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**Rules of**  
**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**

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**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**

**10 CSR 10-6.010 Ambient Air Quality  
Standards**

*PURPOSE: This rule provides long-range goals for ambient air quality throughout Missouri in order to protect the public health and welfare.*

Pollutant	Concentration	Method	Remarks	Pollutant	Concentration	Method	Remarks
1. Particulate matter 10 micron (PM <sub>10</sub> )	150 micrograms per cubic meter	As specified in 10 CSR 10-6.040(4)(J)	24-hour average concentration. Not more than one expected exceedance, 3-year average (see 10 CSR 10-6.040(4)(K))	4. 8-hour ozone (2008)	0.075 ppm	As specified in 10 CSR 10-6.040(4)(D)	8-hour standard not to exceed 3-year average of the 4th highest daily maximum (see 10 CSR 10-6.040(4)(N))
Particulate matter 2.5 micron (PM <sub>2.5</sub> )	15 micrograms per cubic meter	As specified in 10 CSR 10-6.040(4)(L)	3-year average of annual arithmetic mean	8-hour ozone (1997) *	0.08 ppm	As specified in 10 CSR 10-6.040(4)(D)	8-hour standard not to exceed 3-year average of the 4th highest daily maximum (see 10 CSR 10-6.040(4)(I))
	35 micrograms per cubic meter	As specified in 10 CSR 10-6.040(4)(L)	24-hour average concentration using 98th percentile of monitored daily concentration (see 10 CSR 10-6.040(4)(M))	5. Nitrogen dioxide	0.053 ppm (100 micrograms per cubic meter)	As specified in 10 CSR 10-6.040(4)(F)	Annual arithmetic mean not to be exceeded
2. Sulfur dioxide	0.03 ppm (80 micrograms per cubic meter)	As specified in 10 CSR 10-6.040(4)(A)	Annual arithmetic mean	6. Hydrogen sulfide	0.05 ppm (70 micrograms per cubic meter)	As specified in 10 CSR 10-6.040(5)	1/2-hour average not to be exceeded over 2 times per year
	0.14 ppm (365 micrograms per cubic meter)	As specified in 10 CSR 10-6.040(4)(A)	24-hour average not to be exceeded more than once per year		0.03 ppm (42 micrograms per cubic meter)	As specified in 10 CSR 10-6.040(5)	1/2-hour average not to be exceeded over 2 times in any 5 consecutive days
	0.5 ppm (1,300 micrograms per cubic meter)	As specified in 10 CSR 10-6.040(4)(A)	3-hour average not to be exceeded more than once per year	7. Sulfuric acid	10 micrograms per cubic meter	As specified in 10 CSR 10-6.040(6)	24-hour average not to be exceeded more than once in any 90 consecutive days
3. Carbon monoxide	9 ppm (10,000 micrograms per cubic meter)	As specified in 10 CSR 10-6.040(4)(C)	8-hour average not to be exceeded more than once per year		30 micrograms per cubic meter	As specified in 10 CSR 10-6.040(6)	1-hour average not to be exceeded more than once in any 2 consecutive days
	35 ppm (40,000 micrograms per cubic meter)	As specified in 10 CSR 10-6.040(4)(C)	1-hour average not to be exceeded more than once per year	8. Lead (2008)	0.15 micrograms per cubic meter	As specified in 10 CSR 10-6.040(4)(G)	Rolling 3-month average not to be exceeded (see 10 CSR 10-6.040(4)(O))
				Lead (1978) **	1.5 micrograms per cubic meter	As specified in 10 CSR 10-6.040(4)(G)	Calendar quarter arithmetic mean not to be exceeded

\* Note: While the 1997 and 2008 ozone standards are both in effect, the 1997 standard will only remain in effect until the standard is rescinded or voided by federal code.

\*\* Note: While the 1978 and 2008 lead standards are both in effect, the 1978 standard will only remain in effect until the standard is rescinded or voided by federal code.

*AUTHORITY: section 643.050, RSMo 2000.\* Filed Jan. 5, 1988, effective April 28, 1988. Original rule filed Aug. 16, 1977, effective Feb. 11, 1978. Amended: Filed Dec. 10, 1979, effective April 11, 1980. Amended: Amended: Filed July 6, 2005, effective Feb. 28, 2006. Amended: Filed Sept. 24, 2009, effective May 30, 2010.*

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

**10 CSR 10-6.020 Definitions and Common Reference Tables**

*PURPOSE: This rule defines key words and expressions used in Chapters 1 through 6 and provides common reference tables.*

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

(1) Applicability. This rule 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 rule, the definition in 10 CSR 10-6.020 shall take precedence with the exception of definitions pertaining to 10 CSR 10-6.060.

**(2) Definitions.**

(A) All terms beginning with "A."

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

2. Account certificate of representation—The completed and signed submission for certifying the designation of a nitrogen oxides (NO<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.

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

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

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

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

7. Act—The Clean Air Act, 42 U.S.C.

7401. References to the word Title pertain to the titles of the Clean Air Act Amendments of 1990, P.L. 101-595.

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

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

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

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

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

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

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

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

13. Adhesive—Any chemical substance that is applied for the purpose of bonding two (2) surfaces together other than by mechanical means. For the purpose of 10 CSR 10-5.530 only, an adhesive is considered a surface coating.

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

application process to have an oven or flash-off area.

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

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

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

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

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

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

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

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

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



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

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

26. AHERA—See Asbestos Hazard Emergency Response Act.

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

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

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

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

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

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

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

34. Air Stagnation Advisory—A special bulletin issued by the National Weather Ser-

vice entitled "Air Stagnation Advisory," which is used to warn air pollution control agencies that stagnant atmospheric conditions are expected which could cause increased concentrations of air contaminants near the ground.

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

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

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

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

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

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

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

B. The emission rate specified as a permit condition.

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

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

43. Alternate site analysis—An analysis of alternative sites, sizes, production processes, and environmental control techniques for

the proposed source which demonstrates that benefits of the proposed installation significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.

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

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

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

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

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

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

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

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

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

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

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



and which implements the relevant requirements of the Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

57. Aqueous solvent—A solvent in which water is the primary ingredient

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

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

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

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

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

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

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

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

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

66. Asbestos abatement project—An activity undertaken to encapsulate, enclose, or remove ten (10) square feet or sixteen (16) linear feet or more of friable asbestos-con-

taining materials from buildings and other air contaminant sources or to demolish buildings and other air contaminant sources containing ten (10) square feet or sixteen (16) linear feet or more.

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

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

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

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

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

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

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

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

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

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

77. Asphalt prime coat—Application of low-viscosity liquid asphalt to an absorbent



surface such as a previously-untreated surface.

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

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

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

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

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

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

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

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

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

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

the sound of road noise in the passenger compartment.

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

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

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

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

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

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

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

94. Automobile and light duty truck

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

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

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

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

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

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

98. Average emission rate—The simple average of the hourly  $\text{NO}_x$  emission rate as recorded by approved monitoring systems.

(B) All terms beginning with “B.”

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

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

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

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

5. Baseline area—The continuous area in which the source constructs as well as those portions of the intrastate area which are not part of a nonattainment area and which would receive an air quality impact equal to or greater than one microgram per cubic meter ( $1 \mu\text{g}/\text{m}^3$ ) annual average (established by modeling) for each pollutant for which an



installation receives a permit under 10 CSR 10-6.060(8) and for which increments have been established in 10 CSR 10-6.060(11)(A), Table 1. Each of these areas are references to the standard United States Geological Survey (USGS) County-Township-Range-Section system. The smallest unit of area for which a baseline date will be set is one (1) section (one (1) square mile).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15. Best available control technology (BACT)—An emission limitation (including a visible emission limit) based on the maxi-

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

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

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

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

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

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

21. Boiler—An enclosed fossil or other fuel-fired combustion device used to produce





heat and to transfer heat to recirculating water, steam, or other medium.

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

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

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

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

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

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

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

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

(C) All terms beginning with “C.”

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

2. Camouflage coating—A coating, used

principally by the military, to conceal equipment from detection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20. Chemotherapeutic waste—Waste material resulting from the production or use



of antineoplastic agents used for the purpose of stopping or reversing the growth of malignant cells.

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

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

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

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

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

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

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

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

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

30. Clinker—The product of a Portland

cement kiln from which finished cement is manufactured by milling and grinding.

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

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

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

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

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

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

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

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

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

A. For a unit that commenced construction on or prior to November 15, 1990, was constructed for the purpose of supplying equal to or less than one-third (1/3) its potential electrical output capacity or equal to or less than two hundred nineteen thousand (219,000) MWe-hrs actual electric output on

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

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

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

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

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

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



from the combustion of fuel in the combustor passes through the turbine, rotating the turbine.

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

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

A. Except as provided in subsection (1)(E) of 10 CSR 10-6.360, for a unit that is a NO<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.

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

A. Except as provided in subsection (1)(E) of 10 CSR 10-6.360, for a unit that is a NO<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

B. Except as provided in subsection (1)(E) of 10 CSR 10-6.360 or subsection (3)(H) of 10 CSR 10-6.360, for a unit that is not a NO<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.

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

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

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

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

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

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

53. 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.

54. 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.

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

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

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

ance cycle ends on December 31 of each odd-numbered calendar year.

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

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

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

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

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

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

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

63. Conservation vent—Any valve designed and used to reduce evaporation losses of VOC by limiting the amount of air



admitted to, or vapors released from, the vapor space of a closed storage vessel.

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

65. Contact adhesive—An adhesive that—

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

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

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

D. Does not need sustained pressure or clamping of surfaces after the adhesive-coated surfaces have been brought together using sufficient momentary pressure to establish full contact between both surfaces. Contact adhesive does not include rubber cements that are primarily intended for use on paper substrates. Contact adhesive also does not include vulcanizing fluids that are designed and labeled for tire repair only.

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

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

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

69. Continuous emissions monitoring system (CEMS)—Monitoring system for continuously measuring and recording the emissions of a pollutant from an affected facility. For the purposes of 10 CSR 10-6.350 and 10 CSR 10-6.360, CEMS means the equipment required to sample, analyze, measure, and provide, by readings taken at least once every fifteen (15) minutes of the measured param-

eters, a permanent record of nitrogen oxides emissions, expressed in tons per hour for nitrogen oxides. The following systems are component parts included, consistent with 40 CFR 75, in a continuous emissions monitoring system:

A. Flow monitor;

B. Nitrogen oxides pollutant concentration monitors;

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

D. A continuous moisture monitor when such monitoring is required; and

E. An automated data acquisition and handling system.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

84. Criteria pollutant or standard—Any pollutants for which there is established a NAAQS at 40 CFR 50.

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

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

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

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

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

90. Cyclone EGU—An electric generating unit (EGU) with a fossil-fuel-fired boiler consisting of one (1) or more horizontal



cylindrical barrels that utilize tangentially applied air to produce a swirling combustion pattern of coal and air.

(D) All terms beginning with “D.”

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

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

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

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

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

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

7. Department—The Missouri Department of Natural Resources, which includes the director thereof, or the person or division or program within the department delegated the authority to render the decision, order, determination, finding, or other action that is subject to review by the commission. PO Box 176, Jefferson City, MO 65102.

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

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

10. Designated representative—A responsible individual authorized by the owner or operator of an affected source and of all affected units at the source, as evidenced by a certificate of representation submitted in accordance with 40 CFR 72, subpart B to represent and legally bind each owner and

operator, as a matter of federal law, in matters pertaining to the acid rain program. Whenever the term “responsible official” is used in 40 CFR 70, 10 CSR 10-6.065, or in any other regulations implementing Title V of the Act, it shall be deemed to refer to the “designated representative” with regard to all matters under the acid rain program.

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

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

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

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

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

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

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

18. Dispersion technique—

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

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

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

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

B. This definition does not include:

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

(II) The merging of exhaust gas streams where—

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

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

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

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

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

(V) Techniques under part (2)(D)10.A.(III) of this definition which increase final exhaust gas plume rise where



the resulting allowable emissions of sulfur dioxide from the installation do not exceed five thousand (5,000) tons per year.

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

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

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

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

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

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

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

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

27. 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)— $\text{NO}_x$  emission reductions in the years 2000, 2001, 2002, and 2003 that are below the limits specified in subsection (3)(A) of 10 CSR 10-6.350; ERCs will only be available for use during the years of 2004 and 2005. When calculating ERCs or performing calculations involving ERCs, ERCs shall always be rounded down to the nearest ton.

2. Economic benefit—Any monetary

gain which accrues to a violator as a result of noncompliance.

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

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

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

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

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

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

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

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

11. Emergency—A situation where extremely quick action on the part of the federal agencies involved is needed and where the timing of such federal activities makes it impractical to meet the requirements of 10

CSR 10-6.300, such as natural disasters like hurricanes or earthquakes, civil disturbances such as terrorist acts, and military mobilizations.

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

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

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

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

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

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

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

19. Emission(s)—The release or discharge, whether directly or indirectly, into the atmosphere of one (1) or more air contaminants. For the purposes of 10 CSR 10-6.360 only, air pollutants exhausted from a unit or source into the atmosphere, as measured, recorded, and reported to the administrator by the  $\text{NO}_x$  authorized account representative and as determined by the administrator.



20. Emission data—

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

(I) Has been emitted from an emission unit;

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

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

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

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

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

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

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

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

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

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

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

quantified, permanent, and surplus.

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

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

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

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

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

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

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

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

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

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

protection to the metal.

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

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

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

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

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

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

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

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

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

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

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

46. Excessive concentration—

A. For installations seeking credit for reduced ambient pollutant concentrations from stack height exceeding that defined in subparagraph (2)(G)15.B. of this rule an excessive concentration is a maximum ground level concentration due to emissions from a stack due in whole or part to downwash, wakes, or eddy effects produced by nearby structures or nearby terrain features which are at least forty percent (40%) in



excess of the maximum concentration experienced in the absence of the downwash, wakes, or eddy effects, and that contributes to a total concentration due to emissions from all installations that is greater than an ambient air quality standard. For installations subject to the prevention of significant deterioration program as set forth in 10 CSR 10-6.060(8), an excessive concentration means a maximum ground level concentration due to emissions from a stack due to the same conditions as mentioned previously and is greater than a prevention of significant deterioration increment. The allowable emission rate to be used in making demonstrations under this definition shall be prescribed by the new source performance regulation as referenced by 10 CSR 10-6.070 for the source category unless the owner or operator demonstrates that this emission rate is infeasible. Where demonstrations are approved by the director, an alternative emission rate shall be established in consultation with the source owner or operator;

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

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

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

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

47. Existing—As applied to any equipment, machine, device, article, contrivance, or installation shall mean in being, installed, or under construction in the Kansas City

metropolitan area on September 25, 1968 (Buchanan County, January 21, 1970), in the St. Louis metropolitan area on March 24, 1967 (Franklin County, January 18, 1972), in the Springfield metropolitan area on September 24, 1971, and in the outstate Missouri area on February 24, 1971, except that if equipment, machine, device, article, contrivance, or installation subsequently is altered, repaired, or rebuilt at a cost of fifty percent (50%) or more of its replacement cost exclusive of routine maintenance, it shall no longer be existing but shall be considered new as defined in this regulation. The cost of installing equipment designed principally for the purpose of air pollution control is not to be considered a cost of altering, repairing, or rebuilding existing equipment for the purpose of this definition. For the purpose of 10 CSR 10-6.405, existing is any source which was in being, installed, or under construction on February 15, 1979, in the Kansas City or St. Louis metropolitan area, except that if any source in these areas subsequently is altered, repaired, or rebuilt at a cost of thirty percent (30%) or more of its replacement cost, exclusive of routine maintenance, it shall no longer be existing but shall be considered a new.

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

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

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

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

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

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

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

use, subject to the following:

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

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

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

(F) All terms beginning with “F.”

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

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

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

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

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

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



expressly requires adherence to any permit issued under such program.

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

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

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

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

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

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

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

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

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

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

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

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

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

20. Flexible package printing—The application of a coating, or the performance of a graphic arts operation, to flexible packaging. The printing processes used for flexible package printing are rotogravure and flex-

ography. The printing of shrink-wrap labels or wrappers conducted on or in-line with a flexible package printing press is flexible package printing. The printing of self-adhesive labels is not flexible package printing.

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

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

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

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

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

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

27. Food service establishment—Any fixed or mobile restaurant; coffee shop; cafeteria; short order cafe; luncheonette; grill; 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. Fossil fuel—Natural gas, petroleum, coal, or any form of solid, liquid, or gaseous fuel derived from such material.

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

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

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

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

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

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

33. Freeboard height—

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

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

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

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

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

36. Fugitive emissions—Those emissions which according to good engineering practice could not pass through a stack,



chimney, vent, or other functionally-equivalent opening.

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

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

5. 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.

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. Good engineering practice (GEP) stack height—GEP stack height means 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,

$$Hg = 2.5H$$

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

$$Hg = H + 1.5L$$

Where:

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

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

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 result of atmospheric downwash, wakes, or eddy effects created by the source itself, nearby structures, or nearby terrain features.

16. 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. Greenfield site—A contiguous area under common control that is an undeveloped site.

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

19. 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 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, 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 Pan-

els 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.

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

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

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

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

B. That are reasonably foreseeable;

C. That the agency can practically control;

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

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



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

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

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

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

For the purposes of this definition, even if a federal licensing, 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—An emissions inspection consisting of the inspection series that occurs the first time a vehicle is inspected in a compliance cycle.

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

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

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

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

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

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

B. Emission units or activities listed in 10 CSR 10-6.061 as exempt or excluded

from construction permit review under 10 CSR 10-6.060.

17. Inspector—An individual, under AHERA, who collects and assimilates information used to determine whether asbestos-containing material is present in a building or other air contaminant sources.

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

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

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

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

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

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

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



25. Intermittent HMIWI—An HMIWI that is designed to allow waste charging, but not ash removal, during combustion.

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

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

(J) All terms beginning with “J.”

1. Janitorial cleaning—The cleaning of building or facility components such as the floors, ceilings, walls, windows, doors, stairs, bathrooms, kitchens, etc. in nonmanufacturing areas.

2. Jet engine test cell—A stationary jet engine used for the purpose of research and testing.

3. Jobbing cupola—A cupola which has a single melting cycle operated no more than ten (10) hours in any consecutive twenty-four (24) hours and no more than fifty (50) hours in any consecutive seven (7) days.

(K) All terms beginning with “K.”

1. Kansas City metropolitan area—The geographical area comprised of Jackson, Cass, Clay, Platte, Ray, and Buchanan Counties.

(L) All terms beginning with “L.”

1. Lacquers—A surface coating that is basically solutions of nitrocellulose in VOCs, 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 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 pas-

senger car or passenger car derivative capable of seating twelve (12) passengers or less that is rated at six thousand pounds (6,000 lbs) GVWR 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 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—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 performance 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.

(M) All terms beginning with “M.”

1. MACT (Maximum achievable control technology)—The maximum degree of reduction in emissions of the hazardous air pollutants listed in subsection (3)(C) of this rule (including a prohibition on these emissions where achievable), taking into consideration the cost of achieving emissions reductions and any non-air quality health and environmental impacts and requirements, determines is achievable for new or existing sources in

the category or subcategory to which this emission standard applies, through application of measures, processes, methods, systems, or techniques including, but not limited to, measures which:

A. Reduce the volume of or eliminate emissions of pollutants through process changes, substitution of materials, or other modifications;

B. Enclose systems or processes to eliminate emissions;

C. Collect, capture, or treat pollutants when released from a process, stack, storage, or fugitive emissions point;

D. Are design, equipment, work practice, or operational standards (including requirements for operational training or certification); or

E. Are a combination of subparagraphs (2)(M)1.A.–D.

2. Maintenance area—An area that was designated as nonattainment and has been redesignated in 40 CFR 81 to attainment, meeting the provisions of section 107(d)(3)(E) of the Act and has a maintenance plan approved under section 175A of the Act.

3. Maintenance operation—Normal routine maintenance on any stationary internal combustion engine or the use of an emergency standby engine and fuel system during testing, repair, and routine maintenance to verify its readiness for emergency standby use.

4. Maintenance plan—A revision to the applicable Missouri State Implementation Plan (SIP), meeting the requirements of section 175A of the CAA.

5. Major modification—Any physical change or change in the method of operation at an installation or in the attendant air pollution control equipment that would result in a significant net emissions increase of any pollutant. A physical change or a change in the method of operation, unless previously limited by enforceable permit conditions, shall not include:

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

B. Use of an alternative fuel or raw material by reason of an order under Sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, a prohibition under the Power Plant and Industrial Fuel Use Act of 1978, or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;

C. Use of an alternative fuel or raw material, if prior to January 6, 1975, the source was capable of accommodating the fuel or material, unless the change would be prohibited under any enforceable permit condition which was established after January 6, 1975;

D. An increase in the hours of operation or in the production rate unless the change would be prohibited under any enforceable permit condition which was established after January 6, 1975; or

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

6. Malfunction—A sudden and unavoidable failure of air pollution control equipment or process equipment or of a process to operate in a normal and usual manner. Excess emissions caused by improper design shall not be deemed a malfunction. For the purpose of 10 CSR 10-6.200 only, malfunction is any sudden, infrequent, and not reasonably-preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures that are caused, in part, by poor maintenance or careless operation are not malfunctions. During periods of malfunction the operator shall operate within established parameters as much as possible, and monitoring of all applicable operating parameters shall continue until all waste has been combusted or until the malfunction ceases, whichever comes first.

7. Malfunction indicator lamp (MIL)—An amber-colored warning light located on the dashboard of vehicles equipped with On-Board Diagnostics systems indicating to the vehicle operator that the vehicle either has a malfunction or has deteriorated enough to cause a potential increase in the vehicle's tailpipe or evaporative emissions.

8. Management planner—An individual, under AHERA, who devises and writes plans for asbestos abatement.

9. Manure storage and application systems—Any system that includes but is not limited to lagoons, manure treatment cells, earthen storage ponds, manure storage tanks, manure stockpiles, composting areas, pits and gutters within barns, litter used in bedding systems, all types of land application equipment, and all pipes, hoses, pumps, and other equipment used to transfer manure.

10. Marine vessel—A craft capable of being used as a means of transportation on water, except amphibious vehicles.

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

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

13. Material safety data sheet (MSDS)—The chemical, physical, technical, and safety information document supplied by the manufacturer of the coating, solvent, or

other chemical product.

14. Maximum charge rate—For continuous and intermittent HMIWI, one hundred ten percent (110%) of the lowest three (3)-hour average charge rate measured during the most recent performance test demonstrating compliance with all applicable emission limits; for batch HMIWI, one hundred ten percent (110%) of the lowest daily charge rate measured during the most recent performance test demonstrating compliance with all applicable emission limits.

15. Maximum design heat input—The ability of a unit to combust a stated maximum amount of fuel per hour on a steady state basis, as determined by the physical design and physical characteristics of the unit.

16. Maximum fabric filter inlet temperature—One hundred ten percent (110%) of the lowest three (3)-hour average temperature at the inlet to the fabric filter (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the dioxin/furan emission limit.

17. Maximum flue gas temperature—One hundred ten percent (110%) of the lowest three (3)-hour average temperature at the outlet from the wet scrubber (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the mercury (Hg) emission limit.

18. Maximum potential hourly heat input—An hourly heat input used for reporting purposes when a unit lacks certified monitors to report heat input. If the unit intends to use Appendix D of 40 CFR 75 to report heat input, this value should be calculated in accordance with 40 CFR 75, using the maximum fuel flow rate and the maximum gross calorific value. If the unit intends to use a flow monitor and a diluent gas monitor, this value should be reported in accordance with 40 CFR 75, using the maximum potential flow rate and either the maximum carbon dioxide concentration (in percent CO<sub>2</sub>) or the minimum oxygen concentration (in percent O<sub>2</sub>).

19. Maximum potential NO<sub>x</sub> emission rate—The NO<sub>x</sub> emission rate of nitrogen oxides (in lb/mmBtu) calculated in accordance with section 3 of Appendix F of 40 CFR 75, using the maximum potential nitrogen oxides concentration as defined in section 2 of Appendix A of 40 CFR 75, and either the maximum oxygen concentration (in percent O<sub>2</sub>) or the minimum carbon dioxide concentration (in percent CO<sub>2</sub>), under all operating conditions of the unit except for unit start-up, shutdown, and upsets.

20. Maximum rated hourly heat input—A unit-specific maximum hourly heat input (mmBtu) which is the higher of the manufacturer's maximum rated hourly heat input or the highest observed hourly heat input.

21. Mechanical shoe seal—A metal sheet held vertically against the wall of the storage vessel by springs or weighted levers and is connected by braces to the floating roof. A flexible coated fabric (envelope) spans the annular space between the metal sheet and the floating roof.

22. Medical device—An instrument, apparatus, implement, machine, contrivance, implant, *in vitro* reagent, or other similar article, including any component or accessory that meets one (1) of the following conditions:

A. It is intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease;

B. It is intended to affect the structure or any function of the body; or

C. It is defined in the *National Formulary* or the *United States Pharmacopoeia*, or any supplement to them.

23. Medical/infectious waste—Any waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals as exempted in the applicable rule. The definition of medical/infectious waste does not include hazardous waste identified or listed under the regulations in 40 CFR 261; household waste, as defined in 40 CFR 261.4(b)(1); ash from incineration of medical/infectious waste, once the incineration process has been completed; human corpses, remains, and anatomical parts that are intended for interment or cremation; and domestic sewage materials identified in 40 CFR 261.4(a)(1).

A. Cultures and stocks of infectious agents and associated biologicals, including cultures from medical and pathological laboratories; cultures and stocks of infectious agents from research and industrial laboratories; wastes from the production of biologicals; discarded live and attenuated vaccines; and culture dishes and devices used to transfer, inoculate, and mix cultures.

B. Human pathological waste, including tissues, organs, and body parts and body fluids that are removed during surgery or autopsy, or other medical procedures, and specimens of body fluids and their containers.

C. Human blood and blood products including:

(I) Liquid waste human blood;

(II) Products of blood;

(III) Items saturated and/or dripping with human blood; and

(IV) Items that were saturated and/or dripping with human blood that are now caked with dried human blood including serum, plasma, and other blood components, and their containers, which were used or intended for use in either patient care, testing and laboratory analysis, or the development of pharmaceuticals. Intravenous bags are also included in this category.

D. Sharps that have been used in animal or human patient care or treatment or in medical, research, or industrial laboratories, including hypodermic needles, syringes (with or without the attached needle), pasteur pipettes, scalpel blades, blood vials, needles with attached tubing, and culture dishes (regardless of presence of infectious agents). Also included are other types of broken or unbroken glassware that were in contact with infectious agents, such as used slides and cover slips.

E. Animal waste including contaminated animal carcasses, body parts, and bedding of animals that were known to have been exposed to infectious agents during research (including research in veterinary hospitals), production of biologicals, or testing of pharmaceuticals.

F. Isolation wastes including biological waste and discarded materials contaminated with blood, excretions, exudates, or secretions from humans who are isolated to protect others from certain highly-communicable diseases, or isolated animals known to be infected with highly-communicable diseases.

G. Unused sharps including the following unused, discarded sharps: hypodermic needles, suture needles, syringes, and scalpel blades.

24. Medium HMIWI—An HMIWI whose maximum design waste burning capacity is more than two hundred pounds (200 lbs) per hour but less than or equal to five hundred pounds (500 lbs) per hour, or a continuous or intermittent HMIWI whose maximum charge rate is more than two hundred pounds (200 lbs) per hour but less than or equal to five hundred pounds (500 lbs) per hour, or a batch HMIWI whose maximum charge rate is more than one thousand six hundred pounds (1,600 lbs) per day, but less than or equal to four thousand pounds (4,000 lbs) per day. The following are not medium HMIWI: a continuous or intermittent HMIWI whose maximum charge rate is less than or equal to two hundred pounds (200 lbs) per hour or more than five hundred pounds (500 lbs) per hour; or a batch HMIWI whose maximum charge rate is more than four thousand



pounds (4,000 lbs) per day or less than or equal to one thousand six hundred pounds (1,600 lbs) per day.

25. Metal to urethane/rubber molding or casting adhesive—An adhesive intended by the manufacturer to bond metal to high density or elastomeric urethane or molded rubber materials to fabricate products such as rollers for computer printers or other paper handling equipment.

26. Metallic coating—A coating which contains more than five (5) grams of metal particles per liter of coating as applied. Metal particles are pieces of a pure elemental metal or a combination of elemental metals.

27. Metropolitan planning organization (MPO)—The policy board of an organization created as a result of the designation process in 23 U.S.C. 134(d) and in 49 U.S.C. 5303. It is the forum for cooperative transportation decision-making and is responsible for conducting the planning required under section 174 of the CAA.

28. Mid-kiln firing—Secondary firing in kiln systems by injecting fuel at an intermediate point in the kiln system using a specially-designed fuel injection mechanism for the purpose of decreasing NO<sub>x</sub> emissions through—

A. The burning of part of the fuel at a lower temperature; and

B. The creation of reducing conditions at the point of initial combustion.

29. Milestone—The meaning given in sections 182(g)(1) and 189(c)(1) of the CAA. It consists of an emissions level and the date on which it is required to be achieved.

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

31. Minimum dioxin/furan sorbent flow rate—Ninety percent (90%) of the highest three (3)-hour average dioxin/furan sorbent flow rate (taken, at a minimum, once every hour) measured during the most recent performance test demonstrating compliance with the dioxin/furan emission limit.

32. Minimum mercury (Hg) sorbent flow rate—Ninety percent (90%) of the highest three (3)-hour average Hg sorbent flow rate (taken, at a minimum, once every hour) measured during the most recent performance test demonstrating compliance with the Hg emission limit.

33. Minimum horsepower or amperage—Ninety percent (90%) of the highest three (3)-hour average horsepower or amperage to the wet scrubber (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the applicable emission

limit.

34. Minimum hydrogen chloride (HCl) sorbent flow rate—Ninety percent (90%) of the highest three (3)-hour average HCl sorbent flow rate (taken, at a minimum, once every hour) measured during the most recent performance test demonstrating compliance with the HCl emission limit.

35. Minimum pressure drop across the wet scrubber—Ninety percent (90%) of the highest three (3)-hour average pressure drop across the wet scrubber particulate matter (PM) control device (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the PM emission limit.

36. Minimum reagent flow rate—Ninety percent (90%) of the highest three (3)-hour average reagent flow rate at the inlet to the selective noncatalytic reduction technology (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the NO<sub>x</sub> emissions limit.

37. Minimum scrubber liquor flow rate—Ninety percent (90%) of the highest three (3)-hour average liquor flow rate at the inlet to the wet scrubber (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with all applicable emission limits.

38. Minimum scrubber liquor pH—Ninety percent (90%) of the highest three (3)-hour average liquor pH at the inlet to the wet scrubber (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with all HCl emission limits.

39. Minimum secondary chamber temperature—Ninety percent (90%) of the highest three (3)-hour average secondary chamber temperature (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the PM, carbon monoxide (CO), dioxin/furan, and NO<sub>x</sub> emission limits.

40. Minor violation—A violation which possesses a small potential to harm the environment or human health or cause pollution, was not knowingly committed, and is not defined by the United States Environmental Protection Agency as other than minor.

41. Missouri Decentralized Analyzer System (MDAS)—The emissions inspection equipment that is sold by the state's contractor to licensed emissions inspection stations. The department may approve alternative equipment if the equipment described in this paragraph is no longer available. At a minimum, the vehicle emissions inspection equipment shall consist of the following contractor

equipment package:

A. At least a seventeen-inch (17") Liquid Crystal Display (LCD) monitor;

B. Universal serial bus (USB) lane camera;

C. At least a four (4.0) megapixel digital camera and dock;

D. Fingerprint scanner;

E. Two hundred fifty-six (256)-megabyte USB flash drive;

F. Keyboard with plastic keyboard cover and optical mouse;

G. Printer with ink or toner cartridges and blank paper;

H. 2D barcode reader;

I. Windshield sticker printer with blank windshield stickers and thermal cartridge;

J. OBD vehicle interface cable with a standard Society of Automotive Engineers J1962/J1978 OBD connector;

K. OBD verification tool;

L. Low-speed or high-speed Internet connection capabilities;

M. Surge protector and uninterruptible power supply (UPS);

N. At least a three gigahertz (3.0 GHz) personal computer (Dell™ Pentium® 4 or equivalent), with Windows Vista® and one (1) gigabyte of Random Access Memory (RAM); and

O. Metal cabinet to hold all of the components described in this paragraph.

42. Missouri Department of Revenue (MDOR)—The state agency responsible for the oversight of vehicle registration at contract offices and via the Internet. This agency is also responsible for the registration denial method of enforcement for the vehicle emissions inspection and maintenance program.

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

44. Missouri State Highway Patrol (MSHP)—The state agency responsible for the oversight of the vehicle safety inspection program and joint oversight with the department of the vehicle emissions inspection and maintenance program.

45. Mitigation measure—any method of reducing emissions of the pollutant or its precursor taken at the location of the federal action and used to reduce the impact of the emissions of that pollutant caused by the action.

46. Mobile equipment—Any equipment that is physically capable of being driven or drawn on a roadway including, but not limited to, the following types of equipment:

A. Construction vehicles such as mobile cranes, bulldozers, concrete mixers, etc.;





B. Farming equipment such as a wheel tractor, plow, pesticide sprayer, etc.;

C. Hauling equipment such as truck trailers, utility bodies, etc.; and

D. Miscellaneous equipment such as street cleaners, golf carts, etc.

47. Model year—The manufacturer's annual production period which includes January 1 of such calendar year. If the manufacturer has no annual production period, model year shall refer to the calendar year.

48. Modeling domain—A geographic area covered by an air quality model.

49. Modification—Any physical change, or change in method of operation of, a source operation or attendant air pollution control equipment which would cause an increase in potential emissions of any air pollutant emitted by the source operation. For the purpose of 10 CSR 10-5.490 and 10 CSR 10-6.310 only, modification is an increase in the permitted volume design capacity of the landfill by either horizontal or vertical expansion based on its most recent permitted design capacity; modification does not occur until the owner or operator commences construction on the horizontal or vertical expansion.

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

51. Modified HMIWI—Any change to an HMIWI unit after the effective date of these standards such that the cumulative costs of the modifications, over the life of the unit, exceed fifty percent (50%) of the original cost of the construction and installation of the unit (not including the cost of any land purchased in connection with such construction or installation) updated to current costs, or the change involves a physical change in or change in the method of operation of the unit which increases the amount of any air pollutant emitted by the unit for which standards have been established under section 129 or section 111 of the CAA.

52. Mold release—A coating applied to a mold surface to prevent the mold piece from sticking to the mold as it is removed, or to an aerospace component for purposes of creating a form-in-place seal.

53. Mold seal coating—The initial coating applied to a new mold or a repaired mold to provide a smooth surface which, when coated with a mold-release coating, prevents products from sticking to the mold.

54. Monitoring system—Any monitoring system that meets the requirements as described in a specific rule, including a continuous emissions monitoring system, an excepted monitoring system, or an alternative monitoring system.

55. Monthly throughput—The total volume of gasoline that is loaded into all gaso-

line storage tanks during a month, as calculated on a rolling thirty (30)-day average.

56. MOPETP—The Missouri Performance Evaluation Test Procedures, a set of standards and test procedures for evaluating performance of Stage I/II vapor recovery control equipment and systems to be installed or that have been installed in Missouri.

57. Motor tricycle—A motor vehicle operated on three (3) wheels, including a motorcycle with any conveyance, temporary or otherwise, requiring the use of a third wheel.

58. Motor vehicle—Any self-propelled vehicle.

59. Motor vehicle adhesive—An adhesive, including glass bonding adhesive, used at an installation that is not an automobile or light duty truck assembly coating installation, applied for the purpose of bonding two (2) motor vehicle surfaces together without regard to the substrates involved.

60. Motor vehicle bedliner—A multi-component coating, used at an installation that is not an automobile or light duty truck assembly coating installation, applied to a cargo bed after the application of topcoat to provide additional durability and chip resistance.

61. Motor vehicle cavity wax—A coating, used at an installation that is not an automobile or light duty truck assembly coating installation, applied into the cavities of the motor vehicle primarily for the purpose of enhancing corrosion protection.

62. Motor vehicle deadener—A coating, used at an installation that is not an automobile or light duty truck assembly coating installation, applied to selected motor vehicle surfaces primarily for the purpose of reducing the sound of road noise in the passenger compartment.

63. Motor vehicle gasket/gasket-sealing material—A fluid, used at an installation that is not an automobile or light duty truck assembly coating installation, applied to coat a gasket or replace and perform the same function as a gasket. Automobile and light duty truck gasket/gasket-sealing material includes room temperature vulcanization (RTV) seal material.

64. Motor vehicle glass-bonding primer—A primer, used at an installation that is not an automobile or light duty truck assembly coating installation, applied to windshield or other glass, or to body openings, to prepare the glass or body opening for the application of glass-bonding adhesives or the installation of adhesive-bonded glass. Motor vehicle glass bonding primer includes glass bonding/cleaning primers that perform both functions (cleaning and priming of the

windshield or other glass or body openings) prior to the application of adhesive or the installation of adhesive-bonded glass.

65. Motor vehicle lubricating wax/compound—A protective lubricating material, used at an installation that is not an automobile or light duty truck assembly coating installation, applied to motor vehicle hubs and hinges.

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

67. Motor vehicle trunk interior coating—A coating, used at an installation that is not an automobile or light duty truck assembly coating installation, applied to the trunk interior to provide chip protection.

68. Motor vehicle underbody coating—A coating, used at an installation that is not an automobile or light duty truck assembly coating installation, applied to the undercarriage or firewall to prevent corrosion and/or provide chip protection.

69. Motor vehicle weatherstrip adhesive—An adhesive, used at an installation that is not an automobile or light duty truck assembly coating installation, applied to weatherstripping materials for the purpose of bonding the weatherstrip material to the surface of the motor vehicle.

70. Motorcycle—A motor vehicle operated on two (2) wheels.

71. Multi-colored coating—A coating which exhibits more than one (1) color when applied and which is packaged in a single container and applied in a single coat.

72. Multi-component coating—A coating requiring the addition of a separate reactive resin, commonly known as a catalyst or hardener, before application to form an acceptable dry film.

73. Multi-day violation—A violation which has occurred on or continued for two (2) or more consecutive or nonconsecutive days.

74. Multiple-violation penalty—The sum of individual administrative penalties assessed when two (2) or more violations are included in the same complaint or enforcement action.

75. Multipurpose construction adhesive—An adhesive intended by the manufacturer for use in the installation or repair of various construction materials, including but not limited to drywall, subfloor, panel, fiberglass



reinforced plastic (FRP), ceiling tile, and acoustical tile.

76. Municipal solid waste landfill or MSW landfill—An entire disposal facility in a contiguous geographical space where household waste is placed in or on land. An MSW landfill may also receive other types of Resource Conservation and Recovery Act (RCRA) Subtitle D wastes per 40 CFR 257.2, such as commercial solid waste, non-hazardous sludge, conditionally exempt small quantity generator waste, and industrial solid waste. Portions of an MSW landfill may be separated by access roads. An MSW landfill may be publicly or privately owned. An MSW landfill may be a new MSW landfill, an existing MSW landfill, or a lateral expansion.

77. Municipal solid waste landfill emissions or MSW landfill emissions—Gas generated by the decomposition of organic waste deposited in an MSW landfill or derived from the evolution of organic compounds in the waste.

(N) All terms beginning with “N.”

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

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

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

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

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

A. For purposes of applying the formula provided in subparagraph (2)(G)15.B. of this rule, nearby means that distance up to five (5) times the lesser of the height or the width dimension of a structure, but not

greater than one-half (1/2) mile; and

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

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

7. New—As defined for the purposes of 10 CSR 10-6.405, any source which is not an existing source, as defined in paragraph (2)(E)47. 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. Nonaqueous solvent—Any solvent not classifiable as an aqueous solvent as defined by a solvent in which water is the primary ingredient (greater than eighty percent (80%) by weight or greater than sixty percent (60%) by volume of solvent solution as applied must be water). Aqueous solutions must have a flash point greater than ninety-three degrees Celsius (93 °C) (two hundred degrees Fahrenheit (200 °F)) (as reported by the manufacturer) and the solution must be miscible with water.

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

12. Nonattainment pollutant—Each and every pollutant for which the location of the source is in an area designated to be in nonattainment of a National Ambient Air Quality

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

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

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

15. Non-Title V permit—A federally-enforceable permit administered by the director pursuant to the CAA and regulatory authority under the CAA, other than Title V of the CAA and 40 CFR 70 or 40 CFR 71.

16. Normal maintenance—Repair or replacement of vapor recovery control equipment and/or gasoline dispensing components/dispensers that does not require breaking of concrete (by any method) and does not require removal of dispenser(s) from island(s).

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

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

19. NO<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.  $\text{NO}_x$  allowance tracking system—The system by which the director or the administrator records allocations, deductions, and transfers of  $\text{NO}_x$  allowances under a  $\text{NO}_x$  trading program.

22.  $\text{NO}_x$  allowance tracking system account—An account in the  $\text{NO}_x$  allowance tracking system established by the director or administrator for purposes of recording the allocation, holding, transferring, or deducting of  $\text{NO}_x$  allowances.

23.  $\text{NO}_x$  allowance transfer deadline—For the purpose of 10 CSR 10-6.350 only, close of business on December 31 following the control period or, if December 31 is not a business day, close of business on the first business day thereafter and is the deadline by which  $\text{NO}_x$  allowances may be submitted for recording in an affected unit's compliance account, or the overdraft account of the installation where the unit is located. For the purpose of 10 CSR 10-6.360 only, midnight of November 30 or, if November 30 is not a business day, midnight of the first business day thereafter and is the deadline by which  $\text{NO}_x$  allowances may be submitted for recordation in a  $\text{NO}_x$  budget unit's compliance account, or the overdraft account of the source where the unit is located, in order to meet the unit's  $\text{NO}_x$  budget emissions limitation for the control period immediately preceding such deadline.

24.  $\text{NO}_x$  allowances held—The  $\text{NO}_x$  allowances recorded by the director or administrator, or submitted to the director or administrator for recordation, in accordance with a rule, in a  $\text{NO}_x$  allowance tracking system account.

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

26.  $\text{NO}_x$  budget emissions limitation—For a  $\text{NO}_x$  budget unit, the tonnage equivalent of the  $\text{NO}_x$  allowances available for compliance deduction for the unit and for a control period adjusted by any deductions of such  $\text{NO}_x$  allowances to account for actual utilization for the control period or to account for excess emissions for a prior control period or to account for withdrawal from the  $\text{NO}_x$  budget program or for a change in regulatory status for an affected unit.

27.  $\text{NO}_x$  budget permit—The legally-

binding and federally-enforceable written document, or portion of such document, issued by the director, including any permit revisions, specifying the  $\text{NO}_x$  budget trading program requirements applicable to a  $\text{NO}_x$  budget source, to each  $\text{NO}_x$  budget unit at the  $\text{NO}_x$  budget source, and to the owners and operators and the  $\text{NO}_x$  authorized account representative of the  $\text{NO}_x$  budget source and each  $\text{NO}_x$  budget unit.

28.  $\text{NO}_x$  budget source—A source that includes one (1) or more  $\text{NO}_x$  budget units.

29.  $\text{NO}_x$  budget trading program—A multi-state nitrogen oxides air pollution control and emission reduction program pursuant to 40 CFR 51.121, as a means of mitigating the interstate transport of ozone and nitrogen oxides, an ozone precursor.

30.  $\text{NO}_x$  budget unit—A unit that is subject to the  $\text{NO}_x$  budget trading program emissions limitation under section (1) or paragraph (3)(H)1. of 10 CSR 10-6.360.

31.  $\text{NO}_x$  emission rate—The amount of  $\text{NO}_x$  emitted by a combustion unit in pounds per million British thermal units of heat input as recorded by approved monitoring devices.

32.  $\text{NO}_x$  emissions limitation—For an affected unit, the tonnage equivalent of the  $\text{NO}_x$  emissions rate available for compliance deduction for the unit and for a control period adjusted by any deductions of such  $\text{NO}_x$  allowances to account for actual utilization for the control period or to account for excess emissions for a prior control period or to account for withdrawal from a  $\text{NO}_x$  trading program or for a change in regulatory status for an affected unit.

33.  $\text{NO}_x$  opt-in unit—An EGU whose owner or operator has requested to become an affected unit under a  $\text{NO}_x$  trading program and has been approved by the department.

34.  $\text{NO}_x$  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 and  $\text{NO}_x$  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 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. On-Board 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. On-Board 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 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, including those that are commanding the MIL to be illuminated.

6. 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. One-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. Opacity—The extent to which air-borne 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. 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. 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. 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. 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. 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. Operation—The period during which waste is combusted in the incinerator excluding periods of startup or shutdown.

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

18. Optical coating—A coating applied to an optical lens.

19. 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. 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. Output—The shaft work output from any engine plus the energy reclaimed by any useful heat recovery system.

22. 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. 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. 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. 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.

26. 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. 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 as the major solvent and thinner which converts to a relatively opaque solid film after application as a thin layer.

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

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

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

B. Saturate a substrate for lamination;

or

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

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

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

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



administrator;

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

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

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

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

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

(IV) For particulate matter less than ten (10) micrometers ( $PM_{10}$ ) nonattainment areas classified as “serious,” sources with the potential to emit seventy (70) tpy or more of  $PM_{10}$ ;

D. They are affected sources under Title IV of the 1990 Act;

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

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

G. Installations that would be part 70 sources strictly due to the following criteria are not subject to part 70 source requirements until the administrator subjects this installation to these requirements by rule:

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

(II) They are subject to a standard or other requirement under section 112 of the

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

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

A. 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)  $PM_{10}$ —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)  $PM_{2.5}$ —Particulate matter with an aerodynamic diameter less than or equal to a nominal two and one-half (2.5) micrometers including the filterable component as measured in the ambient air as specified in 10 CSR 10-6.040(4)(L);

B. For the purpose of 10 CSR 10-6.200 only, particulate matter, or  $PM$ , is the total particulate matter emitted from an HMIWI as measured by EPA Reference Method 5 of 40 CFR 60, Appendix A-3 or EPA Reference Method 29 of 40 CFR 60, Appendix A-8; 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  $PM_{2.5}$  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  $PM_{2.5}$  (Also known as direct  $PM_{2.5}$ , total  $PM_{2.5}$ ,  $PM_{2.5}$ , or combined filterable  $PM_{2.5}$  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 emis-

sions from an air emission source or activity that condense to form  $PM$  at ambient temperatures. Direct  $PM_{2.5}$  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  $PM_{10}$  (Also known as direct  $PM_{10}$ , total  $PM_{10}$ ,  $PM_{10}$ , or the combination of filterable  $PM_{10}$  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. Peaking combustion unit—A combustion turbine normally reserved for operation during the hours of highest daily, weekly, or seasonal loads.

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

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

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

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

18. Person—Any individual, partnership, copartnership, association, firm, company, public or private corporation including



the parent company of a wholly-owned subsidiary, joint stock company, municipality, political subdivision, agency, board, department or bureau of the state or federal government, trust, estate, or other legal entity either public or private which is recognized by law as the subject of rights and duties. This shall include any legal successor, employee, or agent of the previous entities.

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

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

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

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

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

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

25. Plastic foam—Foam constructed of plastics.

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

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

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

29. Pleasure craft coating—A marine

coating, except unsaturated polyester resin (fiberglass) coatings, applied by brush, spray, roller, or other means to a pleasure craft.

30. Point source—For the purposes of 10 CSR 10-6.110 only, large, stationary (non-mobile), identifiable source of emissions that releases pollutants into the atmosphere. A point source is an installation that is either—

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

B. A holder of an intermediate operating permit.

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

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

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

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

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

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

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

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

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

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

41. Positive crankcase ventilation sys-

tem—Any system or device which prevents the escape of crankcase emissions to the ambient air.

