covers and tank shell.

(L) All terms beginning with L.

1. Lacquers—A surface coating that is basically solutions of nitrocellulose in *[VOCs] volatile organic compounds*, with plasticizers and other resins added to improve the quality of the film.

2. Laminate—A product made by bonding together two (2) or more layers of material.

3. Landfill—An area of land or an excavation in which wastes are placed for permanent disposal, and that is not a land application unit, surface impoundment, injection well, or waste pile as those terms are defined under 40 CFR 257.2.

4. Large HMIWI—An HMIWI whose maximum design waste burning capacity is more than five hundred pounds (500 lbs) per hour, or a continuous or intermittent HMIWI whose maximum charge rate is more than five hundred pounds (500 lbs) per hour, or a batch HMIWI whose maximum charge rate is more than four thousand pounds (4,000 lbs) per day. The following are not large HMIWI: a continuous or intermittent HMIWI whose maximum charge rate is less than or equal to five hundred pounds (500 lbs) per hour; or a batch HMIWI whose maximum charge rate is less than or equal to four thousand pounds (4,000 lbs) per day.

5. Lateral expansion—A horizontal expansion of the waste boundaries of an existing *[MSW] municipal solid waste* landfill. A lateral expansion is not a modification unless it results in an increase in the design capacity of the landfill.

6. Lean-burn engine—Any two (2)- or four (4)-stroke spark-ignited (SI) engine with greater than four percent (4%) oxygen in the engine exhaust.

7. Letterpress printing—A printing process in which the image area is raised relative to the non-/image area, and the ink is transferred to the substrate directly from the image surface.

8. Licensed emissions inspection station—Any business that has met the licensing requirements as specified and been licensed to offer vehicle emissions inspection services on behalf of the department.

9. Licensed emissions inspector—Any individual that has met the licensing requirements as specified and been licensed to conduct vehicle emissions inspections on behalf of the department.

10. Life-of-the-unit, firm power contractual arrangement—A unit participation power sales agreement under which a utility or industrial customer reserves, or is entitled to receive, a specified amount or percentage of nameplate capacity and associated energy from any specified unit and pays its proportional amount of such unit's total costs, pursuant to a contract—

A. For the life of the unit;

B. For a cumulative term of no less than thirty (30) years, including contracts that permit an election for early termination; or

C. For a period equal to or greater than twenty-five (25) years or seventy percent (70%) of the economic useful life of the unit determined as of the time the unit is built, with option rights to purchase or release some portion of the nameplate capacity and associated energy generated by the unit at the end of the period.

11. Light-duty truck (LDT)—Any motor vehicle rated at eight thousand five hundred pounds (8,500 lbs) gross weight or less, and which has a basic vehicle frontal area of forty-five (45) square feet or less, which is—

A. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle;

B. Designed primarily for transportation of persons and has a capacity of more than twelve (12) persons; or

C. Available with special features enabling off-street or off-highway operation and use.

12. Light-duty vehicle (LDV)—A passenger car or passenger

car derivative capable of seating twelve (12) passengers or less that is rated at six thousand pounds (6,000 lbs) *[GVWR]* gross vehicle weight rating or less.

13. Light-liquid volatile organic compound (VOC)—A fluid VOC with a vapor pressure greater than 0.3 kilopascals (kPa) at twenty degrees Celsius (20 °C).

14. Light-liquid volatile organic compound (VOC) service—A component shall be considered in such service if it contacts a process fluid containing ten percent (10%) or greater light/l-liquid VOC by weight.

15. Liquid fuel—A combustible liquid that includes, but is not limited to, distillate oil, residual oil, waste oil, and process liquids.

16. Liquid-mounted seal—A primary foam- or liquid-filled seal mounted in continuous contact with the liquid between the wall of the storage vessel and the floating roof around the circumference of the tank.

17. Lithographic printing—A planographic printing process where the image and non-/image areas are chemically differentiated; the image area is oil receptive and the non-/image area is water receptive. This method differs from other printing methods, where the image is typically printed from a raised or recessed surface. Offset lithographic printing is the only common type of lithographic printing used for commercial printing.

18. Load/unload locations—Distribution centers, warehouses, retail stores, railroad facilities, ports, and any other sites where heavy-duty diesel vehicles may idle their engines while waiting to load or unload.

19. Local air quality modeling analysis—*[a]*An assessment of localized impacts on a scale smaller than the entire nonattainment or maintenance area, including, for example, congested roadways on a federal facility, which uses an air quality dispersion model (e.g., Industrial Source Complex Model or Emission and Dispersion Model System) to determine the effects of emissions on air quality.

20. Long-dry kiln—A kiln fourteen feet (14') or larger in diameter, four hundred feet (400') or greater in length, which employs no preheating of the feed and the inlet feed to the kiln is dry.

21. Long-wet kiln—A kiln fourteen feet (14') or larger in diameter, four hundred feet (400') or greater in length, which employs no preheating of the feed and the inlet feed to the kiln is a slurry.

22. Low-bake coating—A coating designed to cure at temperatures below one hundred ninety-four degrees Fahrenheit (194 °F).

23. Low-level radioactive waste—Waste material which contains radioactive nuclides emitting primarily beta or gamma radiation, or both, in concentrations or quantities that exceed applicable federal or state standards for unrestricted release. Low-level radioactive waste is not high-level radioactive waste, spent nuclear fuel, or by-product material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)(2)).

24. Low-NO<sub>x</sub> burners—A type of burner (a device that functions as an injector of fuel and combustion air into a boiler or kiln to produce a flame that burns as close as possible to the center line of the boiler or kiln) that has a series of channels or orifices that 1) allow for the adjustment of the volume, velocity, pressure, and/or direction of the air carrying the fuel, known as primary air, into the boiler or kiln and 2) impart high momentum and turbulence to the fuel stream to facilitate mixing of the fuel and secondary air.

25. Lower explosive limit (LEL)—The lower limit of flammability of a gas or vapor at ordinary ambient temperatures expressed in percent of the gas or vapor in air by volume.

26. Lowest achievable emission rate (LAER)—That rate of emissions which reflects—

A. The most stringent emission limitation which is contained in any state implementation plan for a class or category of source, unless the owner or operator of the proposed source demonstrates that the limitations are not achievable; or

B. The most stringent emission limitation which is achieved in practice by the class or category of source, whichever is more stringent. LAER shall not be less stringent than the new source per-

formance standard limit.

27. Low vapor pressure hydrocarbon-based cleaning solvent—A cleaning solvent that is composed of a mixture of photochemically reactive hydrocarbons and oxygenated hydrocarbons and has a maximum vapor pressure of seven millimeters of mercury (7 mmHg) at twenty degrees Celsius (20 °C). These cleaners must not contain hazardous air pollutants.

(N) All terms beginning with N.

1. Nameplate capacity—The maximum electrical generating output (expressed as megawatt) that a generator can sustain over a specified period of time when not restricted by seasonal or other deratings, as listed in the National Allowance Data Base (NADB) under the data field "NAMECAP" if the generator is listed in the NADB or as measured in accordance with the United States Department of Energy standards. For generators not listed in the NADB, the nameplate capacity shall be used.

2. National Ambient Air Quality Standards (NAAQS)—Those standards established pursuant to section 109 of the Act and defined by 40 CFR 50 *[ambient air quality standards]*. It includes standards for carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO<sub>2</sub>) or oxides of nitrogen (NO<sub>x</sub>), ozone, particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>), and sulfur dioxide (SO<sub>2</sub>) or sulfur oxides (SO<sub>x</sub>).

3. National Environmental Policy Act (NEPA)—The National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.).

*[3.]4.* Natural finish hardwood plywood panel—A panel whose original grain pattern is enhanced by essentially transparent finishes frequently supplemented by fillers and toners.

*[4. NEPA—The National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.).]*

5. Nearby—Nearby, as used in the definition **good engineering practice** (GEP) stack height in subparagraph (2)(G)/15/14.B. of this rule, is defined for a specific structure or terrain feature—

A. For purposes of applying the formula provided in subparagraph (2)(G)/15/14.B. of this rule, nearby means that distance up to five (5) times the lesser of the height or the width dimension of a structure, but not greater than one-half (1/2) mile; and

B. For conducting fluid modeling or field study demonstrations under subparagraph (2)(G)/15/14.C. of this rule, nearby means not greater than one-half (1/2) mile, except that the portion of a terrain feature may be considered to be nearby which falls within a distance of up to ten (10) times the maximum height of the feature, not to exceed two (2) miles if feature achieves a height one-half (1/2) mile from the stack that is at least forty percent (40%) of the GEP stack height determined by the formula provided in subparagraph (2)(G)/15/14.B. of this rule, or twenty-six meters (26 m), whichever is greater, as measured from the ground-level elevation at the base of the stack. The height of the structure or terrain feature is measured from the ground-level elevation at the base of the stack.

6. Net emissions increase—This term is defined in 40 CFR 52.21(b)(3), promulgated as of July 1, 2003, and hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, DC 20408. This rule does not incorporate any subsequent amendments or additions.

7. New—*[As defined for the purposes of 10 CSR 10-6.405, any source which is not an existing source, as defined in paragraph (2)(E)47. of this rule.]* **Defined as follows:**

A. For the purpose of 10 CSR 10-6.405, any source which is not permanently shutdown or an existing source as defined in subparagraph (2)(E)44.A. of this rule; and

B. For all other purposes, any source which is not permanently shutdown or an existing source as defined in subparagraph (2)(E)44.B. of this rule.

8. New Source Review (NSR)—The permitting requirements found in state rule 10 CSR 10-6.060 Construction Permits Required.

*[9. NMOC—Nonmethane organic compounds. Precursors to oxidant formation. They allow ozone to accumulate in the*

atmosphere.]

**10.9.** Nonaqueous solvent—Any solvent not classifiable as an aqueous solvent as defined by a solvent in which water is the primary ingredient (greater than eighty percent (80%) by weight or greater than sixty percent (60%) by volume of solvent solution as applied must be water). Aqueous solutions must have a flash point greater than ninety-three degrees Celsius (93 °C) (two hundred degrees Fahrenheit (200 °F)) (as reported by the manufacturer) and the solution must be miscible with water.

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

**12.11.** Nonattainment pollutant—Each and every pollutant for which the location of the source is in an area designated to be in nonattainment of a National Ambient Air Quality Standard (NAAQS) under section 107(d)(1)(A)(i) of the Act. Any constituent or precursor of a nonattainment pollutant shall be a nonattainment pollutant, provided that the constituent or precursor pollutant may only be regulated as part of regulation of the corresponding NAAQS pollutant. Both volatile organic compounds (VOC) and nitrogen oxides (NO<sub>x</sub>) shall be nonattainment pollutants for a source located in an area designated nonattainment for ozone.

**13.12.** Nondegradable waste—Any waste that does not decompose through chemical breakdown or microbiological activity. Examples are, but are not limited to, concrete, municipal waste combustor ash, and metals.

**13.** Nonmethane organic compound (NMOC)—Precursors to oxidant formation that allow ozone to accumulate in the atmosphere.

**14.** Nonpermanent final finish—A material such as a wax, polish, nonoxidizing oil, or similar substance that must be periodically reapplied to a surface over its lifetime to maintain or restore the reapplied material's intended effect.

**15.** Non-Title V permit—A federally[-] enforceable permit administered by the director pursuant to the Clean Air Act (CAA) and regulatory authority under the CAA, other than Title V of the CAA and 40 CFR 70 or 40 CFR 71.

**16.** Normal maintenance—For the purpose of vapor recovery, [R]repair or replacement of vapor recovery control equipment and/or gasoline dispensing components/dispensers that does not require breaking of concrete (by any method) and does not require removal of dispenser(s) from island(s).

**17.** Normal source operation—The average actual activity rate of a source necessary for determining the actual emissions rate for the two (2) years prior to the date necessary for determining actual emissions, unless some other time period is more representative of the operation of the source or otherwise approved by the staff director.

**18.** Normally[-] closed container—A storage container that is closed unless an operator is actively engaged in activities such as emptying or filling the container.

**19.** NO<sub>x</sub> allowance—An authorization by the department or the administrator under a NO<sub>x</sub> trading program to emit one (1) ton of NO<sub>x</sub> during the control period of the specified year or of any year thereafter.

**20.** NO<sub>x</sub> allowance deduction or deduct NO<sub>x</sub> allowances—The permanent withdrawal of NO<sub>x</sub> allowances by the administrator from a NO<sub>x</sub> allowance tracking system compliance account or overdraft account to account for the number of tons of emissions from a NO<sub>x</sub> budget unit for a control period, determined in accordance with a rule, or for any other NO<sub>x</sub> allowance surrender obligation required.

**21.** NO<sub>x</sub> allowance tracking system—The system by which the director or the administrator records allocations, deductions, and transfers of NO<sub>x</sub> allowances under a NO<sub>x</sub> trading program.

**22.** NO<sub>x</sub> allowance tracking system account—An account in the NO<sub>x</sub> allowance tracking system established by the director or administrator for purposes of recording the allocation, holding, transfer-

ring, or deducting of NO<sub>x</sub> allowances.

**23.** NO<sub>x</sub> allowance transfer deadline—**Defined as follows:**

**A.** For the purpose of 10 CSR 10-6.350 [only], close of business on December 31 following the control period or, if December 31 is not a business day, close of business on the first business day thereafter and is the deadline by which NO<sub>x</sub> allowances may be submitted for recording in an affected unit's compliance account, or the overdraft account of the installation where the unit is located./; and

**B.** For the purpose of 10 CSR 10-6.360 [only], midnight of November 30 or, if November 30 is not a business day, midnight of the first business day thereafter and is the deadline by which NO<sub>x</sub> allowances may be submitted for recordation in a NO<sub>x</sub> budget unit's compliance account, or the overdraft account of the source where the unit is located, in order to meet the unit's NO<sub>x</sub> budget emissions limitation for the control period immediately preceding such deadline.

**24.** NO<sub>x</sub> allowances held—The NO<sub>x</sub> allowances recorded by the director or administrator, or submitted to the director or administrator for recordation, in accordance with a rule, in a NO<sub>x</sub> allowance tracking system account.

**25.** NO<sub>x</sub> authorized account representative—The natural person who is authorized by the owners or operators of the source and all NO<sub>x</sub> budget units at the source, in accordance with all applicable rules, to represent and legally bind each owner and operator in matters pertaining to a NO<sub>x</sub> trading program or, for a general account, the natural person who is authorized to transfer or otherwise dispose of NO<sub>x</sub> allowances held in the general account in accordance with the applicable rules.

**26.** NO<sub>x</sub> budget emissions limitation—For a NO<sub>x</sub> budget unit, the tonnage equivalent of the NO<sub>x</sub> allowances available for compliance deduction for the unit and for a control period adjusted by any deductions of such NO<sub>x</sub> allowances to account for actual utilization for the control period or to account for excess emissions for a prior control period or to account for withdrawal from the NO<sub>x</sub> budget program or for a change in regulatory status for an affected unit.

**27.** NO<sub>x</sub> budget permit—The legally[-] binding and federally[-] enforceable written document, or portion of such document, issued by the director, including any permit revisions, specifying the NO<sub>x</sub> budget trading program requirements applicable to a NO<sub>x</sub> budget source, to each NO<sub>x</sub> budget unit at the NO<sub>x</sub> budget source, and to the owners and operators and the NO<sub>x</sub> authorized account representative of the NO<sub>x</sub> budget source and each NO<sub>x</sub> budget unit.

**28.** NO<sub>x</sub> budget source—A source that includes one (1) or more NO<sub>x</sub> budget units.

**29.** NO<sub>x</sub> budget trading program—A multi[-]state nitrogen oxides air pollution control and emission reduction program pursuant to 40 CFR 51.121, as a means of mitigating the interstate transport of ozone and nitrogen oxides, an ozone precursor.

**30.** NO<sub>x</sub> budget unit—A unit that is subject to the NO<sub>x</sub> budget trading program emissions limitation under section (1) or paragraph (3)(H)1. of 10 CSR 10-6.360.

**31.** NO<sub>x</sub> emission rate—The amount of NO<sub>x</sub> emitted by a combustion unit in pounds per million British thermal units of heat input as recorded by approved monitoring devices.

**32.** NO<sub>x</sub> emissions limitation—For an affected unit, the tonnage equivalent of the NO<sub>x</sub> emissions rate available for compliance deduction for the unit and for a control period adjusted by any deductions of such NO<sub>x</sub> allowances to account for actual utilization for the control period or to account for excess emissions for a prior control period or to account for withdrawal from a NO<sub>x</sub> trading program or for a change in regulatory status for an affected unit.

