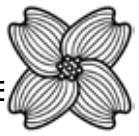
RULES OF

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



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 is a compilation of standards for ambient air quality throughout Missouri in order to protect the public health and welfare. The U.S. Environmental Protection Agency has set National Ambient Air Quality Standards (NAAQS) for six (6) criteria pollutants (carbon monoxide, lead, nitrogen dioxide, ozone, particle pollution, and sulfur dioxide). Primary NAAQS provide public health protection and secondary NAAQS provide public welfare protection. In addition, Missouri has set standards for hydrogen sulfide and sulfuric acid.

Pollutant		Primary/Secondary Standard	Averaging Time	Level	Form	Reference Method
Carbon monoxide		Primary	8-hour	9 parts per million	Not to be exceeded more than once per year	As specified in 10 CSR 10-6.040(4)(C)
			1-hour	35 parts per million		
Lead (2008)		Primary and secondary	Rolling 3-month average	0.15 micrograms per cubic meter	Not to be exceeded (see 10 CSR 10-6.040(4)(O))	As specified in 10 CSR 10-6.040(4)(G)
Lead (1978)*		Primary	Calendar quarter mean	1.5 micrograms per cubic meter	Not to be exceeded	As specified in 10 CSR 10-6.040(4)(G)
Nitrogen dioxide		Primary	1-hour	100 parts per billion	98th percentile, averaged over 3 years	As specified in 10 CSR 10-6.040(4)(F)
		Primary and secondary	Annual	0.053 parts per million, equal to 53 parts per billion	Annual mean	
Ozone (2008)		Primary and secondary	8-hour	0.075 parts per million	Annual fourth-highest daily maximum 8-hour, averaged over 3 years (see 10 CSR 10-6.040(4)(N))	As specified in 10 CSR 10-6.040(4)(D)
Ozone (1997)**		Primary	8-hour	0.08 parts per million	Annual fourth-highest daily maximum 8-hour, averaged over 3 years (see 10 CSR 10-6.040(4)(I))	As specified in 10 CSR 10-6.040(4)(D)
Particle pollution (2012)	Particulate matter 2.5 micron ($PM_{2.5}$)	Primary	Annual	12 micrograms per cubic meter	Annual mean, averaged over 3 years	As specified in 10 CSR 10-6.040(4)(L)
		Secondary	Annual	15 micrograms per cubic meter	Annual mean, averaged over 3 years	
		Primary and secondary	24-hour	35 micrograms per cubic meter	98th percentile, averaged over 3 years (see 10 CSR 10-6.040(4)(M))	
	Particulate matter 10 micron (PM_{10})	Primary and secondary	24-hour	150 micrograms per cubic meter	Not to be exceeded more than once per year on average over 3 years (see 10 CSR 10-6.040(4)(K))	As specified in 10 CSR 10-6.040(4)(J)

Particulate matter 2.5 micron ($PM_{2.5}$) (1997)***	Primary	Annual	15 micrograms per cubic meter	Annual mean, averaged over 3 years	As specified in 10 CSR 10-6.040(4)(L)
Sulfur dioxide (2010)	Primary	1-hour	75 parts per billion	99th percentile of 1-hour daily maximum, averaged over 3 years	As specified in 10 CSR 10-6.040(A)
	Secondary	3-hour	0.5 parts per million, equal to 500 parts per billion	Not to be exceeded more than once per year	
Sulfur dioxide (1971)****	Primary	Annual	0.03 parts per million	Annual mean	As specified in 10 CSR 10-6.040(A)
	Primary	24-hour	0.14 parts per million	Not to be exceeded more than once per year	
Hydrogen sulfide	State only	1/2-hour	0.03 parts per million (42 micrograms per cubic meter)	Not to be exceeded over 2 times in any 5 consecutive days	As specified in 10 CSR 10-6.040(5)
		1/2-hour	0.05 parts per million (70 micrograms per cubic meter)	Not to be exceeded over 2 times per year	As specified in 10 CSR 10-6.040(5)
Sulfuric acid	State only	1-hour	30 micrograms per cubic meter	Not to be exceeded more than once in any 2 consecutive days	As specified in 10 CSR 10-6.040(6)
		24-hour	10 micrograms per cubic meter	Not to be exceeded more than once in any 90 consecutive days	As specified in 10 CSR 10-6.040(6)

*The 1978 lead standard remains in effect until one (1) year after an area is designated for the 2008 standard, except that in areas designated nonattainment for the 1978 standard, the 1978 standard remains in effect until implementation plans to attain or maintain the 2008 standard are approved.

**The 1997 ozone standard remains in effect.

***The 1997 particulate matter 2.5 micron ($PM_{2.5}$) standard remains in effect.

****The 1971 annual and 24-hour sulfur dioxide standards remain in effect in areas until one (1) year after the area is designated for the 2010 standard, except that for areas designated nonattainment for the 1971 standards as of August 23, 2010, and for areas not meeting the requirements of a SIP call under the 1971 standards, the 1971 standards remain in effect until the area submits and the EPA approves a SIP providing for attainment of the 2010 standard.

AUTHORITY: section 643.050, RSMo Supp. 2013. 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. Amended: Filed Sept. 24, 2009, effective May 30, 2010. Amended: Filed Nov. 15, 2013, effective July 30, 2014.*

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

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

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

(2) Definitions.

(A) All terms beginning with A.

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

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

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

4. Active collection system – A gas collection system that uses gas mover equipment.

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

6. Activity level – Defined as follows:

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

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

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

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

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

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

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

9. Administrator – Defined as follows:

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

B. For all other purposes, the regional administrator for Region VII, EPA.

10. Adsorption cycle – The period during which the adsorption system is adsorbing and not desorbing.

11. 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). 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.

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

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

14. 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.

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

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

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

18. Air contaminant – Any particulate matter or any gas or vapor or any combination of them.

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

20. Air pollutant – Agent, or combination of agents,

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

21. 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.

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

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

24. Allocate or allocation – The determination by the director or the administrator of the number of NO_x allowances to be initially credited to a NO_x budget unit or an allocation set-aside.

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

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

B. The emission rate specified as a permit condition.

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

27. Ambient air – That portion of the atmosphere, external to buildings, to which the general public has access.

28. Animal matter – Any product or derivative of animal life.

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

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

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

32. Applicable requirement – All of the following listed in the Act:

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

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

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

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

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

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

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

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

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

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

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

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

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

33. Area – Any or all regions within the boundaries of the state of Missouri, as specified.

34. Area of the state – Any geographical area designated by the commission.

35. Asbestos – The asbestiform varieties of chrysotile, crocidolite, amosite, anthophyllite, tremolite, and actinolite.

36. 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.

37. Asbestos-containing material (ACM) – Any material or product which contains more than one percent (1%) asbestos.

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

39. Asbestos Hazard Emergency Response Act (AHERA) – Law enacted in 1986 (P.L. 99–519).

40. Asbestos projects – An activity undertaken to encapsulate, enclose, or remove at least one hundred sixty (160) square feet, two hundred sixty (260) linear feet, or thirty-five (35) cubic feet of regulated asbestos-containing materials (RACM) from buildings and other air contaminant sources, or to demolish buildings and other air contaminant sources containing the previously mentioned quantities of RACM.

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

42. 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.

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

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

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

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

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

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

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

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

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

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

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

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

55. Average emission rate – The simple average of the hourly NO_x emission rate as recorded by approved monitoring systems.

(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 national 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 $\mu g/m^3$) 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). 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. Basic state installations – Installations which meet any of the following criteria, but are not part 70 installations:

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

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

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

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

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

6. Batch – Defined as follows:

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

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

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

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

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

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

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

12. Boiler – An enclosed fossil or other fuel-fired combustion device used to produce heat and to transfer heat to recirculating water, steam, or other medium.

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

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

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

(C) All terms beginning with C.

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

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

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

4. Cause or contribute to a new violation – A federal action that –

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

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

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

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

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

8. 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 adjutants 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.

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

Class IA concentrated animal feeding operation 7,000 animal unit equivalents		
Animal species	Animal unit equivalent	Number of animals
Beef cow, feeder, veal calf, cow/calf pair, and dairy heifer	1.0	7,000
Horses	0.5	3,500
Mature dairy cows	0.7	4,900
Swine weighing > 55 lbs.	2.5	17,500
Swine weighing < 55 lbs.	10	70,000
Ducks with a wet handling system	5	35,000
Ducks without a wet handling system	30	210,000
Sheep, lambs, and meat and dairy goats	10	70,000
Chicken laying hens, pullets, and broilers with a wet handling system	30	210,000
Chicken laying hens without a wet handling system	82	574,000
Turkeys in grow-out phase	55	385,000
Chicken broilers and pullets, and turkey poults in brood phase, all without a wet handling system	125	875,000

10. Clean Air Act (CAA) – The Clean Air Act, as amended; also refer to Act.

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

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

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

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

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

16. Closure – That point in time when a landfill becomes a closed landfill.

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

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

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

18. Coating applicator – An apparatus used to apply a surface coating.

19. 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.

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

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

22. 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.

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

24. Commence – For the purposes of major stationary source construction or major modification, the owner or operator has all necessary preconstruction approvals or permits and –

A. Began, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

B. Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

25. Commence operation – Initially set into operation air pollution control equipment or process equipment.

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

27. Commercial solid waste – All types of solid waste generated by stores, offices, restaurants, warehouses, and other nonmanufacturing activities, excluding residential and

industrial wastes.

28. Commission – The Missouri Air Conservation Commission established pursuant to 643.040, RSMo.

29. Common stack – A single flue through which emissions from two (2) or more NO_x units are exhausted.

30. Compliance certification – A submission to the director or the administrator, that is required to report a NO_x budget source's or a NO_x budget unit's compliance or noncompliance with stated requirements and that is signed by the NO_x authorized account representative in accordance with 10 CSR 10-6.360.

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

32. 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.

33. Confidential business information – Secret processes, secret methods of manufacture or production, trade secrets, and other information possessed by a business that, under existing legal concepts, the business has a right to preserve as confidential and to limit its use by not disclosing it to others in order that the business may obtain or retain business advantages it derives from its rights in the information.

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

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

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

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

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

B. For a developed site, a new process or production unit which in and of itself emits or has the potential to emit ten (10) tons per year of any HAP or twenty-five (25) tons per year of any combination of HAPs.

38. 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.

39. Continuous emissions monitoring system (CEMS) – A monitoring system for continuously measuring and recording the emissions of a pollutant from an affected facility.

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

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

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

43. Contractor – Defined as follows:

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

B. For all other purposes, any person, who by agreement, contractual or otherwise, conducts projects or provides services.

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

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

46. Control period – Defined as follows:

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

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

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

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

49. Conveyorized degreaser – A type of degreaser in which the parts are loaded continuously.

50. Criteria pollutant or standard – Any pollutants for which there is established a National Ambient Air Quality Standard at 40 CFR 50.

51. Cutback asphalt – Any asphaltic cement that has been liquefied by blending with volatile organic compound liquid diluents.

(D) All terms beginning with D.

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

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

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

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

5. Department – Defined as follows:

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

B. For all other purposes, the Missouri Department of Natural Resources, which includes the director thereof, or the person or division or program within the department delegated the authority to render the decision, order, determination,

finding, or other action that is subject to review by the commission. PO Box 176, Jefferson City, MO 65102.

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

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

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

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

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

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

12. Dispersion technique –

A. Any technique designed to affect the concentration of a pollutant in the ambient air by –

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

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

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

B. This definition does not include –

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

(II) The merging of exhaust gas streams where –

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

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

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

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

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

(V) Techniques under part (2)(D)12.A.(III) of this rule which increase final exhaust gas plume rise where the resulting allowable emissions of sulfur dioxide from the installation do not exceed five thousand (5,000) tons per year.

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

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

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

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

(E) All terms beginning with E.

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

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

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

4. Emergency – A situation or occurrence of a serious nature that develops suddenly, unexpectedly, and demands immediate action.

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

6. Emission data –

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

(I) Has been emitted from an emission unit;

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

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

(IV) Is a combination of any of the parts (2)(E)6.A.(I), (II), or (III) of this rule;

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

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

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

8. 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.

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

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

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

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

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

12. 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.

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

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

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

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

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

18. Ethylene propylene diene monomer (EPDM) roof membrane – A prefabricated single sheet of elastomeric material composed of ethylene propylene diene monomer and that is applied to a building roof in the field using one (1) layer of membrane material.

19. Excess emissions – The emissions which exceed the requirements of any applicable emission control regulation.

20. Excessive concentration –

A. For installations seeking credit for reduced ambient pollutant concentrations from stack height exceeding that defined in subparagraph (2)(G)7.B. of this rule, an excessive concentration is a maximum ground-level concentration due to emissions from a stack due in whole or part to downwash, wakes, or eddy effects produced by nearby structures or nearby terrain features which are at least forty percent (40%) in excess of the maximum concentration experienced in the absence of the downwash, wakes, or eddy effects, and that contributes to a total concentration due to emissions from all installations that is greater than an ambient air quality standard. For installations subject to the prevention of significant deterioration program as set forth in 10 CSR 10-6.060(8), an excessive concentration means a maximum ground-level concentration due to emissions from a stack due to the same conditions as mentioned previously and is greater than a prevention of significant deterioration increment. The allowable emission rate to be used in making demonstrations under this definition shall be prescribed by the new source performance regulation as referenced by 10 CSR 10-6.070 for the source category unless the owner or operator demonstrates that this emission rate is infeasible. Where demonstrations are approved by the director, an alternative emission rate shall be established in consultation with the source owner or operator;

B. For installations seeking credit after October 11, 1983, for increases in stack heights up to the heights established under subparagraph (2)(G)7.B. of this rule, an excessive concentration is either –

(I) A maximum ground-level concentration due in whole or part to downwash, wakes, or eddy effects as provided in subparagraph (2)(E)20.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)7.B. of this rule where the director requires the use of a field study of fluid model to verify good engineering practice stack height, for installations seeking stack height credit after November 9, 1984, based on the aerodynamic influence of cooling towers, and for installations seeking stack height credit

after December 31, 1970, based on the aerodynamic influence of structures not represented adequately by the equations in subparagraph (2)(G)7.B. of this rule, a maximum ground-level concentration due in whole or part to downwash, wakes, or eddy effects that is at least forty percent (40%) in excess of the maximum concentration experienced in the absence of downwash, wakes, or eddy effects.

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

(F) All terms beginning with F.

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

2. Facility – See installation.

3. Federal agency – A federal department, agency, or instrumentality of the federal government.

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

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

6. Finishing material – A coating used in the wood furniture industry.

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

8. 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.

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

10. Flare – An open combustor without enclosure or shroud.

11. Flash-off area – The space between the application area and the oven.

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

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

14. 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.

15. Fossil fuel – Natural gas, petroleum, coal, or any form of solid, liquid, or gaseous fuel derived from such material.

16. Fossil-fuel-fired – With regard to a unit, the combustion of fossil fuel, alone or in combination with any other fuel, where fossil fuel is projected to comprise more than fifty percent (50%) of the annual heat input.

17. Friable asbestos-containing material – Any material that contains more than one percent (1%), as determined by either the method specified in appendix E, section 1 Polarized Light Microscopy in 40 CFR 61, subpart M or EPA/600/R-93/116 *Method for the Determination of Asbestos in Bulk Building Materials*, asbestos that, when dry, may be crumbled, pulverized, or reduced to powder by hand pressure.

18. Fugitive emissions – Those emissions which according to good engineering practice could not pass through a stack, chimney, vent, or other functionally equivalent opening.

(G) All terms beginning with G.

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

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

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

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

5. General account – A NO_x allowance tracking system account that is not a compliance account or an overdraft account.

6. Generator – A device that produces electricity.

7. Good engineering practice (GEP) stack height – The greater of –

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

B. For stacks on which construction commenced on or before January 12, 1979, and for which the owner or operator had obtained all applicable permits or approvals required under 40 CFR 51 and 52,

$$Hg = 2.5H$$

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

$$Hg = H + 1.5L$$

Where:
Hg = GEP stack height, measured from the ground-level elevation at the base of the stack;
H = height of nearby structure(s) measured from the ground-level elevation at the base of the stack; and
L = lesser dimension, height, or projected width of the nearby structure(s). Provided that the director may require the use of a field study or fluid model to verify GEP stack height for the installation; or

C. The height demonstrated by a fluid model or field study approved by the director, which ensures that the emissions from a stack do not result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, nearby structures, or nearby terrain features.

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

9. Greenfield site – For the purpose of 10 CSR 10-6.060(9), a contiguous area under common control that is an undeveloped site.

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

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

(H) All terms beginning with H.

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

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

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

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

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

6. Hearing officer – A person appointed by the Administrative Hearing Commission.

7. Heat input – The product (in mmBtu/time) of the gross calorific value of the fuel (in Btu/lb) and the fuel feed rate into a combustion device (in mass of fuel/time), as measured, recorded, and reported to the administrator by the NO_x authorized account representative and as determined by the administrator in accordance with the approved process, and does not include the heat derived from preheated combustion air, recirculated flue gases, or exhaust from other sources.

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

9. Heavy-duty diesel vehicle – A vehicle that –

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

B. Is powered by a diesel engine; and

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

10. Heavy-duty vehicle (HDV) – Any motor vehicle rated at eight thousand five hundred one pounds (8,501 lbs) gross vehicle weight rating or more.

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

12. Higher heating value (HHV) – The total heat liberated per mass of fuel burned in British thermal units (Btu) per pound, when fuel and dry air at standard conditions undergo complete combustion and all resultant products are brought to their standard states at standard conditions. It can be determined by 10 CSR 10-6.040(2) for solid fuels or 10 CSR 10-6.040(3) for liquid hydrocarbons.

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

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

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

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

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

(I) All terms beginning with I.

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

3. Indirect emissions – Those emissions of a criteria pollutant or its precursors –

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

B. That are reasonably foreseeable; and

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

(I) Traffic on or to, or stimulated or accommodated

by, a proposed facility which is related to increases or other changes in the scale or timing of operations of such facility;

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

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

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

4. 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.

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

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

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

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

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

10. 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.

11. 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.

12. 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).

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

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

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

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

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

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

(J) All terms beginning with J.

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

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

(K) All terms beginning with K.

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

(L) All terms beginning with L.

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

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

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

4. Lateral expansion – A horizontal expansion of the waste boundaries of an existing municipal solid waste landfill. A lateral expansion is not a modification unless it results in an increase in the design capacity of the landfill.

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

6. Letterpress printing – A printing process in which the image area is raised relative to the nonimage area, and the ink is transferred to the substrate directly from the image surface.

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

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

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

A. For the life of the unit;

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

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

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

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

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

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

11. Light-duty vehicle (LDV) – A passenger car or passenger car derivative capable of seating twelve (12) passengers or less that is rated at six thousand pounds (6,000 lbs) gross vehicle weight rating or less.

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

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

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

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

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

17. Lowest achievable emission rate (LAER) – That rate of emissions which reflects –

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

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

(M) All terms beginning with M.

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

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

3. Maintenance plan – A revision to the applicable Missouri State Implementation Plan, meeting the requirements of section 175A of the Clean Air Act.

4. Malfunction – Defined as follows:

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

B. For all other purposes, malfunction means 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.

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

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

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

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

9. Maximum achievable control technology (MACT) – 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) that the administrator, 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)9.A.–D. of this rule.

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

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

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

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

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

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

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

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

C. Human blood and blood products including –

(I) Liquid waste human blood;

(II) Products of blood;

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

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

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

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

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

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

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

14. Milestone – The meaning given in sections 182(g)(1) and 189(c)(1) of the Clean Air Act. It consists of an emissions level and the date on which it is required to be achieved.

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

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

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

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

19. Minimum pressure drop across the wet scrubber – Ninety percent (90%) of the highest three- (3-) hour average

pressure drop across the wet scrubber particulate matter (PM) control device (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the PM emission limit.

20. Minimum reagent flow rate — Ninety percent (90%) of the highest three- (3-) hour average reagent flow rate at the inlet to the selective noncatalytic reduction technology (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the NO_x emissions limit.

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

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

23. Minimum secondary chamber temperature — Ninety percent (90%) of the highest three- (3-) hour average secondary chamber temperature (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the PM, carbon monoxide (CO), dioxin/furan, and NO_x emission limits.

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

25. Missouri Department of Revenue (MDOR) — Defined as follows:

A. For the purpose of 10 CSR 10-5.381, the Missouri Department of Revenue is the state agency responsible for the oversight of vehicle registration at contract offices and via the Internet. This agency is also responsible for the registration denial method of enforcement for the vehicle emissions inspection and maintenance program; and

B. For all other purposes, Missouri Department of Revenue means the state agency that serves as the central collection agency for all state revenue with primary duties of collecting tax, registering and titling vehicles, and licensing drivers.

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

27. Missouri performance evaluation test procedure (MOPETP) — The set of standards and test procedures for evaluating performance of Stage I/II vapor recovery control equipment and systems to be installed or that have been installed in Missouri.

28. Missouri State Highway Patrol (MSHP) — Defined as follows:

A. For the purpose of 10 CSR 10-5.381, the Missouri State Highway Patrol is the state agency responsible for the oversight of the vehicle safety inspection program and joint oversight with the department of the vehicle emissions inspection and maintenance program; and

B. For all other purposes, Missouri State Highway Patrol is the state law enforcement agency with the primary duties of enforcing the traffic laws and promoting highway safety.