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

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

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

45. Precursors of a criteria pollutant are—

A. For ozone, nitrogen oxides ( $\text{NO}_x$ ), unless an area is exempted from  $\text{NO}_x$  requirements under section 182(f) of the CAA, and volatile organic compounds (VOCs);

B. For  $\text{PM}_{10}$ , those pollutants described in the  $\text{PM}_{10}$  nonattainment area applicable SIP as significant contributors to the  $\text{PM}_{10}$  levels; and

C. For  $\text{PM}_{2.5}$ —

(I) Sulfur dioxide ( $\text{SO}_2$ ) in all  $\text{PM}_{2.5}$  nonattainment and maintenance areas;

(II) Nitrogen oxides in all  $\text{PM}_{2.5}$  nonattainment and maintenance areas unless both the state and EPA determine that it is not a significant precursor; and

(III) Volatile organic compounds (VOC) and ammonia ( $\text{NH}_3$ ) only in  $\text{PM}_{2.5}$  nonattainment or maintenance areas where either the state or EPA determines that they are significant precursors.

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

47. Prefabricated architectural component coating—A coating applied to metal parts and products which are to be used as an architectural structure.

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



rotary kiln which forms clinker.

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

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

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

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

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

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

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

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

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

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

59. Printing—Any operation that

imparts color, images, or text onto a substrate using printing inks.

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

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

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

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

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

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

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

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

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

hours of actual process operation during that period; or

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

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

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

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

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

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

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

72. Publication rotogravure printing—Rotogravure printing upon paper which is subsequently formed into books, magazines, catalogues, brochures, directories, newspaper supplements, and other types of printed materials.

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





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

(Q) All terms beginning with “Q.”

1. Qualifying repair—Any repair or adjustment performed on a vehicle’s emissions control system after failing an initial emissions inspection that is reasonable to the test method failure. A qualifying repair is submitted as part of a cost-based waiver application and must document, to the department’s satisfaction, the diagnostic testing or analysis method used by the person performing the repair. Repairs performed by a repair technician that were not authorized by the vehicle owner’s signature or verbal consent may not be considered a qualifying repair. The qualifying repair must be performed within ninety (90) days after the date of initial emissions inspection. The initial or subsequent emissions reinspection should support the necessity of the qualifying repair. The qualifying repair may consist of either—

A. The parts costs, spent by a vehicle owner or charged to a vehicle owner by a repair technician, that are appropriate for the type of emissions inspection failure; or

B. The parts and recognized labor costs, charged to a vehicle owner by a Recognized Repair Technician, that are appropriate for the type of emissions inspection failure.

2. Quantifiable—The quantity of emission reductions can be measured or estimated by accurate and replicable techniques. These techniques shall be at least as accurate and replicable as the techniques accepted by the U.S. EPA, where accepted techniques exist.

(R) All terms beginning with “R.”

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

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

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

4. Readiness monitor—A design feature of On-Board Diagnostics systems. If a readiness monitor has been set, then the OBD system has completed a diagnostic check on that

component. If a readiness monitor has not been set, then the OBD system has not completed a diagnostic check on that component.

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

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

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

8. Recognized Repair Technician—Any person who—

A. Is professionally engaged full-time in vehicle repair or employed by an ongoing business whose purpose is vehicle repair. A Recognized Repair Technician may only be recognized by the department at one (1) place of employment;

B. Has valid certifications from the National Institute for Automotive Service Excellence (ASE) in Electrical Systems (A6), Engine Performance (A8), and Advanced Engine Performance Specialist (L1) that have not expired; and

C. Has not been reported by the department to the attorney general for unlawful merchandising practices according to subsection 643.330.4., RSMo.

9. Reconstruction—Where the fixed capital cost of the new components exceeds fifty percent (50%) of the fixed capital cost of a comparable entirely new source of operation or installation; the use of an alternative fuel or raw material by reason of an order in effect under sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act, or by reason of an order or rule under section 125 of the Clean Air Act, shall not be considered reconstruction. In determining whether a reconstruction will occur,

the provisions of 40 CFR 60.15, December 1, 1979, shall be considered by the director.

10. Recordation, record, or recorded—With regard to NO<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. Regional water or wastewater projects—Include construction, operation, and maintenance of water or wastewater conveyances, water or wastewater treatment facilities, and water storage reservoirs which affect a large portion of a nonattainment or maintenance area.

21. Regulated air pollutant—All air pollutants or precursors for which any standard has been promulgated.

22. Regulated asbestos-containing material (RACM)—Friable asbestos material; category I nonfriable asbestos-containing material (ACM) that has become friable; category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading, or category II nonfriable ACM that has a high probability of becoming or has





become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this rule.

23. Regulated pollutant—Any regulated air pollutant except carbon monoxide and pollutants regulated exclusively under section 112(r) or Title VI of the Act.

24. Reid vapor pressure (RVP)—The absolute vapor pressure of a petroleum liquid as determined by “Tests for Determining Reid Vapor Pressure (RVP) of Gasoline and Gasoline-Oxygenate Blends” 40 CFR 80, Appendix E as in effect July 1, 1990.

25. Reinforced plastic composite—A composite material consisting of plastic reinforced with fibers.

26. Related cleaning activity—The removal of coating residue or other unwanted materials from equipment related to coating operations as well as the cleaning of spray guns, transfer line, tanks, and the interior of spray booths.

27. Renewable fuel—For the purpose of 10 CSR 10-6.380 only, renewable energy resources that include but are not limited to solar (photovoltaic), wind, and biomass. Biomass includes but is not limited to: agricultural crops and crop waste, untreated wood and wood wastes, livestock waste, wastepaper, and organic municipal solid waste.

28. Renewal—The process by which an operating permit is reissued at the end of its term.

29. Repair—The restoration of asbestos material that has been damaged. Repair consists of the application of rewettable glass cloth, canvas, cement, or other suitable material. It may also involve filling damaged areas with nonasbestos substitutes and reencapsulating or painting previously-encapsulated materials.

30. Repair coating—A coating used to re-coat portions of a previously-coated product which has sustained mechanical damage to the coating following normal coating operations.

31. Reportable pollutants—The regulated air pollutants at the process level required for emission inventory reporting as summarized in Table 1 of 10 CSR 10-6.110.

32. Reporting threshold—Minimum amount of reportable emissions at the emission unit level that requires reporting as summarized in Table 1 of 10 CSR 10-6.110. Emissions below this amount may be designated as insignificant on the full emissions report.

33. Reporting year—Twelve (12)-month calendar year ending December 31. The reporting requirement for installations with three (3)-year reporting cycles begins with

the 2011 reporting year. The subsequent reporting years will be every three (3) years following 2011 (i.e., 2014, 2017, 2020, etc.).

34. Research and development activities—Activities conducted at a research or laboratory facility whose primary purpose is to conduct research and development into new processes and products, where such source is operated under the close supervision of technically-trained personnel and is not engaged in the manufacture of products for sale or exchange for commercial profit, except in a *de minimis* manner.

35. Research and development emissions unit—Any combustion unit operated only for the purpose of research and development work.

36. Residence time—Period of time in which gas in a thermal oxidizer, incinerator, or afterburner is exposed to heat and oxygen at a specified temperature in order to destroy pollutants present in the gas.

37. Residual fuel oil—The fuel oil variously known as Bunker C, PS 400, and Number 6 as defined in ASTM D (396-487) (1959).

38. Resist coat—A coating that is applied to a plastic part before metallic plating to prevent deposits of metal on portions of the plastic part.

39. Responsible official—Includes one (1) of the following:

A. The president, secretary, treasurer, or vice-president of a corporation in charge of a principal business function, any other person who performs similar policy and decision-making functions for the corporation, or a duly-authorized representative of this person if the representative is responsible for the overall operation of one (1) or more manufacturing, production, or operating facilities applying for or subject to a permit and either—

(I) The facilities employ more than two hundred fifty (250) persons or have a gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second quarter 1980 dollars); or

(II) The delegation of authority to this representative is approved in advance by the permitting authority;

B. A general partner in a partnership or the proprietor in a sole proprietorship;

C. Either a principal executive officer or ranking elected official in a municipality or state, federal, or other public agency. For the purpose of this subparagraph, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency; or

D. The designated representative of an affected source insofar as actions, standards, requirements, or prohibitions under Title IV of the Act or the regulations promulgated under the Act are concerned and the designated representative for any other purposes under part 70.

40. Restricted information—Information that is privileged or that is otherwise protected from disclosure pursuant to applicable statutes, executive orders, or regulations. Such information includes, but is not limited to, classified national security information, protected critical infrastructure information, sensitive security information, and proprietary business information.

41. Retail outlet—Any establishment where gasoline is sold, offered for sale, or used as a motor vehicle fuel.

42. Rich-burn engine—A two (2)- or four (4)-stroke SI engine where the oxygen content in the exhaust stream before any dilution is one percent (1%) or less measured on a dry basis.

43. Road-mix—An asphalt course produced by mixing mineral aggregate and cut-back or emulsified asphalt at the road site by means of travel plants, motor graders, drags, or special road-mixing equipment.

44. Roll printing—The application of words, designs, and pictures to a substrate, usually by means of a series of hard rubber or steel rolls each with only partial coverage.

45. Roller spreader—The device used for the application of a coating material to a substrate by means of hard rubber or steel rolls.

46. Rolling lubricant—Petroleum-based oil usually mixed with additives. The lubricant is used to cool the work rolls and provide lubrication for the product in contact with the work rolls.

47. Rotogravure printing—The application of words, designs, and pictures to a substrate by means of a roll-printing technique which involves an intaglio or recessed image areas in the form of cells.

48. Rubber—Any natural or manmade rubber substrate, including, but not limited to, styrene-butadiene rubber, polychloroprene (neoprene), butyl rubber, nitrile rubber, chlorosulfonated polyethylene, and ethylene propylene diene terpolymer.

(S) All terms beginning with “S.”

1. Safety-indicating coating—A coating which changes physical characteristics, such as color, to indicate unsafe conditions.

2. Salvage operation—Any business, trade, industry, or other activity conducted in whole or in part for the purpose of salvaging or reclaiming any product or material.



3. Sealer—A finishing material used to seal the pores of a wood substrate before additional coats of finishing material are applied. Washcoats, which are used in some finishing systems to optimize aesthetics, are not sealers.

4. Sealing material—A liquid substance that does not contain asbestos which is used to cover a surface that has previously been coated with a friable asbestos-containing material for the intended purpose of preventing any asbestos fibers remaining on the surface from being disbursed into the air. This substance shall be distinguishable from the surface to which it is applied.

5. Secondary chamber—A component of the HMIWI that receives combustion gases from the primary chamber and in which the combustion process is completed.

6. Secondary emissions—The emissions which occur or would occur as a result of the construction or operation of an installation or major modification but do not come from the installation or major modification itself. Secondary emissions must be specific, well-defined, quantifiable, and impact the same general area as the installation or modification which causes the secondary emissions. Secondary emissions may include, but are not limited to:

A. Emissions from trucks, ships, or trains coming to or from the installation or modification; and

B. Emissions from any off-site support source which would not be constructed or increase its emissions except as a result of the construction or operation of the major stationary source or major modification.

7. Section 502(b)(10) changes—Changes that contravene an express permit term. These changes do not include those that would violate applicable requirements or contravene federally-enforceable permit terms and conditions that are monitoring (including test methods), record keeping, reporting, or compliance certification requirements.

8. Self-priming topcoat—A topcoat that is applied directly to a vehicle or component for purposes of corrosion prevention, environmental protection, and function fluid resistance. More than one (1) layer of identical coating formulation may be applied to the vehicle or component.

9. Semi-aqueous cleaning solvent—A solution in which water is a primary ingredient (greater than sixty percent (60%) by weight of the solvent solution as applied must be water).

10. Serial number—When referring to  $\text{NO}_x$  allowances, the unique identification number assigned to each  $\text{NO}_x$  allowance by the administrator or director.

11. Sheet basecoat—The roll coated primary interior surface coating applied to surfaces for the basic protection of buffering filling material from the metal can surface.

12. Sheet-fed—A printing press where individual sheets of substrate are fed into the press sequentially.

13. Sheet rubber lining installation—The process of applying sheet rubber liners by hand to metal or plastic substrates to protect the underlying substrate from corrosion or abrasion. These operations also include laminating sheet rubber to fabric by hand.

14. Shock-free coating—A coating applied to electrical components to protect the user from electric shock. The coating has characteristics of being of low capacitance and high resistance and having resistance to breaking down under high voltage.

15. Shutdown—The cessation of operation of any air pollution control equipment or process equipment, excepting the routine phasing out of process equipment. For the purpose of 10 CSR 10-6.200 only, shutdown is the period of time after all waste has been combusted in the primary chamber. For continuous HMIWI, shutdown shall commence no less than two (2) hours after the last charge to the incinerator. For intermittent HMIWI, shutdown shall commence no less than four (4) hours after the last charge to the incinerator. For batch HMIWI, shutdown shall commence no less than five (5) hours after the high-air phase of combustion has been completed. For the purpose of 10 CSR 10-6.410 only, shutdown is rendering an installation or unit inoperable by physically removing, dismantling, or otherwise disabling the installation or unit so that it could not be reactivated without obtaining a new permit in accordance with 10 CSR 10-6.060.

16. Shutdown, permanent—See permanent shutdown.

17. Side-seam coating—A coating applied on the interior and/or exterior of a welded, cemented, or soldered seam to protect the exposed metal.

18. Significant—A net emissions increase or potential to emit at a rate equal to or exceeding the *de minimis* levels or create an ambient air concentration at a level greater than those listed in 10 CSR 10-6.060(11)(D) Table 4, or any emissions rate or any net emissions increase associated with an installation subject to 10 CSR 10-6.060 which would be constructed within ten kilometers (10 km) of a Class I area and have an air quality impact on the area equal to or greater than one microgram per cubic meter ( $1 \mu\text{g}/\text{m}^3$ ) (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. Silicone release coating—A coating which contains silicone resin and is intended to prevent food from sticking to metal surfaces, such as baking pans.

20. Similar source—A stationary source or process that has comparable emissions and is structurally similar in design and capacity to a constructed or reconstructed major source such that the source could be controlled using the same control technology.

21. Single-ply roof membrane—A pre-fabricated single sheet of rubber, normally ethylene-propylenediene terpolymer, that is field applied to a building roof using one (1) layer of membrane material. For the purposes of rule 10 CSR 10-5.330, single-ply roof membrane does not include membranes pre-fabricated from EPDM.

22. Single-ply membrane adhesive primer—A primer labeled for use to clean and promote adhesion of the single-ply roof membrane seams or splices prior to bonding.

23. Single-ply membrane installation and repair adhesive—An adhesive labeled for use in the installation or repair of single-ply roof membrane. Installation includes, as a minimum, attaching the edge of the membrane to the edge of the roof and applying flashings to vents, pipes, or ducts that protrude through the membrane. Repair includes gluing the edges of torn membrane together, attaching a patch over a hole, and reapplying flashings to vents, pipes, or ducts installed through the membrane.

24. Six (6)-minute period—A three-hundred-sixty (360)-consecutive-second time interval. Six (6)-minute block averages shall be utilized for COMS data per the provisions of Appendix B to 40 CFR 60, Performance Specification 1, promulgated as of July 1, 2007, and hereby incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N Capitol Street NW, Washington, DC 20401. This definition does not incorporate any subsequent amendments or additions.

25. Sludge—Any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility, exclusive of the treated effluent from a wastewater treatment plant.

26. Small HMIWI—An HMIWI whose maximum design waste burning capacity is less than or equal to two hundred (200) pounds per hour, or a continuous or intermittent HMIWI whose maximum charge rate is



less than or equal to two hundred (200) pounds per hour, or a batch HMIWI whose maximum charge rate is less than or equal to one thousand six hundred (1,600) pounds per day. The following are not small HMIWI: a continuous or intermittent HMIWI whose maximum charge rate is more than two hundred (200) pounds per hour; a batch HMIWI whose maximum charge rate is more than one thousand six hundred (1,600) pounds per day.

27. Small source—For the purpose of 10 CSR 10-6.110 only, an installation subject to 10 CSR 10-6.110 but not a point source as defined in 10 CSR 10-6.020 for the purpose of 10 CSR 10-6.110.

28. Smoke—Small gas-borne particles resulting from combustion, consisting of carbon, ash, and other material.

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

30. Soils—Includes, but is not limited to, unwanted grease, wax, grit, ash, dirt, and oil.

31. Solar absorbent coating—A coating which has as its prime purpose the absorption of solar radiation.

32. Solid film lubricant—A very thin coating consisting of a binder system containing as its chief pigment material one (1) or more of the following:

- A. Molybdenum;
- B. Graphite;
- C. Polytetrafluoroethylene (PTFE);

and

D. Other solids that act as a dry lubricant between closely- or tightly-fitting surfaces.

33. Solid fuel—A solid material used as a fuel that includes, but is not limited to, coal, wood, biomass, tires, plastics, and other nonfossil solid materials.

34. Solid waste—Any garbage, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material, including solid, liquid, 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.)

35. Solids—See coating solids.

36. Solids turnover ratio( $R_T$ )—The ratio of total volume of coating solids that is added to the electrodeposition primer system in a calendar month divided by the total volume design capacity of the electrodeposition primer system.

37. Solvent—Organic materials which are liquid at standard conditions and which are used as solvents, viscosity reducers, or cleaning agents.

38. Solvent metal cleaning—The process of cleaning soils from metal surfaces by cold cleaning or open-top vapor degreasing or cryogenized degreasing.

39. Source—Any governmental, institutional, commercial, or industrial structure, installation, plant, building, or facility that emits or has the potential to emit any regulated air pollutant under the CAA. For purposes of section 502(c) of the CAA, a “source,” including a “source” with multiple units, shall be considered a single “facility.”

40. Source gas volume—The volume of gas arising from a process or other source operation.

41. Source operation—See emission unit.

42. Specially-constructed vehicle—A motor vehicle that has not been originally constructed under a distinctive name, make, model, or type by a manufacturer of motor vehicles, that has been issued a specially-constructed VIN number from the MDOR, and that has had the specially-constructed VIN installed by the MSHP. The term specially-constructed vehicle includes kit vehicles that are motor vehicles assembled by a person other than a generally-recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from an authorized manufacturer and accompanied by a manufacturer’s statement of origin.

43. Specialty coating—A coating that, even though it meets the definition of a primer, topcoat, or self-priming topcoat, has additional performance criteria beyond those of primers, topcoats, and self-priming topcoats for specific applications. These performance criteria may include, but are not limited to, temperature or fire resistance, substrate compatibility, anti-reflection, temporary protection, or marking, sealing, adhesively-joining substrates, or enhanced corrosion protection.

44. Spray gun cleaner—Equipment used to clean spray guns used to apply, but not limited to, primers, paints, specialty coatings, adhesives, sealers, resins, or deadeners incorporated into a product distributed in commerce.

45. Spray gun soils—Include, but are not limited to, unwanted grease, wax, grit,

ash, dirt, oil, unwanted primers, paint, specialty coatings, adhesives, sealers, resins, and deadeners.

46. Springfield-Greene County area—The geographical area contained within Greene County.

47. St. Louis metropolitan area—The geographical area comprised of St. Louis, St. Charles, Jefferson, and Franklin Counties and the City of St. Louis.

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

49. Staff director—Director of the Air Pollution Control Program of the Department of Natural Resources.

50. Stage I vapor recovery system—A system used to capture the gasoline vapors that would otherwise be emitted when gasoline is transferred from a loading installation to a cargo tank or from a cargo tank to a storage tank.

51. Stage II vapor recovery system—A system used to capture the gasoline vapors that would otherwise be emitted when gasoline is dispensed from a storage tank to the fuel tank of a motor vehicle. For MOPETP, Stage II vapor recovery includes both Stage I and Stage II Vapor Recovery equipment and requirements, unless otherwise stated.

52. Stain—Any color coat having a solids content by weight of no more than eight percent (8%) that is applied in single or multiple coats directly to the substrate. Includes, but is not limited to, nongrain raising stains, equalizer stains, sap stains, body stains, no-wipe stains, penetrating stains, and toners.

53. Standard conditions—A gas temperature of seventy degrees Fahrenheit (70 °F) and a gas pressure of 14.7 pounds per square inch absolute (psia).

54. Standard metropolitan statistical area or SMSA—Any areas listed in Office of Management and Budget Bulletin No. 93-17 entitled “Revised Statistical Definitions for Metropolitan Areas” dated June 30, 1993, and hereby incorporated by reference in this rule, as published by the National Technical Information Services, 5285 Port Royal Road, Springfield, VA 22161. This rule does not incorporate any subsequent amendments or additions.

55. Start-up—The setting into operation of any air pollution control equipment or process equipment, except the routine phasing in of process equipment. For the purpose of 10 CSR 10-6.200 only, start-up is the period of time between the activation of the system and the first charge to the unit. For batch



HMIWI, start-up means the period of time between activation of the system and ignition of the waste.

56. Start-up unit—A unit operated only to start up larger electric generating units.

57. State—Any nonfederal permitting authority, including any local agency, interstate association, or statewide program. When clear from its context, state shall have its conventional territorial definition. For the purpose of 10 CSR 10-6.360 only, state is one (1) of the forty-eight (48) contiguous states and the District of Columbia specified in 40 CFR 51.121, or any non-federal authority in or including such states or the District of Columbia (including local agencies and statewide agencies) or any eligible Indian tribe in an area of such state or the District of Columbia that adopts a  $\text{NO}_x$  budget trading program pursuant to 40 CFR 51.121. To the extent a state incorporates by reference the provisions of this part, the term “state” shall mean the incorporating state. The term “state” shall have its conventional meaning where such meaning is clear from the context.

58. State implementation plan—A series of plans adopted by the commission, submitted by the director, and approved by the administrator detailing methods and procedures to be used in attaining and maintaining the ambient air quality standards in Missouri.

59. State trading program  $\text{NO}_x$  budget—The total number of tons apportioned to all  $\text{NO}_x$  budget units in a given state, in accordance with the  $\text{NO}_x$  budget trading program, for use in a given control period.

60. Stationary internal combustion engine—Internal combustion engine of the reciprocating type that is either attached to a foundation at a facility or is designed to be capable of being carried or moved from one (1) location to another and remains at a single site at a building, structure, facility, or installation for more than twelve (12) consecutive months. Any engine(s) that replace(s) an engine at a site that is intended to perform the same or similar function as the engine replaced is included in calculating the consecutive time period. Nonroad engines and engines used solely for competition are not stationary internal combustion engines.

61. Stationary source—Any building, structure, facility, or installation which emits or may emit any air pollutant subject to regulation under the CAA. Building, structure, facility, or installation includes all pollutant emitting activities that are located on one (1) or more contiguous or adjacent properties and are under common control of the same person(s).

62. Stencil coating—An ink or a pigmented coating which is applied over a stencil in order to add identifying letters, symbols, and/or numbers.

63. Stoichiometric air/fuel ratio—The air/fuel ratio where all fuel and all oxygen in the air/fuel mixture will be consumed.

64. Stoker boiler—A boiler design that employs a grate assembly to combust coal.

65. Storage container—Vessel or tank, including mix equipment, used to hold finishing, cleaning, or washoff materials.

66. Storage tank—Any tank, reservoir, or vessel which is a container for liquids or gases, where no manufacturing process or part of it takes place.

67. Strippable booth coating—A coating that—

A. Is applied to a booth wall to provide a protective film to receive overspray during finishing operations;

B. Is subsequently peeled off and disposed; and

C. By achieving A. and B. above, reduces or eliminates the need to use organic solvents to clean booth walls.

68. Structural glazing—A process that includes the application of adhesive to bond glass, ceramic, metal, stone, or composite panels to exterior building frames.

69. Subfloor installation—The installation of subflooring material over floor joists, including the construction of any load-bearing joists. Subflooring is covered by a finish surface material.

70. Submerged fill pipe—Any fill pipe the discharge opening of which is entirely submerged when the liquid level is six inches (6") above the bottom of the tank. Submerged fill pipe when applied to a tank which is loaded from the side is defined as any fill pipe, the discharge opening of which is entirely submerged when the liquid level is eighteen inches (18") or twice the diameter of the fill pipe, whichever is greater, above the bottom of the tank.

71. Submerged filling—The filling of a gasoline storage tank through a submerged fill pipe with a discharge no more than six inches (6") (no more than twelve inches (12") for submerged fill pipes installed on or before November 9, 2006) from the bottom of the tank. Bottom filling of gasoline storage tanks is included in this definition.

72. Submit or serve—To send or transmit a document, information, or correspondence to the person specified in accordance with the applicable regulation—

A. In person;

B. By United States Postal Service; or

C. By other means of dispatch or transmission and delivery. Compliance with

any “submission,” “service,” or “mailing” deadline shall be determined by the date of dispatch, transmission, or mailing and not the date of receipt.

73. Substrate—The surface onto which coatings are applied (or into which coatings are impregnated).

74. Sufficient density—Any number, spacing, and combination of collection system components, including vertical wells, horizontal collectors, and surface collectors, necessary to maintain emission and migration control as determined by measures of performance as set forth.

75. Sufficient extraction rate—A rate sufficient to maintain a negative pressure at all wellheads in the collection system without causing air infiltration, including any wellheads connected to the system as a result of expansion or excess surface emissions, for the life of the blower.

76. Surface coating line—Same as a surface coating unit.

77. Surface coating operation—Same as industrial surface coating operation.

78. Surface coating unit—One (1) or more coating applicators and any associated drying area and/or oven wherein a coating is applied, dried, and/or cured. A coating unit ends at the point where the coating is dried or cured, or prior to any subsequent application of a different coating. It is not necessary for a coating unit to have an oven or flash-off area.

79. Synthesized pharmaceutical manufacturing—Manufacture of pharmaceutical products by chemical synthesis.

80. System—For vapor recovery, a combination of MOPETP-approved (Stage I and Stage II) equipment and components demonstrated to achieve the required efficiencies.

(T) All terms beginning with “T.”

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

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

3. Temporary boiler—Any gaseous or liquid fuel boiler that is designed to be, and is capable of being, carried or moved from one (1) location to another. A temporary boiler that remains at a location for more than one hundred eighty (180) days during any three hundred sixty-five (365)-day period is no longer considered to be a temporary boiler.



Any temporary boiler that replaces a temporary boiler at a location and is intended to perform the same or similar function will be included in calculating the consecutive time period.

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

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

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

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

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

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

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

11. Title V operating permit—A permit issued under Title V of the CAA and 40 CFR 70 or 40 CFR 71.

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

13. Ton or tonnage—Any “short ton” (i.e., two thousand pounds (2,000 lbs)). For the purpose of determining compliance with the  $\text{NO}_x$  budget emissions limitation, total tons for a control period shall be calculated as the sum of all recorded hourly emissions (or the tonnage equivalent of the recorded hourly emissions rates) in accordance with applicable requirements, with any remaining fraction of a ton equal to or greater than one-half (0.50) ton deemed to equal one (1) ton and any fraction of a ton less than one-half (0.50) ton deemed to equal zero (0) tons.

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

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

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

17. Total organic compounds or “TOC”—Those compounds measured according to the procedures of 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 TOC concentration as required in paragraph (4)(A)4. of 10 CSR 10-5.550. The definition of TOC excluded those compounds that the administrator designates as having negligible photochemical reactivity. The administrator has designated the following organic compounds negligibly reactive: methane; ethane; 1,1,1-trichloroethane; methylene chloride; trichlorofluoromethane; dichlorodifluoromethane; chlorodifluoromethane; trifluoromethane; trichlorotrifluoroethane; dichlorotetrafluoroethane; and chloropentafluoroethane.

18. Total resource effectiveness index value or “TRE index value”—A measure of the supplemental total resource requirement per unit reduction of organic hazardous air pollutants associated with a process vent stream, based on vent stream flow rate, emission rate of volatile organic compound, net heating value, and corrosion properties (whether or not the vent stream contains

halogenated compounds) as quantified by the given equations. The TRE index is a decision tool used to determine if the annual cost of controlling a given vent gas stream is acceptable when considering the emissions reduction achieved.

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

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

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

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

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

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

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

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

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

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

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

(U) All terms beginning with “U.”

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



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

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

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

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

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

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

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

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

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

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

10. Utilization—The heat input (expressed in mmBtu/time) for a unit. The unit's total heat input for the control period in each year will be determined in accordance with 40 CFR 75 if the NO<sub>x</sub> budget unit was otherwise subject to the requirements of 40 CFR 75 for the year or will be based on the best available data reported to the administrator for the unit if the unit was not otherwise subject to the requirements of 40 CFR 75 for the year.

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

(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 VOC and composed of resins, oils, thinners, and driers used to give a glossy surface to wood, metal, etc.

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

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

8. Vehicle Inspection Report (VIR)—The vehicle inspection report printed by the MDAS 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, 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)
422560	3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca)
507551	1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb)
354234	1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a)
1615754	1-chloro-1-fluoroethane (HCFC-151a)
163702076	1,1,1,2,2,3,3,4,4-nonfluoro-4-methoxy-butane (C <sub>4</sub> F <sub>9</sub> OCH <sub>3</sub> or HFE-7100)



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> )	107313	methyl formate (HCOOCH <sub>3</sub> )
163702054	1-ethoxy-1,1,2,2,3,3,4,4,4-nonfluorobutane (C <sub>4</sub> F <sub>9</sub> OC <sub>2</sub> H <sub>5</sub> or HFE-7200)	0	1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethylpentane (C <sub>2</sub> F <sub>5</sub> CF(OCH <sub>3</sub> )/CF(CF <sub>3</sub> ) <sub>2</sub> or HFE-7300)
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> )	108327	propylene carbonate (C <sub>4</sub> H <sub>6</sub> O <sub>3</sub> )
297730939	3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500)	616386	dimethyl carbonate (C <sub>3</sub> H <sub>6</sub> O <sub>3</sub> )
71556	1,1,1-trichloroethane (methyl chloroform)	Perfluorocarbon compounds in the following classes:	
67641	acetone	0	Cyclic, branched or linear, completely fluorinated alkanes
25497294	1-chloro 1, 1-difluoroethane (HCFC-142b)	0	Cyclic, branched or linear, completely fluorinated ethers with no unsaturations
75456	chlorodifluoromethane (HCFC-22)	0	Cyclic, branched or linear, completely methylated siloxanes
593704	chlorofluoromethane (HCFC-31)	0	Cyclic, branched or linear, completely fluorinated tertiary amines with no unsaturations
76153	chloropentafluoroethane (CFC-115)	0	Sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine
63938103	2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124)	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.	
75718	dichlorodifluoromethane (CFC-12)	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.	
1717006	1,1-dichloro 1-fluoroethane (HCFC-141b)	<b>CAS #</b>	<b>Compound</b>
1320372	1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114)	540885	t-butyl acetate
34077877	1,1,1-trifluoro 2,2-dichloroethane (HCFC-123)	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.	
75376	1,1-difluoroethane (HFC-152a)	15. Volatility—For purposes of 10 CSR 10-5.540 only, low volatility materials are defined as those which have a vapor pressure less than or equal to seventy-five (75) mmHg at twenty degrees Celsius (20 °C), moderate volatility materials have a vapor pressure greater than seventy-five (75) and less than or equal to one hundred fifty (150) mmHg at twenty degrees Celsius (20 °C), and high volatility materials have a vapor pressure greater than one hundred fifty (150) mmHg at twenty degrees Celsius (20 °C). To evaluate VOC volatility for single unit operations	
75105	difluoromethane (HFC-32)		
74840	ethane		
353366	ethylfluoride (HFC-161)		
74828	methane		
79209	methyl acetate		
75092	methylene chloride (dichloromethane)		
98566	parachlorobenzotrifluoride (PCBTF)		
354336	pentafluoroethane (HFC-125)		
127184	perchloroethylene (tetrachloroethylene)		
359353	1,1,2,2-tetrafluoroethane (HFC-134)		
811972	1,1,1,2-tetrafluoroethane (HFC-134a)		
75694	trichlorofluoromethane (CFC-11)		
26523648	1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113)		
306832	1,1,1-trifluoro 2,2-dichloroethane (HCFC-123)		
27987060	1,1,1-trifluoroethane (HFC-143a)		
75467	trifluoromethane (HFC-23)		

that service numerous VOCs or for processes handling multiple VOCs, the weighted average volatility can be calculated from knowing the total amount of each VOC used in a year, and the individual component vapor pressure, per the equation in paragraph (1)(E)1. of 10 CSR 10-5.540.

(W) All terms beginning with “W.”

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

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

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

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

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

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

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

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

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

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

11. Wood furniture—Any product made of wood, a wood product such as rattan or wicker, or an engineered wood product such as particleboard that is manufactured under any of the following standard industrial classification



codes: 2434, 2511, 2512, 2517, 2519, 2521, 2531, 2541, 2599, or 5712.

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

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

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

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

(X) All terms beginning with “X.”

(Y) All terms beginning with “Y.”

(Z) All terms beginning with “Z.”

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

(A) Table 1—*De Minimis* Emission Levels.

Air Contaminant	Emission Rate
Carbon monoxide	100.0
Nitrogen oxides	40.0
Particulate Matter	
PM	25.0
PM <sub>10</sub>	15.0
PM <sub>2.5</sub>	10.0
SO <sub>2</sub> (PM <sub>2.5</sub> precursor)	40.0
NO <sub>x</sub> (PM <sub>2.5</sub> precursor)	40.0
(emissions of nitrogen oxides are considered precursors to PM <sub>2.5</sub> unless the state or EPA successfully demonstrates that emissions in a specific area are not a significant contributor to that area's ambient PM <sub>2.5</sub> concentrations)	
Sulfur dioxide	40.0
Ozone	
VOC (Ozone precursor)	40.0
NO <sub>x</sub> (Ozone precursor)	40.0
Lead	0.6
Fluorides	3.0
(Excluding hydrogen fluoride)	
Sulfuric acid mist	7.0

Hydrogen sulfide	10.0
Total reduced sulfur (including hydrogen sulfide)	10.0
Reduced Sulfur Compounds (including hydrogen sulfide)	10.0
Municipal waste combustor organics (measured as total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans)	3.5 × 10 <sup>-6</sup>
Municipal waste combustor metals (measured as particulate matter)	15.0
Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride)	40.0
Municipal solid waste landfill emissions (measured as nonmethane organic compounds)	50.0
Hazardous Air Pollutant (each)	10.0
Sum of Hazardous Air Pollutants	25.0

Note: All rates in tons per year.

(B) Table 2—List of Named Installations.

**Named Installations**

- Coal cleaning plants (with thermal dryers)
- Kraft pulp mills
- Portland cement plants
- Primary zinc smelters
- Iron and steel mills
- Primary aluminum ore reduction plants
- Primary copper smelters
- Municipal incinerators capable of charging more than 250 tons of refuse per day
- Hydrofluoric, sulfuric, or nitric acid plants
- Petroleum refineries
- Lime plants
- Phosphate rock processing plants
- Coke oven batteries
- Sulfur recovery plants
- Carbon black plants (furnace process)
- Primary lead smelters
- Fuel conversion plants
- Sintering plants
- Secondary metal production plants
- Chemical process plants
- Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input
- Petroleum storage and transfer facilities with a capacity exceeding three hundred thousand (300,000) barrels

- Taconite ore processing facilities
- Glass fiber processing plants
- Charcoal production facilities
- Fossil-fuel-fired steam electric plants of more than 250 million British thermal units per hour heat
- Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the Act

(C) Table 3—Hazardous Air Pollutants.

CAS #	Hazardous Air Pollutant
75070	Acetaldehyde
60355	Acetamide
75058	Acetonitrile
98862	Acetophenone
53963	2-Acetylaminofluorene
107028	Acrolein
79061	Acrylamide
79107	Acrylic acid
107131	Acrylonitrile
107051	Allyl chloride
92671	4-Aminobiphenyl
62533	Aniline
90040	o-Anisidine
1332214	Asbestos
71432	Benzene (including from gasoline)
92875	Benzidine
98077	Benzotrithloride
100447	Benzyl chloride
92524	Biphenyl
117817	Bis(2-ethylhexyl)phthalate (DEHP)
542881	Bis(chloromethyl)ether
75252	Bromoform
106990	1,3-Butadiene
156627	Calcium cyanamide
133062	Captan
63252	Carbaryl
75150	Carbon disulfide
56235	Carbon tetrachloride
463581	Carbonyl sulfide
120809	Catechol
133904	Chloramben
57749	Chlordane
7782505	Chlorine
79118	Chloroacetic acid
532274	2-Chloroacetophenone
108907	Chlorobenzene
510156	Chlorobenzilate
67663	Chloroform
107302	Chloromethyl methyl ether
126998	Chloroprene
1319773	Cresols/Cresylic acid (isomers and mixture)
108394	m-Cresol
95487	o-Cresol
106445	p-Cresol
98828	Cumene





94757	2,4-D, salts and esters	78591	Isophorone	127184	Tetrachloroethylene (Perchloroethylene)
3547044	DDE	58899	Lindane (all isomers)		
334883	Diazomethane	108316	Maleic anhydride	7550450	Titanium tetrachloride
132649	Dibenzofurans	67561	Methanol	108883	Toluene
96128	1,2-Dibromo-3-chloropropane	72435	Methoxychlor	95807	2,4-Toluene diamine
84742	Dibutylphthalate	74839	Methyl bromide	584849	2,4-Toluene diisocyanate
106467	1,4-Dichlorobenzene(p)		(Bromomethane)	95534	o-Toluidine
91941	3,3-Dichlorobenzidene	74873	Methyl chloride	8001352	Toxaphene (chlorinated camphene)
111444	Dichloroethyl ether (Bis(2-chloroethyl)ether)		(Chloromethane)		
542756	1,3-Dichloropropene	71556	Methyl chloroform (1,1,1-Trichloroethane)	120821	1,2,4-Trichlorobenzene
62737	Dichlorvos	60344	Methyl hydrazine	79005	1,1,2-Trichloromethane
111422	Diethanolamine	74884	Methyl iodide (Iodomethane)	79016	Trichloroethylene
121697	N,N-Diethyl aniline	108101	Methyl isobutyl ketone (Hexone)	95954	2,4,5-Trichlorophenol
	(N,N-Dimethylaniline)			88062	2,4,6-Trichlorophenol
64675	Diethyl sulfate	624839	Methyl isocyanate	121448	Triethylamine
119904	3,3-Dimethoxybenzidine	80626	Methyl methacrylate	1582098	Trifluralin
60117	Dimethyl aminoazobenzene	1634044	Methyl tert butyl ether	540841	2,2,4-Trimethylpentane
119937	3,3-Dimethyl benzidine	101144	4,4-Methylene bis(2-chloroaniline)	108054	Vinyl acetate
79447	Dimethyl carbamoyl chloride			593602	Vinyl bromide (bromoethene)
68122	Dimethyl formamide	75092	Methylene chloride	75014	Vinyl chloride
57147	1,1-Dimethyl hydrazine		(Dichloromethane)	75354	Vinylidene chloride (1,1-Dichloroethylene)
131113	Dimethyl phthalate	101688	Methylene diphenyl diisocyanate (MDI)	1330207	Xylenes (isomers and mixture)
77781	Dimethyl sulfate			108383	m-Xylenes
534521	4,6-Dinitro-o-cresol and salts	101779	4,4-Methylenedianiline	95476	o-Xylenes
51285	2,4-Dinitrophenol	91203	Naphthalene	106423	p-Xylenes
121142	2,4-Dinitrotoluene	98953	Nitrobenzene	0	Antimony Compounds
123911	1,4-Dioxane (1,4-Diethyleneoxide)	92933	4-Nitrobiphenyl	0	Arsenic Compounds (inorganic including arsine)
		100027	4-Nitrophenol	0	Beryllium Compounds
122667	1,2-Diphenylhydrazine	79469	2-Nitropropane	0	Cadmium Compounds
106898	Epichlorohydrin (1-Chloro-2,3-epoxypropane)	684935	N-Nitroso-N-methylurea	0	Chromium Compounds
106887	1,2-Epoxybutane	62759	N-Nitrosodimethylamine	0	Cobalt Compounds
140885	Ethyl acrylate	59892	N-Nitrosomorpholine	0	Coke Oven Emissions
100414	Ethyl benzene	56382	Parathion	0	Cyanide Compounds <sup>1</sup>
51796	Ethyl carbamate (Urethane)	82688	Pentachloronitrobenzene (Quintobenzene)	0	Glycol ethers <sup>2</sup>
75003	Ethyl chloride (Chloroethane)			0	Lead Compounds
106934	Ethylene dibromide (1,2-Dibromoethane)	87865	Pentachlorophenol	0	Manganese Compounds
		108952	Phenol	0	Mercury Compounds
107062	Ethylene dichloride (1,2-Dichloroethane)	106503	p-Phenylenediamine	0	Fine mineral fibers <sup>3</sup>
		75445	Phosgene	0	Nickel Compounds
107211	Ethylene glycol	7803512	Phosphine	0	Polycyclic Organic Matter <sup>4</sup>
151564	Ethylene imine (Aziridine)	7723140	Phosphorus	0	Radionuclides (including radon) <sup>5</sup>
75218	Ethylene oxide	85449	Phthalic anhydride	0	Selenium Compounds
96457	Ethylene thiourea	1336363	Polychlorinated biphenyls (Aroclors)	0	
75343	Ethylidene dichloride (1,1-Dichloroethane)				
		1120714	1,3-Propane sultone		
50000	Formaldehyde	57578	beta-Propiolactone		
76448	Heptachlor	123386	Propionaldehyde		
118741	Hexachlorobenzene	114261	Propoxur (Baygon)		
87683	Hexachlorobutadiene	78875	Propylene dichloride (1,2-Dichloropropane)		
77474	Hexachlorocyclopentadiene				
67721	Hexachloroethane	75569	Propylene oxide		
822060	Hexamethylene-1,6-diisocyanate	75558	1,2-Propylenimine (2-Methylaziridine)		
680319	Hexamethylphosphoramide	91225	Quinoline		
110543	Hexane	106514	Quinone		
302012	Hydrazine	100425	Styrene		
7647010	Hydrochloric acid	96093	Styrene oxide		
7664393	Hydrogen fluoride (hydrofluoric acid)	1746016	2,3,7,8-Tetrachlorodibenzo-p-dioxin		
123319	Hydroquinone	79345	1,1,2,2-Tetrachloroethane		

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

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

<sup>2</sup> Includes mono- and diethers of ethylene glycol, diethylene glycol and triethylene



glycol R-(OCH<sub>2</sub>CH<sub>2</sub>)<sub>n</sub>-OR' where n = 1, 2, or 3; R = Alkyl or aryl groups; R' = R, H, or groups which, when removed, yield glycol ethers with the structure R-(OCH<sub>2</sub>CH<sub>2</sub>)<sub>n</sub>-OH. Polymers and ethylene glycol monobutyl ether are excluded from the glycol category.

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

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

<sup>5</sup> A type of atom which spontaneously undergoes radioactive decay.

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

(5) Test Methods (*Not Applicable*)

*AUTHORITY: section 643.050, RSMo Supp. 2011, and section 643.055, RSMo 2000.\* Original rule filed Aug. 16, 1977, effective Feb. 11, 1978. Amended: Filed Feb. 27, 1978, effective Dec. 11, 1978. Amended: Filed Aug. 11, 1978, effective April 12, 1979. Amended: Filed Nov. 14, 1978, effective June 11, 1979. Amended: Filed Dec. 15, 1978, effective June 11, 1979. Amended: Filed March 15, 1979, effective Nov. 11, 1979. Amended: Filed Dec. 10, 1979, effective April 11, 1980. Amended: Filed March 13, 1980, effective Sept. 12, 1980. Amended: Filed Sept. 12, 1980, effective April 11, 1981. Amended: Filed Jan. 14, 1981, effective June 11, 1981. Amended: Filed March 11, 1981, effective Aug. 13, 1981. Amended: Filed Nov. 10, 1981, effective May 13, 1982. Amended: Filed Dec. 10, 1981, effective June 11, 1982. Amended: Filed June 14, 1982, effective Dec. 11, 1982. Amended: Filed Aug. 13, 1982, effective Jan. 13, 1983. Amended: Filed Jan. 12, 1983, effective June 11, 1983. Amended: Filed Oct. 13, 1983, effective March 11, 1984. Amended: Filed Oct. 15, 1984, effective May 11, 1985. Emergency amendment filed Nov. 9, 1984, effective Nov. 19, 1984, expired March 19, 1985. Amended: Filed Jan. 15, 1985, effective May 11, 1985. Amended: Filed July 3, 1985, effective Dec. 12, 1985. Amended:*

*Filed Jan. 6, 1986, effective May 11, 1986. Amended: Filed Feb. 4, 1987, effective May 28, 1987. Amended: Filed April 2, 1987, effective Aug. 27, 1987. Amended: Filed Sept. 1, 1987, effective Dec. 24, 1987. Amended: Filed Jan. 5, 1988, effective April 28, 1988. Amended: Filed March 16, 1988, effective Aug. 25, 1988. Amended: Filed Oct. 4, 1988, effective March 11, 1989. Amended: Filed June 30, 1989, effective Nov. 26, 1989. Amended: Filed Jan. 24, 1990, effective May 24, 1990. Amended: Filed Jan. 3, 1991, effective Aug. 30, 1991. Amended: Filed March 31, 1992, effective Feb. 26, 1993. Amended: Filed Dec. 14, 1992, effective Sept. 9, 1993. Amended: Filed Sept. 2, 1993, effective May 9, 1994. Amended: Filed Dec. 15, 1994, effective Aug. 30, 1995. Amended: Filed Sept. 29, 1995, effective May 30, 1996. Amended: Filed Oct. 3, 1995, effective June 30, 1996. Amended: Filed Aug. 15, 1997, effective April 30, 1998. Amended: Filed July 29, 1998, effective May 30, 1999. Amended: Filed Sept. 22, 1999, effective May 30, 2000. Amended: Filed March 5, 2003, effective Oct. 30, 2003. Amended: Filed July 6, 2005, effective Feb. 28, 2006. Amended: Filed Feb. 4, 2008, effective Sept. 30, 2008. Amended: Filed April 26, 2010, effective Dec. 30, 2010. Amended: Filed Nov. 30, 2010, effective Aug. 30, 2011. Amended: Filed Sept. 16, 2011, effective May 30, 2012.*

*\*Original authority: 643.050, RSMo 1965, amended 1972, 1992, 1993, 1995, 2011 and 643.055, RSMo 1979, amended 1992, 1994, transferred 1986, formerly 203.055.*

### 10 CSR 10-6.030 Sampling Methods for Air Pollution Sources

*PURPOSE: This rule defines methods for performing emissions sampling on air pollution sources throughout Missouri, only as specified by the Air Conservation Commission emission rules.*

(1) Samples and velocity traverses for source sampling shall be conducted as specified by 40 CFR part 60 Appendix A Test Methods, *Method 1—Sample and Velocity Traverses for Stationary Sources.*

(2) The velocity of stack gases is to be determined by measuring velocity head using a Type "S" (Stauscheibe or reverse type) pitot tube as specified by 40 CFR part 60, Appendix A—Test Methods, *Method 2—Determination of Stack Gas Velocity and Volumetric Flow Rate (Type S Pitot Tube).*

(3) The carbon dioxide, oxygen, excess air and dry molecular weight contained in stack

gases shall be determined as specified by 40 CFR part 60, Appendix A—Test Methods, *Method 3—Gas Analysis for Carbon Dioxide, Oxygen, Excess Air and Dry Molecular Weight.*

(4) The moisture content in stack gases shall be determined as specified by 40 CFR part 60, Appendix A—Test Methods, *Method 4—Determination of Moisture Content in Stack Gases.*

(5) Particulate Matter Emissions.

(A) The concentration of particulate matter emissions in stack gases shall be determined as specified by 40 CFR part 60, Appendix A—Test Methods, *Method 5—Determination of Particulate Emissions from Stationary Sources.*

(B) The quantity of particulate matter emissions from certain industrial processes as determined by the director shall be determined as specified by 40 CFR part 60, Appendix A—Test Methods, *Method 17—Determination of Particulate Emissions from Stationary Sources (In-Stack Filtration Method).*

(C) The concentration of particulates of PM<sub>10</sub> shall be determined as specified by 40 CFR part 51, Appendix M—Test Methods, *Method 201—Determination of PM<sub>10</sub> Emissions (Exhaust Gas Recycle Procedure).*

When water droplets are known to exist in emissions, use Method 5 as defined in subsection (5)(A) of this rule and consider the particulate catch to be PM<sub>10</sub> emissions.

