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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> )	50 micrograms per cubic meter	As specified in 10 CSR 10-6.040(4)(J)	3-year average of annual arithmetic mean 24-hour average concentration. Not more than one expected exceedance, 3-year average (see 10 CSR 10-6.040(4)(K))	4. Photo-chemical oxidants (1-hour ozone)	0.12 ppm (235 micrograms per cubic meter)	As specified in 10 CSR 10-6.040(4)(D)	1-hour average. Not more than one expected exceedance, 3-year average (see 10 CSR 10-6.040(4)(H))	
	150 micrograms per cubic meter				0.08 ppm			As specified in 10 CSR 10-6.040(4)(D)
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 24-hour average concentration 98th percentile of monitored daily concentration (see 10 CSR 10-6.040(4)(M))	5. Nitrogen dioxide	0.05 ppm (100 micrograms per cubic meter)	As specified in 10 CSR 10-6.040(4)(F)	Annual arithmetic mean not to be exceeded	
	65 micrograms per cubic meter				0.05 ppm (70 micrograms per cubic meter)			As specified in 10 CSR 10-6.040(5)
2. Sulfur dioxide	0.03 ppm (80 micrograms per cubic meter)	As specified in 10 CSR 10-6.040(4)(A)	Annual arithmetic mean 24-hour average not to be exceeded more than once per year 3-hour average not to be exceeded more than once per year	6. Hydrogen sulfide	0.03 ppm (42 micrograms per cubic meter)	As specified in 10 CSR 10-6.040(6)	1/2-hour average not to be exceeded over 2 times in any 5 consecutive days 24-hour average not to be exceeded more than once in any 90 consecutive days	
	0.14 ppm (365 micrograms per cubic meter)				7. Sulfuric acid			10 micrograms per cubic meter
	0.5 ppm (1,300 micrograms per cubic meter)							30 micrograms per cubic meter
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 1-hour average not to be exceeded more than once per year	8. Lead	1.5 micrograms per cubic meter	As specified in 10 CSR 10-6.040(4)(G)	1-hour average not to be exceeded more than once in any 2 consecutive days Calendar quarter arithmetic mean not to be exceeded	
	35 ppm (40,000 micrograms per cubic meter)							

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

*\*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.

(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. 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.

3. Actual emissions—The actual rate of emissions of a pollutant from a source operation is determined as follows: 1) 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; 2) 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 3) 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.

4. 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.

5. Administrator—The regional administrator for Region VII, U.S. Environmental Protection Agency (EPA).

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

7. 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.

8. 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.

9. 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.

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

11. AHERA—Asbestos Hazard Emergency Response Act of 1986 (P.L. 99-519).

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

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

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

15. 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)).

16. 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.

17. 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: 1) emission limit established in any applicable emissions control rule including those with a future compliance date or 2) the emission rate specified as a permit condition.

18. 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>).

19. 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.

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

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

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

23. 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 part 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.

24. 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 these rules.

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

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

27. 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.

28. Asbestos abatement contractor—Any person who by agreement, contractual or otherwise, conducts asbestos abatement pro-

jects at a location other than his/her own place of business.

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

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

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

32. 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.

33. 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.

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

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

36. Asbestos Hazard Emergency Response Act—(AHERA) of 1986 (P.L. 99-519).

37. 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.

38. 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.

39. ASME—American Society of

Mechanical Engineers, 345 East 47th Street, New York, NY 10017.

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

41. 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.

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

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

44. 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.)

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

(B) All terms beginning with “B.”

1. 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.

2. 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).

3. 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.

4. 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.

5. Best available control technology (BACT)—An emission limitation (including a visible emission limit) based on the maximum degree of reduction for each pollutant which would be emitted from any proposed installation or major modification which the director on a case-by-case basis, taking into account energy, environmental and economic impacts and other costs, determines is achievable for the installation or major modification through application of production processes or available methods, systems and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of the pollutant. In no event shall application of BACT result in emissions of any pollutant which would exceed the emissions allowed by any applicable emissions control regulation, including New Source Performance Standards established in 10 CSR 10-6.070 and 40 CFR part 60 and National Emissions Standards for Hazardous Pollutants established in 10 CSR 10-6.080 and 40 CFR part 61. If the director determines that technological or economic limitations on the application of mea-

surement 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.

6. 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 must pose a threat to public safety.

(C) All terms beginning with "C."

1. 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.