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

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

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

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

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

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

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

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

33. Modification — Defined as follows:

A. For the purposes of 10 CSR 10-5.490 and 10 CSR 10-6.310, modification is an increase in the permitted volume design capacity of the landfill by either horizontal or vertical expansion based on its most recent permitted design capacity; modification does not occur until the owner or operator commences construction on the horizontal or vertical expansion;

B. For the purpose of 10 CSR 10-6.165, modification is any change to a source of odor emissions or source operations, including odor controls, that causes or could cause an increase in potential odor emissions; and

C. For all other purposes, modification means any physical change to, 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.

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

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

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

37. 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.

38. Motor vehicle — Any self-propelled vehicle.

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

40. Municipal solid waste (MSW) landfill — An entire disposal facility in a contiguous geographical space where household waste is placed in or on land. An MSW landfill may also receive other types of Resource Conservation and Recovery Act (RCRA) Subtitle D wastes per 40 CFR 257.2, such as commercial solid waste, nonhazardous sludge, conditionally

exempt small quantity generator waste, and industrial solid waste. Portions of an MSW landfill may be separated by access roads. An MSW landfill may be publicly or privately owned. An MSW landfill may be a new MSW landfill, an existing MSW landfill, or a lateral expansion.

41. Municipal solid waste (MSW) landfill emissions – Gas generated by the decomposition of organic waste deposited in an MSW landfill or derived from the evolution of organic compounds in the waste.

(N) All terms beginning with N.

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

2. National Ambient Air Quality Standards (NAAQS) – Those standards established pursuant to section 109 of the Act and defined by 40 CFR 50. It includes standards for carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO_2) or oxides of nitrogen (NO_x), ozone, particulate matter (PM_{10} and $PM_{2.5}$), and sulfur dioxide (SO_2) or sulfur oxides (SO_x).

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

4. Nearby – Nearby, as used in the definition good engineering practice (GEP) stack height in subparagraph (2)(G)7.B. of this rule, is defined for a specific structure or terrain feature –

A. For purposes of applying the formula provided in subparagraph (2)(G)7.B. of this rule, nearby means that distance up to five (5) times the lesser of the height or the width dimension of a structure, but not greater than one-half (1/2) mile; and

B. For conducting fluid modeling or field study demonstrations under subparagraph (2)(G)7.C. of this rule, nearby means not greater than one-half (1/2) mile, except that the portion of a terrain feature may be considered to be nearby which falls within a distance of up to ten (10) times the maximum height of the feature, not to exceed two (2) miles if feature achieves a height one-half (1/2) mile from the stack that is at least forty percent (40%) of the GEP stack height determined by the formula provided in subparagraph (2)(G)7.B. of this rule, or twenty-six meters (26 m), whichever is greater, as measured from the ground-level elevation at the base of the stack. The height of the structure or terrain feature is measured from the ground-level elevation at the base of the stack.

5. 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.

6. Nonattainment area (NAA) – Any geographic area of the United States which has been designated as nonattainment under section 107 of the Clean Air Act and described in 40 CFR 81.

7. Nonattainment pollutant – Each and every pollutant for which the location of the source is in an area designated to be in nonattainment of a National Ambient Air Quality Standard (NAAQS) under section 107(d)(1)(A)(i) of the Act. Any constituent or precursor of a nonattainment pollutant shall be a nonattainment pollutant, provided that the constituent or precursor pollutant may only be regulated as part of regulation of the corresponding NAAQS pollutant. Both volatile organic compounds (VOC) and nitrogen oxides (NO_x) shall be nonattainment pollutants for a source located in an area designated nonattainment for ozone.

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

9. Nonmethane organic compound (NMOC) – Precursors to oxidant formation that allow ozone to accumulate in the atmosphere.

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

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

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

13. NO_x allowance – An authorization by the department or the administrator under a NO_x trading program to emit one (1) ton of NO_x during the control period of the specified year or of any year thereafter.

14. NO_x allowance deduction or deduct NO_x allowances – The permanent withdrawal of NO_x allowances by the administrator from a NO_x allowance tracking system compliance account or overdraft account to account for the number of tons of emissions from a NO_x budget unit for a control period, determined in accordance with a rule, or for any other NO_x allowance surrender obligation required.

15. NO_x allowance tracking system – The system by which the director or the administrator records allocations, deductions, and transfers of NO_x allowances under a NO_x trading program.

16. NO_x allowance tracking system account – An account in the NO_x allowance tracking system established by the director or administrator for purposes of recording the allocation, holding, transferring, or deducting of NO_x allowances.

17. NO_x allowances held – The NO_x allowances recorded by the director or administrator, or submitted to the director or administrator for recordation, in accordance with a rule, in a NO_x allowance tracking system account.

18. NO_x authorized account representative – The natural person who is authorized by the owners or operators of the source and all NO_x budget units at the source, in accordance with all applicable rules, to represent and legally bind each owner and operator in matters pertaining to a NO_x trading program or, for a general account, the natural person who is authorized to transfer or otherwise dispose of NO_x allowances held in the general account in accordance with the applicable rules.

19. NO_x budget emissions limitation – For a NO_x budget unit, the tonnage equivalent of the NO_x allowances available for compliance deduction for the unit and for a control period adjusted by any deductions of such NO_x allowances to account

for actual utilization for the control period or to account for excess emissions for a prior control period or to account for withdrawal from the NO_x budget program or for a change in regulatory status for an affected unit.

20. NO_x budget permit – The legally binding and federally enforceable written document, or portion of such document, issued by the director, including any permit revisions, specifying the NO_x budget trading program requirements applicable to a NO_x budget source, to each NO_x budget unit at the NO_x budget source, and to the owners and operators and the NO_x authorized account representative of the NO_x budget source and each NO_x budget unit.

21. NO_x budget source – A source that includes one (1) or more NO_x budget units.

22. NO_x budget trading program – A multistate nitrogen oxides air pollution control and emission reduction program pursuant to 40 CFR 51.121, as a means of mitigating the interstate transport of ozone and nitrogen oxides, an ozone precursor.

23. NO_x budget unit – A unit that is subject to the NO_x budget trading program emissions limitation under section (1) or paragraph (3)(H)1. of 10 CSR 10-6.360.

24. NO_x emission rate – The amount of NO_x emitted by a combustion unit in pounds per million British thermal units of heat input as recorded by approved monitoring devices.

25. NO_x emissions limitation – For an affected unit, the tonnage equivalent of the NO_x emissions rate available for compliance deduction for the unit and for a control period adjusted by any deductions of such NO_x allowances to account for actual utilization for the control period or to account for excess emissions for a prior control period or to account for withdrawal from a NO_x trading program or for a change in regulatory status for an affected unit.

26. NO_x opt-in unit – An electric generating unit whose owner or operator has requested to become an affected unit under a NO_x trading program and has been approved by the department.

27. NO_x unit – Any fossil-fuel-fired stationary boiler, combustion turbine, internal combustion engine, or combined cycle system.

(O) All terms beginning with O.

1. Offset – A decrease in actual emissions from a source operation or installation that is greater than the amount of emissions anticipated from a modification or construction of a source operation or installation. The decrease must be of the same pollutant and have substantially similar environmental and health effects on the impacted area. Any ratio of decrease to increase greater than one to one (1:1) constitutes offset. The exception to this are ozone nonattainment areas where volatile organic compound and oxides of nitrogen emissions will require an offset ratio of actual emission reduction to new emissions according to the following schedule: marginal area = 1.1:1; moderate area = 1.15:1; serious area = 1.2:1; severe area = 1.3:1; and extreme area = 1.5:1.

2. 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.

3. 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.

4. 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.

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

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

7. Operation – For the purpose of 10 CSR 10-6.200, the period during which waste is combusted in the incinerator excluding periods of start-up or shutdown.

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

9. Output – For the purposes of 10 CSR 10-5.510 and 10 CSR 10-6.061, the shaft work output from any engine plus the energy reclaimed by any useful heat recovery system.

10. Overall control efficiency – The efficiency of a control system, calculated as the product of the capture and control device efficiencies, expressed as a percentage.

11. Overdraft account – The NO_x allowance tracking system account established by the director or administrator for each NO_x budget source where there are two (2) or more NO_x budget units or for each NO_x authorized account representative.

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

13. Ozone season – From May 1 through September 30 of each year.

(P) All terms beginning with P.

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

2. Paint – A pigmented surface coating using volatile organic compounds 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 70, setting forth requirements for state operating permit programs pursuant to Title V of the Act.

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

A. Installations that emit or have the potential to emit, in the aggregate, ten (10) tons per year (tpy) or more of any hazardous air pollutant, other than radionuclides, or twenty-five (25) tpy or more of any combination of these hazardous air pollutants or such lesser quantity as the administrator may establish by rule. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any

pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not these units are in a contiguous area or under common control, to determine whether these units or stations are subject installations. For sources of radionuclides, the criteria shall be established by the administrator;

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

C. Installations located in nonattainment areas or ozone transport regions –

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

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

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

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

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

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

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

G. Installations are not subject to part 70 source requirements unless the administrator subjects them to part 70 requirements by rule and the installations would be part 70 sources strictly because they are subject to –

(I) A standard, limitation, or other requirement under section 111 of the Act, including area sources; or

(II) 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.

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

A. For purposes of ambient air concentrations –

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

(II) PM_{10} – Particulate matter with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers as measured in the ambient air as specified in 10 CSR 10-6.040(4)(J); and

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

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

C. For all other purposes –

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

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

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

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

(V) Primary PM_{10} (Also known as direct PM_{10}, total PM_{10}, PM_{10}, or the combination of filterable PM_{10} and condensable PM) – PM with an aerodynamic diameter equal to or less than ten (10) micrometers.

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

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

8. 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.

9. 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.

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. 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.

12. Plastic – A synthetic material chemically formed by the

polymerization of organic substances and capable of being molded, extruded, cast into various shapes and films, or drawn into filaments.

13. Point source – For the purpose of 10 CSR 10-6.110, large, stationary (nonmobile), identifiable source of emissions that releases pollutants into the atmosphere. A point source is an installation that is either –

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

B. A holder of an intermediate operating permit.

14. Pollutant – An air contaminant listed in subsection (3)(A) of this rule without regard to levels of emission or air quality impact.

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

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

17. 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.

18. 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).

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

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

21. 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.

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

23. 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.

24. Precursors of a criteria pollutant are –

A. For ozone, nitrogen oxides (NO_x), unless an area is exempted from NO_x requirements under section 182(f) of the Clean Air Act, and volatile organic compounds (VOCs);

B. For PM_{10}, those pollutants described in the PM_{10} nonattainment area applicable state implementation plan as significant contributors to the PM_{10} levels; and

C. For $PM_{2.5}$ –

(I) Sulfur dioxide (SO_2) in all $PM_{2.5}$ nonattainment and maintenance areas;

(II) NO_x in all $PM_{2.5}$ nonattainment and maintenance areas unless both the state and U.S. Environmental Protection Agency (EPA) determine that it is not a significant precursor; and

(III) VOC and ammonia (NH_3) only in $PM_{2.5}$ nonattainment or maintenance areas where either the state or EPA determines that they are significant precursors.

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

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

27. Primary aluminum reduction installation – Any facility manufacturing aluminum by electrolytic reduction of alumina.

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

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

30. Printing – Any operation that imparts color, images, or text onto a substrate using printing inks.

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

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

33. Process or production unit – For the purpose of 10 CSR 10-6.060(9), any collection of structures and/or equipment, that processes, assembles, applies, or otherwise uses material inputs to produce or store an intermediate or final product. A single facility may contain more than one (1) process or production unit.

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

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

36. Process weight rate – A rate in tons per hour established as follows:

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

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

hours of that period or portion;

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

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

37. 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.

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

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

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

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

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

5. Reconstruct a major source – For the purpose of 10 CSR 10-6.060(9), replacement of components at an existing process or production unit where the replacement of components in and of itself emits or has the potential to emit ten (10) tons per year (tpy) of any hazardous air pollutant (HAP) or twenty-five (25) tpy of any combination of HAPs, whenever –

A. The fixed capital cost of the new components exceeds fifty percent (50%) of the fixed capital cost that would be required to construct a comparable process or production unit; and

B. It is technically and economically feasible for the reconstructed major source to meet the applicable maximum achievable control technology emission limitation for new sources established under this section.

6. 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.

7. Recoverable fuel – Fuels that have been permitted for use for energy recovery under 10 CSR 10-6.065.

8. Recovery device – An individual unit of equipment, such as an adsorber, carbon adsorber, or condenser, capable of and used for the purpose of recovering chemicals for use, reuse, or sale.

9. Recovery system – An individual recovery device or series of such devices applied to the same vent stream.

10. Reduction – Any heated process, including rendering, cooking, drying, dehydrating, digesting, evaporating, and protein concentrating.

11. Reference method – Any method of sampling and analyzing for an air pollutant that is published in Appendix A of 40 CFR 60.

12. Refuse – The garbage, rubbish, trade wastes, leaves, salvageable material, agricultural wastes, or other wastes.

13. Regional water or wastewater projects – Include construction, operation, and maintenance of water or wastewater conveyances, water or wastewater treatment facilities, and water storage reservoirs which affect a large portion of a nonattainment or maintenance area.

14. Regulated air pollutant – All air pollutants or precursors for which any standard has been promulgated.

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

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

17. Research and development activities – For the purpose of 10 CSR 10-6.060(9), 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.

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

19. Residual fuel oil – The heavier fuel oil variously known as Bunker C, PS 400, and Number 6 generally used for the production of electric power, space heating, vessel bunkering, and various industrial purposes. It has a minimum flash point of one hundred forty degrees Fahrenheit (140 °F).

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

21. Responsible official – Includes one (1) of the following:

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

(I) The facilities employ more than two hundred fifty (250) persons or have a gross annual sales or expenditures

exceeding twenty-five (25) million dollars (in second quarter 1980 dollars); or

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

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

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

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

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

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

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

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

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

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. Serial number — When referring to NO_x allowances, the unique identification number assigned to each NO_x allowance by the administrator or director.

5. Shutdown — Defined as follows:

A. For the purpose of 10 CSR 10-6.200, the period of time after all waste has been combusted in the primary chamber. For continuous HMIWI, shutdown shall commence no less than two (2) hours after the last charge to the incinerator. For intermittent HMIWI, shutdown shall commence no less than four (4) hours after the last charge to the incinerator. For batch HMIWI, shutdown shall commence no less than five (5) hours after the high-air phase of combustion has been completed; and

B. For all other purposes, the cessation of operation of any air pollution control equipment or process equipment, except the routine phasing out of process equipment.

6. Shutdown, permanent — Same as permanent shutdown.

7. 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(5)(E)3., 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 $\mu g/m^3$) (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.

8. Six- (6-) minute period — A three hundred sixty- (360-) consecutive-second time interval. Six- (6-) minute block averages shall be utilized for continuous opacity monitoring system data per the provisions of Appendix B to 40 CFR 60, Performance Specification 1, promulgated as of July 1, 2007, and hereby incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions.

9. Sludge — Any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility, exclusive of the treated effluent from a wastewater treatment plant.

10. Small HMIWI — An HMIWI whose maximum design waste burning capacity is less than or equal to two hundred (200) pounds per hour, or a continuous or intermittent HMIWI whose maximum charge rate is less than or equal to two hundred (200) pounds per hour, or a batch HMIWI whose maximum charge rate is less than or equal to one thousand six hundred (1,600) pounds per day. The following are not small HMIWI: a continuous or intermittent HMIWI whose maximum charge rate is more than two hundred (200) pounds per hour; a batch HMIWI whose maximum charge rate is more than one thousand six hundred (1,600) pounds per day.

11. Small source — For the purpose of 10 CSR 10-6.110, an installation subject to 10 CSR 10-6.110 but not a point source as defined in 10 CSR 10-6.020 for the purpose of 10 CSR 10-6.110.

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

13. Solid fuel — A solid material used as a fuel that includes but is not limited to coal, wood, biomass, tires, plastics, and other nonfossil solid materials.

14. Solid waste — Any garbage, refuse, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to

permits under 33 U.S.C. 1342, or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2014).

15. Solids – Same as coating solids.

16. Solids turnover ratio (R_T) – The ratio of total volume of coating solids that is added to the electrodeposition primer system in a calendar month divided by the total volume design capacity of the electrodeposition primer system.

17. Solvent – Organic materials which are liquid at standard conditions and which are used as dissolvers, viscosity reducers, or cleaning agents.

18. Solvent metal cleaning – The process of cleaning soils from metal surfaces by cold cleaning or open-top vapor degreasing or conveyorized degreasing.

19. Source – Any governmental, institutional, commercial, or industrial structure, installation, plant, building, or facility that emits or has the potential to emit any regulated air pollutant under the Clean Air Act (CAA). For purposes of section 502(c) of the CAA, a source, including a source with multiple units, shall be considered a single facility.

20. Source gas volume – The volume of gas arising from a process or other source operation.

21. Source operation – Use definition of emissions unit.

22. Springfield-Greene County area – The geographical area contained within Greene County.

23. St. Louis metropolitan area – The geographical area comprised of St. Louis, St. Charles, Jefferson, and Franklin counties and the City of St. Louis.

24. 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.

25. Staff director – Director of the Air Pollution Control Program of the Department of Natural Resources.

26. Stain – Any color coat having a solids content by weight of no more than eight percent (8%) that is applied in single or multiple coats directly to the substrate. Includes but is not limited to nongrain raising stains, equalizer stains, sap stains, body stains, no-wipe stains, penetrating stains, and toners.

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

28. Standard metropolitan statistical area (SMSA) – Any areas listed in Office of Management and Budget Bulletin No. 93-17 entitled "Revised Statistical Definitions for Metropolitan Areas" dated June 30, 1993, and hereby incorporated by reference in this rule, as published by the National Technical Information Services, 5285 Port Royal Road, Springfield, VA 22161. This rule does not incorporate any subsequent amendments or additions.

29. Start-up – Defined as follows:

A. For the purpose of 10 CSR 10-6.200, the period of time between the activation of the system and the first charge to the unit. For batch HMIWI, start-up means the period of time between activation of the system and ignition of the waste; and

B. For all other purposes, the setting into operation of any air pollution control equipment or process equipment, except the routine phasing in of process equipment.

30. 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.

31. State implementation plan (SIP) – A series of plans adopted by the commission, submitted by the director, and approved by the administrator detailing methods and procedures to be used in attaining and maintaining the ambient air quality standards in Missouri.

32. State trading program NO_x budget – The total number of tons apportioned to all NO_x budget units in a given state, in accordance with the NO_x budget trading program, for use in a given control period.

33. Storage container – Vessel or tank, including mix equipment, used to hold finishing, cleaning, or washoff materials.

34. 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.

35. Submit or serve – To send or transmit a document, information, or correspondence to the person specified in accordance with the applicable regulation –

A. In person;

B. By United States Postal Service; or

C. By other means of dispatch or transmission and delivery. Compliance with any submission, service, or mailing deadline shall be determined by the date of dispatch, transmission, or mailing and not the date of receipt.

36. Substrate – The surface onto which coatings are applied (or into which coatings are impregnated).

37. 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. Title V operating permit – A permit issued under Title V of the Clean Air Act and 40 CFR 70 or 40 CFR 71.

4. Title V operating permit regulations – The regulations that the administrator has approved or issued as meeting the requirements of Title V of the Clean Air Act and 40 CFR 70 or 40 CFR 71.

5. Ton or tonnage – Any short ton (i.e., two thousand pounds (2,000 lbs)). For the purpose of determining compliance with the NO_x budget emissions limitation, total tons for a control period shall be calculated as the sum of all recorded hourly emissions (or the tonnage equivalent of the recorded hourly emissions rates) in accordance with applicable requirements, with any remaining fraction of a ton equal to or greater than one-half (0.50) ton deemed to equal one (1) ton and any fraction of a ton less than one-half (0.50) ton deemed to equal zero (0) tons.

6. Topcoat – Defined as follows:

A. For the purposes of 10 CSR 10-2.205 and 10 CSR 10-5.295, a coating that is applied over a primer on an aerospace vehicle or component for appearance, identification, camouflage, or protection. Topcoats that are defined as specialty coatings are not included under this definition; and

B. For all other purposes, the last film building finishing material applied for the purpose of establishing the color or protective surface, or both, including groundcoat and paint sealer materials, base coat, and clear coat. Nonpermanent final finishes are not topcoats.

7. 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.

8. Total of direct and indirect emissions – The sum of direct and indirect emissions increases and decreases caused

by the federal action; that is, the net emissions considering all direct and indirect emissions. Any emissions decreases used to reduce such total shall have already occurred or shall be enforceable under state and federal law. The portion of emissions which are exempt or presumed to conform under subsection (3)(C), (D), (E), or (F) of 10 CSR 10-6.300 are not included in the total of direct and indirect emissions, except as provided in subsection (3)(J) of 10 CSR 10-6.300. The total of direct and indirect emissions includes emissions of criteria pollutants and emissions of precursors of criteria pollutants. The segmentation of projects for conformity analyses when emissions are reasonably foreseeable is not permitted by 10 CSR 10-6.300.

9. 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.

10. Tribal implementation plan (TIP) — A plan to implement the national ambient air quality standards adopted and submitted by a federally recognized Indian tribal government determined to be eligible under 40 CFR 49.9 and the plan has been approved by the U.S. Environmental Protection Agency.