(D) The concentration of particulates of PM<sub>10</sub> shall be determined as specified by 40 CFR part 51, Appendix M—Test Methods, *Method 201A—Determination of PM<sub>10</sub> Emissions (Constant Sampling Rate Procedure).* When water droplets are known to exist in emissions, use Method 5 as defined in subsection (5)(A) of this rule and consider the particulate catch to be PM<sub>10</sub> emissions.

(E) The concentration of condensable particulate matter (CPM) emissions in stack gases shall be determined as specified by 40 CFR part 51, Appendix M—Test Methods, *Method 202—Determination of Condensable Particulate Emissions from Stationary Sources.* EPA *Conditional Test Method 039—Measurement of PM<sub>2.5</sub> and PM<sub>10</sub> Emissions By Dilution Sampling (Constant Sampling Rate Procedures—July 2004)* may be used to determine the total PM<sub>10</sub> and PM<sub>2.5</sub> fraction of filterable particulate matter including condensibles.



(F) The concentration of PM<sub>2.5</sub> emissions in stack gases shall be determined as specified by 40 CFR part 51, Appendix M—Test Methods, *Method 202—Determination of Condensable Particulate Emissions from Stationary Sources* and EPA *Conditional Test Method 040—Method For The Determination Of PM<sub>10</sub> and PM<sub>2.5</sub> Emissions (Constant Sampling Rate Procedures—December 3, 2002)*. EPA *Conditional Test Method 039—Measurement of PM<sub>2.5</sub> and PM<sub>10</sub> Emissions By Dilution Sampling (Constant Sampling Rate Procedures—July 2004)* may be used to determine the total PM<sub>10</sub> and PM<sub>2.5</sub> fraction of filterable particulate matter including condensibles.

(6) The sulfur dioxide emissions from air pollution sources shall be determined as specified by 40 CFR part 60, Appendix A Test Methods, *Method 6—Determination of Sulfur Dioxide Emissions from Stationary Sources*.

(7) The nitrogen oxide emissions from air pollution sources shall be determined as specified by 40 CFR part 60, Appendix A—Test Methods, *Method 7—Determination of Nitrogen Oxide Emissions from Stationary Sources*.

(8) The sulfuric acid mist and sulfur dioxide emissions from air pollution sources shall be determined as specified by 40 CFR part 60, Appendix A—Test Methods, *Method 8—Determination of Sulfuric Acid Mist and Sulfur Dioxide Emissions from Stationary Sources*.

(9) Visible Emissions.

(A) The visible emissions from air pollution sources shall be evaluated as specified by 40 CFR part 60, Appendix A—Test Methods, *Method 9—Visual Determination of the Opacity of Emissions from Stationary Sources*.

(B) Visible fugitive emissions shall be evaluated as specified by 40 CFR part 60, Appendix A—Test Methods, *Method 22—Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares*.

(10) The carbon monoxide emissions from air pollution sources shall be determined as specified by 40 CFR part 60, Appendix A—Test Methods, *Method 10—Determination of Carbon Monoxide Emissions from Stationary Sources*.

(11) The hydrogen sulfide emissions from air

pollution sources shall be determined as specified by 40 CFR part 60, Appendix A—Test Methods, *Method 11—Determination of Hydrogen Sulfide Content of Fuel Gas Streams in Petroleum Refineries*.

(12) The lead emissions from air pollution sources shall be determined as specified by 40 CFR part 60, Appendix A—Test Methods, *Method 12—Determination of Inorganic Lead Emissions from Stationary Sources*.

(13) The total fluoride emissions and the associated moisture content from air pollution sources shall be determined as specified by 40 CFR part 60, Appendix A—Test Methods, *Method 13A—Determination of Total Fluoride Emissions from Stationary Sources—SPADNS Zirconium Lake Method or Method 13B—Determination of Total Fluoride Emissions from Stationary Sources—Specific Ion Electrode Method*. For Method 13A or 13B, the sampling time for each run shall be at least sixty (60) minutes and the minimum sample volume shall be at least 0.85 standard dry cubic meter (thirty (30) standard dry cubic foot) except that shorter sampling times or smaller volumes, when necessitated by process variables or other factors, may be approved by the director.

(14) Volatile organic compound emissions from air pollution sources shall be determined—

(A) As specified by 40 CFR part 60, Appendix A—Test Methods, *Method 25—Determination of Total Gaseous Nonmethane Organic Emissions as Carbon*;

(B) As specified by 40 CFR part 60, Appendix A—Test Methods, *Method 27—Determination of Vapor Tightness of Gasoline Delivery Tanks Using Pressure-Vacuum Test*;

(C) As specified by 40 CFR part 60, Appendix A—Test Methods, *Method 24—Determination of Volatile Matter Content, Water Content, Density, Volume, Solids and Weight Solids of Surface Coatings*;

(D) As specified by 40 CFR part 60, Appendix A—Test Methods, *Method 24A—Determination of Volatile Matter Content and Density of Printing Inks and Related Coatings*; or

(E) As specified by 40 CFR part 60, Appendix A—Test Methods, *Method 21—Determination of Volatile Organic Compound Leaks*.

(15) The hydrogen chloride emissions from air pollution sources shall be determined as specified by 40 CFR part 60, Appendix A—Test Methods, *Method 26—Determination of*

*Hydrogen Chloride Emissions from Stationary Sources*.

(16) Dioxin and furan emissions from air pollution sources shall be determined as specified by 40 CFR part 60, Appendix A—Test Methods, *Method 23—Determination of Polychlorinated Dibenzo-p-Dioxins and Polychlorinated Dibenzofurans from Stationary Sources*.

(17) The mercury emissions, both particulate and gaseous, from air pollution sources shall be determined as specified by 40 CFR part 61, Appendix B—Test Methods, *Method 101A—Determination of Particulate and Gaseous Mercury Emissions from Stationary Sources*.

(18) The latest effective date of any 40 CFR part 60, Appendix A—Test Methods shall be as designated in 10 CSR 10-6.070 New Source Performance Regulations.

(19) Alternative Sampling Method. An alternative sampling method to any method referenced in this rule may be used provided it is in accordance with good professional practice, provides results of at least the same accuracy and precision as the replaced method and receives the approval of the director for its use.

(20) The capture efficiency of air pollution control devices shall be determined as specified by the U.S. Environmental Protection Agency's (EPA's) February 7, 1995 memorandum entitled, "Revised Capture Efficiency Guidance for Control of Volatile Organic Compound Emission" and the U.S. EPA's January 9, 1994 technical document entitled, "Guidelines for Determining Capture Efficiency." For automobile and light-duty truck topcoat operations, the capture efficiency of air pollution control devices shall be determined as specified in U.S. EPA's document entitled, "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations" (USEPA-450/3/88-018), as amended by Enclosure 1, dated March 8, 1996, and entitled, "23—Determining Spray-booth VOC Capture Efficiency."

*AUTHORITY: sections 643.050, and 643.055, RSMo 2000.\* Original rule filed Aug. 16, 1977, effective Feb. 11, 1978. Amended: Filed Feb. 27, 1978, effective Dec. 11, 1978. Amended: Filed Sept. 14, 1978, effective April 12, 1979. Amended: Filed July 16, 1979, effective Feb. 11, 1980. Amended: Filed Dec. 10, 1979, effective April 11, 1980.*



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\*Original authority: 643.050, RSMo 1965, amended 1972, 1992, 1993, 1995; and 643.055, RSMo 1979, amended 1992, 1994, transferred 1986, formerly 203.055.

### 10 CSR 10-6.040 Reference Methods

**PURPOSE:** This rule provides reference methods for determining data and information necessary for the enforcement of air pollution control regulations throughout Missouri.

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

(1) The percent sulfur in solid fuels shall be determined as specified by American Society of Testing and Materials (ASTM) Method D(3177-75) *Total Sulfur in the Analysis Sample of Coal and Coke*.

(2) The heat content or higher heating value (HHV) of solid fuels shall be determined by use of the Adiabatic Bomb Calorimeter as specified by ASTM Method D(2015-66) *Gross Calorific Value of Solid Fuel by the Adiabatic Bomb Calorimeter*.

(3) The heat content or HHV of liquid hydrocarbons shall be determined as specified by ASTM Method D(240-64) *Heat of Combustion of Liquid Hydrocarbon by Bomb Calorimeter*.

(4) The provisions of 40 CFR part 50, Appendices A–R and 40 CFR part 53, promulgated as of June 30, 2008, and *Federal*

*Register* Notice 73 FR 67051–67062, promulgated November 12, 2008, 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. The methods for determining the concentrations of the following air contaminants in the ambient air shall be as specified in 40 CFR part 50, Appendices A–R or equivalent methods as specified in 40 CFR part 53:

(A) The concentration of sulfur dioxide shall be determined as specified in 40 CFR part 50, Appendix A—*Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method)* or an equivalent method as approved by 40 CFR part 53;

(B) The concentration of total suspended particulate shall be determined as specified in 40 CFR part 50, Appendix B—*Reference Method for the Determination of Suspended Particulates in the Atmosphere (High Volume Method)*;

(C) The concentration of carbon monoxide in the ambient air shall be determined as specified in 40 CFR part 50, Appendix C—*Measurement Principle and Calibration Procedure for the Continuous Measurement of Carbon Monoxide in the Atmosphere (Non-Dispersive Infrared Spectrometry)* or equivalent methods as approved by 40 CFR part 53;

(D) The concentration of photochemical oxidants (ozone) in the ambient air shall be determined as specified in 40 CFR part 50, Appendix D—*Measurement Principle and Calibration Procedure for the Measurement of Ozone in the Atmosphere* or equivalent methods as approved by 40 CFR part 53;

(E) *Reserved*;

(F) The concentration of nitrogen dioxide in the ambient air shall be determined as specified in 40 CFR part 50, Appendix F—*Measurement Principle and Calibration Procedure for the Measurement of Nitrogen Dioxide in the Atmosphere (Gas Phase Chemiluminescence)* or equivalent methods as approved by 40 CFR part 53;

(G) The concentration of lead in the ambient air shall be determined as specified in 40 CFR part 50, Appendix G—*Reference Method for the Determination of Lead in Suspended Particulate Matter Collected From Ambient Air* or in 40 CFR part 50, Appendix Q—*Reference Method for the Determination of Lead in Particulate Matter as PM<sub>10</sub> Collected From Ambient Air* or equivalent methods as approved by 40 CFR part 53;

(H) Compliance with the one (1) hour ozone standard shall be determined as specified in 40 CFR part 50, Appendix H—*Interpretation of the National Ambient Air Quality Standards for Ozone*;

(I) Compliance with the eight (8) hour ozone standards shall be determined as specified in 40 CFR part 50, Appendix I—*Interpretation of the 8-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone*;

(J) The concentration of particulate matter 10 micron (PM<sub>10</sub>) in the ambient air shall be determined as specified in 40 CFR part 50, Appendix J—*Reference Method for the Determination of Particulate Matter as PM<sub>10</sub> in the Atmosphere*, or an equivalent method as approved in 40 CFR part 53;

(K) Compliance with particulate matter 10 PM<sub>10</sub> standards shall be determined as specified in 40 CFR part 50, Appendix K—*Interpretation of the National Ambient Air Quality Standards for Particulate Matter*;

(L) The concentration of particulate matter 2.5 micron (PM<sub>2.5</sub>) in the ambient air shall be determined as specified in 40 CFR part 50, Appendix L—*Reference Method for the Determination of Fine Particulate Matter as PM<sub>2.5</sub> in the Atmosphere*, or an equivalent method as approved in 40 CFR part 53;

(M) Compliance with particulate matter 2.5 (PM<sub>2.5</sub>) standards shall be determined as specified in 40 CFR part 50, Appendix N—*Interpretation of the National Ambient Air Quality Standards for Particulate Matter*;

(N) Compliance with the eight (8)-hour ozone standards shall be determined as specified in 40 CFR part 50, Appendix P—*Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Ozone*; and

(O) Compliance with the lead standards shall be determined as specified in 40 CFR Part 50, Appendix R—*Interpretation of the National Ambient Air Quality Standards for Lead*.

(5) The concentration of hydrogen sulfide (H<sub>2</sub>S) in the ambient air shall be determined by scrubbing all sulfur dioxide (SO<sub>2</sub>) present in the sample and then converting each molecule of H<sub>2</sub>S to SO<sub>2</sub> with a thermal converter so that the resulting SO<sub>2</sub> is detected by an analyzer as specified in 40 CFR part 50, Appendix A—*Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method)* or an equivalent method approved by 40 CFR part 53, in which case the calibration gas used must be



National Institute of Standards and Technology traceable H<sub>2</sub>S gas.

(6) The concentration of sulfuric acid mist in the ambient air shall be determined as specified in the *Compendium Method IO-4-2, Determination of Reactive Acidic and Basic Gases and Strong Acidity of Fine-Particles (<2.5 μm)*, Center for Environmental Research Information, Office of Research and Development, U.S. Environmental Protection Agency, Cincinnati, OH 45268, EPA/625/R-96/010a.

(A) The concentration of total sulfur shall be determined as specified in section (4) of this rule by sampling for sulfur dioxide without removing other sulfur compound interferences.

(B) The concentration of sulfur dioxide shall be determined as specified by section (4) of this rule.

(C) The concentration of hydrogen sulfide shall be determined as specified by section (5) of this rule.

(7) The percent sulfur in liquid hydrocarbons shall be determined as specified by ASTM D(2622-98), *Sulfur in Petroleum Products by X-Ray Fluorescence Spectrometry*.

(8) The amount of solvent present in earth filters and distillation wastes shall be determined as specified by ASTM Method D(322-67), *Standard Test Method for Gasoline Diluent in Used Gasoline Engine Oils by Distillation*.

*AUTHORITY: section 643.050, RSMo 2000.\* Original rule filed Aug. 16, 1977, effective Feb. 11, 1978. Amended: Filed Sept. 14, 1978, effective April 12, 1979. Amended: Filed Dec. 10, 1979, effective April 11, 1980. Amended: Filed March 13, 1980, effective Sept. 12, 1980. Amended: Filed Feb. 14, 1984, effective July 12, 1984. Amended: Filed Jan. 5, 1988, effective April 28, 1988. Amended: Filed Oct. 13, 2000, effective July 30, 2001. Amended: Filed July 6, 2005, effective Feb. 28, 2006. Amended: Filed Sept. 24, 2009, effective May 30, 2010.*

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

### 10 CSR 10-6.045 Open Burning Requirements

*PURPOSE: This rule sets forth the conditions and restrictions for the open burning of refuse and combustible materials throughout Missouri and defines when an open burning permit is required. The evidence supporting the*

*need for this proposed rulemaking, per section 536.016, RSMo, are the various citizen petitions concerning open burning received in 2005 and meeting minutes for 2005/2006 open burning workgroup meetings.*

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

(1) Applicability. This rule applies to all open burning throughout the state of Missouri with additional conditions applicable to the metropolitan areas of Kansas City, Springfield, St. Joseph and St. Louis as found in section (3) of this rule.

(2) Definitions.

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

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

(3) General Provisions. No person may conduct, cause, permit, or allow the disposal of tires, petroleum-based products, trade waste, construction or demolition waste, salvage operation waste, or asbestos containing materials by open burning, except as permitted below. Nothing in this rule may be construed as to allow open burning which causes or constitutes a public health hazard, nuisance, a hazard to vehicular or air traffic, nor which violates any other rule or statute.

(A) The following types of open burning are allowed by the department when not prohibited by other laws, regulations, or ordinances:

1. Recreational and ceremonial fires. These fires shall be comprised of vegetative woody materials or untreated wood products only;

2. Noncommercial preparation of food, such as by barbecuing;

3. Burning of household or domestic refuse. Burning of household or domestic refuse is limited to open burning on a residential premises having not more than four (4) dwelling units, provided that the refuse originates on the same premises, with the following exceptions:

A. Kansas City metropolitan area. The open burning of household refuse must take place in an area zoned for agricultural purposes and outside that portion of the metropolitan area surrounded by the corporate limits of Kansas City and every contiguous municipality;

B. Springfield-Greene County area. The open burning of household refuse must take place outside the corporate limits of Springfield and only within areas zoned A-1, Agricultural District;

C. St. Joseph area. The open burning of household refuse must take place within an area zoned for agricultural purposes and outside that portion of the metropolitan area surrounded by the corporate limits of St. Joseph; and

D. St. Louis metropolitan area. The open burning of household refuse is prohibited;

4. Land clearing of vegetative debris, provided all burning occurs—

A. Outside of any incorporated area or municipality and outside of the Kansas City metropolitan area, Springfield-Greene County area, and the St. Louis metropolitan area;

B. At least two hundred (200) yards from the nearest occupied structure; and

C. Land clearing of vegetative debris that does not meet the conditions of subparagraphs (3)(A)4.A. and (3)(A)4.B. of this rule may be open burned provided an open burning permit is obtained as found in subsection (3)(B) of this rule;

5. Yard waste, with the following exceptions:

A. Kansas City metropolitan area. The open burning of trees, tree leaves, brush, or any other type of vegetation shall require an open burning permit;

B. Springfield-Greene County area. The City of Springfield requires an open burning permit for the open burning of trees, brush, or any other type of vegetation. The City of Springfield prohibits the open burning of tree leaves;

C. St. Joseph area. Within the corporate limits of St. Joseph, the open burning of trees, tree leaves, brush, or any other type of vegetation grown on a residential property is allowed during the following calendar periods



and time-of-day restrictions:

(I) A three (3)-week period within the period commencing the first day of March through April 30 and continuing for twenty-one (21) consecutive calendar days;

(II) A three (3)-week period within the period commencing the first day of October through November 30 and continuing for twenty-one (21) consecutive calendar days;

(III) The burning shall take place only between the daytime hours of 10:00 a.m. and 3:30 p.m.; and

(IV) In each instance, the twenty-one (21)-day burning period shall be determined by the director of Public Health and Welfare of the City of St. Joseph for the region in which the City of St. Joseph is located provided, however, the burning period first shall receive the approval of the department director; and

D. St. Louis metropolitan area. The open burning of trees, tree leaves, brush, or any other type of vegetation is limited to the period beginning September 16 and ending April 14 of each calendar year and limited to a total base area not to exceed sixteen (16) square feet. Any open burning shall be conducted only between the hours of 10:00 a.m. and 4:00 p.m. and is limited to areas outside of incorporated municipalities;

6. Untreated wood waste materials. Untreated wood waste materials resulting from wood processing facilities in existence as of March 25, 1976, which produce less than eight thousand (8,000) board feet or equivalent per day may be open burned if at least two hundred (200) yards from the nearest occupied structure. Untreated wood waste materials resulting from wood processing plants which relocate or from new wood processing facilities which produce less than eight thousand (8,000) board feet, or equivalent per day, may be open burned if at least one (1) mile outside the city limits of any incorporated area or municipality and at least two hundred (200) yards from the nearest occupied structure;

7. Fire training exercises. Fires set for the purposes of training fire fighters and industrial employees in fire fighting methods provided that—

A. The training is conducted in accordance with National Fire Protection Association standards, NFPA 1403, *Standard on Live Fire Training Evolutions (2002 Edition)*, for fire fighters and NFPA 600, *Standard on Industrial Fire Brigades (2005 Edition)*, for industrial employees. The provisions of NFPA 1403 and 600 shall apply and are hereby incorporated by reference in this rule, as published by the National Fire Protection Association, 11 Tracy Drive, Avon, MA

02322. This rule does not incorporate any subsequent amendments or additions. These exercises include, but are not limited to, liquefied gas propane fueled simulators, flashover simulators, and stationary live burn towers; and

B. Acquired structures to be used for training exercises are subject to the requirements of 10 CSR 10-6.080, subsection (3)(M), National Emission Standard for Asbestos. These requirements include, but are not limited to, inspection of and notification to the director. All petroleum-based products are to be removed from any acquired structure that is to be burned as part of a training exercise;

8. Agricultural burning. Fires set in connection with agricultural or forestry operations related to the growing or harvesting of crops with the following exception. In the St. Louis metropolitan area, if open burning for pest or weed control or crop production on existing cropland between April 15 and September 15, the person must notify the director in writing at least forty-eight (48) hours prior to commencement of burning. The department reserves the right to delay the burning on days when the ambient ozone level is forecasted to be high;

9. Natural resource and land management. Prescribed fires set for natural resource management purposes; and

10. The open burning of certain trade wastes may be permitted only when it can be shown that a situation exists where open burning is in the best interest of the general public, or when it can be shown that open burning is the safest and most feasible method of disposal. Economic considerations shall not be the primary determinant of feasibility. Any person intending to engage in open burning shall file an application with and receive written approval from the staff director. The application shall contain evidence that the proposed open burning has been approved by the fire control authority which has jurisdiction.

(B) The following types of materials may be open burned provided an open burning permit is obtained from the director. The permit will specify the conditions and provisions of all open burning. The permit may be revoked if the owner or operator fails to comply with the conditions or any provisions of the permit—

1. Burning of untreated wood waste; and
2. Burning of tree trunks, tree limbs, and vegetation at commercial land clearing operations that occur within an incorporated area or municipality or where the proposed open burning will occur within two hundred (200) yards of an occupied structure or when

the open burning is located anywhere in the Kansas City metropolitan area, Springfield-Greene County area, or the St. Louis metropolitan area.

(C) Commercial tree trimming operations and municipal utility tree trimming operations shall submit a written request to the director for an annually renewable open burning permit. The permit will specify the conditions and provisions of all open burning. The permit may be revoked if the owner or operator fails to comply with the conditions or any provisions of the permit.

(D) Facility owners or operators may be issued an annually renewable open burning permit for open burning provided that an air curtain destructor or incinerator is utilized and only tree trunks, tree limbs, vegetation, or untreated wood waste are burned. Open burning shall occur at least two hundred (200) yards from the nearest occupied structure unless the owner or operator of the occupied structure provides a written waiver of this requirement. Any waiver shall accompany the open burning permit application. The permit may be revoked if the owner or operator fails to comply with the provisions or any condition of the permit.

(E) In a nonattainment area, as defined in 10 CSR 10-6.020, paragraph (2)(N)5., the staff director reserves the right to deny, revoke, or suspend a permit under this section when conditions exist where burning would be considered detrimental to air quality standards.

(4) Reporting and Record Keeping. New Source Performance Standard (NSPS) 40 CFR part 60 Subpart CCCC establishes certain requirements for air curtain destructors or incinerators that burn wood trade waste. These requirements are established in 40 CFR 60.2245–60.2260. The provisions of 40 CFR part 60 Subpart CCCC promulgated as of September 22, 2005 shall apply and are 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 rule does not incorporate any subsequent amendments or additions. To comply with NSPS 40 CFR 60.2245–60.2260, sources must conduct an annual Method 9 test. A copy of the annual Method 9 test results shall be submitted to the director.

(5) Test Methods. The visible emissions from air pollution sources shall be evaluated as specified by 40 CFR part 60, Appendix A—Test Methods, *Method 9—Visual Determination of the Opacity of Emissions from Stationary Sources*. The provisions of 40 CFR part 60, Appendix A, Method 9 promulgated



as of December 23, 1971 is incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions.

*AUTHORITY: section 643.050, RSMo 2000.\* Original rule filed June 7, 2007, effective Jan. 30, 2008. Amended: Filed Dec. 29, 2008, effective Sept. 30, 2009.*

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

### 10 CSR 10-6.050 Start-Up, Shutdown, and Malfunction Conditions

*PURPOSE: This rule, applicable to all installations in Missouri, provides the owner or operator of an installation the opportunity to submit data regarding conditions which result in excess emissions. These submittals will be used by the director to determine whether the excess emissions were due to a start-up, shutdown or malfunction condition. These determinations will be used in deciding whether or not enforcement action is appropriate.*

(1) Applicability. This regulation applies to all installations in the state of Missouri.

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

(3) General Provisions.

(A) In the event of a malfunction, which results in excess emissions that exceeds one (1) hour, the owner or operator of such facility shall notify the Missouri Department of Natural Resources' Air Pollution Control Program in the form of a written report which shall be submitted within two (2) business days. The written report shall include, at a minimum, the following:

1. Name and location of installation;
2. Name and telephone number of person responsible for the installation;
3. Name of the person who first discovered the malfunction and precise time and date that the malfunction was discovered;
4. Identity of the equipment causing the excess emissions;
5. Time and duration of the period of excess emissions;
6. Cause of the excess emissions;
7. Air pollutants involved;
8. Estimate of the magnitude of the excess emissions expressed in the units of the applicable requirement and the operating data and calculations used in estimating the mag-

nitude;

9. Measures taken to mitigate the extent and duration of the excess emissions; and

10. Measures taken to remedy the situation which caused the excess emissions and the measures taken or planned to prevent the recurrence of these situations.

(B) The owner or operator shall notify the Missouri Department of Natural Resources' Air Pollution Control Program at least ten (10) days prior to any maintenance, start-up, or shutdown activity, which is expected to cause an excess release of emissions that exceeds one (1) hour. If notification cannot be given ten (10) days prior to any maintenance, start-up, or shutdown activity, which is expected to cause an excess release of emissions that exceeds one (1) hour, notification shall be given as soon as practicable prior to the maintenance, start-up, or shutdown activity. If prior notification is not given for any maintenance, start-up, or shutdown activity which resulted in an excess release of emissions that exceeded one (1) hour, notification shall be given within two (2) business days of the release. In all cases, the notification shall be a written report and shall include, at a minimum, the following:

1. Name and location of installation;
2. Name and telephone number of person responsible for the installation;
3. Identity of the equipment involved in the maintenance, start-up, or shutdown activity;
4. Time and duration of the period of excess emissions;
5. Type of activity and the reason for the maintenance, start-up, or shutdown;
6. Type of air contaminant involved;
7. Estimate of the magnitude of the excess emissions expressed in the units of the applicable emission control regulation and the operating data and calculations used in estimating the magnitude;

8. Measures taken to mitigate the extent and duration of the excess emissions; and

9. Measures taken to remedy the situation which caused the excess emissions and the measures taken or planned to prevent the recurrence of these situations.

(C) Upon receipt of a notice of excess emissions issued by the Missouri Department of Natural Resources or an agency holding a certificate of authority under section 643.140, RSMo, the source to which the notice is issued may provide information showing that the excess emissions were the consequence of a malfunction, start-up, or shutdown. Based upon any information submitted by the source operator and any other pertinent information available, the director or the commission shall make a determina-

tion whether the excess emissions constitute a malfunction, start-up, or shutdown and whether the nature, extent, and duration of the excess emissions warrant enforcement action under section 643.080 or 643.151, RSMo.

1. In determining whether enforcement action is warranted, the director or commission shall consider the following factors:

A. Whether the excess emissions during start-up, shutdown, or malfunction occurred as a result of safety, technological, or operating constraints of the control equipment, process equipment, or process;

B. Whether the air pollution control equipment, process equipment, or processes were, at all times, maintained and operated to the maximum extent practical, in a manner consistent with good practice for minimizing emissions;

C. Whether repairs were made as expeditiously as practicable when the operator knew or should have known when excess emissions were occurring;

D. Whether the amount and duration of the excess emissions were limited to the maximum extent practical during periods of this emission;

E. Whether all practical steps were taken to limit the impact of the excess emissions on the ambient air quality;

F. Whether all emission monitoring systems were kept in operation if at all possible;

G. Whether the owner or operator's actions in response to the excess emissions were documented by properly signed, contemporaneous operating logs, or other relevant evidence;

H. Whether the excess emissions were not part of a recurring pattern indicative of inadequate design, operation, or maintenance; and

I. Whether the owner or operator properly and promptly notified the appropriate regulatory authority.

2. The information provided by the source operator under subsection (3)(C) of this rule shall include, at a minimum, the following:

A. Written notification per subsection (3)(A) of this rule for malfunctions which resulted in excess emissions that exceeded one (1) hour; or

B. Written notification per subsection (3)(B) of this rule for maintenance, start-up, or shutdown activities which resulted in excess emissions that exceeded one (1) hour.

(D) Nothing in this rule shall be construed to limit the authority of the director or the commission to take appropriate action, under sections 643.080, 643.090, and 643.151,





RSMo, to enforce the provisions of the Air Conservation Law and the corresponding rule.

(E) Compliance with this rule does not automatically absolve the owner or operator of such facility of liability for the excess emissions reported.

(4) Reporting and Record Keeping.

(A) The information specified in paragraph (3)(C)2. of this rule shall be submitted to the director not later than fifteen (15) days after receipt of the notice of excess emissions. Information regarding the type and amount of emissions and time of the episode shall be recorded and kept on file. This data shall be included in emissions reported on any required Emissions Inventory Questionnaire.

(B) The information submitted according to subsections (3)(A) and (3)(B) of this rule and paragraph (3)(C)2. of this rule shall be kept on file at the installation for a period of five (5) years. This data shall be included in emissions reported on any required Emissions Inventory Questionnaire. The information shall be available to the director upon request.

(5) Test Methods (*Not Applicable*)

*AUTHORITY:* section 643.050, RSMo 2000.\* Original rule filed March 15, 1979, effective Nov. 11, 1979. Amended: Filed April 2, 1987, effective Aug. 27, 1987. Amended: Filed June 15, 2001, effective Feb. 28, 2002. Amended: Filed Nov. 13, 2009, effective July 30, 2010.

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

### 10 CSR 10-6.060 Construction Permits Required

*PURPOSE:* This rule defines sources which are required to obtain permits to construct. It establishes requirements to be met prior to construction or modification of any of these sources. This rule also establishes permit fees and public notice requirements for certain sources and incorporates a means for unifying the processing of construction and operating permit issuance.

*PUBLISHER'S NOTE:* The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available

to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Applicability.

(A) Definitions. Definitions of certain terms used in this rule may be found in paragraph (b) of 40 CFR 52.21 which is incorporated by reference in subsection (8)(A) of this rule, except that—

1. Any provisions of 40 CFR 52.21(b) that are stayed shall not apply;

2. Solely for the purposes of paragraph (1)(A)2. and section (7) of this rule, the following definitions shall be used in place of the definitions of the same terms specified elsewhere in this subsection:

A. Major stationary source is defined in 40 CFR 51.165(a)(1)(iv), promulgated as of July 1, 2011, 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. The term major, as used in this definition, shall be major for the nonattainment pollutant;

B. Major modification is defined in 40 CFR 51.165(a)(1)(v), promulgated as of July 1, 2011, 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, except that any incorporated provisions that are stayed shall not apply. This rule does not incorporate any subsequent amendments or additions. The term major, as used in this definition, shall be major for the nonattainment pollutant;

C. Net emissions increase is defined in 40 CFR 51.165(a)(1)(vi), promulgated as of July 1, 2011, 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, except that the term paragraph (a)(1)(xii)(B) shall be 40 CFR 52.21(b)(21)(ii). This rule does not incorporate any subsequent amendments or additions; and

D. Significant is defined in 40 CFR 51.165(a)(1)(x), promulgated as of July 1, 2011, 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;

3. Solely for the purposes of section (9) of this rule, the following definitions shall be used in addition to definitions specified elsewhere in this subsection:

A. Construct a major source—

(I) Fabricate, erect, or install, at any 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

(II) Fabricate, erect, or install, at any 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;

B. Greenfield site—A contiguous area under common control that is an undeveloped site;

C. Process or 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;

D. Reconstruct a major source—Replace 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 of any HAP or twenty-five (25) tons per year of any combination of HAPs, whenever—

(I) 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

(II) 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;

E. Research and development activities—Activities conducted at a research or laboratory facility whose primary purpose is to conduct research and development into new processes and products, where such source is operated under the close supervision of technically-trained personnel and is not engaged in the manufacture of products for sale or exchange for commercial profit, except in a *de minimis* manner;

F. 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; and

G. Definitions for certain terms, other than those defined in subparagraphs (1)(A)3.A. through F. of this rule, may be found in 40 CFR 63.41, promulgated as of July 1, 2011, 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;

4. 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 under this rule 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;

5. The provisions of subsection (8)(B) of this rule regarding the term administrator shall apply; and

6. Definitions for certain terms used in this rule, other than those defined elsewhere in this subsection, may be found in 10 CSR 10-6.020.

(B) Covered Installations/Changes. This rule shall apply to installations throughout Missouri with the potential to emit any pollutant in an amount equal to or greater than the *de minimis* levels. This rule also shall apply to changes at installations which emit less than the *de minimis* levels where the construction or modification itself would be subject to section (6), (7), (8), or (9) of this rule. This rule shall apply to all incinerators, unless permitted under rule 10 CSR 10-6.062.

(C) Construction/Operation Prohibited. No owner or operator shall commence construction or modification of any installation subject to this rule, begin operation after that construction or modification, or begin operation of any installation which has been shut down longer than five (5) years without first obtaining a permit from the permitting authority under this rule. For sources not subject to review under sections (7), (8), or (9) of this rule, construction may be commenced if authorized by the director. A

request for authorization must include: a signed waiver of any state liability; a complete list of the activities to be undertaken; and, the applicant's full acceptance and knowledge of all liability associated with the possibility of denial of the permit application. A request will not be granted unless an application for permit approval under this rule has been filed. The waiver is not available to sources seeking federally enforceable permit restrictions to avoid review under sections (7)–(9) of this rule.

(D) Exempt Emissions Units. This rule does not apply to the construction or modification of installations that are exempted or excluded by 10 CSR 10-6.061 or are permitted under rule 10 CSR 10-6.062.

(2) Unified Review. When the construction or modification and operation of any installation requires a construction permit under this rule, and an operating permit or its amendment, under 10 CSR 10-6.065, the installation shall receive a unified construction and operating permit, or its amendment, and a unified review, hearing and approval process, unless the applicant requests in writing that the application for a construction and operating permit, or its amendment, be reviewed separately. Under this unified review process, the applicant shall submit all the applications, forms, and other information required by the permitting authority.

(A) Review of Applications. The permitting authority shall complete any unified review within one hundred eighty-four (184) days, as provided under the procedures of this rule and 10 CSR 10-6.065 Operating Permits Required.

(B) Issuance of Permits. As soon as the unified review process is completed, if the applicant complies with all applicable requirements under this rule and 10 CSR 10-6.065, the construction permit and the operating permit, or its amendment, shall be issued to the applicant and the applicant may commence construction. The operating permit shall be retained by the permitting authority until validated pursuant to this section.

(C) Validation of Operating Permits. Within one hundred and eighty (180) days after commencing operation, the holder of an operating permit, or its amendment, issued by the unified review process shall submit to the permitting authority all information required by the permitting authority to demonstrate compliance with the terms and conditions of the issued operating permit, or its amendment. The permittee shall also provide information identifying any applicable requirements which became applicable subsequent to issuance of the operating permit.

Within thirty (30) days after the applicant's request for validation, the permitting authority will take action denying or approving validation of the issued operating permit, or its amendment. If the permittee demonstrates compliance with both the construction and operating permits, or its amendment, the permitting authority shall validate the operating permit, or its amendment, and forward it to the permittee. No part 70 permit will be validated unless—

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

2. The procedures for permit renewal in 10 CSR 10-6.065(6)(E)3. have occurred prior to validation to insure the inclusion of any new applicable requirements to which the part 70 permit is subject.

(3) Temporary Installations and Pilot Plants Permits. The permitting authority may exempt temporary installations and pilot plants having a potential to emit under one hundred (100) tons per year of each pollutant from any of the requirements of this rule, provided that these exemptions are requested in writing prior to the start of construction. These exemptions shall be granted only when the attainment or maintenance of ambient air quality standards is not threatened, when there will be no significant impact on any Class I area, and when the imposition of requirements of this rule would be unreasonable.

(4) Portable Equipment Permits. Portable equipment must meet the following criteria:

(A) The potential to emit is less than one hundred (100) tons per year of any air pollutant;

(B) The equipment was permitted previously under either section (5), (6), (7), or (8) of this rule and the previous permit is still valid;

(C) The equipment is operated and maintained in a manner identical to that specified in the currently valid permit; and

(D) The following conditions must be met when permitted portable equipment is to be operated at a different location:

1. When the owner or operator wishes to operate the portable equipment at a new location not previously permitted or at a location where other sources (either permanent or portable) are operating, the owner or operator shall submit to the permitting authority a Portable Source Relocation Request, property boundary plot plan and the equipment layout for the site. A relocation request is subject to the fees and the time frames specified in this rule, except for the permit filing fee. The



relocation request will be approved if it is determined that there will be no significant impact on any Class I area or an area where air quality increments have been consumed. The permitting authority shall make the final determination and, if appropriate, approve the relocation request no later than twenty-one (21) calendar days after receipt of the complete Portable Source Relocation Request;

2. When the owner or operator wishes to relocate the portable equipment to a site that is listed on the permit or on the amended permit (provided other sources are not approved to operate at the same location), the owner or operator shall report the move to the permitting authority on a Portable Source Relocation Request for authorization to operate in the new locale as soon as possible, but not later than seven (7) calendar days prior to ground breaking or initial equipment erection. No fees are associated with this authorization. Authorization will be presumed if notification of denial is not received by the specified ground breaking or equipment erection date; and

3. The equipment shall be operated at each new location no more than twenty-four (24) consecutive months without an intervening relocation.

#### (5) *De Minimis* Permits.

(A) Any construction or modification at an installation subject to this rule which results in a net emissions increase below the *de minimis* levels shall be exempt from further requirements of this rule if the owner or operator of the source applies for, and the permitting authority issues, a *de minimis* permit for that installation.

(B) This *de minimis* permit shall be issued and in effect only if all of the following conditions are met:

1. The permitting authority is notified in writing of the proposed construction prior to the commencement of construction;

2. Information is submitted to the permitting authority which is sufficient for the permitting authority to verify the annual emission rate, to verify that no applicable emission control rules will be violated, and to verify that the net emission increase of the installation is below the *de minimis* levels;

3. Net emissions do not increase above the *de minimis* levels at an installation having a *de minimis* permit under this section. If net emissions at the installation do increase above the *de minimis* levels, the installation shall be in violation of this rule until it obtains a permit under the other applicable requirements of this rule; and

4. All permit fees are paid.

(C) In order to eliminate the necessity for a large number of *de minimis* permit applications from a single installation, a special case *de minimis* permit may be developed for those batch-type production processes which frequently change products and component source operations. Operating in violation of the conditions of a special case *de minimis* permit shall be a violation of this rule.

#### (D) Air Quality Analysis Requirements.

1. An air quality analysis will not be required for applications having a maximum design capacity emission rate of no more than the hourly *de minimis* level unless paragraph (5)(D)2. applies. For applications having a maximum design capacity emission rate greater than the hourly *de minimis* level, a permit will be issued only if an air quality analysis demonstrates that the proposed construction or modification will not appreciably affect air quality or the air quality standards are not appreciably exceeded.

2. Exceptions. The director may require an air quality analysis for applications if it is likely that emissions of the proposed construction or modification will appreciably affect air quality or the air quality standards are being appreciably exceeded or complaints filed in the vicinity of the proposed construction or modification warrant an air quality analysis.

#### (6) General Permit Requirements for Construction or Emissions Increase Greater Than *De Minimis* Levels.

(A) A permit shall be issued pursuant to this section only if it is determined that the proposed source operation or installation will not—

1. Violate any of the applicable provisions of this rule;

2. Interfere with the attainment or maintenance of ambient air quality standards;

3. Cause or contribute to ambient air concentrations in excess of any applicable maximum allowable increase listed in subsection (11)(A) Table 1, of this rule, over the baseline concentration in any attainment or unclassified area;

4. Violate any applicable requirements of the Air Conservation Law; and

5. Cause an adverse impact on visibility in any Class I area (those designated in paragraph (12)(I)3. of this rule).

(B) In order for the permitting authority to make this determination, each applicant shall—

1. Complete and submit application forms supplied by the permitting authority. These forms shall consist of an Application for Authority to Construct and an Emissions Information for Construction Permit Applica-

tion. Both forms shall be completed so that all information necessary for processing the permit is supplied;

2. Send to the permitting authority as part of the application: site information; plans; descriptions; specifications; and drawings showing the design of the installation, the nature and amount of emissions of each pollutant, and the manner in which it will be operated and controlled;

3. Supply ambient air quality modeling data for the pollutant to determine the air quality impact of the installation on the applications with the potential to emit fifty (50) tons per year or more of particulate matter or sulfur dioxide. The modeling techniques to be used are as specified in the most recent version of the Environmental Protection Agency's (EPA) Guideline on Air Quality Models (EPA 450/2-78-027R), including supplements at the time of application, or another model which the permitting authority deems accurate. Temporary installations and portable equipment shall be exempt from this requirement provided that the source shall apply best available control technology (BACT) for each pollutant emitted in a significant amount;

4. Furnish any additional information, plans, specifications, evidence, documentation, modeling, or monitoring data that the permitting authority may require to complete review under this rule; and

5. Submit fees for the filing and processing of their permit application. The amount of the fee will be determined from section (10) of this rule.

(C) The review of each permit application will follow the procedures of subsection (12)(A), Appendix A of this rule and, when applicable, subsection (12)(B), Appendix B of this rule.

(D) Special Considerations for Stack Heights and Dispersion Techniques.

1. The degree of emission limitation required for control of any air pollutant under this rule shall not be affected in any manner by—

A. That amount of the stack height of any installation which exceeds good engineering practice (GEP) stack height; or

B. Any other dispersion technique.

2. Paragraph (6)(D)1. of this rule shall not apply to stack heights on which construction commenced on or before December 31, 1970, or to dispersion techniques implemented on or before December 31, 1970.

3. Before the permitting authority issues a permit under this rule based on stack heights that exceed GEP, the permitting authority must notify the public of the availability of the demonstration study and must



provide opportunity for a public hearing on it.

4. This paragraph does not require that actual stack height or the use of any dispersion technique be restricted in any manner.

(E) After a permit has been granted—

1. The owner or operator subject to the provisions of this rule shall furnish the permitting authority written notification as follows:

A. A notification of the anticipated date of initial start-up of the source operation or installation not more than sixty (60) days or less than thirty (30) days prior to that date; and

B. A notification of the actual date of initial start-up of a source operation or installation within fifteen (15) days after that date;

2. A permit may be revoked if construction or modification work is not begun within two (2) years from the date of issuance or if work is suspended for one (1) year, and if—

A. The delay was reasonably foreseeable by the owner or operator at the time the permit was issued;

B. The delay was not due to an act of God or other conditions beyond the control of the owner or operator; or

C. Failure to revoke the permit would be unfair to other potential applicants;

3. Any owner or operator who constructs, modifies, or operates an installation not in accordance with the application submitted and the permit issued, including any terms and conditions made a part of the permit, or any owner or operator of an installation who commences construction or modification after May 13, 1982, without meeting the requirements of this rule, is in violation of this rule;

4. Approval to construct shall not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the Air Conservation Law and rules or any other requirements under local, state, or federal law; and

5. The permitting authority may require monitoring of visibility in any Class I area (those designated in paragraph (12)(I)3. of this rule) near the new installation or major modification for these purposes and by such means as the permitting authority deems necessary and appropriate.

(7) Nonattainment Area Permits. This section applies to the construction of any new major stationary source or any project at an existing major stationary source in an area designated as nonattainment.

(A) Applicability Procedures. The provisions of this subsection are used to determine, prior to beginning actual construction,

if a project at an existing major stationary source is a major modification and thus subject to the permit application and review requirements of subsection (7)(B) of this rule.

1. Except for sources with a Plantwide Applicability Limit (PAL), which shall comply with subsection (7)(C) of this rule, and in accordance with the definition of the term major modification contained in subsection (1)(A) of this rule, a project is a major modification if it causes two (2) types of emissions increases for the nonattainment pollutant—a significant emissions increase and a significant net emissions increase. The project is not a major modification if it does not cause a significant emissions increase. If the project causes a significant emissions increase, then the project is a major modification only if it also results in a significant net emissions increase.

2. The emissions increase from the project is determined by taking the sum of the emissions increases from each emissions unit affected by the project. An emissions unit is considered to be affected by the project if an emissions increase from the unit would occur as a result of the project, regardless of whether a physical change or change in the method of operation will occur at the particular emissions unit.

3. For each existing emissions unit affected by the project, the emissions increase is determined by taking the difference between the projected actual emissions for the completed project and the baseline actual emissions. In accordance with the definition of the term projected actual emissions found in 40 CFR 52.21 as referred to in subsection (1)(A) of this rule, the owner or operator of the major stationary source may elect to use the existing emission unit's potential to emit in lieu of the projected actual emissions for this calculation.

4. For each new emissions unit affected by the project, the emissions increase is equal to the potential to emit.

5. The procedure for calculating the net emissions increase (the significance of which is the second criterion for determining if a project is a major modification) is contained in the definition of the term net emissions increase found in subsection (1)(A) of this rule.

6. The provisions of subsection (7)(B) of this rule do not apply to a source or modification that would be a major stationary source or major modification only if fugitive emissions to the extent quantifiable are considered in calculating the potential to emit of the stationary source or modification and the source does not belong to one (1) of the source categories listed in items

(i)(1)(vii)(a)–(aa) of 40 CFR 52.21 which is incorporated by reference in subsection (8)(A) of this rule.

(B) Permit Requirements. A permit shall not be issued, for the construction of a new major stationary source for the nonattainment pollutants, or for a major modification of the nonattainment pollutant of an existing major stationary source, unless the following requirements, in addition to section (6) of this rule, are met:

1. By the time the source is to commence operation, sufficient emissions offsets shall be obtained as required to ensure reasonable further progress toward attainment of the applicable national ambient air quality standard and consistent with the requirements of Section 173(a)(1)(A) of the Clean Air Act and paragraphs 40 CFR 51.165(a)(3) and (9);

2. In the case of a new or modified installation which is located in a zone (within the nonattainment area) identified by the administrator, in consultation with the Secretary of Housing and Urban Development, as a zone to which economic development should be targeted, emissions of that pollutant resulting from the proposed new or modified installation will not cause or contribute to emissions levels which exceed the allowance permitted for that pollutant for that zone from new or modified installations;

3. Offsets have been obtained in accordance with paragraph (7)(B)1. and with the offset and banking procedures in 10 CSR 10-6.410;

4. The administrator has not determined that the state implementation plan is not being adequately implemented for the nonattainment area in which the proposed source is to be constructed or modified;

5. Temporary installation and portable sources shall be exempt from this section provided that the source applies BACT for each pollutant emitted in a significant amount;

6. The applicant must provide documentation establishing that all installations in Missouri, which are owned or operated by the applicant, (or by any entity controlling, controlled by, or under common control with the applicant) are subject to emission limitations and are in compliance, or are on a schedule for compliance, with all applicable requirements;

7. Permit applications shall include a control technology evaluation to demonstrate that any new major stationary source or major modification will meet the lowest achievable emission rate (LAER) for all new or modified emission units, unless otherwise provided in this section;

8. Any new major stationary source or major modification to be constructed in an



area designated nonattainment shall comply with LAER as determined by the director and set forth in the construction permit pursuant to this section, except where otherwise provided in this section;

9. The applicant must provide an alternate site analysis; and

10. The applicant shall provide an analysis of impairment to visibility in any Class I area (those designated in subsection (12)(I) of this rule) that would occur as a result of the installation or major modification and as a result of the general, commercial, residential, industrial, and other growth associated with the installation or major modification.

(C) Plantwide Applicability Limits (PALs). The provisions of subsection (aa) of 40 CFR 52.21, which is incorporated by reference in subsection (8)(A) of this rule, shall govern PALs of the nonattainment pollutant for projects at existing major stationary sources in an area designated nonattainment, except that—

1. The term Administrator shall be the director of the Missouri Department of Natural Resources' Air Pollution Control Program;

2. The term BACT or LAER and the term BACT shall both be LAER for the nonattainment pollutant;

3. The term PSD program, as it appears in 40 CFR 52.21(aa)(1)(ii)(b), and the term major NSR program, as it appears in 52.21(aa)(1)(ii)(c), both shall be Nonattainment Area Permit program of this section; and

4. The director shall not allow a PAL for VOC or NO<sub>x</sub> for any existing major stationary source located in an extreme ozone nonattainment area.

(D) Reporting and Record Keeping. This subsection applies to projects at existing major stationary sources, without a PAL, which are exempt from the permit requirements of subsection (7)(B) of this rule as a result of the applicability determination made in subsection (7)(A) of this rule. The owner or operator of such sources shall comply, in regards to the nonattainment pollutant, with the provisions of paragraph (r)(6) of 40 CFR 52.21, which is incorporated by reference in subsection (8)(A) of this rule, except that the term Administrator shall be the director of the Missouri Department of Natural Resources' Air Pollution Control Program.