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

3. 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 part 763, subpart F, Appendix A, section 1, Polarized Light Microscopy.

4. 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 part 763, subpart F, Appendix A, section 1, Polarized Light Microscopy that, when dry, cannot be crumbled, pulverized or reduced to powder by hand pressure.

5. 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.

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

7. 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.

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

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

10. 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.

11. 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.

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

13. Commenced operation—The initial setting into operation of any air pollution control equipment or process equipment.

14. Commercial vehicle—A motor vehicle designed or regularly used for carrying freight and merchandise or more than eight (8) passengers.

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

16. 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.

17. 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.

18. 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.

19. 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.

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

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

22. Criteria pollutant—Air pollutants for which air quality standards have been established in 10 CSR 10-6.010.

23. 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.

24. 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.

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

(D) All terms beginning with “D.”

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

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

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

4. 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.

5. 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.

6. 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 subpart B of 40 CFR part 72, 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 part 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.

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

8. Director or department director—Director of the Department of Natural Resources.

9. 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 accompa-

nied 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.

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

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

12. 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.

(E) All terms beginning with “E.”

1. 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.

2. Emission—The release or discharge, whether directly or indirectly, into the atmosphere of one (1) or more air contaminants.



3. 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.

4. 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.

5. 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).

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

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

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

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

10. Excessive concentration—

A. For installations seeking credit for reduced ambient pollutant concentrations from stack height exceeding that defined in subparagraph (2)(G)3.B., 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)3.B., 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)10.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)3.B. 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)3.B., 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.

11. 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.

12. 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.

13. 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.

14. 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.

(F) All terms beginning with “F.”

1. Federally enforceable—All limitations and conditions which are enforceable by the administrator, including those requirements developed pursuant to 40 CFR parts 55, 60, 61 and 63; requirements within any applicable state implementation plan; requirements in operating permits issued pursuant to 40 CFR parts 70 or 71, unless specifically designated as non-federally enforceable; and any permit requirements established pursuant to 40 CFR sections 52.10, 52.21, or part 55, or under regulations approved pursuant to 40 CFR part 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.

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

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





4. 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.

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

6. 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.

7. Freeboard height—The distance from the solvent (cold cleaner) or solvent vapor level (vapor degreaser) to the top edge of the solvent container.

8. Freeboard ratio—The freeboard height divided by the width of the degreaser.

9. 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.

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

2. 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.

3. Good engineering practice (GEP) stack height—GEP stack height means the greater of—

A. Sixty-five meters (65m), 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 parts 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.

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

2. HHV—A higher heating value as 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*).

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

4. Hot car—A vehicle which transfers hot coke from the oven to the area of quenching.

(I) All terms beginning with “I.”

1. 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.

2. 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.

3. 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.

4. 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.

5. 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.

6. 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).

7. 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.

8. 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.

9. Inventory—A quantification of emissions by installation and by source operation.

(J) All terms beginning with “J.”

(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. Light-duty truck—Any motor vehicle rated at eight thousand five hundred pounds (8,500 lbs.) gross weight or less or a derivation of this vehicle which is designed primarily for the purpose of transportation of property.

3. Liquid-mounted seal—A primary seal mounted in continuous contact with the liquid between the tank wall and the floating roof around the circumference of the tank.

4. 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.

5. Lowest achievable emission rate (LAER)—That rate of emissions which reflects—1) 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 2) 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.

(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. 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.

3. 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.

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

5. 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.

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

7. Model year—The annual production period of new motor vehicles designated by the calendar year in which the period ends, provided that if the manufacturer does not so designate vehicles manufactured by him/her, the model year with respect to the vehicles shall mean the twelve (12)-month period beginning January 1 of the year specified in this rule.

8. 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.

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

10. 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.

11. Motor vehicle—Any self-propelled vehicle.

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

(N) All terms beginning with “N.”

1. Nearby—Nearby as used in the definition GEP stack height in subparagraph (2)(G)2.B. is defined for a specific structure or terrain feature—

A. For purposes of applying the formula provided in subparagraph (2)(G)3.B., 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)3.C., 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)3.B. 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.

2. 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.

3. Nonattainment area—Those geographic areas in Missouri that have officially been designated by the U.S. Environmental Protection Agency in 40 CFR part 81 as nonattainment areas.

(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 NO<sub>x</sub> 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. 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.

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

4. 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.

5. 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.

6. 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.