(U) All terms beginning with U.

1. Uncombined water — The visible condensed water which is not bound, physically or chemically, to any air contaminant.

2. Unit — A fossil-fuel-fired combustion device such as a stationary boiler, combustion turbine, or combined cycle system. For the purpose of 10 CSR 10-6.390, unit is any diesel, lean-burn, or rich-burn stationary internal combustion engine as defined in this rule.

3. Unit load — The total (i.e., gross) output of a unit in any control period (or other specified time period) produced by combusting a given heat input of fuel expressed in terms of —

A. The total electrical generation (expressed as megawatt) produced by the unit, including generation for use within the plant; or

B. In the case of a unit that uses heat input for purposes other than electrical generation, the total steam flow (lb/hr) or total steam pressure (psia) produced by the unit, including steam for use by the unit.

4. Unit operating day — A calendar day in which a unit combusts any fuel.

5. Unit operating hour or hour of unit operation — Any hour or fraction of an hour during which a unit combusts fuel.

6. Unit operations — Discrete processing steps that occur within distinct equipment that are used to prepare reactants, facilitate reactions, separate and purify products, and recycle materials.

7. User source — Any source that seeks to use emission reduction credits to comply with an applicable emission reduction requirement.

8. Utilization — The heat input (expressed in mmBtu/time) for a unit. The unit's total heat input for the control period in each year will be determined in accordance with 40 CFR 75 if the NO_x budget unit was otherwise subject to the requirements of 40 CFR 75 for the year or will be based on the best available data reported to the administrator for the unit if the unit was not otherwise subject to the requirements of 40 CFR 75 for the year.

(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. Varnish — An unpigmented surface coating containing volatile organic compounds and composed of resins, oils, thinners, and driers used to give a glossy surface to wood, metal, etc.

3. 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.

4. Vent — A point of emission from a unit operation. Typical process vents from batch processes include condenser vents, vacuum pumps, steam ejectors, and atmospheric vents from reactors and other process vessels. Vents also include relief valve discharges. Equipment exhaust systems that discharge from unit operations also would be considered process vents.

5. Vent stream — Any gas stream discharge directly from a distillation operation or reactor process to the atmosphere or indirectly to the atmosphere after diversion through other process equipment. The vent stream excludes relief valve discharges and equipment leaks including but not limited to pumps, compressors, and valves.

6. Visible emission — Any discharge of an air contaminant, including condensables, which reduces the transmission of light or obscures the view of an object in the background.

7. Volatile organic compounds (VOC) — Any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, that participates in atmospheric photochemical reactions to produce ozone.

A. The following compounds are not considered VOCs because of their known lack of participation in the atmospheric reactions to produce ozone:

CAS #	Compound
138495428	1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee)
431890	1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea)
375031	1,1,1,2,2,3,3-heptafluoropropane (n-$C_3F_7OCH_3$ or HFE-7000)
690391	1,1,1,3,3,3-hexafluoropropane (HFC-236fa)
679867	1,1,2,2,3-pentafluoropropane (HFC-245ca)
24270664	1,1,2,3,3-pentafluoropropane (HFC-245ea)
431312	1,1,1,2,3-pentafluoropropane (HFC-245eb)
460731	1,1,1,3,3-pentafluoropropane (HFC-245fa)
431630	1,1,1,2,3,3-hexafluoropropane (HFC-236ea)
406586	1,1,1,3,3-pentafluorobutane (HFC-365mfc)
422560	3,3-dichloro-1,1,1,2,2-penta-fluoropropane (HCFC-225ca)
507551	1,3-dichloro-1,1,2,2,3-penta-fluoropropane (HCFC-225cb)
354234	1,2-dichloro-1,1,2-trifluoro-ethane (HCFC-123a)
1615754	1-chloro-1-fluorethane (HCFC-151a)
163702076	1,1,1,2,2,3,3,4,4-nonafluoro 4-methoxy-butane ($C_4F_9OCH_3$or HFE-7100)

163702087	2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OCH_3$)
163702054	1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane ($C_4F_9OC_2H_5$ or HFE-7200)
163702065	2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OC_2H_5$)
297730939	3-ethoxy- 1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500)
71556	1,1,1-trichloroethane (methyl chloroform)
67641	acetone
75683	1-chloro 1,1-difluoroethane (HCFC-142b)
75456	chlorodifluoromethane (HCFC-22)
593704	chlorofluoromethane (HCFC-31)
76153	chloropentafluoroethane (CFC-115)
2837890	2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124)
75718	dichlorodifluoromethane (CFC-12)
1717006	1,1-dichloro 1-fluoroethane (HCFC-141b)
76142	1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114)
75376	1,1-difluoroethane (HFC-152a)
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)
420462	1,1,1-trifluoroethane (HFC-143a)
75467	trifluoromethane (HFC-23)
107313	methyl formate ($HCOOCH_3$)
132182924	1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethylpentane (HFE-7300)
108327	propylene carbonate
616386	dimethyl carbonate
29118249	*trans*-1,3,3,3-tetrafluoropropene (HFO-1234ze)
1691174	1,1,3,3-tetrafluorodimethyl ether (HCF_2OCF_2H or HFE-134)
78522471	bis (difluoromethoxy)(difluoro) methane ($HCF_2OCF_2OCF_2H$ or HFE-236cal2)
188690780	1,2-bis (difluoromethoxy)-1,1,2,2-tetrafluoroethane ($HCF_2OCF_2CF_2OCF_2H$ or HFE-338pcc13)
188690779	1-(difluoromethoxy)-2-[(difluoromethoxy)(difluoro) methoxy]-1,1,1,2,2-tetrafluoro-ethane ($HCF_2OCF_2OCF_2CF_2OCF_2$ H or H-Galden 1040x or H-Galden ZT 130 (or 150 or 180))
102687650	trans-1-chloro-3,3,3-trifluoroprop-1-ene (Solstice™ 1233zd(E))
754141	2,3,3,3-tetrafluoropropene
124685	2-amino-2-methyl-1-propanol (AMP)
540885	t-butyl acetate (TBAC)
406780	1,1,2,2-tetrafluoro-1-(2,2,2-trifluoroethoxy) ethane (HFE-347pcfe)
692499	cis-1,1,1,4,4,4-hexafluorobut-2-ene (HFO-1336mzz-Z)
66711862	trans-1,1,1,4,4,4-hexafluorobute-2-ene (HFO-1336mzz(E))

Perfluorocarbon compounds in the following classes:

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.

8. Volatile organic liquid – Any substance which is a liquid at storage conditions and which contains one (1) or more volatile organic compounds as defined in this rule.

9. Volatility – For purposes of 10 CSR 10-5.540, low volatility materials are defined as those which have a vapor pressure less than or equal to seventy-five (75) mmHg at twenty degrees Celsius (20°C), moderate volatility materials have a vapor pressure greater than seventy-five (75) and less than or equal to one hundred fifty (150) mmHg at twenty degrees Celsius (20°C), and high volatility materials have a vapor pressure greater than one hundred fifty (150) mmHg at twenty degrees Celsius (20°C). To evaluate volatile organic compound (VOC) volatility for single unit operations that service numerous VOCs or for processes handling multiple VOCs, the weighted average volatility can be calculated from knowing the total amount of each VOC used in a year, and the individual component vapor pressure, per the equation in paragraph (1)(E)1. of 10 CSR 10-5.540.

(W) All terms beginning with W.

1. Wet scrubber – An add-on air pollution control device that utilizes an alkaline scrubbing liquor to collect particulate matter (including nonvaporous metals and condensed organics) and/or to absorb and neutralize acid gases.

2. Wood furniture – Any product made of wood, a wood product such as rattan or wicker, or an engineered wood product such as particleboard that is manufactured under any of the following standard industrial classification codes: 2434, 2511, 2512, 2517, 2519, 2521, 2531, 2541, 2599, or 5712.

3. Wood furniture component – Any part that is used in the manufacture of wood furniture. Examples include but are not limited to drawer sides, cabinet doors, seat cushions, and laminated tops.

4. Working day – A day, or any part of a day, in which a facility is engaged in manufacturing.

(X) All terms beginning with X.

(Y) All terms beginning with Y.

(Z) All terms beginning with Z.

(3) General Provisions. Common reference tables are provided in this section of the rule.

(A) Table 1 – *De Minimis* Emission Levels.

Air Contaminant	Emission Rate
Carbon monoxide	100.0
Nitrogen oxides	40.0
Particulate Matter	
PM	25.0
PM_{10}	15.0
$PM_{2.5}$	10.0
SO_2 ($PM_{2.5}$ precursor)	40.0
NO_x ($PM_{2.5}$ precursor) (emissions of nitrogen oxides are considered precursors to $PM_{2.5}$ unless the state or EPA successfully demonstrates that emissions in a specific area are not a significant contributor to that area's ambient $PM_{2.5}$ concentrations)	40.0
Sulfur dioxide	40.0
Ozone	
VOC (Ozone precursor)	40.0
NO_x (Ozone precursor)	40.0
Lead	0.6
Fluorides (Excluding hydrogen fluoride)	3.0
Sulfuric acid mist	7.0
Hydrogen sulfide	10.0
Total reduced sulfur (including hydrogen sulfide)	10.0
Reduced Sulfur Compounds (including hydrogen sulfide)	10.0
Municipal waste combustor organics (measured as total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans)	3.5×10^{-6}
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
79061	Acrylamide
79107	Acrylic acid
107131	Acrylonitrile
107051	Allyl chloride
92671	4-Aminobiphenyl
62533	Aniline
90040	o-Anisidine
1332214	Asbestos
71432	Benzene (including from gasoline)
92875	Benzidine
98077	Benzotrichloride
100447	Benzyl chloride
92524	Biphenyl
117817	Bis(2-ethylhexyl)phthalate (DEHP)
542881	Bis(chloromethyl)ether
75252	Bromoform

106945	1-Bromopropane
106990	1,3-Butadiene
156627	Calcium cyanamide
133062	Captan
63252	Carbaryl
75150	Carbon disulfide
56235	Carbon tetrachloride
463581	Carbonyl sulfide
120809	Catechol
133904	Chloramben
57749	Chlordane
7782505	Chlorine
79118	Chloroacetic acid
532274	2-Chloroacetophenone
108907	Chlorobenzene
510156	Chlorobenzilate
67663	Chloroform
107302	Chloromethyl methyl ether
126998	Chloroprene
1319773	Cresols/Cresylic acid (isomers and mixture)
108394	m-Cresol
95487	o-Cresol
106445	p-Cresol
98828	Cumene
94757	2,4-D, salts and esters
3547044	DDE
334883	Diazomethane
132649	Dibenzofurans
96128	1,2-Dibromo-3-chloropropane
84742	Dibutylphthalate
106467	1,4-Dichlorobenzene(p)
91941	3,3-Dichlorobenzidene
111444	Dichloroethyl ether (Bis(2-chloroethyl)ether)
542756	1,3-Dichloropropene
62737	Dichlorvos
111422	Diethanolamine
121697	N,N-Diethyl aniline (N,N-Dimethylaniline)
64675	Diethyl sulfate
119904	3,3-Dimethoxybenzidine
60117	Dimethyl aminoazobenzene
119937	3,3-Dimethyl benzidine
79447	Dimethyl carbamoyl chloride
68122	Dimethyl formamide
57147	1,1-Dimethyl hydrazine
131113	Dimethyl phthalate
77781	Dimethyl sulfate
534521	4,6-Dinitro-o-cresol and salts
51285	2,4-Dinitrophenol
121142	2,4-Dinitrotoluene
123911	1,4-Dioxane (1,4-Diethyleneoxide)
122667	1,2-Diphenylhydrazine
106898	Epichlorohydrin (1-Chloro-2,3-epoxypropane)
106887	1,2-Epoxybutane
140885	Ethyl acrylate
100414	Ethyl benzene
51796	Ethyl carbamate (Urethane)
75003	Ethyl chloride (Chloroethane)
106934	Ethylene dibromide (1,2-Dibromoethane)
107062	Ethylene dichloride (1,2-Dichloroethane)
107211	Ethylene glycol
151564	Ethylene imine (Aziridine)
75218	Ethylene oxide
96457	Ethylene thiourea
75343	Ethylidene dichloride (1,1-Dichloroethane)
50000	Formaldehyde
76448	Heptachlor
118741	Hexachlorobenzene
87683	Hexachlorobutadiene
77474	Hexachlorocyclopentadiene
67721	Hexachloroethane
822060	Hexamethylene-1,6-diisocyanate
680319	Hexamethylphosphoramide
110543	Hexane
302012	Hydrazine
7647010	Hydrochloric acid
7664393	Hydrogen fluoride (hydrofluoricacid)
123319	Hydroquinone
78591	Isophorone
58899	Lindane (all isomers)
108316	Maleic anhydride
67561	Methanol
72435	Methoxychlor
74839	Methyl bromide (Bromomethane)
74873	Methyl chloride (Chloromethane)
71556	Methyl chloroform (1,1,1-Trichloroethane)
60344	Methyl hydrazine
74884	Methyl iodide (Iodomethane)
108101	Methyl isobutyl ketone (Hexone)
624839	Methyl isocyanate
80626	Methyl methacrylate
1634044	Methyl tert butyl ether
101144	4,4-Methylene bis(2-chloroaniline)
75092	Methylene chloride (Dichloromethane)
101688	Methylene diphenyl diisocyanate (MDI)
101779	4,4-Methylenedianiline
91203	Naphthalene
98953	Nitrobenzene
92933	4-Nitrobiphenyl
100027	4-Nitrophenol
79469	2-Nitropropane
684935	N-Nitroso-N-methylurea
62759	N-Nitrosodimethylamine
59892	N-Nitrosomorpholine
56382	Parathion
82688	Pentachloronitrobenzene (Quintobenzene)
87865	Pentachlorophenol
108952	Phenol
106503	p-Phenylenediamine
75445	Phosgene
7803512	Phosphine
7723140	Phosphorus
85449	Phthalic anhydride
1336363	Polychlorinated biphenyls (Aroclors)
1120714	1,3-Propane sultone
57578	beta-Propiolactone

123386	Propionaldehyde
114261	Propoxur (Baygon)
78875	Propylene dichloride (1,2-Dichloropropane)
75569	Propylene oxide
75558	1,2-Propylenimine (2-Methylaziridine)
91225	Quinoline
106514	Quinone
100425	Styrene
96093	Styrene oxide
1746016	2,3,7,8-Tetrachlorodibenzop-dioxin
79345	1,1,2,2-Tetrachloroethane
127184	Tetrachloroethylene (Perchloroethylene)
7550450	Titanium tetrachloride
108883	Toluene
95807	2,4-Toluene diamine
584849	2,4-Toluene diisocyanate
95534	o-Toluidine
8001352	Toxaphene (chlorinated camphene)
120821	1,2,4-Trichlorobenzene
79005	1,1,2-Trichloroethane
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)
1330207	Xylenes (isomers and mixture)
108383	m-Xylenes
95476	o-Xylenes
106423	p-Xylenes
0	Antimony Compounds
0	Arsenic Compounds (inorganic including arsine)
0	Beryllium Compounds
0	Cadmium Compounds
0	Chromium Compounds
0	Cobalt Compounds
0	Coke Oven Emissions
0	Cyanide Compounds[1]
0	Glycol ethers[2]
0	Lead Compounds
0	Manganese Compounds
0	Mercury Compounds
0	Fine mineral fibers[3]
0	Nickel Compounds
0	Polycyclic Organic Matter[4]
0	Radionuclides (including radon)[5]
0	Selenium Compounds

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.

[1] X'CN where X–H' or any other group where a formal dissociation may occur, for example, KCN or $Ca(CN)_2$.

[2] Includes mono- and diethers of ethylene glycol, diethylene glycol and triethylene glycol $R(OCH_2CH_2)n$-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 $R-(OCH_2CH_2)n$-OH. Polymers and ethylene glycol monobutyl ether are excluded from the glycol category.

[3] 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.

[4] 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).

[5] A type of atom which spontaneously undergoes radioactive decay.

(4) Reporting and Record Keeping *(Not Applicable)*

(5) Test Methods *(Not Applicable)*

AUTHORITY: section 643.050, RSMo Supp. 2023, and section 643.055, RSMo 2016. Original rule filed Aug. 16, 1977, effective Feb. 11, 1978. Amended: Filed Feb. 27, 1978, effective Dec. 11, 1978. Amended: Filed Aug. 11, 1978, effective April 12, 1979. Amended: Filed Nov. 14, 1978, effective June 11, 1979. Amended: Filed Dec. 15, 1978, effective June 11, 1979. Amended: Filed March 15, 1979, effective Nov. 11, 1979. Amended: Filed Dec. 10, 1979, effective April 11, 1980. Amended: Filed March 13, 1980, effective Sept. 12, 1980. Amended: Filed Sept. 12, 1980, effective April 11, 1981. Amended: Filed Jan. 14, 1981, effective June 11, 1981. Amended: Filed March 11, 1981, effective Aug. 13, 1981. Amended: Filed Nov. 10, 1981, effective May 13, 1982. Amended: Filed Dec. 10, 1981, effective June 11, 1982. Amended: Filed June 14, 1982, effective Dec. 11, 1982. Amended: Filed Aug. 13, 1982, effective Jan. 13, 1983. Amended: Filed Jan. 12, 1983, effective June 11, 1983. Amended: Filed Oct. 13, 1983, effective March 11, 1984. Amended: Filed Oct. 15, 1984, effective May 11, 1985. Emergency amendment filed Nov. 9, 1984, effective Nov. 19, 1984, expired March 19, 1985. Amended: Filed Jan. 15, 1985, effective May 11, 1985. Amended: Filed July 3, 1985, effective Dec. 12, 1985. Amended: Filed Jan. 6, 1986, effective May 11, 1986. Amended: Filed Feb. 4, 1987, effective May 28, 1987. Amended: Filed April 2, 1987, effective Aug. 27, 1987. Amended: Filed Sept. 1, 1987, effective Dec. 24, 1987. Amended: Filed Jan. 5, 1988, effective April 28, 1988. Amended: Filed March 16, 1988, effective Aug. 25, 1988. Amended: Filed Oct. 4, 1988, effective March 11, 1989. Amended: Filed June 30, 1989, effective Nov. 26, 1989. Amended: Filed Jan. 24, 1990, effective May 24, 1990. Amended: Filed Jan. 3, 1991, effective Aug. 30, 1991. Amended: Filed March 31, 1992, effective Feb. 26, 1993. Amended: Filed Dec. 14, 1992, effective Sept. 9, 1993. Amended: Filed Sept. 2, 1993, effective May 9, 1994. Amended: Filed Dec. 15, 1994, effective Aug. 30, 1995. Amended: Filed Sept. 29, 1995, effective May 30, 1996. Amended: Filed Oct. 3, 1995, effective June 30, 1996. Amended: Filed Aug. 15, 1997, effective April 30, 1998. Amended: Filed July 29, 1998, effective May 30, 1999. Amended: Filed Sept. 22, 1999, effective May 30, 2000. Amended: Filed March 5, 2003, effective Oct. 30, 2003. Amended: Filed July 6, 2005, effective Feb. 28, 2006. Amended: Filed Feb. 4, 2008, effective Sept. 30, 2008. Amended: Filed April 26, 2010, effective Dec. 30, 2010. Amended: Filed Nov. 30, 2010, effective Aug. 30, 2011. Amended: Filed Sept. 16, 2011, effective May 30, 2012. Amended: Filed July 3,*

2012, effective Feb. 28, 2013. Amended: Filed July 12, 2013, effective March 30, 2014. Amended: Filed Sept. 19, 2023, effective May 30, 2024.

**Original authority: 643.050, RSMo 1965, amended 1972, 1992, 1993, 1995, 2011, 2022, and 643.055, RSMo 1979, amended 1992, 1994, transferred 1986, formerly 203.055, 2014.*

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 when required in the Air Conservation Commission emission rules.

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) Samples and velocity traverses for source sampling shall be conducted using Method 1 as specified by 40 CFR part 60, Appendix A in section (22) of this rule.

(2) The velocity of stack gases shall be determined by measuring velocity head using a Type "S" (Stauscheibe or reverse type) pitot tube using Method 2 as specified by 40 CFR part 60, Appendix A in section (22) of this rule.

(3) The carbon dioxide, oxygen, excess air, and dry molecular weight contained in stack gases shall be determined using Method 3 as specified by 40 CFR part 60, Appendix A in section (22) of this rule.

(4) The moisture content in stack gases shall be determined using Method 4 as specified by 40 CFR part 60, Appendix A in section (22) of this rule.

(5) Particulate Matter Emissions.

(A) The concentration of particulate matter emissions in stack gases shall be determined using Method 5 as specified by 40 CFR part 60, Appendix A in section (22) of this rule.

(B) The quantity of particulate matter emissions from certain industrial processes as determined by the director shall be determined using Method 17 as specified by 40 CFR part 60, Appendix A in section (22) of this rule.

(C) The concentration of particulates of PM_{10} shall be determined using Method 201 as specified by 40 CFR part 51, Appendix M in section (21) of this rule. 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 using Method 201A as specified by 40 CFR part 51, Appendix M in section (21) of this rule. 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 condensable particulate matter (CPM) emissions in stack gases shall be determined using Method 202 and Conditional Test Method 039 as specified by 40 CFR part 51, Appendix M in section (21) of this rule may be used to determine the total PM_{10} and $PM_{2.5}$ fraction of filterable particulate matter including condensables.

