Rules of
Department of Natural Resources
Division 10—Air Conservation Commission
Chapter 4—Air Quality Standards and Air Pollution Control Regulations for the Springfield-Greene County Area

Title 10—DEPARTMENT OF NATURAL RESOURCES

Division 10—Air Conservation Commission

Chapter 4—Air Quality Standards and Air Pollution Control Regulations for the Springfield-Greene County Area

10 CSR 10-4.010 Ambient Air Quality Standards

(Rescinded February 11, 1978)

AUTHORITY: section 203.050 RSMo 1969. Original rule filed Dec. 5, 1969, effective Dec. 15, 1969. Rescinded: Published Sept. 1, 1977, effective Feb. 11, 1978.

10 CSR 10-4.020 Definitions

(Rescinded February 11, 1978)

AUTHORITY: section 203.050 RSMo 1969. Original rule filed Dec. 5, 1969, effective Dec. 15, 1969. Rescinded: Published Sept. 1, 1977, effective Feb. 11, 1978.

10 CSR 10-4.030 Restriction of Emissions of Particulate Matter From Industrial Processes

PURPOSE: This regulation restricts the emission of particulate matter in the source gas of an operation or activity except where 10 CSR 10-4.040, 10 CSR 10-4.080 and/or 10 CSR 10-6.070 would be applied.

(1) General Provisions.

(A) This regulation applies to any operation, process or activity except the burning of fuel for indirect heating in which the products of combustion do not come into direct contact with process materials and except the burning of refuse and except the processing of salvageable material by burning.

(B) Process weight means 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.

1. Process weight rate means a rate established as follows:

A. For continuous or long run steady state source operations, the total process weight for the entire period of continuous operation or for a typical portion, divided by the number of hours of the period or portion; and

B. For cyclical or batch source operations, the total process weight for a period which covers a complete operation or an integral number of cycles, divided by the hours of actual process operation during the period.

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

(C) The amount of particulate matter emitted shall be determined as specified in 10 CSR 10-6.030(5). Any other method which is in accordance with good professional practice may be used with the consent of the staff director.

(2) Emission Limitations.

(A) Except as provided for in subsection (2)(B) and section (3) of this regulation, no person shall cause, suffer, allow or permit the emission of particulate matter in any one (1) hour from any source in excess of the amount shown in the following table for the process weight allocated to that source.

Table I

Process Weight Rate		Rate of Emission
Lb/Hr	Tons/Hr	Lb/Hr
100	0.05	0.551
200	0.10	0.877
400	0.20	1.40
600	0.30	1.83
800	0.40	2.22
1,000	0.50	2.58
1,500	0.75	3.38
2,000	1.00	4.10
2,500	1.25	4.76
3,000	1.50	5.38
3,500	1.75	5.96
4,000	2.00	6.52
5,000	2.50	7.58
6,000	3.00	8.56
7,000	3.50	9.49
8,000	4.00	10.4
9,000	4.50	11.2
10,000	5.00	12.0
12,000	6.00	13.6
16,000	8.00	16.5
18,000	9.00	17.9
20,000	10.00	19.2
30,000	15.00	25.2
40,000	20.00	30.5
50,000	25.00	35.4
60,000	30.00	40.0
70,000	35.00	41.3
80,000	40.00	42.5
90,000	45.00	43.6
100,000	50.00	44.6
120,000	60.00	46.3
140,000	70.00	47.8
160,000	80.00	49.0
200,000	100.00	51.2
1,000,000	500.00	69.0
2,000,000	1,000.00	77.6
6,000,000	3,000.00	92.7

Interpolation of the data in this table for process weight rates up to 60,000 lb/hr shall be accomplished by use of the equation $E=4.10P^{0.67}$ and interpolation and extrapolation of the data for process weight rates in excess of 60,000 lb/hr shall be accomplished by use of the equation:

$$E=55.0P^{0.11}-40$$

where

E=rate of emission in lb/hr; and

P=process weight rate in tons/hr.