7. Owner or operator—Any person who owns, leases, operates, controls or supervises an air contaminant source.

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

4. 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. 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); and

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

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

5. 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.

6. 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.

7. Person—Any individual, partnership, association, corporation including the parent company of a wholly-owned subsidiary, municipality, subdivision or agency of the state, trust, estate or other legal entity either public or private. This shall include any legal successor, employee or agent of the previous entities.

8. 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).

9. 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.

10. 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.

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

12. 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.

13. 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.

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

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

16. 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.

17. 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).

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

19. 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.

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

21. 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.

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

23. Primer—The first surface coating applied to the surface.

24. Primer-surfacer—The surface coatings applied over the primer and beneath the topcoat.

25. Process weight—The total weight of all materials introduced into a source operation including solid fuels, but excluding liquids and gases used solely as fuels and excluding air introduced for purposes of combustion.

26. 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.

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

rials.

28. 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.

(Q) All terms beginning with “Q.”

(R) All terms beginning with “R.”

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

2. 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.

3. Refuse—The garbage, rubbish, trade wastes, leaves, salvageable material, agricultural wastes or other wastes.

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

5. 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.

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

7. 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 part 80, Appendix E as in effect July 1, 1990.

8. Renewal—The process by which an

operating permit is reissued at the end of its term.

9. 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.

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

11. 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, 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.

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

13. 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.

14. 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.

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

16. 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.

(S) All terms beginning with “S.”

1. 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.

2. 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.

3. 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.

4. 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.

5. Sheet basecoat—The roll coated primary interior surface coating applied to sur-

faces for the basic protection of buffering filling material from the metal can surface.

6. Shutdown—The cessation of operation of any air pollution control equipment or process equipment, excepting the routine phasing out of process equipment.

7. Shutdown, permanent—See permanent shutdown.

8. 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.

9. Smoke—Small gas-borne particles resulting from combustion, consisting of carbon, ash and other material.

10. Solvent—Organic materials which are liquid at standard conditions and which are used as dissolves, viscosity reducers or cleaning agents.

11. Solvent metal cleaning—The process of cleaning soils from metal surfaces by cold cleaning or open-top vapor degreasing or conveyORIZED degreasing.

12. Source gas volume—The volume of gas arising from a process or other source operation.

13. Source operation—See emission unit.

14. Springfield-Greene County area—The geographical area contained within Greene County.

15. St. Louis metropolitan area—The geographical area comprised of St. Louis, St. Charles, Jefferson and Franklin Counties and the City of St. Louis.

16. 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.

17. Staff director—Director of the Air Pollution Control Program of the Department of Natural Resources.

18. 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 delivery vessel or from a delivery vessel to a storage tank.

19. Stage II vapor recovery system—A system used to capture the gasoline vapors that would otherwise be emitted when gasoline is dispensed into a vehicle fuel tank by routing vapors back to the fuel storage tank.

20. Standard conditions—A gas temperature of seventy degrees Fahrenheit (70 °F) and a gas pressure of 14.7 pounds per square inch absolute (psia).

21. Start-up—The setting into operation of any air pollution control equipment or process equipment, except the routine phasing in of process equipment.

22. 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.

23. 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.

24. 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.

25. 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.

26. Synthesized pharmaceutical manufacturing—Manufacture of pharmaceutical products by chemical synthesis.

(T) All terms beginning with “T.”

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

2. 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.

3. Topcoat—The surface coatings applied



for the purpose of establishing the color or protective surface, or both, including ground-coat and paint sealer materials, base coat and clear coat.

4. 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.

5. 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.

6. 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.

7. 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.

(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.

(V) All terms beginning with "V."

1. 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.

2. 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).

3. 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.

4. 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.

5. Vinyl coating—The application of a decorative or protective topcoat, or printing or vinyl-coated fabric or vinyl sheet.

6. 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.