**33.** NO<sub>x</sub> opt-in unit—An [EGU] electric generating unit whose owner or operator has requested to become an affected unit under a NO<sub>x</sub> trading program and has been approved by the department.

**34.** NO<sub>x</sub> unit—Any fossil-fuel-fired stationary boiler, combustion turbine, internal combustion engine, or combined cycle system.

(O) All terms beginning with O.

**1.** Offset—A decrease in actual emissions from a source operation or installation that is greater than the amount of emissions anticipated from a modification or construction of a source operation or



installation. The decrease must be of the same pollutant and have substantially[-] similar environmental and health effects on the impacted area. Any ratio of decrease to increase greater than one to one (1:1) constitutes offset. The exception to this are ozone nonattainment areas where *[VOC] volatile organic compound* and *[NO<sub>x</sub>] oxides of nitrogen* emissions will require an offset ratio of actual emission reduction to new emissions according to the following schedule: marginal area = 1.1:1; moderate area = 1.15:1; serious area = 1.2:1; severe area = 1.3:1; and extreme area = 1.5:1.

2. Offset **lithographic printing**—A *[lithographic]* printing process that transfers the ink film from the lithographic plate to an intermediary surface (rubber-covered blanket cylinder), which, in turn, transfers the ink film to the substrate.

*[3. Offtake—Any set of piping (for example, standpipes, goosenecks) that interconnects a coke oven with a collecting main which is common to all systems. The offtake system extends from the connection on top of the coke oven to the connection on the collecting main.]*

*[4.3. [On-Board] Onboard Diagnostics (OBD)—A vehicle emissions early[-] warning system required by federal law to be installed on all light-duty 1996 and newer model year vehicles for sale in the United States. The OBD system monitors sensors and emissions-control related components on a vehicle to ensure that the emissions control system operates properly throughout a vehicle's lifetime. If one (1) or more components of the emissions control system malfunctions or deteriorates, the OBD system will illuminate the Malfunction Indicator Lamp *[[MIL]]* and store one (1) or more Diagnostic Trouble Codes *[[DTCs]]*.]*

*[5.4. [On-Board] Onboard Diagnostics (OBD) test—A test in which a vehicle's OBD system is connected to a handheld tool or computer that an inspector uses to determine and/or collect and record—*

A. The status of the OBD system's **Malfunction Indicator Lamp (MIL)** when the vehicle engine is off and when the vehicle engine is running;

B. Data link connector access and functionality and OBD communication;

C. Vehicle signature information, including, but not limited to, the electronic vehicle identification number *[[VIN]]* and other unique parameter identifiers;

D. The status of all of the OBD system's readiness monitors;

E. The OBD system's MIL command status; and

F. Any *[DTCs] Diagnostic Trouble Codes*, including those that are commanding the MIL to be illuminated.

*[6.5. Onboard refueling vapor recovery (ORVR)—A system on motor vehicles designed to recover hydrocarbon vapors that escape during refueling.*

*[7. Onboard refueling vapor recovery (ORVR) compatible—A Stage II vapor recovery system certified by CARB or other acceptable independent third-party evaluator, using test methods approved by the director, as ORVR compatible which maintains a required minimum overall system efficiency of ninety-five percent (95%), as certified under third-party evaluation, while dispensing fuel without difficulty to both ORVR-equipped and non-ORVR-equipped vehicles.]*

*[8.6. One (1)-component coating—A coating that is ready for application as it comes out of its container to form an acceptable dry film. A thinner, necessary to reduce the viscosity, is not considered a component.*

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

*[10.8. Open burning—The burning of any materials where air contaminants resulting from combustion are emitted directly into the*

ambient air without passing through a stack or chimney from an enclosed chamber. For purposes of this definition, a chamber shall be regarded as enclosed, when, during the time combustion takes place, only those apertures, ducts, stacks, flues, or chimneys, as are necessary to provide combustion air and to permit the escape of exhaust gases, are open.

*[11.9. Open-top vapor degreaser—A type of degreaser which consists of a tank where solvent is heated to its boiling point which creates a zone of solvent vapor contained by a set of cooling coils. Condensation of the hot solvent vapor cleans or degreases the colder metal parts.*

*[12.10. Operating—With regard to a unit under part (3)(C)3.D.(II) and paragraph (3)(H)1. of 10 CSR 10-6.360, having documented heat input for more than eight hundred seventy-six (876) hours in the six (6) months immediately preceding the submission of an application for an initial NO<sub>x</sub> budget permit under subparagraph (3)(H)4.A. of 10 CSR 10-6.360.*

*[13.11. Operating day—A twenty four (24)-hour period between 12:00 midnight and the following midnight during which any amount of hospital waste or medical/infectious waste is combusted at any time in the HMIWI.*

*[14.12. Operating parameter value—A minimum or maximum value established for a control device or process parameter that, if achieved by itself or in combination with one (1) or more other operating parameter values, determines that an owner or operator has complied with an applicable emission limit.*

*[15.13. Operation—For the purpose of 10 CSR 10-6.200, [T]the period during which waste is combusted in the incinerator excluding periods of *[startup] start-up* or shutdown.*

*[16.14. Operator—For the purpose of 10 CSR 10-6.360, [A]any person who operates, controls, or supervises a NO<sub>x</sub> budget unit, a NO<sub>x</sub> budget source, or an affected unit under a NO<sub>x</sub> trading program, and shall include, but not be limited to, any holding company, utility system, or plant manager of such a unit or source.*

*[17.15. Opt-in—To voluntarily become an affected unit under a NO<sub>x</sub> trading program.*

*[18.16. Optical coating—A coating applied to an optical lens.*

*[19.17. Optical device—An optical element used in an electro-optical device and designed to sense, detect, or transmit light energy, including specific wavelengths of light energy and changes in light energy levels.*

*[20.18. Organic solvent—A liquid containing volatile organic compounds that is used for dissolving or dispersing constituents in a coating, adjusting the viscosity of a coating, cleaning, or washoff. When used in a coating, the organic solvent evaporates during drying and does not become a part of the dried film.*

*[21.19. Output—For the purposes of 10 CSR 10-5.510 and 10 CSR 10-6.061, [T]the shaft work output from any engine plus the energy reclaimed by any useful heat recovery system.*

*[22.20. Outstate area—Any area throughout the state except the City of St. Louis and St. Charles, St. Louis, Jefferson, Franklin, Clay, Cass, Buchanan, Ray, Jackson, Platte, and Greene counties.*

*[23.21. Outdoor floor covering installation adhesive—Any adhesive intended by the manufacturer for use in the installation of floor covering that is not in an enclosure and that is exposed to ambient weather conditions during normal use.*

*[24.22. Overall control efficiency—The efficiency of a control system, calculated as the product of the capture and control device efficiencies, expressed as a percentage.*

*[25.23. Overdraft account—The NO<sub>x</sub> allowance tracking system account established by the director or administrator for each NO<sub>x</sub> budget source where there are two (2) or more NO<sub>x</sub> budget units or for each NO<sub>x</sub> authorized account representative.*

**24. Owner—For the purpose of 10 CSR 10-6.360, any of the following persons:**

A. A holder of any portion of the legal or equitable title in a NO<sub>x</sub> budget unit;

B. A holder of a leasehold interest in a NO<sub>x</sub> budget unit;

C. A purchaser of power from a NO<sub>x</sub> budget unit under a life-of-the-unit, firm power contractual arrangement. However, unless expressly provided for in a leasehold agreement, owner shall not include a passive lessor, or a person who has an equitable interest through such lessor, whose rental payments are not based, either directly or indirectly, upon the revenues or income from the NO<sub>x</sub> budget unit; or

D. With respect to any general account, a person who has an ownership interest with respect to the NO<sub>x</sub> allowances held in the general account and who is subject to the binding agreement for the NO<sub>x</sub> authorized account representative to represent that person's ownership interest with respect to NO<sub>x</sub> allowances.

[26.]25. Owner or operator—Any person who owns, leases, operates, controls, or supervises an air contaminant source. [For the purpose of 10 CSR 10-6.360 only, owner is any of the following persons:

A. Any holder of any portion of the legal or equitable title in a NO<sub>x</sub> budget unit;

B. Any holder of a leasehold interest in a NO<sub>x</sub> budget unit;

C. Any purchaser of power from a NO<sub>x</sub> budget unit under a life-of-the-unit, firm power contractual arrangement. However, unless expressly provided for in a leasehold agreement, owner shall not include a passive lessor, or a person who has an equitable interest through such lessor, whose rental payments are not based, either directly or indirectly, upon the revenues or income from the NO<sub>x</sub> budget unit; or

D. With respect to any general account, any person who has an ownership interest with respect to the NO<sub>x</sub> allowances held in the general account and who is subject to the binding agreement for the NO<sub>x</sub> authorized account representative to represent that person's ownership interest with respect to NO<sub>x</sub> allowances.]

[27.]26. Ozone season—From May 1 through September 30 of each year.

(P) All terms beginning with P.

1. Pail—Any nominal cylindrical container of one to twelve (1–12)-gallon capacity.

2. Paint—A pigmented surface coating using [VOCs] volatile organic compounds as the major solvent and thinner which converts to a relatively opaque solid film after application as a thin layer.

3. Pan-backing coating—A coating applied to the surfaces of pots, pans, or other cooking implements that are exposed directly to a flame or other heating elements.

4. Paper, film, and foil coating—A web coating process that applies a continuous layer of coating material across essentially the entire width or any portion of the width of a web substrate to—

A. Provide a covering, finish, or functional or protective layer to a substrate;

B. Saturate a substrate for lamination; or

C. Provide adhesion between two (2) substrates for lamination.

5. Part 70—U.S. Environmental Protection Agency regulations, codified at 40 CFR 70, setting forth requirements for state operating permit programs pursuant to Title V of the Act.

6. Part 70 installations—Installations to which the part 70 operating permit requirements of rule 10 CSR 10-6.065 apply, in accordance with the following criteria:

A. [They] Installations that emit or have the potential to emit, in the aggregate, ten (10) tons per year (tpy) or more of any hazardous air pollutant, other than radionuclides, or twenty-five (25) tpy or more of any combination of these hazardous air pollutants or such lesser quantity as the administrator may establish by rule. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not these units are in a contiguous area or under common control, to determine whether these units or stations are subject installations.

For sources of radionuclides, the criteria shall be established by the administrator;

B. [They] Installations that emit or have the potential to emit one hundred (100) tpy or more of any air pollutant, including all fugitive air pollutants. The fugitive emissions of an installation shall not be considered unless the installation belongs to one (1) of the source categories listed in [10 CSR 10-6.020] subsection (3)(B)[, Table 2] of this rule;

C. [They are] Installations located in nonattainment areas or ozone transport regions—

(I) For ozone nonattainment areas, sources with the potential to emit one hundred (100) tpy or more of volatile organic compounds or oxides of nitrogen in areas classified as ["/marginal/"] or ["/moderate, /"] fifty (50) tpy or more in areas classified as ["/serious, /"] twenty-five (25) tpy or more in areas classified as ["/severe, /"] and ten (10) tpy or more in areas classified as ["/extreme, /"]; except that the references in this paragraph to one hundred (100), fifty (50), twenty-five (25), and ten (10) tpy of nitrogen oxides shall not apply with respect to any source for which the administrator has made a finding, under section 182(f)(1) or (2) of the Act, that requirements under section 182(f) of the Act do not apply;

(II) For ozone transport regions established pursuant to section 184 of the Act, sources with the potential to emit fifty (50) tpy or more of volatile organic compounds;

(III) For carbon monoxide nonattainment areas that are classified as ["/serious, /"] and in which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the administrator, sources with the potential to emit fifty (50) tpy or more of carbon monoxide; and

(IV) For particulate matter less than ten (10) micrometers (PM<sub>10</sub>) nonattainment areas classified as ["/serious, /"] sources with the potential to emit seventy (70) tpy or more of PM<sub>10</sub>;

D. [They] Installations that are affected sources under Title IV of the 1990 Act;

E. [They] Installations that are solid waste incinerators subject to section 129(e) of the Act;

F. [Any installation] Installations in a source category designated by the administrator as a part 70 source pursuant to 40 CFR 70.3; and

G. Installations [that would be part 70 sources strictly due to the following criteria] are not subject to part 70 source requirements [until] unless the administrator subjects [this installation] them to [these] part 70 requirements by rule and the installations would be part 70 sources strictly because they are subject to:

(I) [They are subject to a] A standard, limitation, or other requirement under section 111 of the Act, including area sources; or

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

7. Particulate matter—Any material, except uncombined water, that exists in a finely[-] divided form as a liquid or solid and as specifically defined as follows:

A. For purposes of ambient air concentrations—

(I) PM—Any airborne, finely-divided solid or liquid material with an aerodynamic diameter smaller than one hundred (100) micrometers as measured in the ambient air as specified in 10 CSR 10-6.040(4)(B);

(II) PM<sub>10</sub>—Particulate matter with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers as measured in the ambient air as specified in 10 CSR 10-6.040(4)(J); and

(III) PM<sub>2.5</sub>—Particulate matter with an aerodynamic diameter less than or equal to a nominal two and one-half (2.5) micrometers including the filterable component as measured in the ambient air as specified in 10 CSR 10-6.040(4)(L);

B. For the purpose of 10 CSR 10-6.200 [only], [particulate matter, or PM, is the] total particulate matter emitted from a[n HMIWI] hospital medical infectious waste incinerator as measured by EPA [Reference] Method 5 of 40 CFR 60, Appendix A-3 or EPA [Reference] Method 29 of 40 CFR 60, Appendix A-8; and

C. For all other purposes—

(I) Condensable particulate matter (PM)—Material that is vapor phase at stack conditions, but condenses and/or reacts upon cooling and dilution in the ambient air to form solid or liquid PM immediately after discharge from the stack. Note that all condensable PM is assumed to be in the PM<sub>2.5</sub> size fraction;

(II) Filterable PM—Particles that are emitted directly by a source as a solid or liquid at stack or release conditions and captured on the filter of a stack test train;

(III) Primary PM (Also known as direct PM)—Particles that enter the atmosphere as a direct emission from a stack or an open source. Primary PM has two (2) components: filterable PM and condensable PM. These two (2) PM components have no upper particle size limit;

(IV) Primary PM<sub>2.5</sub> (Also known as direct PM<sub>2.5</sub>, total PM<sub>2.5</sub>, PM<sub>2.5</sub>, or combined filterable PM<sub>2.5</sub> and condensable PM)—PM with an aerodynamic diameter less than or equal to two and five-tenths (2.5) micrometers. These solid particles are emitted directly from an air emissions source or activity, or are the gaseous or vaporous emissions from an air emission source or activity that condense to form PM at ambient temperatures. Direct PM<sub>2.5</sub> emissions include elemental carbon, directly emitted organic carbon, directly emitted sulfate, directly emitted nitrate, and other inorganic particles (including but not limited to crustal material, metals, and sea salt); and

(V) Primary PM<sub>10</sub> (Also known as direct PM<sub>10</sub>, total PM<sub>10</sub>, PM<sub>10</sub>, or the combination of filterable PM<sub>10</sub> and condensable PM)—PM with an aerodynamic diameter equal to or less than ten (10) micrometers.

8. Passenger tire equivalent (PTE)—The weight of waste tires or parts of waste tires equivalent to the average weight of one (1) passenger tire. The average weight of one (1) passenger tire is equal to twenty (20) pounds.

9. Passenger vehicle—Every motor vehicle, except motorcycles, motor-driven cycles, and ambulances, designed for carrying ten (10) passengers or less and used for the transportation of persons.

10. Passive collection system—A gas collection system that solely uses positive pressure within the landfill to move the gas rather than using gas mover equipment.

11. Pathological waste—Waste material consisting of only human or animal remains, anatomical parts, and/or tissue, the bags/containers used to collect and transport the waste material, and animal bedding (if applicable).

[12. *Peak load—The maximum instantaneous operating load.*]

[13.]12. Peaking combustion unit—A combustion turbine normally reserved for operation during the hours of highest daily, weekly, or seasonal loads.

[14.]13. Perimeter bonded sheet flooring installation—The installation of sheet flooring with vinyl backing onto a nonporous substrate using an adhesive designed to be applied only to a strip of up to four inches (4") wide around the perimeter of the sheet flooring.