(B) The limitations established by subsection (2)(A) of this regulation shall not require the reduction of particulate matter concentration, based on the source gas volume, below the concentration specified in Table II following for the volume; provided that, for the purposes of this subsection (2)(B), the person responsible for the emission may elect to substitute a volume determined according to the provisions of subsection (2)(C) of this regulation and provided further that the burden of showing the source gas volume or other volume substituted, including all the factors which determine volume and the methods of determining and computing volume, shall be on the person seeking to come within the provisions of this section.

Table II

Source Gas Volume, Standard Cubic Foot Per Minute	Concentration Grain Per Standard Cubic Foot
7,000 or less	0.100
8,000	0.096
9,000	0.092
10,000	0.089
20,000	0.071
30,000	0.062
40,000	0.057
50,000	0.053
60,000	0.050
80,000	0.045
100,000	0.042
120,000	0.040
140,000	0.038
160,000	0.036
180,000	0.035
200,000	0.034
300,000	0.030
400,000	0.027

Table II

Source Gas Volume, Standard Cubic Foot Per Minute	Concentration Grain Per Standard Cubic Foot
500,000	0.025
600,000	0.024
800,000	0.021
1,000,000 or more	0.020

(C) Any volume of gases passing through and leaving an air pollution abatement operation may be substituted for the source gas volume of the source operation served by the air pollution abatement operation, for the purposes of subsection (2)(B) of this regulation, provided the air pollution abatement operation emits no more than forty percent (40%) of the weight of particulate matter entering the operation; and provided further that the substituted volume shall be corrected to standard conditions and to a moisture content no greater than that of any gas stream entering the air pollution abatement operation.

(D) Notwithstanding the provisions of subsections (2)(A) and (B) of this regulation, no person may cause, allow or permit the emission of particulate matter from any source in a concentration in excess of 0.30 grain per standard cubic foot of exhaust gas.

(3) Exceptions.

(A) The provisions of subsections (2)(A)–(D) of this regulation shall not apply to existing grey iron cupolas which have a single melting cycle operated no more than twelve (12) hours in any consecutive twenty-four (24) hours and no more than sixty (60) hours in any consecutive seven (7) days.

1. All existing grey iron cupolas shall be equipped with gas cleaning devices and so operated as to remove not less than eighty-five percent (85%) weight of all the particulate matter in the cupola discharge gases or release not more than 0.4 grain of particulate matter per standard cubic foot of discharge gas, whichever is more stringent.

2. All gases, vapors and gas entrained effluents from cupolas shall be incinerated at a temperature not less than twelve hundred degrees Fahrenheit (1200°F) for a period of not less than 0.3 seconds.

(B) This regulation shall not apply to the emissions from the—

1. Grinding, crushing and classifying operations at a rock quarry; or

2. Receiving and shipping of whole grain from or into a railroad or truck transportation source at a grain elevator.

AUTHORITY: section 203.050, RSMo 1986. Original rule filed Dec. 5, 1969, effective Dec. 15, 1969. Amended: Filed June 30, 1975, effective July 10, 1975. Amended: Filed March 15, 1979, effective Nov. 11, 1979. Amended: Filed Oct. 13, 1983, effective March 12, 1984.

10 CSR 10-4.040 Maximum Allowable Emission of Particulate Matter From Fuel Burning Equipment Used for Indirect Heating

PURPOSE: This regulation restricts the emission of particulate matter from fuel burning equipment used for indirect heating except where 10 CSR 10-6.070 would be applied.

(1) General Provisions.

(A) This regulation applies to installations 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 and, in the course of doing so, the products of combustion do not come into direct contact with process materials. Fuels include those such as coal, coke, lignite, coke breeze, gas, fuel oil and wood but do not include refuse. When any products or byproducts of a manufacturing process are burned for the same purpose or in conjunction with any fuel, the same maximum emission limitations shall apply.

(B) The heat content of solid fuels shall be determined as specified in 10 CSR 10-6.040(2). The heat content of liquid hydrocarbon fuels shall be determined as specified in 10 CSR 10-6.040(3).