(E) Any construction or modification that will impact a federal Class I area shall be subject to the provisions of subsection (12)(H) of this rule.

(F) All permit applications subject to subsection (7)(B) of this rule are subject to the

public participation requirements in subsection (12)(B) of this rule.

(G) The director of the Missouri Department of Natural Resources' Air Pollution Control Program shall transmit to the administrator of the U.S. Environmental Protection Agency a copy of each permit application filed under section (7) of this rule and shall notify the administrator of each significant action taken on the application.

(8) Attainment and Unclassified Area Permits.

(A) All of the subsections of 40 CFR 52.21, other than (a) Plan disapproval, (q) Public participation, (s) Environmental impact statements, and (u) Delegation of authority, promulgated as of July 1, 2011, and *Federal Register* Notice 76 FR 43507 promulgated July 20, 2011, 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.

(B) Administrator as it appears in 40 CFR 52.21 shall refer to the director of the Missouri Department of Natural Resources' Air Pollution Control Program except in the following, where it shall continue to refer to the administrator of the U.S. Environmental Protection Agency:

1. (b)(17) Federally enforceable;
2. (b)(37)(i) Repowering;
3. (b)(43) Prevention of Significant Deterioration (PSD) program;
4. (b)(48)(ii)(c);
5. (b)(50) Regulated NSR pollutant;
6. (b)(51) Reviewing authority;
7. (g) Redesignation;
8. (l) Air quality models;
9. (p)(2) Federal Land Manager; and
10. (t) Disputed permits or redesignations.

(C) All permit applications subject to section (8) of this rule are subject to the public participation requirements in subsection (12)(B) of this rule.

(D) The director of the Missouri Department of Natural Resources' Air Pollution Control Program shall transmit to the administrator of the U.S. Environmental Protection Agency a copy of each permit application filed under section (8) of this rule and shall notify the administrator of each significant action taken on the application.

(E) Applicants must obtain emission reductions, obtained through binding agreement prior to commencing operations and subject to 10 CSR 10-6.410, equal to and of a comparable air quality impact to the new or

increased emissions in the following circumstances when the:

1. Area has no increment available; or
2. Proposal will consume more increment than is available.

(9) Hazardous Air Pollutant Permits. The requirements of this section apply to any owner or operator of a major source identified in subsection (9)(B) of this rule, unless the major source in question has been specifically regulated or exempted from regulation under a standard issued pursuant to section 112(d), section 112(h), or section 112(j) of the Clean Air Act and incorporated in another subpart of part 63 of the *Code of Federal Regulations* (CFR), or the owner or operator of such a major source has received all necessary air quality permits for construction or reconstruction before the effective date of this section.

(A) Applicability. No person may construct or reconstruct a major source unless they submit an application and receive approval from the permitting authority according to the procedures of paragraphs (9)(C)2. and (9)(C)3. of this rule; or unless all of the following are satisfied:

1. All HAPs emitted by the process or production unit that would otherwise be controlled under the requirements of this section will be controlled by emission control equipment which was previously installed at the same site as the process or production unit;

2. The permitting authority—

A. Has determined within a period of five (5) years prior to the fabrication, erection, or installation of the process or production unit that the existing emission control equipment represented best available control technology (BACT), lowest achievable emission rate (LAER) under 40 CFR 51 or 52, toxic-best available control technology (T-BACT), or maximum achievable control technology (MACT) based on state air toxic rules for the category of pollutants which includes those HAPs to be emitted by the process or production unit; or

B. Determines that the control of HAP emissions provided by the existing equipment will be equivalent to that level of control currently achieved by other well-controlled similar sources (i.e., equivalent to the level of control that would be provided by a current BACT, LAER, T-BACT, or state air toxic rule MACT determination);

3. The permitting authority determines that the percent control efficiency for emissions of HAP from all sources to be controlled by the existing control equipment will be equivalent to the percent control efficiency provided by the control equipment prior to



the inclusion of the new process or production unit;

4. The permitting authority has provided notice and an opportunity for public comment concerning its determination that criteria in paragraphs (9)(A)1., 2., and 3. of this rule apply and concerning the continued adequacy of any prior LAER, BACT, T-BACT, or state air toxic rule MACT determination;

5. If any commenter has asserted that a prior LAER, BACT, T-BACT, or state air toxic rule MACT determination is no longer adequate, the permitting authority has determined that the level of control required by that prior determination remains adequate;

6. The requirements of section (6) of this rule are met; and

7. Any emission limitations, work practice requirements, or other terms and conditions upon which the above determinations by the permitting authority are predicated will be construed by the permitting authority as applicable requirements under section 504(a) of the Clean Air Act and either have been incorporated into any existing part 70 permit for the affected facility or will be incorporated into such permit upon issuance.

(B) Exemptions. The requirements of section (9) of this rule do not apply to—

1. Electric utility steam generating units unless they are listed on the source category list established in accordance with section 112(c) of the Clean Air Act; or

2. Research and development activities.

(C) MACT Review and Determinations.

1. General principles.

A. The MACT emission limitation or MACT requirements recommended by the applicant and approved by the permitting authority shall not be less stringent than the emission control which is achieved in practice by the best controlled similar source, as determined by the permitting authority.

B. Based upon available information, the MACT emission limitation and control technology recommended by the applicant and approved by the permitting authority shall achieve the maximum degree of reduction in emissions of HAPs which can be achieved by utilizing those control technologies that can be identified from the available information, taking into consideration the costs of achieving such emission reduction and any non-air quality health and environmental impacts and energy requirements associated with the emission reduction.

C. The applicant may recommend a specific design, equipment, work practice, or operational standard, or a combination thereof, and the permitting authority may approve such a standard if the permitting authority specifically determines that it is not feasible

to prescribe or enforce an emission limitation under the criteria set forth in section 112(h)(2) of the Clean Air Act.

D. The applicant has met the requirements of section (6) of this rule.

2. Application requirements for a case-by-case MACT determination.

A. An application for a MACT determination shall specify a control technology selected by the owner or operator that, if properly operated and maintained, will meet the MACT emission limitation or standard as determined according to the principles set forth in paragraph (9)(C)1. of this rule.

B. Where additional control technology or a change in control technology is required, the application for a MACT determination shall contain the following information:

(I) Emissions Information for Construction Permit Application;

(II) Standard application form and information as described in paragraph (12)(A)4. of this rule;

(III) The anticipated date of start-up;

(IV) The estimated emission rate for each such HAP, to the extent this information is needed by the permitting authority to determine MACT;

(V) Any applicable federally-enforceable emission limitations;

(VI) The maximum and expected utilization of capacity and the associated uncontrolled emission rates for that source, to the extent this information is needed by the permitting authority to determine MACT;

(VII) The controlled emissions in tons/year at expected and maximum utilization of capacity, to the extent this information is needed by the permitting authority to determine MACT;

(VIII) A recommended emission limitation consistent with the principles set forth in paragraph (9)(C)1. of this rule;

(IX) The selected control technology to meet the recommended MACT emission limitation, including technical information on the design, operation, size, and estimated control efficiency of the control technology (and the manufacturer's name, address, telephone number, and relevant specifications and drawings, if requested by the permitting authority);

(X) Supporting documentation including identification of alternative control technologies considered by the applicant to meet the emission limitation, and analysis of cost and non-air quality health environmental impacts or energy requirements for the selected control technology; and

(XI) Any other relevant information

required to be submitted by the permitting authority deemed necessary to determine MACT.

C. Where the owner or operator contends that source will be in compliance, upon start-up, with case-by-case MACT without a change in control technology, the application for a MACT determination shall contain the following information:

(I) The information described in parts (9)(C)2.B.(II) through (9)(C)2.B.(XI) of this rule to determine MACT; and

(II) Documentation of the control technology in place.

3. Administrative procedures for review of the MACT application.

A. The permitting authority will notify the owner or operator in writing, within thirty (30) days from the date the application is first received, as to whether the application for a MACT determination is complete or whether additional information is required.

B. The permitting authority will initially approve the recommended MACT emission limitation and other terms set forth in the application, or the permitting authority will notify the owner or operator in writing of its intent to disapprove the application, within thirty (30) calendar days after the owner or operator is notified in writing that the application is complete.

C. Notice of disapproval.

(I) The owner or operator may present, in writing, within sixty (60) calendar days after receipt of notice of the permitting authority's intent to disapprove the application, additional information or arguments pertaining to, or amendments to, the application for consideration by the permitting authority before it decides whether to finally disapprove the application.

(II) The permitting authority will either initially approve or issue a final disapproval of the application within ninety (90) days after it notifies the owner or operator of an intent to disapprove or within thirty (30) days after the date additional information is received from the owner or operator, whichever is earlier.

(III) A final determination by the permitting authority to disapprove any application will be in writing and will specify the grounds on which the disapproval is based. If any application is finally disapproved, the owner or operator may submit a subsequent application, provided that the subsequent application has been amended in response to the stated grounds for the prior disapproval.

D. Incorporation of the MACT determination into a construction permit.

(I) When an application for a MACT determination is approved pursuant to



this section, the construction permit issued pursuant to this rule shall contain a MACT emission limitation (or a MACT work practice standard if the permitting authority determines it is not feasible to prescribe or enforce an emission standard) to control the emissions of HAP.

(II) Such construction permit will specify any notification, operation and maintenance, performance testing, monitoring, reporting, and record-keeping requirements. Such construction permit shall include:

(a) In addition to the MACT emission limitation additional emission limits, production limits, operational limits, or other terms and conditions necessary to ensure enforceability of the MACT emission limitation;

(b) Compliance certifications, testing, monitoring, reporting, and record-keeping requirements that are consistent with the requirements of 10 CSR 10-6.065;

(c) In accordance with section 114(a)(3) of the Clean Air Act, monitoring shall be capable of demonstrating continuous compliance during the applicable reporting period. Such monitoring data shall be of sufficient quality to be used as a basis for enforcing all applicable requirements including emission limitations; and

(d) A statement requiring the owner or operator to comply with all applicable requirements.

(III) Approval shall expire if construction or reconstruction has not commenced within eighteen (18) months of issuance, unless the permitting authority has granted an extension. However, in no case will approval extend beyond thirty (30) months from the date of issuance if construction or reconstruction have not commenced.

E. Opportunity for public comment on the construction permit shall follow the procedure found in subsection (12)(B), Appendix B, Public Participation, of this rule.

F. EPA notification. The permitting authority shall send a copy of the final construction permit or other notice of approval issued to the administrator through the appropriate regional office, and to all other state and local air pollution control agencies having jurisdiction in affected states;

G. Compliance date. On and after the date of start-up, a constructed or reconstructed major source which is subject to these requirements shall be in compliance with all applicable requirements specified in the MACT determination.

(D) Requirements for constructed or reconstructed major sources subject to a subsequently promulgated standard or MACT

requirement.

1. If an emission standard is promulgated under section 112(d) or section 112(h) of the Clean Air Act or the state issues a determination under section 112(j) of the Clean Air Act that is applicable to a stationary source or group of sources which would be deemed to be a constructed or reconstructed major source under this section before the date that the owner or operator has obtained a final and legally-effective MACT determination under any of the review options available in this rule, the owner or operator of the source(s) shall comply with the promulgated standard or determination rather than any MACT determination under this section by the state, and the owner or operator shall comply with the promulgated standard by the compliance date in the promulgated standard.

2. If an emission standard is promulgated under section 112(d) or section 112(h) of the Clean Air Act or the state issues a determination under section 112(j) of the Clean Air Act that is applicable to a stationary source or group of sources which would be deemed to be a constructed or reconstructed major source under this section and has been subject to a prior case-by-case MACT determination pursuant to this section, and the owner or operator obtained a final and legally-effective case-by-case MACT determination prior to the promulgated date of such emission standard, then the state shall (if the initial part 70 permit has not yet been issued) issue an initial operating permit which incorporates the emission standard or determination, or shall (if the initial part 70 permit has been issued) revise the operating permit according to the reopening procedures in 40 CFR 70 or 71, whichever is relevant, to incorporate the emission standard or determination.

A. The EPA may include in the emission standard established under section 112(d) or section 112(h) of the Clean Air Act a specific compliance date for those sources which have obtained a final and legally-effective MACT determination under this section and which have submitted the information required by this section to the EPA before the close of the public comment period for the standard established under section 112(d) of the Clean Air Act. Such date shall assure that the owner or operator shall comply with the promulgated standard as expeditiously as practicable, but no longer than eight (8) years after such standard is promulgated. In that event, the state shall incorporate the applicable compliance date in the part 70 operating permit.

B. If no compliance date has been established in the promulgated section 112(d)

or 112(h) standard or section 112(j) determination, for those sources which have obtained a final and legally-effective MACT determination under this section, then the permitting authority shall establish a compliance date in the permit that assures that the owner or operator shall comply with the promulgated standard or determination as expeditiously as practicable, but not longer than eight (8) years after such standard is promulgated or a section 112(j) determination is made.

3. Notwithstanding the requirements of paragraphs (9)(D)1. and 2. of this rule, if an emission standard is promulgated under section 112(d) or section 112(h) of the Clean Air Act or the state issues a determination under section 112(j) of the Clean Air Act that is applicable to a stationary source or group of sources which was deemed to be a constructed or reconstructed major source under this section and which is the subject of a prior case-by-case MACT determination pursuant to this section, and the level of control required by the emission standard issued under section 112(d) or section 112(h) or the determination issued under section 112(j) is less stringent than the level of control required by any emission limitation or standard in the prior MACT determination, the state is not required to incorporate any less stringent terms of the promulgated standard in the part 70 operating permit applicable to such source(s) and may in its discretion consider any more stringent provisions of the prior MACT determination to be applicable legal requirements when issuing or revising such operating permit.

#### (10) Permit Amendments and Fees.

##### (A) Permit Fees.

1. All installations or source operations requiring permits under this rule shall make application to the permitting authority and submit the application with a permit filing fee of one hundred dollars (\$100). Failure to submit the permit filing fee constitutes an incomplete permit application according to paragraph (12)(A)2. of this rule.

2. Upon the determination that a complete application for a permit or a permit amendment has been received, a fee for permit processing in the amount of fifty dollars (\$50) per hour of actual staff time will begin to accrue. In lieu of the fifty-dollar (\$50) per-hour review fee, for projects subject to review under paragraph (4)(D)1. of this rule, a fee of two hundred dollars (\$200) shall be submitted by the applicant.

3. The applicant shall submit fees for the processing of the permit application within ninety (90) calendar days of the final review determination, whether the permit is



approved, denied, withdrawn, or not needed. After the ninety (90) calendar days, the unpaid processing fees shall have interest imposed upon the unpaid amount at the rate of ten percent (10%) per annum from the date of billing until payment is made. Failure to submit the processing fees after the ninety (90) calendar days will result in the permit being denied (revoked for portable installation location amendments) and the rejection of any future permit applications by the same applicant until the processing fee plus interest have been paid.

4. In addition to permit filing and processing fees, the applicant shall pay for any publication of notice required and shall pay for the original and one (1) copy of the transcript, to be filed with the permitting authority, of any hearing required under this rule. No permit shall be issued until all publication and transcript costs have been paid.

5. Partially processed permits that are withdrawn after submittal shall be charged at the same processing fee rate in paragraph (10)(A)2. of this rule for the time spent processing the application.

6. The commission may reduce the permit processing fee or exempt any person from payment of the fee upon an appeal filed with the commission stating and documenting that the fee will create an unreasonable economic hardship upon the person.

7. Any person who obtains a valid permit from a city or county holding a certificate of authority granted by the commission under section 643.140, RSMo, shall be deemed to have met the fee requirements of this section for that permit.

(B) Amending a Final Permit.

1. No changes in the proposed installation or modification may be made which would change any information in a finalized permit, except in accordance with this subsection.

2. If the applicant desires to make the change, the applicant shall submit in writing a request to the permitting authority that the permit be amended.

3. If the requested change will result in increased emissions, air quality impact or increment consumption, and is submitted after the final notice of permit processing fee due, a new permit application is required for the requested change. The new application, to the maximum extent possible, should reference those portions of the original application that are unchanged. This new submittal will be subject to all requirements of this rule. The accrued permit processing fee from the original application must be submitted to the permitting authority before the new permit application can be accepted.

4. If the requested change will not result in increased emissions, air quality impact, or increment consumption, the original permit application shall be amended and the permit shall be modified pursuant to the amended application within thirty (30) calendar days of receipt of the written request. The fee for this type of change will be subject to the requirements of subsection (10)(A), except paragraph (10)(A)1., of this rule.

(11) Tables.

(A) Table 1—Ambient Air Increment Table.

Pollutant	Class I Areas	Maximum Allowable Increase
<u>Particulate Matter 2.5 Micron:</u>		
Annual arithmetic mean		1
24-hour maximum		2
<u>Particulate Matter 10 Micron:</u>		
Annual arithmetic mean		4
24-hour maximum		8
<u>Sulfur Dioxide:</u>		
Annual arithmetic mean		2
24-hour maximum		5
3-hour maximum		25
<u>Nitrogen Dioxide:</u>		
Annual arithmetic mean		2.5
<u>Class II Areas</u>		
<u>Particulate Matter 2.5 Micron:</u>		
Annual arithmetic mean		4
24-hour maximum		9
<u>Particulate Matter 10 Micron:</u>		
Annual arithmetic mean		17
24-hour maximum		30
<u>Sulfur Dioxide:</u>		
Annual arithmetic mean		20
24-hour maximum		91
3-hour maximum		512
<u>Nitrogen Dioxide:</u>		
Annual arithmetic mean		25
<u>Class III Areas</u>		
<u>Particulate Matter 2.5 Micron:</u>		
Annual arithmetic mean		8
24-hour maximum		18
<u>Particulate Matter 10 Micron:</u>		
Annual arithmetic mean		34
24-hour maximum		60
<u>Sulfur Dioxide:</u>		
Annual arithmetic mean		40
24-hour maximum		182
3-hour maximum		700
<u>Nitrogen Dioxide:</u>		
Annual arithmetic mean		50

Notes:

1. All increases in micrograms per cubic meter. For any period other than an annual period, the applicable maximum allowable increase may be exceeded during one (1)

period once per year at any one (1) location.

2. There are two (2) Class I Areas in Missouri—one (1) in Taney County (Hercules Glade) and one (1) in Wayne and Stoddard Counties (Mingo Refuge).

3. There are no Class III Areas in Missouri at this time.

(B) Table 2—Significant Monitoring Concentrations.

Pollutant	Air Quality Impact
Carbon monoxide	575, 8-hour average
Nitrogen dioxide	14, annual
Particulate matter— 2.5 micron (PM <sub>2.5</sub> )	4, 24-hour
Particulate matter— 10 micron (PM <sub>10</sub> )	10, 24-hour
Sulfur dioxide	13, 24-hour
Ozone	*
Lead	.1, 3-month
Mercury	0.25, 24-hour
Beryllium	.001, 24-hour
Fluorides	0.25, 24-hour
Vinyl chloride	15, 24-hour
Total reduced sulfur	10, 1-hour
Hydrogen sulfide	0.2, 1-hour
Reduced sulfur compounds	10, 1-hour

Note: All impacts in micrograms per cubic meter.

\*No significant monitoring concentration is provided for ozone. However, any potential net increase of 100 tons per year, or more, of volatile organic compounds or nitrogen oxides subject to section (8) of this rule would require an ambient impact analysis, including the gathering of ambient air quality data.

(C) Table 3—Missouri Guidelines for Valid Data Total Suspended Particulate.

Time Period	Minimum Requirement for Validity
Month	2, 24-hour samples
Quarter	10, 24-hour samples and 3 valid months
Year	45, 24-hour samples and 4 valid quarters

Time Period	Continuously Monitored Data Minimum Requirement for Validity
3-hour running average	3 consecutive hourly observations
8-hour running average	6 hourly observations
24-hour average (daily)	18 hourly observations
Monthly	21 daily averages
Quarterly <sup>1</sup>	3 consecutive monthly averages
Yearly <sup>2</sup>	11 monthly averages

<sup>1</sup>Quarter is defined as calendar quarter.



<sup>2</sup>Year is defined as four (4) consecutive calendar quarters.

(D) Table 4—Significant Levels for Air Quality Impact in Class II Areas.

Pollutant	Annual	Averaging Time (Hours)		
		24	8	3
SO <sub>2</sub>	1.0	5	3	25
PM <sub>10</sub>	1.0	5		
PM <sub>2.5</sub>	0.3	1.2		
NO <sub>2</sub>	1.0			
CO		.5		2

Note: All impacts in micrograms per cubic meter, except for CO in milligrams per cubic meter.

(12) Appendices.

(A) Appendix A, Permit Review Procedures.

1. Preapplication meeting. Prior to submittal of a complete permit application, the applicant may request a preapplication meeting with the permitting authority to discuss the nature of and apparent requirements for the forthcoming permit application. This meeting shall not fall under the permit fee requirements.

2. Complete application.

A. The permitting authority shall review each application for completeness and shall inform the applicant within thirty (30) days if the application is not complete. In order to be complete, an application must include a completed application form and, to the extent not called for by the form, the information required in paragraph (12)(A)4. of this rule.

B. If the permitting authority does not notify the installation that its application is not complete within thirty (30) days of receipt of the application, the application shall be deemed complete. However, nothing in this subsection shall prevent the permitting authority from requesting additional information that is reasonably necessary to process the application.

(I) The permitting authority shall maintain a checklist to be used for the completeness determination. A copy of the checklist identifying the application's deficiencies shall be provided to the applicant along with the notice of incompleteness.

(II) If, while processing an application that has been determined or deemed to be complete, the permitting authority determines that additional information is necessary to evaluate or to take final action on that application, the permitting authority may request this additional information in writing.

In requesting this information, the permitting authority shall establish a reasonable deadline for a response. The review period will be extended by the amount of time necessary to collect the required information.

(III) In submitting an application for amendment of a construction permit, the applicant may incorporate by reference those portions of the existing permit (and the permit application and any permit amendment) that describe products, processes, operations, and emissions. The applicant must identify specifically and list which portions of the previous permit, applications, or both, are incorporated by reference. In addition, a permit amendment application must contain—

(a) Information specified in paragraph (12)(A)4. of this rule for those products, processes, operations, and emissions—

I. That are not addressed in the previous permit or application;

II. That are subject to applicable requirements that are not addressed in the previous permit or application; or

III. For which the applicant seeks permit terms and conditions that differ from those in the previous permit or application.

C. Confidential information. An applicant may submit information to the permitting authority under a claim of confidentiality pursuant to 10 CSR 10-6.210.

D. Filing fee. Each application must be accompanied by a one hundred-dollar (\$100) filing fee.

3. Duty to supplement or correct application. Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application, upon becoming aware of the failure or incorrect submittal, shall promptly submit supplementary facts or corrected information. In addition, an applicant shall provide additional information, as necessary, to address any requirements that become applicable to the installation after the date an application is deemed complete, but prior to the issuance of the construction permit.

4. Standard application form and required information. The director will provide a standard application package for applicant's use. An applicant shall submit an application package consisting of the standard application form and Emissions Information for Construction Permit Application. After the effective date of this rule, any revision to the department-supplied forms will be presented to the regulated community for a forty-five (45)-day comment period. The application package must include all information needed to determine applicable requirements. The application must include informa-

tion needed to determine the applicability of any applicable requirement. The applicant shall submit the information called for by the application form for each emissions unit at the installation to be permitted. The standard application form (and any attachments) shall require that the following information be provided:

A. Identifying information. The applicant's company name and address (or plant name and address if different from the company name), the owner's name and state registered agent, and the telephone number and name of the plant site manager or other contact person;

B. Processes and products. A description of the installation's processes and products (by two (2)-digit Standard Industrial Classification Code);

C. Emissions-related information. The following emissions-related information on the emission inventory forms:

(I) All emissions of regulated air pollutants. The permit application shall describe all emissions of regulated air pollutants emitted from each emissions unit, except as provided for by this section. The installation shall submit additional information related to the emissions of air pollutants sufficient to verify which requirements are applicable;

(II) Identification and description of all emissions units whose emissions are included in part (12)(A)4.C.(I) of this rule, in sufficient detail to establish the applicability of all requirements;

(III) Emissions rates, or information that enables the permitting authority to determine such rates, in tons per year and in such terms as are necessary to establish compliance consistent with the applicable standard reference test method, if any;

(IV) Information to the extent needed to determine or regulate emissions: fuels, fuel use, raw materials, production rates, and operating schedules;

(V) Identification and description of air pollution control equipment;

(VI) Identification and description of compliance monitoring devices or activities;

(VII) Limitations on installation operations affecting emissions or any work practice standards, where applicable, for all regulated air pollutants;

(VIII) Other information required by any applicable requirement (including information related to stack height limitations developed pursuant to section 123 of the Act); and

(IX) Calculations on which the information in parts (12)(A)4.C.(I)–(VIII) of





this rule is based;

D. Other specific information required under the permitting authority's rule to implement and enforce other applicable requirements of the Act or of these rules, or to determine the applicability of these requirements.

5. Certification by responsible official. Any application form or report submitted pursuant to this rule shall contain certification by a responsible official of truth, accuracy, and completeness. This certification, and any other certification, shall be signed by a responsible official and shall contain the following language: "I certify, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete."

6. Receipt of the complete application. Upon receipt of a complete permit application, the permitting authority shall proceed with processing of the application.

7. Notification of processing fees. The permitting authority, as timely as possible, will notify the applicant in writing if the permit processing fee approaches one thousand dollars (\$1,000) and in one thousand-dollar (\$1,000) increments after that.

8. Public participation. For all applications for sources that emit five (5) or more tons of lead per year, or that contain good engineering practice stack height demonstrations, or that are subject to section (7) or (8) of this rule, the permitting authority shall follow the procedures for public participation as specified in section (12), Appendix (B) of this rule.

9. Final completeness determination. Final determination will be made on the following schedules:

A. The permitting authority will make final determinations for complete permit applications processed under section (7), (8), or (9) of this rule no later than one hundred eighty-four (184) calendar days after receipt of a complete application, taking into account any additional time necessary for missing information;

B. The permitting authority will make final determination for complete permit applications processed under section (3), (4), (5), or (6) of this rule no later than ninety (90) calendar days after receipt of a complete application, taking into account any additional time necessary for missing information; and

C. If the permitting authority exceeds the time for review described in subparagraph (12)(A)9.A. or B. of this rule, the applicant shall not be required to pay the processing fee associated with the application.

10. Conditions required by permitting

authority. The permitting authority may impose those conditions in a permit as may be necessary to accomplish the purposes of this rule, any applicable requirements, or the Air Conservation Law, Chapter 643, RSMo, and are no less stringent than any applicable requirements. Nothing in this rule shall be deemed to limit the power of the permitting authority in this regard. The following condition examples are solely for the purposes of illustration, and do not limit the generality of the preceding liberal sentence:

A. Sampling ports of a suitable size, number, and location;

B. Safe access to each port;

C. Instrumentation to monitor and record emission data;

D. Other sampling and testing facilities;

E. Operating or work practice constraints to limit the maximum level of emissions;

F. Emission control device efficiency specifications to limit the maximum level of emissions;

G. Maximum level of emissions;

H. Emission testing after commencing operations, to be conducted by the owner or operator, as necessary to demonstrate compliance with applicable requirements or other permit conditions;

I. Data reporting; and

J. Post-construction ambient monitoring and reporting.

11. Drafts for public comment. Following review of an application, the permitting authority shall issue a draft permit for public comment, in accordance with subsection (12)(B) of this rule. The draft shall be accompanied by a statement setting forth the legal and factual basis for the draft permit conditions (including references to applicable statutory or regulatory provisions). The permitting authority shall send this statement to the administrator, to affected states, and to the applicant, and shall place a copy in the public file.

12. Additional procedures needed for unified reviews of this rule's section (6), (7), (8), or (9) unified review construction permit applications and part 70 operating permit applications.

A. Permit review by the administrator and affected states.

(I) Administrator review.

(a) Copies of applications, proposals, and final actions. The applicant will provide two (2) copies of the information included in an application. The permitting authority will forward to the administrator one (1) copy of each permit application and each final operating permit.

(b) Administrator's objection.

No permit shall be issued under this rule if the administrator objects to its issuance in writing within forty-five (45) days after receipt of the proposed permit and all necessary supporting information.

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

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

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

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

(II) Affected state review.

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

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

B. Proposals for review. Following the



end of the public comment period, the permitting authority shall prepare and submit to the administrator a proposed permit.

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

(II) If new requirements are promulgated or otherwise become newly applicable to the installation following the issuance of the draft permit, but before issuance of a final permit, the permitting authority may elect to either—

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

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

C. Action following the administrator's review.

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

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

(III) If the administrator objects to the proposed permit, the permitting authority shall consult with the administrator and the

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

13. Notification in writing. After making a final determination whether the permit should be approved, approved with conditions, or denied, the permitting authority shall notify the applicant in writing of the final determination and the total permit processing fees due.

14. Notice of processing fees due. If payment of permit processing fees has not been received from the applicant eighty (80) calendar days after the final determination, the permitting authority shall issue in writing to the applicant a final notice of payment due.

15. Processing fees unpaid. If payment of permit processing fees has not been received from the applicant ninety (90) calendar days after the final determination, the permitting authority shall notify the applicant that the permit has been denied, provided the application previously had been approved in the final determination. The permitting authority also shall advise the applicant that the fee is still due and, as specified in paragraph (10)(A)3. of this rule, the fee shall have interest imposed upon it from the date of billing until payment is made.

16. Payment received. No later than three (3) calendar days after receipt of the whole amount of the fee due, the permitting authority will send the applicant a notice of payment received. The permit will also be issued at this time, provided the final determination was for approval and the permit processing fee was timely received.

(B) Appendix B, Public Participation.

1. This subsection shall apply to applications for unified review, as well as applications under sections (7) and (8) of this rule, applications for source operations or installations emitting five (5) or more tons of lead per year, and applications containing GEP stack height demonstrations as defined in 10 CSR 10-6.020(1)(G)3.A.-C.

2. For those applications subject to section (7) or (8) of this rule, completing the final determination within one hundred eighty-four (184) days after receipt of a complete application involves performing the following actions in a timely manner:

A. Preliminary determination. Within ninety (90) days after receipt of a complete

application, the permitting authority shall make a preliminary determination whether construction should be approved, approved with conditions, or denied;

B. Draft for public comment and public hearing opportunity. No later than ten (10) days after the close of the preliminary review period, the permitting authority shall issue a draft permit and solicit comments by publishing a notice in a newspaper of general circulation within or nearest to the county in which the project is proposed to be constructed or operated. The public notice shall describe the nature of the application, including, with reasonable specificity, the following: name, address, phone number, and representative of the agency issuing the public notice; name and address of the applicant; and the proposed project, including its location and permits applied for; a description of the amount and location of emission reductions that will offset the emissions increase from the new or modified source; and include information on how LAER was determined for the project (where appropriate). The public notice shall also include degree of increment consumption, when appropriate, the permitting authority's preliminary determination of whether or not to approve, approve with conditions or deny, and any reference to conditions relating to visibility as required in paragraph (8)(C)5. of this rule. The notice shall state that the department will hold a public hearing if one is requested, at which time any interested person may submit any relevant information, materials, and views in support of or opposed to the permit applied for. The notice shall state the location and time of the public hearing with the hearing being held in the county in which all or a major part of the proposed project is to be located and state that the hearing will be canceled if a request for a hearing is not received within twenty-eight (28) days of the publication of the notice. The hearing shall be scheduled not less than thirty (30) nor more than forty (40) days from the date of publication of the notice. The notice also shall state that any interested person may submit relevant information materials and views to the permitting authority, in writing, until the end of the fortieth day after the date of publication of the notice for public hearing. The notice shall further state that a copy of materials submitted by the applicant and used in making the preliminary determination, a copy of the preliminary determination, and a copy or summary of other materials, if any, considered in making the preliminary determination are available for public inspection at the Department of Natural Resources' regional office in the region in which the proposed installation



or major modification would be constructed, as well as at the Jefferson City Central Office of the Air Pollution Control Program. The permitting authority shall submit a copy of this public notice to the administrator;

C. Availability of preliminary determination. After the close of the preliminary review period, but no later than the date public notice is published, the permitting authority shall make available to the public, until the end of the public comment period, at the regional office in the region in which the proposed installation or major modification would be constructed, as well as in the Air Pollution Control Program Office in Jefferson City, a copy of the preliminary determination, and a copy of summary of other materials, if any, considered in making the preliminary determination;

D. The permitting authority may designate another person to conduct any hearing under this section;

E. Distribution of public notice. Within ten (10) days after the close of the preliminary review period, the permitting authority shall send a copy of the public notice to the applicant and to officials and agencies having cognizance over the location where the proposed construction would occur as follows: local air pollution control agencies, the chief executive of the city and county where the installation or modification would be located, any comprehensive regional land use planning agency, any state air program permitting authority, and any Federal Land Manager (FLM) whose lands may be affected by emissions from the installation or modification;

F. Public comment and applicant response. The permitting authority shall consider all written comments submitted within the time specified in the public notice and all comments received at the public hearing, if one is held, in making a final decision on the approvability of the application. No later than ten (10) days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The permitting authority shall consider the applicant's response in making a final decision. The permitting authority shall make all comments available for public inspection in the same locations where the permitting authority made available prehearing information relating to the proposed installation or modification. Further, the permitting authority shall prepare written response to all comments and make them available at the locations referred to previously;

G. Final determination. The permitting authority shall make a final determination whether construction should be

approved, approved with conditions, or denied pursuant to this rule, then notify the applicant in writing of the final determination and make this notification available for public inspection at the same locations where the permitting authority made available prehearing information and public comments relating to the installation or modification. The permitting authority shall submit a copy of this final determination to the administrator;

H. Public notice exception. If the administrator has provided public notice and opportunity for public comment and hearing equivalent to that provided by this subsection, the permitting authority may make a final determination without providing public notice and opportunity for public comment and hearing required by this subsection; and

I. Class I area visibility review and notice to the FLM.

(I) For proposed installation subject to specific permit requirements in sections (7) and (8) of this rule, but not dependent on any quantity of lead emissions as stated in paragraph (12)(B)1. of this rule, the permitting authority shall provide advance notification to any FLM where, in the judgment of the permitting authority, visibility may be affected in a Class I area of the FLM's responsibility. The notice shall be provided within thirty (30) days of receipt of an initial application or when first learning of the applicant's intent for a permit.

(II) No later than thirty (30) days after receipt of a complete application, the permitting authority shall make written notification to the FLM whose Class I area (those designated in paragraph (12)(I)3. of this rule) may be affected by emissions from the proposed source. The notification must include all information relevant to the permit application and shall include an analysis of anticipated Class I visibility impacts. The permitting authority may also make this notification to any additional FLM whose Class I area's visibility, in the judgment of the permitting authority, may be impacted.

(III) The permitting authority shall consider any analysis performed by an FLM that is provided to the permitting authority within thirty (30) days of the FLM's receipt of the notification and analysis required in part (12)(B)2.I.(II) of this rule. Where the FLM's analysis indicates that an adverse impact on visibility (as defined in 10 CSR 10-6.020) would occur in a Class I area as a result of the proposed project, and analysis does not demonstrate an adverse impact to the permitting authority's satisfaction, the permitting authority shall so indicate the dissatisfaction in the public notice of hearing. With this condition, the public notice also

shall contain the location where an explanation of the permitting authority's reasoning can be found, and that the explanation be available for public inspection no later than the date public notice is published.

3. This paragraph is for those applications not subject to section (7) or (8) of this rule, but which propose an emission of five (5) or more tons of lead per year or applications containing GEP stack height demonstrations. For these applications, completing the final determination within ninety (90) calendar days after receipt of the complete application involves performing the same public participation activities as those subject to section (7) or (8) of this rule, but with shorter time frames. The following specifies the new time frames:

A. Permitting authority's preliminary determination—No later than forty-five (45) calendar days after receipt of a complete application;

B. Public notice of hearing—No later than five (5) calendar days after the preliminary determination;

C. Public hearing—No later than thirty (30) calendar days after the date of the public notice; and

D. Applicant response—No later than five (5) calendar days after the end of the public comment period, the applicant may submit a written response to any comments submitted.

(C) Appendix C, Offsets. Offset provisions may be found in 10 CSR 10-6.410.

(D) Appendix D, Banking. Banking provisions may be found in 10 CSR 10-6.410.

(E) Appendix E, Innovative Control Technology.

1. An owner or operator of an installation subject to section (8) of this rule may employ a system of innovative control technology if—

A. The applicant demonstrates to the satisfaction of the permitting authority that the proposed control system will not cause or contribute to an unreasonable risk to public health, welfare, or safety in its operation, function, or malfunction;

B. The owner or operator demonstrates the ability and agrees to achieve a level of continuous emission reduction equivalent to that which would have been required under subsection (8)(A) of this rule, by a reasonable date specified by the permitting authority, taking into consideration the technical and economic feasibility. The date shall not be later than four (4) years from the time of startup or seven (7) years from permit issuance;

C. On the date specified by the permitting authority, the proposed construction,



employing the system of innovative control, will meet the requirements of 40 CFR 52.21(l) and 40 CFR 52.21(v);

D. The proposed construction would not, before the date specified by the permitting authority—

(I) Cause or contribute to a violation of an applicable national ambient air quality standard;

(II) Impact any Class I area; or

(III) Impact any area where an applicable increment is known to be violated;

E. The governor of any adjacent state that will be significantly impacted by the proposed construction gives his/her consent before the date specified by the permitting authority; and

F. All other applicable requirements, including those for public participation, have been met.

2. Any approval to employ a system of innovative control technology may be revoked by the permitting authority, if—

A. The proposed system fails or will fail by the specified date to achieve the required continuous emission reduction rate; or

B. The proposed system, before the specified date, contributes or will contribute to an unreasonable risk to public health, welfare, or safety in its operation, function, or malfunction; or

C. The permitting authority determines that the proposed system is unlikely to protect the public health, welfare, or safety.

3. If an installation to which this subsection applies fails to meet the required level of continuous emission reduction within the specified time period, or the approval is revoked in accordance with paragraph (12)(E)2. of this rule, the owner or operator may request the permitting authority to grant an extension of time for a minimum period as may be necessary to meet the requirement for the application of BACT through use of a demonstrated system of control. The period shall not extend beyond the date three (3) years after termination of the same time period specified in paragraph (12)(E)1. of this rule.

(F) Appendix F, Air Quality Models.

1. All estimates and analyses of ambient concentrations shall be based on the applicable air quality models, data bases, and other requirements specified in the Environmental Protection Agency's (EPA) *Guideline on Air Quality Models* (40 CFR 51, Appendix W) including supplements at the time of application.

2. Any model(s) designated in paragraph (12)(F)1. of this rule may be adjusted upon a determination by the administrator and the

permitting authority, after notice and opportunity for public hearing, that the adjustment is necessary to take into account unique terrain or meteorological characteristics of an area potentially affected by emissions from the source. Methods like those outlined in the *Protocol for Determining the Best Performing Model* (United States EPA publication No. EPA-454/R-92-025, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711, 1992) and *Standard Guide for Statistical Evaluation of Atmospheric Dispersion Model Performance* (NTIS No. PB 93-226082) should be used to determine the comparability of air quality models.

3. Where the *Guideline on Air Quality Models* (40 CFR 51, Appendix W) including supplements at the time of application does not address a situation requiring modeling, the administrator and the permitting authority, after notice and opportunity for public hearing, may approve the use of a model which they deem accurate for modeling that situation.

(G) Appendix G, Increment Tracking.

1. The permitting authority will track ambient air increment consumption at fixed baseline locations within the baseline areas.

2. Available increment will be allocated on a first-come, first-serve basis. The marked received date of a complete application will be used by the permitting authority to determine which applicant is entitled to prior allocation of increments.

3. At the intervals of five (5) years from the baseline date, the permitting authority shall determine the actual air quality increment available or consumed for a location(s) for which complete air monitoring data exists using subsection (11)(C), Table 3, of this rule.

4. Exclusions from increment consumption. Upon written request of the owner or operator of an installation, made after notice and opportunity for at least one (1) public hearing to be held in accordance with the procedures established in subsection (12)(B) of this rule, the permitting authority shall exclude the following concentrations in determining consumption of a maximum allowable increase:

A. Concentrations attributable to the increase in emissions from installations which have converted from the use of petroleum products, natural gas, or both, by reason of an order in effect under sections 2(a) and (b) of the Energy Supply Environmental Coordination Act of 1974 over the emissions from those sources before the effective date of the order;

B. Concentrations attributable to the increase in emissions from installations

which have converted from using natural gas by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act over the emissions from those sources before the effective date of the plan;

C. Concentrations of particulate matter attributable to the increase in emissions from construction or other temporary emission-related activities, however;

D. No exclusion of these concentrations shall apply more than five (5) years after the effective date of the order to which subparagraph (12)(G)4.A. of this rule refers or the plan to which subparagraph (12)(G)4.B. of this rule refers, whichever is applicable. If both the order and the plan are applicable, no exclusion shall apply more than five (5) years after the later of the effective dates.

(H) Appendix H, Impacts on Class I Areas.

1. At any time prior to the close of the public comment period specified in subsection (12)(B) of this rule, the FLM for any federal Class I area may provide information to the permitting authority demonstrating that the emissions from the proposed installation or major modification would have an adverse impact on the air quality-related values (including visibility) of any federal mandatory Class I area, notwithstanding that the change in air quality, resulting from emissions from the installation or major modification, would not cause or contribute to concentrations which would exceed the maximum allowable increase for a Class I area, as specified in subsection (11)(A), Table 1, of this rule. If the permitting authority concurs in the demonstration by the FLM, the permit shall be denied.

2. Class I variances. The owner or operator of a proposed installation or major modification may demonstrate to the FLM that the emissions from the source would have no adverse impact on the air quality-related values of any federal mandatory Class I area (including visibility), notwithstanding that the change in air quality resulting from emissions from the source would cause or contribute to concentrations which would exceed the maximum allowable increases for a Class I area. If the FLM concurs with a demonstration and so certifies to the permitting authority, the permitting authority, providing that all other applicable requirements of this rule are met, may issue the permit with those emission limitations as may be necessary to assure that emissions of sulfur dioxide, particulate matter, and nitrogen dioxide would not exceed the following maximum allowable increases over baseline concentration for these pollutants:



<b>Pollutant</b>	<b>Maximum Allowable Increase</b>
<b>Particulate Matter 2.5 Micron:</b>	
Annual arithmetic mean	4
24-hour maximum	9
<b>Particulate Matter 10 Micron:</b>	
Annual arithmetic mean	17
24-hour maximum	30
<b>Sulfur Dioxide:</b>	
Annual arithmetic mean	20
24-hour maximum	91
3-hour maximum	325
<b>Nitrogen Dioxide:</b>	
Annual arithmetic mean	25

Note: Increases are in micrograms per cubic meter.

3. Sulfur dioxide variance by governor with FLM's concurrence.

A. If the owner or operator of a proposed installation or major modification who has been denied an FLM's certification pursuant to paragraph (12)(H)1. of this rule demonstrates to the governor that the installation or major modification cannot be constructed as a result of any maximum allowable increase for sulfur dioxide for periods of twenty-four (24) hours or less applicable to any Class I area and, in the case of federal mandatory Class I areas, that a variance under this part would not adversely affect the air quality-related values of the area (including visibility), then the governor, after consideration of the FLM's recommendation (if any) and subject to his/her concurrence, may grant, after notice and an opportunity for a public hearing, a variance from these maximum allowable increases.

B. If a variance is granted, the permitting authority may issue a permit to an installation or major modification in accordance with the requirements of paragraph (12)(H)5. of this rule, provided that all other applicable requirements of this rule are met.

4. Variance by the governor with the president's concurrence.

A. The recommendations of the governor and the FLM shall be transferred to the president in any case where the governor recommends a variance in which the FLM does not concur.

B. If this variance is approved by the president pursuant to 42 U.S.C. section 7475(d)(2)(D)(ii), the permitting authority may issue a permit in accordance with the requirements of paragraph (12)(H)5. of this rule provided that all other applicable requirements of this rule are met.

5. Emission limitations for presidential or gubernatorial variance.

A. In the case of a permit issued pursuant to paragraph (12)(H)3. or 4. of this

rule, the permitting authority shall impose, as conditions of the permit, emission limitations as may be necessary to assure that emissions of sulfur dioxide from the installation or major modification (during any day on which the otherwise applicable maximum allowable increases are exceeded) will not cause or contribute to concentrations which will exceed the following maximum allowable increases over the baseline concentration:

<b>Period of Exposure</b>	<b>Maximum Allowable Increase (micrograms per cubic meter)</b>	
	<b>Terrain Areas Low</b>	<b>High</b>
24-hour maximum	36	62
3-hour	130	221

B. These emission limitations also shall assure that the emissions will not cause or contribute to concentrations which exceed the otherwise applicable maximum allowable increases for periods of exposure of twenty-four (24) hours or less for more than eighteen (18) days, not necessarily consecutive, during any annual period.

6. The permitting authority shall transmit to the administrator a copy of each permit application under this subsection (12)(H) of this rule and provide notice to the administrator of every action related to the consideration of a permit.

(I) Appendix I, Attainment and Unclassified Area Designations.

1. Area classification.

A. The following areas shall be Class I areas and may not be redesignated:

(I) Hercules Glade National Wilderness Area; and

(II) Mingo National Wilderness Area.

B. Any other area, unless specified in the legislation creating such an area, is initially designated Class II, but may be redesignated as provided in this section.

C. The following areas may be redesignated only as Class I or II:

(I) An area which as of August 7, 1977, exceeded ten thousand (10,000) acres in size and was a national monument, a national primitive area, a national preserve, a national recreational area, a national wild and scenic river, a national wildlife refuge, or a national lakeshore or seashore; and

(II) A national park or national wilderness area established after August 7, 1977, which exceeds ten thousand (10,000) acres in size.

2. Area redesignation.

A. All areas (except as otherwise provided under paragraph (12)(I)1. of this rule) are designated Class II as of December 5, 1974. Redesignation (except as precluded by

paragraph (12)(I)1. of this rule) may be proposed by the commission as provided in this rule, subject to approval by the administrator.

B. The commission may submit to the administrator a proposal to redesignate areas of the state as Class I or Class II provided that—

(I) At least one (1) public hearing has been held in accordance with procedures established in sections 643.070 and 643.100, RSMo;

(II) Other states and FLMs whose lands may be affected by the proposed redesignation were notified at least thirty (30) days prior to the public hearing;

(III) A discussion of the reasons for the proposed redesignation, including a satisfactory description and analysis of the health, environmental, economic, social, and energy effects of the proposed redesignation, was prepared and made available for public inspection at least thirty (30) days prior to the hearing and the notice announcing the hearing containing appropriate notification of the availability of that discussion;

(IV) Prior to the issuance of notice respecting the redesignation of an area that includes any federal lands, the commission has provided written notice to the appropriate FLM and afforded adequate opportunity (not in excess of sixty (60) days) to confer with the commission respecting the redesignation and to submit written comments and recommendations. In redesignating any area, with respect to which any FLM had submitted written comments and recommendations, the commission shall have published a list of any inconsistencies between the redesignation and comments and recommendations (together with the reasons for making redesignation against the recommendation of the FLM); and

(V) The commission has proposed the redesignation after consultation with the elected leadership of local and other subordinate general purpose governments in the area covered by the proposed redesignation.

C. Any area other than an area to which paragraph (12)(I)1. of this rule refers may be redesignated Class III if—

(I) The redesignation would meet the requirements of provisions established in accordance with subparagraph (12)(I)2.B. of this rule;

(II) The redesignation has been approved by the commission and the governor;

(III) The redesignation has been approved by the governor after consultation with the appropriate committees of the legislature if it is in session, or with the leadership of the legislature if it is not in session;



(IV) General purpose units of local government, representing a majority of the residents of the area to be redesignated, adopt resolutions concurring in the redesignation;

(V) The redesignation would not cause or contribute to a concentration of any air pollutant which would exceed any maximum allowable increase permitted under the classification of any other area or any national ambient air quality standard; and

(VI) Any permit application for any installation or major modification subject to provisions established in accordance with subparagraph (12)(I)2.A. of this rule which could receive a permit only if the area in question were redesignated as Class III and any material submitted as part of that application were available, insofar as was practicable, for public inspection prior to any public hearing on redesignation of any area as Class III.