[15.]14. Permanent shutdown—The permanent cessation of operation of any air pollution control equipment or process equipment, not to be placed back into service or have a start-up.

[16. *Permitted capacity factor—The annual permitted fuel use divided by the manufacturers' specified maximum fuel consumption times eight thousand seven hundred sixty (8,760) hours per year.*]

[17.]15. Permitting authority—Either the administrator or the state air pollution control agency, local agency, or other agency authorized by the administrator to carry out a permit program as

intended by the Act.

[18.]16. Person—Any individual, partnership, copartnership, association, firm, company, public or private corporation including the parent company of a wholly/-/ owned subsidiary, joint stock company, municipality, political subdivision, agency, board, department or bureau of the state or federal government, trust, estate, or other legal entity either public or private which is recognized by law as the subject of rights and duties. This shall include any legal successor, employee, or agent of the previous entities.

[19.]17. Petroleum liquid—Petroleum, condensate, and any finished or intermediate products manufactured in a petroleum refinery with the exception of Numbers 2-6 fuel oils as specified in ASTM D [(396-69)]396-13, gas turbine fuel oils Number 2-GT-4-GT, as specified in ASTM D [(2880-71)]2880-13, and diesel fuel oils Number 2-D and 4-D, as specified in ASTM D [(975-68)]975-13.

[20.]18. Petroleum refinery—Any facility which produces gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants, or other products through distillation, cracking, extraction, or reforming of unfinished petroleum derivatives.

[21.]19. Pharmaceutical—Any compound or preparation included under the Standard Industrial Classification Codes 2833 (Medicinal Chemicals and Botanical Products) and 2834 (Pharmaceutical Preparations), excluding products formulated by fermentation, extraction from vegetable material or animal tissue, or formulation and packaging of the final product.

[22.]20. Pilot plants—The installations which are of new type or design which will serve as a trial unit for experimentation or testing.

[23.]21. Plant-mix—A mixture produced in an asphalt mixing plant that consists of mineral aggregate uniformly coated with asphalt cement, cutback asphalt, or emulsified asphalt.

[24.]22. Plastic—A synthetic material chemically formed by the polymerization of organic substances and capable of being molded, extruded, cast into various shapes and films, or drawn into filaments.

[25. *Plastic foam—Foam constructed of plastics.*]

[26.]23. Plastic solvent welding adhesive—An adhesive intended by the manufacturer for use to dissolve the surface of plastic to form a bond between mating surfaces.

[27.]24. Plastic solvent welding adhesive primer—A primer intended by the manufacturer for use to prepare plastic substrates prior to bonding or welding.

[28.]25. Pleasure craft—A marine vessel which is manufactured or operated primarily for recreational purposes or leased, rented, or chartered to a person or business for recreational purposes.

[29.]26. Pleasure craft coating—A marine coating, except unsaturated polyester resin (fiberglass) coatings, applied by brush, spray, roller, or other means to a pleasure craft.

27. **Plug-in hybrid electric vehicle (PHEV)—A plug-in hybrid electric drive vehicle that is made by a manufacturer, has not been modified from original manufacturer specifications, and can operate solely on electric power and is capable of recharging its battery from an onboard generation source and an off-board electricity source.**

[30.]28. Point source—For the purpose[s] of 10 CSR 10-6.110 [only], large, stationary (nonmobile), identifiable source of emissions that releases pollutants into the atmosphere. A point source is an installation that is either—

A. A major source under 40 CFR [part] 70 for the pollutants for which reporting is required; or

B. A holder of an intermediate operating permit.

[31.]29. Pollutant—An air contaminant listed in [10 CSR 10-6.020] subsection (3)(A), [Table 1] of this rule without regard to levels of emission or air quality impact.

[32.]30. Polyethylene bag sealing operation—Any operation or facility engaged in the sealing of polyethylene bags, usually by the use of heat.

[33.]31. Polystyrene resin—The product of any styrene polymerization process, usually involving heat.

[34.]32. Polyvinyl chloride (PVC) plastic—A polymer of the chlorinated vinyl monomer that contains fifty-seven percent (57%) chlorine.

[35.] *Polyvinyl chloride welding adhesive—An adhesive intended by the manufacturer for use in the welding of PVC plastic pipe.*

[36.]33. Porous material—A substance that has tiny openings, often microscopic, in which fluids may be absorbed or discharged, including, but not limited to, paper and corrugated paperboard. For the purpose[s] of 10 CSR 10-5.330, porous material does not include wood.

[37.]34. Portable equipment—Any equipment that is designed and maintained to be movable, primarily for use in noncontinuous operations. Portable equipment includes rock crushers, asphaltic concrete plants, and concrete batching plants.

[38.]35. Portable equipment installation—An installation made[-] up solely of portable equipment, meeting the requirements of or having been permitted according to 10 CSR 10-6.060(4).

[39.]36. Portland cement—A hydraulic cement produced by pulverizing clinker consisting essentially of hydraulic calcium silicates, usually containing one (1) or more of the forms of calcium sulfate as an interground addition.

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

[41.] *Positive crankcase ventilation system—Any system or device which prevents the escape of crankcase emissions to the ambient air.*

[42.]38. Potential to emit—The emission rates of any pollutant at maximum design capacity. Annual potential shall be based on the maximum annual-rated capacity of the installation assuming continuous year-round operation. Federally[-] enforceable permit conditions on the type of materials combusted or processed, operating rates, hours of operation, and the application of air pollution control equipment shall be used in determining the annual potential. Secondary emissions do not count in determining annual potential.

[43.]39. Potroom—A building unit which houses a group of electrolytic cells in which aluminum is produced.

[44.]40. Potroom group—An uncontrolled potroom, a potroom which is controlled individually, or a group of potrooms or potroom segments ducted to a common or similar control system.

[45.]41. Precursors of a criteria pollutant are—

A. For ozone, nitrogen oxides (NO<sub>x</sub>), unless an area is exempted from NO<sub>x</sub> requirements under section 182(f) of the *CAA/Clean Air Act*, and volatile organic compounds (VOCs);

B. For PM<sub>10</sub>, those pollutants described in the PM<sub>10</sub> nonattainment area applicable *[S/P] state implementation plan* as significant contributors to the PM<sub>10</sub> levels; and

C. For PM<sub>2.5</sub>—

(I) Sulfur dioxide (SO<sub>2</sub>) in all PM<sub>2.5</sub> nonattainment and maintenance areas;

(II) *[Nitrogen oxides] NO<sub>x</sub>* in all PM<sub>2.5</sub> nonattainment and maintenance areas unless both the state and U.S. Environmental Protection Agency (EPA) determine that it is not a significant precursor; and

(III) *[Volatile organic compounds [VOC]]* and ammonia (NH<sub>3</sub>) only in PM<sub>2.5</sub> nonattainment or maintenance areas where either the state or EPA determines that they are significant precursors.

[46.]42. Predictive emissions monitoring system (PEMS)—A system that uses process and other parameters as inputs to a computer program or other data reduction system to predict values in terms of the applicable emission limitation or standard.

[47.]43. Prefabricated architectural component coating—A coating applied to metal parts and products which are to be used as

an architectural structure.

[48.]44. Preheater/precalciner kiln—A kiln where the feed to the kiln system is preheated in cyclone chambers and that utilizes a second burner to provide heat for calcination of material prior to the material entering the rotary kiln which forms clinker.

[49.]45. Preheater kiln—A kiln where the feed to the kiln system is preheated in cyclone chambers prior to the final fusion, which forms clinker.

[50.]46. Press—A printing production assembly that can be made up of one (1) or many units to produce a finished product. For the purpose[s] of 10 CSR 10-5.442 *[only]*, this includes any associated coating, spray powder application, heatset web dryer, ultraviolet or electron beam curing units, or infrared heating units.

[51.]47. Pretreatment coating—A coating which contains no more than twelve percent (12%) solids by weight, but at least one-half percent (0.5%) acids by weight, is used to provide surface etching, and is applied directly to metal surfaces to provide corrosion resistance, adhesion, and ease of stripping.

[52.]48. Pretreatment wash primer—A coating which contains no more than twenty-five percent (25%) solids by weight, but at least one-tenth of a percent (0.1%) acids by weight, is used to provide surface etching, and is applied directly to fiberglass and metal surfaces to provide corrosion resistance and adhesion of subsequent coatings.

[53.]49. Primary aluminum reduction installation—Any facility manufacturing aluminum by electrolytic reduction of alumina.

[54.]50. Primary chamber—The chamber in an HMIWI that receives waste material, in which the waste is ignited, and from which ash is removed.

[55.]51. Primary fuel—The fuel that provides the principal heat input to the device. To be considered primary, the fuel must be able to sustain operation without the addition of other fuels.

[56.]52. Primer—The first layer and any subsequent layers of identically[-] formulated coating applied to the article to provide corrosion resistance, surface etching, surface leveling, adhesion promotion, or other property depending on the end use or exposure of the final product. Primers that are defined as specialty coatings are not included under this definition.

[57.]53. Primer-surfacer—An intermediate protective coating applied over the electrodeposition primer and under the topcoat at an automobile or light-duty truck assembly coating facility. Primer-surfacer provides adhesion, protection, and appearance properties to the total finish. Primer-surfacer may also be called guide coat or surfacer.

[58.]54. Printed interior panel—A panel whose grain or natural surface is obscured by fillers and basecoats upon which a simulated grain or decorative pattern is printed.

[59.]55. Printing—Any operation that imparts color, images, or text onto a substrate using printing inks.

[60.]56. Printing ink—Any fluid or viscous composition used in printing, impressing, or transferring an image onto a substrate. Varnishes and coatings applied with offset lithographic and letterpress printing presses are inks and are part of the applicable printing process, not a separate operation such as paper coating.

[61.] *Process—Any collection of structures and/or equipment that processes, assembles, applies, or otherwise uses material inputs to produce or store an intermediate or final product. A single facility may contain more than one (1) process or production unit.*

[62.]57. Process heater—Any enclosed device using controlled flame, that is not a boiler, and the unit's primary purpose is to transfer heat indirectly to a process material (liquid, gas, or solid) or to heat transfer material for use in a process unit, instead of generating steam. Process heaters are devices in which the combustion gases do not directly come into contact with process materials. Process heaters do not include units used for comfort heat or space heat, food preparation for on-site consumption, or autoclaves.

**58. Process or production unit—For the purpose of 10 CSR 10-6.060(9), any collection of structures and/or equipment, that**

processes, assembles, applies, or otherwise uses material inputs to produce or store an intermediate or final product. A single facility may contain more than one (1) process or production unit.

[63.]59. Process unit—For the purpose of 10 CSR 10-5.550 [only], equipment assembled and connected by pipes or ducts to produce, as intermediates or final products, one (1) or more [SOCMI] chemicals [(see) included in Appendix A of Control of Volatile Organic Compound Emissions from Reactor Processes and Distillation Operations Processes in the Synthetic Organic Chemical Manufacturing Industry, EPA-450/4-91-031]]. A process unit can operate independently if supplied with sufficient feed or raw materials and sufficient product storage facilities.

[64.]60. Process weight—The total weight of all materials introduced into an emission unit, including solid fuels which may cause any emission of particulate matter, but excluding liquids and gases used solely as fuels and air introduced for purposes of combustion.

[65.]61. Process weight rate—A rate in tons per hour established as follows:

A. The rate of materials introduced to the process which may cause any emission of particulate matter;

B. For continuous or long-run steady-state emission units, the total process weight for the entire period of continuous operation or for a typical portion, divided by the number of hours of that period or portion;

C. For cyclical or batch emission units, the total process weight for a period of time which covers a complete operation or an integral number of cycles, divided by the hours of actual process operation during that period; or

D. Where the nature of any process or operation or the design of any equipment permits more than one (1) interpretation of this section, that interpretation which results in the minimum value for allowable emission shall apply.

[66.]62. Product—For the purpose of 10 CSR 10-5.550 [only], any compound or [SOCMI] chemicals [(see) included in Appendix A of Control of Volatile Organic Compound Emissions from Reactor Processes and Distillation Operations Processes in the Synthetic Organic Chemical Manufacturing Industry, EPA-450/4-91-031]] that is produced as that chemical for sales as a product, by-product, co-product, or intermediate or for use in the production of other chemicals or compounds.

[67. Production—Any collection of structures and/or equipment, that processes, assembles, applies, or otherwise uses material inputs to produce or store an intermediate or final product. A single facility may contain more than one (1) process or production unit.]

[68.]63. Production equipment exhaust system—A device for collecting and directing out of the work area fugitive emissions from reactor openings, centrifuge openings, and other vessel openings and equipment for the purpose of protecting workers from excessive exposure.

[69. Project-specific net emissions increase—The difference between permitted emissions to be emitted by the project that triggered a prevention of significant deterioration review and the baseline emission inventory for the applicable project.]

[70.]64. Protocol—A replicable and workable method to estimate the mass of emissions reductions, or the amount of [ERCs] emissions reduction credits needed for compliance.

[71.]65. Public vehicle—Any motor vehicle, other than a passenger vehicle, and any trailer, semi-/trailer, or pole trailer drawn by such a motor vehicle, which is designed, used, and maintained for the transportation of persons or property at the public expense and under public control.

[72.]66. Publication rotogravure printing—Rotogravure printing upon paper which is subsequently formed into books, magazines, catalogues, brochures, directories, newspaper supplements, and

other types of printed materials.

[73. Pushing operation—The process of removing coke from the coke oven. The coke-pushing operation begins when the coke-side oven door is removed and is completed when the hot car enters the quench tower and the coke-side oven door is replaced.]

[74.]67. Pyrolysis—The endothermic gasification of hospital waste and/or medical/infectious waste using external energy.

(R) All terms beginning with R.

[1. Reactive adhesive—An adhesive system composed, in part, of volatile monomers that react during the adhesive curing reaction, and, as a result, do not evolve from the film during use. These volatile components instead become integral parts of the adhesive through chemical reaction. At least seventy percent (70%) of the liquid components of the system, excluding water, react during the process.]

[2.]1. Reactor—A vat or vessel, which may be jacketed to permit temperature control, designed to contain chemical reactions.

[3.]2. Reactor processes—Unit operations in which one (1) or more chemicals, or reactants other than air, are combined or decomposed in such a way that their molecular structures are altered and one (1) or more new organic compounds are formed.

[4.]3. Readiness monitor—A design feature of [On-Board] Onboard Diagnostics (OBD) systems. If a readiness monitor has been set, then the OBD system has completed a diagnostic check on that component. If a readiness monitor has not been set, then the OBD system has not completed a diagnostic check on that component.

[5.]4. Reasonably[-] foreseeable emissions—Projected future direct and indirect emissions that are identified at the time the conformity determination is made; the location of such emissions is known and the emissions are quantifiable, as described and documented by the federal agency based on its own information and after reviewing any information presented to the federal agency.

[6.]5. Receive or receipt of—When referring to the director or the administrator, to come into possession of a document, information, or correspondence (whether sent in writing or by authorized electronic transmission), as indicated in an official correspondence log, or by a notation made on the document, information, or correspondence, by the director or the administrator in the regular course of business.

[7.]6. Recognized labor costs—The labor costs that a Recognized Repair Technician charges for emissions repair services rendered to a vehicle that fails its emissions inspection. Labor costs not tied to an emissions repair or solely for the purposes of setting readiness monitors may not be considered qualifying repairs.

[8.]7. Recognized Repair Technician—Any person who—

A. Is professionally engaged full-time in vehicle repair or employed by an ongoing business whose purpose is vehicle repair. A Recognized Repair Technician may only be recognized by the department at one (1) place of employment;

B. Has valid certifications from the National Institute for Automotive Service Excellence (ASE) in Electrical Systems (A6), Engine Performance (A8), and Advanced Engine Performance Specialist (L1) that have not expired; and

C. Has not been reported by the department to the attorney general for unlawful merchandising practices according to [subsection] 643.330.4., RSMo.

8. Reconstruct a major source—For the purpose of 10 CSR 10-6.060(9), replacement of components at an existing process or production unit where the replacement of components in and of itself emits or has the potential to emit ten (10) tons per year (tpy) of any hazardous air pollutant (HAP) or twenty-five (25) tpy of any combination of HAPs, whenever—

A. The fixed capital cost of the new components exceeds fifty percent (50%) of the fixed capital cost that would be required to construct a comparable process or production unit; and

**B. It is technically and economically feasible for the reconstructed major source to meet the applicable maximum achievable control technology emission limitation for new sources established under this section.**

9. Reconstruction—Where the fixed capital cost of the new components exceeds fifty percent (50%) of the fixed capital cost of a comparable entirely new source of operation or installation; the use of an alternative fuel or raw material by reason of an order in effect under sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act, or by reason of an order or rule under section 125 of the Clean Air Act, shall not be considered reconstruction. In determining whether a reconstruction will occur, the provisions of 40 CFR 60.15, December 1, 1979, shall be considered by the director.