(C) For purposes of this regulation, the heat input shall be the aggregate heat content of all fuels whose products of combustion pass through a stack(s). The heat input value used shall be the equipment manufacturer's or designer's guaranteed maximum input, whichever is greater. The total heat input of all fuel burning units at a plant or on a premises shall be used for determining the maximum allowable amount of particulate matter which may be emitted.

(D) The amount of particulate matter emitted shall be determined as specified in 10 CSR 10-6.030(5). Any other method which is in accordance with good professional practice may be used with the consent of the staff director.

(E) This rule shall not apply to indirect heating sources subject to the provisions of 10 CSR 10-6.070.

(F) Indirect heating sources requiring permits under 10 CSR 10-6.060 that in turn may require particular air pollution control measures to meet more stringent emission limitations than in this rule shall meet the requirements of 10 CSR 10-6.060 Permits Required.

(2) Emission Limitations.

(A) No person may cause, allow or permit the emission of particulate matter in excess of that specified in the following schedule:

1. If the equipment has a capacity rating of ten (10) million British Thermal Units (BTUs) or less, 0.60 pounds for each million BTUs per hour input; or

2. If the equipment has a capacity rating of ten thousand (10,000) million BTUs or more, 0.12 pounds for each million BTUs per hour input.

(B) The amount of particulate matter which may be emitted from fuel burning equipment having an intermediate capacity rating between ten (10) million and ten thousand (10,000) million BTUs shall be determined by use of the following equation:

$$E = 1.02(Q)^{-0.233}$$

where

E = the maximum allowable particulate emission rate in pounds per million BTUs of heat input; rounded off to two (2) decimal places; and

Q = the installation heat input in millions of BTUs per hour.

AUTHORITY: section 203.050, RSMo 1986. Original rule filed Dec. 5, 1969, effective Dec. 15, 1969. Amended: Filed March 15, 1979, effective Nov. 11, 1979. Amended: Filed Oct. 13, 1983, effective March 12, 1984. Amended: Filed March 14, 1984, effective Sept. 14, 1984.

10 CSR 10-4.050 Preventing Particulate Matter From Becoming Airborne

(Rescinded September 28, 1990)

AUTHORITY: section 203.050, RSMo 1986. Original rule filed Dec. 5, 1969, effective Dec. 15, 1969. Amended: Filed May 11, 1984, effective Oct. 11, 1984. Rescinded: Filed March 5, 1990, effective Sept. 28, 1990.

10 CSR 10-4.060 Restrictions of Emission of Visible Air Contaminants

PURPOSE: This regulation specifies the maximum allowable shade or opacity of visible air contaminant emissions, unless exempt or regulated by 10 CSR 10-4.080 or 10 CSR 10-6.070 and requires the use of opacity monitoring devices on certain air contaminant sources.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting

agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(1) Restrictions Applicable to Existing Installations. No person may discharge into the ambient air from any single existing source of emission any air contaminant

(A) Of a shade or density equal to or darker than that designated as No. 2 on the Ringelmann Chart; or

(B) Of an opacity as to obscure an observer's view to a degree equal to or greater than does smoke designated as No. 2 on the Ringelmann Chart.

(2) Restrictions Applicable to New Installations. No person may discharge into the ambient air from any single new source of emission any air contaminant—

(A) Of a shade or density equal to or darker than that designated as No. 1 on the Ringelmann Chart; or

(B) Of an opacity as to obscure an observer's view to a degree equal to or greater than does smoke designated as No. 1 on the Ringelmann Chart.

(3) Exceptions.

(A) A person may discharge into the ambient air from any single source of emission for a period(s) aggregating not more than six (6) minutes in any sixty (60) minutes air contaminants—

1. Of a shade or density not equal to nor darker than No. 3 on the Ringelmann Chart; or

2. Of an opacity as to obscure an observer's view to a degree not equal to nor greater than does smoke designated as No. 3 on the Ringelmann Chart.

(B) For the purposes of subsection (3)(A), the staff director, for a specific source and for special conditions may approve any other schedule.

(C) Where the presence of uncombined water is the only reason for failure of an emission to meet the requirements of section (1) or (2) of this regulation, that section shall not apply.