3. Area class designations.

Area Class	Description
Class I	Hercules Glade National Wilderness Area Mingo National Wilderness Area
Class II	All areas of the state which are not nonattainment
Class III	No areas designated

(J) Appendix J, Air Quality Analysis for Hazardous Air Pollutants.

1. The director shall maintain a table of emission threshold levels, risk assessment levels, and screening model action levels for hazardous air pollutants. Applicants will not be required to submit a hazardous air pollutant air quality analysis for applications having a maximum design capacity no more than the hazardous air pollutant emission threshold levels unless paragraph (12)(J)2. of this rule applies.

2. Exceptions. The director may require an air quality analysis for applications if it is likely that the construction or modification will result in the discharge of air contaminants in quantities, of characteristics and of a duration which directly and proximately cause or contribute to injury to human, plant, or animal life or the use of property or complaints filed in the vicinity of the proposed construction or modification warrant an air quality analysis.

*AUTHORITY: section 643.050, RSMo Supp. 2011.\* Original rule filed Dec. 10, 1979, effective April 11, 1980. Amended: Filed Nov. 10, 1980, effective April 11, 1981. Amended:*

*Filed Jan. 14, 1981, effective June 11, 1981. Rescinded and readopted: Filed Nov. 10, 1981, effective May 13, 1982. Amended: Filed June 14, 1982, effective Dec. 11, 1982. Amended: Filed Jan. 15, 1985, effective May 11, 1985. Amended: Filed Jan. 6, 1986, effective May 11, 1986. Amended: Filed April 2, 1987, effective Aug. 27, 1987. Amended: Filed Jan. 5, 1988, effective April 28, 1988. Amended: Filed June 2, 1988, effective Sept. 29, 1988. Amended: Filed Sept. 6, 1988, effective Jan. 1, 1989. Amended: Filed Jan. 24, 1990, effective May 24, 1990. Rescinded and readopted: Filed Sept. 2, 1993, effective May 9, 1994. Amended: Filed Dec. 15, 1994, effective Aug. 30, 1995. Amended: Filed Aug. 14, 1997, effective April 30, 1998. Amended: Filed April 15, 1999, effective Nov. 30, 1999. Amended: Filed Sept. 4, 2001, effective May 30, 2002. Amended: Filed Aug. 2, 2002, effective April 30, 2003. Amended: Filed March 5, 2003, effective Oct. 30, 2003. Amended: Filed May 17, 2004, effective Dec. 30, 2004. Amended: Filed Oct. 15, 2008, effective July 30, 2009. Emergency amendment filed Dec. 15, 2010, effective Jan. 3, 2011, expired July 1, 2011. Amended: Filed Nov. 30, 2010, effective Aug. 30, 2011. Amended: Filed Jan. 31, 2012, effective Sept. 30, 2012.*

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

**10 CSR 10-6.061 Construction Permit Exemptions**

*PURPOSE: This rule lists specific construction or modification projects that are not required to obtain permits to construct under 10 CSR 10-6.060. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is the February 20, 2002 Recommendations from the "Managing For Results" presentation, the Air Program Advisory Forum 2001 and 2002 Recommendations and a January 28, 2003 memorandum to the department's Air Pollution Control Program recommending exemption language changes.*

(1) Applicability. This rule shall apply to all installations in Missouri. The provisions of section (3) of this rule notwithstanding, 10 CSR 10-6.060 shall apply to any construction, reconstruction, alteration or modification which—

(A) Is expressly required by an operating permit; or

(B) Is subject to federally-mandated construction permitting requirements set forth in sections (7), (8), or (9), or any combination of these, of 10 CSR 10-6.060.

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

(3) General Provisions. The following construction or modifications are not required to obtain a permit under 10 CSR 10-6.060:

(A) Exempt Emission Units.

1. The following combustion equipment is exempt from 10 CSR 10-6.060 if the equipment emits only combustion products, and the equipment produces less than one hundred fifty (150) pounds per day of any air contaminant:

A. Any combustion equipment using exclusively natural gas or liquefied petroleum gas or any combination of these with a capacity of less than ten (10) million British thermal units (Btus) per hour heat input;

B. Any combustion equipment with a capacity of less than one (1) million Btus per hour heat input;

C. Drying or heat treating ovens with less than ten (10) million Btus per hour capacity provided the oven does not emit pollutants other than the combustion products and the oven is fired exclusively by natural gas, liquefied petroleum gas, or any combination thereof; and

D. Any oven with a total production of yeast leavened bakery products of less than ten thousand (10,000) pounds per operating day heated either electrically or exclusively by natural gas firing with a maximum capacity of less than ten (10) million Btus per hour.

2. The following establishments, systems, equipment, and operations are exempt from 10 CSR 10-6.060:

A. Office and commercial buildings, where emissions result solely from space heating by natural or liquefied petroleum gas of less than twenty (20) million Btus per hour heat input. Incinerators operated in conjunction with these sources are not exempt unless the incinerator operations are exempt under another section of this rule;

B. Comfort air conditioning or comfort ventilating systems not designed or used to remove air contaminants generated by, or released from, specific units of equipment;

C. Equipment used for any mode of transportation;

D. Livestock markets and livestock operations, including animal feeding operations and concentrated animal feeding operations as those terms are defined by 40 CFR 122.23 and all manure storage and application systems associated with livestock markets or livestock operations, that were constructed on or before November 30, 2003. This exemption includes any change, installation, construction, or reconstruction of a process, process



equipment, emission unit, or air cleaning device after November 30, 2003, unless such change, installation, construction, or reconstruction involves an increase in the operation's capacity to house or grow animals.

E. Any grain handling, storage, and drying facility which—

(I) Is in noncommercial use only (used only to handle, dry, or store grain produced by the owner) if—

(a) The total storage capacity does not exceed seven hundred fifty thousand (750,000) bushels;

(b) The grain handling capacity does not exceed four thousand (4,000) bushels per hour; and

(c) The facility is located at least five hundred feet (500') from any recreational area, residence, or business not occupied or used solely by the owner;

(II) Is in commercial or noncommercial use and—

(a) The total storage capacity of the new and any existing facility(ies) does not exceed one hundred ninety thousand (190,000) bushels;

(b) Has an installation of additional grain storage capacity in which there is no increase in hourly grain handling capacity and that utilizes existing grain receiving and loadout equipment; or

(c) Is a temporary installation used for temporary storage as a result of exceptional events (e.g., natural disasters or abundant harvests exceeding available storage capacity) that meets the following criteria:

I. Outside storage structures shall have a crushed lime or concrete floor with retaining walls of either constructed metal or concrete block. These structures may be either oval or round and must be covered with tarps while storing grain. These structures may be filled by portable conveyor or by spouts added from existing equipment;

II. Existing buildings may be filled by portable conveyors directly or by overhead fill conveyors that are already in the buildings;

III. The potential to emit from the storage structures is less than one hundred (100) tons of each pollutant;

IV. The attainment or maintenance of ambient air quality standards is not threatened; and

V. There is no significant impact on any Class I area.

F. Restaurants and other retail establishments for the purpose of preparing food for employee and guest consumption;

G. Any wet sand and gravel production facility that obtains its material from subterranean and subaqueous beds where the

deposits of sand and gravel are consolidated granular materials resulting from natural disintegration of rock and stone and whose maximum production rate is less than five hundred (500) tons per hour. All permanent in-plant roads shall be paved and cleaned, or watered, or properly treated with dust-suppressant chemicals as necessary to achieve good engineering control of dust emissions. Only natural gas shall be used as a fuel when drying;

H. Equipment solely installed for the purpose of controlling fugitive dust;

I. Equipment or control equipment which eliminates all emissions to the ambient air;

J. Equipment, including air pollution control equipment, but not including an anaerobic lagoon, that emits odors but no regulated air pollutants;

K. Residential wood heaters, cookstoves, or fireplaces;

L. Laboratory equipment used exclusively for chemical and physical analysis or experimentation, except equipment used for controlling radioactive air contaminants;

M. Recreational fireplaces;

N. Stacks or vents to prevent the escape of sewer gases through plumbing traps for systems handling domestic sewage only. Systems which include any industrial waste do not qualify for this exemption;

O. Noncommercial incineration of dead animals, the on-site incineration of resident animals for which no consideration is received or commercial profit is realized as authorized in section 269.020.6, RSMo 2000;

P. The following miscellaneous activities:

(I) Use of office equipment and products, not including printing establishments or businesses primarily involved in photographic reproduction. This exemption is solely for office equipment that is not part of the manufacturing or production process at the installation;

(II) Tobacco smoking rooms and areas;

(III) Hand-held applicator equipment for hot melt adhesives with no volatile organic compound (VOC) in the adhesive formula;

(IV) Paper trimmers and binders;

(V) Blacksmith forges, drop hammers, and hydraulic presses;

(VI) Hydraulic and hydrostatic testing equipment; and

(VII) Environmental chambers, shock chambers, humidity chambers, and solar simulators provided no hazardous air pollutants are emitted by the process;

Q. The following internal combustion engines:

(I) Portable electrical generators that can be moved by hand without the assistance of any motorized or non-motorized vehicle, conveyance, or device;

(II) Spark ignition or diesel fired internal combustion engines used in conjunction with pumps, compressors, pile drivers, welding, cranes, and wood chippers or internal combustion engines or gas turbines of less than two hundred fifty (250) horsepower rating; and

(III) Laboratory engines used in research, testing, or teaching;

R. The following quarries, mineral processing, and biomass facilities:

(I) Drilling or blasting activities;

(II) Concrete or aggregate product mixers or pug mills with a maximum rated capacity of less than fifteen (15) cubic yards per hour;

(III) Riprap production processes consisting only of a grizzly feeder, conveyors, and storage, not including additional hauling activities associated with riprap production;

(IV) Sources at biomass recycling, composting, landfill, publicly owned treatment works (POTW), or related facilities specializing in the operation of, but not limited to, tub grinders powered by a motor with a maximum output rating of ten (10) horsepower, hoppers and shredders and similar equipment powered by a motor with a maximum output rating of twenty-five (25) horsepower, and other sources at such facilities with a total throughput less than five hundred (500) tons per year; and

(V) Land farming of soils contaminated only with petroleum fuel products where the farming beds are located a minimum of three hundred feet (300') from the property boundary;

S. The following kilns and ovens:

(I) Kilns with a firing capacity of less than ten (10) million Btus per hour used for firing ceramic ware, heated exclusively by natural gas, liquefied petroleum gas, electricity, or any combination thereof; and

(II) Electric ovens or kilns used exclusively for curing or heat-treating provided no hazardous air pollutants (HAPs) or VOCs are emitted;

T. The following food and agricultural equipment:

(I) Any equipment used in agricultural operations to grow crops;

(II) Equipment used exclusively to slaughter animals. This exemption does not apply to other slaughterhouse equipment such as rendering cookers, boilers, heating plants,



incinerators, and electrical power generating equipment;

(III) Commercial smokehouses or barbecue units in which the maximum horizontal inside cross-sectional area does not exceed twenty (20) square feet;

(IV) Equipment used exclusively to grind, blend, package, or store tea, cocoa, spices, or coffee;

(V) Equipment with the potential to dry, mill, blend, grind, or package less than one thousand (1,000) pounds per year of dry food products such as seeds, grains, corn, meal, flour, sugar, and starch;

(VI) Equipment with the potential to convey, transfer, clean, or separate less than one thousand (1,000) tons per year of dry food products or waste from food production operations;

(VII) Storage equipment or facilities containing dry food products that are not vented to the outside atmosphere or which have the potential to handle less than one thousand (1,000) tons per year;

(VIII) Coffee, cocoa, and nut roasters with a roasting capacity of less than fifteen (15) pounds of beans or nuts per hour, and any stoners or coolers operated with these roasters;

(IX) Containers, reservoirs, tanks, or loading equipment used exclusively for the storage or loading of beer, wine, or other alcoholic beverages produced for human consumption;

(X) Brewing operations at facilities with the potential to produce less than three (3) million gallons of beer per year; and

(XI) Fruit sulfuring operations at facilities with the potential to produce less than ten (10) tons per year of sulfured fruits and vegetables;

U. Batch solvent recycling equipment provided the recovered solvent is used primarily on-site, the maximum heat input is less than one (1) million Btus per hour, the batch capacity is less than one hundred fifty (150) gallons, and there are no solvent vapor leaks from the equipment which exceed five hundred (500) parts per million;

V. The following surface coating and printing operations:

(I) Batch mixing of inks, coatings, or paints provided good housekeeping is practiced, spills are cleaned up as soon as possible, equipment is maintained according to manufacturer's instruction and property is kept clean. In addition, all waste inks, coating, and paints shall be disposed of properly. Prior to disposal, all liquid waste shall be stored in covered containers. This exemption does not apply to ink, coatings, or paint manufacturing facilities;

(II) Any powder coating operation, or radiation cured coating operation where ultraviolet or electron beam energy is used to initiate a reaction to form a polymer network;

(III) Any surface-coating source that employs solely non-refillable hand-held aerosol cans; and

(IV) Surface coating operations utilizing powder coating materials with the powder applied by an electrostatic powder spray gun or an electrostatic fluidized bed;

W. The following metal working and handling equipment:

(I) Carbon dioxide (CO<sub>2</sub>) lasers, used only on metals and other materials that do not emit a HAP or VOC in the process;

(II) Laser trimmers equipped with dust collection attachments;

(III) Equipment used for pressing or storing sawdust, wood chips, or wood shavings;

(IV) Equipment used exclusively to mill or grind coatings and molding compounds in a paste form provided the solution contains less than one percent (1%) VOC by weight;

(V) Tumblers used for cleaning or deburring metal products without abrasive blasting;

(VI) Batch mixers with a rated capacity of fifty-five (55) gallons or less provided the process will not emit hazardous air pollutants;

(VII) Equipment used exclusively for the mixing and blending of materials at ambient temperature to make water-based adhesives provided the process will not emit hazardous air pollutants;

(VIII) Equipment used exclusively for the packaging of lubricants or greases;

(IX) Platen presses used for laminating provided the process will not emit hazardous air pollutants;

(X) Roll mills or calendars for rubber or plastics provided the process will not emit hazardous air pollutants;

(XI) Equipment used exclusively for the melting and applying of wax containing less than one percent (1%) VOC by weight;

(XII) Equipment used exclusively for the conveying and storing of plastic pellets; and

(XIII) Solid waste transfer stations that receive or load out less than fifty (50) tons per day of nonhazardous solid waste;

X. The following liquid storage and loading equipment:

(I) Storage tanks and vessels having a capacity of less than five hundred (500) gallons; and

(II) Tanks, vessels, and pumping equipment used exclusively for the storage and dispensing of any aqueous solution which contains less than one percent (1%) by weight of organic compounds. Tanks and vessels storing the following materials are not exempt:

(a) Sulfuric or phosphoric acid with an acid strength of more than ninety-nine percent (99.0%) by weight;

(b) Nitric acid with an acid strength of more than seventy percent (70.0%) by weight;

(c) Hydrochloric or hydrofluoric acid with an acid strength of more than thirty percent (30.0%) by weight; or

(d) More than one (1) liquid phase, where the top phase contains more than one percent (1%) VOC by weight;

Y. The following chemical processing equipment or operations:

(I) Storage tanks, reservoirs, pumping, and handling equipment, and mixing and packaging equipment containing or processing soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions, provided appropriate lids and covers are utilized; and

(II) Batch loading and unloading of solid phase catalysts;

Z. Body repair and refinishing of motorcycle, passenger car, van, light truck, and heavy truck and other vehicle body parts, bodies, and cabs, provided—

(I) Good housekeeping is practiced; spills are cleaned up as soon as possible, equipment is maintained according to manufacturers' instructions, and property is kept clean. In addition, all waste coatings, solvents, and spent automotive fluids including, but not limited to, fuels, engine oil, gear oil, transmission fluid, brake fluid, antifreeze, fresh or waste fuels, and spray booth filters or water wash sludge are disposed of properly. Prior to disposal, all liquid waste shall be stored in covered containers. All solvents and cleaning materials shall be stored in closed containers;

(II) All spray coating operations shall be performed in a totally enclosed filtered spray booth or totally enclosed filtered spray area with an air intake area of less than one hundred (100) square feet. All spray areas shall be equipped with a fan which shall be operated during spraying, and the exhaust air shall either be vented through a stack to the atmosphere or the air shall be recirculated back into the shop through a carbon adsorption system. All carbon adsorption systems shall be properly maintained according to the manufacturer's operating instructions, and the carbon shall be replaced at the manufacturer's





recommended intervals to minimize solvent emissions; and

(III) Spray booth, spray area, and preparation area stacks shall be located at least eighty feet (80') away from any residence, recreation area, church, school, child care facility, or medical or dental facility;

AA. Sawmills processing no more than twenty-five (25) million board feet, green lumber tally of wood per year, in which no mechanical drying of lumber is performed, in which fine particle emissions are controlled through the use of properly engineered baghouses or cyclones, and which meet all of the following provisions:

(I) The mill shall be located at least five hundred feet (500') from any recreational area, school, residence, or other structure not occupied or used solely by the owner of the facility or the owner of the property upon which the installation is located;

(II) All sawmill residues (sawdust, shavings, chips, bark) from debarking, planing, saw areas, etc., shall be removed or contained to minimize fugitive particulate emissions. Spillage of wood residues shall be cleaned up as soon as possible and contained such that dust emissions from wind erosion and/or vehicle traffic are minimized. Disposal of collected sawmill residues must be accomplished in a manner that minimizes residues becoming airborne. Disposal by means of burning is prohibited unless it is conducted in a permitted incinerator; and

(III) All open-bodied vehicles transporting sawmill residues (sawdust, shavings, chips, bark) shall be covered with a tarp to achieve maximum control of particulate emissions;

BB. Internal combustion engines and gas turbine driven compressors, electric generator sets, and water pumps, used only for portable or emergency services, provided that the maximum annual operating hours shall not exceed five hundred (500) hours. Emergency generators are exempt only if their sole function is to provide back-up power when electric power from the local utility is interrupted. This exemption only applies if the emergency generators are operated only during emergency situations and for short periods of time to perform maintenance and operational readiness testing. The emergency generator shall be equipped with a non-resettable meter;

CC. Commercial dry cleaners; and

DD. Carving, cutting, routing, turning, drilling, machining, sawing, sanding, planing, buffing, or polishing solid materials, other than materials containing any asbestos, beryllium, or lead greater than one percent (1%) by weight as determined by Material

Safety Data Sheets (MSDS), vendor material specifications and/or purchase order specifications, where equipment—

(I) Directs a stream of liquid at the point where material is processed;

(II) Is used only for maintenance or support activity not conducted as part of the installation's primary business activity;

(III) Is exhausted inside a building; or

(IV) Is ventilated externally to an operating cyclonic inertial separator (cyclone), baghouse, or dry media filter. Other particulate control devices such as electrostatic precipitators or scrubbers are subject to construction permitting or a permit-by-rule, unless otherwise exempted.

3. Construction or modifications are exempt from 10 CSR 10-6.060 if they meet the requirements of subparagraph (3)(A)3.B. of this rule for each hazardous air pollutant and the requirements of subparagraph (3)(A)3.A., (3)(A)3.C., or (3)(A)3.D. of this rule for each criteria pollutant. The director may require review of construction or modifications otherwise exempt under paragraph (3)(A)3. of this rule if the emissions of the proposed construction or modification will appreciably affect air quality or the air quality standards are appreciably exceeded or complaints involving air pollution have been filed in the vicinity of the proposed construction or modification.

A. At maximum design capacity the proposed construction or modification shall emit each pollutant at a rate of no more than the amount specified in Table 1.

**TABLE 1. Insignificant Emission Exemption Levels**

Pollutant	Insignificance Level (lbs per hr)
Particulate Matter 10 Micron (PM <sub>10</sub> ) (Emitted solely by equipment)	1.0
Sulfur Oxides (SO <sub>x</sub> )	2.75
Nitrogen Oxides (NO <sub>x</sub> )	2.75
Volatile Organic Compounds (VOCs)	2.75
Carbon Monoxide (CO)	6.88

B. At maximum design capacity, the proposed construction or modification will emit a hazardous air pollutant at a rate of no more than one-half (0.5) pound per hour, or the hazardous emission threshold as established in subsection (12)(J) of 10 CSR 10-6.060, whichever is less.

C. Actual emissions of each criteria pollutant, except lead, will be no more than

eight hundred seventy-six (876) pounds per year.

D. Actual emissions of volatile organic compounds that do not contain hazardous air pollutants will be no more than four (4) tons per year.

(B) Excluded Activities. 10 CSR 10-6.060 does not apply to—

1. Routine maintenance, parts replacement or relocation of emission units within the same installation which do not involve either any appreciable change either in the quality or nature, or any increase in either the potential to emit or the effect on air quality, of the emissions of any air contaminant. Some examples are as follows:

A. Replacing the bags in a baghouse;

B. Replacing wires, plates, rappers, controls or electric circuitry in an electrostatic precipitator which does not measurably decrease the design efficiency of the unit;

C. Replacement of fans, pumps or motors which does not alter the operation of a source or performance of a control device;

D. Replacement of boiler tubes;

E. Replacement of piping, hoods, and ductwork; and

F. Replacement of engines, compressors or turbines as part of a normal maintenance program;

2. Changes in a process or process equipment which do not involve installing, constructing or reconstructing an emissions unit or associated air cleaning devices, and that do not involve either any appreciable change either in the quality or nature, or any increase in either the potential to emit or the effect on air quality of the emissions of any air contaminant. Some examples are as follows:

A. Change in supplier or formulation of similar raw materials, fuels, paints and other coatings;

B. Change in the sequence of the process;

C. Change in the method of raw material addition;

D. Change in the method of product packaging;

E. Change in the process operating parameters;

F. Replacement of an identical or more efficient cyclone precleaner which is used as a precleaner in a fabric filter control system;

G. Installation of a floating roof on an open top petroleum storage tank;

H. Replacement of a fuel burner in a boiler with a more thermally efficient burner;

I. Lengthening a paint drying oven to provide additional curing time; and



J. Changes in the location, within the storage area, or configuration of a material storage pile or material handling equipment;

3. Replacement of like-kind emission units that do not involve either any appreciable change either in the quality or nature, or any increase either in the potential to emit or the effect on air quality, of the emissions of any air contaminant;

4. The exempt activities in paragraphs (3)(B)1.-3. of this rule reflect a presumption that existing emission units which are changed or replaced by like-kind units shall be treated as having begun normal operation for purposes of the definition of actual emissions in 10 CSR 10-6.020;

5. The following miscellaneous activities:

A. Plant maintenance, and upkeep activities such as routine cleaning, janitorial services, use of janitorial products, grounds keeping, general repairs, architectural or maintenance painting, welding repairs, plumbing, roof repair, installing insulation, using air compressors and pneumatically operated equipment, and paving parking lots, provided these activities are not conducted as part of the installation's primary business activity;

B. Batteries and battery charging stations;

C. Fire suppression equipment and emergency road flares;

D. Laundry activities, except dry-cleaning and steam boilers; and

E. Steam emissions from leaks, safety relief valves, steam cleaning operations, and steam sterilizers; and

6. The following miscellaneous surface preparation and cleaning activities:

A. Equipment and containers used for surface preparation, cleaning, or stripping by use of solvents or solutions that meet all of the following:

(I) Solvent used must have an initial boiling point of greater than three hundred two degrees Fahrenheit (302 °F), and this initial boiling point must exceed the maximum operating temperature by at least one hundred eighty degrees Fahrenheit (180 °F);

(II) The equipment or container has a capacity of less than thirty-five (35) gallons of liquid. For remote reservoir cold cleaners, capacity is the volume of the remote reservoir;

(III) The equipment or container has a liquid surface area less than seven (7) square feet, or for remote reservoir cold cleaners, the sink or working area has a horizontal surface less than seven (7) square feet;

(IV) Solvent flow must be limited to a continuous fluid stream type arrange-

ment. Fine, atomized, or shower type sprays are not exempt; and

(V) All lids and closures are properly employed;

B. The exclusion in subparagraph (3)(B)6.A. of this rule does not apply to solvent wipe cleaning operations;

C. Abrasive blasting sources that have a confined volume of less than one hundred (100) cubic feet and are controlled by a particulate filter;

D. Blast cleaning equipment using a suspension of abrasive in water;

E. Portable blast cleaning equipment for use at any single location for less than sixty (60) days; and

F. Any solvent cleaning or surface preparation source that employs only non-refillable handheld aerosol cans.

(C) Exceptions to Excluded Activities. The exclusion provisions of subsection (3)(B) of this rule notwithstanding, 10 CSR 10-6.060 shall apply to any construction, reconstruction, alteration or modification which—

1. Is expressly required by an operating permit; or

2. Is subject to federally-mandated construction permitting requirements set forth in sections (7), (8), or (9), or any combination of these, of 10 CSR 10-6.060.

(4) Reporting and Record Keeping. The operator shall maintain records in sufficient detail to show compliance with the exemptions in paragraph (3)(A)3. of this rule. Any noncompliance with the requirements in this paragraph constitutes a violation and is grounds for enforcement action and the exemption will no longer apply. Operators of installations found to be not in compliance with the requirements of this paragraph shall be required to apply for a construction permit under 10 CSR 10-6.060. The exemptions shall be documented as follows:

(A) Record keeping shall begin on the date the construction, reconstruction, modification or operation commencement and records shall be maintained to prove potential emissions are below *de minimis* levels and that actual emissions are below the exemption threshold levels in paragraph (3)(A)3. of this rule. Records shall be maintained using Emission Inventory Questionnaire (EIQ) methods in accordance with EIQ emission calculation hierarchy; or

(B) In lieu of records, the owner or operator shall demonstrate through engineering calculations that emissions are not in excess of the exemption levels established in paragraph (3)(A)3. of this rule.

(5) Test Methods. (Not Applicable)

*AUTHORITY: section 643.050, RSMo 2000.\* Original rule filed March 5, 2003, effective Oct. 30, 2003. Amended: Filed July 1, 2004, effective Feb. 28, 2005. Amended: Filed Dec. 1, 2005, effective July 30, 2006. Amended: Filed Oct. 1, 2008, effective May 30, 2009.*

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

**10 CSR 10-6.062 Construction Permits By Rule**

*PURPOSE: This rule creates a process by which sources can be exempt from 10 CSR 10-6.060 Construction Permits Required, by establishing conditions under which specific sources can construct and operate. It establishes notification requirements and standard review fees. It has been determined that these sources will not make a significant contribution of air contaminants to the atmosphere. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is the February 20, 2002 Recommendations from the "Managing For Results" presentation and the Air Program Advisory Forum 2001 and 2002 Recommendations.*

(1) Applicability. This rule shall apply to certain types of facilities or changes within facilities listed in this rule where construction is commenced on or after the effective date of the relevant permit-by-rule. To qualify for a permit-by-rule, the following general requirements must be met:

(A) Any installation undergoing activities that would otherwise be subject to section (7), (8), or (9) of 10 CSR 10-6.060 does not qualify for permit-by-rule under this regulation. Installations accepting the permit-by-rule emission limitations can use those limitations to determine whether the installation is subject to section (7), (8), or (9) of 10 CSR 10-6.060;

(B) The installation is not prohibited from permit-by-rule by permit conditions, by settlement agreements or by official notification from the director;

(C) All emission control equipment associated with the permit-by-rule shall be maintained and operated in accordance with the equipment specifications of the manufacturer;

(D) Obtaining a permit-by-rule under this regulation does not exempt an installation from other applicable air pollution regulations or any local air pollution control agency requirements; and

(E) The director may require an air quality analysis in addition to the general requirements listed in subsection (3)(B) of this rule if it is likely that the emissions of the proposed



construction or modification will appreciably affect air quality or the air quality standards are being appreciably exceeded or complaints filed in the vicinity of the proposed construction or modification warrant an air quality analysis. The permit-by-rule may be revoked if it is determined that emissions from the source interfere with the attainment or maintenance of ambient air quality standards.

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

(3) General Provisions.

(A) Registration. To qualify for a permit-by-rule, the owner or operator must notify the Missouri Department of Natural Resources' Air Pollution Control Program prior to commencement of construction. This notification will establish the permit-by-rule and become the conditions under which the facility is permitted. All representations made in the notification regarding construction plans, operating procedures, and maximum emission rates shall become conditions upon which the facility shall construct or modify. If the conditions, as represented in the notification, vary in a manner that will change the method of emission controls, the character of the emissions, or will result in an increase of emissions, a new notification or permit application must be prepared and submitted to the department's Air Pollution Control Program.

1. The director shall provide a form by which operators can submit their notifications. The notification shall include documentation of the basis of emission estimates or activity rates and be signed by a responsible official certifying that the information contained in the notification is true, accurate, and complete. The expected first date of operation shall be included in the notification.

2. The notification shall be sent to the department's Air Pollution Control Program. Two (2) copies of the original notification shall be made. One (1) shall be sent to the appropriate regional office, and one (1) shall be maintained on-site and be provided immediately upon request by inspectors.

3. Fees. A review fee of seven hundred dollars (\$700) shall accompany the notification sent to the department's Air Pollution Control Program.

4. Upon receiving the notification, the department shall complete a pre-construction review of the notification and make an approval/disapproval determination within seven (7) business days. If the notification is approved by the department, the operator

may begin construction and operation of the new source.

(B) Permit-by-Rule.

1. Printing operations. Any printing operation (including, but not limited to, screen printers, ink-jet printers, presses using electron beam or ultraviolet light curing, and labeling operations) and supporting equipment (including, but not limited to, corona treaters, curing lamps, preparation, and cleaning equipment) which operate in compliance with the following conditions is permitted under this rule:

A. The uncontrolled emission of volatile organic compounds (VOCs) from inks and solvents (including, but not limited to, those used for printing, cleanup, or make-up) shall not exceed forty (40) tons per twelve (12)-month period, rolled monthly, for all printing operations on the property. The emissions shall be calculated using a material balance that assumes that all of the VOCs in the inks and solvents used are directly emitted to the atmosphere;

B. The uncontrolled emission of hazardous air pollutants shall not exceed ten (10) tons per twelve (12)-month period, rolled monthly, for all printing operations on the property. The emissions shall be calculated using a material balance that assumes that all hazardous air pollutants used are directly emitted to the atmosphere;

C. Copying and duplicating equipment employing the xerographic method are exempt from subparagraphs (3)(B)1.D-G. of this rule;

D. Printing presses covered by this section shall not utilize heat set, thermo set, or oven-dried inks. Heated air may be used to shorten drying time, provided the temperature does not exceed one hundred ninety-four degrees Fahrenheit (194 °F);

E. Screen printing operations requiring temperatures greater than one hundred ninety-four degrees Fahrenheit (194 °F) to set the ink are exempt from subparagraph (3)(B)1.D. of this rule;

F. The facility shall not be located in an ozone nonattainment area; and

G. Record keeping. The operator shall maintain records of ink and solvent usage and shall be kept in sufficient detail to show compliance with subparagraphs (3)(B)1.A. and 1.B. of this rule.

2. Crematories and animal incinerators. Any crematory or animal incinerator that is used solely for the cremation of human remains, disposal of human pathological wastes, or animal carcasses and operates in compliance with the following conditions is permitted under this rule:

A. The materials to be disposed of shall be limited to noninfectious human materials removed during surgery, labor and delivery, autopsy, or biopsy including body parts, tissues and fetuses, organs, bulk blood and body fluids, blood or tissue laboratory specimens; and other noninfectious anatomical remains or animal carcasses in whole or in part. The owner or operator shall minimize the amount of packaging fed to the incinerator, particularly plastic containing chlorine. The incinerators shall not be used to dispose of other non-biological medical wastes including, but not limited to, sharps, rubber gloves, intravenous bags, tubing, and metal parts;

B. The manufacturer's rated capacity (burn rate) shall be two hundred (200) pounds per hour or less;

C. The incinerator shall be a dual-chamber design;

D. Burners shall be located in each chamber, sized to manufacturer's specifications, and operated as necessary to maintain the minimum temperature requirements of subparagraph (3)(B)2.E. of this rule at all times when the unit is burning waste;

E. Excluding crematories, the secondary chamber must be designed to maintain a temperature of one thousand six hundred degrees Fahrenheit (1,600 °F) or more with a gas residence time of one-half (1/2) second or more. The temperature shall be monitored with equipment that is accurate to plus or minus two percent ( $\pm 2\%$ ) and continuously recorded. The thermocouples or radiation pyrometers shall be fitted to the incinerator and wired into a manual reset noise alarm such that if the temperature in either of the two (2) chambers falls below the minimum temperature above, the alarm will sound at which time plant personnel shall take immediate measures to either correct the problem or cease operation of the incinerator until the problem is corrected;

F. There shall be no obstructions to stack flow, such as by rain caps, unless such devices are designed to automatically open when the incinerator is operated. Properly installed and maintained spark arresters are not considered obstructions;

G. Each incinerator operator shall be trained in the incinerator operating procedures as developed by the American Society of Mechanical Engineers (ASME), by the incinerator manufacturer, or by a trained individual with more than one (1) year experience in the operation of the incinerator that the trainee will be operating. Minimum training shall include basic combustion control parameters of the incinerator and all emergency procedures to be followed should the



incinerator malfunction or exceed operating parameters. An operator who meets the training requirements of this condition shall be on duty and immediately accessible during all periods of incinerator operation. The manufacturer's operating instructions and guidelines shall be posted at the unit and the unit shall be operated in accordance with these instructions;

H. The incinerator shall have an opacity of less than ten percent (10%) at all times;

I. Heat shall be provided by the combustion of natural gas, liquid petroleum gas, or Number 2 fuel oil with less than three-tenths percent (0.3%) sulfur by weight, or by electric power; and

J. Record keeping. The operator shall maintain a log of all alarm trips and the resultant action taken. A written certification of the appropriate training received by the operator, with the date of training, that includes a list of the instructor's qualifications or ASME certification school shall be maintained for each operator. The operator shall maintain an accurate record of the monthly amount and type of waste combusted.

3. Surface coating. Any surface coating activity or stripping facility that operates in compliance with the following conditions is permitted under this rule:

A. Metalizing, spraying molten metal onto a surface to form a coating, is not permitted under this permit-by-rule. The use of coatings that contain metallic pigments is permitted;

B. All facilities shall implement good housekeeping procedures to minimize fugitive emissions, including:

(I) All spills shall be cleaned up immediately;

(II) The booth or work area exhaust fans shall be operating when cleaning spray guns and other equipment; and

(III) All new and used coatings and solvents shall be stored in closed containers. All waste coatings and solvents shall be removed from the site by an authorized disposal service or disposed of at a permitted on-site waste management facility;

C. Drying and curing ovens shall either be electric or meet the following conditions:

(I) The maximum heat input to any oven must not exceed forty (40) million British thermal units (Btus) per hour; and

(II) Heat shall be provided by the combustion of one of the following: natural gas; liquid petroleum gas; fuel gas containing no more than twenty (20.0) grains of total sulfur compounds (calculated as sulfur) per one hundred (100) dry standard cubic feet; or

Number 2 fuel oil with not more than three-tenths percent (0.3%) sulfur by weight;

D. Emissions shall be calculated using a material balance that assumes that all VOCs and hazardous air pollutants in the paints and solvents used are directly emitted to the atmosphere. The total uncontrolled emissions from the coating materials (as applied) and cleanup solvents shall not exceed the following for all operations:

(I) Forty (40) tons per twelve (12)-month period, rolled monthly, of VOCs for all surface coating operations on the property;

(II) A sum of twenty-five (25) tons per twelve (12)-month period, rolled monthly, of all hazardous air pollutants for all surface coating operations on the property; and

(III) Each individual hazardous air pollutant shall not exceed the emission threshold levels established in 10 CSR 10-6.060(12)(J), rolled monthly;

E. The surface coating operations shall be performed indoors, in a booth, or in an enclosed work area. The booth shall be designed to meet a minimum face velocity at the intake opening of each booth or work area of one hundred feet (100') per minute. Emissions shall be exhausted through elevated stacks that extend at least one and one-half (1 1/2) times the building height above ground level. All stacks shall discharge vertically. There shall be no obstructions to stack flow, such as rain caps, unless such services are designed to automatically open when booths are operated;

F. For spraying operations, emissions of particulate matter must be controlled using either a water wash system or a dry filter system with a ninety-five percent (95%) removal efficiency as documented by the manufacturer. The face velocity at the filter shall not exceed two hundred fifty feet (250') per minute or that specified by the filter manufacturer, whichever is less. Filters shall be replaced according to the manufacturer's schedule or whenever the pressure drop across the filter no longer meets the manufacturer's recommendation;

G. Coating operations shall be conducted at least fifty feet (50') from the property line and at least two hundred fifty feet (250') from any recreational area, residence, or other structure not occupied or used solely by the owner or operator of the facility or the owner of the property upon which the facility is located;

H. The facility shall not be located in an ozone nonattainment area; and

I. Record keeping. The operator shall maintain the following records and reports:

(I) All material safety data sheets for all coating materials and solvents;

(II) A monthly report indicating the days the surface coating operation was in operation and the total tons emitted during the month, and the calculation showing compliance with the rolling average emission limits of subparagraph (3)(B)3.D. of this rule;

(III) A set of example calculations showing the method of data reduction including units, conversion factors, assumptions, and the basis of the assumptions; and

(IV) These reports and records shall be immediately available for inspection at the installation.

4. Livestock markets and livestock operations. Any livestock market or livestock operation including animal feeding operations and concentrated animal feeding operations as those terms are defined by 40 CFR 122.23, that was constructed after November 30, 2003, and operates in compliance with the following conditions is permitted under this rule. In addition, any manure storage and application system directly associated with the livestock markets or livestock operations such that these manure storage and application systems are operated in compliance with the following conditions are also permitted under this rule:

A. All facilities shall implement the following building cleanliness and ventilation practices:

(I) Buildings shall be cleaned thoroughly between groups of animals;

(II) Manure and spilled feed shall be scraped from aisles on a regular basis, at least once per week;

(III) Ventilation fans, louvers, and cowlings shall be regularly cleaned to prevent excessive buildup of dust, dirt, or other debris that impairs performance of the ventilation system;

(IV) Air inlets shall be cleaned regularly to prevent excessive buildup of dust, dirt, or other debris that reduces airflow through the inlets;

(V) Ceiling air inlets shall be adjusted to provide adequate airflow (based on design ventilation rates) to the building interior;

(VI) For high-rise structures, the manure storage area must include engineered natural or mechanical ventilation. This ventilation must be maintained and cleaned regularly to prevent excessive buildup of dust, dirt, or other debris that impairs performance of the ventilation system;

(VII) For deep-bedded structures, bedding and/or litter used in the animal living area must be maintained in a reasonably clean condition. Indications that the bedding



is not reasonably clean include extensive caking, manure coating animals or birds, and the inability to distinguish bedding material from manure. Bedding or litter with excessive manure shall be removed and replaced with clean bedding or litter; and

(VIII) For automatic feed delivery systems, feed lines shall have drop tubes that extend into the feeder to minimize dust generation;

B. All facilities shall implement the following manure storage practices:

(I) Buildings with flush alleys, scrapers, or manure belts shall be operated to remove manure on a regular schedule, at least daily;

(II) Buildings with shallow pits, four feet (4') deep or less, shall be emptied on a regular schedule, at least once every fourteen (14) days;

(III) Feed, other than small amounts spilled by the animals, shall not be disposed of in the manure storage system;

(IV) All lagoons shall be regularly monitored for solids buildup, at least once every five (5) years. Lagoon sludge shall be removed and properly disposed of when the sludge volume equals the designed sludge volume; and

(V) Manure compost piles or windrows shall be turned or otherwise mixed regularly so that the temperature within the pile or windrow is maintained between one hundred five degrees Fahrenheit (105 °F) and one hundred fifty degrees Fahrenheit (150 °F);

C. The operator shall consider wind direction and velocity when conducting surface land application, and manure shall not be applied within five hundred (500') feet from a downwind inhabited residence;

D. Dead animals shall not be disposed of in the manure storage system unless the system is specifically designed and managed to allow composting of dead animals. Dead animals shall be removed from buildings daily; and

E. Record keeping. *(Not Applicable)*

(C) Revocation.

1. A permit-by-rule may be revoked upon request of the operator or for cause. For purposes of this paragraph, cause for revocation exists if—

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

(II) The operator has failed to pay a civil or criminal penalty imposed for violations of the permit-by-rule; or

(III) It is determined through a technical analysis that emissions from the source interfere with the attainment or maintenance of ambient air quality standards.

2. Upon revocation of a permit-by-rule the operator shall obtain a permit, undergoing review under 10 CSR 10-6.060.

(4) Reporting and Record Keeping. In addition to the original notification required by paragraph (3)(A)2. of this rule, operators shall maintain records containing sufficient information to demonstrate compliance with all applicable permit-by-rule requirements as specified in subsection (3)(B) of this rule. These records shall be maintained at the installation for a minimum of five (5) years, and shall be made immediately available to inspectors upon their request. Operators shall also report to the Air Pollution Control Program, no later than ten (10) days after the end of the month during which the operation exceeded any of the permit-by-rule conditions.

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

*AUTHORITY: section 643.050, RSMo 2000. \* Original rule filed March 5, 2003, effective Oct. 30, 2003. Amended: Filed Sept. 27, 2006, effective May 30, 2007.*

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

### 10 CSR 10-6.065 Operating Permits

*PURPOSE: This rule defines air contaminant sources which are required to obtain operating permits and establishes procedures for obtaining and complying with operating permits; it does not establish any air quality standards or guidelines.*

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

(1) Applicability.

(A) Part 70, Intermediate and Basic State Installations. This rule shall apply to existing, modified, reconstructed, and new installations, whether part 70 intermediate or basic state throughout Missouri.

(B) Incinerators. This rule shall apply to all incinerators.

(C) Exempt Installations and Emission Units. The following installations and emission units are exempt from the requirements of this rule unless such units are part 70 or intermediate installations or are located at part 70 or intermediate installations. Emissions from exempt installations and emission units shall be considered when determining if the installation is a part 70 or intermediate installation:

1. Any installation that would be required to obtain a permit solely because it is subject to 10 CSR 10-6.070(7)(AAA) Standards of Performance for New Residential Wood Heaters;

2. Any installation that would be required to obtain a permit solely because it is subject to 10 CSR 10-6.240 or 10 CSR 10-6.250;

3. Single or multiple family dwelling units for not more than three (3) families;

4. Comfort air conditioning or comfort ventilating systems not designed or used to remove air contaminants generated by, or released from, specific units of equipment;

5. Equipment used for any mode of transportation;

6. Livestock markets and livestock operations, including animal feeding operations and concentrated animal feeding operations as those terms are defined by 40 CFR 122.23 and all manure storage and application systems associated with livestock markets or livestock operations;

7. Restaurants and other retail establishments for the purpose of preparing food for employee and guest consumption;

8. Fugitive dust controls unless a control efficiency can be assigned to the equipment or control equipment;

9. Equipment or control equipment which eliminates all emissions to the ambient air;

10. Equipment, including air pollution control equipment, but not including an anaerobic lagoon, that emits odors but no regulated air pollutants;

11. Residential wood heaters, cookstoves, or fireplaces;

12. Laboratory equipment used exclusively for chemical and physical analysis or experimentation is exempt, except equipment used for controlling radioactive air contaminants;

13. Recreational fireplaces;

14. Stacks or vents to prevent the escape of sewer gases through plumbing traps for systems handling domestic sewage only. Systems which include any industrial waste do not qualify for this exemption;

15. Combustion equipment that—

A. Emits only combustion products;



B. Produces less than one hundred fifty (150) pounds per day of any air contaminant; and

C. Has a maximum rated capacity of—

(I) Less than ten (10) million British thermal units (Btus) per hour heat input by using exclusively natural or liquefied petroleum gas, or any combination of these; or

(II) Less than one (1) million Btus per hour heat input;

16. Office and commercial buildings, where emissions result solely from space heaters using natural gas or liquefied petroleum gas with a maximum rated capacity of less than twenty (20) million Btus per hour heat input. Incinerators operated in conjunction with these sources are not exempt;

17. Any country grain elevator that never handles more than 1,238,657 bushels of grain during any twelve (12)-month period and is not located within an incorporated area with a population of fifty thousand (50,000) or more. A country grain elevator is defined as a grain elevator that receives more than fifty percent (50%) of its grain from producers in the immediate vicinity during the harvest season. This exemption does not include grain terminals which are defined as grain elevators that receive grain primarily from other grain elevators. To qualify for this exemption the owner or operator of the facility shall retain monthly records of grain origin and bushels of grain received, processed and stored for a minimum of five (5) years to verify the exemption requirements. Monthly records must be tabulated within seven (7) days of the end of the month. Tabulated monthly records shall be made available immediately to Missouri Department of Natural Resources representatives for an announced inspection or within three (3) hours for an unannounced visit;

18. Sand and gravel operations that have a maximum capacity to produce less than seventeen and one-half (17.5) tons of product per hour and use only natural gas as fuel when drying;

19. Noncommercial incineration of dead animals, the on-site incineration of resident animals for which no consideration is received or commercial profit is realized, as authorized in section 269.020.6, RSMo 2000; and

20. Any asphaltic concrete plant, concrete batching plant or rock crushing plant that can be classified as a portable equipment installation, as defined in 10 CSR 10-6.020.

(D) Prohibitions.

1. After the effective date of this rule, no person shall operate a part 70 installation, intermediate installation, or basic state installation except in compliance with an operating

permit issued by the permitting authority in accordance with this rule.

2. Except as specified in this rule or in the operating permit, it is not a violation of this rule for a permitted installation to be operated in ways that are not addressed in, constrained by, or prohibited by the operating permit.

(2) Definitions.

(A) Part 70 installations—Installations to which the part 70 operating permit requirements of this rule apply, in accordance with the following criteria:

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

2. They emit or have the potential to emit one hundred (100) tpy or more of any air pollutant subject to regulation, including all fugitive air pollutants. The fugitive emissions of an installation shall not be considered unless the installation belongs to one (1) of the source categories listed in 10 CSR 10-6.020(3)(B), Table 2. Subject to regulation means, for any air pollutant, that the pollutant is subject to either a provision in the Clean Air Act or a nationally-applicable regulation codified by the administrator in 40 CFR 50-99, that requires actual control of the quantity of emissions of that pollutant, and that such a control requirement has taken effect and is operative to control, limit, or restrict the quantity of emissions of that pollutant released from the regulated activity, except that—

A. Greenhouse gases (GHGs), the air pollutant defined as the aggregate group of six (6) greenhouse gases: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, shall not be subject to regulation unless, as of July 1, 2011, the GHG emissions are at a stationary source emitting or having the potential to emit one hundred thousand (100,000) tpy carbon dioxide (CO<sub>2</sub>) equivalent emissions; and

B. The term tpy CO<sub>2</sub> equivalent emis-

sions (CO<sub>2</sub>e) shall represent an amount of GHGs emitted and shall be computed by multiplying the mass amount of emissions (tpy), for each of the six (6) greenhouse gases in the pollutant GHGs, by the gas's associated global warming potential published at Table A-1 of 40 CFR 98, Subpart A, promulgated as of October 30, 2009, and summing the resultant value for each to compute a tpy CO<sub>2</sub>e. For purposes of this rule, prior to July 21, 2014, the mass of the greenhouse gas carbon dioxide shall not include carbon dioxide emissions resulting from the combustion or decomposition of non-fossilized and biodegradable organic material originating from plants, animal, or micro-organisms (including products, by-products, residues, and waste from agriculture, forestry, and related industries as well as the non-fossilized and biodegradable organic fractions of industrial and municipal wastes, including gases and liquids recovered from the decomposition of non-fossilized and biodegradable organic material). Table A-1 is 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;

3. They are located in nonattainment areas or ozone transport regions.

A. 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;

B. 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;

C. 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

D. 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  $PM_{10}$ ;

4. They are affected sources under Title IV of the 1990 Act;

5. They are solid waste incinerators subject to section 129(e) of the Act;

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

7. Installations that would be part 70 sources strictly due to the following criteria are not subject to part 70 source requirements until the administrator subjects this installation to these requirements by rule:

A. They are subject to a standard, limitation, or other requirement under section 111 of the Act, including area sources; or

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

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

### (3) Single, Multiple, or General Permits.

(A) Pursuant to this section, an installation must have a permit (or group of permits) addressing all applicable requirements for all emissions units in the installation. An installation may comply with this subsection through any one (1) of the following methods:

1. The installation may apply for a single permit covering all emissions units located within a contiguous area under common control (whether or not the installation falls under the same two (2)-digit Standard Industrial Code (SIC));

2. The installation may apply for separate permits for separate emissions units or groups of emissions units; or

3. The installation may apply for coverage for one (1) or more emissions units eligible for permitting under a general permit issued by the permitting authority, and obtain a separate permit(s) for emissions units not eligible for general permit coverage.