(F) The concentration of $PM_{2.5}$ emissions in stack gases shall be determined using Method 202 and Conditional Test Method 040 as specified by 40 CFR part 51, Appendix M in section (21) of this rule. EPA Conditional Test Method 039 as specified in 40 CFR part 51, Appendix M in section (21) of this rule may be used to determine the total PM_{10} and $PM_{2.5}$ fraction of filterable particulate matter including condensables.

(6) The sulfur dioxide emissions from air pollution sources shall be determined using Method 6 as specified by 40 CFR part 60, Appendix A in section (22) of this rule.

(7) The nitrogen oxide emissions from air pollution sources shall be determined using Method 7 as specified by 40 CFR part 60, Appendix A in section 22 of this rule.

(8) The sulfuric acid mist and sulfur dioxide emissions from air pollution sources shall be determined using Method 8 as specified by 40 CFR part 60, Appendix A in section (22) of this rule.

(9) Visible Emissions.

(A) The visible emissions from air pollution sources shall be evaluated using Method 9 as specified by 40 CFR part 60, Appendix A in section (22) of this rule.

(B) Visible fugitive emissions shall be evaluated using Method 22 as specified by 40 CFR part 60, Appendix A in section (22) of this rule.

(10) The carbon monoxide emissions from air pollution sources shall be determined using Method 10 as specified by 40 CFR part 60, Appendix A in section (22) of this rule.

(11) The hydrogen sulfide emissions from air pollution sources shall be determined using Method 11 as specified by 40 CFR part 60, Appendix A in section (22) of this rule.

(12) The lead emissions from air pollution sources shall be determined using Method 12 as specified by 40 CFR part 60, Appendix A in section (22) of this rule.

(13) The total fluoride emissions and the associated moisture content from air pollution sources shall be determined using Method 13A and 13B as specified by 40 CFR part 60, Appendix A in section (22) of this rule. 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) Using Method 25 as specified by 40 CFR part 60, Appendix A in section (22) of this rule;

(B) Using Method 27 as specified by 40 CFR part 60, Appendix A in section (22) of this rule;

(C) Using Method 24 as specified by 40 CFR part 60, Appendix A in section (22) of this rule;

(D) Using Method 24A as specified by 40 CFR part 60, Appendix A in section (22) of this rule; or

(E) Using Method 21 as specified by 40 CFR part 60, Appendix A in section (22) of this rule.

(15) The hydrogen chloride emissions from air pollution sources shall be determined using Method 26 as specified by 40 CFR part 60, Appendix A in section (22) of this rule.

(16) Dioxin and furan emissions from air pollution sources shall be determined using Method 23 as specified by 40 CFR part 60, Appendix A in section (22) of this rule.

(17) The mercury emissions, both particulate and gaseous, from air pollution sources shall be determined using Method 101A as specified by 40 CFR part 61, Appendix B in section (23) of this rule.

(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" (GD 36) and the U.S. EPA's January 9, 1994 technical document entitled, "Guidelines for Determining Capture Efficiency." (GD 35) as published by EPA and hereby incorporated by reference in this rule. Copies can be obtained from the Office of Air Quality Planning and Standards, Leader, Measurement Technology Group, (Mail Code E143-02), Research Triangle Park, NC 27711. This rule does not incorporate any subsequent amendments or additions. 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" (US EPA-453/R-08-002), as published by EPA September 2008 and hereby incorporated by reference in this rule. Copies can be obtained from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield VA 22161. This rule does not incorporate any subsequent amendments or additions.

(21) 40 CFR 51, Appendix M promulgated as of July 1, 2018 is hereby incorporated by reference in this rule, as published by the Office of the Federal Register. Copies can be obtained from the U.S. Publishing Office Bookstore, 710 N. Capitol Street NW, Washington DC 20401. This rule does not incorporate any subsequent amendments or additions.

(22) 40 CFR 60, Appendices A, B, and F promulgated as of July 1, 2018 are hereby incorporated by reference in this rule, as published by the Office of the Federal Register. Copies can be obtained from the U.S. Publishing Office Bookstore, 710 N. Capitol Street NW, Washington DC 20401. This rule does not incorporate any subsequent amendments or additions.

(23) 40 CFR 61, Appendix B promulgated as of July 1, 2018 is hereby incorporated by reference in this rule, as published by the Office of the Federal Register. Copies can be obtained from the U.S. Publishing Office Bookstore, 710 N. Capitol Street NW, Washington DC 20401. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 643.050 and 643.055, RSMo 2016. Original rule filed Aug. 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. Amended: Filed April 13, 2018, effective Jan. 30, 2019. Amended: Filed March 15, 2019, effective Nov. 30, 2019.*

**Original authority: 643.050, RSMo 1965, amended 1972, 1992, 1993, 1995, 2011 and 643.055, RSMo 1979, amended 1992, 1994, 2014.*

10 CSR 10-6.040 Reference Methods

PURPOSE: This rule provides reference methods for determining ambient air/atmosphere data and information necessary for the enforcement of air pollution control regulations throughout Missouri.

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

(1) The percent sulfur in solid fuels shall be determined as specified by American Society of Testing and Materials (ASTM) D4239 - 17 *Standard Test Method for Sulfur in the Analysis Sample of Coal and Coke Using High-Temperature Tube Furnace Combustion*, as approved and published in 2017, as specified in section (36) of this rule.

(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 D5865 - 13 *Standard Test Method for Gross Calorific Value of Coal and Coke*, as approved and published in 2013, as specified in section (36) of this rule.

(3) The heat content or HHV of liquid hydrocarbons shall be determined as specified by ASTM D240 – 17 *Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter*, as approved and published in 2017, as specified in section (36) of this rule.

(4) The methods for determining the concentrations of the following air contaminants shall be as specified in 40 CFR 50, Appendices A–R or equivalent methods as specified in 40 CFR 53. The provisions of 40 CFR 50, Appendices A–R, and 40 CFR

53, both promulgated as of July 1, 2018, apply and are hereby incorporated by reference in this rule, as published by the Office of the Federal Register. Copies can be obtained from the U.S. Publishing Office Bookstore, 710 N. Capitol Street NW, Washington DC 20401. This rule does not incorporate any subsequent amendments or additions.

(A) The concentration of sulfur dioxide shall be determined as specified in 40 CFR 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 53, as incorporated by reference in section (4) of this rule.

(B) The concentration of total suspended particulate shall be determined as specified in 40 CFR 50, Appendix B – *Reference Method for the Determination of Suspended Particulate Matter in the Atmosphere (High-Volume Method)*, as incorporated by reference in section (4) of this rule.

(C) The concentration of carbon monoxide shall be determined as specified in 40 CFR 50, Appendix C – *Measurement Principle and Calibration Procedure for the Measurement of Carbon Monoxide in the Atmosphere (Non-Dispersive Infrared Photometry)* or equivalent methods as approved by 40 CFR 53, as incorporated by reference in section (4) of this rule.

(D) The concentration of ozone shall be determined as specified in 40 CFR 50, Appendix D – *Measurement Principle and Calibration Procedure for the Measurement of Ozone in the Atmosphere* or equivalent methods as approved by 40 CFR 53, as incorporated by reference in section (4) of this rule.

(E) *Reserved*.

(F) The concentration of nitrogen dioxide shall be determined as specified in 40 CFR 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 53, as incorporated by reference in section (4) of this rule.

(G) The concentration of lead shall be determined as specified in 40 CFR 50, Appendix G – *Reference Method for the Determination of Lead in Suspended Particulate Matter Collected From Ambient Air* or in 40 CFR 50, Appendix Q – *Reference Method for the Determination of Lead in Particulate Matter as PM_{10} Collected From Ambient Air* or equivalent methods as approved by 40 CFR 53, as incorporated by reference in section (4) of this rule.

(H) Compliance with the one (1) hour ozone standard shall be determined as specified in 40 CFR 50, Appendix H – *Interpretation of the 1-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone*, as incorporated by reference in section (4) of this rule.

(I) Compliance with the eight (8) hour ozone standards shall be determined as specified in 40 CFR 50, Appendix I – *Interpretation of the 8-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone*, as incorporated by reference in section (4) of this rule.

(J) The concentration of particulate matter 10 micron (PM_{10}) shall be determined as specified in 40 CFR 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 53, as incorporated by reference in section (4) of this rule.

(K) Compliance with particulate matter 10 PM_{10} standards shall be determined as specified in 40 CFR 50, Appendix K – *Interpretation of the National Ambient Air Quality Standards for Particulate Matter*, as incorporated by reference in section (4) of this rule.

(L) The concentration of particulate matter 2.5 micron ($PM_{2.5}$) shall be determined as specified in 40 CFR 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 53, as incorporated by reference in section (4) of this rule.

(M) Compliance with particulate matter 2.5 ($PM_{2.5}$) standards shall be determined as specified in 40 CFR 50, Appendix N – *Interpretation of the National Ambient Air Quality Standards for $PM_{2.5}$*, as incorporated by reference in section (4) of this rule.

(N) Compliance with the eight (8)-hour ozone standards shall be determined as specified in 40 CFR 50, Appendix P – *Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Ozone*, as incorporated by reference in section (4) of this rule.

(O) Compliance with the lead standards shall be determined as specified in 40 CFR 50, Appendix R – *Interpretation of the National Ambient Air Quality Standards for Lead*, as incorporated by reference in section (4) of this rule.

(5) The concentration of hydrogen sulfide (H_2S) 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 50, Appendix A – *Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method)* or an equivalent method approved by 40 CFR 53, as incorporated by reference in section (4) of this rule, 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 shall be determined as specified in the *Compendium Method IO-4.2, Determination of Reactive Acidic and Basic Gases and Strong Acidity of Atmospheric Fine-Particles (<2.5 µm)*, EPA/625/R-96/010a, as published by EPA June 1999 and hereby incorporated by reference in this rule. Copies can be obtained from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161. This rule does not incorporate any subsequent amendments or additions.

(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 *D2622* - 16 *Standard Test Method for Sulfur in Petroleum Products by Wavelength Dispersive X-ray Fluorescence Spectrometry*, as approved and published in 2016, as specified in section (36) of this rule.

(8) The amount of solvent present in earth filters and distillation wastes shall be determined as specified by ASTM D322 – 97(2016) *Standard Test Method for Gasoline Diluent in Used Gasoline Engine Oils by Distillation*, as approved and published in 2016, as specified in section (36) of this rule.

(9) The atmospheric distillation of petroleum products and liquid fuels shall be determined as specified by ASTM *D86-17 Standard Test Method for Distillation of Petroleum Products and Liquid Fuels at Atmospheric Pressure*, as approved and published in 2017, as specified in section (36) of this rule.

(10) The pour point of petroleum specimens shall be determined

as specified by ASTM *D97-17a Standard Test Method for Pour Point of Petroleum Products*, as approved and published in 2017, as specified in section (36) of this rule.

(11) The vapor pressure of petroleum products shall be determined as specified by ASTM *D323-15a Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method)*, as approved and published in 2015, as specified in section (36) of this rule.

(12) The specification for fuel oil shall be determined as specified by ASTM *D396-17 Standard Specification for Fuel Oils*, as approved and published in 2017, as specified in section (36) of this rule.

(13) The gloss measurement rating shall be determined as specified by ASTM *D523-14 Standard Test Method for Specular Gloss*, as approved and published in 2014, as specified in section (36) of this rule.

(14) The specification for diesel fuel oils shall be determined as specified by ASTM *D975-17 Standard Specification for Diesel Fuel Oils*, as approved and published in 2017, as specified in section (36) of this rule.

(15) The specification for emulsified asphalt shall be determined as specified by ASTM *D977-17 Standard Specification for Emulsified Asphalt*, as approved and published in 2017, as specified in section (36) of this rule.

(16) The chemical composition reformed and similar gases shall be determined as specified by ASTM *D1946-90(2015)e1 Standard Practice for Analysis of Reformed Gas by Gas Chromatography*, as approved and published in 2015, as specified in section (36) of this rule.

(17) The practice for the reduction and division of gross or divided samples and the preparation of composite samples shall be determined as specified by ASTM *D2013/D2013M-12 Standard Practice for Preparing Coal Samples for Analysis*, as approved and published in 2012, as specified in section (36) of this rule.

(18) The procedure for collection of samples shall be determined as specified by ASTM *D2234/D2234M-16 Standard Practice for Collection of a Gross Sample of Coal*, as approved and published in 2016, as specified in section (36) of this rule.

(19) The specification of grades of cationic emulsified asphalt shall be determined as specified by ASTM *D2397/D2397M-17 Standard Specification for Cationic Emulsified Asphalt*, as approved and published in 2017, as specified in section (36) of this rule.

(20) The properties of fuels shall be determined as specified by ASTM *D2880-15 Standard Specification for Gas Turbine Fuel Oils*, as approved and published in 2015, as specified in section (36) of this rule.

(21) The formulas that allow analytical data to be expressed in various bases shall be determined as specified by ASTM *D3180-15 Standard Practice for Calculating Coal and Coke Analyses from As-Determined to Different Bases*, as approved and published in 2015, as specified in section (36) of this rule.

(22) The procedures and equipment for manually obtaining samples of liquid petroleum and petroleum products shall be determined as specified by ASTM *D4057-12 Practice for Manual Sampling of Petroleum and Petroleum Products*, as approved and published in 2012, as specified in section (36) of this rule.

(23) The determination of H_2S in gaseous fuels shall be determined as specified by ASTM *D4084-07(2012) Standard Test Method for Analysis of Hydrogen Sulfide in Gaseous Fuels (Lead Acetate Reaction Rate Method)*, as approved and published in 2012, as specified in section (36) of this rule.

(24) The determination of sulfur in samples of coal or coke shall be determined as specified by ASTM *D4239-17 Standard Test Method for Sulfur in the Analysis Sample of Coal and Coke Using High-Temperature Tube Furnace Combustion*, as approved and published in 2017, as specified in section (36) of this rule.

(25) The determination of the heat of combustion of hydrocarbon fuels shall be determined as specified by ASTM *D4809-13 Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter (Precision Method)*, as approved and published in 2013, as specified in section (36) of this rule.

(26) The determination of gasoline and gasoline-oxygenate blends shall be determined as specified by ASTM *D4953-15 Standard Test Method for Vapor Pressure of Gasoline and Gasoline-Oxygenate Blends (Dry Method)*, as approved and published in 2015, as specified in section (36) of this rule.

(27) The use of automated vapor pressure instruments to determine the total vapor pressure shall be determined as specified by ASTM *D5191-15 Standard Test Method for Vapor Pressure of Petroleum Products (Mini Method)*, as approved and published in 2015, as specified in section (36) of this rule.

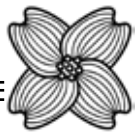
(28) The determination of speciated volatile sulfur-containing compounds in high methane content gaseous fuels shall be determined as specified by ASTM *D5504-12 Standard Test Method for Determination of Sulfur Compounds in Natural Gas and Gaseous Fuels by Gas Chromatography and Chemiluminescence*, as approved and published in 2012, as specified in section (36) of this rule.

(29) The determination of the gross calorific value of coal and coke shall be determined as specified by ASTM *D5865-13 Standard Test Method for Gross Calorific Value of Coal and Coke*, as approved and published in 2013, as specified in section (36) of this rule.

(30) The determination of total mercury in natural gas shall be determined as specified by ASTM *D5954-98(2014)e1 Standard Test Method for Mercury Sampling and Measurement in Natural Gas by Atomic Absorption Spectroscopy*, as approved and published in 2014, as specified in section (36) of this rule.

(31) The determination of individual volatile sulfur-containing compounds in gaseous fuels shall be determined as specified by ASTM *D6228-10 Standard Practice for Determination of Sulfur Compounds in Natural Gas and Gaseous Fuels by Gas Chromatographs and Flame Photometric Detection*, as approved and published in 2010, as specified in section (36) of this rule.

(32) This test method shall be used to determine the total mercury concentration of a natural gas stream as specified by ASTM *D6350-14 Standard Test Method for Mercury Sampling and Analysis in Natural Gas by Atomic Fluorescence Spectroscopy*, as



approved and published in 2010, as specified in section (36) of this rule.

(33) The use of automated vapor pressure instruments to determine the vapor pressure exerted in vacuum by volatile, liquid petroleum products, hydrocarbons, and hydrocarbon-oxygenate mixtures shall be determined as specified by ASTM *D6378-10(2016) Standard Test Method for Determination of Vapor Pressure (VPX) of Petroleum Products, Hydrocarbons, and Hydrocarbon-Oxygenate Mixtures (Triple Expansion Method)*, as approved and published in 2016, as specified in section (36) of this rule.

(34) The determination of elemental, oxidized, particle-bound, and total mercury emissions from coal-fired stationary sources shall be determined as specified by ASTM *D6784-16 Standard Test Method for Elemental, Oxidized, Particle-Bound and Total Mercury in Flue Gas Generated from Coal-Fired Stationary Sources (Ontario Hydro Method)*, as approved and published in 2016, as specified in section (36) of this rule.

(35) The determination of the vapor pressure of pure liquids, the vapor pressure exerted by mixtures in a closed vessel at 40 ± 5% ullage, and the initial thermal decomposition temperature of pure and mixed liquids shall be determined as specified by ASTM *D2879-10 Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope*, as approved and published in 2010, as specified in section (36) of this rule.

(36) All of the documents in sections (1) through (3) and (7) through (35) of this rule are published by the American Society for Testing and Materials (ASTM) and incorporated by reference in this rule. Copies can be obtained from ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: section 643.050, RSMo 2016. Original rule filed Aug. 16, 1977, effective Feb. 11, 1978. Amended: Filed Sept. 14, 1978, effective April 12, 1979. Amended: Filed Dec. 10, 1979, effective April 11, 1980. Amended: Filed March 13, 1980, effective Sept. 12, 1980. Amended: Filed Feb. 14, 1984, effective July 12, 1984. Amended: Filed Jan. 5, 1988, effective April 28, 1988. Amended: Filed Oct. 13, 2000, effective July 30, 2001. Amended: Filed July 6, 2005, effective Feb. 28, 2006. Amended: Filed Sept. 24, 2009, effective May 30, 2010. Amended: Filed March 18, 2013, effective Nov. 30, 2013. Amended: Filed March 14, 2014, effective Nov. 30, 2014. Amended: Filed April 13, 2018, effective Jan. 30, 2019.*

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

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. 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.

(2) Definitions.

(A) Air curtain incinerator – A device that operates by forcefully projecting a curtain of air across an open chamber or open pit in which combustion occurs.

(B) Household waste – Garbage, trash, and other discarded materials that are generated from residential activities in a household.

(C) Open burning – The burning of materials where the products of combustion are emitted into the open air without passing through a chimney or stack.

(D) 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.

(E) Trade waste – Waste materials from any business, institution, or industry.

(F) Untreated wood – Wood that has not been chemically preserved, painted, stained, or composited. Untreated wood does not include plywood, particleboard, chipboard, and wood with other than minimal quantities of paint, coating, or finish.

(G) Vegetative waste – Tree trunks, tree limbs, tree trimmings, vegetation, and yard waste.

(H) Wood processing facility – A facility that uses logs or dimensional lumber to be cut and used in the manufacturing process.

(I) 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. Open burning that causes or constitutes a public health hazard, a hazard to vehicular or air traffic, is composed of material listed in subsection (3)(A) of this rule, or violates any other rule or statute, is not allowed unless specified otherwise. A public health hazard is to be as determined by the local fire department, police department, health department, or other local authorities on a case-by-case basis. The staff director reserves the right to prohibit or restrict open burning where burning is considered detrimental to air quality standards.

(A) The following materials must not be disposed of by open burning:

1. Petroleum-based materials, including but not limited to, tires, asphalt roofing material, carpet, and used oils;
2. Asbestos containing materials;
3. Trade waste, except untreated wood;
4. Construction or demolition waste, except untreated wood;
5. Salvage operation waste;
6. Household waste on or from properties with five (5) or more residential units, such as mobile home parks or multi-family dwellings;
7. Household waste originated from another's property; or
8. Durable goods.