(D) The provisions of section (1) of this regulation shall not apply to the following:

1. Transfer of molten metals;

2. Emissions from transfer ladles; and

3. Existing grey iron cupolas as defined in 10 CSR 10-4.030.

(E) This regulation shall not apply during emergency conditions, provided that the staff director is notified or to the following:

1. Internal combustion engines;

2. Wood burning stoves or fireplaces in dwellings;

3. Fires used for recreational purposes or fires used for the noncommercial preparation of food by barbecuing;

4. Fires used solely for the purpose of training firemen; and

5. Smoke generators used for training air pollution control inspectors.

(F) Section (3) shall not apply to incinerators.

(4) Method of Measurement.

(A) The Ringelmann Chart shall be the standard in grading the shade or opacity of visible air contaminant emissions. The staff director with the consent of the source operator may employ any other means of measurement which give comparable results or results of greater accuracy.

(B) The installation of opacity monitoring devices shall be required on fluid bed catalytic cracking unit catalyst regenerators, coal-fired steam generating units with greater than two hundred fifty (250) million British Thermal Units (BTU)/hour heat input and portland cement calcining kiln operations.

(C) Minimum Specifications.

1. Performance specifications. Continuous monitoring systems for monitoring opacity shall comply with performance specification 1 as set forth in 40 CFR Part 60, Appendix B, "Performance Specification 1."

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

3. Monitor location. All continuous monitoring systems or monitoring devices shall be installed so that the measurements obtained are representative measurements of emissions occurring within the discharged opacity profile.

4. Combined effluents. When the effluents from two (2) or more affected facilities of similar design and operating characteristics are combined before being released to the atmosphere, opacity monitoring systems may be installed on the combined effluent.

5. Zero and drift. The owners or operators of all continuous monitoring systems installed in accordance with the requirements of this rule shall record the zero and drift at least once daily unless the manufacturer has recommended adjustments at shorter intervals, at which case the recommendations shall be followed and shall adjust the zero and span whenever the twenty-four (24)-hour zero drift or twenty-four (24)-hour calibration drift limits in 40 CFR Part 60, Appendix B, "Performance Specification 1" are exceeded or whenever the twenty-four (24)-hour zero drift or twenty-four (24)-hour calibration drift exceed ten percent (10%) of the emission standard.

6. Span. Instrument span shall be approximately two hundred percent (200%) of the expected instrument data display output corresponding to the emission standard for the source.

(D) Minimum Data Requirements.

1. Written reports required. Owners or operators of facilities required to install continuous monitoring systems shall submit a written report of excess emissions for each calendar quarter and the nature and cause of the excess emissions, if known, to the staff director. All quarterly reports shall be postmarked by the thirtieth day following the end of each calendar quarter.

2. Data summary. The data summary shall consist of the magnitude in actual percent opacity of all six (6)-minute averages of opacity greater than the opacity emission limitation. Average of values may be obtained by integration over the averaging period or by arithmetically averaging a minimum of twenty-four (24) equally spaced instantaneous opacity measurements per six (6)-minute period. A one (1)-hour period means any sixty (60)-minute period commencing on the hour and a six (6)-minute period means any one (1) of ten (10) equal parts of a one (1)-hour period.

3. Inoperative periods. The date and time identifying each period during which the continuous monitoring system was inoperative (except for zero and span checks) and the nature of system repairs or adjustments shall be reported.

4. No excess emissions. When no excess emissions have occurred during the reporting period and the continuous monitoring system has not been inoperative, repaired or adjusted, that information shall be included in the report.

5. Files to be maintained. Owners or operators of affected facilities shall maintain a file of all information reported in the quarterly summaries and all other data collected either by the continuous monitoring system or as necessary to convert monitoring data to the units of the applicable standard, for a minimum of two (2) years from the date of collection of the data or submission of the summaries.

(E) Special Considerations.

1. Alternatives. Alternative monitoring requirements, system locations and procedures for performing calibration checks which do not meet the requirements of this rule but adequately demonstrate a definite and consistent relationship with the intent of this rule, may be approved by the staff director.