4. When determining operating permit classification (part 70, intermediate or basic state), the installation shall calculate the potential to emit for the entire installation and all multiple permits shall be subject to the same operating permit classification.

(B) Notwithstanding, if the installation is a basic installation and is subject to 40 CFR 63, Subpart EEE, National Emission Standard for Hazardous Air Pollutants from Hazardous Waste Combustors, the installation has the option of obtaining a part 70 permit for the entire installation or a part 70 permit for the emission unit subject to the maximum

achievable control technology (MACT) and a basic for the rest of the installation. However, the part 70 permit for the affected emission unit must incorporate all applicable requirements that apply to hazardous waste combustion devices, not just those in 40 CFR 63, Subpart EEE.

### (4) Basic State Operating Permits.

(A) Applicability. All basic state installations are subject to this section.

(B) Notifications. The installation shall file a notification with the permitting authority. The following schedules apply:

1. Initial notifications. All basic state installations shall file complete operating permit notifications by May 1998;

2. Subsequent notifications. Any installation that becomes subject to this section at any time after May 1998 shall file a complete operating permit notification no later than thirty (30) days after commencement of operations;

3. Renewal notifications. Installations subject to this section shall file complete operating permit notifications for operating permit renewal at least six (6) months before the date the current operating permit expires;

4. Notwithstanding the deadlines established in this subsection, a complete operating permit notification filed at any time shall be received for processing; and

5. Starting March 30, 2005, all installations that have an active initial or renewal notification—accepted or with a receipt stamp—shall be deemed to be accepted and subject to the respective expiration date on the notification.

### (C) Notifications Review.

1. After the permitting authority receives an operating permit notification, they shall perform a completeness and applicable requirements verification review and, if the notification is determined to be complete, shall inform the notifier that the operating permit is accepted. The permitting authority will return a copy to the notifier stamped accepted with an expiration date. This copy will be kept at the installation to which the notification pertains.

2. If the permitting authority determines that an operating permit notification is not complete, they shall inform the notifier promptly of the deficiencies in the notification and shall specifically describe required revisions to the operating permit notification.

(D) Confidential Information. Operating permit notifiers may make claims of confidentiality pursuant to 10 CSR 10-6.210, for information submitted pursuant to this section.

(E) Filing Fee. Each operating permit notification must be accompanied by a one hundred dollar (\$100) filing fee, except for

administrative permit amendments as defined in subparagraph (4)(L)1.A. of this rule.

(F) Certification by Responsible Official. Operating permit notifications and compliance reports required under this section shall be signed and certified by a responsible official that the information contained in them is true, accurate, and complete based on information and belief formed after reasonable inquiry.

(G) Notification Contents. The permitting authority shall prepare and make available to all basic state installations subject to this section an operating permit notification form(s). The operating permit notification form(s) shall require a general description of the installation, all applicable emission limitations and control requirements for each emissions unit at the installation to be permitted and a reference to the respective emission point numbers in the Emission Inventory Questionnaire (EIQ). The notification also shall require a statement of the installation's compliance status with respect to these requirements and a commitment regarding the installation's plans to either attain compliance with these requirements within the time allowed by law or maintain compliance with these requirements during the operating permit period.

(H) General Permits. Installations may apply to operate under any applicable general permit.

1. Issuance of general permits. General permits covering similar installations may be issued by the permitting authority. Basic installation operating permits are not required to have public participation; however, citizens may appeal any action of the director. The general permit shall indicate a reasonable time after which an installation that has submitted an application for authorization will be deemed to be authorized to operate under the general permit. A general permit shall identify criteria by which installations may be authorized to operate under the general permit. This criteria must include the following:

A. Categories of sources covered by the general permit must be homogeneous in terms of operations, processes, and emissions;

B. Sources may not be subject to case-by-case standards or requirements; and

C. Sources must be subject to substantially similar requirements governing operations, emissions, monitoring, reporting, and record keeping.

2. Applications. The permitting authority shall provide application forms for coverage under a general permit. General permit applications may deviate from individual permit applications but shall include all information necessary to determine qualification for, and to assure compliance with, the general permit. The permitting authority





shall authorize coverage by the conditions and terms of a general permit to all installations that apply for and qualify under the specified general permit criteria. Installations applying for coverage under a general permit must comply with all the requirements of this rule, except public participation requirements.

3. Enforcement. The source shall be subject to enforcement actions for operating without an operating permit if it is determined later that the source does not qualify for the conditions and terms of the general permit, regardless of any application shield provisions.

(I) Compliance Reporting. Operating permit notification forms provided by the permitting authority shall include a compliance reporting requirement, which shall require a brief compliance report every five (5) years.

(J) Operating Permit Period. Each operating permit under this section shall be effective for a period of five (5) years. The permit term shall commence on the date of acceptance.

(K) Off-Permit Changes. Except as provided in paragraph (4)(L)1. of this rule, a basic state permitted installation may make any change in its permitted operations, activities, or emissions that are not addressed in, constrained by or prohibited by the permit without obtaining a permit revision. Insignificant activities not addressed in or prohibited by the permit, shall not be considered to be constrained by the permit for purposes of the off-permit provisions of this section. Off-permit changes shall be subject to the following requirements and restrictions:

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

2. Contemporaneous notice, except insignificant activities. The permittee must provide contemporaneous written notice of the change to the permitting authority. This notice shall not be required for changes that are insignificant activities under paragraph (6)(B)3. of this rule. This written notice shall describe each change, including the date, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change. Construction permit determinations requested of the permitting authority and/or construction permits obtained under 10 CSR 10-6.060 shall be deemed to be contemporaneous notice; and

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

(L) Operating Permit Amendments and Modifications.

1. Administrative permit amendments.

A. An administrative permit amendment for a basic state permit is a permit revision that—

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

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

B. Procedures.

(I) The permittee shall request an administrative permit amendment by letter with certification by the responsible official.

(II) The permitting authority shall take final action on a request for an administrative permit amendment within sixty (60) days after receipt of the request.

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

2. Operating permit modifications.

Whenever an operating permit notifier or basic state installation determines, at any time after an operating permit notification has been submitted or an operating permit notification has been accepted by the permitting authority, that the notification or operating permit contains false, misleading, incorrect, or incomplete information, the owner or operator of the installation shall submit an amendment to the notification or operating permit promptly to the permitting authority. Whenever the permitting authority determines that an operating permit fails to include or inadequately implements any applicable requirement, including any new requirement promulgated after the permitting authority's acceptance of the operating permit, the permitting authority shall inform the installation of this requirement and direct the installation to prepare and submit a notification or operating permit amendment.

(M) Compliance Demonstrations. The permitting authority, at any time when an operating permit notification is pending or after an operating permit has been accepted, may require the installation to demonstrate com-

pliance with applicable requirements. If the installation fails to comply with this request, or fails to demonstrate compliance, the installation will be subject to the same enforcement provisions as established under the part 70 state operating permits of section (6) of this rule.

(N) State Enforcement. All terms of an operating permit shall be enforceable by the permitting authority. The permitting authority is authorized, for enforcement purposes, to enter and inspect basic state installations at reasonable times and upon the presentation of proper credentials. The owner or operator will provide the representative of the permitting authority the stamped copy of the operating permit notification or general permit upon entry.

(O) Federal Enforceability. Any terms of an accepted operating permit which are based on applicable requirements contained in the federally-approved State Implementation Plan (SIP) or any other federal applicable requirements are federally enforceable.

(P) Operational Flexibility. Nothing in this section shall be construed to inhibit the operation of a basic state installation with respect to any operations, activities, or emissions not addressed in, constrained by, or prohibited by the operating permit accepted by the permitting authority.

(Q) Public Availability. Operating permit notifications, accepted operating permits, and compliance reports under this section shall be maintained in a file available to the public for inspection and copying, except to the extent confidential treatment has been granted at the request of the basic state installation.

(R) Construction Permits or Authorizations Not Affected. The requirements of this section shall not affect the obligation of any basic state installation to obtain a permit or authorization for any construction activity at the basic state installation which is subject to 10 CSR 10-6.060 Construction Permits Required.

(5) Intermediate State Operating Permits.

(A) Applicability. All intermediate installations are subject to the requirements of this section.

(B) Permit Notification/Applications.  
1. Timely notification/applications.

A. All notifications/applications will be submitted in duplicate. Intermediate installations shall file initial notifications/applications on the following schedule:

(I) Initial notification. All installations shall file complete notifications by July 1996, with one (1) exception allowed as follows: Intermediate installations that have actual emissions (as defined in 10 CSR 10-6.020(2)(A)4.) less than fifty percent (50%) of the part 70 installation threshold levels





(refer to the definition section of this rule for part 70 installation threshold levels) shall file complete notifications by May 1997;

(II) Subsequent application.

(a) Any installation that becomes subject to this section at any time between July 1996 and March 2005, shall file a complete application no later than thirty (30) days after the commencement of operations.

(b) Any installation that becomes subject to this section at any time following March 2005, shall file a complete application no later than ninety (90) days after the commencement of operations.

(c) If an installation already has an issued part 70 operating permit, the installation is subject to the requirements of the part 70 operating permit and intermediate application until the intermediate permit is issued and the part 70 operating permit is terminated;

(III) Renewal application. Installations subject to this section shall file complete applications for renewal of the operating permits at least six (6) months before the date of permit expiration. In no event shall this time be greater than eighteen (18) months;

(IV) Unified review. An installation subject to this section required to have a construction permit under 10 CSR 10-6.060 may submit a complete application for an operating permit or permit modification for concurrent processing as a unified review. An operating permit submitted for concurrent processing shall be submitted with the applicant's construction permit application, or at a later time as the permitting authority may allow, provided that the total review period does not extend beyond eighteen (18) months. An installation that is required to obtain a construction permit under 10 CSR 10-6.060 and that, in writing has not chosen to undergo unified review, shall file a complete operating permit application, permit amendment or modification application separate from the construction permit application within ninety (90) days after commencing operation; and

(V) Application/notification expirations. Starting March 30, 2005—

(a) Installations that have an active initial or renewal application with a receipt stamp shall:

I. Be deemed to have submitted the initial or renewal application; and

II. Submit a renewal application, as identified in paragraph (5)(B)3. of this rule, six to eighteen (6–18) months prior to the expiration date of the permit issued according to subsection (5)(E) of this rule.

(b) Installations that have an accepted notification shall submit a renewal application as identified in paragraph

(5)(B)3. of this rule, six to eighteen (6–18) months prior to the expiration date.

(c) Installations that have an initial or renewal notification—accepted or with a receipt stamp, but that is expired—shall still submit a renewal application as identified in paragraph (5)(B)3. of this rule.

(VI) Notwithstanding the deadlines established in this subsection, a complete initial notification/application filed at any time shall be accepted for processing.

B. Complete application.

(I) The permitting authority shall review each application for completeness and shall inform the applicant within sixty (60) days if the application is not complete. In order to be complete, an application must include a completed application form and, to the extent not called for by the form, the information required in paragraph (5)(B)3. of this rule.

(II) If the permitting authority does not notify the installation within sixty (60) days after receipt that its application is not complete, the application shall be deemed complete. However, nothing in this subsection shall prevent the permitting authority from requesting additional information that is reasonably necessary to process the application.

(III) The permitting authority shall maintain a checklist to be used for the completeness determination. A copy of the checklist identifying the application's deficiencies shall be provided to the applicant along with the notice of incompleteness.

(IV) If, while processing an application that has been determined or deemed to be complete, the permitting authority determines that additional information is necessary to evaluate or take final action on that application, the permitting authority may request this additional information be in writing. In requesting this information, the permitting authority shall establish a reasonable deadline for a response.

(V) In submitting an application for renewal of an operating permit, the applicant may identify terms and conditions in the previous permit that should remain unchanged, and may incorporate by reference those portions of the existing permit (and the permit application and any permit amendment or modification applications) that describe products, processes, operations, and emissions to which those terms and conditions apply. The applicant must identify specifically and list which portions of the previous permit or applications, or both, are incorporated by reference. In addition, a permit renewal application must contain—

(a) Information specified in para-

graph (5)(B)3. of this rule for those products, processes, operations, and emissions—

I. That are not addressed in the existing permit;

II. That are subject to applicable requirements which are not addressed in the existing permit; or

III. For which the applicant seeks permit terms and conditions that differ from those in the existing permit; and

(b) A compliance plan and certification as required in parts (6)(B)3.I.(I)–(IV) and subparagraph (6)(B)3.J. of this rule.

C. Confidential information. An applicant may make claims of confidentiality pursuant to 10 CSR 10-6.210, for information submitted pursuant to this section. The applicant shall also submit a copy of this information directly to the administrator, if the permitting authority requests that the applicant do so.

D. Filing fee. Each operating permit application must be accompanied by a one hundred dollar (\$100) filing fee, except for administrative permit amendments.

2. Duty to supplement or correct application. Any applicant who fails to submit any relevant facts, or who has submitted incorrect information in a permit application, upon becoming aware of this failure or incorrect submittal, shall promptly submit supplementary facts or corrected information. In addition, an applicant shall provide additional information, as necessary, to address any requirements that become applicable to the installation after the date an application is deemed complete, but prior to issuance or validation of the permit, whichever is later.

3. Standard application form and required information. The permitting authority shall prepare and make available to all intermediate installations subject to this section an operating permit application form(s). The operating permit application form(s) shall require a general description of the installation and the installation's processes and products, emissions-related information, and all applicable emission limitations and control requirements for each emissions unit at the installation to be permitted. The notification also shall require a statement of the installation's compliance status with respect to these requirements and a commitment regarding the installation's plans to either attain compliance with these requirements within the time allowed by law or maintain compliance with these requirements during the operating permit period. An applicant shall submit an application package consisting of the standard application form, emission inventory questionnaire, compliance



plan and compliance certification as identified in subparagraphs (6)(B)3.A.–H., parts (6)(B)3.I.(I)–(IV) and subparagraph (6)(B)3.J. of this rule.

4. Certification by responsible official. Any application form, report, or compliance certification submitted pursuant to this rule shall contain certification by a responsible official of truth, accuracy, and completeness. This certification, and any other certification shall be signed by a responsible official and shall contain the following language. “I certify, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.”

5. Single, multiple, or general permits. Pursuant to section (5) of this rule, an installation must have a permit (or group of permits) addressing all applicable requirements for all emission units in the installation. An installation may comply with this subsection through any one (1) of the methods identified in paragraphs (3)(A)1.–4. of this rule.

(C) Permit Content.

1. Standard permit requirements. Every operating permit issued pursuant to this section shall contain all requirements applicable to the installation at the time of issuance, as identified in parts (6)(C)1.A.(I) and (III), subparagraphs (6)(C)1.B. and D., part (6)(C)1.C.(I), subpart (6)(C)1.C.(II)(a), item (6)(C)1.C.(II)(b)I., subparts (6)(C)1.C.(III)(d) and (e), subparagraphs (6)(C)3.A. through D., and paragraphs (6)(C)5. and 7. of this rule.

A. General requirements.

(I) The permittee must comply with all the terms and conditions of the permit. Any noncompliance with a permit condition constitutes a violation and is grounds for enforcement action, permit termination, permit revocation and reissuance, permit modification, or denial of a permit renewal application. Note: The grounds for termination of a permit under this part of the rule are the same as the grounds for revocation as stated in part (6)(E)8.A.(I) of this rule.

(II) It shall not be a defense in an enforcement action that it would have been necessary for the permittee to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

(III) The permit may be modified, revoked, reopened, reissued, or terminated for cause. Except as provided for minor permit modifications, the filing of an application or request for a permit modification, revocation and reissuance, or termination, or the filing of a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

(IV) The permit does not convey any property rights of any sort, or grant any exclusive privilege.

(V) The permittee shall furnish to the permitting authority, upon receipt of a written request and within a reasonable time, any information that the permitting authority reasonably may require to determine whether cause exists for modifying, reopening, reissuing, or revoking the permit or to determine compliance with the permit. Upon request, the permittee also shall furnish to the permitting authority copies of records required to be kept by the permittee. The permittee may make a claim of confidentiality for any information or records submitted under this paragraph of this rule.

(VI) Failure to comply with the limitations and conditions that qualify the installation for an intermediate permit make the installation subject to the provisions of section (6) of this rule and enforcement action for operating without a valid part 70 operating permit.

B. Reporting requirements. With respect to reporting, the permit shall incorporate all applicable reporting requirements and require the following:

(I) The frequency the permittee shall submit a report of any required monitoring. To the extent possible, the schedule for submission of these reports shall be timed to coincide with other periodic reports required of the permittee;

(II) Each report submitted under part (5)(C)1.B.(I) of this rule shall identify any deviations from permit requirement, since the previous report, that have been monitored by the monitoring systems required under the permit, and any deviations from the monitoring, record-keeping, and reporting requirements of the permit;

(III) In addition to annual monitoring reports, each permittee shall be required to submit supplemental reports as indicated in subpart (6)(C)1.C.(III)(c) of this rule. All reports of deviations shall identify the cause or probable cause of the deviations and any corrective actions or preventative measures taken and follow the procedures identified in subpart (6)(C)1.C.(III)(c) of this rule.

C. Reasonably anticipated operating scenarios. The permit shall include terms and conditions for reasonably anticipated operating scenarios identified by the applicant and approved by the permitting authority. The permit shall authorize the permittee to make changes among alternative operating scenarios authorized in the permit without notice, but shall require the permittee, contemporaneous with changing from one (1) operating scenario to another, to record in a log at the

permitted installation the scenario under which it is operating.

2. Federally-enforceable conditions. Any voluntary provisions issued under this section of the rule, designed to limit an installation’s potential to emit, shall be designated federally-enforceable by the permitting authority. Any terms and conditions so designated are required to—

A. Be at least as stringent as any other applicable limitations and requirements contained in the implementation plan or enforceable under the implementation plan. The permitting authority may not waive or make less stringent any limitations or requirements contained in the implementation plan, or that are otherwise federally-enforceable (for example, standards established under sections 111 or 112 of the Act) in the operating permit;

B. Be permanent, quantifiable, and otherwise enforceable as a practical matter; and

C. Follow the public participation procedures of section (7) of this rule.

3. Compliance certification. The permit must include requirements for certification of compliance with terms and conditions contained in the permit that are federally enforceable, including emissions limitations, standards, or work practices. The permit shall specify the information identified in subparts (6)(C)3.E.(I)–(III) and (V)–(VI) of this rule.

4. General permits. Installations may apply to operate under any general permit.

A. Issuance of general permits. General permits covering similar installations may be issued by the permitting authority after notice and opportunity for public participation under section (7). The general permit shall indicate a reasonable time after which an installation that has submitted an application for authorization will be deemed to be authorized to operate under the general permit. A general permit shall identify criteria by which installations may be authorized to operate under the general permit. This criteria must include the following:

(I) Categories of sources covered by the general permit must be homogeneous in terms of operations, processes, and emissions;

(II) Sources may not be subject to case-by-case standards or requirements; and

(III) Sources must be subject to substantially similar requirements governing operations, emissions, monitoring, reporting, and record keeping.

B. Applications. The permitting authority shall provide application forms for coverage under a general permit. General permit applications may deviate from individual permit applications but shall include all



information necessary to determine qualification for, and to assure compliance with, the general permit. The permitting authority shall authorize coverage by the conditions and terms of a general permit to all installations that apply for and qualify under the specified general permit criteria. Installations applying for coverage under a general permit must comply with all the requirements of this rule, except public participation requirements.

C. Public participation. Although public participation under section (7) of this rule is necessary for the issuance of a general permit, the permitting authority may authorize an installation to operate under general permit terms and conditions without repeating the public participation procedures.

D. Enforcement. The source shall be subject to enforcement actions for operating without an operating permit if it is determined later that the source does not qualify for the conditions and terms of the general permit.

5. Off-permit changes. Except as provided in subparagraph (5)(C)5.A. of this rule, an intermediate permitted installation may make any change in its permitted installation's operations, activities, or emissions that is not addressed in, constrained by, or prohibited by the permit without obtaining a permit revision. Off-permit changes shall be subject to the following requirements and restrictions:

A. Compliance with applicable requirements. The change must meet all applicable requirements of the Act and may not violate any existing permit term or condition; no permittee may change a permitted installation without a permit revision, even if the change is not addressed in or constrained by, the permit, if this change is a Title I modification. Please Note: Changes at the installation which affect the emission limitation(s) classifying the installation as an intermediate source (add additional equipment to the record keeping requirements, increase the emissions above major source level) do not qualify for off-permit changes.

B. Contemporaneous notice. The permittee must provide contemporaneous written notice of the change to the permitting authority and to the administrator. This written notice shall describe each change, including the date, any change in emissions, pollutants emitted and any applicable requirement that would apply as a result of the change; and

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

6. Federal enforceability. Any terms of an issued operating permit which are based on applicable requirements contained in the federally-approved State Implementation Plan (SIP) or any other applicable federal requirements are federally enforceable.

(D) Unified Review. The installation shall submit the operating permit application and unified review shall follow the procedures identified in subsection (6)(D) of this rule.

(E) Permit Issuance, Renewal, Reopenings, and Revisions. The complete intermediate operating permit, permit modification, or permit renewal applications and permits shall be subject to the criteria identified in paragraphs (6)(E)4. and 8.–11. of this rule.

1. Action on application.

A. The intermediate operating permit, permit modification or permit renewal applications shall follow the procedures identified in subparagraphs (6)(E)1.A.–C. and G. of this rule.

B. Except as provided in this subsection of the rule, the permitting authority shall take final action on each application for an intermediate operating permit within eighteen (18) months after receiving a complete application. Final action on each application for a significant permit modification or permit renewal shall be taken within six (6) months after receipt of a complete application. For renewals, the installation shall remain subject to the conditions of the current permit until the renewal permit is issued. New sources are subject to section (6) of this rule until an intermediate permit is issued, even if the permitting authority does not act within the time frames specified in this rule. For each application the permitting authority shall submit a draft permit for public participation under section (7) of this rule no later than thirty (30) days before the deadline for final action established in this section.

C. Following the end of the public comment period, the permitting authority shall issue or deny the permit, permit modification, or permit renewal.

2. Permit renewal and expiration.

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

B. Timely application. An installation's right to operate shall terminate upon the expiration of the permit, unless a complete permit renewal application is submitted at least six (6) months before the date of expi-

ration, or unless the permitting authority takes final action approving an application for a permit renewal by the expiration date.

C. Extension of expired permits. If a timely and complete application for a permit renewal is submitted, but the permitting authority fails to take final action to issue or deny the renewal permit before the end of the term of the previous permit, the previous permit shall not expire until the renewal permit is issued or denied.

3. Operating permit amendments/modifications.

A. Administrative permit amendments are defined and shall follow the procedures identified in subparagraphs (6)(E)4.A. and C. of this rule.

B. Permit modifications are defined as any revision to an intermediate operating permit which is not an administrative permit amendment under subparagraph (5)(E)2.A. of this rule. An applicant for a permit modification shall adhere to all the relevant requirements for an initial permit application under section (5) of this rule, as well as requirements for public participation under section (7) of this rule, except—

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

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

4. Reopening permits for cause.

A. Cause to reopen. An intermediate operating permit shall be reopened for cause if:

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

(II) Additional applicable requirements under the Act become applicable to the installation; however, reopening on this ground is not required as identified in subparts (6)(E)6.A.(III)(a)–(c) of this rule; or

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

B. The notices, procedures for issuance, and deadlines will follow the criteria in subparagraphs (6)(E)6.B.–D. and F. of this rule.

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

1. Notice of draft actions. The permitting authority will give notice of each draft permit, modified permit, and renewed permit



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

2. Written response to comments. The permitting authority will provide a written response to the public comments received from the administrator and affected states to the installation and all other parties which submitted comments during the public comment period as described in section (7) of this rule prior to issuing the operating permit.

(6) Part 70 Operating Permits.

(A) Applicability. All part 70 installations are subject to this section.

(B) Permit Applications.

1. Duty to apply.

A. Timely application.

(I) Part 70 installations shall file initial applications on the following schedule:

(a) The permit registry.

I. The permitting authority shall create and maintain a permit issuance registry that part 70 installations may apply in writing to be placed on. The request must identify a specific year of initial issuance. The registry will identify by year when the permitting authority expects to issue the operating permit.

II. The registry will be opened for three (3) months after the effective date of this rule. The registry will be filled on a first-come, first-served basis, judged by the stamped "Received" date by the permitting authority.

III. The permitting authority will assign installations that do not make a specific request to the registry at the permitting authority's discretion as necessary to meet a one-third (1/3) per year for three (3) years permit issuance schedule following the administrator's approval of the operating permit program.

IV. The permitting authority may exercise discretion in reassigning applicants on the registry by accepting applicants after the close of the registry, and taking into consideration staff resources, complexity of applicant's operations, distribution of multiple installations under common control, and amount and nature of the air contaminants; and

(b) Initial application submittal schedule.

I. Installations scheduled to receive their operating permit within the first

year of the registry shall file complete applications by July 1996.

II. All other installations shall file complete applications by May 1996.

(II) Any installation that becomes subject to this section after May 9, 1994, shall file a complete application no later than twelve (12) months following either the administrator's approval of the operating permit program or the commencement of operations, whichever is later.

(III) A complete initial application filed at any time shall be accepted for processing. However, acceptance of an application does not relieve the applicant of his/her liability for submitting an untimely application.

(IV) An installation subject to this section required to meet section 112(g) of the Act, or to have a construction permit under 10 CSR 10-6.060 may submit a complete application for an operating permit or permit modification for concurrent processing as a unified review. An operating permit application submitted for concurrent processing shall be submitted with the applicant's construction permit application, or at a later time as the permitting authority may allow, provided that the total review period does not extend beyond eighteen (18) months. An installation that is required to obtain a construction permit under 10 CSR 10-6.060 and who, in writing has not chosen to undergo unified review, shall file a complete operating permit application, permit amendment, or modification application separate from the construction permit application within twelve (12) months after commencing operation.

(V) Installations subject to this section shall file complete applications for renewal of the operating permits at least six (6) months before the date of permit expiration. In no event shall this time be greater than eighteen (18) months.

(VI) Installations subject to this section required to submit applications for initial phase II acid rain permits shall submit complete applications to the permitting authority by January 1, 1996, for sulfur dioxide, and by January 1, 1998 for nitrogen oxides.

B. Complete application.

(I) The permitting authority shall review each application for completeness and shall inform the applicant within sixty (60) days if the application is not complete. In order to be complete, an application must include a completed application form and, to the extent not called for by the form, the information required in paragraph (6)(B)3. of this rule.

(II) If the permitting authority does not notify the installation within sixty (60) days after receipt that its application is not complete, the application shall be deemed complete. However, nothing in this subsection shall prevent the permitting authority from requesting additional information that is reasonably necessary to process the application.

(III) The permitting authority shall maintain a checklist to be used for the completeness determination. A copy of the checklist identifying the application's deficiencies shall be provided to the applicant along with the notice of incompleteness.

(IV) If, while processing an application that has been determined or deemed to be complete, the permitting authority determines that additional information is necessary to evaluate or take final action on that application, the permitting authority may request this additional information be in writing. In requesting this information, the permitting authority shall establish a reasonable deadline for a response.

(V) In submitting an application for renewal of an operating permit, the applicant may identify terms and conditions in the previous permit that should remain unchanged, and may incorporate by reference those portions of the existing permit (and the permit application and any permit amendment or modification applications) that describe products, processes, operations, and emissions to which those terms and conditions apply. The applicant must identify specifically and list which portions of the previous permit or applications, or both, are incorporated by reference. In addition, a permit renewal application must contain:

(a) Information specified in paragraph (6)(B)3. of this rule for those products, processes, operations, and emissions—

I. That are not addressed in the existing permit;

II. That are subject to applicable requirements which are not addressed in the existing permit; or

III. For which the applicant seeks permit terms and conditions that differ from those in the existing permit; and

(b) A compliance plan and certification as required in subparagraphs (6)(B)3.I. and J. of this rule.

C. Confidential information. If an applicant submits information to the permitting authority under a claim of confidentiality pursuant to 10 CSR 10-6.210, the applicant shall also submit a copy of this information directly to the administrator, if the permitting authority requests that the applicant do so.



D. Filing fee. Each application must be accompanied by a one hundred dollar (\$100) filing fee.

2. Duty to supplement or correct application. Any applicant who fails to submit any relevant facts, or who has submitted incorrect information in a permit application, upon becoming aware of this failure or incorrect submittal, shall promptly submit supplementary facts or corrected information. In addition, an applicant shall provide additional information, as necessary, to address any requirements that become applicable to the installation after the date an application is deemed complete, but prior to issuance or validation of the permit, whichever is later.

3. Standard application form and required information. An applicant shall submit an application package consisting of the standard application form, emission inventory questionnaire, compliance plan, and compliance certification. The application package must include all information needed to determine applicable requirements. The application must include information needed to determine the applicability of any applicable requirement. The applicant shall submit the information called for by the application form for each emissions unit at the installation to be permitted, except for insignificant activities. An activity cannot be listed as insignificant if the activity has an applicable requirement. The installation shall provide a list of any insignificant activities that are exempt because of size or production rate. Any insignificant activity required to be listed in the application also must list the approximate number of activities included (for example, twenty (20) leaky valves) and the estimated quantity of emissions associated. The application must include any other information, as requested by the permitting authority, to determine the insignificant activities have no applicable requirements. Information reported in the permit application which does not result in the specification of any permit limitation, term, or condition with respect to that information (including, but not limited to, information identifying insignificant activities), shall not in any way constrain the operations, activities, or emissions of a permitted installation, except as otherwise provided in this section. The standard application form (and any attachments) shall require that the following information be provided:

A. Identifying information. The applicant's company name and address (or plant name and address if different from the company name), the owner's name and state registered agent, and the telephone number and name of the plant site manager or other contact person;

B. Processes and products. A description of the installation's processes and products (by two (2)-digit Standard Industrial Classification Code (SIC)), including those associated with any reasonably anticipated operating scenarios identified by the applicant;

C. Emissions-related information. The following emissions-related information on the emissions inventory forms:

(I) All emissions of pollutants for which the installation is a part 70 source, and all emissions of any other regulated air pollutants. The permit application shall describe all emissions of regulated air pollutants emitted from each emissions unit, except as provided for by section (6) of this rule. The installation shall submit additional information related to the emissions of air pollutants sufficient to verify which requirements are applicable to the installation;

(II) Identification and description of all emissions units whose emissions are included in part (6)(B)3.C.(I) of this rule, in sufficient detail to establish the applicability of any and all requirements;

(III) Emissions rates in tons per year and in such terms as are necessary to establish compliance consistent with the applicable standard reference test method, if any;

(IV) The following information to the extent needed to determine or regulate emissions including: fuels, fuel use, raw materials, production rates, and operating schedules;

(V) Identification and description of air pollution control equipment;

(VI) Identification and description of compliance monitoring devices or activities;

(VII) Limitations on installation operations affecting emissions or any work practice standards, where applicable, for all regulated pollutants;

(VIII) Other information required by any applicable requirement (including information related to stack height credit limitations developed pursuant to section 123 of the Act); and

(IX) Calculations on which the information in parts (6)(B)3.C.(I)–(VIII) of this rule is based;

D. Air pollution control information. The following air pollution control information:

(I) Citation and description of all applicable requirements; and

(II) Description of, or reference to, any applicable test method for determining compliance with each applicable requirement;

E. Applicable requirements information. Other specific information required under the permitting authority's regulations to implement and enforce other applicable requirements of the Act or of these rules, or to determine the applicability of these requirements;

F. Alternative emissions limits. If the SIP allows an installation to comply through an alternative emissions limit or means of compliance, the applicant may request that such an alternative limit or means of compliance be specified in the permit. The applicant must demonstrate that any such alternative is quantifiable, accountable, enforceable, and based on replicable procedures. The applicant shall propose permit terms and conditions to satisfy these requirements in the application;

G. Proposed exemptions. An explanation of any proposed exemptions from otherwise applicable requirements;

H. Proposed reasonably anticipated operating scenarios. Additional information, as determined necessary by the permitting authority, to define reasonably anticipated operating scenarios identified by the applicant for emissions trading or to define permit terms and conditions implementing operational flexibility;

I. Compliance plan. A compliance plan that contains all of the following:

(I) A description of the compliance status of the installation with respect to all applicable requirements;

(II) A description as follows:  
(a) For applicable requirements with which the installation is in compliance, a statement that the installation will continue to comply with these requirements;

(b) For applicable requirements that will become effective during the permit term, a statement that the installation will comply with these requirements on a timely basis; and

(c) For any applicable requirements with which the installation is not in compliance at the time of permit issuance, a narrative description of how the installation will achieve compliance with these requirements;

(III) A compliance schedule as follows:

(a) For applicable requirements with which the installation is in compliance, a statement that the installation will continue to comply with these requirements;

(b) For applicable requirements that will become effective during the permit term, a statement that the installation will comply with these requirements on a timely basis. A statement that the installation will comply in a timely manner with applicable



requirements that become effective during the permit term shall satisfy this provision, unless a more detailed schedule is expressly required by the applicable requirement;

(c) A schedule of compliance for all applicable requirements with which the installation is not in compliance at the time of permit issuance, including a schedule of remedial measures and an enforceable sequence of actions, with milestones, leading to compliance. (This compliance schedule shall resemble and be equivalent in stringency to that contained in any judicial consent decree or administrative order to which the installation is subject);

(IV) For installations required to have a schedule of compliance under subpart (6)(B)3.I.(III)(c) of this rule, a schedule for the submission of certified progress reports no less frequently than every six (6) months; and

(V) The compliance plan content requirements specified in this paragraph shall apply to, and be included in, the acid rain portion of a compliance plan for an affected source, except as specifically superseded by regulations promulgated under Title IV of the Act with regard to the schedule and method(s) the installation will use to achieve compliance with the acid rain emissions limitations;

J. Compliance certification and information.

(I) A certification of compliance with all applicable requirements signed by a responsible official consistent with paragraph (6)(B)4. of this rule and section 114(a)(3) of the Act;

(II) A statement of methods used for determining compliance, including a description of monitoring, record-keeping and reporting requirements, and test methods;

(III) A schedule for the submission of compliance certifications during the permit term, which shall be submitted annually, or more frequently if required by an underlying applicable requirement; and

(IV) A statement indicating the installation's compliance status with respect to any applicable enhanced monitoring and compliance certification requirements of the Act; and

K. Acid rain information. Nationally-standardized forms for acid rain portions of permit applications and compliance plans shall be used, as required by rules promulgated under Title IV of the Act.

4. Certification by responsible official. Any application form, report, or compliance certification submitted pursuant to this rule shall contain certification by a responsible

official of truth, accuracy, and completeness. This certification, and any other certification, shall be signed by a responsible official and shall contain the following language: "I certify, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete."

5. Single, multiple, or general permits. Pursuant to this section of the rule, an installation must have a permit (or group of permits) addressing all applicable requirements for all emissions units in the installation. An installation may comply with this subsection of the rule through any one (1) of the methods identified in paragraphs (3)(A)1.-4. of this rule.

(C) Permit Content.

1. Standard permit requirements. Every operating permit issued pursuant to this section (6) shall contain all requirements applicable to the installation at the time of issuance.

A. Emissions limitations and standards. The permit shall specify emissions limitations or standards applicable to the installation and shall include those operational requirements or limitations as necessary to assure compliance with all applicable requirements.

(I) The permit shall specify and reference the origin of and authority for each term or condition and shall identify any difference in form as compared to the applicable requirement upon which the term or condition is based.

(II) The permit shall state that, where an applicable requirement is more stringent than an applicable requirement of rules promulgated under Title IV of the Act, both provisions shall be incorporated into the permit and shall be enforceable by the administrator.

(III) If the implementation plan or other applicable requirement allows an installation to comply through an alternative emissions limit or means of compliance and the applicant requests that this alternative limit or means of compliance be specified in the permit, the permitting authority may include this alternative emissions limit or means of compliance in an installation's permit upon demonstrating that it is quantifiable, accountable, enforceable, and based on replicable procedures.

B. Permit duration. The permitting authority shall issue permits for five (5) years. The permit term shall commence on the date of issuance or, when applicable, the date of validation.

C. Monitoring and related record-keeping and reporting requirements.

(I) The permit shall contain the following requirements with respect to monitoring:

(a) All emissions monitoring and analysis procedures or test methods required under the applicable requirements, including any procedures and methods promulgated by the administrator pursuant to sections 114(a)(3) or 504(b) of the Act;

(b) Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of record keeping designed to serve as monitoring), then periodic monitoring sufficient to yield reliable data for the relevant time period that are representative of the installation's compliance with the permit, as reported pursuant to part (6)(C)1.C.(III) of this rule. These monitoring requirements shall assure the use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Record-keeping provisions may be sufficient to meet the requirements of this paragraph; and

(c) As necessary, requirements concerning the use, maintenance, and where appropriate, installation of monitoring equipment or methods.

(II) With respect to record keeping, the permit shall incorporate all applicable record-keeping requirements and require, where applicable, the following:

(a) Records of required monitoring information that include the following:

I. The date, place as defined in the permit, and time of sampling or measurements;

II. The date(s) analyses were performed;

III. The company or entity that performed the analyses;

IV. The analytical techniques or methods used;

V. The results of these analyses; and

VI. The operating conditions as existing at the time of sampling or measurement;

(b) Retention of records.

I. Retention of records of all required monitoring data and support information for a period of at least five (5) years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings when used for continuous monitoring instrumentation, and copies of all reports required by the permit. Where appropriate, the permit may specify that records may be maintained in computerized form.



II. Affected sources under Title IV of the Act will have a three (3)-year monitoring data record retention period as required in 40 CFR 75.

(III) With respect to reporting, the permit shall incorporate all applicable reporting requirements and require the following:

(a) A permit issued under these rules shall require the permittee to submit a report of any required monitoring every six (6) months. To the extent possible, the schedule for submission of these reports shall be timed to coincide with other periodic reports required by the permit, including the permittee's annual compliance certification;

(b) Each report submitted under subpart (6)(C)1.C.(III)(a) of this rule shall identify any deviations from permit requirement, since the previous report, that have been monitored by the monitoring systems required under the permit, and any deviations from the monitoring, record-keeping, and reporting requirements of the permit;

(c) In addition to semiannual monitoring reports, each permittee shall be required to submit supplemental reports as indicated here. All reports of deviations shall identify the cause or probable cause of the deviations and any corrective actions or preventative measures taken.

I. Notice of any deviation resulting from an emergency (or upset) condition as defined in paragraph (6)(C)7. of this rule shall be submitted to the permitting authority either verbally or in writing within two (2) working days after the date on which the emission limitation is exceeded due to the emergency, if the permittee wishes to assert an affirmative defense. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that indicate an emergency occurred and the permittee can identify the cause(s) of the emergency. The permitted facility must show that it was operated properly at the time and that during the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or requirements in the permit. The notice must contain a description of the emergency, steps taken to mitigate emissions, and the corrective actions taken.

II. Any deviation that poses an imminent and substantial danger to public health, safety, or the environment shall be reported as soon as practicable.

III. Any other deviations identified in the permit as requiring more frequent reporting than the permittee's semiannual report shall be reported on the schedule specified in the permit;

(d) Every report submitted shall be certified by a responsible official, except that, if a report of a deviation must be submitted within ten (10) days after the deviation, the report may be submitted without a certification if the report is resubmitted with an appropriate certification within ten (10) days after that, together with any corrected or supplemental information required concerning the deviation; and

(e) A permittee may request confidential treatment of information submitted in any report of deviation.

D. Risk management plans. If the installation is required to develop and register a risk management plan pursuant to section 112(r) of the Act, the permit is required to specify only that the permittee will verify that they have complied with the requirement to register such a plan. The contents of the risk management plan itself need not be incorporated as a permit term.

E. Emissions exceeding Title IV allowances. Where applicable, the permit shall prohibit emissions exceeding any allowances that the installation lawfully holds under Title IV of the Act or rules promulgated thereunder.

(I) No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid rain program if the increases do not require a permit revision under any other applicable requirement.

(II) No limit shall be placed on the number of allowances that may be held by an installation. The installation may not use these allowances, however, as a defense for noncompliance with any other applicable requirement.

(III) Any of these allowances shall be accounted for according to procedures established in rules promulgated under Title IV of the Act.

F. Severability clause. The permit shall include a severability clause to ensure the continued validity of uncontested permit conditions in the event of a successful challenge to any contested portion of the permit.

G. General requirements.

(I) The permittee must comply with all the terms and conditions of the permit. Any noncompliance with a permit condition constitutes a violation and is grounds for enforcement action, for permit termination, permit revocation and reissuance, permit modification, or denial of a permit renewal application. Note: The grounds for termination of a permit under part (6)(C)1.G.(I) are the same as the grounds for revocation as stated in part (6)(E)8.A.(I).

(II) It shall not be a defense in an enforcement action that it would have been necessary for the permittee to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

(III) The permit may be modified, revoked, reopened, reissued, or terminated for cause. Except as provided for minor permit modifications, the filing of an application or request for a permit modification, revocation and reissuance, or termination, or the filing of a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

(IV) The permit does not convey any property rights of any sort, or grant any exclusive privilege.

(V) The permittee shall furnish to the permitting authority, upon receipt of a written request and within a reasonable time, any information that the permitting authority reasonably may require to determine whether cause exists for modifying, reopening, reissuing, or revoking the permit or to determine compliance with the permit. Upon request, the permittee also shall furnish to the permitting authority copies of records required to be kept by the permittee. The permittee may make a claim of confidentiality for any information or records submitted under this paragraph (6)(C)1.

H. Incentive programs not requiring permit revisions. The permit shall include a provision stating that no permit revision will be required for any installation changes made under any approved economic incentive, marketable permit, emissions trading, or other similar programs or processes provided for in the permit.

I. Reasonably anticipated operating scenarios. The permit shall include terms and conditions for reasonably anticipated operating scenarios identified by the applicant and approved by the permitting authority. The permit shall authorize the permittee to make changes among alternative operating scenarios authorized in the permit without notice, but shall require the permittee, contemporaneous with changing from one (1) operating scenario to another, to record in a log at the permitted installation the scenario under which it is operating. The permit shield shall apply to these terms and conditions.

J. Emissions trading. The permit shall include terms and conditions for the trading of emissions increases and decreases within the permitted installation to the extent that the applicable requirements provide for the trading of increases and decreases without case-by-case approval of each emissions trade. These terms and conditions shall include all those required to determine compliance (to



include contemporaneous recording in a log of the details of the trade) and must meet all applicable requirements, and requirements of this rule. The permit shield shall apply to all terms and conditions that allow the trading of these increases and decreases in emissions.

2. Federally-enforceable conditions and state-only requirements.

A. Federally-enforceable conditions. Except as provided in subparagraph (6)(C)2.B. of this rule, all terms and conditions in a permit issued under this section, including any voluntary provisions designed to limit an installation's potential to emit, are enforceable by the permitting authority, by the administrator, and by citizens under section 304 of the Act.

B. State-only requirements. Notwithstanding subparagraph (6)(C)2.A. of this rule, the permitting authority shall expressly designate as not being federally-enforceable or enforceable under section 304 of the Act any terms and conditions included in the permit that are not required under the Act or any of its applicable requirements, and these terms and conditions shall not be enforceable by the administrator or by citizens under section 304 of the Act. Terms and conditions so designated shall not be subject to the requirements of 40 CFR sections 70.7 and 70.8. Terms and conditions expressly designated as state-only requirements under this paragraph may be included in an addendum to the installation's permit.

3. Compliance requirements. Permits issued under this section (6) shall contain the elements listed here with respect to compliance.

A. General requirements, including certification. Consistent with the monitoring and related record-keeping and reporting requirements of this paragraph, the operating permit must include compliance certification, testing, monitoring, reporting, and record-keeping requirements sufficient to assure compliance with the terms and conditions of the permit. Any document (including reports) required to be submitted under this rule shall contain a certification signed by a responsible official as to the results of the required monitoring.

B. Inspection and entry. The permit must include requirements providing that, upon presentation of credentials and other documents as may be required by law, the permittee shall allow authorized officials of the permitting authority to perform the following (subject to the permittee's right to seek confidential treatment of information submitted to, or obtained by, the permitting authority under this subsection):

(I) Enter upon the permittee's premises where a permitted installation is located or an emissions-related activity is conducted, or where records must be kept under the conditions of the permit;

(II) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

(III) Inspect, at reasonable times and using reasonable safety practices, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and

(IV) As authorized by the Missouri Air Conservation Law Chapter 643, RSMo, or the Act, sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

C. Schedule of compliance. The permit must include a schedule of compliance, to the extent required.

D. Progress reports. To the extent required under an applicable schedule of compliance, the permit must require progress reports to be submitted semiannually, or more frequently if specified in the applicable requirement or by the permitting authority. These progress reports shall contain the following:

(I) Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when these activities, milestones, or compliance were achieved; and

(II) An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

E. Compliance certification. The permit must include requirements for certification of compliance with terms and conditions contained in the permit that are federally enforceable, including emissions limitations, standards, or work practices. The permit shall specify—

(I) The frequency (which shall be annually unless the applicable requirement specifies submission more frequently) of compliance certifications;

(II) The means for monitoring compliance with emissions limitations, standards, and work practices contained in applicable requirements;

(III) A requirement that the compliance certification include the following:

(a) The identification of each term or condition of the permit that is the basis of the certification;

(b) The permittee's current compliance status, as shown by monitoring data

and other information reasonably available to the permittee;

(c) Whether compliance was continuous or intermittent;

(d) The method(s) used for determining the compliance status of the installation, currently and over the reporting period; and

(e) Such other facts as the permitting authority may require to determine the compliance status of the source;

(IV) A requirement that all compliance certifications be submitted to the administrator as well as to the permitting authority;

(V) Additional requirements as may be specified pursuant to sections 114(a)(3) and 504(b) of the Act; and

(VI) Any other provisions as the permitting authority may require.

4. General permits. Installations may apply to operate under any general permit.

A. Issuance of general permits. General permits covering similar part 70 installations may be issued by the permitting authority after notice and opportunity for public participation under subsection (6)(F) and section (7). The general permit shall indicate a reasonable time after which an installation that has submitted an application for authorization will be deemed to be authorized to operate under the general permit. A general permit shall identify criteria by which installations may be authorized to operate under the general permit. This criteria must include the following:

(I) Categories of sources covered by the general permit must be homogeneous in terms of operations, processes, and emissions;

(II) Sources may not be subject to case-by-case standards or requirements; and

(III) Sources must be subject to substantially similar requirements governing operations, emissions, monitoring, reporting, and record keeping.

B. Applications. The permitting authority shall provide application forms for coverage under a general permit. General permit applications may deviate from individual part 70 permit applications but shall include all information necessary to determine qualification for, and to assure compliance with, the general permit. The permitting authority shall authorize coverage by the conditions and terms of a general permit to all installations that apply for and qualify under the specified general permit criteria. Installations applying for coverage under a general permit must comply with all the requirements of this rule, except public participation requirements. General permits shall not be authorized for affected sources under the acid





rain program unless otherwise provided in rule promulgated under Title IV of the Act.

C. Public participation. Although public participation under section (7) of this rule is necessary for the issuance of a general permit, the permitting authority may authorize an installation to operate under general permit terms and conditions without repeating the public participation procedures. However, this authorization shall not be a final permit action of purposes for judicial review.

D. Enforcement. Notwithstanding the permit shield provisions of paragraph (6)(C)6. of this rule, an installation authorized to operate under a general permit is subject to enforcement for operating without an individual part 70 operating permit if the installation is determined not to be qualified for the general permit.