(B) The open burning of vegetative waste for the following activities must comply with the conditions in subsection (3)(E) of this rule:

1. Commercial land clearing operations when the burning is located inside the city limits or less than two hundred (200)

yards from the nearest occupied structure; and

2. Commercial and noncommercial collection operations where vegetative waste originates off-site. Collection operations that burn more than eighty (80) cubic yards of vegetative waste per week must use an Air Curtain Incinerator and –

A. Meet the conditions of subsections (3)(F) and (3)(G) of this rule;

B. Submit a construction notification, record opacity test results, and make records available for review as outlined in section (4) of this rule; and

C. Measure visible emissions as outlined in section (5) of this rule.

(C) Wood processing facilities producing more than eight thousand (8,000) board feet per day or that are located less than one (1) mile outside the city limits of an incorporated area that open burn untreated wood waste must comply with the conditions in subsection (3)(E) of this rule. Wood processing facilities producing more than eight thousand (8,000) board feet per day that wish to burn more than eighty (80) cubic yards of untreated wood waste per week must use an Air Curtain Incinerator and –

1. Meet the conditions of subsections (3)(F) and (3)(G) of this rule;

2. Submit a construction notification, record opacity test results, and make records available for review as outlined in section (4) of this rule; and

3. Measure visible emissions as outlined in section (5) of this rule.

(D) The open burning of untreated wood waste generated from trade waste or construction and demolition waste must comply with the conditions in subsection (3)(E) of this rule. Any person who burns more than eighty (80) cubic yards of this untreated wood waste per week at a single location must use an Air Curtain Incinerator and –

1. Meet the conditions of subsections (3)(F) and (3)(G) of this rule;

2. Submit a construction notification, record opacity test results, and make records available for review as outlined in section (4) of this rule; and

3. Measure visible emissions as outlined in section (5) of this rule.

(E) Conditions for open burning of vegetative waste or untreated wood from activities described in subsections (3)(B), (3)(C), and (3)(D) of this rule:

1. Burning is to take place only between sunrise and sunset;

2. Burning is to occur at least two hundred (200) yards from the nearest structure not owned by the party conducting the burning, unless an Air Curtain Incinerator is used and –

A. Waivers are obtained from the owner or occupant of the structure; or

B. The local fire department provides approval in those circumstances where the distance cannot be maintained;

3. Burning is to be supervised at all times;

4. The local fire control or other authority with jurisdiction shall be notified of the burning activities prior to initiation;

5. An Air Curtain Incinerator shall be utilized in an ozone non-attainment area from April 15 to September 15; and

6. Burning is not allowed during an ozone alert day in an ozone non-attainment area or ozone maintenance area.

(F) Air curtain incinerator operation.

1. An air curtain incinerator operates by forcefully projecting a curtain of air across an open chamber or open pit in which combustion occurs. Incinerators of this type can be constructed above or below ground and with or without refractory walls and floor. (Air curtain incinerators are not to be confused with conventional combustion devices with enclosed fireboxes and controlled air technology such as mass burn, modular, and fluidized bed combustors.)

2. Owners and operators may only burn the following in their Air Curtain Incinerator:

A. One hundred percent (100%) wood waste;

B. One hundred percent (100%) clean lumber; and

C. One hundred percent (100%) mixture of only wood waste, clean lumber, and/or yard waste.

3. Air curtain incinerator operation must take place at least fifty (50) yards from the nearest occupied structure not owned by the party that owns or operates the air curtain incinerator.

(G) Air curtain incinerators must meet the following emission limitations:

1. Maintain opacity to less than or equal to ten percent (10%) opacity (as determined by the average of three (3) one (1)-hour blocks consisting of ten (10) six (6)-minute average opacity values), except as described in paragraph (3)(G)2. of this rule; and

2. Maintain opacity to less than or equal to thirty five percent (35%) opacity (as determined by the average of three (3) one (1)-hour blocks consisting of ten (10) six (6)-minute average opacity values) during the startup period that is within the first thirty (30) minutes of operation.

(H) The open burning of certain trade wastes, such as explosive or hazardous material, is allowed 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 are not to be the primary determinant of feasibility. Any person intending to engage in open burning of these trade wastes is to contact the Department of Natural Resources and receive written approval from the staff director. The person submitting the information is to verify that the proposed open burning has been approved by the fire control authority which has jurisdiction.

(I) The open burning of material associated with agricultural or forestry operations related to the growing or harvesting of crops is allowed with the following exception. In an ozone non-attainment 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 staff 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.

(4) Reporting and Record Keeping. Owners and operators of Air Curtain Incinerators must –

(A) Prior to commencing construction of a stationary air curtain incinerator, submit a notification to the staff director with the following information:

1. Notification of the intent to construct and operate an air curtain incinerator;

2. The planned initial startup date; and

3. Types of materials that will be burned in the air curtain incinerator;

(B) Keep the notification required in subsection (4)(A) of this rule, and records of results of all initial and annual opacity tests required in section (5) of this rule onsite in either paper copy or electronic format, unless the staff director approves another format, for at least five (5) years;

(C) Make all records available for submittal to the staff director or for an inspector's onsite review; and

(D) Submit the results of the initial opacity test required in section (5) of this rule no later than sixty (60) days following the initial test. Owners and operators must submit the results of the annual opacity test required in section (5) of this rule within sixty (60) days of conducting the test. Submit annual opacity test results within twelve (12) months following the previous report. Copies of the initial and annual reports are to remain onsite for a period of five (5) years. The opacity testing must consist of a minimum of one (1) hour of opacity values, consisting of ten (10) six (6)-minute average opacity values. Paper and electronic submittals are acceptable.

(5) Test Methods. Visible emissions from Air Curtain Incinerators shall be evaluated within sixty (60) days after the air curtain incinerator reaches the charge rate at which it will operate, but no later than one hundred eighty (180) days after its initial startup, and annually thereafter using Method 9 of Appendix A-4 to 40 CFR 60 as specified in 10 CSR 10-6.030(22).

AUTHORITY: section 643.050, RSMo 2016. Original rule filed June 7, 2007, effective Jan. 30, 2008. Amended: Filed Dec. 29, 2008, effective Sept. 30, 2009. Amended: Filed June 21, 2018, effective March 30, 2019.*

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

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.

(A) Excess emissions – The emissions which exceed the requirements of any applicable emission control regulation.

(B) 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 is not a malfunction.

(C) Shutdown – The cessation of operation of any air pollution control equipment or process equipment, except the routine phasing out of process equipment.

(D) Start-up – The setting into operation of any air pollution control equipment or process equipment, except the routine phasing in of process equipment.

(E) 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 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 activity, which is expected to cause an excess release of emissions that exceeds one (1) hour. If notification cannot be given ten (10) days prior to any maintenance, start-up, or shutdown activity, which is expected to cause an excess release of emissions that exceeds one (1) hour, notification shall be given as soon as practicable prior to the maintenance, start-up, or shutdown activity. If prior notification is not given for any maintenance, start-up, or shutdown activity which resulted in an excess release of emissions that exceeded one (1) hour, notification shall be given within two (2) business days of the release. In all cases, the notification shall be a written report and include, at a minimum, the following:

1. Name and location of installation;
2. Name and telephone number of person responsible for the installation;
3. Identity of the equipment involved in the maintenance, start-up, or shutdown activity;
4. Time and duration of the period of excess emissions;
5. Type of activity and the reason for the maintenance, start-up, or shutdown;
6. Type of air contaminant involved;
7. Estimate of the magnitude of the excess emissions expressed in the units of the applicable emission control regulation and the operating data and calculations used in estimating the magnitude;
8. Measures taken to mitigate the extent and duration of the excess emissions; and
9. Measures taken to remedy the situation which caused the excess emissions and the measures taken or planned to prevent the recurrence of these situations.

(C) Upon receipt of a notice of excess emissions issued by the Missouri Department of Natural Resources or an agency holding a certificate of authority under section 643.140, RSMo, the source to which the notice is issued may provide information showing that the excess emissions were the consequence of a malfunction, start-up, or shutdown. Based upon any information submitted by the source operator and any other pertinent information available, the director or the commission shall make a 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 subsection (3)(C) of this rule shall include, at a minimum, the following:

A. Written notification per subsection (3)(A) of this rule for malfunctions which resulted in excess emissions that exceeded one (1) hour; or

B. Written notification per subsection (3)(B) of this rule for maintenance, start-up, or shutdown activities which resulted in excess emissions that exceeded one (1) hour.

(D) Nothing in this rule shall be construed to limit the authority of the director or the commission to take appropriate action, under sections 643.080, 643.090, and 643.151, RSMo, to enforce the provisions of the Air Conservation Law and the corresponding rule.

(E) Compliance with this rule does not automatically absolve the owner or operator of such facility of liability for the excess emissions reported.

(4) Reporting and Record Keeping.

(A) The information specified in paragraph (3)(C)2. of this rule shall be submitted to the director not later than fifteen (15) days after receipt of the notice of excess emissions. Information regarding the type and amount of emissions and time of the episode shall be recorded and kept on file. This data shall be included in emissions reported on any required Emissions Inventory Questionnaire.

(B) The information submitted according to subsections (3)(A) and (3)(B) of this rule and paragraph (3)(C)2. of this rule shall be kept on file at the installation for a period of five (5) years. This data shall be included in emissions reported on any required Emissions Inventory Questionnaire. The information shall be available to the director upon request.

(5) Test Methods *(Not Applicable)*

AUTHORITY: section 643.050, RSMo 2016. Original rule filed March 15, 1979, effective Nov. 11, 1979. Amended: Filed April 2, 1987, effective Aug. 27, 1987. Amended: Filed June 15, 2001, effective Feb. 28, 2002. Amended: Filed Nov. 13, 2009, effective July 30, 2010. Amended: Filed May 1, 2019, effective Jan. 30, 2020.*

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

10 CSR 10-6.060 Construction Permits Required

PURPOSE: This rule defines sources required to obtain permits to construct. It establishes: requirements to be met prior to construction or modification of any sources; a procedure for a source to voluntarily obtain a permit for implementing practically enforceable conditions; a procedure for the permitting authority to issue general permits; permit fees; and public notice requirements for certain permits.

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) Construction Permit Required. The owner or operator of a new or existing installation throughout Missouri that meets any of the following provisions must obtain a permit:

1. Before construction of a new installation that results in a potential to emit greater than *de minimis* threshold levels;

2. Before new construction and/or modification that results in an emission increase greater than the *de minimis* threshold levels at an existing installation with potential to emit less than *de minimis* threshold levels;

3. Before new construction and/or modification that results in an emission increase at an existing installation whose potential to emit exceeds *de minimis* threshold levels or is less than *de minimis* threshold levels due to taking practically enforceable requirements in a permit;

4. The new construction and/or modification is a major modification as defined –

A. Under 40 CFR 52.21(b)(2), which is incorporated by reference in subsection (8)(A) of this rule, for pollutants in attainment and unclassified areas; or

B. Under 40 CFR 51.165(a)(1)(v), which is incorporated by reference in paragraph (7)(A)2. of this rule, for pollutants in nonattainment areas; or

5. Before construction of an incinerator.

(B) Voluntary Permit. An installation in Missouri may obtain a permit under this rule in order to acquire voluntary, enforceable limits.

(C) Exempt Construction or Modification. No construction permit is necessary for construction or modification of installations when –

1. The entire construction or modification is exempt or excluded by 10 CSR 10-6.061;

2. Construction or modification is permitted under 10 CSR 10-6.062; or

3. Original construction or modification occurred prior to May 13, 1982. Any construction or modification that occurs after this date is not exempt.

(D) Construction and Operation Prohibited Prior to Permitting. Owners or operators shall obtain a permit from the permitting authority, except as allowed under subsection (1)(E) of this rule, prior to any of the following activities:

1. The beginning of actual construction or modification of

any installation subject to this rule;

2. Operation after construction or modification; or

3. Operation of any emission unit that has been permanently shutdown.

(E) Construction Allowed Prior to Permitting. A Pre-Construction Waiver may be obtained with authorization of the director by sources not subject to review under section (7), (8), or (9) of this rule, or sources seeking federally enforceable permit restrictions to avoid review under section (7), (8), or (9) of this rule.

1. A complete request for authorization includes:

A. A signed waiver of any state liability;

B. A complete list of the activities to be undertaken; and

C. The applicant's full acceptance and knowledge of all liability associated with the possibility of denial of the permit application.

2. A request will not be granted unless an application for permit approval under this rule has been filed or if the start of actual construction has occurred.

(2) Definitions.

(A) Definitions of general terms used in this rule, other than those defined elsewhere in this section, may be found in 10 CSR 10-6.020.

(B) 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 any provisions of 40 CFR 52.21(b) that are stayed shall not apply.

(C) Alternate site analysis – An analysis of alternative sites, sizes, production processes, and environmental control techniques for the proposed source that demonstrates that benefits of the proposed installation significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.

(D) Ambient air increments – The limited increases of pollutant concentrations in ambient air over the baseline concentration.

(E) Emission(s) – The release or discharge, whether directly or indirectly, into the atmosphere of one (1) or more air contaminants listed in subsection (3)(A) of 10 CSR 10-6.020.

(F) Emission increase – The sum of post-project potential to emit minus the pre-project potential to emit for each new and modified emission unit. Decreases and netting are not to be included in the emission increase calculations.

(G) Good engineering practice (GEP) stack height – The greater of –

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

2. For stacks on which construction commenced on or before January 12, 1979, and for which the owner or operator had obtained all applicable permits or approvals required under 40 CFR 51 and 52,

$$H_g = 2.5H$$

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

$$H_g = H + 1.5L$$

Where:

H_g = GEP stack height, measured from the ground-level elevation at the base of the stack;

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

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

3. The height demonstrated by a fluid model or field study approved by the director, which ensures that the emissions from a stack do not result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, nearby structures, or nearby terrain features.

(H) 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.

(I) Modification – Any physical change to, 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.

(J) 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 Clean Air Act (CAA). 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_x) shall be nonattainment pollutants for a source located in an area designated nonattainment for ozone.

(K) 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 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 exceptions to this are ozone nonattainment areas where VOC and NO_x emissions will require an offset ratio of actual emission reduction to new emissions according to the following schedule:

1. marginal area = 1.1:1;
2. moderate area = 1.15:1;
3. serious area = 1.2:1;
4. severe area = 1.3:1; and
5. extreme area = 1.5:1.

(L) Permanently 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.

(M) Pilot trials – A study, project, or experiment conducted in order to evaluate feasibility, time, cost, adverse events, and improve upon the design prior to performance on a larger scale.

(N) Pollutant – An air contaminant listed in subsection (3)(A) of 10 CSR 10-6.020.

(O) 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.

(P) Portable equipment installation – An installation that consists solely of portable equipment and associated haul roads and storage piles. To be considered a portable equipment installation the following must apply:

1. The potential to emit of this installation is of less than two hundred fifty (250) tons per year of particulate matter (PM)

and less than one hundred (100) tons per year of any other air pollutant, including $PM_{2.5}$ and PM_{10}, taking into account any federally enforceable conditions; and

2. Any equipment cannot operate at a location for more than twenty-four (24) consecutive months without an intervening relocation.

(Q) Refuse — Garbage, rubbish, trade wastes, leaves, salvageable material, agricultural wastes, or other wastes.

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

(S) Risk assessment levels (RALs) — Ambient concentrations of air toxics that are not expected to produce adverse cancer and non-cancer health effects during a defined period of exposure. The RALs are based upon animal toxicity studies, human clinical studies, and human epidemiology studies that account for exposure to sensitive populations such as the elderly, pregnant women, children, and those having respiratory illness such as asthma.

(T) Screening model action levels (SMALs) — The emission threshold of an individual hazardous air pollutant (HAP) or HAP group that triggers the need for an air quality analysis of the individual HAP.

(U) Shutdown — The cessation of operation of any air pollution control equipment or process equipment.

(V) Shutdown, permanent — See permanently shutdown.

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

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

(3) Application and Permit Procedures.

(A) Preapplication Meeting.

1. Prior to submittal of a 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.

2. A preapplication meeting is required thirty (30) days prior to application submittal of a section (7), (8), or (9) permit application.

(B) Permitting Authority's Responsibilities Regarding the Permit Application.

1. The permitting authority provides a standard application package for permit applicants.

2. The permitting authority requires the following information in the standard application package and supplemental material:

A. 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. Site information including locational data, equipment layout, and plant layout;

C. A description of the installation's processes and products and the four (4)-digit Standard Industrial Classification Code; and

D. The following emissions-related information:

(I) A description of the new construction or modification occurring at the installation;

(II) Identification and description of all emissions units with emissions that are being added or modified as a result of the construction or modification described in part (3)(B)2.D.(I) of this rule;

(III) A description of all emissions of regulated air pollutants emitted from each emission unit identified in part (3)(B)2.D.(II) of this rule;

(IV) The potential to emit of each pollutant emitted per emission unit including, but not limited to, maximum hourly design rates, emission factors, or other information that enables the permitting authority to verify such rates, and in such terms as necessary to establish compliance with applicable regulations;

(V) Information necessary to determine or regulate emissions including, but not limited to, fuels, fuel use, raw materials, production rates, and operating schedules;

(VI) Identification and description of air pollution capture and control equipment with capture and control efficiencies and the pollutants that are being controlled for each respective capture and control device;

(VII) Identification and description of compliance monitoring devices or activities; and

(VIII) Limitations on installation operations and work practice standards affecting emissions for all regulated air pollutants.

(C) Applicant Responsibilities Regarding the Permit Application.

1. The applicant shall submit the information specified in the application package for each emissions unit being constructed or modified.

2. Certification by a 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 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.

3. The applicant shall supply the following supplemental information in addition to the application:

A. Additional information, plans, specifications, drawings, evidence, documentation, and monitoring data that the permitting authority may require to verify applicability and complete review under this rule;

B. Other information required by any applicable requirement. Specific information may include, but is not limited to, items such as testing reports, vendor information, material safety data sheets, or information related to stack height limitations developed pursuant to section 123 of the CAA;

C. Calculations on which the information in parts (3)(B)2.D.(I) through (3)(B)2.D.(VIII) of this rule are based;

D. Related information in sufficient detail necessary to establish compliance with the applicable standard reference test method, if any; and

E. Ambient air quality modeling data, in accordance with section (5) or (8) of this rule, for all pollutants requiring modeling to determine the air quality impact of the construction or modification of the installation.

4. Confidential information. An applicant may submit information to the permitting authority under a claim of confidentiality pursuant to 10 CSR 10-6.210. The confidentiality request needs to be submitted with the initial application to ensure confidentiality.

5. Duty to supplement or correct application. Any applicant that fails to submit any relevant facts or submits 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.

6. Filing fees in accordance with paragraph (3)(H)9. of this rule.

(D) Completeness Review of Application. Review of applications for completeness includes the following:

1. The permitting authority will review each application for completeness and 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 package and the information required in subsection (3)(C) of this rule.

2. If the permitting authority does not notify the applicant 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 prevents the permitting authority from requesting additional information that is necessary to process the application.

3. The permitting authority maintains a checklist to be used for the completeness determination. A notice of incompleteness identifying the application's deficiencies will be provided to the applicant.

(E) Conditions that the permitting authority can require in permit. The permitting authority may impose conditions in a permit necessary to accomplish the purposes of this rule, any applicable requirements, or the Air Conservation Law, Chapter 643, RSMo. Less stringent conditions shall not take the place of any applicable requirements. Such conditions may include:

1. Operating or work practice constraints to limit the maximum level of emissions;

2. Emission control device efficiency specifications to limit the maximum level of emissions;

3. Maximum level of emissions;

4. 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;

5. Instrumentation to monitor and record emission data;

6. Other sampling and testing facilities;

7. Data reporting;

8. Post-construction ambient monitoring and reporting;

9. Sampling ports of a suitable size, number, and location; and

10. Safe access to each port.

(F) Following review of an application, the permitting authority will issue a draft permit for public comment in accordance with the procedures for public participation as specified in subsection (12)(A), Appendix (A) of this rule for all applications for sources that –

1. Emit five (5) or more tons of lead per year;

2. Contain GEP stack height demonstrations; or

3. Are subject to section (7), (8), or (9) of this rule.

(G) Final permit determination. Final determination will be made on the following schedules:

1. The permitting authority will make a final permit determination for 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;

2. The permitting authority will make a final permit determination for permit applications processed under section (4), (5), or (10) 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;

3. 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 will establish a deadline for a response. The review period will be extended by the amount of time necessary to collect the required information; and

4. Timeframes stated in this paragraph do not apply to permit amendments. Amendments to permits will follow the schedules outlined in section (11) of this rule.

(H) Fees.

1. All installations or source operations requiring permits under this rule must submit the application with a permit filing fee to the permitting authority. Failure to submit the permit filing fee constitutes an incomplete permit application according to subsection (3)(D) of this rule.

2. Upon receipt of an application for a permit or a permit amendment, a permit processing fee begins to accrue per hour of actual staff time. In lieu of the per-hour processing fee for relocation of portable plants subject to paragraph (4)(D)1. of this rule, a flat fee as specified in paragraph (3)(H)9. of this rule must be submitted by the applicant.

3. The permitting authority, upon request, will notify the applicant in writing if the permit processing fee approaches two thousand dollars ($2,000) and in two-thousand-dollar ($2,000) increments after that.

4. After making a final determination whether the permit should be approved, approved with conditions, or denied, the permitting authority will notify the applicant in writing of the final determination and the total permit processing fees due. The amount of the fee will be determined in accordance with paragraph (3)(H)9. of this rule.

5. 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 will 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 has been paid.

6. Partially processed permits that are withdrawn after submittal are charged at the same processing fee rate in paragraph (3)(H)9. of this rule for the time spent processing the application.

7. The applicant shall pay for any publication of notice required and pay for the original and one (1) copy of the transcript, to be filed with the permitting authority, for any hearing required under this rule. No permit is issued until all publication and transcript costs have been paid.

8. 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.