2. Exceptions.

A. Coal-fired steam generating units that have an annual boiler capacity factor of thirty percent (30%) or less as currently defined by the Federal Power Commission shall be exempt from these monitoring requirements.

B. Coal-fired boilers and portland cement calcining kilns scheduled for retirement prior to January 1, 1981 shall be exempt from these monitoring requirements subject to receipt and approval of an affidavit by the staff director.

C. Coal-fired boilers which utilize flue gas desulfurization equipment shall be exempt from these monitoring requirements.

D. Portland cement calcining kilns whose particulate emissions are controlled with baghouses which emit from multiple stacks or vents shall be exempt from these opacity monitoring requirements.

(F) Compliance.

1. Owners or operators of affected facilities shall submit a plan for meeting the requirements of this rule to the staff director within sixty (60) days (May 24, 1976) of its effective date (March 25, 1976).

2. Notwithstanding compliance with any other provision of this rule, no owner or operator of a facility affected by this rule will be deemed to be in compliance until the compliance plan receives the written approval of the staff director.

3. Effective date of compliance. Facilities affected by this rule shall comply within twelve (12) months (March 25, 1977) of its effective date (March 25, 1976).

AUTHORITY: section 203.050, RSMo 1986. Original rule filed Dec. 5, 1969, effective Dec. 15, 1969. Amended: Filed Jan. 14, 1977, effective July 11, 1977.

10 CSR 10-4.070 Restriction of Emission of Odors

PURPOSE: This rule restricts the emission of excessive odorous matter.

(1) No persons may cause, permit or allow the emission of odorous matter in concentrations and frequencies or for durations that the odor can be perceived when one (1) volume of odorous air is diluted with seven (7) volumes of odor-free air for two (2) separate trials not less than fifteen (15) minutes apart within the period of one (1) hour.

(2) These measurements may be made with a Scentometer as manufactured by the Barnebey & Sutcliffe Corporation or by a similar technique that will give equivalent results, as agreed to at the time by the source operator and the staff director.

(3) Exception. The provisions of this rule shall not apply to the emission of odorous matter from the raising and harvesting of crops nor from the feeding, breeding and management of livestock or domestic animals or fowl except as described in section (4) of this rule.

(4) Control of Odors from Class 1A Concentrated Animal Feeding Operations.

(A) Notwithstanding any provision in any other regulation to the contrary, all Class 1A concentrated animal feeding operations as defined in section 640.703(3), RSMo, operating on or after January 1, 1999, shall prepare and implement an odor control plan describing measures to be used to control odor emissions. The plan shall identify all sources of odor emissions and describe the measures to be used to reduce the overall odor emissions associated with the facility operations. The schedule for these activities shall be as follows:

1. Not later than July 1, 2000, an odor control plan shall be submitted to the Air Pollution Control Program (APCP). The odor control plan shall contain the following:

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

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

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

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

E. Description of the odor control options to be implemented by the facility;

F. A schedule for implementation. The schedule shall establish interim milestones in implementing the odor control plan prior to the implementation deadline; and

G. An odor monitoring plan;

2. The APCP, in consultation with the Water Pollution Control Program, shall review and approve or disapprove the odor control plan.

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

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

3. Not later than March 1, 2001, the facility shall submit to the APCP a written progress report on implementing the odor control plan. The progress report shall, at a minimum, compare the actual schedule of implementation to that approved in the odor control plan; and

4. Not later than January 1, 2002, implementation of the odor control plan shall be complete and controls shall be operational.

(B) Notwithstanding any provision in any other regulation to the contrary, all new Class 1A concentrated animal feeding operations, prior to commencement of construction, shall obtain approval from the APCP of an odor control plan as described above.