7. Volatile organic compounds (VOC)—For all areas in Missouri, VOC means 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)	163702054	1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C <sub>4</sub> F <sub>9</sub> OC <sub>2</sub> H <sub>5</sub> or HFE-7200)
431890	1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea)	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> )
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> , HFE-7000)	297730939	3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500)
690391	1,1,1,3,3,3-hexafluoropropane (HFC-236fa)	71556	1,1,1-trichloroethane (methyl chloroform)
679867	1,1,2,2,3-pentafluoropropane (HFC-245ca)	67641	acetone
24270664	1,1,2,3,3-pentafluoropropane (HFC-245ea)	25497294	1-chloro 1, 1-difluoroethane (HCFC-142b)
431312	1,1,1,2,3-pentafluoropropane (HFC-245eb)	75456	chlorodifluoromethane (HCFC-22)
460731	1,1,1,3,3-pentafluoropropane (HFC-245fa)	593704	chlorofluoromethane (HCFC-31)
431630	1,1,1,2,3,3-hexafluoropropane (HFC-236ea)	76153	chloropentafluoroethane (CFC-115)
406586	1,1,1,3,3-pentafluorobutane (HFC-365mfc)	63938103	2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124)
422560	3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca)	75718	dichlorodifluoromethane (CFC-12)
507551	1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb)	1717006	1,1-dichloro 1-fluoroethane (HCFC-141b)
354234	1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a)	1320372	1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114)
1615754	1-chloro-1-fluoroethane (HCFC-151a)	34077877	1,1,1-trifluoro 2,2-dichloroethane (HCFC-123)
163702076	1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C <sub>4</sub> F <sub>9</sub> OCH <sub>3</sub> or HFE-7100)	75376	1,1-difluoroethane (HFC-152a)
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> )	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)



- 107313 methyl formate (HCOOCH<sub>3</sub>),  
(1) 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (C<sub>2</sub>F<sub>5</sub>CF(OCH<sub>3</sub>)CF(CF<sub>3</sub>)<sub>2</sub> or HFE-7300)
- 0 Cyclic, branched or linear, completely fluorinated alkanes
- 0 Cyclic, branched or linear, completely fluorinated ethers with no unsaturations
- 0 Cyclic, branched or linear, completely methylated siloxanes
- 0 Cyclic, branched or linear, completely fluorinated tertiary amines with no unsaturations
- 0 Sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine

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

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

CAS #	Compound
540885	t-butyl acetate

(W) All terms beginning with "W."

1. 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.

2. 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*.

3. 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.

4. Work area—A specific room or phys-

ically 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.

- (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 dioxide	40.0
Particulate Matter	
PM	25.0
PM <sub>10</sub>	15.0
Sulfur dioxide	40.0
Ozone (to be measured as VOC)	40.0
Lead	0.6
Mercury	0.1
Beryllium	0.0004
Asbestos	0.007
Fluorides	3.0
Sulfur acid mist	7.0
Vinyl chloride	1.0
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 x 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**