9. Permit fees.

Permit Application Type	Rule Section Reference	Filing Fee	Processing Fee
Portable Source Relocation Request	(4)	$300	----
Minor	(5)	$250	$75/hr
General Permit	(6)	$700	----
New Source Review (NSR)	(7)	$5,000	$75/hr
Prevention of Significant Deterioration (PSD)	(8)	$5,000	$75/hr
HAP	(9)	$5,000	$75/hr
Initial Plantwide Applicability Limit (PAL)	(7) or (8)	$5,000	$75/hr
Renewal PAL	(7) or (8)	$2,500	$75/hr
Temporary/Pilot	(10)	$250	$75/hr
Permit Amendment	(11)	----	$75/hr

10. No later than three (3) business 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.

(I) Final Permit Issuance: Any installation subject to this rule will be issued a permit and be in effect if all of the following conditions are met:

1. Information is submitted to the permitting authority which is sufficient for the permitting authority to verify the annual emission rate and to verify that no applicable emission control rules will be violated;

2. No applicable requirements of the Air Conservation Law are violated;

3. The installation does not cause an adverse impact on visibility in any Class I area;

4. The installation will not interfere with the attainment or maintenance of NAAQS and the air quality standards established in 10 CSR 10-6.010;

5. The installation will not cause or contribute to ambient air concentrations in excess of any applicable maximum allowable increase listed in paragraph (5)(F)5. Table 2 of this rule, or be over the baseline concentration in any attainment or unclassified area;

6. The installation will not exceed the RALs required for all pollutants that exceed the SMALs; and

7. All permit fees are paid.

(J) After a permit has been granted –

1. The owner or operator subject to the provisions of this rule must furnish the permitting authority written notification of the actual date of initial start-up of a source operation or installation within fifteen (15) days of that date.

2. A permit will become invalid if:

A. Construction or modification work is not commenced within two (2) years for permits issued under section (4), (5), (6) or (10) from the date of issuance;

B. Construction or modification work is not commenced within eighteen (18) months from the date of issuance for permits issued under section (7), (8), or (9); or

C. Work is suspended for more than eighteen (18) months for any type of permit, and if –

(I) The delay was reasonably foreseeable by the owner or operator at the time the permit was issued;

(II) The delay was not due to an act of God or other conditions beyond the control of the owner or operator; or

(III) Failure to consider the permit invalid would be unfair to other potential applicants;

D. Exception: An installation may request an extension request for starting construction related to a permit. The extension request must be submitted to the permitting authority at a minimum of thirty (30) days prior the date when the permit will become invalid. The request shall include the reason for the extension request and a verification statement that the installation is able to meet all of the requirements included in the permit. The permitting authority reserves the right to deny an extension based on the promulgation of new rules that would affect the permit review or changes in air quality that have occurred since the permit issuance.

3. Any owner or operator who constructs, modifies, or operates an installation not in accordance with the application submitted and the permit issued, including any terms and conditions made a part of the permit is in violation of this rule.

4. Approval to construct does 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.

(4) Portable Equipment Permits, Amendments, and Relocations.

(A) Applicability. This section of the rule applies to construction or modification occurring at a portable equipment installation as defined in section (2) of this rule.

(B) The review and issuance of each initial permit application will follow the procedures of section (3) and subsection (5)(D) of this rule, Modeling Required.

(C) The review of any modifications to the portable plant will follow the amendment procedures outlined in section (11) of this rule.

(D) The relocation of a portable plant from a site will follow the procedures outlined below:

1. For permitted portable equipment operating at a different location not previously approved in a permit or an amendment –

A. 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;

B. Each relocation request shall be accompanied with the relocation fees as described in paragraph (3)(H)9. of this rule; and

C. 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; and

2. For permitted portable equipment operating at a location previously approved in a permit or an amendment, and conditions at the site have not changed (new sources approved to operate at the location) –

A. When relocating portable equipment to a site that is listed on the permit or on the amended permit, the owner or operator shall report the move to the permitting authority on a Portable Source Relocation Request for authorization to operate in a new location as soon as possible, but not later than seven (7) calendar days prior to ground breaking or initial equipment erection;

B. No fees are associated with this authorization; and

C. Authorization will be presumed if notification of denial is not received by the specified ground breaking or equipment erection date.

(E) The director may require an air quality analysis that is not required under subsection (5)(D) of this rule if it is likely that the emissions of the proposed construction or modification will affect air quality or the air quality standards listed in paragraphs (3)(I)3. through 6. of this rule or complaints filed in the vicinity.

(5) Minor Permits.

(A) Applicability. This section applies to the installations that need a permit under subsection (1)(A), but are not subject to:

1. Section (4), (7), (8), (9), or (10) of this rule; and

2. Do not request coverage under section (6) of this rule.

(B) The submittal and review of each permit application and issuance of each permit will follow the procedures of section (3) of this rule and, when applicable, subsection (12)(A), Appendix A of this rule.

(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 that frequently change products and component source operations. Operating in violation of the conditions of a special case *de minimis* permit is a violation of this rule.

(D) Modeling Required. Any construction or modification, which has an emissions increase greater than *de minimis* threshold levels or the HAP is greater than the SMALs taking into account any federally enforceable conditions shall complete an air quality analysis for the affected pollutant in accordance with subsection (5)(F) of this rule. At minimum, the installation will demonstrate that the proposed construction or modification will not –

1. Interfere with the attainment or maintenance of NAAQS and the air quality standards established in 10 CSR 10-6.010; or

2. Cause or contribute to an exceedance of the RALs for all pollutants that exceed the SMALs.

(E) Exception: Notwithstanding the modeling required in subsection (5)(D) of this rule, the director may require additional air quality analysis if –

1. It is likely that the emissions of the proposed construction or modification will affect air quality or the air quality standards listed in paragraphs (3)(I)3. through 6. of this rule;

2. It is likely that the construction or modification will result in the discharge of HAPs in quantities, of characteristics, and of a duration that directly and proximately cause or contribute to injury to human, plant, or animal life or the use of property; or

3. Complaints filed in the vicinity of the proposed construction or modification warrant an air quality analysis.

(F) Air Quality Analysis.

1. All estimates of ambient concentrations required under this subsection are based on applicable air quality models, databases, and other requirements specified in the U.S. Environmental Protection Agency's (EPA) Guideline on Air Quality Models at appendix W of 40 CFR 51.

2. The air quality analysis demonstration required in subsection (5)(D) of this rule or required by the director in subsection (5)(E) of this rule is deemed to have been made if the emissions increase from the proposed construction or modification alone would cause, in all areas, air quality impacts less than the amounts listed in Table 1 in paragraph (5)(F)3. of this rule.

3. Table 1 – Significant Levels for Air Quality Impact in Class II Areas.

Pollutant	Averaging Time				
	Annual	24-hour	8-hour	3-hour	1-hour
SO_2	1.0	5		25	7.9
PM_{10}		5			
$PM_{2.5}$	0.2	1.2			
NO_2	1.0				7.5
CO			500		2000
Individual HAP Significant Impact Levels are equal to four (4) percent of the respective RALs listed in the table referenced in subparagraph (5)(F)6.A. of this rule.					

Note: All impacts in micrograms per cubic meter.

4. In the event the director requires modeling under subsection (5)(E) of this rule, ambient air concentration increases shall be limited to the applicable maximum allowable increase listed in Table 2 over the baseline concentration in any attainment or unclassified area. Table 2 is located in paragraph (5)(F)5. of this rule.

5. Table 2 – Ambient Air Increment Table.

Pollutant	**Maximum Allowable Increase**
Class I Areas	
Particulate Matter 2.5 Micron:	
Annual arithmetic mean	1
24-hour maximum	2
Particulate Matter 10 Micron:	
Annual arithmetic mean	4
24-hour maximum	8
Sulfur Dioxide:	
Annual arithmetic mean	2
24-hour maximum	5
3-hour maximum	25
Nitrogen Dioxide:	
Annual arithmetic mean	2.5

Class II Areas	
Particulate Matter 2.5 Micron:	
Annual arithmetic mean	4
24-hour maximum	9
Particulate Matter 10 Micron:	
Annual arithmetic mean	17
24-hour maximum	30
Sulfur Dioxide:	
Annual arithmetic mean	20
24-hour maximum	91
3-hour maximum	512
Nitrogen Dioxide:	
Annual arithmetic mean	25

Class III Areas	
Particulate Matter 2.5 Micron:	
Annual arithmetic mean	8
24-hour maximum	18
Particulate Matter 10 Micron:	
Annual arithmetic mean	34
24-hour maximum	60
Sulfur Dioxide:	
Annual arithmetic mean	40
24-hour maximum	182
3-hour maximum	700
Nitrogen Dioxide:	
Annual arithmetic mean	50

Notes:

1. All increases in micrograms per cubic meter. For any period other than an annual period, the applicable maximum allowable increase may be exceeded during one (1) period once per year at any one (1) location.

2. There are two (2) Class I Areas in Missouri–one (1) in Taney County (Hercules Glade) and one (1) in Wayne and Stoddard Counties (Mingo Refuge).

3. There are no Class III Areas in Missouri at this time.

6. HAPs table and public review.

A. The director shall maintain a table of RALs and SMALs for HAPs.

B. Public review: The permitting authority will make available for public review any changes to RALs or SMALs of any HAP in accordance with the following procedures:

(I) The permitting authority issues a draft proposal for use of alternate RALs or SMALs and any supporting information relied upon for the proposed changes by publishing a notice on the permitting authority's website;

(II) Any interested person may submit relevant information materials and views to the permitting authority, in writing, until the thirtieth day after the date of publication of the notice. The comment period may be extended by thirty (30) calendar days if a written request is received within twenty-five (25) calendar days of the original notice;

(III) The permitting authority considers all written comments submitted within the time specified in the public notice in making the final decision on the approvability of the values subject to change;

(IV) The permitting authority makes a final determination on whether to approve, approve with changes, or deny the changes;

(V) Any changes made to the proposed values as a result of public comments will go through public notice again following the procedures outlined in parts (5)(F)6.B.(I) through (V) of this rule;

(VI) Final decisions and response to comments will be made available to the public on the permitting authority's website; and

(VII) The values become effective on the date of final publication. The permitting authority shall finalize the values within thirty (30) days from the end of the public comment period.

7. Special considerations for stack heights and dispersion techniques.

A. The degree of emission limitation necessary for control of any air pollutant under this rule is not affected in any manner by –

(I) That amount of the stack height of any installation exceeding GEP stack height; or

(II) Any other dispersion technique.

B. Paragraph (5)(F)7. of this rule does 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.

C. 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 provide opportunity for a public hearing.

D. This paragraph does not require that actual stack height or the use of any dispersion technique be restricted in any manner.

(6) General Construction Permit.

(A) General Construction Permit Requirements. The permitting authority may issue a general construction permit in accordance with the following:

1. The general construction permit may be written to cover a category of a single emission unit, the same type of emission units, or an entire minor source if the sources in the category meet all of the following criteria:

A. Are similar in nature. Similar in nature refers to the facility size, processes, and operating conditions;

B. Have substantially similar emissions; and

C. Would be subject to the same or substantially similar requirements governing operations, emissions, monitoring, reporting, or recordkeeping;

2. The following analyses will be completed by the permitting authority in drafting the general construction permit:

A. A technical review of the source category is completed by the permitting authority to determine the appropriate level of control, if any, as well as any emission or operational limitations for the affected emission units at the source as necessary to assure that ambient air quality is maintained; and

B. The permitting authority's analysis of the effect of the construction of the minor source or modification under the general permit on ambient air quality; and

3. The general permit must contain at minimum the following elements:

A. Identification of the specific category of emission units or sources to which the general permit applies, including any criteria that the emission units or source must meet to be eligible for coverage under the general permit;

B. The emission units subject to the permit and their associated emission limitations;

C. Monitoring, recordkeeping, reporting, and testing requirements to assure compliance with the emission limitations;

D. The effective date of the general permit;

E. Any additional general permit terms and conditions as deemed necessary to assure that ambient air quality is maintained; and

F. Provisions that would prohibit the facility from violating any other applicable state or federal rule.

(B) Public Participation Requirements.

1. Before issuing a general construction permit, the permitting authority must provide a thirty (30)-calendar-day period for the public to review the general construction permit and the materials relied upon for its development. The permitting authority will solicit comments on the draft general construction permit by electronically publishing a notice on the department's website and sending a copy of the notice to the administrator.

2. The public notice will contain the following:

A. A description of the general construction permit and the category of emission units it is expected to cover;

B. The locations available for public inspection of the materials listed in paragraph (6)(B)4. of this rule. The locations at minimum shall include the Air Pollution Control Program's central office and a posting on the department's website; and

C. The procedures for submitting comments as stated in paragraph (6)(B)3. of this rule.

3. Public comment: Any interested person may submit relevant information materials and views to the permitting authority, in writing, until the end of the thirtieth day after the date of publication of the notice.

4. The following materials will be made available for public inspection during the entire public notice period: the draft general permit for each source category and the documents listed in paragraph (6)(A)2. of this rule. This will not include any confidential information as defined in 10 CSR 10-6.210.

(C) Amending the General Construction Permit. General construction permits may be modified after the general construction permit is issued. In the event that the permitting authority would like to modify any portion of the general construction permit or if the permitting authority makes changes other than clerical corrections to supporting documents, the permitting authority will undergo the public participation requirements under subsection (6)(B) of this rule before being considered final agency action.

(D) Reevaluation of the analyses conducted under paragraph (6)(A)2. of this rule will be conducted by the permitting authority for each general construction permit issued by the permitting authority every ten (10) years. The permitting authority will issue a public notice in accordance with paragraph (6)(B)2. of this rule and provide a thirty (30)-calendar-day period for the public to review the permitting authority's analyses and conclusions and to provide public comment in accordance with paragraph (6)(B)3. of this rule. If changes to the general construction permit are viewed as necessary by the permitting authority, the procedures outlined under subsection (6)(C) of this rule will be followed.

(E) The director will make available to the applicants the following material for each general construction permit developed by the permitting authority:

1. A request for coverage form that the applicant must provide to the permitting authority to demonstrate that the new construction or modification is eligible for coverage under the general construction permit; and

2. A list of any additional information deemed necessary by the permitting authority to determine eligibility for coverage.

(F) Obtaining Coverage under a General Construction Permit.

1. If a source qualifies for a general construction permit, the owner or operator may request coverage under that permit to the permitting authority on the effective date of the permit. The effective date of each permit will be posted on the department's website.

2. A source that seeks to vary from the general construction permit, and obtain an emission limitation, control, or other requirement not contained in that permit shall apply for a permit pursuant to other sections of this rule.

3. The permitting authority must make a request for any additional information necessary to process the coverage request within ten (10) days of receipt of application.

4. The permitting authority must approve or disapprove the request for coverage under the general construction permit within thirty (30) days of receipt of the coverage request. The permitting authority shall outline the reasons for disapproval within the thirty (30)-day review period.

5. If the permitting authority makes a request for more information, the additional time needed by the applicant to submit the information is not taken into account in the thirty (30) days the permitting authority has to process the coverage request. If the permitting authority fails to notify the applicant within the thirty (30)-day period, coverage under the general construction permit is considered to be granted.

6. If the permitting authority determines that the request for coverage meets all of the requirements of the general construction permit, the permitting authority will issue notification of approval.

7. If request for coverage under a general construction permit is approved –

A. The facility must retain a copy of the notification granting such request at the site where the source is located; and

B. The facility must comply with all conditions and terms of the general construction permit.

(G) The director may revoke authorization of coverage under the general construction permit and require the facility to apply for and obtain an individual construction permit. Cases where an individual construction permit may be required include, but are not limited to, the following:

1. The facility is not in compliance with the conditions of the general construction permit;

2. The emission units covered under the general construction permit are part of a larger construction or modification that includes units not covered under the general construction permit; or

3. The owner or operator does not start actual construction within two (2) years of being granted coverage under the general permit.

(H) Any owner or operator authorized by a general construction permit may request to be excluded from the coverage of the permit by applying for an individual permit. When an individual permit is issued to an owner or operator otherwise subject to a general construction permit, the applicability of the general construction permit for the emission units covered under the general construction permit is terminated automatically on the effective date of the individual permit.

(I) The department must maintain and make available upon request the supporting documents used to create the general construction permit and any other material provided during the public notice period required under subsection (6)(B) of this rule.

(J) Final Agency Action. Issuance of a general construction permit is considered final agency action with respect to all aspects of the permit except its applicability to an individual source. The sole issue that may be appealed after an individual

source is approved to construct under a general construction permit is the applicability of the permit to that particular source.

(7) Nonattainment Area Major Permits.

(A) Definitions. Solely for the purposes of this section, the following definitions apply to terms in place of definitions for which the term is defined elsewhere, including the reference to 40 CFR 52.21 in paragraph (7)(B)6. of this rule:

1. Chemical process plant – These plants include ethanol production facilities that produce ethanol by natural fermentation included in North American Industry Classification System codes 325193 or 312140; and

2. The following terms defined under paragraphs (a)(1)(iv) through (vi) and (x) of 40 CFR 51.165 promulgated as of July 1, 2018, are hereby incorporated by reference in this section, as published by the Office of the Federal Register. Copies can be obtained from the U.S. Publishing Office Bookstore, 710 N. Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions:

A. Major stationary source;

B. Major modification, except that any incorporated provisions that are stayed shall not apply. The term major, as used in this definition, means major for the nonattainment pollutant;

C. Net emissions increase; and

D. Significant.

(B) Applicability Procedures. The following provisions of this subsection are used to determine, prior to beginning actual construction, if a project is a new major stationary source or a major modification at an existing stationary source:

1. Except for sources with a PAL in compliance with subsection (7)(D) of this rule, and in accordance with the definition of the term major modification contained in subparagraph (7)(A)2.B. 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 under 40 CFR 52.21 as incorporated by reference in subsection (8)(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 section (2) of this rule; and

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.

(C) Permit Requirements. Permits to construct a new major stationary source for the nonattainment pollutants, or for a major modification to an existing major stationary source of nonattainment pollutants, must meet the following to be issued:

1. By the time the source is to commence operation, sufficient emissions offsets shall be obtained to ensure reasonable further progress toward attainment of the applicable NAAQS and consistent with the requirements of paragraphs (a)(3) and (a)(9) of 40 CFR 51.165 promulgated as of July 1, 2018, and hereby incorporated by reference in this section, as published by the Office of the Federal Register. Copies can be obtained from the U.S. Publishing Office Bookstore, 710 N. Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions;

2. In the case of a new or modified installation 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 for 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 exceeding the allowance permitted for that pollutant for that zone from new or modified installations;

3. Offsets have been obtained in accordance with paragraph (7)(C)1. and with the 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 are exempt from this section provided that the source applies best available control technology (BACT) for each pollutant emitted in a significant amount;

6. The applicant provides 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 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 complies 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 provides an alternate site analysis; and

10. The applicant provides an analysis of impairment to visibility in any Class I area (those designated in 40 CFR 52.21 as incorporated by reference in subsection (8)(A) 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.

(D) 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, govern PALs of the nonattainment pollutant for projects at existing major stationary sources in an area designated nonattainment, except that –

1. The term Administrator means the director of the Missouri Department of Natural Resources' Air Pollution Control Program;

2. The term BACT or LAER and the term BACT are both considered 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), are both nonattainment area permit programs of this section; and

4. The director shall not allow a PAL for VOC or NO_x for any existing major stationary source located in an extreme ozone nonattainment area.

(E) 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)(C) of this rule as a result of the applicability determination made in subsection (7)(B) 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 means the director of the Missouri Department of Natural Resources' Air Pollution Control Program.

(F) Any construction or modification that will impact a federal Class I area is subject to the provisions of 40 CFR 52.21 as incorporated by reference in subsection (8)(A) of this rule.

(G) Before issuing a permit subject to this section, the permitting authority will issue a draft permit and related materials for public comment in accordance with the procedures for public participation as specified in subsection (12)(A), Appendix A of this rule.

(H) The director of the Missouri Department of Natural Resources' Air Pollution Control Program shall transmit to the administrator of the EPA a copy of each permit application filed under section (7) of this rule and notify the administrator of each significant action taken on the application.

(8) Attainment and Unclassified Area Major 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, 2018, are hereby incorporated by reference in this rule, as published by the Office of the Federal Register. Copies can be obtained from the U.S. Publishing Office Bookstore, 710 N. Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions.

(B) Administrator as it appears in 40 CFR 52.21 means the director of the Missouri Department of Natural Resources' Air Pollution Control Program except in the following, where it refers to the administrator of the EPA:

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) Before issuing a permit subject to this section, the permitting authority will issue a draft permit and related materials for public comment in accordance with the procedures for public participation as specified in subsection (12)(A), Appendix A of this rule.

(D) The director of the Missouri Department of Natural Resources' Air Pollution Control Program shall transmit to the administrator of the EPA a copy of each permit application filed under section (8) of this rule and 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) Major Case-by-Case Hazardous Air Pollutant Permits. Case-by-case permits must meet the requirements of 40 CFR 63, subpart B promulgated as of July 1, 2018, and hereby incorporated by reference in this rule, as published by the Office of the Federal Register. Copies can be obtained from the U.S. Publishing Office Bookstore, 710 N. Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions. Before issuing a permit subject to this section, the permitting authority will issue a draft permit and related materials for public comment in accordance with the procedures for public participation as specified in subsection (12)(A), Appendix A of this rule.

(10) Temporary Operations and Pilot Trials.

(A) A temporary permit shall be issued pursuant to this section only if it is determined that the applicant meets the following criteria:

1. The duration of the temporary operation or pilot trial will be less than two (2) years;

2. The potential emissions from the construction or modification of an installation or source is less than one hundred (100) tons per year; and

3. The permitting authority receives the application for authority to construct prior to the start of the construction.

(B) The pilot trials covered by this section do not include pilot trials used for any of the following:

1. The production of a product for sale, unless such sale is only incidental to the use of the pilot process or process equipment; or

2. The treatment or disposal of waste that is designated, by listing or specified characteristic, as hazardous under federal regulations or state rules.