(C) After January 1, 2002, no Class 1A concentrated animal feeding operation may cause, permit or allow the emission of odorous matter—

1. In concentrations and frequencies or for durations that the odor can be perceived when one (1) volume of odorous air is diluted with five and four-tenths (5.4) volumes of odor-free air for two (2) separate trials not less than fifteen (15) minutes apart within the period of one (1) hour. This odor evaluation shall be taken at a site not at the installation and will be used as a screening evaluation. A positive screening evaluation for odor shall

require an odor sample to be taken and evaluated by olfactometry as described in paragraph (4)(C)2. of this rule. These measurements may be made with a Scentometer as manufactured by the Barnebey & Sutcliffe Corporation or by a similar technique that will give equivalent results, as agreed to at the time by the source operator and the staff director; and

2. When one (1) of the following conditions is met:

A. In concentrations with a best estimate detection threshold, represented as $Z_{OL} \geq 7$, as determined using American Society for Testing and Materials Standard E 679-91 (Reapproved 1997) at an olfactometer flow rate of twenty (20) liters per minute; or

B. At intensities greater than that of two hundred twenty-five (225) parts per million of n-butanol odorant in air, which serves as the reference scale, as determined by an olfactometry panel evaluation of a sample of the odorous air.

(D) The director may require an ambient air monitoring quality assurance project plan. This plan shall be approved by the director and include or reference the documented and approved standard operating procedures for monitoring, field collection and analysis for any Class 1A CAFO that exceeds the odor emission limits found in paragraph (4)(C)2. of this rule following implementation of its odor control plan. Monitoring shall be done for pollutants or gases reasonably expected to be emitted by the CAFO and implemented on a schedule as agreed to by the source operator and the staff director. Monitoring shall begin and continue as approved in the plan and shall not exceed eight (8) quarters of complete data unless subsequent violations are determined.

AUTHORITY: section 643.050, RSMo Supp. 1997. Original rule filed Dec. 5, 1969, effective Dec. 15, 1969. Amended: Filed Aug. 15, 1983, effective Jan. 13, 1984. Amended: Filed Nov. 2, 1998, effective July 30, 1999.*

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

10 CSR 10-4.080 Incinerators
(Rescinded December 9, 1991)

AUTHORITY: section 203.050, RSMo 1986. Original rule field Dec. 5, 1969, effective Dec. 15, 1969. Amended: Filed Dec. 15, 1982, effective May 12, 1983. Amended: Filed Oct. 13, 1983, effective March 12, 1984. Rescinded: Filed May 20, 1991, effective Dec. 9, 1991.

10 CSR 10-4.090 Open Burning Restrictions

PURPOSE: This regulation prohibits the disposal of refuse by open burning except as provided under specified conditions.

(1) Refuse Burning Restrictions. On and after January 1, 1970 no person may conduct, cause, permit or allow open burning of refuse.

(2) Prohibition of Salvage Operations by Open Burning. On and after July 29, 1970 no person may conduct, cause, permit or allow a salvage operation by open burning.

(3) Restriction on Open Burning of Trade Wastes. On and after January 13, 1970 no person may conduct, cause, permit or allow the disposal of trade wastes by open burning.

(4) Exceptions.

(A) Open burning of household refuse originating from a residence of fewer than five (5) dwelling units shall not be in violation of section (1) of this regulation, provided that burning takes place on the premises where the refuse originates and provided further that burning takes place outside the corporate limits of Springfield and only within areas zoned A-1, Agricultural District.

(B) The open burning of trade wastes and vegetation may be permitted only when it can be shown that open burning is the only feasible method of disposal and that disposal is in the public interest. Any person intending to engage in open burning shall file a request to do so with the director. The application shall state the following:

1. The name, address and telephone number of the person submitting the application;

2. The type of business or activity involved;

3. A description of the proposed equipment and operating practices, the type, quantity and composition of material to be burned and the expected composition and amount of air contaminants to be released to the atmosphere, where known;

4. The schedule of burning operations;

5. The exact location where the open burning will occur;

6. Reasons why open burning is the only feasible method of disposal and why disposal is in the public interest; and

7. Evidence that the proposed open burning has been approved by the fire control authority which has jurisdiction. Upon approval of the application by the director, the person may proceed with the operation without being in violation of section (1) or (3) of this regulation, but the approval shall not exempt the applicant from the provisions of any other law, ordinance or regulation.