10. Recordation, record, or recorded—With regard to NO<sub>x</sub> allowances, the movement of NO<sub>x</sub> allowances by the director or administrator from one (1) NO<sub>x</sub> allowance tracking system account to another, for purposes of allocation, transfer, or deduction.

11. Recoverable fuel—Fuels that have been permitted for use for energy recovery under 10 CSR 10-6.065.

12. Recovery device—An individual unit of equipment, such as an adsorber, carbon adsorber, or condenser, capable of and used for the purpose of recovering chemicals for use, reuse, or sale.

13. Recovery system—An individual recovery device or series of such devices applied to the same vent stream.

14. Recycled on-site—The reuse of an organic solvent in a process other than cleaning or washoff.

15. Reduction—Any heated process, including rendering, cooking, drying, dehydrating, digesting, evaporating, and protein concentrating.

16. Reference method—Any method of sampling and analyzing for an air pollutant that is published in Appendix A of 40 CFR 60.

17. Refinishing—The process of coating motor vehicles, or their parts, that is subsequent to the original coating applied at an original equipment manufacturing plant.

18. Refuse—The garbage, rubbish, trade wastes, leaves, salvageable material, agricultural wastes, or other wastes.

*[19. Regionally-significant action—A federal action for which the direct and indirect emissions of any pollutant represent ten percent (10%) or more of a nonattainment or maintenance area's emissions inventory for that pollutant.]*

*[20.]19. Regional water or wastewater projects—Include construction, operation, and maintenance of water or wastewater conveyances, water or wastewater treatment facilities, and water storage reservoirs which affect a large portion of a nonattainment or maintenance area.*

*[21.]20. Regulated air pollutant—All air pollutants or precursors for which any standard has been promulgated.*

*[22.]21. Regulated asbestos-containing material (RACM)—Friable asbestos material; category I nonfriable asbestos-containing material (ACM) that has become friable; category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading, or category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of regulated demolition or renovation operations [regulated by this rule].*

*[23. Regulated pollutant—Any regulated air pollutant except carbon monoxide and pollutants regulated exclusively under section 112(r) or Title VI of the Act.]*

*[24.]22. Reid vapor pressure (RVP)—The absolute vapor pressure of a petroleum liquid as determined by "Tests for Determining Reid Vapor Pressure (RVP) of Gasoline and Gasoline-Oxygenate Blends," 40 CFR 80, Appendix E as in effect July 1, 1990.*

*[25.]23. Reinforced plastic composite—A composite material consisting of plastic reinforced with fibers.*

*[26.]24. Related cleaning activity—The removal of coating*

residue or other unwanted materials from equipment related to coating operations as well as the cleaning of spray guns, transfer line, tanks, and the interior of spray booths.

*[27.]25. Renewable fuel—For the purpose of 10 CSR 10-6.380 [only], renewable energy resources that include but are not limited to solar (photovoltaic), wind, and biomass. Biomass includes but is not limited to: agricultural crops and crop waste, untreated wood and wood wastes, livestock waste, wastepaper, and organic municipal solid waste.*

*[28.]26. Renewal—The process by which an operating permit is reissued at the end of its term.*

*[29. Repair—The restoration of asbestos material that has been damaged. Repair consists of the application of rewettable glass cloth, canvas, cement, or other suitable material. It may also involve filling damaged areas with nonasbestos substitutes and reencapsulating or painting previously-encapsulated materials.]*

*[30.]27. Repair coating—A coating used to re-coat portions of a previously[-] coated product which has sustained mechanical damage to the coating following normal coating operations.*

*[31. Reportable pollutants—The regulated air pollutants at the process level required for emission inventory reporting as summarized in Table 1 of 10 CSR 10-6.110.*

*32. Reporting threshold—Minimum amount of reportable emissions at the emission unit level that requires reporting as summarized in Table 1 of 10 CSR 10-6.110. Emissions below this amount may be designated as insignificant on the full emissions report.]*

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

*[34.]29. Research and development activities—For the purpose of 10 CSR 10-6.060(9), [A]activities conducted at a research or laboratory facility whose primary purpose is to conduct research and development into new processes and products, where such source is operated under the close supervision of technically[-] trained personnel and is not engaged in the manufacture of products for sale or exchange for commercial profit, except in a de minimis manner.*

*[35.]30. Research and development emissions unit—Any combustion unit operated only for the purpose of research and development work.*

*[36.]31. Residence time—Period of time in which gas in a thermal oxidizer, incinerator, or afterburner is exposed to heat and oxygen at a specified temperature in order to destroy pollutants present in the gas.*

*[37.]32. Residual fuel oil—The heavier fuel oil variously known as Bunker C, PS 400, and Number 6 [as defined in ASTM D (396-487) (1959)] generally used for the production of electric power, space heating, vessel bunkering, and various industrial purposes. It has a minimum flash point of one hundred forty degrees Fahrenheit (140 °F).*

*[38.]33. Resist coat—A coating that is applied to a plastic part before metallic plating to prevent deposits of metal on portions of the plastic part.*

*[39.]34. Responsible official—Includes one (1) of the following:*

A. The president, secretary, treasurer, or vice-president of a corporation in charge of a principal business function, any other person who performs similar policy and decision-making functions for the corporation, or a duly[-] authorized representative of this person if the representative is responsible for the overall operation of one (1) or more manufacturing, production, or operating facilities applying for or subject to a permit and either—

(I) The facilities employ more than two hundred fifty (250) persons or have a gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second quarter 1980 dollars); or

(II) The delegation of authority to this representative is approved in advance by the permitting authority;

B. A general partner in a partnership or the proprietor in a sole proprietorship;

C. Either a principal executive officer or ranking elected official in a municipality or state, federal, or other public agency. For the purpose of this subparagraph, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency; or

D. The designated representative of an affected source insofar as actions, standards, requirements, or prohibitions under Title IV of the Act or the regulations promulgated under the Act are concerned and the designated representative for any other purposes under part 70.

[40.]35. Restricted information—Information that is privileged or that is otherwise protected from disclosure pursuant to applicable statutes, executive orders, or regulations. Such information includes, but is not limited to, classified national security information, protected critical infrastructure information, sensitive security information, and proprietary business information.

[41. Retail outlet—Any establishment where gasoline is sold, offered for sale, or used as a motor vehicle fuel.]

[42.]36. Rich-burn engine—A two (2)- or four (4)-stroke spark-ignited (SI) engine where the oxygen content in the exhaust stream before any dilution is one percent (1%) or less measured on a dry basis.

[43.]37. Road-mix—An asphalt course produced by mixing mineral aggregate and cutback or emulsified asphalt at the road site by means of travel plants, motor graders, drags, or special road-mixing equipment.

[44.]38. Roll printing—The application of words, designs, and pictures to a substrate, usually by means of a series of hard rubber or steel rolls each with only partial coverage.

[45. Roller spreader—The device used for the application of a coating material to a substrate by means of hard rubber or steel rolls.]

[46.]39. Rolling lubricant—Petroleum-based oil usually mixed with additives. The lubricant is used to cool the work rolls and provide lubrication for the product in contact with the work rolls.

[47.]40. Rotogravure printing—The application of words, designs, and pictures to a substrate by means of a roll-printing technique which involves an intaglio or recessed image areas in the form of cells.

[48.]41. Rubber—Any natural or manmade rubber substrate, including, but not limited to, styrene-butadiene rubber, polychloroprene (neoprene), butyl rubber, nitrile rubber, chlorosulfonated polyethylene, and ethylene propylene diene terpolymer.

(S) All terms beginning with S.

1. Safety-indicating coating—A coating which changes physical characteristics, such as color, to indicate unsafe conditions.

2. Salvage operation—Any business, trade, industry, or other activity conducted in whole or in part for the purpose of salvaging or reclaiming any product or material.

3. Sealer—A finishing material used to seal the pores of a wood substrate before additional coats of finishing material are applied. Washcoats, which are used in some finishing systems to optimize aesthetics, are not sealers.

[4. Sealing material—A liquid substance that does not contain asbestos which is used to cover a surface that has previously been coated with a friable asbestos-containing material for the intended purpose of preventing any asbestos fibers remaining on the surface from being disbursed into the air. This substance shall be distinguishable from the surface to which it is applied.]

[5.]4. Secondary chamber—A component of the HMIWI that receives combustion gases from the primary chamber and in which the combustion process is completed.

[6.]5. Secondary emissions—The emissions which occur or would occur as a result of the construction or operation of an installation or major modification but do not come from the installation or major modification itself. Secondary emissions must be specific, well[-] defined, quantifiable, and impact the same general area as the installation or modification which causes the secondary emissions. Secondary emissions may include, but are not limited to:

A. Emissions from trucks, ships, or trains coming to or from the installation or modification; and

B. Emissions from any off-site support source which would not be constructed or increase its emissions except as a result of the construction or operation of the major stationary source or major modification.

[7.]6. Section 502(b)(10) changes—Changes that contravene an express permit term. These changes do not include those that would violate applicable requirements or contravene federally[-] enforceable permit terms and conditions that are monitoring (including test methods), record keeping, reporting, or compliance certification requirements.

[8.]7. Self-priming topcoat—A topcoat that is applied directly to a vehicle or component for purposes of corrosion prevention, environmental protection, and function fluid resistance. More than one (1) layer of identical coating formulation may be applied to the vehicle or component.

[9.]8. Semi-aqueous cleaning solvent—A solution in which water is a primary ingredient (greater than sixty percent (60%) by weight of the solvent solution as applied must be water).

[10.]9. Serial number—When referring to NO<sub>x</sub> allowances, the unique identification number assigned to each NO<sub>x</sub> allowance by the administrator or director.

[11.]10. Sheet basecoat—The roll coated primary interior surface coating applied to surfaces for the basic protection of buffering filling material from the metal can surface.

[12.]11. Sheet-fed—A printing press where individual sheets of substrate are fed into the press sequentially.

[13.]12. Sheet rubber lining installation—The process of applying sheet rubber liners by hand to metal or plastic substrates to protect the underlying substrate from corrosion or abrasion. These operations also include laminating sheet rubber to fabric by hand.

[14.]13. Shock-free coating—A coating applied to electrical components to protect the user from electric shock. The coating has characteristics of being of low capacitance and high resistance and having resistance to breaking down under high voltage.

[15.]14. Shutdown—[The cessation of operation of any air pollution control equipment or process equipment, excepting the routine phasing out of process equipment.] **Defined as follows:**

A. For the purpose of 10 CSR 10-6.200 [only], [shutdown is] the period of time after all waste has been combusted in the primary chamber. For continuous HMIWI, shutdown shall commence no less than two (2) hours after the last charge to the incinerator. For intermittent HMIWI, shutdown shall commence no less than four (4) hours after the last charge to the incinerator. For batch HMIWI, shutdown shall commence no less than five (5) hours after the high-air phase of combustion has been completed[.]; and

B. For the purpose of 10 CSR 10-6.410 [only], [shutdown is] rendering an installation or unit inoperable by physically removing, dismantling, or otherwise disabling the installation or unit so that it could not be reactivated without obtaining a new permit in accordance with 10 CSR 10-6.060[.]; and

C. For all other purposes, the cessation of operation of any air pollution control equipment or process equipment, except the routine phasing out of process equipment.

[16.]15. Shutdown, permanent—[See] Same as permanent shutdown.

[17.]16. Side-seam coating—A coating applied on the interior and/or exterior of a welded, cemented, or soldered seam to protect the exposed metal.

**[18.]17.** Significant—A net emissions increase or potential to emit at a rate equal to or exceeding the *de minimis* levels or create an ambient air concentration at a level greater than those listed in 10 CSR 10-6.060(11)(D) [Table 4], or any emissions rate or any net emissions increase associated with an installation subject to 10 CSR 10-6.060 which would be constructed within ten kilometers (10 km) of a Class I area and have an air quality impact on the area equal to or greater than one microgram per cubic meter (1  $\mu\text{g}/\text{m}^3$ ) (twenty-four (24)-hour average). For purposes of new source review under 10 CSR 10-6.060 sections (7) and (8), net emission increases of hazardous air pollutants exceeding the *de minimis* levels are considered significant only if they are also criteria pollutants.

**[19.]18.** Silicone release coating—A coating which contains silicone resin and is intended to prevent food from sticking to metal surfaces, such as baking pans.

**[20.]19.** Similar source—A stationary source or process that has comparable emissions and is structurally similar in design and capacity to a constructed or reconstructed major source such that the source could be controlled using the same control technology.

**[21.]20.** Single-ply roof membrane—A prefabricated single sheet of rubber, normally ethylene-propylenediene terpolymer, that is field applied to a building roof using one (1) layer of membrane material. For the purpose[s] of [rule] 10 CSR 10-5.330, single-ply roof membrane does not include membranes prefabricated from [EPDM] ethylene propylene diene monomer.

**[22.]21.** Single-ply roof membrane adhesive primer—A primer labeled for use to clean and promote adhesion of the single-ply roof membrane seams or splices prior to bonding.

**[23.]22.** Single-ply roof membrane installation and repair adhesive—An adhesive labeled for use in the installation or repair of single-ply roof membrane. Installation includes, as a minimum, attaching the edge of the membrane to the edge of the roof and applying flashings to vents, pipes, or ducts that protrude through the membrane. Repair includes gluing the edges of torn membrane together, attaching a patch over a hole, and reapplying flashings to vents, pipes, or ducts installed through the membrane.

**[24.]23.** Six (6)-minute period—A three-hundred-sixty (360)-consecutive-second time interval. Six (6)-minute block averages shall be utilized for [COMS] continuous opacity monitoring system data per the provisions of Appendix B to 40 CFR 60, Performance Specification 1, promulgated as of July 1, 2007, and hereby incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N Capitol Street NW, Washington, DC 20401. This [definition] rule does not incorporate any subsequent amendments or additions.

**[25.]24.** Sludge—Any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility, exclusive of the treated effluent from a wastewater treatment plant.

**[26.]25.** Small HMIWI—An HMIWI whose maximum design waste burning capacity is less than or equal to two hundred (200) pounds per hour, or a continuous or intermittent HMIWI whose maximum charge rate is less than or equal to two hundred (200) pounds per hour, or a batch HMIWI whose maximum charge rate is less than or equal to one thousand six hundred (1,600) pounds per day. The following are not small HMIWI: a continuous or intermittent HMIWI whose maximum charge rate is more than two hundred (200) pounds per hour; a batch HMIWI whose maximum charge rate is more than one thousand six hundred (1,600) pounds per day.

**[27.]26.** Small source—For the purpose of 10 CSR 10-6.110 [only], an installation subject to 10 CSR 10-6.110 but not a point source as defined in 10 CSR 10-6.020 for the purpose of 10 CSR 10-6.110.

**[28.]27.** Smoke—Small gas-borne particles resulting from combustion, consisting of carbon, ash, and other material.

**[29.]28.** Smoke generating device—A specialized piece of equipment which is not an integral part of a commercial, industrial,

or manufacturing process and whose sole purpose is the creation and dispersion of fine solid or liquid particles in a gaseous medium.

**[30.]29.** Soils—Includes, but is not limited to, unwanted grease, wax, grit, ash, dirt, and oil.

**[31.]30.** Solar absorbent coating—A coating which has as its prime purpose the absorption of solar radiation.

**[32.]31.** Solid film lubricant—A very thin coating consisting of a binder system containing as its chief pigment material one (1) or more of the following:

- A. Molybdenum;
- B. Graphite;
- C. Polytetrafluoroethylene (PTFE); and
- D. Other solids that act as a dry lubricant between closely[-] or tightly[-] fitting surfaces.

**[33.]32.** Solid fuel—A solid material used as a fuel that includes, but is not limited to, coal, wood, biomass, tires, plastics, and other nonfossil solid materials.

**[34.]33.** Solid waste—Any garbage, refuse, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permits under 33 U.S.C. 1342, or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. [2011 et seq.] 2014).

**[35.]34.** Solids—[See] Same as coating solids.

**[36.]35.** Solids turnover ratio (RT)—The ratio of total volume of coating solids that is added to the electrodeposition primer system in a calendar month divided by the total volume design capacity of the electrodeposition primer system.