(C) This section of this rule does not apply to facilities or sources whose main operations are –

1. Experimental in nature; or

2. Characterized by frequent product changes.

(D) The director may require an air quality analysis of the temporary operation or pilot trial if it is likely that the emissions of the proposed construction or modification will affect air quality or the air quality standards listed in paragraphs (3)(I)3. through 6. of this rule or complaints filed in the vicinity of the proposed construction or modification warrant an air quality analysis.

(11) Permit Amendments to Final Permits.

(A) No changes in the proposed installation or modification may be made that would change any information in a finalized permit, except in accordance with this section.

(B) 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.

(C) Applicants with changes shall submit in writing a request for permit amendment to the permitting authority.

(D) The amendment request, at minimum, shall include the following:

1. A detailed description of the proposed changes;

2. Any changes to the emission calculations;

3. Any new requirements that will apply if the change occurs;

4. A list of permit terms and conditions that differ from those in the previous permit or application; and

5. Any other information under section (3) of this rule required by the permitting authority.

(E) Administrative Amendments.

1. For the purposes of this section, administrative amendments are those requested changes meeting any of the following criteria:

A. Correction to typographical errors;

B. Addition of or changes to the language for the sole purpose of clarification of permit language; or

C. Changes to frequency of monitoring, recordkeeping, or reporting.

2. The permitting authority will make a final determination for an administrative amendment request no later than thirty (30) calendar days after receipt of a written request, taking into account any additional time necessary for missing information or public notice, if applicable.

(F) Technical Amendments.

1. All other amendments involving changes to a permit will be considered technical amendments. Changes may include, but are not limited to, the following:

A. Any proposed change to an existing process or device resulting in any change in allowable hourly or annual emissions;

B. Any proposed change to operating or emission limitations;

C. Any proposed change in the type of pollution control equipment specified in the existing permit; or

D. Any proposed change resulting in the need to conduct a new air pollution modeling impact analysis.

2. The permitting authority will make a final determination for a technical amendment request in the same timeframe as listed in subsection (3)(F) of this rule for the section that the permit was initially issued under, taking into account any additional time necessary for missing information. Amendments to permits issued under section (5) of this rule will be issued no later than ninety (90) calendar days after receipt of a written request and amendments to permits issued under section (7), (8), or (9) of this rule will be issued no later than one hundred eighty-four (184) calendar days after written receipt of a request.

(G) Any new submittal is subject to all requirements of this rule.

(H) The applicant must submit the accrued permit processing fee from the original application to the permitting authority before the permitting authority will accept an amendment request.

(I) Amended permit fees are subject to the requirements of paragraph (3)(H)9. of this rule.

(12) Appendices.

(A) Appendix A, Public Participation.

1. This subsection shall apply to applications under sections (7), (8), and (9) 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 that exceed GEP.

2. For those applications subject to section (7), (8), or (9) of this rule, the permit issuance process timeline of one hundred eighty-four (184) days includes a forty (40)-day public comment period with an opportunity for a public hearing and the period for the permitting authority's response to comments that were submitted during the public comment period.

A. Draft for public comment and public hearing opportunity. The permitting authority shall issue a draft permit and solicit comments and requests for a public hearing 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. In lieu of the newspaper notice, the notice may be an electronic notice posted on the department's website.

B. Public notice. The public notice shall include the following:

(I) Name, address, phone number, and representative of the agency issuing the public notice;

(II) Name and address of the applicant;

(III) A description of the proposed project, including its location and permits applied for;

(IV) For permits issued pursuant to section (7), 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, when appropriate;

(V) For permits issued pursuant to section (8), the degree of increment consumption, when appropriate;

(VI) The permitting authority's draft permit and a statement of permitting's authority to approve, approve with conditions, or deny a permit;

(VII) A statement that the public may request a public hearing on the draft permit as stated in subparagraph (12)(A)2.E. of this rule and that the public hearing will be canceled if a request is not received;

(VIII) A statement that any interested person may submit relevant information materials and views on the draft permit as stated in subparagraph (12)(A)2.F. of this rule; and

(IX) The time and location of the public hearing if one is requested.

C. Materials made available during the public notice period. The following materials shall be made available for public inspection during the entire public notice period 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 Air Pollution Control Program office:

(I) A copy of materials submitted by the applicant and used in making the draft permit;

(II) A copy of the draft permit; and

(III) A copy or summary of other materials, if any, considered in making the draft permit.

D. Distribution of public notice. At the start of the public notice period, the permitting authority sends a copy of the public notice to the following:

(I) The applicant; and

(II) To officials and agencies having cognizance over the location where the proposed construction would occur as follows:

(a) The administrator;

(b) Local air pollution control agencies;

(c) The chief executive of the city and county where the installation or modification would be located;

(d) Any comprehensive regional land use planning agency;

(e) Any state air program permitting authority;

(f) Any Federal Land Manager whose lands may be affected by emissions from the installation or modification; and

(g) Any Indian Governing Body whose lands may be affected by emissions from the installation or modification.

E. Public hearing.

(I) A public hearing shall be scheduled not less than thirty (30) nor more than forty (40) days from the date of publication of the notice.

(II) The public hearing will be held by the department if a public hearing request is received within twenty-eight (28) days of the publication of the notice, otherwise the public hearing will be canceled.

(III) At the public hearing, any interested person may submit any relevant information, materials, and views in support of or opposed to the permit.

(IV) The public hearing shall be held in the county in which all or a major part of the proposed project is to be located.

(V) The permitting authority may designate another person to conduct any hearing under this section.

F. Public comment. 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.

G. 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 a written response to all comments under the purview of the Air Pollution Control Program and make them available at the locations referred to previously.

H. Final permit. The permitting authority shall make the final permit 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 permit to the administrator.

I. 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.

3. This paragraph is for those applications not subject to section (7), (8), or (9) 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), (8), or (9) of this rule, but within shorter time frames. The following specifies the new time frames:

A. Public notice shall begin no later than forty-five (45) calendar days after receipt of a complete application;

B. The public comment period will last for thirty (30) calendar days, starting with the public notice;

C. Public hearing – The public hearing will be scheduled between days twenty-three (23) and thirty (30). The permitting authority will accept comments up to the thirtieth day; 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.

(B) Appendix B, 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 will 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.

1. Review of applications. The permitting authority completes any unified review within one hundred eighty-four (184) calendar days, as provided under the procedures of this rule and 10 CSR 10-6.065, Operating Permits Required.

2. Issuance of permits. As soon as the unified review process is completed, if the applicant complies with all applicable requirements under this rule and 10 CSR 10-6.065, the construction permit and the operating permit, or its amendment, is issued to the applicant and the applicant may commence construction. The permitting authority will retain the operating permit until validated pursuant to this section.

3. Validation of operating permits. Within one hundred eighty (180) calendar 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 that became applicable subsequent to issuance of the operating permit. Within thirty (30) calendar 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 validates the operating permit, or its amendment, and forwards it to the permittee. No part 70 permit will be validated unless –

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

B. The procedures for permit renewal in 10 CSR 10-6.065(6)(E)3. have occurred prior to validation to ensure the inclusion of any new applicable requirements to which the part 70 permit is subject.

4. Additional procedures needed for unified reviews of this rule's section (4), (5), (6), (7), (8), (9), or (10) 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) calendar days after receipt of that objection, the administrator may issue or deny the permit in accordance with the CAA.

(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 comments 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) calendar 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) calendar 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) calendar 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.

(C) Appendix C, Increment Tracking.

1. The permitting authority will track ambient air increment consumption within the baseline areas.

2. Available increments 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 minor source baseline date, the permitting authority shall determine the actual air quality increment available or consumed for each baseline area.

AUTHORITY: section 643.050, RSMo 2016. Original rule filed Dec. 10, 1979, effective April 11, 1980. Amended: Filed Nov. 10, 1980, effective April 11, 1981. Amended: Filed Jan. 14, 1981, effective June 11, 1981. Rescinded and readopted: Filed Nov. 10, 1981, effective May 13, 1982. Amended: Filed June 14, 1982, effective Dec. 11, 1982. Amended: Filed Jan. 15, 1985, effective May 11, 1985. Amended: Filed Jan. 6, 1986, effective May 11, 1986. Amended: Filed April*

*2, 1987, effective Aug. 27, 1987. Amended: Filed Jan. 5, 1988, effective April 28, 1988. Amended: Filed June 2, 1988, effective Sept. 29, 1988. Amended: Filed Sept. 6, 1988, effective Jan. 1, 1989. Amended: Filed Jan. 24, 1990, effective May 24, 1990. Rescinded and readopted: Filed Sept. 2, 1993, effective May 9, 1994. Amended: Filed Dec. 15, 1994, effective Aug. 30, 1995. Amended: Filed Aug. 14, 1997, effective April 30, 1998. Amended: Filed April 15, 1999, effective Nov. 30, 1999. Amended: Filed Sept. 4, 2001, effective May 30, 2002. Amended: Filed Aug. 2, 2002, effective April 30, 2003. Amended: Filed March 5, 2003, effective Oct. 30, 2003. Amended: Filed May 17, 2004, effective Dec. 30, 2004. Amended: Filed Oct. 15, 2008, effective July 30, 2009. Emergency amendment filed Dec. 15, 2010, effective Jan. 3, 2011, expired July 1, 2011. Amended: Filed Nov. 30, 2010, effective Aug. 30, 2011. Amended: Filed Jan. 31, 2012, effective Sept. 30, 2012. Amended: Filed March 13, 2013, effective Oct. 30, 2013. Amended: Filed Aug. 17, 2015, effective March 30, 2016. Amended: Filed June 29, 2018, effective March 30, 2019. Amended: Filed Aug. 26, 2019, effective May 30, 2020. ***

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

***Pursuant to Executive Order 21-07, 10 CSR 10-6.060, paragraph (3)(H)5. was suspended from April 19, 2021 through June 30, 2021.*

10 CSR 10-6.061 Construction Permit Exemptions

PURPOSE: This rule lists specific construction or modification projects that are exempt from the requirement to obtain permits to construct under 10 CSR 10-6.060.

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 throughout the state of Missouri. Notwithstanding the provisions of this rule, 10 CSR 10-6.060 applies to any construction, reconstruction, alteration, or modification which –

(A) Is expressly required by an operating permit; or

(B) Is subject to federally-mandated construction permitting requirements set forth in sections (7), (8), (9), or any combination of these, of 10 CSR 10-6.060.

(2) Definitions. Definitions for certain terms used in this rule are found in 10 CSR 10-6.060, Construction Permits Required.

(3) General Provisions. The following construction or modifications are exempt from the requirement to obtain a permit under 10 CSR 10-6.060:

(A) Sources of Emissions.

1. The following combustion equipment that emits only combustion products and produces less than one hundred fifty (150) pounds per day of any air contaminant:

A. Combustion equipment using exclusively natural gas, liquefied petroleum gas, or any combination of these with a heat input capacity of less than ten (10) million British thermal units (Btus) per hour;

B. Combustion equipment with a heat input capacity of less than one (1) million Btus per hour;

C. Drying or heat treating ovens with less than ten (10) million Btus per hour heat input 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. 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 heat input capacity of less than ten (10) million Btus per hour.

2. The following establishments, systems, equipment, and operations:

A. Office and commercial buildings, where emissions result solely from space heating by natural or liquefied petroleum gas with a heat input capacity of less than twenty (20) million Btus per hour. 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 control air pollutant emissions;

C. Equipment used for any mode of transportation;

D. Livestock markets and livestock operations, including animal feeding operations and concentrated animal feeding operations as those terms are defined under 40 CFR 122.23 promulgated as of July 1, 2017, and hereby incorporated by reference in this rule, as published by the Office of the Federal Register. Copies can be obtained from the U.S. Publishing Office Bookstore, 710 N. Capitol Street NW, Washington DC 20401. This rule does not incorporate any subsequent amendments or additions. In addition, 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. 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. Wet sand and gravel production facility that meets the following criteria:

(I) Processed materials are obtained from subterranean and subaqueous beds where the deposits of sand and gravel are consolidated granular materials resulting from natural disintegration of rock and stone;

(II) Maximum production rate is less than five hundred (500) tons per hour;

(III) All permanent roads within the facility are paved and cleaned, or watered, or properly treated with dust-suppressant chemicals as necessary to achieve good engineering control of dust emissions; and

(IV) Only natural gas is 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;

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; hoggers, 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) 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 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 –

(a) The operations do not occur at an ink, coatings, or paint manufacturing facility;

(b) 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;

(c) All waste inks, coating, and paints are disposed of properly; and

(d) Prior to disposal, all liquid waste is stored in covered containers;

(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 nonrefillable 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_2) 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 motorcycles, passenger cars, vans, light trucks, heavy trucks, 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. 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. In addition, 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 running fan during spraying, and the exhaust air shall either be vented through a stack to the atmosphere or 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 backup power when electric power from the local utility is interrupted. This exemption only applies if the emergency generators are equipped with a non-resettable meter, and operated only during emergency situations and for short periods of time to perform maintenance and operational readiness testing;

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 that 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_{10}) (Emitted solely by equipment)	1.0
Sulfur Oxides (SO_x)	2.75
Nitrogen Oxides (NO_x)	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) Activities. Any activity that is –

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. Replacing fans, pumps, or motors which do not alter the operation of a source or performance of a control device;

D. Replacing boiler tubes;

E. Replacing piping, hoods, and ductwork; and

F. Replacing 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. Changing supplier or formulation of similar raw materials, fuels, paints, and other coatings;

B. Changing the sequence of the process;

C. Changing the method of raw material addition;

D. Changing the method of product packaging;

E. Changing the process operating parameters;

F. Replacing an identical or more efficient cyclone precleaner which is used as a precleaner in a fabric filter control system;

G. Installing a floating roof on an open top petroleum storage tank;

H. Replacing a fuel burner in a boiler with a more

thermally efficient burner;

I. Lengthening a paint drying oven to provide additional curing time; and

J. Changes in the location, within the storage area, or configuration of a material storage pile or material handling equipment;

3. Replacement of like-kind emission units that do not involve either any appreciable change either in the quality or nature, or any increase either in the potential to emit or the effect on air quality, of the emissions of any air contaminant;

4. The exempt activities in paragraphs (3)(B)1.–3. of this rule reflect a presumption that existing emission units which are changed or replaced by like-kind units shall be treated as having begun normal operation for purposes of determining actual emissions;

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.

(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 2016. 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. Amended: Filed Nov. 25, 2019, effective Sept. 30, 2020.*

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

10 CSR 10-6.062 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 applies 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.

(A) As applied – The volatile organic compound (VOC) and solids content of the finishing material that is actually used for coating the substrate. It includes the contribution of materials used for in-house dilution of the finishing material.

(B) Closed container – A container with a cover fastened in place so that it will not allow leakage or spilling of the contents.

(C) Construction – Fabricating, erecting, reconstructing, or installing a source operation. Construction includes 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.

(D) 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.

(E) 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.

(F) 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.

(G) Material safety data sheet – The chemical, physical, technical, and safety information document supplied by the manufacturer of the coating, solvent, or other chemical product.

(H) 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.

(I) Printing – Any operation that imparts color, images, or text onto a substrate using printing inks.

(J) Responsible official – Includes one (1) of the following:

1. 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 –

A. 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

B. The delegation of authority to this representative is approved in advance by the permitting authority;

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

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

4. 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.

(K) Sludge – Any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility, exclusive of the treated effluent from a wastewater treatment plant.

(L) Definitions of certain terms used in this rule, other than those 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 VOCs from inks and solvents (including, but not limited to, those used for printing, cleanup, or makeup) does 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 does 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 do 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 is not 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 incineration of human remains, 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 are 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) is two hundred (200) pounds per hour or less;

C. The incinerator is a dual-chamber design;

D. Burners are 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. The secondary combustion chamber shall maintain a minimum temperature and gas residence time established through manufacturer's specification or stack test results that demonstrate a ninety-nine point nine percent (99.9%) combustion efficiency. The temperature shall be monitored with equipment that is accurate to plus or minus two percent (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 are no obstructions to stack flow, such as 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 is 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 has an opacity of less than ten percent (10%) at all times;

I. Heat is provided by the combustion of natural gas, liquid petroleum gas, or Number 2 fuel oil with less than fifteen ten thousandths percent (0.0015%) sulfur by weight, or by electric power; and

J. Record keeping. The operator shall maintain a log of all alarm trips and the resultant action taken. A written certification of the appropriate training received by the operator, with the date of training that includes a list of the instructor's qualifications or ASME certification school shall be maintained for each operator. The operator shall maintain an accurate record of the monthly amount and type of waste combusted.

3. Surface coating. Any surface coating activity or stripping facility that operates in compliance with the following conditions is permitted under this rule:

A. Metalizing, spraying molten metal onto a surface to form a coating, is not permitted under this permit-by-rule. The use of coatings that contain metallic pigments is permitted;

B. All facilities implement good housekeeping procedures to minimize fugitive emissions, including:

(I) Cleaning up spills immediately;

(II) Operating booth or work area exhaust fans when cleaning spray guns and other equipment; and

(III) Storing new and used coatings and solvents in closed containers and removing all waste coatings and solvents from the site by an authorized disposal service or disposing of them at a permitted on-site waste management facility;

C. Drying and curing ovens are either 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 (1) 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 fifteen ten thousandths percent (0.0015%) sulfur by weight;

D. Emissions are 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(5)(F)6.A., rolled monthly;

E. The surface coating operations are 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 devices are designed to automatically open when booths are operated;

F. For spraying operations, emissions of particulate matter are 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 are 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 is not 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 implement the following building cleanliness and ventilation practices:

(I) Buildings are cleaned thoroughly between groups of animals;

(II) Manure and spilled feed are scraped from aisles on a regular basis, at least once per week;

(III) Ventilation fans, louvers, and cowlings are regularly cleaned to prevent excessive buildup of dust, dirt, or other debris that impairs performance of the ventilation system;

(IV) Air inlets are cleaned regularly to prevent excessive buildup of dust, dirt, or other debris that reduces airflow through the inlets;

(V) Ceiling air inlets are adjusted to provide adequate airflow (based on design ventilation rates) to the building interior;

(VI) For high-rise structures, the manure storage area includes 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 is 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 have drop tubes that extend into the feeder to minimize dust generation;

B. All facilities implement the following manure storage practices:

(I) Buildings with flush alleys, scrapers, or manure belts are operated to remove manure on a regular schedule, at least daily;

(II) Buildings with shallow pits, four feet (4') deep or less, are emptied on a regular schedule, at least once every fourteen (14) days;

(III) Feed, other than small amounts spilled by the animals, is not disposed of in the manure storage system;

(IV) All lagoons are 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 are 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 considers wind direction and velocity when conducting surface land application, and manure is not applied within five hundred (500') feet from a downwind inhabited residence;

D. Dead animals are not 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 –

A. 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;

B. The operator has failed to pay a civil or criminal penalty imposed for violations of the permit-by-rule; or

C. It is determined through a technical analysis that emissions from the source interfere with the attainment or maintenance of ambient air quality standards.

2. Upon revocation of a permit-by-rule the operator shall obtain a permit, undergoing review under 10 CSR 10-6.060.

(4) Reporting and Record Keeping. In addition to the original notification required by paragraph (3)(A)2. of this rule, operators shall maintain records containing sufficient information to demonstrate compliance with all applicable permit-by-rule requirements as specified in subsection (3)(B) of this rule. These records shall be maintained at the installation for a minimum of five (5) years, and 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 2016. Original rule filed March 5, 2003, effective Oct. 30, 2003. Amended: Filed Sept. 27, 2006, effective May 30, 2007. Amended: Filed June 21, 2018, effective March 30, 2019. Amended: Filed Oct. 29, 2021, effective July 30, 2022.*

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

10 CSR 10-6.065 Operating Permits

PURPOSE: This rule defines air contaminant sources which are required to obtain operating permits and establishes procedures for obtaining and complying with operating permits; it does not establish any air quality standards or guidelines.

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

(1) Applicability.

(A) Part 70 and Intermediate Installations. This rule shall apply to existing, modified, reconstructed, and new installations, whether part 70 or intermediate throughout Missouri.

(B) 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 obtains 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 obtains a permit solely because it is subject to 10 CSR 10-6.241 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. 40 CFR 122.23 promulgated as of July 1, 2018 is hereby incorporated by reference as published by the Office of the Federal Register. Copies can be obtained from the U.S. Publishing Office Bookstore, 710 N. Capitol Street NW, Washington DC 20401. This rule does not incorporate any subsequent amendments or additions;

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; and

20. Any asphaltic concrete plant, concrete batching plant, or rock crushing plant that can be classified as a portable equipment installation by meeting the portable equipment requirements of, or having a portable equipment permit according to 10 CSR 10-6.060.

(C) Prohibitions.

1. After the effective date of this rule, no person shall operate a part 70 installation or intermediate 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) 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.

(B) Administrator – The regional administrator for Region VII, EPA.

(C) 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.

(D) Affected state – Any state contiguous to the permitting state whose air quality may be affected by the permit, permit modification, or permit renewal; or is within fifty (50) miles of a source subject to permitting under Title V of the Act.