1. Coal cleaning plants (with thermal dryers)
2. Kraft pulp mills
3. Portland cement plants
4. Primary zinc smelters
5. Iron and steel mills
6. Primary aluminum ore reduction plants
7. Primary copper smelters
8. Municipal incinerators capable of charging more than 250 tons of refuse per day
9. Hydrofluoric, sulfuric or nitric acid plants
10. Petroleum refineries
11. Lime plants
12. Phosphate rock processing plants
13. Coke oven batteries
14. Sulfur recovery plants
15. Carbon black plants (furnace process)
16. Primary lead smelters
17. Fuel conversion plants
18. Sintering plants
19. Secondary metal production plants
20. Chemical process plants
21. Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input
22. Petroleum storage and transfer facilities with a capacity exceeding three hundred thousand (300,000) barrels
23. Taconite ore processing facilities
24. Glass fiber processing plants
25. Charcoal production facilities
26. Fossil-fuel-fired steam electric plants of more than 250 million British thermal units per hour heat
27. 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	64675	Diethyl sulfate	60344	Methyl hydrazine
79061	Acrylamide	119904	3,3-Dimethoxybenzidine	74884	Methyl iodide (Iodomethane)
79107	Acrylic acid	60117	Dimethyl aminoazobenzene	108101	Methyl isobutyl ketone (Hex- one)
107131	Acrylonitrile	119937	3,3-Dimethyl benzidine	624839	Methyl isocyanate
107051	Allyl chloride	79447	Dimethyl carbamoyl chloride	80626	Methyl methacrylate
92671	4-Aminobiphenyl	68122	Dimethyl formamide	1634044	Methyl tert butyl ether
62533	Aniline	57147	1,1-Dimethyl hydrazine	101144	4,4-Methylene bis(2-chloroani- line)
90040	o-Anisidine	131113	Dimethyl phthalate	75092	Methylene chloride (Dichloromethane)
1332214	Asbestos	77781	Dimethyl sulfate	101688	Methylene diphenyl diisocyanate (MDI)
71432	Benzene (including from gaso- line)	534521	4,6-Dinitro-o-cresol and salts	101779	4,4-Methylenedianiline
92875	Benzidine	51285	2,4-Dinitrophenol	91203	Naphthalene
98077	Benzotrichloride	121142	2,4-Dinitrotoluene	98953	Nitrobenzene
100447	Benzyl chloride	123911	1,4-Dioxane (1,4-Diethyleneox- ide)	92933	4-Nitrobiphenyl
92524	Biphenyl	122667	1,2-Diphenylhydrazine	100027	4-Nitrophenol
117817	Bis(2-ethylhexyl)phthalate (DEHP)	106898	Epichlorohydrin (1-Chloro-2,3- epoxypropane)	79469	2-Nitropropane
542881	Bis(chloromethyl)ether	106887	1,2-Epoxybutane	684935	N-Nitroso-N-methylurea
75252	Bromoform	140885	Ethyl acrylate	62759	N-Nitrosodimethylamine
106990	1,3-Butadiene	100414	Ethyl benzene	59892	N-Nitrosomorpholine
156627	Calcium cyanamide	51796	Ethyl carbamate (Urethane)	56382	Parathion
133062	Captan	75003	Ethyl chloride (Chloroethane)	82688	Pentachloronitrobenzene (Quin- tobenzene)
63252	Carbaryl	106934	Ethylene dibromide (1,2-Dibro- moethane)	87865	Pentachlorophenol
75150	Carbon disulfide	107062	Ethylene dichloride (1,2- Dichloroethane)	108952	Phenol
56235	Carbon tetrachloride	107211	Ethylene glycol	106503	p-Phenylenediamine
463581	Carbonyl sulfide	151564	Ethylene imine (Aziridine)	75445	Phosgene
120809	Catechol	75218	Ethylene oxide	7803512	Phosphine
133904	Chloramben	96457	Ethylene thiourea	7723140	Phosphorus
57749	Chlordane	75343	Ethylidene dichloride (1,1- Dichloroethane)	85449	Phthalic anhydride
7782505	Chlorine	50000	Formaldehyde	1336363	Polychlorinated biphenyls (Aroclors)
79118	Chloroacetic acid	76448	Heptachlor	1120714	1,3-Propane sultone
532274	2-Chloroacetophenone	118741	Hexachlorobenzene	57578	beta-Propiolactone
108907	Chlorobenzene	87683	Hexachlorobutadiene	123386	Propionaldehyde
510156	Chlorobenzilate	77474	Hexachlorocyclopentadiene	114261	Propoxur (Baygon)
67663	Chloroform	67721	Hexachloroethane	78875	Propylene dichloride (1,2- Dichloropropane)
107302	Chloromethyl methyl ether	822060	Hexamethylene-1,6-diiso- cyanate	75569	Propylene oxide
126998	Chloroprene	680319	Hexamethylphosphoramide	75558	1,2-Propylenimine (2-Methyl- aziridine)
1319773	Cresols/Cresylic acid (isomers and mixture)	110543	Hexane	91225	Quinoline
108394	m-Cresol	302012	Hydrazine	106514	Quinone
95487	o-Cresol	7647010	Hydrochloric acid	100425	Styrene
106445	p-Cresol	7664393	Hydrogen fluoride (hydrofluoric acid)	96093	Styrene oxide
98828	Cumene	123319	Hydroquinone	1746016	2,3,7,8-Tetrachlorodibenzo-p- dioxin
94757	2,4-D, salts and esters	78591	Isophorone	79345	1,1,2,2-Tetrachloroethane
3547044	DDE	58899	Lindane (all isomers)	127184	Tetrachloroethylene (Per- chloroethylene)
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 (Bromomethane)	584849	2,4-Toluene diisocyanate
106467	1,4-Dichlorobenzene(p)	74839	Methyl chloride (Chloromethane)	95534	o-Toluidine
91941	3,3-Dichlorobenzidine	74839	Methyl chloroform (1,1,1- Trichloroethane)		
111444	Dichloroethyl ether (Bis(2- chloroethyl)ether)				
542756	1,3-Dichloropropene				
62737	Dichlorvos				
111422	Diethanolamine				
121697	N,N-Diethyl aniline (N,N-Dimethylaniline)				