**[37.]36.** Solvent—Organic materials which are liquid at standard conditions and which are used as solvers, viscosity reducers, or cleaning agents.

**[38.]37.** Solvent metal cleaning—The process of cleaning soils from metal surfaces by cold cleaning or open-top vapor degreasing or conveyORIZED degreasing.

**[39.]38.** Source—Any governmental, institutional, commercial, or industrial structure, installation, plant, building, or facility that emits or has the potential to emit any regulated air pollutant under the Clean Air Act (CAA). For purposes of section 502(c) of the CAA, a ["/]source,["/"] including a ["/]source,["/"] with multiple units, shall be considered a single ["/]facility,["/"]

**[40.]39.** Source gas volume—The volume of gas arising from a process or other source operation.

**[41.]40.** Source operation—[See] Use definition of emissions unit.

**[42.]41.** Specially[-] constructed vehicle—A motor vehicle that has not been originally constructed under a distinctive name, make, model, or type by a manufacturer of motor vehicles, that has been issued a specially[-] constructed vehicle identification number (VIN) number from the [MDOR] Missouri Department of Revenue, and that has had the specially[-] constructed VIN installed by the [MSHP] Missouri State Highway Patrol. The term specially[-] constructed vehicle includes kit vehicles that are motor vehicles assembled by a person other than a generally[-] recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from an authorized manufacturer and accompanied by a manufacturer's statement of origin.

**[43.]42.** Specialty coating—A coating that, even though it meets the definition of a primer, topcoat, or self-priming topcoat, has additional performance criteria beyond those of primers, topcoats, and self-priming topcoats for specific applications. These performance criteria may include, but are not limited to, temperature or fire resistance, substrate compatibility, anti-reflection, temporary protection, or marking, sealing, adhesively[-] joining substrates, or



enhanced corrosion protection.

[44.]43. Spray gun cleaner—Equipment used to clean spray guns used to apply, but not limited to, primers, paints, specialty coatings, adhesives, sealers, resins, or deadeners incorporated into a product distributed in commerce.

[45.]44. Spray gun soils—Include, but are not limited to, unwanted grease, wax, grit, ash, dirt, oil, unwanted primers, paint, specialty coatings, adhesives, sealers, resins, and deadeners.

[46.]45. Springfield-Greene County area—The geographical area contained within Greene County.

[47.]46. St. Louis metropolitan area—The geographical area comprised of St. Louis, St. Charles, Jefferson, and Franklin Counties and the City of St. Louis.

[48.]47. Stack—Any spatial point in an installation designed to emit air contaminants into ambient air. An accidental opening such as a crack, fissure, or hole is a source of fugitive emissions, not a stack.

[49.]48. Staff director—Director of the Air Pollution Control Program of the Department of Natural Resources.

[50.]49. Stage I vapor recovery system—A system used to capture the gasoline vapors that would otherwise be emitted when gasoline is transferred from a loading installation to a cargo tank or from a cargo tank to a storage tank.

[51.]50. Stage II vapor recovery system—A system used to capture the gasoline vapors that would otherwise be emitted when gasoline is dispensed from a storage tank to the fuel tank of a motor vehicle. [For MOPETP,] Stage II vapor recovery includes both Stage I and Stage II Vapor Recovery equipment and requirements, unless otherwise stated.

[52.]51. Stain—Any color coat having a solids content by weight of no more than eight percent (8%) that is applied in single or multiple coats directly to the substrate. Includes, but is not limited to, nongrain raising stains, equalizer stains, sap stains, body stains, no-wipe stains, penetrating stains, and toners.

[53.]52. Standard conditions—A gas temperature of seventy degrees Fahrenheit (70 °F) and a gas pressure of 14.7 pounds per square inch absolute (psia).

[54.]53. Standard metropolitan statistical area [or] (SMSA)—Any areas listed in Office of Management and Budget Bulletin No. 93-17 entitled "Revised Statistical Definitions for Metropolitan Areas" dated June 30, 1993, and hereby incorporated by reference in this rule, as published by the National Technical Information Services, 5285 Port Royal Road, Springfield, VA 22161. This rule does not incorporate any subsequent amendments or additions.

[55.]54. Start-up—[The setting into operation of any air pollution control equipment or process equipment, except the routine phasing in of process equipment.] Defined as follows:

A. For the purpose of 10 CSR 10-6.200 [only], [start-up is] the period of time between the activation of the system and the first charge to the unit. For batch HMIWI, start-up means the period of time between activation of the system and ignition of the waste[.]; and

B. For all other purposes, the setting into operation of any air pollution control equipment or process equipment, except the routine phasing in of process equipment.

[56.]55. Start-up unit—A unit operated only to start-up larger electric generating units.

[57.]56. State—[Any nonfederal permitting authority, including any local agency, interstate association, or statewide program. When clear from its context, state shall have its conventional territorial definition.] Defined as follows:

A. For the purpose of 10 CSR 10-6.360 [only], [state is] one (1) of the forty-eight (48) contiguous states and the District of Columbia specified in 40 CFR 51.121, or any non-/federal authority in or including such states or the District of Columbia (including local agencies and statewide agencies) or any eligible Indian tribe in an area of such state or the District of Columbia that adopts a NO<sub>x</sub>

budget trading program pursuant to 40 CFR 51.121. To the extent a state incorporates by reference the provisions of [this part] 40 CFR 51.121, the term ["/], state["/], shall mean the incorporating state. The term ["/], state["/], shall have its conventional meaning where such meaning is clear from the context[.]; and

B. For all other purposes, any nonfederal permitting authority, including any local agency, interstate association, or statewide program. When clear from its context, state shall have its conventional territorial definition.

[58.]57. State implementation plan (SIP)—A series of plans adopted by the commission, submitted by the director, and approved by the administrator detailing methods and procedures to be used in attaining and maintaining the ambient air quality standards in Missouri.

[59.]58. State trading program NO<sub>x</sub> budget—The total number of tons apportioned to all NO<sub>x</sub> budget units in a given state, in accordance with the NO<sub>x</sub> budget trading program, for use in a given control period.

[60.]59. Stationary internal combustion engine—Internal combustion engine of the reciprocating type that is either attached to a foundation at a facility or is designed to be capable of being carried or moved from one (1) location to another and remains at a single site at a building, structure, facility, or installation for more than twelve (12) consecutive months. Any engine(s) that replace(s) an engine at a site that is intended to perform the same or similar function as the engine replaced is included in calculating the consecutive time period. Nonroad engines and engines used solely for competition are not stationary internal combustion engines.

[61.]60. Stationary source—Any building, structure, facility, or installation which emits or may emit any air pollutant subject to regulation under the [CAA] Clean Air Act. Building, structure, facility, or installation includes all pollutant emitting activities that are located on one (1) or more contiguous or adjacent properties and are under common control of the same person(s).

[62.]61. Stencil coating—An ink or a pigmented coating which is applied over a stencil in order to add identifying letters, symbols, and/or numbers.

[63.] Stoichiometric air/fuel ratio—The air/fuel ratio where all fuel and all oxygen in the air/fuel mixture will be consumed.]

[64.]62. Stoker boiler—A boiler design that employs a grate assembly to combust coal.

[65.]63. Storage container—Vessel or tank, including mix equipment, used to hold finishing, cleaning, or washoff materials.

[66.]64. Storage tank—Any tank, reservoir, or vessel which is a container for liquids or gases, where no manufacturing process or part of it takes place.

[67.]65. Strippable booth coating—A coating that—  
A. Is applied to a booth wall to provide a protective film to receive overspray during finishing operations;  
B. Is subsequently peeled off and disposed; and  
C. By achieving A. and B. above, reduces or eliminates the need to use organic solvents to clean booth walls.

[68.]66. Structural glazing—A process that includes the application of adhesive to bond glass, ceramic, metal, stone, or composite panels to exterior building frames.

[69.] Subfloor installation—The installation of subflooring material over floor joists, including the construction of any load-bearing joists. Subflooring is covered by a finish surface material.]

[70.]67. Submerged fill pipe—Any fill pipe the discharge opening of which is entirely submerged when the liquid level is six inches (6") above the bottom of the tank. Submerged fill pipe when applied to a tank which is loaded from the side is defined as any fill pipe, the discharge opening of which is entirely submerged when the liquid level is eighteen inches (18") or twice the diameter of the fill pipe, whichever is greater, above the bottom of the tank.

[71.]68. Submerged filling—The filling of a gasoline storage

tank through a submerged fill pipe with a discharge no more than six inches (6") (no more than twelve inches (12") for submerged fill pipes installed on or before November 9, 2006) from the bottom of the tank. Bottom filling of gasoline storage tanks is included in this definition.

[72.]69. Submit or serve—To send or transmit a document, information, or correspondence to the person specified in accordance with the applicable regulation—

A. In person;

B. By United States Postal Service; or

C. By other means of dispatch or transmission and delivery. Compliance with any ["/]submission,[" /]service,[" /] or ["/]mailing[" /] deadline shall be determined by the date of dispatch, transmission, or mailing and not the date of receipt.

[73.]70. Substrate—The surface onto which coatings are applied (or into which coatings are impregnated).

[74.]71. Sufficient density—Any number, spacing, and combination of collection system components, including vertical wells, horizontal collectors, and surface collectors, necessary to maintain emission and migration control as determined by measures of performance as set forth.

[75.]72. Sufficient extraction rate—A rate sufficient to maintain a negative pressure at all wellheads in the collection system without causing air infiltration, including any wellheads connected to the system as a result of expansion or excess surface emissions, for the life of the blower.

[76. *Surface coating line—Same as a surface coating unit.*]

[77.]73. Surface coating operation—Same as industrial surface coating operation.

[78.]74. Surface coating unit—One (1) or more coating applicators and any associated drying area and/or oven wherein a coating is applied, dried, and/or cured. A coating unit ends at the point where the coating is dried or cured, or prior to any subsequent application of a different coating. It is not necessary for a coating unit to have an oven or flash-off area.

[79.]75. Synthesized pharmaceutical manufacturing—Manufacture of pharmaceutical products by chemical synthesis.

[80. *System—For vapor recovery, a combination of MOPETP-approved (Stage I and Stage II) equipment and components demonstrated to achieve the required efficiencies.*]

(T) All terms beginning with T.

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

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

[3.]2. Temporary boiler—Any gaseous or liquid fuel boiler that is designed to be, and is capable of being, carried or moved from one (1) location to another. A temporary boiler that remains at a location for more than one hundred eighty (180) days during any three hundred sixty-five (365)-day period is no longer considered to be a temporary boiler. Any temporary boiler that replaces a temporary boiler at a location and is intended to perform the same or similar function will be included in calculating the consecutive time period.

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

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

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

0.25 millimeters.

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

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

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

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

[11.]10. Title V operating permit—A permit issued under Title V of the Clean Air Act and 40 CFR 70 or 40 CFR 71.

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

[13.]12. Ton or tonnage—Any short ton (i.e., two thousand pounds (2,000 lbs)). For the purpose of determining compliance with the NO<sub>x</sub> budget emissions limitation, total tons for a control period shall be calculated as the sum of all recorded hourly emissions (or the tonnage equivalent of the recorded hourly emissions rates) in accordance with applicable requirements, with any remaining fraction of a ton equal to or greater than one-half (0.50) ton deemed to equal one (1) ton and any fraction of a ton less than one-half (0.50) ton deemed to equal zero (0) tons.

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

A. For the purposes of 10 CSR 10-2.205 and 10 CSR 10-5.295, a coating that is applied over a primer on an aerospace vehicle or component for appearance, identification, camouflage, or protection. Topcoats that are defined as specialty coatings are not included under this definition; and

B. For all other purposes, the last film building finishing material applied for the purpose of establishing the color or protective surface, or both, including groundcoat and paint sealer materials, base coat, and clear coat. Nonpermanent final finishes are not topcoats.

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

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

[17.]16. Total organic compounds (TOC)—Those compounds measured according to the procedures of EPA Method 18 of 40 CFR 60, Appendix A. For the purposes of measuring molar compositions as required in subparagraph (3)(B)3.D. of 10 CSR 10-5.550, hourly emissions rate as required in subparagraph (3)(B)5.D. of 10 CSR 10-5.550 and paragraph (3)(B)2. of 10 CSR 10-5.550, and TOC concentration as required in paragraph (4)(A)4. of 10 CSR 10-5.550; the

definition of TOC excludes those compounds the administrator designates as having negligible photochemical reactivity. The administrator has designated the following organic compounds negligibly reactive: methane; ethane; 1,1,1-trichloroethane; methylene chloride; trichlorofluoromethane; dichlorodifluoromethane; chlorodifluoromethane; trifluoromethane; trichlorotrifluoroethane; dichlorotetrafluoroethane; and chloropentafluoroethane.

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

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

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

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

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

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

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

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

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

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

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

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

(V) All terms beginning with V.

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

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

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

4. Vapor tight—When applied to a delivery vessel or vapor

recovery system as one that sustains a pressure change of no more than seven hundred fifty (750) pascals (three inches (3") of H<sub>2</sub>O) in five (5) minutes when pressurized to a gauge pressure of four thousand five hundred (4,500) pascals (eighteen inches (18") of H<sub>2</sub>O) or evacuated to a gauge pressure of one thousand five hundred (1,500) pascals (six inches (6") of H<sub>2</sub>O).

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

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

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

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

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

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

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

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

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

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

CAS #	Compound
138495428	1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee)
431890	1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea)
375031	1,1,1,2,2,3,3-heptafluoro/-3-methoxy-/propane (n-C <sub>3</sub> F <sub>7</sub> OCH <sub>3</sub> or HFE-7000)
690391	1,1,1,3,3,3-hexafluoropropane (HFC-236fa)
679867	1,1,2,2,3-pentafluoropropane (HFC-245ca)
24270664	1,1,2,3,3-pentafluoropropane (HFC-245ea)
431312	1,1,1,2,3-pentafluoropropane (HFC-245eb)
460731	1,1,1,3,3-pentafluoropropane (HFC-245fa)
431630	1,1,1,2,3,3-hexafluoropropane (HFC-236ea)

406586	1,1,1,3,3-pentafluorobutane (HFC-365mfc)	<i>[O]</i> 132182924	1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-tri-fluoromethylpentane ( $(C_2F_5CF(OCH_3)CF(CF_3)_2$ or HFE-7300)
422560	3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca)		propylene carbonate $[(C_3H_6O_3)]$
507551	1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb)	108327 616386	dimethyl carbonate $[(C_3H_6O_3)]$
354234	1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a)	29118249	<i>trans</i> -1,3,3,3-tetrafluoropropene (HFO-1234ze)
1615754	1-chloro-1-fluoroethane (HCFC-151a)	1691174	1,1,3,3-tetrafluorodimethyl ether (HCF <sub>2</sub> OCF <sub>2</sub> H or HFE-134)
163702076	1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C <sub>4</sub> F <sub>9</sub> OCH <sub>3</sub> or HFE-7100)	78522471	bis (difluoromethoxy)(difluoro) methane (HCF <sub>2</sub> OCF <sub>2</sub> OCF <sub>2</sub> H or HFE-236cal2)
163702087	2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF <sub>3</sub> ) <sub>2</sub> CFCF <sub>2</sub> OCH <sub>3</sub> )	188690780	1,2-bis (difluoromethoxy)-1,1,2,2-tetrafluoroethane (HCF <sub>2</sub> OCF <sub>2</sub> CF <sub>2</sub> OCF <sub>2</sub> H or HFE-338pcc13)
163702054	1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C <sub>4</sub> F <sub>9</sub> OC <sub>2</sub> H <sub>5</sub> or HFE-7200)	188690779	1-(difluoromethoxy)-2-[(difluoromethoxy)(difluoro)methoxy]-1,1,1,2,2-tetrafluoroethane (HCF <sub>2</sub> OCF <sub>2</sub> OCF <sub>2</sub> CF <sub>2</sub> OCF <sub>2</sub> H or H-Galden 1040x or H-Galden ZT 130 (or 150 or 180))
163702065	2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF <sub>3</sub> ) <sub>2</sub> CFCF <sub>2</sub> OC <sub>2</sub> H <sub>5</sub> )		
297730939	3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl)hexane (HFE-7500)	Perfluorocarbon compounds	in the following classes:
71556	1,1,1-trichloroethane (methyl chloroform)	0	Cyclic, branched or linear, completely fluorinated alkanes
67641	acetone	0	Cyclic, branched or linear, completely fluorinated ethers with no unsaturations
75683	1-chloro 1,1-difluoroethane (HCFC-142b)	0	Cyclic, branched or linear, completely methylated siloxanes
75456	chlorodifluoromethane (HCFC-22)	0	Cyclic, branched or linear, completely fluorinated tertiary amines with no unsaturations
593704	chlorofluoromethane (HCFC-31)	0	Sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine
76153	chloropentafluoroethane (CFC-115)	0	
2837890	2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124)	0	
75718	dichlorodifluoromethane (CFC-12)		
1717006	1,1-dichloro 1-fluoroethane (HCFC-141b)		
76142	1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114)	VOC may be measured by a reference method, an equivalent method, an alternative method, or by procedures specified in either 10 CSR 10-6.030 or 40 CFR 60. These methods and procedures may measure nonreactive compounds, so an owner or operator must exclude these nonreactive compounds when determining compliance.	
75376	1,1-difluoroethane (HFC-152a)		B. The following compound(s) are considered VOC for purposes of all record keeping, emissions reporting, photochemical dispersion modeling, and inventory requirements which apply to VOC and shall be uniquely identified in emission reports, but are not VOC for purposes of VOC emissions limitations or VOC content requirements.
75105	difluoromethane (HFC-32)		
74840	ethane		
353366	ethylfluoride (HFC-161)		
74828	methane		
79209	methyl acetate		
75092	methylene chloride (dichloromethane)		
98566	parachlorobenzotrifluoride (PCBTF)		
354336	pentafluoroethane (HFC-125)		
127184	perchloroethylene (tetrachloroethylene)	CAS # 540885	Compound t-butyl acetate
359353	1,1,2,2-tetrafluoroethane (HFC-134)		
811972	1,1,1,2-tetrafluoroethane (HFC-134a)		
75694	trichlorofluoromethane (CFC-11)		
26523648	1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113)		
306832	1,1,1-trifluoro 2,2-dichloroethane (HCFC-123)		
420462	1,1,1-trifluoroethane (HFC-143a)		
75467	trifluoromethane (HFC-23)		
107313	methyl formate (HCOOCH <sub>3</sub> ),		

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

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

each VOC used in a year, and the individual component vapor pressure, per the equation in paragraph (1)(E)1. of 10 CSR 10-5.540.