(C) An open burning permit may be issued by the director for open burning on a continual basis at a sanitary landfill, demolition landfill, compost plant, transfer station or salvage operation provided that—

1. The sanitary landfill, demolition landfill, compost plant, transfer station or salvage operation has a valid permit issued by the Waste Management Program under the provisions of sections 260.200–260.245, RSMo (1986) or is approved for open burning by the director in cases where a Waste Management Program permit is not required;

2. Only tree trunks, tree limbs, vegetation or untreated waste lumber are burned;

3. The open burning will take place at a time of day when atmospheric conditions will permit adequate dispersion of smoke;

4. The distance from the open burning site to the nearest inhabited residence or commercial business is at least two hundred (200) yards or a greater distance as determined by the director to be required to prevent a nuisance;

5. The open burning will not hinder the operation of the installation itself, ignite material other than specified in paragraph (4)(C)2. or otherwise create a fire hazard;

6. The fire control authority which has jurisdiction approves the method and site of open burning;

7. The owner or operator complies with all applicable laws, regulations and ordinances regulating open burning;

8. The owner or operator submits information to the director prior to the issuance of the permit showing that the conditions of this subsection will be met;

9. The director may place conditions in the permit concerning times, methods and locations of burning in order to prevent air pollution, nuisance conditions or safety hazards;

10. In a nonattainment area as defined in 10 CSR 10-6.020(2)(N)3., the director shall not issue a permit under this subsection unless the owner or operator can demonstrate to the satisfaction of the director that the emissions from the open burning of the specified material would be less than the emissions from otherwise processing the specified material; and

11. The permit may be revoked if the owner or operator fails to comply with the provisions of this subsection or any condition of the permit or if a permit issued by the Waste Management Program as specified in paragraph (4)(C)1. is revoked or voided.

(D) This regulation shall not apply to the following:

1. Fires set in connection with agricultural operations related to the growing or harvesting of crops;

2. Fires set for the purpose of instructing and training firemen in the methods of fighting fires; and

3. Fires used for recreational purposes or fires used for the noncommercial preparation of food, such as by barbecuing.

AUTHORITY: section 203.050, RSMo 1986. Original rule filed Dec. 5, 1969, effective Dec. 15, 1969. Amended: Filed Nov. 9, 1983, effective April 12, 1984.

10 CSR 10-4.100 Approval of Planned Installations
(Rescinded April 11, 1980)

AUTHORITY: section 203.050, RSMo 1978. Original rule filed Dec. 5, 1969, effective Dec. 15, 1969. Amended: Filed Aug. 25, 1972, effective Sept. 4, 1972. Amended: Filed Aug. 16, 1977, effective Feb. 11, 1978. Rescinded: Filed Dec. 10, 1979, effective April 11, 1980.

***Op. Atty. Gen. No. 331, Shell, 11-15-71**. The Missouri Air Conservation Commission has the authority under Chapter 203, RSMo (1969) to provide for the equivalent of a construction permit system by promulgating regulations to require the submission of plans and specifications for approval before any person may construct any facility which will cause air pollution, but that the commission has no such authority regarding an equivalent permit system for the operation of existing facilities which are the source of air pollution.*

10 CSR 10-4.110 Measurement of Emissions of Air Contaminants
(Rescinded April 9, 1992)

AUTHORITY: section 203.050, RSMo 1986. Original rule field Dec. 5, 1969, effective Dec. 15, 1969. Rescinded: Filed Oct. 16, 1991, effective April 9, 1992.

10 CSR 10-4.120 Submission of Emission Information
(Rescinded November 12, 1984)

AUTHORITY: section 203.050, RSMo 1978. Original rule filed Dec. 5, 1969, effective Dec. 15, 1969. Amended: Filed Aug. 25, 1972, effective Sept. 4, 1972. Rescinded: Filed June 13, 1984, effective Nov. 12, 1984.