8001352	Toxaphene (chlorinated camphene)	glycol monobutyl ether are excluded from the glycol category.
120821	1,2,4-Trichlorobenzene	
79005	1,1,2-Trichloromethane	<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.
79016	Trichloroethylene	
95954	2,4,5-Trichlorophenol	
88062	2,4,6-Trichlorophenol	
121448	Triethylamine	
1582098	Trifluralin	
540841	2,2,4-Trimethylpentane	
108054	Vinyl acetate	
593602	Vinyl bromide (bromoethene)	
75014	Vinyl chloride	
75354	Vinylidene chloride (1,1-Dichloroethylene)	<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).
1330207	Xylenes (isomers and mixture)	
108383	m-Xylenes	
95476	o-Xylenes	
106423	p-Xylenes	<sup>5</sup> A type of atom which spontaneously undergoes radioactive decay.
0	Antimony Compounds	
0	Arsenic Compounds (inorganic including arsine)	(4) Reporting and Record Keeping ( <i>Not Applicable</i> )
0	Beryllium Compounds	
0	Cadmium Compounds	
0	Chromium Compounds	(5) Test Methods ( <i>Not Applicable</i> )
0	Cobalt Compounds	
0	Coke Oven Emissions	
0	Cyanide Compounds <sup>1</sup>	
0	Glycol ethers <sup>2</sup>	
0	Lead Compounds	
0	Manganese Compounds	
0	Mercury Compounds	
0	Fine mineral fibers <sup>3</sup>	
0	Nickel Compounds	
0	Polycyclic Organic Matter <sup>4</sup>	
0	Radionuclides (including radon) <sup>5</sup>	
0	Selenium Compounds	

*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.*

*\*Original authority: 643.050, RSMo 1965, amended 1972, 1992, 1993, 1995 and 643.055, RSMo 1979, amended 1992, 1994, transferred 1986, formerly 203.055.*

**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

*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 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:*

**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  $PM_{10}$  shall be determined as specified by 40 CFR part 51, Appendix M—Test Methods, *Method 201—Determination of  $PM_{10}$  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  $PM_{10}$  emissions.

(D) The concentration of particulates of  $PM_{10}$  shall be determined as specified by 40 CFR part 51, Appendix M—Test Methods, *Method 201A—Determination of  $PM_{10}$  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  $PM_{10}$  emissions.

(E) The concentration of condensible 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  $PM_{2.5}$  and  $PM_{10}$  Emissions By Dilution Sampling (Constant Sampling Rate Procedures—July 2004)* may be used to determine the total  $PM_{10}$  and  $PM_{2.5}$  fraction of filterable particulate matter including condensibles.

(F) The concentration of  $PM_{2.5}$  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  $PM_{10}$  and  $PM_{2.5}$  Emissions (Constant Sampling Rate Procedures—December 3, 2002)*. EPA Conditional Test Method 039—*Measurement of  $PM_{2.5}$  and  $PM_{10}$  Emissions By Dilution Sampling (Constant Sampling Rate Procedures—July 2004)* may be used to determine the total  $PM_{10}$  and  $PM_{2.5}$  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 Dibenzop-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. Amended: Filed March 13, 1980, effective Sept. 12, 1980. Amended: Filed Feb. 14, 1984, effective July 12, 1984. Amended: Filed June 2, 1987, effective Nov. 23, 1987. Amended: Filed Sept. 1, 1987, effective Dec. 24, 1987. Amended: Filed Aug. 4, 1988, effective Nov. 24, 1988. Amended: Filed Feb. 4, 1991, effective Sept. 30, 1991. Amended: Filed Sept. 3, 1991, effective April 9, 1992. Amended: Filed April 15, 1996, effective Nov. 30, 1996. Amended: Filed April 14, 1998, effective Nov. 30, 1998. Amended: Filed July 6, 2005, effective Feb. 28, 2006.*

*\*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.*

(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 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–N 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 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 ( $PM_{10}$ ) 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  $PM_{10}$  in the Atmosphere*, or an equivalent method as approved in 40 CFR part 53; and

(K) Compliance with particulate matter 10  $PM_{10}$  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 ( $PM_{2.5}$ ) 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  $PM_{2.5}$  in the Atmosphere*, or an equivalent method as approved in 40 CFR part 53; and

(M) Compliance with particulate matter 2.5 ( $PM_{2.5}$ ) standards shall be determined as specified in 40 CFR part 50, Appendix N—*Interpretation of the National Ambient Air Quality Standards for Particulate Matter*.