(W) All terms beginning with W.

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

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

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

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

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

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

6. Waxy, heavy pour crude oil—A crude oil with a pour point of fifty degrees Fahrenheit (50 °F) or higher as determined by the ASTM [Standard] D [(97-66)] 97-12[, Test for Pour Point of Petroleum Oils].

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

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

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

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

[11.]9. Wood furniture—Any product made of wood, a wood product such as rattan or wicker, or an engineered wood product such as particleboard that is manufactured under any of the following standard industrial classification codes: 2434, 2511, 2512, 2517, 2519, 2521, 2531, 2541, 2599, or 5712.

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

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

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

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

*AUTHORITY:* section 643.050, RSMo Supp. 2012, and section 643.055, RSMo 2000. Original rule filed Aug. 16, 1977, effective

Feb. 11, 1978. For intervening history, please consult the Code of State Regulations. Amended: Filed July 12, 2013.

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

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

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:* A public hearing on this proposed amendment will begin at 9:00 a.m., September 26, 2013. The public hearing will be held at the Holiday Inn CoCo Key, 9103 East 39th Street, Kansas City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., October 3, 2013. Written comments shall be sent to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to [apcprule-spn@dnr.mo.gov](mailto:apcprule-spn@dnr.mo.gov).

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

**PROPOSED RULE**

**10 CSR 10-6.161 Commercial and Industrial Solid Waste Incinerators.** If the commission adopts this rule action, it will be the department's intention to submit this new rule to the U.S. Environmental Protection Agency for inclusion in the Missouri State Plan for Designated Facilities and Pollutants pursuant to section 111(d) of the Clean Air Act for commercial and industrial solid waste incinerators. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, [www.dnr.mo.gov/reg/index.html](http://www.dnr.mo.gov/reg/index.html).

*PURPOSE:* This rule incorporates by reference the federal regulatory requirements for existing commercial and industrial solid waste incineration units in Missouri. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is *Federal Register Notice 78 FR 9112, dated February 7, 2013.*

(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.

(A) The provisions of 40 CFR 60.2875, promulgated as of February 7, 2013, 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 60.2575 through 60.2735, 40 CFR 60.2805 through 60.2870, and 40 CFR 60, Subpart DDDD Tables 1 through 9, promulgated February 7, 2013, 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 60.2575 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 60.2685 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;

(G) Continuous Compliance Requirements—40 CFR 60.2710 through 60.2725;

(H) Monitoring—40 CFR 60.2730 through 60.2735 and 40 CFR 60.2865;

(I) Title V Operating Permits—40 CFR 60.2805; and

(J) 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 the effective date of this rule; 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.

(K) General reference notes:

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 February 17, 2013, 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 July 12, 2013.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate because currently there are no public entity commercial and industrial solid waste incinerators in the state. Should an existing combustion source currently not burning solid waste elect to do so in the future and become a commercial and industrial solid waste incinerator, the cost of compliance with federal standards is accounted for in the federal rulemaking.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate because the rulemaking adopts federal rules without variance and costs to comply have already been accounted for in the federal rulemaking. Should an existing combustion source currently not burning solid waste elect to do so in the future and become a commercial and industrial solid waste incinerator, the cost of compliance with the federal standards is accounted for in the federal rulemaking.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rule will begin at 9:00 a.m., September 26, 2013. The public hearing will be held at the Holiday Inn CoCo Key, 9103 East 39th Street, Kansas City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., October 3, 2013. Written comments shall be sent to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to apcprulespn@dnr.mo.gov.*

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 40—Land Reclamation Commission**  
**Chapter 6—Permitting Requirements for Surface and**  
**Underground Coal Mining and Reclamation Operations**  
**and Coal Exploration**

**PROPOSED AMENDMENT**

**10 CSR 40-6.030 Surface Mining Permit Applications—Minimum Requirements for Legal, Financial, Compliance, and Related Information.** The commission is amending sections (1) and (2).

*PURPOSE: This amendment adds the term “member” in section (1) and “operator” in section (2) and changes other wording to better match federal regulations*

(1) Identification of Interests.

(B) Each application shall contain a statement of whether the applicant is a corporation, partnership, single proprietorship, association, or other business entity. For businesses other than single proprietorships, the application shall contain the following information, where applicable:

1. Names and addresses of every officer[,/]; partner[,/]; director[,/]; member, or other person performing a function similar to a director of the applicant; **person who owns, of record, ten percent (10%) or more of the applicant or operator;**

2. Name and address of any person who is a principal shareholder of the applicant; and

3. Names under which the applicant, partner, or principal shareholder, **and the operator's partners or principal shareholders operate or** previously operated a surface coal mining operation in the United States within the five (5) years preceding the date of application.

(2) Compliance Information. Each application shall contain—

(A) A statement of whether the applicant, **operator,** any subsidiary, affiliate, *[for persons controlled by or under common control with the applicant]* or **entity which the applicant or the applicant's operator owns or controls or which is under common control with the applicant or the applicant's operator,** has—

1. Had a federal or state **surface coal** mining permit suspended or revoked in the last five (5) years **preceding the date of submission of the application;** or

2. Forfeited a mining bond or similar security deposited in lieu of bond;

*AUTHORITY: section 444.530, RSMo 2000. Original rule filed Oct. 12, 1979, effective Feb. 11, 1980. For intervening history, please consult the Code of State Regulations. Amended: Filed July 15, 2013.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Staff Director, Land Reclamation Program, PO Box 176, Jefferson City, MO 65102-0176. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 40—Land Reclamation Commission  
Chapter 6—Permitting Requirements for Surface and  
Underground Coal Mining and Reclamation Operations  
and Coal Exploration**

**PROPOSED AMENDMENT**

**10 CSR 40-6.070 Review, Public Participation and Approval of Permit Applications and Permit Terms and Conditions.** The commission is amending sections (7), (8), and (11).

*PURPOSE: This amendment adds the term "operator" to sections (7) and in (8) and adds language regarding lands eligible for remaining to section (11).*

(7) Review of Permit Applications.

(C) Based on available information concerning federal and state failure-to-abate cessation orders, unabated federal and state imminent harm cessation orders, delinquent civil penalties, bond forfeitures where violations upon which the forfeitures were based have not been corrected, delinquent abandoned mine reclamation fees and unabated violations of federal and state laws and regulations pertaining to air or water environmental protection incurred in connection with any surface coal mining operation, the director shall not issue

the permit if **the applicant, operator,** or any surface coal mining and reclamation operation owned or controlled by either the applicant, **operator** or by any person who owns or controls the applicant **or operator** is currently in violation of any federal or state surface coal mining law or any other law or regulation referred to in subsection (7)(C). In the absence of a failure-to-abate cessation order, the regulatory authority may presume that a notice of violation issued pursuant to 10 CSR 40-8.030(7) or under a federal or state program has been or is being corrected to the satisfaction of the agency with jurisdiction over the violation, except where evidence to the contrary is set forth in the permit application or where the notice of violation is issued for nonpayment of abandoned mine reclamation fees or civil penalties. If a current violation exists, the regulatory authority shall require the applicant, **operator,** or person who owns or controls the applicant **or operator,** before the issuance of the permit, to either—

1. Submit proof which is satisfactory to the regulatory authority, department, or agency which has jurisdiction over the violation that the violation—

A. Has been corrected; or

B. Is in process of being corrected; or

2. Establish for the regulatory authority that the applicant, **operator** or any person owned or controlled by either the applicant, **operator** or any person who owns or controls the applicant, has filed and is presently pursuing, in good faith, a direct administrative or judicial appeal to contest the validity of the current violation. If the initial judicial review authority affirms the violation, then the applicant, within thirty (30) days of the judicial action, shall submit the proof required under paragraph (7)(C)1. of this rule.

(8) Criteria for Permit Approval or Denial. No permit or revision application shall be approved, unless the application affirmatively demonstrates, and the director finds, in writing, on the basis of information set forth in the application or from information otherwise available, which is documented in the approval and made available to the applicant, that—

(M) For a proposed remining operation where the applicant intends to reclaim in accordance with the requirements of 10 CSR 40-4.080, the site of the operation is a previously mined area as defined in 10 CSR 40-8.010(1)(A)72. **The applications must contain:**

1. **Lands eligible for remining;**

2. **An identification of the potential environmental and safety problems related to prior mining activity which could reasonably be anticipated to occur at the site. This identification shall be based on a due diligence investigation which shall include visual observations at the site, a record review of past mining at the site, and environmental sampling tailored to current site conditions; and**

3. **Mitigation plans to sufficiently address these potential environmental and safety problems so that reclamation as required by the applicable requirements of the regulatory program can be accomplished.**

(N) **The applicant is eligible to receive a permit, based on the reviews under 10 CSR 40-6.030 (2); 10 CSR 40-6.070(7), (8), (10) and (11); and 10 CSR 40-6.090(4) and (8).**

(11) Improvidently-Issued Permit.

(A) General Procedures.

1. Permit review. Where the director has reason to believe a surface coal mining and reclamation permit was improvidently issued, s/he shall review the circumstances under which the permit was issued, using the criteria in paragraph (11)(A)2. of this rule. Where the regulatory authority finds that the permit was improvidently issued, it shall comply with paragraph (11)(A)3. of this rule.

2. Review criteria. The director shall find that a surface coal mining and reclamation permit was issued improvidently if—

A. Under the violations review criteria of the regulatory program at the time the permit was issued—

(I) The regulatory authority should not have issued the permit because of an unabated violation or a delinquent penalty or fee; or

(II) The permit was issued on the presumption that a notice of violation was in the process of being corrected to the satisfaction of the agency with jurisdiction over the violation, but a cessation order subsequently was issued;

B. The violation, penalty or fee—

(I) Remains unabated or delinquent; and

(II) Is not the subject of a good faith appeal, or of an abatement plan or payment schedule with which the permittee or other person responsible is complying to the satisfaction of the responsible agency; and

C. Where the permittee was linked to the violation, penalty or fee through ownership or control, under the violations review criteria of the regulatory program at the time the permit was issued an ownership or control link between the permittee and the person responsible for the violation, penalty or fee still exists, or where the link was severed the permittee continues to be responsible for the violation, penalty, or fee.

3. Remedial measures. If the director, under paragraph (11)(A)2. of this rule, finds that because of an unabated violation or a delinquent penalty or fee a permit was issued improvidently, s/he shall use one (1) or more of the following remedial measures:

A. Implement, with the cooperation of the permittee or other person responsible and of the responsible agency, a plan for abatement of the violation or a schedule for payment of the penalty or fee;

B. Impose on the permit a condition requiring that in a reasonable period of time the permittee or other person responsible abate the violation or pay the penalty or fee;

C. Suspend the permit until the violation is abated or the penalty or fee is paid; or

D. Rescind the permit under subsection (11)(B) of this rule.

4. The regulatory authority will consider a provisionally issued permit to be improvidently issued, and must immediately initiate procedures under 10 CSR 40-6.070(11) to suspend or rescind that permit, if—

A. Violations are not abated within the specified abatement period;

B. The applicant, the applicant's operator, or operations that the applicant or the applicant's operator own or control do not comply with the terms of an abatement plan or payment schedule;

C. In the absence of a request for judicial review, the disposition of a challenge and any subsequent administrative review of this section affirms the validity of the violation or the ownership or control listing or finding; or

D. The initial judicial review decision of this section affirms the validity of the violation or the ownership or control listing or finding.

(B) Suspension and Rescission Procedures.

1. A regulatory authority which, under subparagraph (11)(A)3.D. of this rule, elects to suspend or rescind an improvidently-issued permit shall serve on the permittee and post at its nearest office to the permit area a notice of proposed suspension and rescission which includes the reasons for the finding of the regulatory authority under paragraph (11)(A)2. of this rule and states that—

A. [After a specified period of time, not to exceed ninety (90) days, the permit automatically will become suspended and not to exceed ninety (90) days after being rescinded, unless within those periods the permittee submits proof and the regulatory authority finds that—] If the regulatory authority proposes to suspend the applicant's permit, the regulatory authority will provide sixty (60) day notice and the permit will automatically become suspended. If the regulatory authority proposes to rescind the applicant's permit, the regulatory authority will provide one hundred twenty (120) day notice

and the applicant's permit will be automatically rescinded. These periods will be followed unless the permittee submits proof and the regulatory authority finds that—

(I) The finding of the regulatory authority under paragraph (11)(A)2. of this rule was erroneous;

(II) The permittee or other person responsible has abated the violation on which the finding was based, or paid the penalty or fee, to the satisfaction of the responsible agency;

(III) The violation, penalty, or fee is the subject of a good faith appeal, or of an abatement plan or payment schedule with which the permittee or other person responsible is complying to the satisfaction of the responsible agency; or

(IV) Since the finding was made, the permittee has severed any ownership or control link with the person responsible for, and does not continue to be responsible for, the violation, penalty or fee; and

B. [After] When the permit [suspension or rescission,] is suspended or rescinded, written notification shall be provided to the permittee [shall] requiring the permittee to cease all surface coal mining and reclamation operations under the permit and shall be posted at the nearest office to the permit area, except for violation abatement and for reclamation and other environmental protection measures as required by the regulatory authority.

2. Right to appeal. If the permit is suspended or rescinded, [T]he permittee may file an appeal for administrative review of the notice under Administrative Procedures and Review, Chapter 536, RSMo. This review shall be requested within thirty (30) days of the receipt of the notice of [proposed] suspension and rescission. The requested hearing shall be held before the commission within thirty (30) days of the receipt of the request. The commission shall issue its decision within thirty (30) days of the hearing.

*AUTHORITY: sections 444.530 and 444.810, RSMo 2000. Original rule filed Oct. 12, 1979, effective Feb. 11, 1980. For intervening history, please consult the Code of State Regulations. Amended: Filed July 15, 2013.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Staff Director, Land Reclamation Program, PO Box 176, Jefferson City, MO 65102-0176. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 40—Land Reclamation Commission  
Chapter 6—Permitting Requirements for Surface and  
Underground Coal Mining and Reclamation Operations  
and Coal Exploration**

**PROPOSED AMENDMENT**

**10 CSR 40-6.100 Underground Mining Permit Applications—Minimum Requirements for Legal, Financial, Compliance, and Related Information.** The commission is amending sections (1) and (2).