5. Portable installations. An installation may apply for a single permit authorizing emissions from similar operations by the same installation owner or operator at multiple temporary locations.

A. Qualification criteria. To qualify for a permit under this paragraph (6)(C)5. the applicant's operation must be temporary and involve at least one (1) change of location during the permit term. Affected sources shall not be authorized as temporary installations under the acid rain program unless otherwise provided in rules promulgated under Title IV of the Act.

B. Compliance at each location. The permittee must comply with all applicable requirements at each authorized location.

C. Notice of location change. The owner or operator of the installation must notify the permitting authority at least ten (10) days in advance of each change of location.

6. Permit shield.

A. Express permit statement required. Part 70 operating permits shall include express provisions stating that compliance with the conditions of the permit shall be deemed compliance with all applicable requirements as of the date of permit issuance, provided that—

(I) The applicable requirements are included and specifically identified in the permit; or

(II) The permitting authority, in acting on the permit revision or permit application, determines in writing that other requirements, as specifically identified in the permit, are not applicable to the installation and the permit expressly includes that determination or a concise summary of it.

B. Exceptions to permit protection. The permit shield does not affect the following:

(I) The provisions of section 303 of the Act or section 643.090, RSMo, concerning emergency orders;

(II) Liability for any violation of an applicable requirement which occurred prior to, or was existing at, the time of permit issuance;

(III) The applicable requirements of the acid rain program;

(IV) The administrator's authority to obtain information; or

(V) Any other permit or extra-permit provisions, terms, or conditions expressly excluded from the permit shield provisions of this rule.

7. Emergency provisions.

A. Definition. For the purposes of a part 70 operating permit, an emergency or upset means any condition arising from sudden and not reasonably foreseeable events beyond the control of the permittee, including acts of God, which require immediate corrective action to restore normal operation and that causes the installation to exceed a technology-based emission limitation under the permit due to unavoidable increases in emissions attributable to the emergency or upset. An emergency or upset shall not include non-compliance caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.

B. Affirmative defense requirements. The permitting authority shall include in each permit a provision stating that an emergency or upset constitutes an affirmative defense to an enforcement action brought for non-compliance with technology-based emissions limitations. To establish an emergency- or upset-based defense, the permittee must demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence, the following:

(I) An emergency or upset occurred and the permittee can identify the source of the emergency or upset;

(II) The installation was being operated properly;

(III) The permittee took all reasonable steps to minimize emissions that exceeded technology-based emissions limitations or the requirements in the permit; and

(IV) The permittee submitted notice of the emergency to the permitting authority within two (2) working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and correc-

tive actions taken.

8. Operational flexibility (installation changes not requiring permit revisions). An installation that has been issued a part 70 operating permit under this rule is not required to apply for or obtain a permit revision in order to make any of the changes to the permitted installation described in subparagraph (6)(C)8.A. of this rule if the changes are not Title I modification and the changes do not cause emissions to exceed emissions allowable under the permit, and the changes do not result in the emission of any air contaminant not previously emitted. The installation shall notify the permitting authority and the administrator at least seven (7) days in advance of these changes, except as allowed for emergency or upset conditions. Emissions allowable under the permit means a federally-enforceable permit term or condition determined at issuance to be required by an applicable requirement that establishes an emissions limit (including a work practice standard) or a federally-enforceable emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject.

A. Section 502(b)(10) changes. Changes that, under section 502(b)(10) of the Act, contravene an express permit term may be made without a permit revision, except for changes that would violate applicable requirements of the Act or contravene federally-enforceable monitoring (including test methods), record-keeping, reporting, or compliance requirements of the permit.

(I) Before making a change under this provision, the permittee shall provide advance written notice to the permitting authority and to the administrator, describing the change to be made, the date on which the change will occur, any changes in emissions, and any permit terms and conditions that are affected. The permittee shall maintain a copy of the notice with the permit, and the permitting authority shall place a copy with the permit in the public file. Written notice shall be provided to the administrator and the permitting authority at least seven (7) days before the change is to be made. If less than seven (7) days' notice is provided because of a need to respond more quickly to these unanticipated conditions, the permittee shall provide notice to the administrator and the permitting authority as soon as possible after learning of the need to make the change.

(II) The permit shield shall not apply to these changes.

B. SIP-based emissions trading changes. Changes associated with trading emissions increases and decreases within a permitted installation may be made without a



permit revision if the SIP provides for these trades. The permit shall contain terms and conditions governing the trading of emissions.

(I) For these changes, the advance written notice provided by the permittee shall identify the underlying authority authorizing the trade and shall state when the change will occur, the types and quantities of emissions to be traded, the permit terms or other applicable requirements with which the source will comply through emissions trading, and any other information as may be required by the applicable requirement authorizing the emissions trade.

(II) The permit shield shall not apply to these changes. Compliance will be assessed according to the terms of the implementation plan authorizing the trade.

C. Emissions cap-based changes. Changes associated with the trading of emissions increases and decreases within a permitted installation may be made without a permit revision if this trading is solely for the purpose of complying with the federally-enforceable emissions cap that was established in the permit at the applicant's request, independent of otherwise applicable requirements. For these changes, the advance written notice provided by the permittee shall identify the underlying authority authorizing the emissions trade and shall state when the change will occur, the types and quantities of emissions to be traded, the permit terms, or other applicable requirements with which the source will comply through emissions trading, and any other information as may be required by the applicable requirement authorizing the emissions trade. The permit shield does apply to these changes.

9. Off-permit changes. Except as provided in subparagraph (6)(C)9.A. in this rule, a part 70 permitted installation may make any change in its permitted installation's operations, activities, or emissions that is not addressed in, constrained by, or prohibited by the permit without obtaining a permit revision. Insignificant activities listed in the permit, but not otherwise addressed in or prohibited by the permit, shall not be considered to be constrained by the permit for purposes of the off-permit provisions of this section. Off-permit changes shall be subject to the following requirements and restrictions:

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

requirements under Title IV of the Act or is a Title I modification;

B. Contemporaneous notice, except insignificant activities. The permittee must provide contemporaneous written notice of the change to the permitting authority and to the administrator. This notice shall not be required for changes that are insignificant activities under paragraph (6)(B)3. of this rule. This written notice shall describe each change, including the date, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change.

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

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

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

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

2. Issuance of permits. As soon as the unified review process is completed, if the applicant complies with all applicable requirements under this rule and 10 CSR 10-6.060, the construction permit and the operating permit or its amendment shall be issued to the applicant and the applicant may commence construction. The operating permit or its amendment shall be retained by the permitting authority until validated pursuant to this subsection (6)(D).

3. Validation of operating permits. Within one hundred and eighty (180) days after commencing operation, the holder of an operating permit or its amendment issued by the unified review processing shall submit to the permitting authority all information required by the permitting authority to

demonstrate compliance with the terms and conditions of the issued operating permit or its amendment. The permittee shall also provide information identifying any applicable requirements which became applicable subsequent to issuance of the operating permit. Within thirty (30) days after the applicant's request for validation, the permitting authority will take action denying or approving validation of the issued operating permit or its amendment. If the permittee demonstrates compliance with both the construction and operating permits, and all of the requirements for permit issuance in subsection (6)(E) of this rule have been met, the permitting authority shall validate the operating permit and forward it to the permittee. No part 70 permit will be validated unless—

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

B. The procedures for permit renewal in paragraph (6)(E)3. have occurred prior to validation to insure the inclusion of any new applicable requirements to which the part 70 permit is subject.

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

1. Action on application.

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

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

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

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

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

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

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



receipt, the application shall be deemed complete.

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

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

C. Drafts for public comment. Following review of an application, the permitting authority shall issue a draft permit, draft permit modification, or draft permit renewal for public comment, in accordance with section (7). The draft shall be accompanied by a statement setting forth the legal and factual basis for the draft permit conditions (including references to applicable statutory or regulatory provisions). The permitting authority shall send this statement to the administrator, to affected states, and to the applicant and shall place a copy in the public file.

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

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

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

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

(b) If the permitting authority determines that this extension or reopening of the public comment period would delay issuance of the permit unduly, the permitting authority may include in the permit a provision stating that the permit is reopened upon issuance or validation to incorporate the new requirements and stating that the new requirements are excluded from the protection of the permit shield. If the permitting authority elects to issue the permit without incorporat-

ing the new requirements, the permitting authority shall institute, within thirty (30) days after the new requirements become applicable to the source, proceedings pursuant to this section to reopen the permit to incorporate the new requirements. These reopening proceedings may be instituted, but need not be completed, before issuance of the final permit.

E. Action following the administrator's review.

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

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

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

F. Final actions.

(I) Noninitial applications. Except as provided in this subsection (6)(E), the permitting authority shall take final action on each application for a part 70 operating permit within eighteen (18) months after receiving a complete application. Final action on each application for a significant permit modification or permit renewal shall be taken within six (6) months after receipt of a complete application. For each application, the permitting authority shall submit a draft permit, modification, or renewal to the administrator no later than forty-five (45) days before the deadline for final action established in this section. The permitting authority shall take action on any permit, permit modifica-

tion, or permit renewal issued in compliance with rules promulgated under Title IV or V of the Act for the permitting of affected installations under the acid rain program within the time specified in those regulations.

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

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

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

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

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

2. Application shield.

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

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

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

3. Permit renewal and expiration.



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

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

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

#### 4. Administrative permit amendments.

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

(I) Corrects typographical errors;

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

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

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

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

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

C. Procedures. An administrative permit amendment shall be made by the permit-

ting authority under the following procedures:

(I) The permitting authority shall take final action on a request for an administrative permit amendment within sixty (60) days after receipt of the request, and may incorporate the proposed changes in a permit without providing notice to the public or affected states, if any of the permit revisions are designated as having been made pursuant to this paragraph (6)(E)4.;

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

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

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

#### 5. Permit modifications.

A. Definition. A permit modification is any revision to a part 70 operating permit which is not an administrative amendment under paragraph (6)(E)4. of this rule. A permit modification for the purposes of the acid rain portion of the permit shall be governed by regulations promulgated under Title IV of the Act.

#### B. Minor permit modification.

##### (I) Criteria.

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

I. Violate any applicable requirement;

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

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

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

V. Constitute a Title I modification; and

VI. Constitute a significant permit modification.

(b) Notwithstanding subpart (6)(E)5.B.(I)(a) and subparagraph (6)(E)5.C. of this section, minor permit modification procedures may be used for permit modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that such minor permit modification procedures are explicitly provided for in an applicable implementation plan or in applicable requirements promulgated by EPA.

##### (II) Procedures.

(a) The applicant should complete a minor permit modification form application which is consistent with the requirements of this section (6), and which includes at least the following information:

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

II. The applicant's draft modified permit;

III. Certification by a responsible official consistent with paragraph (6)(B)4. of this rule, that the proposed modification meets the criteria for use of minor permit modification procedures; and

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

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

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

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

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

I. Issue the permit modification as proposed;

II. Deny the permit modification;

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

IV. Revise the draft modified permit and notify the applicant and the administrator by providing a written copy of the proposed intended changes, a written statement of the factual and legal reasons for the changes, and notice of the rights of the



applicant and the administrator to appeal or object to the changes, including any deadlines for this appeal or objection.

(f) An applicant for a minor permit modification may make the change proposed immediately after filing the application. After making the change, and until the permitting authority takes any of the actions specified in this section (6), the applicant must comply with both the applicable requirements governing the change and the proposed modified permit terms and conditions. During this time period, the installation need not comply with the existing permit terms and conditions the applicant is seeking to modify. However, if the applicant fails to comply with the proposed modified permit terms and conditions during this time period, the existing permit terms and conditions which the applicant is seeking to modify may be enforced against the installation.

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

(IV) Public notice. The permitting authority shall provide public notice of a change proposed in a minor permit modification application when it determines that the proposed change is of sufficient consequence that the public may have an interest in being informed. The procedures for the public notice shall be as follows:

(a) Notice shall be given by publication in a newspaper of general circulation in the area where the installation is located or in a state publication designed to give general public notice, and to persons on a mailing list developed by the permitting authority, including those who request in writing to be on the list;

(b) The notice shall identify: the installation; the name and address of the permittee; the name and address of the permitting authority; the activity(ies) involved in the permit action; any emissions change involved in the proposed minor permit modification; the name, address, and telephone number of a person from whom interested persons may obtain additional information, including copies of the draft permit, the application, all relevant supporting materials, and all other materials available to the permitting authority that are relevant to the permit decision; and

(c) The permitting authority shall provide public notice, as provided in this section, promptly upon receipt of the source's minor permit modification application; however, the timing and content of this notice shall not be grounds for a challenge to the permitting authority's final action.

C. Group processing of minor permit modifications. Pursuant to this paragraph

(6)(E)5., the permitting authority may modify the procedures outlined in this section (6) to process groups of an installation's applications for certain modifications eligible for minor permit modification processing.

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

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

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

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

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

(b) The applicant's draft modified permit;

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

(d) A list of the installation's other pending applications awaiting group processing and a determination of whether the requested modification, aggregated with these other applications, equals or exceeds the threshold established under this section (6);

(e) Certification, consistent with this section (6), that the applicant has notified the administrator of the proposed modification. This notification need only contain a brief description of the proposed modification; and

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

(III) Administrator and affected state notification. On a quarterly basis or within five (5) business days after receipt of an application demonstrating that the aggregate of an installation's pending applications equals or exceeds the threshold level established under this section, whichever is earlier, the permitting authority promptly, in accordance with section (7) of this rule, shall notify the administrator and affected states of the proposed permit modifications. The permitting authority shall send any notice required to the administrator.

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

(V) Installation's ability to make change. The provisions of this subpart (6)(E)5.B.(II)(f) shall apply to modifications eligible for group processing.

(VI) Permit shield not applicable. The provisions of part (6)(E)5.B.(III) shall apply to modifications eligible for group processing.

(VII) Public notice. The provisions of this part (6)(E)5.B.(IV) shall apply to modifications eligible for group processing.

D. Significant permit modifications.

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

(II) Procedures.

(a) An applicant for a significant permit modification shall adhere to all the relevant requirements for an initial permit application under section (6) of this rule, as well as requirements for public participation under section (7), and review by the administrator and affected states under subsection (6)(F) except—

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

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

6. Reopening permits for cause.

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

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



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

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

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

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

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

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

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

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

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

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

C. Procedures for reissuance. In reissuing the permit, the permitting authority shall follow the procedures established under subsection (6)(E). The permittee shall in all cases be afforded an opportunity to comment on the revised permit terms.

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

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

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

7. Reopening permits for cause by the administrator.

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

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

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

8. Revocations and terminations.

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

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

(such as a schedule of compliance) to resolve the noncompliance;

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

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

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

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

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

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

E. Application for termination based on general permit. A permittee may apply for termination of its permit on the ground that



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

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

9. Case-by-case determinations. If applicable requirements require the permitting authority to make a case-by-case determination of an emission limitation, technology requirement, work practice standard, or other requirement for an installation, and to include terms and conditions implementing that determination in the installation's part 70 operating permit, the installation shall include in its permit application a proposed determination, together with the data and other information upon which the determination is to be based, and proposed terms and conditions to implement the determination. Upon receipt of a request from the applicant, the permitting authority shall meet with the applicant before the permit application is submitted to discuss the determination and the information required to make it. In the event the permitting authority determines that the applicant's proposed determination and implementing terms and conditions should be revised in the draft permit or the final permit, the permitting authority shall in all cases inform the applicant of the changes to be made, and allow the applicant to comment on those changes before issuing the draft permit or final permit.

10. Public participation. The procedures of section (7) of this rule shall be followed.

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

A. Deadline for filing. No application

for judicial review may be filed more than ninety (90) days following the final action on which review is sought, unless the grounds for review arose at a later time, in which case the application for review shall be filed within ninety (90) days of the date on which the grounds for review first arose, and review shall be limited to such later-arising grounds.

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

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

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

C. Deadline for final action. For purposes of this section (6), final action shall include a failure by the permitting authority to take final action to issue or deny an application within the time specified in these regulations.

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

1. Administrator review.

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

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

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

D. Public petitions for objection. If the administrator does not object to a proposed permit action, any person may petition the administrator to make an objection with-

in sixty (60) days after expiration of the administrator's forty-five (45)-day review period.

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

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

2. Affected state review.

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

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

(7) Public Participation. Except for proposed modifications qualifying for the minor permit modification procedures, all permit proceedings, including initial permit issuance, significant permit modifications, and permit renewals, shall be conducted in accordance with the procedures for public participation in this section (7).

(A) Drafts for Public Comment and Public Notice. After receipt of an application for a permit, significant permit modification, or permit renewal, and no later than sixty (60) days before the deadline for issuance of a permit, significant permit modification, or permit renewal for the administrator's review,



the permitting authority shall issue a draft permit and solicit comment from the applicant, affected states, and the public as follows:

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

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

B. State publication or web site designed to give general public notice details of the proposed action or publishing in at least one (1) newspaper of general circulation in the area in which the installation is located, a notice of the application, the preliminary permit determination, the location of the public file, the procedures for submitting written comments and for requesting a public hearing, and the date, time, and location for a public hearing if one is to be held.

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

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

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

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

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

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

for the draft permit, modified permit, or permit renewal under this section.

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

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

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

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

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

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

**10 CSR 10-6.070 New Source Performance Regulations**

*PURPOSE: This rule establishes acceptable design and performance criteria for specified new or modified emission sources.*

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

(1) Applicability.

(A) The provisions of 40 CFR 60 promulgated as of June 30, 2011, and *Federal Register* Notice 77 FR 9304 promulgated February 16, 2012, 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.

(B) Exceptions to subsection (1)(A) of this rule are as follows:

1. Sections 60.4, 60.9, and 60.10 of subpart A;
2. Subpart B in its entirety;
3. Those provisions which are not delegable by the United States Environmental Protection Agency (EPA); and
4. Incinerators which are subject to Hazardous Waste Management Commission rule 40 CFR 264, subpart O, as incorporated in 10 CSR 25-7.264, shall not be subjected to the requirements of this rule. The exemptions granted under 40 CFR 264.340(b), as incorporated in 10 CSR 25-7.264, are subject to this rule. All other applicable requirements of this chapter shall remain in effect as to the incinerators.

(C) In addition to complying with the provisions of this rule, affected sources may be required to obtain an operating permit pursuant to Title V of the Clean Air Act Amendments or 10 CSR 10-6.065.

(D) Where emission limitations, test procedure, or other requirements found in both subsection (1)(A) of this rule and in another rule under Title 10 Division 10 of the *Code of State Regulations* are applicable to an emission source, the more restrictive rule requirement shall be applied.

(2) Definitions. Certain terms used in 40 CFR part 60 refer to federal officers, agencies, and





publications. The following terms applicable to Missouri shall be substituted where appropriate for the delegable federal counterparts:

(A) Director shall be substituted for Administrator;

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

(C) *Missouri Register* shall be substituted for *Federal Register*.

(3) General Provisions. The following are the New Source Performance Standards (NSPS) 40 CFR part 60 subparts that are adopted by reference in subsection (1)(A) of this rule. Individual source operations or installations in these categories are subject to this rule based on date of commencement of construction and other category specific parameters, as specified in the applicable subpart:

**Subpart Title**

(D) Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced After August 17, 1971

(Da) Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978

(Db) Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units

(Dc) Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units

(E) Standards of Performance for Incinerators

(Ea) Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989 and on or Before September 20, 1994

(Eb) Standards of Performance for Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996

(Ec) Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996

(F) Standards of Performance for Portland Cement Plants

(G) Standards of Performance for Nitric Acid Plants

(H) Standards of Performance for Sulfuric Acid Plants

(I) Standards of Performance for Hot Mix Asphalt Facilities

(J) Standards of Performance for Petroleum Refineries

(Ja) Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007

(K) Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978

(Ka) Standards for Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984

(Kb) Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984

(L) Standards of Performance for Secondary Lead Smelters

(M) Standards of Performance for Secondary Brass and Bronze Production Plants

(N) Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973

(Na) Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983

(O) Standards of Performance for Sewage Treatment Plants

(P) Standards of Performance for Primary Copper Smelters

(Q) Standards of Performance for Primary Zinc Smelters

(R) Standards of Performance for Primary Lead Smelters

(S) Standards of Performance for Primary Aluminum Reduction Plants

(T) Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants

(U) Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants

(V) Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants

(W) Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants

(X) Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities

(Y) Standards of Performance for Coal Preparation Plants

(Z) Standards of Performance for Ferroalloy Production Facilities

(AA) Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and On or Before August 17, 1983

(AAa) Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983

(BB) Standards of Performance for Kraft Pulp Mills

(CC) Standards of Performance for Glass Manufacturing Plants

(DD) Standards of Performance for Grain Elevators

(EE) Standards of Performance for Surface Coating of Metal Furniture

(GG) Standards of Performance for Stationary Gas Turbines

(HH) Standards of Performance for Lime Manufacturing Plants

(KK) Standards of Performance for Lead-Acid Battery Manufacturing Plants

(LL) Standards of Performance for Metallic Mineral Processing Plants

(MM) Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations

(NN) Standards of Performance for Phosphate Rock Plants

(PP) Standards of Performance for Ammonium Sulfate Manufacture

(QQ) Standards of Performance for the Graphic Arts Industry: Publication Rotogravure Printing

(RR) Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations

(SS) Standards of Performance for Industrial Surface Coating: Large Appliances

(TT) Standards of Performance for Metal Coil Surface Coating

(UU) Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture

(VV) Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry

(VVa) Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006

(WW) Standards of Performance for the Beverage Can Surface Coating Industry

(XX) Standards of Performance for Bulk Gasoline Terminals

(AAA) Standards of Performance for New Residential Wood Heaters

(BBB) Standards of Performance for the Rubber Tire Manufacturing Industry



(DDD) Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry

(FFF) Standards of Performance for Flexible Vinyl and Urethane Coating and Printing

(GGG) Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries

(GGGa) Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006

(HHH) Standards of Performance for Synthetic Fiber Production Facilities

(III) Standards of Performance for Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes

(JJJ) Standards of Performance for Petroleum Dry Cleaners

(KKK) Standards of Performance for Equipment Leaks of VOC From Onshore Natural Gas Processing Plants

(LLL) Standards of Performance for Onshore Natural Gas Processing: SO<sub>2</sub> Emissions

(NNN) Standards of Performance for Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations

(OOO) Standards of Performance for Non-metallic Mineral Processing Plants

(PPP) Standard of Performance for Wool Fiberglass Insulation Manufacturing Plants

(QQQ) Standards of Performance for VOC Emissions From Petroleum Refinery Wastewater Systems

(RRR) Standards of Performance for Volatile Organic Compound Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes

(SSS) Standards of Performance for Magnetic Tape Coating Facilities

(TTT) Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines

(UUU) Standards of Performance for Calciners and Dryers in Mineral Industries

(VVV) Standards of Performance for Polymeric Coating of Supporting Substrates Facilities

(WWW) Standards of Performance for Municipal Solid Waste Landfills

(AAAA) Standards of Performance for Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification

or Reconstruction is Commenced After June 6, 2001

(CCCC) Standards of Performance for Commercial and Industrial Solid Waste Incineration Units for Which Construction Is Commenced After November 30, 1999 or for Which Modification or Reconstruction Is Commenced on or After June 1, 2001

(EEEE) Standards of Performance for Other Solid Waste Incineration Units for Which Construction Commenced After December 9, 2004, or for Which Modification or Reconstruction Is Commenced on or After June 16, 2006

(IIII) Standards of Performance for Stationary Compression Ignition Internal Combustion Engines

(JJJJ) Standards of Performance for Stationary Spark Ignition Internal Combustion Engines

(KKKK) Standards of Performance for Stationary Combustion Turbines

(LLLL) Standards of Performance for New Sewage Sludge Incineration Units

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

(5) Test Methods. The sampling methods given in 40 CFR part 60, Appendix A and specified in 10 CSR 10-6.030 shall be effective as of the date in section (1) of this rule.

*AUTHORITY: section 643.050, RSMo Supp. 2011.\* Original rule filed Dec. 10, 1979, effective April 11, 1980. Amended: Filed Feb. 9, 1981, effective July 11, 1981. Amended: Filed Dec. 10, 1981, effective June 11, 1982. Amended: Filed Dec. 15, 1982, effective May 12, 1983. Amended: Filed Jan. 12, 1983, effective June 11, 1983. Amended: Filed Feb. 14, 1984, effective July 12, 1984. Amended: Filed March 14, 1985, effective Aug. 26, 1985. Amended: Filed June 5, 1986, effective Sept. 26, 1986. Amended: Filed April 2, 1987, effective Aug. 27, 1987. Amended: Filed March 2, 1988, effective June 27, 1988. Amended: Filed June 6, 1989, effective Oct. 27, 1989. Amended: Filed March 31, 1992, effective Feb. 26, 1993. Amended: Filed March 25, 1993, effective Nov. 8, 1993. Amended: Filed June 30, 1994, effective Feb. 26, 1995. Amended: Filed Sept. 14, 1995, effective May 30, 1996. Amended: Filed July 15, 1997, effective Feb. 28, 1998. Amended: Filed March 15, 1999, effective Oct. 30, 1999. Amended: Filed July 30, 1999, effective March 30, 2000. Amended: Filed May 15, 2000, effective Dec. 30, 2000. Amended: Filed Jan. 31, 2002, effective Sept. 30, 2002. Amended: Filed Feb. 14, 2003, effective Oct.*

*30, 2003. Amended: Filed Feb. 17, 2005, effective Nov. 30, 2005. Amended: Filed May 2, 2006, effective Dec. 30, 2006. Amended: Filed Dec. 6, 2006, effective Aug. 30, 2007. Amended: Filed March 25, 2008, effective Nov. 30, 2008. Amended: Filed Sept. 24, 2009, effective May 30, 2010. Amended: Filed June 18, 2010, effective Feb. 28, 2011. Amended: Filed July 1, 2011, effective Feb. 29, 2012. Amended: Filed May 15, 2012, effective Dec. 30, 2012.*

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

**10 CSR 10-6.075 Maximum Achievable Control Technology Regulations**

*PURPOSE: This rule establishes emission control technology, performance criteria, and work practices to achieve emission standards for sources that emit or have the potential to emit hazardous air pollutants.*

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

(1) Applicability.

(A) The provisions of 40 CFR 63 promulgated as of June 30, 2011, and *Federal Register* Notices 76 FR 57913, 76 FR 70834, 76 FR 72050, 76 FR 74708, 76 FR 80261, 77 FR 556, and 77 FR 9304 promulgated from July 1, 2011, through February 16, 2012, 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.

(B) Exceptions to subsection (1)(A) of this rule are as follows:

1. Sections 63.13 and 63.15(a)(2) of subpart A; and
2. Those provisions which are not delegable by the United States Environmental Protection Agency (EPA).

(C) In addition to complying with the provisions of this rule, affected sources may be



required to obtain an operating permit pursuant to Title V of the Clean Air Act Amendments or 10 CSR 10-6.065.

(D) Where emission limitations, test procedures, or other requirements found in both subsection (1)(A) of this rule and in another rule under Title 10 Division 10 of the *Code of State Regulations* are applicable to an emission source, the more restrictive rule requirement shall be applied.

(2) Definitions. Certain terms used in 40 CFR part 63 refer to federal officers, agencies, and publications. The following terms applicable to Missouri shall be substituted where appropriate for the delegable federal counterparts:

(A) Director shall be substituted for Administrator;

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

(C) *Missouri Register* shall be substituted for *Federal Register*.

(3) General Provisions. The following are the Maximum Achievable Control Technology (MACT) 40 CFR 63 subparts that are adopted by reference in subsection (1)(A) of this rule. Individual source operations or installations in these categories are subject to this rule based on category specific parameters, as specified in the applicable subpart:

Subpart	Title
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(F)	National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry
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(G)	National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater
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(H)	National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks
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(I)	National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks
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(L)	National Emission Standards for Coke Oven Batteries
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(M)	National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities
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(N)	National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks
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(O)	Ethylene Oxide Emissions Standards for Sterilization Facilities
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(Q)	National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers
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(R)	National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)
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(S)	National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry
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(T)	National Emission Standards for Halogenated Solvent Cleaning
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(U)	National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins
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(W)	National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production
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(X)	National Emission Standards for Hazardous Air Pollutants From Secondary Lead Smelting
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(Y)	National Emission Standards for Marine Tank Vessel Loading Operations
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(AA)	National Emission Standards for Hazardous Air Pollutants From Phosphoric Acid Manufacturing Plants
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(BB)	National Emission Standards for Hazardous Air Pollutants From Phosphate Fertilizers Production Plants
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(CC)	National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries
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(DD)	National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations
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(EE)	National Emission Standards for Magnetic Tape Manufacturing Operations
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(GG)	National Emission Standards for Aerospace Manufacturing and Rework Facilities
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(HH)	National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities
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(II)	National Emission Standards for Shipbuilding & Ship Repair (Surface Coating)
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(JJ)	National Emission Standards for Wood Furniture Manufacturing Operations
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(KK)	National Emission Standards for the Printing and Publishing Industry
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(LL)	National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants
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(MM)	National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills
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(OO)	National Emission Standards for Tanks—Level 1
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(PP)	National Emission Standards for Containers
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(QQ)	National Emission Standards for Surface Impoundments
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(RR)	National Emission Standards for Individual Drain Systems
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(SS)	National Emission Standards for Closed Vent Systems, Control Devices,
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	Recovery Devices and Routing to a Fuel Gas System or a Process
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(TT)	National Emission Standards for Equipment Leaks—Control Level 1
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(UU)	National Emission Standards for Equipment Leaks—Control Level 2 Standards
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(VV)	National Emission Standards for Oil-Water Separators and Organic-Water Separators
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(WW)	National Emission Standards for Storage Vessels (Tanks)—Control Level 2
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(XX)	National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations
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(YY)	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards
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(CCC)	National Emission Standards for Hazardous Air Pollutants for Steel Pickling—HCl Process Facilities and Hydrochloric Acid Regeneration Plants
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(DDD)	National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production
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(EEE)	National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors
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(GGG)	National Emission Standards for Pharmaceuticals Production
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(HHH)	National Emission Standards for Hazardous Air Pollutants From Natural Gas Transmission and Storage Facilities
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(III)	National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production
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(JJJ)	National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins
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(LLL)	National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry
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(MMM)	National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production
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(NNN)	National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing
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(OOO)	National Emission Standards for Hazardous Air Pollutant Emissions: Manufacture of Amino/Phenolic Resins
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(PPP)	National Emission Standards for Hazardous Air Pollutant Emissions for Polyether Polyols Production
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(QQQ)	National Emission Standards for Hazardous Air Pollutant Emissions for Primary Copper Smelting
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(RRR)	National Emission Standards for Hazardous Air Pollutants: Secondary Aluminum Production
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(TTT)	National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting
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(UUU) National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units

(VVV) National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works

(XXX) National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese

(AAAA) National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills

(CCCC) National Emission Standards for Hazardous Air Pollutants: Manufacturing of Nutritional Yeast

(DDDD) National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products

(EEEE) National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline)

(FFFF) National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing

(GGGG) National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production

(HHHH) National Emission Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production

(IIII) National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light Duty Trucks

(JJJJ) National Emission Standards for Hazardous Air Pollutants: Paper and Other Web Coating

(KKKK) National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans

(MMMM) National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products

(NNNN) National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances

(OOOO) National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles

(PPPP) National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products

(QQQQ) National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products

(RRRR) National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture

(SSSS) National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil

(TTTT) National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations

(UUUU) National Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing

(VVVV) National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing

(WWWW) National Emission Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production

(XXXX) National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing

(YYYY) National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines

(ZZZZ) National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines

(AAAAA) National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants

(BBBBB) National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing

(CCCCC) National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks

(DDDDD) National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters

(EEEEE) National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries

(FFFFF) National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities

(GGGGG) National Emission Standards for Hazardous Air Pollutants: Site Remediation

(HHHHH) National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing

(IIIII) National Emission Standards for Hazardous Air Pollutants: Mercury Emissions From Mercury Cell Chlor-Alkali Plants

(LLLLL) National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing

(MMMMM) National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations

(NNNNN) National Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production

(PPPPP) National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Stands

(QQQQQ) National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities

(RRRRR) National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing

(SSSSS) National Emissions Standards for Hazardous Air Pollutants for Refractory Products Manufacturing

(TTTTT) National Emissions Standards for Hazardous Air Pollutants for Primary Magnesium Refining

(UUUUU) National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units

(WWWWW) National Emission Standards for Hospital Ethylene Oxide Sterilizers

(YYYYY) National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities

(ZZZZZ) National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources

(BBBBBB) National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities

(CCCCCC) National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities

(DDDDDD) National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources

(EEEEEE) National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources

(FFFFFF) National Emission Standards for Hazardous Air Pollutants for Secondary Copper Smelting Area Sources

(GGGGGG) National Emission Standards for Hazardous Air Pollutants for Primary Nonferrous Metals Area Sources—Zinc, Cadmium, and Beryllium

(HHHHHH) National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources

(JJJJJJ) National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers

(LLLLLL) National Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources

(MMMMMM) National Emission Standards for Hazardous Air Pollutants for Carbon Black Production Area Sources

(NNNNNN) National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources: Chromium Compounds

(OOOOOO) National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources



(PPPPPP) National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources

(QQQQQQ) National Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources

(RRRRRR) National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing Area Sources

(SSSSSS) National Emission Standards for Hazardous Air Pollutants for Glass Manufacturing Area Sources

(TTTTTT) National Emission Standards for Hazardous Air Pollutants for Secondary Nonferrous Metals Processing Area Sources

(VVVVVV) National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources

(WWWWWW) National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations

(XXXXXX) National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories

(YYYYYY) National Emission Standards for Hazardous Air Pollutants for Area Sources: Ferroalloys Production Facilities

(ZZZZZZ) National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries

(AAAAAAA) National Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing

(BBBBBBB) National Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry

(CCCCCCC) National Emission Standards for Hazardous Air Pollutants for Area Sources: Paints and Allied Products Manufacturing

(DDDDDDD) National Emission Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds Manufacturing

(EEEEEEE) National Emission Standards for Hazardous Air Pollutants: Gold Mine Ore Processing and Production Area Source Category

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

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

*AUTHORITY: section 643.050, RSMo Supp. 2011. \* Original rule filed May 1, 1996, effective Dec. 30, 1996. Amended: Filed April 14, 1998, effective Nov. 30, 1998. Amended:*

*Filed March 15, 1999, effective Oct. 30, 1999. Amended: Filed July 30, 1999, effective March 30, 2000. Amended: Filed May 15, 2000, effective Dec. 30, 2000. Amended: Filed Jan. 31, 2002, effective Sept. 30, 2002. Amended: Filed Feb. 14, 2003, effective Oct. 30, 2003. Amended: Filed Feb. 17, 2005, effective Nov. 30, 2005. Amended: Filed May 2, 2006, effective Dec. 30, 2006. Amended Filed Dec. 6, 2006, effective Aug. 30, 2007. Amended: Filed March 25, 2008, effective Nov. 30, 2008. Amended: Filed Sept. 24, 2009, effective May 30, 2010. Amended: Filed June 18, 2010, effective Feb. 28, 2011. Amended: Filed July 1, 2011, effective Feb. 29, 2012. Amended: Filed May 15, 2012, effective Dec. 30, 2012.*

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

### 10 CSR 10-6.080 Emission Standards for Hazardous Air Pollutants

*PURPOSE: This rule establishes emission standards and performance criteria for new or modified sources emitting hazardous air pollutants.*

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

(1) Applicability.

(A) The provisions of 40 CFR 61 promulgated as of June 30, 2011, shall apply and are hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, DC 20408. This rule does not incorporate any subsequent amendments or additions.

(B) Exceptions to subsection (1)(A) of this rule are as follows:

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

2. Subparts B, H, I, K, Q, R, T, and W in their entirety; and

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

(C) In addition to complying with the provisions of this rule, affected sources may be required to obtain an operating permit pur-

suant to Title V of the Clean Air Act Amendments or 10 CSR 10-6.065.

(D) Where emission limitations, test procedures, or other requirements found in subsection (1)(A) of this rule and in another rule under Title 10 Division 10 of the *Code of State Regulations* are applicable to an emission source, the more restrictive rule requirements shall be applied.

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

(A) Director shall be substituted for Administrator;

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

(C) *Missouri Register* shall be substituted for *Federal Register*.

(3) The following are the National Emission Standards for Hazardous Air Pollutants (NESHAPs) 40 CFR part 61 subparts that are adopted by reference in subsection (1)(A) of this rule. Individual source operations or installations in these categories are subject to this rule based on category specific parameters, as specified in the applicable subpart:

#### Subpart Title

(C) National Emission Standard for Beryllium

(D) National Emission Standard for Beryllium Rocket Motor Firing

(E) National Emission Standard for Mercury

(F) National Emission Standard for Vinyl Chloride

(J) National Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene

(L) National Emission Standard for Benzene Emissions from Coke By-Product Recovery Plants

(M) National Emission Standard for Asbestos

(N) National Emission Standard for Inorganic Arsenic Emissions From Glass Manufacturing Plants

(O) National Emission Standard for Inorganic Arsenic Emissions From Primary Copper Smelters

(P) National Emission Standard for Inorganic Arsenic Emissions From Arsenic Trioxide and Metallic Arsenic Production Facilities

(V) National Emission Standard for Equipment Leaks (Fugitive Emission Sources)



(Y) National Emission Standards for Benzene Emissions From Benzene Storage Vessels

(BB) National Emission Standards for Benzene Emissions From Benzene Transfer Operations

(FF) National Emission Standard for Benzene Waste Operations

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

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

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

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

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

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

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

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

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

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

Installation of air pollution control equipment completed	
September 1, 1981;	
Start-up period completed	
December 1, 1981;	
Compliance testing completed	
December 31, 1981.	

(5) Monitoring of Operations.

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

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

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

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

effective Aug. 13, 1981.

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

10 CSR 10-6.100 Alternate Emission Limits

PURPOSE: This rule allows installations in ozone nonattainment areas to propose alternate means of achieving reductions of volatile organic compounds emissions to those prescribed in rules establishing volatile organic compounds limits. This rule allows greater flexibility and efficiency in attaining the ambient air quality standards.

(1) Applicability.

(A) This rule applies to installations that emit volatile organic compounds (VOC) in the ozone nonattainment areas of the state.

(B) The owner or operator of an installation may propose alternate ways of meeting VOC emission limits required in 10 CSR 10-2 through 10 CSR 10-5. Proposals may treat several source operations within one (1) or more installations as being placed under a hypothetical dome with one (1) emission point. Emission levels within the dome may be increased and decreased so long as the total emissions from the hypothetical emission point do not increase and other requirements of this rule are met. If an installation is controlling VOC emissions from a source operation for other reasons than to contribute to attainment of the ozone standard, for example, to prevent a nuisance or odor violation, it cannot increase those emissions through application of this rule.

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

(3) General Provisions.

(A) Application and Permit Procedures.

1. Proposals for alternate emission limits shall be submitted on Alternate Emission Limits Permit application forms provided by the director.

2. An installation owner or operator must obtain an Alternate Emission Limits Permit in accordance with this rule before alternate emission limits may become effective. The permit will contain all conditions necessary to assure that the involved source operations will operate in accordance with the alternate emission limits.

(B) Existing Compliance Schedules.

1. Submission of an Alternate Emission Limits Permit application will not affect any existing obligation of an installation to comply



with applicable state or local laws, rules and orders unless the director issues an order specifically extending a state compliance schedule.

2. No alternate emission limits will be established for an installation which is presently subject to federal enforcement action unless the administrator approves the alternate emission limits and the schedule for meeting it.

(C) Computing Alternate Emission Limits. The total emission level that will be used to evaluate the effect of proposed decreases or increases of emissions at installations desiring alternate emission limits will be the sum of the lower emission level for each involved source operation calculated from the following:

1. The actual production and emission information for the source operation reported by the installation which was used in the base year emission inventory to project attainment of the ozone standard in the state implementation plan. If the source operation was not included in the base year inventory actual production and emission information will be used; or

2. The allowable emission rate for each source operation involved in an application. The owners of source operations for which emission limits have not been established, but which emit either forty (40) tons per year or one hundred kilograms per day (100 kg/day) of VOCs must agree to emission levels approved by the director to serve as the source operations' allowable emissions for the purpose of this analysis. The agreed-upon emission level will represent eighty-five percent (85%) control unless the applicant demonstrates that level of control to be beyond the effectiveness of reasonably available control technology (RACT).

(D) Criteria for Approval.

1. An Alternate Emission Limits Permit application must demonstrate that the proposed control will not cause total emissions from the source operations to exceed the level of emissions determined in subsection (3)(C) of this rule.

2. Applicants desiring to make use of emission reductions occurring at another installation must demonstrate that the emissions have occurred or will occur prior to the commencement of the alternate emission limit; and that the owner or operator of the installation from which emission reductions are obtained has entered a legally binding and enforceable agreement approved by the director or changed the installation's permit conditions to limit emissions of VOCs at the specified source operations to the levels and rates identified in the application.

3. No alternate emission limit may be approved which allows a new or modified source operation to exceed New Source Performance Standards (NSPS) in 10 CSR 10-6.070 or 40 CFR part 60 or the requirement for lowest achievable emission rate (LAER) in 10 CSR 10-6.060(7).

4. No alternate emission limit may be approved which allows emissions of a hazardous pollutant from any source operation to exceed National Emission Standards for Hazardous Air Pollutants (NESHAPS) in 10 CSR 10-6.080 or 40 CFR part 61 or which allows emissions of a hazardous pollutant to increase for which a standard has not yet been promulgated.

5. An application proposing an emission decrease from process curtailments or source operation shutdowns will not be approved if the proposed decrease will be negated by countervailing emission increases occurring at other installations in the same area in response to the applicant's process curtailment or shutdown.

6. An application proposing to use emission reductions from the shutdown of an installation will not be approved. These reductions are available only to the owner of the shutdown installation for replacement purposes or to new or modified installations in the area as growth margin.

7. An application proposing to make use of emission reductions which occurred prior to applying for an alternate emission limit permit is subject to the following time constraints:

A. No application may be approved involving emission reductions which occurred prior to January 1, 1980, in the St. Louis metropolitan area or January 1, 1977, in the Kansas City metropolitan area unless the emission reductions were accounted for in the respective base year inventory as banked emission reduction credits;

B. For emission reductions which occurred between January 1, 1980, in St. Louis or January 1, 1977, in Kansas City and December 11, 1982, applications must be submitted within nine (9) months (September 11, 1983) after December 11, 1982, unless credit for the emission reductions is banked in accordance with 10 CSR 10-6.410; and

C. For emission reductions which occur after the effective date (December 11, 1982), applications must be submitted within one (1) year of the emission decrease unless credit for the emission reductions is banked in accordance with 10 CSR 10-6.410.

8. No application may be approved which proposes to use emission reductions which previously have been used to offset emission increases as described in 10 CSR

10-6.410 or to net against emission increases as discussed in the definitions of major modification and net emission increase in 10 CSR 10-6.060(1)(A). Emission reductions used to create an alternate emission limit are likewise for the duration of the alternate emission limit not eligible to be banked, used for offset purposes, or used to net against emission increases.

9. An application must include an expeditious schedule of implementation that adheres as closely as possible to any compliance dates the source operation would otherwise be subject to.

10. An application will be approved only if it is determined that the alternate emission limit will not interfere with attainment and maintenance of the ambient air quality standard or create any public nuisance.

11. All alternate emission limits that are approved by the director will not be considered federally enforceable (and will not shield a source from the federal obligation to comply with the underlying emission limits) by the United States Environmental Protection Agency (EPA) until submitted to the EPA and approved by the EPA.

(E) Quantification of Emission Reductions.

1. In cases where the director determines that the emission reduction estimates made by the applicant are uncertain, the director may calculate alternative emission limitations based on other estimates.

2. If necessary to quantify emission reductions to be used in an alternate emission limit, the director may require source tests, continuous monitors, or any other acceptable means of measurement before and after reductions occur.

3. To quantify emission reductions which have already occurred, the director will rely on the installation's emissions reported in the base year inventory used to project attainment of the ozone standard in the State Implementation Plan and the emission inventory taken the twelve (12) months following the reduction or if credits for the emission reductions were banked in accordance with 10 CSR 10-6.410, the director will rely on the documentation provided at the time the credits were banked.

(F) Permanence of Emission Reductions. It shall be a violation of this rule for any person to operate an installation from which emission reductions were obtained so as to emit volatile organic compounds at levels greater than those identified in the agreement or permit conditions referred to in paragraph (3)(D)2. of this rule.

(G) New Control Requirements. If a new and more restrictive emission limitation applicable to any source operation included





in an Alternate Emission Limits Permit is promulgated for the purpose of attaining and maintaining the ozone standard, the owner or operator of the installation who applied for the permit shall submit a new Alternate Emission Limits Permit application demonstrating that reductions in total emissions equal to or greater than the reduction required by the new emission limitations will occur on or before the final compliance date of the new rule. It will be a violation of this rule if the owner of an affected installation does not achieve the necessary reductions.

(H) Public Participation.

1. After making a preliminary determination to approve an application, the director will cause a notice to be published in a newspaper of general circulation within the county in which the alternate emission units are proposed. The public notice shall describe the nature of the application including, with reasonable specificity, the following: name, address, phone number, and representative of the agency issuing the public notice; name and address of the applicant; and the alternate emission limits. The public notice also shall include the director's preliminary determination to approve or approve with conditions. The notice shall state that any interested person may submit relevant information, materials, and views to the director, in writing, for thirty (30) days after the date of publication of the notice. The notice shall further state that a copy of materials submitted by the applicant and used in making the preliminary determination, a copy of the preliminary determination and a copy or summary of other materials, if any, considered in making the preliminary determination are available for public inspection at the Department of Natural Resources' regional office in the region in which the alternate emission limit would become effective, as well as at the Jefferson City central office of the Air Pollution Control Program;

2. No later than the date public notice is published, the director shall make available to the public, until the end of the public comment period, at the regional office in the region in which the proposed emission limit would become effective as well as the Air Pollution Control Program office in Jefferson City, a copy of the preliminary determination and a copy or summary of other materials, if any, considered in making the preliminary determination;

3. Within ten (10) days of a preliminary determination, the director shall send a copy of the public notice to the applicant and to officials and agencies having cognizance over the location where the alternate emission limit would occur as follows: local air pollu-

tion control agencies, the chief executives of the city and county where the alternate emission limit would become effective, any comprehensive regional land use planning agency, and any state air program director whose lands may be affected by emissions from the installation;

4. The director shall consider all written comments submitted within the time specified in the public notice in making a final decision on the approvability of the application. No later than ten (10) days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The director shall consider the applicant's response in making a final decision. The director shall make all comments available for public inspection in the same locations where the director made available information at the time of public notice relating to the proposed emission limit. Further, the director shall prepare a written response to all comments and make it available at the locations referred to previously; and

5. The director shall make a final determination whether the alternate emission limit application should be approved, approved with conditions, or denied pursuant to this rule and notify the applicant in writing of the final determination and make notification available for public inspection at the same locations where the director made available information pertaining to the preliminary determination.

(I) Fee Schedule.

1. Filing Fee. Each application will be accompanied by a one hundred dollar (\$100) filing fee.

2. Permit Fee. One hundred ten dollars (\$110) per source operation due prior to the publication of public notice.

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

(5) Test Methods. (Not applicable)

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

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

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

*PURPOSE: This rule provides procedures for reporting emission related information and*

*establishing emission fees for the purpose of state air resource planning.*

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

(A) Notifies and accepts a permit-by-rule under 10 CSR 10-6.062;

(B) Is required to obtain a construction permit under 10 CSR 10-6.060; or

(C) Is required to obtain an operating permit under 10 CSR 10-6.065.

(2) Definitions.