(5) The concentration of hydrogen sulfide ( $H_2S$ ) in the ambient air shall be determined by scrubbing all sulfur dioxide ( $SO_2$ ) present in the sample and then converting each molecule of  $H_2S$  to  $SO_2$  with a thermal converter so that the resulting  $SO_2$  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  $H_2S$  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  $\mu m$ )*, 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*.

(9) The latest effective date of any 40 CFR part 50, Appendices A–N and equivalent methods as specified in 40 CFR part 53 shall be as designated in 10 CSR 10-6.070 New Source Performance Regulations for 40 CFR part 60.

*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.*

*\*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 magnitude;
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, which is expected to cause an excess release of emissions that exceeds one (1) hour. If notice cannot be given ten (10) days prior to any maintenance, start-up or shutdown, which is expected to cause an excess release of emissions, notice shall be given as soon as practicable prior to the maintenance, start-up or shutdown or orally as soon as practical during normal working hours after the release and no later than close of business of the following working day with written notice to follow within ten (10) working days of the release. The owner or operator of such facility shall notify the Missouri Department of Natural Resources' Air Pollution Control Program in the following ways: a written report including:

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 magnitude;
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.

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. Type of activity and the reason for the maintenance, start-up or shutdown;

7. Type of air contaminant involved;

8. 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;

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.

(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 determination 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 paragraph (3)(C)1. shall include, at a minimum, the following:

A. Name and location of installation;

B. Name and telephone number of person responsible for the installation;

C. Name of the person who first discovered the malfunction and precise time and date that the malfunction was discovered;

D. The identity of the equipment causing the excess emissions;

E. The time and duration of the period of excess emissions;

F. The cause of the excess emissions;

G. The type of air contaminant involved;

H. A best 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;

I. The measures taken to mitigate the extent and duration of the excess emissions; and

J. The measures taken to remedy the situation which caused the excess emissions and the measures taken or planned to prevent the recurrence of these situations.

(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. 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 paragraphs (3)(A)2., (3)(B)2. and (3)(C)2., 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.*

*\*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, 2007, including the revision pub-

lished at 72 FR 24077 (effective July 2, 2007), 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, 2007, 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, 2007, 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, 2007, 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 January 1, 2007, 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 Application. 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. So much of the stack height of any installation as 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 per-

mit, 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 sub-

section (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 for 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, 2007, including the revisions published at 72 FR 24078 (effective July 2, 2007) and 72 FR 72617 (effective January 22, 2008), 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 part 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 reconstruct-

ed 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 part 70 or part 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 applica-

ble 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	Maximum Allowable Increase
Class I Areas	
<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
Class II Areas	
<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
Class III Areas	
<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:

- 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.
- 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).
- 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— 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

Continuously Monitored Data

Time Period	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	Averaging Time (Hours)			
	Annual	24	8	3 1
SO <sub>2</sub>	1.0	5		25
PM <sub>10</sub>	1.0	5		
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 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. 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 items (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 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.

(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 Part 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 Part 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:

Pollutant	Maximum Allowable Increase
<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.A. 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:

Maximum Allowable Increase (micrograms per cubic meter)

Period of Exposure	Terrain Areas	
	Low	High
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:

ignated 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 substate 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 2000.\* 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.*

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

### 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 construc-

tion, 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 opera-

tions 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 apprecia-

ble 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 arrangement. 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 resul-

tant 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, undergo 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.*

#### (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) Air Pollutant—Agent, or combination of agents, including any physical, chemical, biological, radioactive (including source material, special nuclear material and byproduct 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 staff director has identified such precursor(s) for the particular purpose for which the term “air pollutant” is used.

(B) Basic state installations—Installations which meet any of the following criteria, but are not part 70 installations:

1. 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 of the source categories listed in to 10 CSR 10-6.020(3)(B), Table 2; or

2. 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:

A. 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



B. 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.

(C) Intermediate installations are 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.

(D) 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, including all fugitive air pollutants. The fugitive emissions of an installation shall not be considered unless the installation belongs to one of the source categories listed in 10 CSR 10-6.020(3)(B), Table 2;

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<sub>10</sub>;

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.

(E) 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 eligi-

ble 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.

5. Notwithstanding, if the installation is a basic installation and is subject to 40 CFR part 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 part 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)(M)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 compliance 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 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 paragraph (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 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 (II), 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)1., 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 qualifica-

tion 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 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.

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 subparagraphs (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 per-

mit 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