*PURPOSE: This amendment adds the term "member" in section (1) and "operator" in section (2) and changes other wording to better match federal regulations.*



(1) Identification of Interests.

(B) Each application shall contain a statement of whether the applicant is a corporation, partnership, single proprietorship, association, or other business entity. For businesses other than single proprietorships, the application shall contain the following information, where applicable:

1. Names and addresses of every officer[,]; partner[,]; director[,]; **member** or other person performing a function similar to a director of the applicant; **person who owns, of record, ten percent (10%) or more of the applicant or operator;**

2. Name and address of any person who is a principal shareholder of the applicant; and

3. Names under which the applicant, partner, **member**, or principal shareholder, **and the operator's partners or principal shareholders operate** or previously operated a surface coal mining operation in the United States within the five (5) years preceding the date of application.

(2) Compliance Information. Each application shall contain—

(A) A statement of whether the applicant, any subsidiary, affiliate, [or persons controlled by or under common control with the applicant] **operator, or entity which the applicant or the applicant's operator owns or controls or which is under common control with the applicant or the applicant's operator** has—

1. Had a federal or state **surface coal** mining permit suspended or revoked in the last five (5) years **preceding the date of submission of the application;** or

2. Forfeited a mining bond or similar security deposited in lieu of bond;

*AUTHORITY: section 444.810, RSMo 2000. Original rule filed Aug. 1, 1980, effective Dec. 11, 1980. For intervening history, please consult the Code of State Regulations. Amended: Filed July 15, 2013.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Staff Director, Land Reclamation Program, PO Box 176, Jefferson City MO 65102-0176. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 40—Land Reclamation Commission  
Chapter 8—Definitions and General Requirements**

**PROPOSED AMENDMENT**

**10 CSR 40-8.030 Permanent Program Inspection and Enforcement.** The commission is amending section (6).

*PURPOSE: This amendment further defines and clarifies the responsibility of the owner and control of the coal company.*

(6) Enforcement of Cessation Orders.

(G) Within sixty (60) days after issuing a cessation order, the regulatory authority shall notify in writing **the permittee, the operator and** any person who has been **listed or** identified under 10 CSR 40-6.070(12)(E) or 10 CSR 40-6.030(1)(C) and (D), and 10 CSR 40-6.100(1)(C) and (D) as owning or controlling the permittee, that the cessation order was issued, and that the person has been identified as an owner or controller **of the operation.**

(H) **Post-permit issuance information requirements for permittees.**

1. **Within thirty (30) days after the issuance of a cessation order under 10 CSR 40-8.030(6) the permittee, must provide or update all the information required under 10 CSR 40-6.030.**

2. **The permittee does not have to submit information under paragraph (6)(H)1. of this rule if a court of competent jurisdiction grants a stay of the cessation order and the stay remains in effect.**

3. **Within sixty (60) days of any addition, departure, or change in position of any person identified in 10 CSR 40-6.030(1)(B), the permittee must provide—**

A. **The information required under 10 CSR 40-6.030(1)(C); and**

B. **The date of any departure.**

*AUTHORITY: section 444.810, RSMo [Supp. 1999] 2000. Original rule filed Oct. 12, 1979, effective Feb. 11, 1980. For intervening history, please consult the Code of State Regulations. Amended: Filed July 15, 2013.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Staff Director, Land Reclamation Program, PO Box 176, Jefferson City MO 65102-0176. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 40—Land Reclamation Commission  
Chapter 8—Definitions and General Requirements**

**PROPOSED AMENDMENT**

**10 CSR 40-8.040 Penalty Assessment.** The commission is amending sections (3) and (5).

*PURPOSE: This amendment brings the penalty for not abating a notice of violation to the same amount as the federal penalty.*

(3) Point System for Penalties.

(B) Points shall be assigned as follows:

1. History of previous violations. Up to thirty (30) points shall be assigned based on the history of previous violations. One (1) point shall be assigned for each past violation contained in a notice of violation. Five (5) points shall be assigned for each violation (but not a condition or practice) contained in a cessation order. The history of previous violations, for the purpose of assigning points, shall be determined and the points assigned with respect to a particular coal exploration or surface coal mining operation as follows:

A. A violation shall not be counted if the fact of the violation or the proposed assessment of the notice or order is the subject of pending administrative or judicial review or if the time to request review or to appeal any administrative or judicial decision has not expired; after that it shall be counted for only one (1) year;

B. No violation for which the notice or order has been vacated shall be counted; and

C. Each violation shall be counted without regard to whether it led to a civil penalty assessment;

2. Seriousness. Up to thirty (30) points shall be assigned based on the seriousness of the violation as follows:

A. Probability of occurrence. Up to fifteen (15) points shall be assigned based on the probability of the occurrence of the event which a violated standard is designed to prevent. Points shall be assessed according to the following schedule:

Probability of Occurrence	Points
None	0
Insignificant	1-4
Unlikely	5-9
Likely	10-14
Occurred	15

(I) Upon determination of the point range, unless zero (0) or fifteen (15) is chosen, the initial assignment shall be determined by averaging the low and high values; fractional averages shall be reduced to the next lowest whole number; and

(II) The initial assignment may be raised or lowered based upon the evidence collected during the course of the investigation;

B. Extent of potential or actual damage. Up to fifteen (15) points shall be assigned, based on the extent of the potential or actual damage, in terms of area and impact on the public or environment, as follows:

(I) If the damage or impact which the violated standard is designed to prevent would remain within the coal exploration or permit area, zero to seven (0-7) points, depending on the duration and extent of the damage or impact, shall be assigned as follows:

(a) If no damage is documented during the investigation and none will occur if the violation continues into the future, zero (0) points shall be assigned;

(b) If no damage is documented during the investigation, but the potential exists for damage to occur, then one (1) point shall be assigned; and

(c) If damage is documented during the investigation, two to seven (2-7) points shall be assigned based upon the evidence of damage collected during the course of the investigation; and

(II) If the damage or impact which the violated standard is designed to prevent would extend outside the coal exploration or permit area, eight to fifteen (8-15) points, depending on the duration and extent of the damage or impact, shall be assigned as follows:

(a) If no damage is documented during the investigation, but the potential exists for damage to occur, then eight (8) points shall be assigned; or

(b) If damage is documented during the investigation, nine to fifteen (9-15) points shall be assigned based upon the evidence of damage collected during the course of the investigation; and

C. Alternative. In the case of a violation of an administrative requirement, such as a requirement to keep records, in lieu of subparagraphs (3)(B)2.A. and B. of this rule, up to fifteen (15) points shall be assigned for seriousness, based upon the extent to which enforcement is obstructed by the violation, as follows:

(I) Initially, seven (7) points shall be assigned; or

(II) The initial assignment may be raised or lowered based upon the investigation;

### 3. Negligence.

A. Up to twenty-five (25) points shall be assigned based on the degree of fault of the person to whom the notice or order was issued in causing or failing to correct the violation, condition or practice which led to the notice or order, either through act or omission. Points shall be assessed as follows:

(I) A violation which occurs through no negligence shall be assigned no penalty points for negligence;

(II) A violation which is caused by negligence shall be assigned twelve (12) points or less, depending on the degree of negligence as follows:

(a) Initially, six (6) points shall be assigned to which three (3) points shall be added for each warning that was issued in conjunction with the violation; and

(b) The initial selection shall be raised or lowered based on the investigation;

(III) A violation which occurs through a greater degree of fault than negligence shall be assigned thirteen to twenty-five (13-25) points, depending on the degree of fault, as follows:

(a) Initially, nineteen (19) points shall be assigned to which three (3) points shall be assigned for each warning issued in conjunction with the violation; and

(b) The initial selection of nineteen (19) shall be raised or lowered based on the investigation.

B. In determining the degree of negligence involved in a violation and the number of points to be assigned, the following definitions apply:

(I) No negligence means an inadvertent violation which was unavoidable by the exercise of reasonable care;

(II) Negligence means the failure of a permittee to prevent the occurrence of any violation of his/her permit or any requirement of the regulatory program, permit or plan due to indifference, lack of diligence or lack of reasonable care, or the failure to abate any violation due to indifference, lack of diligence or lack of reasonable care; and

(III) A greater degree of fault than negligence means reckless, knowing, or intentional conduct.

C. In calculating points to be assigned for negligence, the acts of all persons working on the coal exploration or surface coal mining and reclamation site shall be attributed to the person to whom the notice or order was issued, unless that person establishes that they were acts of deliberate sabotage; and

#### 4. Good faith in attempting to achieve compliance.

A. Points shall be subtracted based on the degree of good faith of the person to whom the notice or order was issued in attempting to achieve rapid compliance after notification of the violation. Points shall be assigned as follows:

(I) Ten (10) points shall be awarded when abatement occurs immediately or within ten percent (10%) [or] of the time set for abatement;

(II) Nine (9) points shall be awarded when abatement occurs within eleven percent to twenty percent (11%-20%) of the time set for abatement.

(III) Eight (8) points shall be awarded when abatement occurs within twenty-one percent to thirty percent (21%-30%) of the time set for abatement;

(IV) Seven (7) points shall be awarded when abatement occurs within thirty-one percent to forty percent (31%-40%) of the time set for abatement;

(V) Six (6) points shall be awarded when abatement occurs within forty-one percent to fifty percent (41%-50%) of the time set for abatement;

(VI) Five (5) points shall be awarded when abatement occurs within fifty-one percent to sixty percent (51%-60%) of the time set for abatement;

(VII) Four (4) points shall be awarded when abatement occurs within sixty-one percent to seventy percent (61%-70%) of the time set for abatement;

(VIII) Three (3) points shall be awarded when abatement occurs within seventy-one percent to eighty percent (71%-80%) of the time set for abatement;

(IX) Two (2) points shall be awarded when abatement occurs within eighty-one percent to ninety percent (81%-90%) of the time set for abatement;

(X) One (1) point shall be awarded when abatement occurs within ninety-one percent to ninety-nine percent (91%-99%) of the time set for abatement.

B. The following definitions shall apply for subtraction of points:

(I) Rapid compliance means that the person to whom the notice or order was issued took extraordinary measures to abate the violation in the shortest possible time and that abatement was achieved before the time set for abatement; and

(II) Normal compliance means the person to whom the notice or order was issued abated the violation within the time given for abatement.

C. If the consideration of this criterion is impractical because of the length of the abatement period, the assessment may be made without considering this criterion and may be reassessed after the violation has been abated.

D. The fact that an abatement period has been extended by modification for good cause shown shall not disqualify an operator from an award of good faith points.

(5) Assessment of Separate Violations For Each Day.

(B) In addition to the civil penalty provided for in subsection (5)(A) of this rule, whenever a violation contained in a notice of violation or cessation order has not been abated within the abatement period set in the notice or order, or as subsequently extended pursuant to section 444.885.1., RSMo, a civil penalty of not less than *[seven hundred fifty dollars (\$750)] one thousand twenty five dollars (\$1,025)* shall be assessed for each day during which this failure continued except that—

1. If suspension of the abatement requirements of the notice or order is ordered in a temporary relief proceeding under section 444.895.3., RSMo, after a determination that the person to whom the notice or order was issued will suffer irreparable loss or damage from the application of the requirements, the period permitted for abatement shall not end until the date on which the commission issues a final order with respect to the violation in question;

2. If the person to whom the notice or order was issued initiates review proceedings under section 444.900, RSMo, with respect to the violation, in which the obligations to abate are suspended by the court, the daily assessment of a penalty shall not be made for any period before entry of a final order by the court; and

3. This penalty for the failure to abate a violation shall not be assessed for more than thirty (30) days for each violation. If the permittee has not abated the violation within the thirty- (30-)/- day period, the commission or director shall take appropriate action pursuant to sections 444.870.5. and 6. and 444.885.3. and 5., RSMo, within thirty (30) days to ensure that abatement occurs or to ensure that there will not be a reoccurrence of the failure to abate.

*AUTHORITY: section 444.810, RSMo [1994] 2000. Original rule filed Oct. 12, 1979, effective Feb. 11, 1980. For intervening history, please consult the Code of State Regulations. Amended: Filed July 15, 2013.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Staff Director, Land Reclamation Program, PO Box 176, Jefferson City MO 65102-0176. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2205—Missouri Board of Occupational Therapy  
Chapter 3—Licensure Requirements**

**PROPOSED AMENDMENT**

**20 CSR 2205-3.030 Application for Limited Permit.** The board is

proposing to amend sections (7) and (8).

*PURPOSE: This amendment clarifies how the board determines the expiration date of a limited permit.*

(7) The limited permit will be valid for eight (8) weeks from the date of the applicant's **eligibility expiration date as established by the certifying entity for the first available examination.** If the limited permit holder successfully completes the examination with a passing score, the limited permit will be extended for an additional sixty (60) days during which time the limited permit holder may apply for a license.

(8) Only those individuals who completed their first available examination but failed to achieve a passing score may renew their limited permit. The limited permit may be renewed only once using the form provided by the board. A renewed limited permit will be valid for eight (8) weeks from the date of **the applicant's eligibility expiration dates as established by the certifying entity for the limited permit holder's second available examination.** If the limited permit holder successfully completes the second available examination with a passing score, the limited permit will be extended for an additional sixty (60) days during which time the limited permit holder may apply for a license.

*AUTHORITY: section 324.056, RSMo 2000, and sections 43.543, 324.050, 324.065, 324.068, 324.077, and 324.086, RSMo Supp. [2011] 2012. This rule originally filed as 4 CSR 205-3.030. Original rule filed Aug. 4, 1998, effective Dec. 30, 1998. For intervening history, please consult the Code of State Regulations. Amended: Filed July 12, 2013.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Occupational Therapy, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489, or via email at [ot@pr.mo.gov](mailto:ot@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2245—Real Estate Appraisers  
Chapter 1—Organization and Description of Commission**

**PROPOSED AMENDMENT**

**20 CSR 2245-1.010 General Organization.** The commission is proposing to amend section (9).

*PURPOSE: This amendment changes the version of the Uniform Standards of Professional Appraisal Practice (USPAP) that real estate appraisers are required to adhere to pursuant to section 339.535, RSMo.*

(9) For purposes of this section, the *Uniform Standards of Professional Appraisal Practice (USPAP)*, [2012] 2014 Edition, is incorporated herein by reference and can be obtained from The Appraisal Foundation, 1155 15th Street NW, Suite 1111, Washington, DC 20005, by calling (202) 347-7722, or at [www.appraisalfoundation.org](http://www.appraisalfoundation.org). This

rule does not incorporate any subsequent amendments to USPAP.

*AUTHORITY: sections 339.507 and 339.509, RSMo Supp. 2012, and section 339.544, RSMo 2000.\* This rule originally filed as 4 CSR 245-1.010. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed July 15, 2013.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Real Estate Appraisers Commission, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489, or via email at reacom@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2245—Real Estate Appraisers  
Chapter 3—Applications for Certification and Licensure**

**PROPOSED AMENDMENT**

**20 CSR 2245-3.005 Trainee Real Estate Appraiser Registration.**  
The commission is proposing to amend subsection (6)(B).

*PURPOSE: This amendment changes the version of the Uniform Standards of Professional Appraisal Practice (USPAP) that real estate appraisers are required to adhere to pursuant to section 339.535, RSMo.*

(6) Training.

(B) The supervising appraiser(s) shall be responsible for the training, guidance, and direct supervision of the registrant by—

1. Accepting responsibility for the appraisal report by signing and certifying that the report complies with the *Uniform Standards of Professional Appraisal Practice* (USPAP), [2012] 2014 Edition. The USPAP, [2012] 2014 Edition, is incorporated herein by reference and can be obtained from The Appraisal Foundation, 1155 15th Street NW, Suite 1111, Washington, DC 20005, by calling (202) 347-7722, or at www.appraisalfoundation.org. This rule does not incorporate any subsequent amendments or additions to the USPAP;

2. Reviewing and signing the appraisal report(s) for which the registrant has provided appraisal services; and

3. Personally inspecting each appraised property with the registrant until the supervising appraiser determines the registrant trainee is competent, in accordance with the competency rule of USPAP. If applying for a residential certification, the supervising appraiser shall personally inspect fifty (50) properties with the registrant, unless otherwise waived by the commission for good cause. If applying for certified general, the supervising appraiser shall personally inspect twenty (20) nonresidential properties with the registrant, unless otherwise waived by the commission for good cause.