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

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

(C) Particulate matter (PM)—Any material or particle, except uncombined water, that exists in a finely divided form as a liquid or solid and as specifically defined as follows:

1. Condensable PM (PMcon)—Material that is vapor phase at stack conditions but which 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, if present from a source, is typically in the PM<sub>2.5</sub> size fraction and, therefore, all of it is a component of both primary PM<sub>2.5</sub> and primary PM<sub>10</sub>;

2. Filterable PM (PMfil)—Particles that are directly emitted by a source as a solid or liquid at stack or release conditions and captured on the filter of a stack test train. Filterable PM<sub>2.5</sub> is particulate matter with an aerodynamic diameter equal to or less than 2.5 micrometers. Filterable PM<sub>10</sub> is particulate matter with an aerodynamic diameter equal to or less than 10 micrometers; and

3. Primary PM (PMpri)—The sum of condensable and filterable PM.

(D) Point source—Large, stationary (non-mobile), identifiable source of emissions that releases pollutants into the atmosphere. A point source is an installation that is either—

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

2. A holder of an intermediate operating permit.

(E) Reporting year—Twelve (12)-month calendar year ending December 31. The reporting requirement for installations with three (3)-year reporting cycles begins with the 2011 reporting year. The subsequent





reporting years will be every three (3) years following 2011 (i.e., 2014, 2017, 2020, etc.).

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

(G) Emissions report—A report that satisfies the provisions of this rule and is either a—

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

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

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

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

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



**TABLE 1. Reportable Pollutants with Reporting Thresholds**

Process Level Reportable Pollutants		Emission Unit Level Reporting Threshold	
		Tons	Pounds
<b>Point Sources</b>	<b>Small Sources</b>		
PM <sub>10</sub> fil	PM <sub>10</sub> pri	0.438	876
PMcon			
PM <sub>2.5</sub> fil	PM <sub>2.5</sub> pri	0.438	876
PMcon			
SO <sub>2</sub>		1	2000
NO <sub>x</sub>		1	2000
VOC		0.438	876
CO		1	2000
Category One (1) HAP <sup>a</sup>		0.01 <sup>a</sup>	20 <sup>a</sup>
Category Two (2) HAP <sup>b</sup>		0.1 <sup>b</sup>	200 <sup>b</sup>
NH <sub>3</sub>		0.438	876
Lead <sup>a</sup>		0.01 <sup>a</sup>	20 <sup>a</sup>

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

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

(3) General Provisions.

(A) Emission Fees.

1. Any installation subject to this rule, except sources that produce charcoal from wood, shall pay an annual emission fee of forty dollars and no cents (\$40.00) per ton of applicable pollutant emissions identified in Table 2 of this rule.

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

3. The fee shall apply to the first four thousand (4,000) tons of each air pollutant subject to fees as identified in Table 2 of this rule. No installation shall be required to pay fees on total emissions in excess of twelve thousand (12,000) tons for any reporting year. An installation subject to this rule which emitted less than one (1) ton of all pollutants subject to fees shall pay a fee for one (1) ton.

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

5. The fee imposed in paragraph (3)(A)1. of this rule shall not apply to NH<sub>3</sub>, CO, PM<sub>2.5</sub>, or HAPs reported as PM<sub>10</sub> or VOC, as summarized in Table 2 of this rule.

6. Emission fees for the reporting year are due June 1 after each reporting year. The

fees shall be payable to the Missouri Department of Natural Resources.

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

**TABLE 2. Pollutant Fee Applicability**

Pollutants Subject to Fees	Pollutants Not Subject to Fees
PM <sub>10</sub> pri	PM <sub>2.5</sub> pri
SO <sub>2</sub>	CO
NO <sub>x</sub>	NH <sub>3</sub>
VOC	HAPs reported as PM <sub>10</sub> or VOC
HAP	
Lead	

(B) Emission Estimation Calculation and Verification.

1. The method of determining an emission factor, capture efficiency, or control efficiency for use in the emissions report shall be consistent with the installation's applicable permit. Variance from this method shall be based on the hierarchy described below. If

data is not available for an emission estimation method or an emission estimation method is impractical for a source, then the subsequent emission estimation method shall be used in its place—

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

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

C. Material/mass balance;

D. AP-42 (Environmental Protection Agency (EPA) *Compilation of Air Pollution Emission Factors*) or FIRE (Factor Information and Retrieval System) (as updated);

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

F. Sound engineering or technical calculations; or

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

2. The director reserves the authority to review and approve all emission estimation methods used to calculate emissions for the purpose of filing an emissions report for accuracy, reliability, and appropriateness. Inappropriate usage of an emission factor or method shall include, but is not limited to: varying from the method used in permit without prior approval, using emission factors not representative of a process, using equipment



in a manner other than that for which it was designed for in calculating emissions, or using a less accurate emission estimation method for a process when a facility has more accurate emission data available. Additional requirements for the use of a specific emission estimation method include:

A. Continuous Emission Monitoring System (CEMS).

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

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

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

B. Stack tests.

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

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

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

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

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

C. Other EPA documents may be used to estimate emissions if the emission factors are more appropriate or source specific than

AP-42 or FIRE. Newly developed EPA emission factors must be published by December 31 of the year for which the facility is submitting an emissions report.

(C) Emission Data and Fee Auditing and Adjustment.

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

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

A. Clerical or arithmetic errors have been made;

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

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

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

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

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

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

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

B. Adjustment of emissions is based on a permitting action under 40 CFR 52.21 for which an adjustment of fees is required to all years of emission data changed up to a maximum of ten (10) years. If approved, fees in effect at the time will be due but no credit will be applied at the emission unit level.

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

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

(A) The owner or operator of an installation that is subject to this rule shall collect information as required in this section of the rule. The information required in the emissions report is listed in Table 3 of this rule. All data elements must be reported initially and only changed data elements must be reported subsequently. To ensure permit consistency, the Air Pollution Control Program Emissions Inventory Unit will provide assistance to identify and quantify the data elements in Table 3 of this rule.

**TABLE 3. Data Elements**

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

(B) The full emissions report shall be submitted either electronically via MoEIS, which requires Form 1.0 signed by an authorized company representative, or on Emissions Inventory Questionnaire (EIQ) paper forms on the frequency specified in Table 4 of this rule. Alternate methods of reporting the emissions, such as a spreadsheet file, can be submitted for approval by the director.



**TABLE 4. Reporting Frequency**

<b>Installation Classification</b>	<b>Frequency of Full Emissions Report</b>	<b>Frequency of Reduced Reporting Form</b>
Any installation required to obtain a Part 70 permit under 10 CSR 10-6.065.	Annually.	Not Applicable.
Any installation with an intermediate operating permit.	Once every three (3) years beginning with reporting year 2011, with subsequent years of 2014, 2017, 2020, etc., and when installation-wide emissions subject to fees increase or decrease by five (5) tons or more since the last full emissions report.	When installation-wide emissions subject to fees increase or decrease less than five (5) tons compared to the last full emissions report.
Small sources, as defined in subsection (2)(F) of this rule.	When installation-wide emissions subject to fees increase or decrease by five (5) tons or more since the last full emissions report.	When installation-wide emissions subject to fees increase or decrease less than five (5) tons compared to the last full emissions report.

(C) An installation not required to submit a full emissions report is required to submit a Reduced Reporting Form, which is due April 1 after each reporting year.

(D) The full emissions report is due April 1 after each reporting year. If the full emissions report is filed electronically via MoEIS, this due date is extended to May 1.

(E) For small sources, the first full emissions report is for the first full calendar year of operation in order to obtain a representative annual emissions total.

(F) For point sources, the initial full emissions report will be required for the first partial year of operation.

(G) For holders of intermediate permits and small sources as defined in this rule, a construction permit action issued under 10 CSR 10-6.060 section (5) or (6) requires a full emissions report for the first full calendar year the affected permitted equipment operates.

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

(I) If there is no production from an installation in a reporting year, no emission fees are due for that year but notice of such status must be provided to the director in writing by the emissions report due date of April 1.

(J) If an installation is out of business, the final emissions report required will be for the full or partial year the installation went out of business. Notice of such status must be provided to the director in writing by the emissions report due date of April 1.

(K) After the effective date of this rule, any revision to the department-supplied EIQ forms will be presented to the regulated community for a forty-five (45)-day comment

period.

(5) Test Methods. (Not Applicable)

*AUTHORITY:* section 643.050, RSMo 2000.\* Original rule filed June 13, 1984, effective Nov. 12, 1984. Amended: Filed April 2, 1987, effective Aug. 27, 1987. Amended: Filed May 14, 1993, effective Jan. 31, 1994. Amended: Filed Sept. 2, 1993, effective May 9, 1994. Amended: Filed May 15, 1995, effective Dec. 30, 1995. Amended: Filed May 15, 1997, effective Dec. 30, 1997. Amended: Filed May 12, 1998, effective Dec. 30, 1998. Amended: Filed May 14, 1999, effective Dec. 30, 1999. Amended: Filed April 6, 2000, effective Nov. 30, 2000. Amended: Filed June 1, 2001, effective Dec. 30, 2001. Amended: Filed Jan. 16, 2002, effective Aug. 30, 2002. Amended: Filed May 15, 2003, effective Dec. 30, 2003. Amended: Filed May 17, 2004, effective Dec. 30, 2004. Amended: Filed May 16, 2005, effective Dec. 30, 2005. Amended: Filed May 11, 2006, effective Dec. 30, 2006. Amended: Filed May 14, 2007, effective Dec. 30, 2007. Amended: Filed May 19, 2008, effective Dec. 30, 2008. Amended: Filed Jan. 21, 2010, effective Sept. 30, 2010.

\*Original authority: 643.050, RSMo 1965, amended 1972, 1992, 1993, 1995.

**10 CSR 10-6.120 Restriction of Emissions of Lead From Specific Lead Smelter-Refinery Installations**

*PURPOSE:* This rule establishes maximum allowable rates of emissions of lead from stacks in specific lead-smelter installations, except where New Source Performance Stan-

dards apply (as provided in 10 CSR 10-6.070). It also provides for the operation and maintenance of equipment and procedures specific to controlling lead emissions to the ambient air, both from stacks and from the fugitive emissions that escape stack collection systems at these installations.

(1) Applicability.

(A) This rule shall apply to existing installations in Missouri engaged in specific smelting and refining for the production of lead.

(B) Operation and Maintenance of Lead Emissions Control Equipment and Procedures. The owner or operator of any specific lead smelter shall operate and maintain all lead emissions control equipment and perform all procedures as required by this rule.

(2) Definitions. Definitions of certain terms specified in this rule, other than those specified in this rule section, may be found in 10 CSR 10-6.020.

(3) General Provisions.

(A) Operational Malfunction.

1. The owner or operator shall maintain a file which identifies the date and time of any significant malfunction of plant process operations or of emission control equipment which results in increased lead emissions. The file also shall contain a description of any corrective action taken, including the date and time. 10 CSR 10-6.050 Start-Up, Shutdown, and Malfunction Conditions shall apply.

2. All of these files relating to operational malfunction shall be retained for a minimum of two (2) years and, upon request, shall be made available to the director.

(B) Provisions Pertaining to Limitations of Lead Emissions from Specific Installations.



1. Doe Run primary lead smelter-refinery in Herculaneum, Missouri. This installation shall limit lead emissions into the atmosphere to the allowable amount as shown in Table I.

Table I

Stack Name	Emissions Limitation (lbs per 24 hours)
Main Stack Number 7 & 9	794.0
Baghouse Stack	56.6
Number 8 Baghouse Stack	8.2

2. Doe Run Resource Recycling Division in Boss, Missouri, shall limit main stack lead emissions into the atmosphere to 0.00087 grains of lead per dry standard cubic foot of air. This installation shall limit total lead production to one hundred seventy-five thousand (175,000) tons per year.

(C) Provisions Pertaining to Limitations of Lead Emissions From Other Than Stacks at All Installations.

1. The owner or operator shall control fugitive emissions of lead from all process and area sources at an installation by measures described in a work practice manual identified in paragraph (3)(C)2. of this rule. It shall be a violation of this rule to fail to adhere to the requirements of these work practices.

2. Work practice manual.

A. The owner or operator shall prepare, submit for approval, and then implement a process and area-specific work practice manual that will apply to locations of fugitive lead emissions at the installation.

B. The manual shall be the method of determining compliance with the provisions of this section. Failure to adhere to the work practices in the manual shall be a violation of this rule.

C. Any change to the manual proposed by the owner or operator following the initial approval shall be requested in writing to the director. Any proposed change shall demonstrate that the change in the work practice will not lessen the effectiveness of the fugitive emission reductions for the work practice involved. Written approval by the director is required before any change becomes effective in the manual.

D. If the director determines a change in the work practice manual is necessary, the director will notify the owner or operator of that installation. The owner or operator shall revise the manual to reflect these changes and submit the revised manual within thirty (30) days of receipt of notification. These changes shall become effective following written approval of the revised manual by the director.

(4) Reporting and Record Keeping.

(A) The operator shall keep records and files generated by the work practice manual's implementation.

(B) The work practice manual shall contain the requirement that records of inspections made by the operator of fugitive emissions control equipment such as hoods, air ducts, and exhaust fans be maintained by the operator.

(C) The Doe Run Resource Recycling Division, Boss, Missouri, operator shall keep records that demonstrate compliance with the emissions limitations described in subsection (3)(B) using the sampling methods described in subsection (5)(E) of this rule. These records shall be maintained on-site in accordance with record keeping and reporting requirements in subsection (5)(E) of this rule.

(D) Records shall be kept for a minimum of two (2) years at the installation and shall be made available upon request of the director for purposes of determining compliance.

(5) Test Methods.

(A) The method of determining the concentration of visible emissions from stack sources shall be as specified in 10 CSR 10-6.030(9).

(B) The method of measuring lead in stack gases shall be the sampling method as specified in 10 CSR 10-6.030(12).

(C) The method of quantifying the determination of compliance with the emission limitations from stacks in this rule shall be as follows:

1. Three (3) stack samplings shall be planned to be conducted for any one (1) stack within a twenty-four (24)-hour period in accordance with subsection (5)(B) of this rule. If this cannot be done due to weather, operating, or other preventative conditions that develop during the twenty-four (24)-hour period, then the remaining samplings may be conducted in a reasonable time determined by the director following the twenty-four (24)-hour period;

2. Each stack sample shall have a sampling time of at least one (1) hour;

3. The process(es) producing the emissions to that stack being tested shall be operating at a minimum of ninety percent (90%) of capacity of the process(es) for the full duration of the samplings; and

4. The emission rate to be used for compliance determination shall be quantified by using the following formula:

Ec = T avg lbs per hour × 24 hours = lbs per 24 hours

Where:

Ec = 24-hour emission rate extrapolated from stack sampling results used for compliance determination; and

T avg = Summation of hourly emission rates of three (3) stack sampling results, divided by three (3) for the average hourly rate.

(D) The method of measuring lead in the ambient atmosphere shall be the reference method as specified in 10 CSR 10-6.040(4)(G).

(E) The methods for demonstrating compliance at the Doe Run Resource Recycling Division in Boss, Missouri, shall be those specified in 40 CFR part 63, subpart X.

AUTHORITY: sections 643.050 and 643.055, RSMo 2000.\* Original rule filed Aug. 4, 1988, effective Dec. 29, 1988. Amended: Filed Sept. 5, 1990, effective March 14, 1991. Amended: Filed March 4, 1993, effective Oct. 10, 1993. Amended: Filed Aug. 3, 1993, effective April 9, 1994. Amended: Filed Feb. 16, 1994, effective Aug. 28, 1994. Amended: Filed Nov. 14, 1995, effective June 30, 1996. Amended: Filed March 16, 1998, effective Oct. 30, 1998. Amended: Filed Aug. 11, 2000, effective March 30, 2001. Amended: Filed Aug. 6, 2002, effective April 30, 2003. Amended: Filed July 1, 2004, effective March 30, 2005. Amended: Filed Dec. 17, 2008, effective Sept. 30, 2009.

\*Original authority: 643.050, RSMo 1965, amended 1972, 1992, 1993, 1995 and 643.055, RSMo 1979, amended 1992, 1994.

10 CSR 10-6.130 Controlling Emissions During Episodes of High Air Pollution Potential

PURPOSE: This rule specifies the conditions that establish an air pollution alert, watch, or emergency and the associated procedures and emissions reduction objectives for dealing with each.

(1) Applicability.

(A) This rule shall apply to all emissions from any source or from any premises.

(B) The boundaries of the affected area shall be determined at the discretion of the director in accordance with the nature and magnitude of the pollutant concentrations and meteorological conditions that cause the alert.

(2) Definitions.

(A) Air pollution alert—The level of an air pollution episode known as an air pollution alert is that condition when the concentration of air contaminants reach the level at which the first stage control actions are to begin.



(B) 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.

(C) Area—For the purpose of this rule, any or all regions within the boundaries of the state of Missouri.

(D) Definitions of certain terms specified in this rule, other than those specified in this rule section, may be found in 10 CSR 10-6.020.

nitrogen dioxide (NO<sub>2</sub>), and Particulate Matter—10 Micron (PM<sub>10</sub>) and 2.5 Micron (PM<sub>2.5</sub>). Table A shows the relation of the AQI breakpoint values to equivalent concentrations of air contaminants. All concentrations are averaged over the time period indicated.

(3) General Provisions.

(A) Air Pollution Alerts.

1. The Air Quality Index shall be reported to the general public on a daily basis by all metropolitan statistical areas with a population exceeding three hundred fifty thousand (350,000).

2. Alert levels are stated in terms of the Air Quality Index (AQI) as defined in 40 CFR part 58, Appendix G, for sulfur dioxide (SO<sub>2</sub>), carbon monoxide (CO), ozone (O<sub>3</sub>),

Table A									
BREAKPOINT FOR THE AQI									
AQI	Alert Category	Alert Color	Breakpoint Values						
			O <sub>3</sub> (ppm)	O <sub>3</sub> (ppm)	PM <sub>2.5</sub> (µg/m <sup>3</sup> )	PM <sub>10</sub> (µg/m <sup>3</sup> )	CO (ppm)	SO <sub>2</sub> (ppm)	NO <sub>2</sub> (ppm)
			8-hour	1-hour <sup>(1)</sup>	24-hour	24-hour	8-hour	24-hour	24-hour
0-50	Good	Green	0.000-0.059	-----	0.0-15.4	0-54	0.0-4.4	0.000-0.034	(2)
51-100	Moderate	Yellow	0.060-0.075	-----	15.5-40.4	55-154	4.5-9.4	0.035-0.144	(2)
101-150	Unhealthy for sensitive groups	Orange	0.076-0.095	0.125-0.164	40.5-65.4	155-254	9.5-12.4	0.145-0.224	(2)
151-200	Unhealthy	Red	0.096-0.115	0.165-0.204	65.5-150.4	255-354	12.5-15.4	0.225-0.304	(2)
201-300	Very Unhealthy	Purple	0.116-0.374	0.205-0.404	150.5-250.4	355-424	15.5-30.4	0.305-0.604	0.65-1.24
301-400	Hazardous	Maroon	(3)	0.405-0.504	250.5-350.4	425-504	30.5-40.4	0.605-0.804	1.25-1.64
401-500	Hazardous	Maroon	(3)	0.505-0.604	350.5-500.4	505-604	40.5-50.4	0.805-1.004	1.65-2.04

(1) Areas are generally required to report the AQI based on eight (8)-hour ozone values. However, there are a small number of areas where an AQI based on one (1)-hour ozone values would be more precautionary. In these cases, in addition to calculating the eight (8)-hour ozone index value, the one (1)-hour ozone index value may be calculated, and the maximum of the two (2) values reported.

(2) NO<sub>2</sub> has no short-term National Ambient Air Quality Standard and can generate an AQI value only above two hundred (200).

(3) Eight (8)-hour O<sub>3</sub> values do not define higher AQI values (greater than or equal to three hundred one (301)). AQI values of three hundred one (301) or higher are calculated with one (1)-hour O<sub>3</sub> concentrations.



### 3. Alert types and levels of initiation.

A. Orange alert AQI value. Any one (1) of the contaminants listed in paragraph (3)(A)2. reaching a concentration which results in an AQI value of one hundred one to one hundred fifty (101–150) shall initiate the orange alert.

B. Red alert AQI value. Any one (1) of the contaminants listed in paragraph (3)(A)2. reaching a concentration which results in an AQI value of one hundred fifty-one to two hundred (151–200) shall initiate the red alert.

C. Purple alert AQI value. Any one (1) of the contaminants listed in paragraph (3)(A)2. reaching a concentration which results in an AQI value of two hundred one to three hundred (201–300) shall initiate the purple alert.

D. Maroon emergency alert AQI value. Any one (1) of the contaminants listed in paragraph (3)(A)2. reaching a concentration which results in an AQI value of three hundred one to five hundred (301–500) shall initiate the maroon emergency alert.

4. Declaration of alerts. An orange alert, red alert, purple alert, or maroon emergency alert may be declared on the basis of deteriorating air quality alone; an Air Stagnation Advisory need not be in effect. The appropriate episode status should be declared by the director as ambient monitoring would indicate.

5. Termination of alerts. When, in the judgment of the director, meteorological conditions and pollutant concentrations warrant discontinuance of any alert condition, the director shall notify the technical staff, the chairman, and members of the Missouri Air Conservation Commission that the alert has been discontinued and issue a public notice to that effect.

#### (B) Orange Alert.

1. Orange alert procedures shall be initiated by the director if the following conditions are met:

A. An Air Stagnation Advisory is in effect;

B. The orange alert AQI value is equaled or exceeded at any one (1) monitoring station within the affected area, unless there is a current forecast of meteorological improvement within the next twenty-four (24) hours; and

C. Meteorological conditions are such that the pollutant concentrations can be expected to remain or reoccur at the previously mentioned levels during the next twenty-four (24) or more hours or increase unless control actions are taken.

2. The following are orange alert procedures. The general public shall be informed

through the news media that an orange alert exists, the geographical area(s) where the alert is applicable, the emission and type of source(s) that initiated the alert and encourage those with respiratory ailments or heart conditions to take the most appropriate and expedient precautions.

#### (C) Red Alert.

1. Red alert procedures shall be initiated by the director if the following conditions are met:

A. An Air Stagnation Advisory is in effect;

B. The red alert AQI value is equaled or exceeded at any one (1) monitoring station within the affected area, unless there is a current forecast of meteorological improvement within the next twenty-four (24) hours; and

C. Meteorological conditions are such that the pollutant concentrations can be expected to remain or reoccur at the previously mentioned levels during the next twenty-four (24) or more hours or increase unless control actions are taken.

2. The following are red alert procedures:

A. All affected governmental control agencies shall be notified that red alert conditions exist and that coordination of action is required;

B. All hospitals within the affected area shall be notified that red alert conditions exist;

C. The frequency of air monitoring shall be increased at all monitoring stations which are not continuous at intervals not exceeding one (1) hour, with continual hourly review at a central control location, if this equipment is available and it is deemed necessary by the director;

D. The general public shall be informed through the news media that a red alert exists, the geographical area(s) where the alert is applicable, the emission and type of source(s) that initiated the alert, individual abatement actions which will help alleviate the problem, and encourage those with respiratory ailments or heart conditions to take the most appropriate and expedient precautions;

E. The director shall request very emphatically through the news media that all unnecessary use of automobiles be restricted and that all entertainment functions and facilities be closed; and

F. No open burning will be allowed anywhere within the affected area.

#### (D) Purple Alert.

1. Purple alert procedures shall be initiated by the director if the following conditions are met:

A. An Air Stagnation Advisory is in effect; and

B. The purple alert AQI value is equaled or exceeded at any one (1) monitoring station within the affected area.

2. The purple alert also can be initiated if—

A. The purple alert AQI value is equaled or exceeded as the arithmetic mean for twelve (12) consecutive hours and an Air Stagnation Advisory is in effect; or

B. The red alert AQI value is equaled or exceeded as the arithmetic mean for twenty-four (24) consecutive hours and a forecast of stagnation for the following twelve (12) hours is received.

3. The following are purple alert procedures:

A. All affected governmental control agencies shall be notified that purple alert conditions exist and that coordination of action is required;

B. All hospitals within the affected area shall be notified that purple alert conditions exist;

C. The frequency of air monitoring shall be increased at all monitoring stations which are not continuous at intervals not exceeding one (1) hour with continual hourly review at a central control location, if this equipment is available and it is deemed necessary by the director;

D. The general public shall be informed through the news media that a purple alert exists, the geographical area(s) where the alert is applicable, the emission and type of source(s) that initiate the alert, individual abatement actions which will help alleviate the problem and encourage those with respiratory ailments or heart conditions to take the most appropriate and expedient precautions;

E. Airlines operating within the purple alert area shall be notified that those conditions exist and that a reduction of flights out of the airport may be required;

F. Nonlocal vehicular traffic may be diverted around the purple alert area depending upon which pollutant(s) caused the alert;

G. Local vehicular traffic, through the news media, shall be told to avoid certain areas and emphatically told to restrict nonessential trips;

H. All incineration and open burning shall cease throughout the area; and

I. Facilities which are sources of air contaminant emissions and are required to file approved alert plans with the director for purple alert conditions shall initiate these plans upon notification by the director (see paragraph (3)(D)4.).

4. Purple alert plan objectives. AQI breakpoints from two hundred one to three hundred (201–300).





A. Air contaminant source. Electric power generating facilities—requirements for plan.

(I) Reduction of emission by utilization of fuels having low ash and sulfur content. Soot blowing and boiler lancing to be allowed only during periods of high atmospheric turbulence (12:00 noon to 4:00 p.m.).

(II) Reduction of emissions by diverting electric power generation to facilities outside of area for which the alert is called.

B. Air contaminant source. Process steam generating facilities—requirements for plan.

(I) Reduction of emissions by utilization of fuels having low ash and sulfur content. Soot blowing and boiler lancing to be allowed only during periods of high atmospheric turbulence (12:00 noon to 4:00 p.m.).

(II) Reduction of steam load demands consistent with continuing the operation of the plant.

C. Air contaminant source. Manufacturing industries of the following *Standard Industrial Classification Manual* (SIC) group designations: grain industries, group 20; paper and allied products industries, group 26; chemicals and allied products industries, group 28; petroleum refining and related industries, group 29; stone, glass, clay and concrete product industries, group 32; primary metal industries, group 33—requirements for plan.

(I) Curtailing, postponing or deferring production and allied operations. Stopping all trade waste disposal practices which emit particles, gases, vapors or malodorous substances including incineration.

(II) Reducing heat load demands for processing to a minimum.

D. Air contaminant source. Other manufacturing facilities required to submit alert plans by the director—requirements for plan.

(I) Reduction of air contaminant emissions by curtailing or deferring production and allied operations. Stoppage of all trade waste disposal practices which emit particles, gases, vapors or malodorous substances including incineration.

(II) Reduction of heat load demands for processing to a minimum.

E. Air contaminant source. Private, public and commercial refuse disposal operations—requirement for plan.

(I) Stoppage of all open burning including disposal of trees and burning at fire-fighting schools, except as required for

disposal of hazardous materials or other emergency needs.

(II) Operation of incinerators shall be limited to the hours between 10:00 a.m. and 2:00 p.m.

F. Air contaminant source. Transportation—requirement for plan. The unnecessary operation of any motor vehicle should be restricted.

(E) Maroon Emergency Alert.

1. Maroon emergency alert procedures shall be initiated by the director, if the following conditions are met:

A. An Air Stagnation Advisory is in effect; and

B. The maroon emergency alert AQI value is equaled or exceeded at any one (1) monitoring station within the advisory area.

2. The maroon emergency procedures can also be initiated if—

A. The maroon emergency alert AQI value is equaled or exceeded as the arithmetic mean of twelve (12) consecutive hours and a forecast of stagnation for the following twelve (12) hours is received;

B. The purple alert AQI value is equaled or exceeded as the arithmetic mean for twenty-four (24) hours and a forecast of stagnation for the following twelve (12) hours is received; or

C. The red alert AQI value is equaled or exceeded as the arithmetic mean for thirty-six (36) hours and a forecast of stagnation for the following twelve (12) hours is received.

3. The following are maroon emergency alert procedures:

A. All affected governmental control agencies shall be notified that a maroon emergency alert exists and that coordination of action is required;

B. All hospitals within the affected area shall be notified that a maroon emergency alert exists and to be so prepared;

C. The frequency of air monitoring shall be increased at all monitoring stations which are not continuous at intervals not exceeding one-half (1/2) hour with continual half-hour review at a central control location, if this equipment is available and it is deemed necessary by the director;

D. Open burning and incineration shall cease throughout the area;

E. Facilities which are sources of air contaminant emissions and are required to have filed approved plans with the director shall initiate these plans upon notification by the director or his/her representative that air pollution emergency conditions exist (see paragraph (3)(E)4.);

F. The use of motor vehicles is prohibited except in emergencies with the approval of local or state police;

G. All manufacturing facilities except those listed in subparagraph (3)(E)3.E. shall institute action that will result in maximum reduction of air contaminants from their operations by ceasing, curtailing or postponing operations to the extent possible without causing injury to persons or damage to equipment;

H. All airplane flights originating within the area of the maroon emergency alert shall be cancelled;

I. All places of employment described as follows immediately shall cease operation during the maroon emergency alert:

(I) Mining and quarrying;

(II) Contract construction work;

(III) Wholesale trade establishments;

(IV) Schools and libraries;

(V) Governmental agencies except those needed to administer air pollution alert program and other essential agencies determined by the director to be vital for public safety and welfare and needed to administer the provisions of this rule;

(VI) Retail trade stores except those dealing primarily in sale of food or pharmacies;

(VII) Banks, real estate agencies, insurance offices and similar business;

(VIII) Laundries, cleaners and dryers, beauty and barber shops and photographic studios;

(IX) Amusement, recreational, gaming and entertainment service establishments;

(X) Automobile repair and automobile service garages; and

(XI) Advertising offices, consumer credit reporting, adjustment and collection agencies, printing and duplicating services, rental agencies and commercial testing laboratories; and

J. The general public shall be informed through the news media that a maroon emergency alert exists, the geographical area(s) where the alert is applicable, the emission and type of source(s) that initiated the alert, individual abatement actions which will help alleviate the problem and encourage those with respiratory ailments or heart conditions to take the most appropriate and expedient precautions.

4. Maroon emergency alert plan objectives. AQI breakpoints from three hundred one to four hundred (301–400). All purple alert plans shall be continued. In addition, the following measures shall be taken:



A. Air contaminant source. Process steam generating facilities—requirements for plan.

(I) Maximum reduction of air contaminant emissions by utilization of fuels having the lowest ash and sulfur content.

(II) Maximum utilization of periods of high atmospheric turbulence (12:00 noon to 4:00 p.m.) for soot blowing and boiler lancing. Prepare to implement the emergency plan submitted to the director.

B. Air contaminant source. Manufacturing industries of the following SIC group designations: grain industries, group 20; paper and allied products industries, group 26; chemical and allied products industries, group 28; petroleum refining and related industries, group 29; stone, glass, clay and concrete product industries, group 32; primary metals industries, group 33—requirements for plan.

(I) Maximum reduction of air contaminant emissions by, if necessary, postponing production and allied operations.

(II) Maximum reduction of heat load demands for processing. Prepare to implement the emergency plan submitted to the director;

C. Air contaminant source. Other manufacturing facilities required to submit alert plans by the director—requirement for plan. Maximum reduction of air contaminant emissions, if necessary, by postponing production and allied operations;

D. Air contaminant source. Private, public and commercial refuse disposal operations—requirement for plan. Stop operation of all incinerators; and

E. Air contaminant source. Transportation—requirement for plan. Car pools and public transportation must be used in place of unnecessary motor vehicle operation.

5. Maroon emergency alert plan objectives. AQI breakpoints from four hundred one to five hundred (401–500). All purple alert plans and maroon emergency alert plan from AQI breakpoints three hundred one to four hundred (301–400) shall be continued. In addition, the following measures shall be taken:

A. Air contaminant source. Process steam generating facilities—requirements for plan.

(I) Maximum reduction of air contaminant emissions by reducing heat and steam load demands to values consistent with preventing equipment damage.

(II) Maximum utilization of periods of high atmospheric turbulence (12:00 noon to 4:00 p.m.) for soot blowing and boiler lancing;

B. Air contaminant source. Manufacturing industries of the following SIC group designations: grain industries, group 20; paper and allied products industries, group 26; chemicals and allied products industries, group 28; petroleum refining and related industries, group 29; stone, glass, clay and concrete product industries, group 32; primary metals industries, group 33—requirement for plan. Elimination of air contaminant from the manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment;

C. Air contaminant source. Other manufacturing facilities required to submit alert plans by the director—requirements for plan.

(I) Elimination of air contaminant emissions from the manufacturing operations by ceasing, curtailing, postponing, or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment.

(II) Maximum reduction of heat load demands for processing;

D. Air contaminant source. Private, public and commercial operations—requirement for plan. The following places of employment, if notified by the director, immediately shall cease operations: mining and quarrying operations; construction projects except as required to avoid emergent physical harm; manufacturing establishments except those required to have in force an air pollution alert plan; wholesale trade establishments; governmental units, except as required to implement the provisions of this rule and other operations essential to immediate protection of the public welfare and safety; retail trade and service establishments except pharmacies, food stores and other similar operations providing for emergency needs; other commercial service operations, such as those engaged in banking, insurance, real estate, advertising, and the like; educational institutions; and amusement, recreational, gaming, and entertainment facilities;

E. Air contaminant source. Transportation—requirement for plan. Motor vehicles shall only be used for private and public emergency needs.

(4) Reporting and Record Keeping. Facilities which are sources of air contaminant emissions and required to file approved alert plans per paragraphs (3)(D)4., (3)(E)4., and (3)(E)5. shall file approved purple and maroon alert plans within sixty (60) days with the director after request by the director to submit alert plans.

(5) Test Methods. The testing references for Missouri ambient air quality data are as specified in 10 CSR 10-6.040 Reference Methods.

*AUTHORITY: section 643.050, RSMo 2000.\* Original rule filed May 11, 1984, effective Oct. 11, 1984. Amended: Filed Jan. 5, 1988, effective April 28, 1988. Amended: Filed March 13, 2002, effective Nov. 30, 2002. Amended: Filed Sept. 24, 2009, effective May 30, 2010.*

*\*Original authority: 643.050, RSMo 1965, amended 1972, 1992, 1993, 1995.*

**10 CSR 10-6.140 Restriction of Emissions Credit for Reduced Pollutant Concentrations From the Use of Dispersion Techniques**

*PURPOSE: This rule implements provisions of federal regulations which restrict credit in the calculation of emission limitations for reduced pollutant concentrations due to the use of dispersion techniques.*

(1) Applicability. This rule shall apply to the procedures to account for emission dispersion techniques used in the calculation of any emission limitation or any revision of any limitation to be established by the director or to be considered for establishment by the Missouri Air Conservation Commission (MACC). This rule also requires that all emission limitations established by the director or by the MACC after December 31, 1970, be reviewed for compliance with this rule.

(2) General.

(A) The degree of emission limitation required of any installation for control of any air pollutant must not be affected by that portion of any installation's stack height that exceeds good engineering practice (GEP) or by any other dispersion technique, except as provided in section (3).

(B) Before the director or the MACC establishes an emission limitation that is based on a GEP stack height that exceeds the formula GEP height allowed by 10 CSR 10-6.020(2)(G)2.B., the director must notify the public of the availability of the demonstration study and must provide opportunity for public hearing on it.

(C) This rule does not restrict the actual stack height of any installation or the use of any dispersion technique by any installation.

(3) Exemptions. The provisions of section (2) shall not apply to emission limitation credits



from—

(A) Stack heights on which construction commenced on or before December 31, 1970, except where pollutants are being emitted from the stacks by source operations which were constructed, or reconstructed or on which major modifications were carried out after December 31, 1970; or

(B) Dispersion techniques implemented before December 31, 1970, except where these dispersion techniques are being applied to source operations which were constructed, or reconstructed or on which major modifications were carried out after December 31, 1970.

*AUTHORITY: section 643.050, RSMo Supp. 1992.\* Original rule filed Jan. 6, 1986, effective May 11, 1986.*

*\*Original authority: 643.050, RSMo 1965, amended 1972, 1992.*

**10 CSR 10-6.150 Circumvention**

*PURPOSE: This rule prohibits the installation or use of any device or means which conceals or dilutes an emission violating a rule.*

(1) No person shall cause or permit the installation or use of any device or any means which, without resulting in reduction in the total amount of air contaminant emitted, conceal or dilute an emission or air contaminant which violates a rule of the Missouri Air Conservation Commission.

*AUTHORITY: section 643.050, RSMo Supp. 1992.\* This rule was previously filed as 10 CSR 10-2.090, 10 CSR 10-4.130 and 10 CSR 10-5.230. Original rule filed April 18, 1990, effective Nov. 30, 1990.*

*\*Original authority: 643.050, RSMo 1965, amended 1972, 1992.*

**10 CSR 10-6.160 Medical Waste and Solid Waste Incinerators**

*Editor's Note: On March 29, 1993, the Circuit Court of Cole County found that 10 CSR 10-6.160 was void since it exceeds the statutory cost analysis requirements of sections 536.200 and 536.205, RSMo.*

**10 CSR 10-6.165 Restriction of Emission of Odors**

*PURPOSE: This rule restricts the emission of excessive odorous matter. The evidence supporting the need for this proposed rulemak-*

*ing, per section 536.016, RSMo, are minutes from a May 28, 2009, Missouri Air Conservation Commission meeting, letters from Washington University in St. Louis School of Law and the Attorney General's Office dated October 6, 2006, and odor workgroup meeting notes from 2007.*

(1) Applicability. This rule shall apply to any person that causes, permits, or allows emission of odorous matter throughout the state of Missouri, except—

(A) The provisions of section (3) of this rule shall not apply to the emission of odorous matter from the pyrolysis of wood in the production of charcoal in a Missouri-type charcoal kiln;

(B) The provisions of section (3) of this rule shall not apply to the emission of odorous matter from the raising and harvesting of crops nor from the feeding, breeding, and management of livestock or domestic animals or fowl with the exception of Class IA concentrated animal feeding operations; and

(C) The provisions of this rule shall not apply to emissions of odorized natural gas, or the chemicals used to achieve the regulated odorization of natural gas, inherent to the operations of a natural gas utility.

(2) Definitions.

(A) Modification—Any change to a source of odor emissions or source operations, including odor controls, that causes or could cause an increase in potential odor emissions.

(B) 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

(C) Definitions of certain terms specified in this rule, other than those defined in this rule section, may be found in 10 CSR 10-6.020.

(3) General Provisions. No person may cause, permit, or allow the emission of odorous matter in concentrations and frequencies or for durations that odor can be perceived when one (1) volume of odorous air is diluted with seven (7) volumes of odor-free air for two (2) separate trials not less than fifteen (15) minutes apart within the period of one (1) hour. This odor evaluation shall be taken at a location outside of the installation's property boundary.

(A) Control of Odors from Class IA Concentrated Animal Feeding Operations. Notwithstanding any provision in any other regulation to the contrary, all Class IA concentrated animal feeding operations shall operate under an odor control plan describing measures to be used to control odor emissions that are necessary to maintain compliance with the odor performance standard described in section (3). All new Class IA concentrated animal feeding operations and any operation that expands to become a Class IA concentrated animal feeding operation shall obtain approval from the department for an odor control plan at least sixty (60) days prior to commencement of operation.

1. The odor control plan shall contain the following:

A. A listing of all sources of odor emissions and description of how odors are currently being controlled;

B. A listing of all potentially innovative and proven odor control options for reducing odor emissions. Odor control options may include odor reductions achieved through: odor prevention, odor capture and treatment, odor dispersion, add-on control devices, management practices, modifications to feed-stock or waste handling practices, or process changes;

C. A detailed discussion of feasible odor control options for odor emissions. The discussion shall include options determined to be infeasible. Determination of infeasibility should be well documented and based on physical, chemical, and engineering principles demonstrating that technical difficulties would preclude the success of the control option;

D. A ranking of feasible odor control options from most to least effective. Ranking factors shall include odor control effectiveness, expected odor reduction, energy impacts, and economic impacts;

E. An evaluation of the most effective odor control options. Energy, environmental, and economic impacts shall be evaluated on a case-by-case basis;

F. Description of the odor control options to be implemented to reduce odor emissions;



G. A schedule for implementation. The schedule shall establish interim milestones in implementing the odor control plan prior to the implementation deadline if the plan is not implemented at one time; and

H. An odor monitoring plan.

2. The Missouri Department of Natural Resources' Air Pollution Control Program shall review and approve or disapprove the odor control plan.

A. After the program receives an odor control plan, they shall perform a completeness review. Within thirty (30) days of receipt, the program shall notify the plan originator if the plan contains all the elements of a complete odor control plan. If found incomplete, the program shall provide the originator a written explanation of the plan's deficiencies.

B. Within sixty (60) days after determining an odor control plan submittal is deemed complete, the program shall approve or disapprove the plan. During this sixty (60)-day technical review period, the program may request additional information needed for review. If the plan is disapproved, the program shall give the plan originator a written evaluation explaining the reason(s) for disapproval.

(B) Existing odor control plans shall be amended within thirty (30) calendar days of either—

1. A determination by the staff director that there has been a violation of any requirement of this rule; or

2. A determination by the staff director that an amended odor control plan is necessary to address recurring odor emissions.

(4) Reporting and Record Keeping. Odor control plans shall be reviewed and updated as necessary a minimum of every five (5) years from the date last approved or when a modification occurs. In lieu of a full plan update, a letter may be provided to the department stating that a review was performed and the existing odor control plan is adequate. This review letter or odor control plan update shall be due to the department six (6) months before the current odor control plan expires or at least thirty (30) days prior to the modification occurring with the following provisions:

(A) All existing odor control plans shall be updated by March 31, 2011; and

(B) Any person may petition the department to be removed from the odor control plan requirement based on documentation that the odor source has been removed.

(5) Test Methods. Measurements shall be made with a Nasal Ranger as manufactured

by St. Croix Sensory Inc. or by a similar instrument or technique that will give substantially similar results, or as approved by the department.

*AUTHORITY: section 643.050, RSMo 2000.\* Original rule filed April 14, 2010, effective Nov. 30, 2010.*

*\*Original authority: 643.050, RSMo 1965, amended 1972, 1992, 1993, 1995.*

**10 CSR 10-6.170 Restriction of Particulate Matter to the Ambient Air Beyond the Premises of Origin**

*PURPOSE: This rule restricts the emission of particulate matter to the ambient air beyond the premises of origin.*

(1) Restrictions to Limit Fugitive Particulate Matter Emissions. It shall be a violation of this regulation if, in the opinion of the staff director—

(A) Any person causes or allows to occur any handling, transporting or storing of any material; construction, repair, cleaning or demolition of a building or its appurtenances; construction or use of a road, driveway or open area; or operation of a commercial or industrial installation without applying reasonable measures as may be required to prevent, or in a manner which allows or may allow, fugitive particulate matter emissions to go beyond the premises of origin in quantities that the particulate matter may be found on surfaces beyond the property line of origin. The nature or origin of the particulate matter shall be determined to a reasonable degree of certainty by a technique proven to be accurate and approved by the director; or

(B) Any person causes or allows to occur any fugitive particulate matter emissions to remain visible in the ambient air beyond the property line of origin.

(2) Should the director determine that non-compliance with section (1) has occurred at a location, the director may require reasonable control measures, as may be necessary. These measures may include, but are not limited to, the following:

A. Revision of procedures involving construction, repair, cleaning and demolition of buildings and their appurtenances that produce particulate matter emissions;

B. Paving or frequent cleaning of roads, driveways and parking lots;

C. Application of dust-free surfaces;

D. Application of water; and

E. Planting and maintenance of vegetative ground cover.

(3) Exceptions. Section (1) shall not apply to the following:

(A) Those portions of unpaved public roads that are not designated as nonattainment areas for particulate matter;

(B) Agricultural operations including tilling, planting, cultivating or harvesting within a field, the moving of livestock on foot or the hauling of produce within the confines of a farm; and

(C) Driveways limited to residential use.

(4) The staff director may allow an exemption for unusual and adverse weather conditions for any activity which would otherwise be a violation of section (1). These conditions may include, but are not limited to, high winds, extended dry weather periods and extreme cold weather periods.

*AUTHORITY: section 643.050, RSMo Supp. 1997.\* Original rule filed March 5, 1990, effective Nov. 30, 1990. Amended: Filed March 18, 1996, effective Oct. 30, 1996. Amended: Filed Jan. 2, 1998, effective Aug. 30, 1998.*

*\*Original authority: 643.050, RSMo 1965, amended 1972, 1992, 1995.*

**10 CSR 10-6.180 Measurement of Emissions of Air Contaminants**

*PURPOSE: This rule provides that upon request any source shall complete, or have completed, tests of emissions or, at the option of the agency, make the source available for tests of emissions.*

(1) Responsible Persons to Have Tests Made. The director may require any person responsible for the source of emission of air contaminants to make or have made tests to determine the quantity or nature, or both, of emission of air contaminants from the source. The director may specify testing methods to be used in accordance with good professional practice. The director may observe the testing. All tests shall be conducted by reputable, qualified personnel. The director shall be given a copy of the test results in writing and signed by the person responsible for the tests.

(2) Director May Make Tests. The director may conduct tests of emissions of air contaminants from any source. Upon request of the director, the person responsible for the source to be tested shall provide necessary ports in stacks or ducts and other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices as



may be necessary for proper determination of the emission of air contaminants.

*AUTHORITY: section 643.050, RSMo Supp. 1992.\* Original rule filed Aug. 2, 1990, effective Dec. 31, 1990.*

*\*Original authority: 643.050, RSMo 1965, amended 1972, 1992.*

**10 CSR 10-6.190 Sewage Sludge and Industrial Waste Incinerators**

*Editor's Note: On March 29, 1993 the Circuit Court of Cole County found that 10 CSR 10-6.190 was void since it exceeds the statutory cost analysis requirements of sections 536.200 and 536.205, RSMo.*

**10 CSR 10-6.200 Hospital, Medical, Infectious Waste Incinerators**

*PURPOSE: This rule establishes emission limits for existing hospital, medical, and infectious waste incinerators. The pollutants regulated include metals, particulate matter, acid gases, organic compounds, carbon monoxide, and opacity. This rule includes requirements for operator training and qualification, waste management, compliance and performance testing, monitoring, and reporting/record keeping.*

*PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(1) Applicability.

(A) Except as provided in subsection (1)(B) through (H) of this rule, this rule applies to each individual hospital or medical/infectious waste incinerator (HMIWI)—

1. For which construction was commenced after June 20, 1996, but no later than December 1, 2008; or

2. For which modification is commenced after March 16, 1998, but no later than April 6, 2010.

(B) A combustor is not subject to this rule during periods when only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste is burned, provided

the owner or operator of the combustor— of this rule.

1. Notifies the director of an exemption claim; and

2. Keeps records on a calendar-quarter basis of the periods of time when only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste is burned.

(C) Any co-fired combustor is not subject to this rule if the owner or operator of the co-fired combustor—

1. Notifies the director of an exemption claim;

2. Provides an estimate of the relative weight of hospital waste, medical/infectious waste, and other fuels and/or wastes to be combusted; and

3. Keeps records on a calendar-quarter basis of the weight of hospital waste and medical/infectious waste combusted, and the weight of all other fuels and wastes combusted at the co-fired combustor.

(D) Any combustor required to have a permit under section 3005 of the Solid Waste Disposal Act is not subject to this rule.

(E) Any combustor which meets the applicability requirements under subpart Cb, Ea, or Eb of 40 CFR part 60 is not subject to this rule.

(F) Any pyrolysis unit is not subject to this rule.

(G) Cement kilns firing hospital waste and/or medical/infectious waste are not subject to this rule.

(H) Physical or operational changes made to an HMIWI unit solely for the purpose of complying with this rule are not considered a modification and do not result in an HMIWI unit becoming subject to the provisions of 40 CFR part 60 subpart Ec.

(I) Facilities subject to this rule shall operate pursuant to a permit issued under the permitting authorities operating permit program.

(2) Definitions.

(A) Definitions of certain terms specified in this rule, other than those defined in this rule section, may be found in the Clean Air Act and in 40 CFR Part 60, subparts A, B, and Ec.

(B) Definitions of certain terms specified in this rule, other than those defined in this rule section, may be found in 10 CSR 10-6.020.

(3) General Provisions.

(A) Emission Limits.

1. No owner or operator of an HMIWI subject to this rule shall cause to be discharged into the atmosphere any gases that contain stack emissions in excess of the limits presented in Table 1 of this subsection, except as provided for in paragraph (3)(A)2.