***Op. Atty. Gen. No. 331, Shell, 11-15-71**. The Missouri Air Conservation Commission does not have any specific authority to require the installation of emission monitoring devices, but does have the authority to require reports from sources of air pollution relating to rate, period of emission and composition of effluent and to make this information available to the public, unless any this information is "confidential" as defined by section 203.050.4, RSMo (1969).*

10 CSR 10-4.130 Circumvention
(Rescinded September 28, 1990)

AUTHORITY: section 203.050, RSMo 1986. Original rule filed Dec. 5, 1969, effective Dec. 15, 1969. Rescinded: Filed April 18, 1990, effective Sept. 28, 1990.

10 CSR 10-4.140 Time Schedule for Compliance

PURPOSE: This regulation specifies the time schedule for compliance with regulations by new and existing sources.

(1) Except as otherwise specified, compliance with the provisions of these regulations shall be according to the following time schedule:

(A) All new installations shall comply as of going into operation;

(B) All existing installations not in compliance as of the effective date of these regulations (March 25, 1976) shall be in compliance within six (6) months of the effective date (September 25, 1976) unless the owner or person responsible for the operation of the installation shall have submitted to the staff director in a form and manner satisfactory to him/her a program and schedule for achieving compliance. The program and schedule to contain a date on or before which full compliance will be attained and other information as the staff director may require. If approved by the staff director, that date will be the date on which the person shall comply; and

(C) The staff director may require persons submitting the program to submit subsequent periodic reports on progress in achieving compliance.

AUTHORITY: section 203.050, RSMo 1986. Original rule filed Dec. 5, 1969, effective Dec. 15, 1969.

10 CSR 10-4.150 Restriction of Emission of Sulfur Compounds
(Rescinded July 30, 1997)

AUTHORITY: section 203.050, RSMo 1986. Original rule filed Dec. 5, 1969, effective Dec. 15, 1969. Amended: Filed Jan. 31, 1972, effective Feb. 9, 1972. Amended: Filed Oct. 14, 1977, effective March 11, 1978. Rescinded: Filed Dec. 13, 1996, effective July 30, 1997.

10 CSR 10-4.160 Rules for Controlling Emissions During Periods of High Air Pollution Potential
(Rescinded October 11, 1984)

AUTHORITY: section 203.050, RSMo 1978. Original rule filed Jan. 31, 1972, effective Feb. 10, 1972. Rescinded: Filed May 11, 1984, effective Oct. 11, 1984.

***Op. Atty. Gen. No. 331, Shell, 11-15-71**. The Missouri Air Conservation Commission has the authority under Chapter 203, RSMo (1969) to abate pollutant emissions on an emergency basis comparable to that available under 42 USCA, Section 1857d(k).*

10 CSR 10-4.170 Public Availability of Emission Data
(Rescinded November 12, 1984)

AUTHORITY: section 203.050, RSMo 1978. Original rule filed Aug. 25, 1972, effective Sept. 4, 1972. Rescinded: Filed June 13, 1984, effective Nov. 12, 1984.

***Op. Atty. Gen. No. 331, Shell, 11-15-71**. The Missouri Air Conservation Commission does not have any specific authority to require the installation of emission monitoring devices, but does have the authority to require reports from sources of air pollution relating to rate, period of emission and composition of effluent and to make such information available to the public, unless any such information is "confidential" as defined by section 203.050.4, RSMo (1969).*

10 CSR 10-4.180 New Source Performance Regulations
(Rescinded April 11, 1980)

AUTHORITY: section 203.050, RSMo 1978. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Rescinded: Filed Dec. 10, 1979, effective April 11, 1980.

Op. Atty. Gen. No. 331, Shell, 11-15-71*. The Missouri Air Conservation Commission has the authority under Chapter 203, RSMo (1969) to adopt emission control regulations, including limitations on the content of fuels, which will attain and maintain national air quality standards, if the same standards are the same or more stringent.*

10 CSR 10-4.190 Restriction of Emission of Sulfur Compounds From Indirect Heating Sources
(Rescinded July 30, 1997)

AUTHORITY: section 203.050, RSMo 1986. Original rule filed Oct. 14, 1977, effective March 11, 1978. Rescinded: Filed Dec. 13, 1996, effective July 30, 1997.