*AUTHORITY: section 339.509(8), RSMo Supp. 2012. Original rule filed Nov. 21, 2006, effective July 30, 2007. For intervening history, please consult the Code of State Regulations. Amended: Filed July 15, 2013.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Real Estate Appraisers Commission, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489, or via email at reacom@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2245—Real Estate Appraisers  
Chapter 3—Applications for Certification and Licensure**

**PROPOSED AMENDMENT**

**20 CSR 2245-3.010 Applications for Certification and Licensure.**  
The commission is amending paragraph (5)(B)1.

*PURPOSE: This amendment changes the version of the Uniform Standards of Professional Appraisal Practice (USPAP) that real estate appraisers are required to adhere to pursuant to section 339.535, RSMo.*

(5) Prerequisite for Certification.

(B) State-Certified Residential Appraiser.

1. The prerequisite for certification as a state-certified residential appraiser shall be two thousand five hundred (2,500) hours of appraisal experience obtained continuously over a period of not less than twenty-four (24) months under the supervision of a state-certified real estate appraiser. Hours may be treated as cumulative in order to achieve the necessary two thousand five hundred (2,500) hours of appraisal experience, and there is no limitation on the number of hours which may be awarded in any year. Each applicant for certification shall furnish, under oath, a detailed listing of the real estate appraisal reports or file memoranda for each year for which experience is claimed by the applicant. Upon request, the applicant shall make available to the commission a sample of appraisal reports which the applicant has prepared in the course of the applicant's appraisal practice. For the purposes of this section, "prepared" means the participation in any function of the real estate appraisal report. Education may not be substituted for experience except as allowed in section (8) of this rule. All experience shall have been obtained after January 30, 1989, and shall be *Uniform Standards of Professional Appraisal Practice* (USPAP) compliant. The USPAP, [2012] 2014 Edition, is incorporated herein by reference and can be obtained from The Appraisal Foundation, 1155 15th Street NW, Suite 1111, Washington, DC 20005, by calling (202) 347-7722, or at www.appraisalfoundation.org. This rule does not incorporate any subsequent amendments or additions to the USPAP. Acceptable appraisal experience as defined by the Appraiser Qualifications Board (aqb) includes, but is not limited to, the following (this should not be construed as limiting credit to only those individuals who are state-certified or state-licensed):

- A. Fee and staff appraisal;
- B. *Ad valorem* tax appraisal;
- C. Technical review appraisal;
- D. Appraisal analysis;
- E. Real estate consulting;
- F. Highest and best use analysis;

- G. Feasibility analysis/study; and
- H. Condemnation appraisal.

*AUTHORITY:* sections 339.509, 339.515, and 339.517, *RSMo Supp. 2012*. This rule originally filed as 4 CSR 245-3.010. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. For intervening history, please consult the *Code of State Regulations*. Amended: Filed July 15, 2013.

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Real Estate Appraisers Commission, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489, or via email at [reacom@pr.mo.gov](mailto:reacom@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2245—Real Estate Appraisers  
Chapter 6—Educational Requirements**

**PROPOSED AMENDMENT**

**20 CSR 2245-6.040 Case Study Courses.** The commission is proposing to amend subsection (1)(B).

*PURPOSE:* This amendment changes the version of the *Uniform Standards of Professional Appraisal Practice (USPAP)* that real estate appraisers are required to adhere to pursuant to section 339.535, *RSMo*.

(1) General.

(B) Case study courses shall be at least thirty (30) hours of instruction. For each case study course, experience credit hours may not exceed three (3) times the education credit granted, and in no event shall the experience credit granted for a single course exceed ninety (90) hours. An applicant for licensure or certification may receive thirty (30) hours of pre-licensure education credit upon passage of an examination approved by the Appraiser Qualifications Board (AQB) course approval program or by an alternate method established by the AQB. A licensee may receive twenty-eight (28) hours of continuing education credit for a case study course as allowed pursuant to 20 CSR 2245-8.010. An applicant for licensure or certification will receive the experience credit upon completing one (1) or more *Uniform Standards of Professional Appraisal Practice (USPAP)* compliant appraisal reports for the course. The *USPAP, [2012] 2014 Edition*, is incorporated herein by reference and can be obtained from The Appraisal Foundation, 1155 15th Street NW, Suite 1111, Washington, DC 20005, by calling (202) 347-7722, or at [www.appraisalfoundation.org](http://www.appraisalfoundation.org). This rule does not incorporate any subsequent amendments or additions to the *USPAP*. The amount of education and experience credit available from a case study course will be determined at the time it is approved by the AQB course approval program or by an alternate method established by the AQB.

*AUTHORITY:* section 339.509(3) and (4), *RSMo [2000] Supp. 2012*. Original rule filed Nov. 21, 2006, effective July 30, 2007.

*Amended:* Filed March 31, 2008, effective Sept. 30, 2008. Amended: Filed Aug. 27, 2009, effective Feb. 28, 2010. Amended: Filed June 15, 2011, effective Dec. 30, 2011. Amended: Filed July 15, 2013.

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Real Estate Appraisers Commission, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489, or via email at [reacom@pr.mo.gov](mailto:reacom@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2245—Real Estate Appraisers  
Chapter 8—Continuing Education**

**PROPOSED AMENDMENT**

**20 CSR 2245-8.010 Requirements.** The commission is proposing to amend section (11).

*PURPOSE:* This amendment changes the version of the *Uniform Standards of Professional Appraisal Practice (USPAP)* that real estate appraisers are required to adhere to pursuant to section 339.535, *RSMo*.

(11) All licensees of the state of Missouri shall complete, for continuing education credit, the seven- (7-)/-] hour national *Uniform Standards of Professional Appraisal Practice (USPAP)* update course or its equivalent during each renewal cycle. The *USPAP, [2012] 2014 Edition*, is incorporated herein by reference and can be obtained from The Appraisal Foundation, 1155 15th Street NW, Suite 1111, Washington, DC 20005, by calling (202) 347-7722, or at [www.appraisalfoundation.org](http://www.appraisalfoundation.org). This rule does not incorporate any subsequent amendments or additions to the *USPAP*.

*AUTHORITY:* section[s] 339.509, *RSMo Supp. 2012*, and section 339.530, *RSMo 2000*. This rule originally filed as 4 CSR 245-8.010. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. For intervening history, please consult the *Code of State Regulations*. Amended: Filed July 15, 2013.

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Real Estate Appraisers Commission, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489, or via email at [reacom@pr.mo.gov](mailto:reacom@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2245—Real Estate Appraisers  
Chapter 8—Continuing Education**

**PROPOSED AMENDMENT**

**20 CSR 2245-8.030 Instructor Approval.** The commission is proposing to amend section (4).

*PURPOSE: This amendment changes the version of the Uniform Standards of Professional Appraisal Practice (USPAP) that real estate appraisers are required to adhere to pursuant to section 339.535, RSMo.*

(4) All instructors of the national *Uniform Standards of Professional Appraisal Practice* (USPAP) course, the national USPAP update course, or their equivalents shall be approved through the instructor certification program of the Appraisal Qualifications Board (AQB) or by an alternate method established by the AQB. The USPAP, [2012] **2014** Edition, is incorporated herein by reference and can be obtained from The Appraisal Foundation, 1155 15th Street NW, Suite 1111, Washington, DC 20005, by calling (202) 347-7722, or at [www.appraisalfoundation.org](http://www.appraisalfoundation.org). This rule does not incorporate any subsequent amendments or additions to the USPAP. At least one (1) instructor of the national USPAP course and the national USPAP update course shall be a state-certified appraiser and shall be approved through the AQB instructor certification program.

*AUTHORITY: section[s] 339.509, RSMo Supp. 2012, and section 339.530, RSMo 2000. This rule originally filed as 4 CSR 245-8.030. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed July 15, 2013.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Real Estate Appraisers Commission, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489, or via email at [reacom@pr.mo.gov](mailto:reacom@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

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

**T**he agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-(90-) day period during which an agency shall file its Order of Rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the Proposed Rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

## **Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES**

### **Division 20—Division of Community and Public Health Chapter 1—Food Protection**

#### **ORDER OF RULEMAKING**

By the authority vested in the Department of Health and Senior Services under sections 192.006, 196.190, 196.195, 196.210, 196.220, 196.225, 196.230, 196.235, 196.240, 196.245, 196.250, and 196.265, RSMo 2000, and 192.020, RSMo Supp. 2012, the department rescinds a rule as follows:

**19 CSR 20-1.025 Sanitation of Food Establishments is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 15, 2013 (38 MoReg 635). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

## **Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES**

### **Division 20—Division of Community and Public Health Chapter 1—Food Protection**

#### **ORDER OF RULEMAKING**

By the authority vested in the Department of Health and Senior Services under sections 192.006 and 196.045, RSMo 2000, and sec-

tion 192.020, RSMo Supp. 2012, the department adopts a rule as follows:

19 CSR 20-1.025 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 15, 2013 (38 MoReg 635-640). Changes have been made to the *Missouri Food Code* manual as incorporated by reference and those changes are explained in the comments below. Changes have been made to the text of the proposed rule, so it is reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Health and Senior Services received one (1) letter with nine (9) comments.

COMMENT #1: Karen Prescott, Environmental Health Administrator of the Springfield/Greene County Health Department commented, "3-304.14 states that sanitizer buckets must be stored up off the floor—many of our chains use 5 gallon buckets that sit on the floor—there is no other good place to store them and what is the public health significance?"

RESPONSE: This section is in accordance with the US Food and Drug Administration's model code language. In addition, items stored on the floor are exposed to various sources of contamination. Wiping cloths are used to sanitize food contact surfaces and are required to be stored, while not in use, in sanitizing solution. This requirement reduces the opportunities for wiping cloths and/or the sanitizing solution to become contaminated. No changes have been made to the rule as a result of this comment.

COMMENT #2: Karen Prescott, Environmental Health Administrator of the Springfield/Greene County Health Department commented, "3-501.17 noticed they removed any reference to date marking procedures when freezing food—might be confusing to operators."

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with this comment and a new subsection will be added to 3-501.17 to clarify date marking procedures when freezing foods and a cross reference in section 3-501.18 will be amended to reflect the new language.

COMMENT #3: Karen Prescott, Environmental Health Administrator of the Springfield/Greene County Health Department commented, "3-502.11 refers to approval process from "the department" should that state regulatory authority instead, unless DHSS wants to approve all of these for counties with their own ordinance."

RESPONSE: The use of "department" is intentional. This section pertains to a very specific set of food processing techniques and applies to those jurisdictions conducting food inspections under state authority. For jurisdictions with local food ordinances, this section should be revised within their ordinance to reflect their requirements. No changes have been made to the rule as a result of this comment.

COMMENT #4: Karen Prescott, Environmental Health Administrator of the Springfield/Greene County Health Department commented, "5-102.13(B)(2) states, 'tested by the regulatory authority for appropriate chlorine concentration at the time of each routine inspection' who determines what the appropriate chlorine concentration is?"

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with this comment and new language will be added to 5-102.13(B)(2) to clarify the chlorine concentration required.

COMMENT #5: Karen Prescott, Environmental Health Administrator of the Springfield/Greene County Health Department commented, "4-903.12 Prohibitions states that cleaned and sanitized equipment, utensils, laundered linens, and single-service articles may not be stored:

eight (8) in a room with a mechanical clothes washer or dryer; several chains have their washers in the back room and no physical barrier—what is the public health significance?”

RESPONSE: This is not a new requirement; this prohibition is currently written in the department’s food regulations under subsection 4-401.11(C). As soiled aprons, wiping cloths, napkins, etc are sources of contamination, storing these items in areas with food and/or sanitized equipment increases the probabilities of the food and/or equipment to be contaminated. No changes have been made to the rule as a result of this comment.

COMMENT #6: Karen Prescott, Environmental Health Administrator of the Springfield/Greene County Health Department commented, “3-501.17(F)(8) is pickle loaf, bologna, all that pressed looking stuff salt cured so that as long as the original casing is maintained won’t require date marking?”

RESPONSE: Provided that the unsliced portions of product are ready-to-eat fermented sausages or salt-cured products maintained in their original casings; these products are exempt from date marking. No changes have been made to the rule as a result of this comment.

COMMENT #7: Karen Prescott, Environmental Health Administrator of the Springfield/Greene County Health Department commented, “5-203.11 has typo—states ‘amy’ and should be ‘may’.”

RESPONSE: It appears the typo was corrected prior to publishing in the *Missouri Register*. No changes have been made to the rule as a result of this comment.

COMMENT #8: Karen Prescott, Environmental Health Administrator of the Springfield/Greene County Health Department commented, “3-501.16 do eggs that have been pasteurized in the shell require refrigeration during storage? Are they considered PHF once cracked?”

RESPONSE: Yes, pasteurized eggs are a potentially hazardous food and shall be received in refrigerated equipment that maintains an ambient air temperature of forty-five degrees Fahrenheit (45°F) or less. No changes have been made to the rule as a result of this comment.

COMMENT #9: Karen Prescott, Environmental Health Administrator of the Springfield/Greene County Health Department commented, “3-306.11 Food Display—this is being changed to priority level? Used to be a non-critical. Verification.”

RESPONSE: Displayed food that is unprotected can be contaminated even when there is no direct hand contact; microbes can be conveyed considerable distances on air currents, from people breathing or sneezing, water sprays directed at drains, or condensate from air conditioners. No changes have been made to the rule as a result of this comment.

**19 CSR 20-1.025 Missouri Food Code**

(1) Food establishments shall comply with the sanitation standards and processes contained in the Department of Health and Senior Services *Missouri Food Code* manual. The manual is incorporated by reference in this rule as published June 3, 2013, by the Department of Health and Senior Services and is available on the web at [www.health.mo.gov](http://www.health.mo.gov) or by contacting the department at PO Box 570, Jefferson City, MO 65102-0570, (573) 751-6095. This rule does not incorporate any subsequent amendments or additions.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES**

**Division 20—Division of Community and Public Health Chapter 1—Food Protection**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Health and Senior

Services under section 196.045, RSMo 2000, the department rescinds a rule as follows:

**19 CSR 20-1.040 Inspection of the Manufacture and Sale of Foods is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 15, 2013 (38 MoReg 641). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES**

**Division 20—Division of Community and Public Health Chapter 1—Food Protection**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Health and Senior Services under sections 192.006 and 196.045, RSMo 2000, and section 192.020, RSMo Supp. 2012, the department adopts a rule as follows:

**19 CSR 20-1.040 Good Manufacturing Practices is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 15, 2013 (38 MoReg 641). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES**

**Division 20—Division of Community and Public Health Chapter 1—Food Protection**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Health and Senior Services under sections 192.006 and 196.045, RSMo 2000, and section 192.020, RSMo Supp. 2012, the department adopts a rule as follows:

**19 CSR 20-1.042 Acidified Foods is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 15, 2013 (38 MoReg 641–642). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES**

**Division 20—Division of Community and Public Health Chapter 1—Food Protection**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Health and Senior



Services under sections 192.006 and 196.045, RSMo 2000, and section 192.020, RSMo Supp. 2012, the department adopts a rule as follows:

**19 CSR 20-1.045 Food Labeling is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 15, 2013 (38 MoReg 642). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES**

**Division 20—Division of Community and Public Health  
Chapter 1—Food Protection**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Department of Health and Senior Services under sections 192.006 and 196.045, RSMo 2000, and section 192.020, RSMo Supp. 2012, the department adopts a rule as follows:

**19 CSR 20-1.100 Seafood Hazard Analysis and Critical Control Points (HACCP) is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 15, 2013 (38 MoReg 642). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES**

**Division 20—Division of Community and Public Health  
Chapter 1—Food Protection**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Health and Senior Services under sections 192.006, 196.045, and 196.050, RSMo 2000, and section 192.020, RSMo Supp. 2012, the department adopts a rule as follows:

**19 CSR 20-1.200 Juice Hazard Analysis and Critical Control Points (HACCP) is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 15, 2013 (38 MoReg 642–643). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES  
Division 30—Division of Regulation and Licensure  
Chapter 82—General Licensure Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Health and Senior Services under section 198.534, RSMo 2000, the department rescinds a rule as follows:

**19 CSR 30-82.070 Alzheimer’s Demonstration Projects is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 15, 2013 (38 MoReg 643). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION**

**Division 2030—Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects  
Chapter 6—Fees**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects under sections 324.008 and 327.041, RSMo Supp. 2012, the board amends a rule as follows:

**20 CSR 2030-6.015 Application, Renewal, Reinstatement, Relicensure, and Miscellaneous Fees is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2013 (38 MoReg 761–764). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.