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

(F) 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_2).

(G) Applicable requirement – All of the following listed in the Act:

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

2. 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;

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

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

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

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

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

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

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

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

11. 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;

12. 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

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

(H) Commence – For the purposes of major stationary source construction or major modification, the owner or operator has all necessary preconstruction approvals or permits and –

1. Began, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

2. Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

(I) Designated representative – A responsible individual authorized by the owner or operator of an affected source and of all affected units at the source, as evidenced by a certificate of representation submitted in accordance with 40 CFR 72, subpart B to represent and legally bind each owner and operator, as a matter of federal law, in matters pertaining to the Acid Rain Program. Whenever the term responsible official is used in 40 CFR 70, in this rule, 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. 40 CFR 72, subpart B promulgated as of July 1, 2017 is hereby incorporated by reference as published by the Office of the Federal Register. Copies can be obtained from the U.S. Publishing Office Bookstore, 710 N. Capitol Street NW, Washington DC 20401. This rule does not incorporate any subsequent amendments or additions.

(J) Draft permit – The version of a permit for which the permitting authority offers public participation or affected state review.

(K) 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.

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

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

(N) 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 this rule and is either of the following:

1. Emission units whose aggregate emission levels for the installation do not exceed that of the *de minimis* levels listed in subsection (3)(A) of 10 CSR 10-6.020; or

2. 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.

(O) Intermediate installation – A Part 70 installation with potential emissions that do not exceed major source thresholds 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.

(P) 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.

(Q) Maximum achievable control technology (MACT) – The maximum degree of reduction in emissions of the hazardous air pollutants listed in subsection (3)(C) of 10 CSR 10-6.020 (including a prohibition on these emissions where achievable) that the administrator, 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 –

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

2. Enclose systems or processes to eliminate emissions;

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

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

5. Are a combination of paragraphs (2)(Q)1.–4. of this rule.

(R) Part 70 installation – An installation to which the part 70 operating permit requirements of this rule apply, in accordance with the following criteria:

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

2. Installations that emit or have the potential to emit one hundred (100) tpy or more of any air pollutant subject to regulation, including all fugitive air pollutants. The fugitive emissions of an installation shall not be considered unless the installation belongs to one (1) of the source categories listed in 10 CSR 10-6.020(3)(B), Table 2. Subject to regulation means, for any air pollutant, that the pollutant is subject to either a provision in the Clean Air Act or a nationally applicable regulation codified by the administrator in 40 CFR 50–99, that requires actual control of the quantity of emissions of that pollutant, and that such a control requirement has taken effect and is operative to control, limit, or restrict the quantity of emissions of that pollutant released from the regulated activity;

3. Installations 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_{10}) nonattainment areas classified as serious, sources with

the potential to emit seventy (70) tpy or more of PM_{10};

4. Installations that are affected sources under Title IV of the 1990 Act;

5. Installations that are solid waste incinerators subject to section 129(e) of the Act;

6. Installations in a source category designated by the administrator as a part 70 source pursuant to 40 CFR 70.3; and

7. Installations are not subject to part 70 source requirements unless the administrator subjects them to part 70 requirements by rule and the installations would be part 70 sources strictly because they are subject to –

A. A standard, limitation, or other requirement under section 111 of the Act, including area sources; or

B. 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.

(S) 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; or terms or conditions that will not change.

(T) 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.

(U) Regulated air pollutant – All air pollutants or precursors for which any standard has been promulgated.

(V) Renewal – The process by which an operating permit is reissued at the end of its term.

(W) Responsible official – Includes one (1) of the following:

1. 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 –

A. 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

B. The delegation of authority to this representative is approved in advance by the permitting authority;

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

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

4. 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.

(X) Title I modification – Any modification that requires a nonattainment, attainment, or unclassified area permit under 10 CSR 10-6.060 or that is subject to any requirement under 10 CSR 10-6.070 or 10 CSR 10-6.080.

(Y) 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. 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:

(A) 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));

(B) The installation may apply for separate permits for separate emissions units or groups of emissions units; or

(C) The installation may apply for coverage for one (1) or more emissions units eligible for permitting under a general permit issued by the permitting authority, and obtain a separate permit(s) for emissions units not eligible for general permit coverage.

(D) When determining operating permit classification (part 70 or intermediate), 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.

(4) 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) Subsequent application.

(a) Any installation that becomes subject to this section shall file a complete application no later than ninety (90) days after the commencement of operations.

(b) 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;

(II) 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;

(III) 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;

(IV) Application/notification expirations.

(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 (4)(B)3. of this rule, six to eighteen (6–18) months

prior to the expiration date of the permit issued according to subsection (4)(E) of this rule;

(b) Installations that have an accepted notification shall submit a renewal application as identified in paragraph (4)(B)3. of this rule, six to eighteen (6–18) months prior to the expiration date; and

(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 (4)(B)3. of this rule; and

(V) 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 (4)(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 (4)(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 (5)(B)3.I.(I)–(IV) and subparagraph (5)(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. The filing fee is determined using a tiered system based on the complexity of the permit. The total filing fee is the base fee added to the sum of all applicable complexity fee items the facility is subject to at the time the permit application is submitted. This tiered system for calculating the operating permit filing fee applies to initial and renewal applications for permits. To calculate the application filing fee, use the following formula:

Total filing fee = (base fee) + (total additional complexity fee)

Where:
Total filing fee = amount due upon filing of operating permit application, not to exceed six thousand dollars ($6,000) (regardless of calculated amount).
Base fee = determine using Table 1
Total additional complexity fee = determine using Table 2

Table 1: Base fee

Number of Emission Units	Base Fee
0 to 30	$ 750
31 to 60	$1,000
61 to 90	$1,250
Over 91	$1,500

Table 2: Worksheet for installation additional complexity fee calculations

Complexity Category	Calculation				
	Number per installation	x	Fee	=	Additional complexity fee subtotal
New Source Performance Standard (NSPS)	_____	x	$1,000	=	_____
Maximum Achievable Control Technology (MACT)	_____	x	$1,500	=	_____
National Emissions Standards for Hazardous Air Pollutants (NESHAP)	_____	x	$1,500	=	_____
Compliance Assurance Monitoring (CAM)	_____	x	$1,000	=	_____
Confidentiality Request	_____	x	$500	=	_____
Acid Rain	_____	x	$500	=	_____
Total additional complexity fee					$

2. Duty to supplement or correct application. Any applicant who fails to submit any relevant facts, or who has submitted incorrect information in a permit application, upon becoming aware of this failure or incorrect submittal, shall promptly submit supplementary facts or corrected information. In addition, an applicant shall provide additional information, as necessary, to address any requirements that become applicable to the installation after the date an application is deemed complete, but prior to issuance or validation of the permit, whichever is later.

3. Standard application form and required information. 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 (5)(B)3.A.–H., parts (5)(B)3.I.(I)–(IV) and subparagraph (5)(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 (4) of this rule, an installation must have a permit (or group of permits) addressing all applicable requirements for all emission units in the installation. An installation may comply with this subsection through any one (1) of the methods identified in paragraphs (3)(A)–(3)(D) 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 (5)(C)1.A.(I) and (III), subparagraphs (5)(C)1.B. and D., part (5)(C)1.C.(I), subpart (5)(C)1.C.(II)(a), item (5)(C)1.C.(II)(b)I., subparts (5)(C)1.C.(III)(d) and (e), subparagraphs (5)(C)3.A. through D., and paragraphs (5)(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 (5)(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 (5) 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 (4)(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 (5)(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 (5)(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 (6) 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 parts (5)(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 (6). The general permit shall indicate a reasonable time after which an installation that has submitted an application for authorization will be deemed to be authorized to operate under the general permit. A general permit shall identify criteria by which installations may be authorized to operate under the general permit. This criteria must include the following:

(I) Categories of sources covered by the general permit must be homogeneous in terms of operations, processes, and emissions;

(II) Sources may not be subject to case-by-case standards or requirements; and

(III) Sources must be subject to substantially similar requirements governing operations, emissions, monitoring, reporting, and record keeping.

B. Applications. The permitting authority shall provide application forms for coverage under a general permit. General permit applications may deviate from individual permit applications but shall include all information necessary to determine qualification for, and to assure compliance with, the general permit. The permitting authority shall authorize coverage by the conditions and terms of a general permit to all installations that apply for and qualify under the specified general permit criteria. Installations applying for coverage under a general permit must comply with all the requirements of this rule, except public participation requirements.

C. Public participation. Although public participation under section (6) 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 (4)(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 the unified review shall follow the procedures identified in subsection (5)(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 (5)(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 (5)(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 (5) 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 (6) 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 (5)(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 (4)(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 (4) of this rule, as well as requirements for public participation under section (6) of this rule, except –

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

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

4. Reopening permits for cause.

A. Cause to reopen. An intermediate operating permit shall be reopened for cause if –

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

(II) Additional applicable requirements under the Act become applicable to the installation; however, reopening on this ground is not required as identified in subparts (5)(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 (5)(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 (6) of this rule prior to issuing the operating permit.

(5) 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) 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.

(II) 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.

(III) 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.

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 subparagraphs (5)(B)3.I. and J. of this rule.

C. Confidential information. If an applicant submits information to the permitting authority under a claim of confidentiality pursuant to 10 CSR 10-6.210, the applicant shall also submit a copy of this information directly to the administrator, if the permitting authority requests that the applicant do so.

D. Filing fee. The filing fee is determined using a tiered system based on the complexity of the permit. The total filing fee is the base fee added to the sum of all applicable complexity fee items the facility is subject to at the time the permit application is submitted. This tiered system for calculating the operating permit filing fee applies to initial and renewal applications for permits. To calculate the application filing fee, use the following formula:

Total filing fee = (base fee) + (total additional complexity fee)

Where:
Total filing fee = amount due upon filing of operating permit application, not to exceed six thousand dollars ($6,000) (regardless of calculated amount).
Base fee = determine using Table 1
Total additional complexity fee = determine using Table 2

Table 1: Base fee

Number of Emission Units	Base Fee
0 to 30	$ 750
31 to 60	$1,000
61 to 90	$1,250
Over 91	$1,500

Table 2: Worksheet for installation additional complexity fee calculations

Complexity Category	Calculation				
	Number per installation	x	Fee	=	Additional complexity fee subtotal
New Source Performance Standard (NSPS)	_____	x	$1,000	=	_____
Maximum Achievable Control Technology (MACT)	_____	x	$1,500	=	_____
National Emissions Standards for Hazardous Air Pollutants (NESHAP)	_____	x	$1,500	=	_____
Compliance Assurance Monitoring (CAM)	_____	x	$1,000	=	_____
Confidentiality Request	_____	x	$500	=	_____
Acid Rain	_____	x	$500	=	_____
Total additional complexity fee					$

2. Duty to supplement or correct application. Any applicant who fails to submit any relevant facts, or who has submitted incorrect information in a permit application, upon becoming aware of this failure or incorrect submittal, shall promptly submit supplementary facts or corrected information. In addition, an applicant shall provide additional information, as necessary, to address any requirements that become applicable to the installation after the date an application is deemed complete, but prior to issuance or validation of the permit, whichever is later.

3. Standard application form and required information. An applicant shall submit an application package consisting of the standard application form, emission inventory questionnaire, compliance plan, and compliance certification. The application package must include all information needed to determine applicable requirements. The application must include information needed to determine the applicability of any applicable requirement. The applicant shall submit the information called for by the application form for each emissions unit at the installation to be permitted, except for insignificant activities. An activity cannot be listed as insignificant if the activity has an applicable requirement. The installation shall provide a list of any insignificant activities that are exempt because of size or production rate. Any insignificant activity required to be listed in the application also must list the approximate number of activities included (for example, twenty (20) leaky valves) and the estimated quantity of emissions associated. The application must include any other information, as requested by the permitting authority, to determine the insignificant activities have no applicable requirements. Information reported in the permit application which does not result in the specification of any permit limitation, term, or condition with respect to that information (including, but not limited to, information identifying insignificant activities), shall not in any way constrain the operations, activities, or emissions of a permitted installation, except as otherwise provided in this section. The standard application form (and any attachments) shall require that the following information be provided:

A. Identifying information. The applicant's company name and address (or plant name and address if different from the company name), the owner's name and state registered agent, and the telephone number and name of the plant site manager or other contact person;

B. Processes and products. A description of the installation's processes and products (by two (2)-digit Standard Industrial Classification Code (SIC)), including those associated with any reasonably anticipated operating scenarios identified by the applicant;

C. Emissions-related information. The following emissions-related information on the emissions inventory forms:

(I) All emissions of pollutants for which the installation is a part 70 source, and all emissions of any other regulated air pollutants. The permit application shall describe all emissions of regulated air pollutants emitted from each emissions unit, except as provided for by section (5) of this rule. The installation shall submit additional information related to the emissions of air pollutants sufficient to verify which requirements are applicable to the installation;

(II) Identification and description of all emissions units whose emissions are included in part (5)(B)3.C.(I) of this

rule, in sufficient detail to establish the applicability of any and all requirements;

(III) Emissions rates in tons per year and in such terms as are necessary to establish compliance consistent with the applicable standard reference test method, if any;

(IV) The following information to the extent needed to determine or regulate emissions including: fuels, fuel use, raw materials, production rates, and operating schedules;

(V) Identification and description of air pollution control equipment;

(VI) Identification and description of compliance monitoring devices or activities;

(VII) Limitations on installation operations affecting emissions or any work practice standards, where applicable, for all regulated air pollutants;

(VIII) Other information required by any applicable requirement (including information related to stack height credit limitations developed pursuant to section 123 of the Act); and

(IX) Calculations on which the information in parts (5)(B)3.C.(I)–(VIII) of this rule is based;

D. Air pollution control information. The following air pollution control information:

(I) Citation and description of all applicable requirements; and

(II) Description of, or reference to, any applicable test method for determining compliance with each applicable requirement;

E. Applicable requirements information. Other specific information required under the permitting authority's regulations to implement and enforce other applicable requirements of the Act or of these rules, or to determine the applicability of these requirements;

F. Alternative emissions limits. If the SIP allows an installation to comply through an alternative emissions limit or means of compliance, the applicant may request that such an alternative limit or means of compliance be specified in the permit. The applicant must demonstrate that any such alternative is quantifiable, accountable, enforceable, and based on replicable procedures. The applicant shall propose permit terms and conditions to satisfy these requirements in the application;

G. Proposed exemptions. An explanation of any proposed exemptions from otherwise applicable requirements;

H. Proposed reasonably anticipated operating scenarios. Additional information, as determined necessary by the permitting authority, to define reasonably anticipated operating scenarios identified by the applicant for emissions trading or to define permit terms and conditions implementing operational flexibility;

I. Compliance plan. A compliance plan that contains all of the following:

(I) A description of the compliance status of the installation with respect to all applicable requirements;

(II) A description as follows:

(a) For applicable requirements with which the installation is in compliance, a statement that the installation will continue to comply with these requirements;

(b) For applicable requirements that will become effective during the permit term, a statement that the installation will comply with these requirements on a timely basis; and

(c) For any applicable requirements with which the installation is not in compliance at the time of permit issuance, a narrative description of how the installation will achieve compliance with these requirements;

(III) A compliance schedule as follows:

(a) For applicable requirements with which the installation is in compliance, a statement that the installation will continue to comply with these requirements;

(b) For applicable requirements that will become effective during the permit term, a statement that the installation will comply with these requirements on a timely basis. A statement that the installation will comply in a timely manner with applicable requirements that become effective during the permit term shall satisfy this provision, unless a more detailed schedule is expressly required by the applicable requirement; and

(c) A schedule of compliance for all applicable requirements with which the installation is not in compliance at the time of permit issuance, including a schedule of remedial measures and an enforceable sequence of actions, with milestones, leading to compliance. (This compliance schedule shall resemble and be equivalent in stringency to that contained in any judicial consent decree or administrative order to which the installation is subject);

(IV) For installations required to have a schedule of compliance under subpart (5)(B)3.I.(III)(c) of this rule, a schedule for the submission of certified progress reports no less frequently than every six (6) months; and

(V) The compliance plan content requirements specified in this paragraph shall apply to, and be included in, the acid rain portion of a compliance plan for an affected source, except as specifically superseded by regulations promulgated under Title IV of the Act with regard to the schedule and method(s) the installation will use to achieve compliance with the acid rain emissions limitations;

J. Compliance certification and information.

(I) A certification of compliance with all applicable requirements signed by a responsible official consistent with paragraph (5)(B)4. of this rule and section 114(a)(3) of the Act.

(II) A statement of methods used for determining compliance, including a description of monitoring, record keeping and reporting requirements, and test methods.

(III) A schedule for the submission of compliance certifications during the permit term, which shall be submitted annually, or more frequently if required by an underlying applicable requirement.

(IV) A statement indicating the installation's compliance status with respect to any applicable enhanced monitoring and compliance certification requirements of the Act; and

K. Acid rain information. Nationally-standardized forms for acid rain portions of permit applications and compliance plans shall be used, as required by rules promulgated under Title IV of the Act.

4. Certification by responsible official. Any application form, report, or compliance certification submitted pursuant to this rule shall contain certification by a responsible official of truth, accuracy, and completeness. This certification, and any other certification, shall be signed by a responsible official and shall contain the following language: "I certify, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete."

5. Single, multiple, or general permits. Pursuant to this section of the rule, an installation must have a permit (or group of permits) addressing all applicable requirements for all emissions units in the installation. An installation may comply with this subsection of the rule through any one (1) of

the methods identified in paragraphs (3)(A)–(3)(D) of this rule.

(C) Permit Content.

1. Standard permit requirements. Every operating permit issued pursuant to this section (5) shall contain all requirements applicable to the installation at the time of issuance.

A. Emissions limitations and standards. The permit shall specify emissions limitations or standards applicable to the installation and shall include those operational requirements or limitations as necessary to assure compliance with all applicable requirements.

(I) The permit shall specify and reference the origin of and authority for each term or condition and shall identify any difference in form as compared to the applicable requirement upon which the term or condition is based.

(II) The permit shall state that, where an applicable requirement is more stringent than an applicable requirement of rules promulgated under Title IV of the Act, both provisions shall be incorporated into the permit and shall be enforceable by the administrator.

(III) If the implementation plan or other applicable requirement allows an installation to comply through an alternative emissions limit or means of compliance and the applicant requests that this alternative limit or means of compliance be specified in the permit, the permitting authority may include this alternative emissions limit or means of compliance in an installation's permit upon demonstrating that it is quantifiable, accountable, enforceable, and based on replicable procedures.

B. Permit duration. The permitting authority shall issue permits for five (5) years. The permit term shall commence on the date of issuance or, when applicable, the date of validation.

C. Monitoring and related record-keeping and reporting requirements.

(I) The permit shall contain the following requirements with respect to monitoring:

(a) All emissions monitoring and analysis procedures or test methods required under the applicable requirements, including any procedures and methods promulgated by the administrator pursuant to sections 114(a)(3) or 504(b) of the Act;

(b) Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of record keeping designed to serve as monitoring), then periodic monitoring sufficient to yield reliable data for the relevant time period that are representative of the installation's compliance with the permit, as reported pursuant to part (5)(C)1.C.(III) of this rule. These monitoring requirements shall assure the use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Record-keeping provisions may be sufficient to meet the requirements of this paragraph; and

(c) As necessary, requirements concerning the use, maintenance, and where appropriate, installation of monitoring equipment or methods.

(II) With respect to record keeping, the permit shall incorporate all applicable record-keeping requirements and require, where applicable, the following:

(a) Records of required monitoring information that include the following:

I. The date, place as defined in the permit, and time of sampling or measurements;

II. The date(s) analyses were performed;

III. The company or entity that performed the analyses;

IV. The analytical techniques or methods used;

V. The results of these analyses; and

VI. The operating conditions as existing at the time of sampling or measurement;

(b) Retention of records.

I. Retention of records of all required monitoring data and support information for a period of at least five (5) years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings when used for continuous monitoring instrumentation, and copies of all reports required by the permit. Where appropriate, the permit may specify that records may be maintained in computerized form.

II. Affected sources under Title IV of the Act will have a three (3)-year monitoring data record retention period as required in 40 CFR 75.

(III) With respect to reporting, the permit shall incorporate all applicable reporting requirements and require the following:

(a) A permit issued under these rules shall require the permittee to submit a report of any required monitoring every six (6) months. To the extent possible, the schedule for submission of these reports shall be timed to coincide with other periodic reports required by the permit, including the permittee's annual compliance certification;

(b) Each report submitted under subpart (5)(C)1.C.(III)(a) of this rule shall identify any deviations from permit requirement, since the previous report, that have been monitored by the monitoring systems required under the permit, and any deviations from the monitoring, record-keeping, and reporting requirements of the permit;

(c) In addition to semiannual monitoring reports, each permittee shall be required to submit supplemental reports as indicated here. All reports of deviations shall identify the cause or probable cause of the deviations and any corrective actions or preventative measures taken.

I. Notice of any deviation resulting from an emergency (or upset) condition as defined in paragraph (5)(C)7. of this rule shall be submitted to the permitting authority either verbally or in writing within two (2) working days after the date on which the emission limitation is exceeded due to the emergency, if the permittee wishes to assert an affirmative defense. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that indicate an emergency occurred and the permittee can identify the cause(s) of the emergency. The permitted facility must show that it was operated properly at the time and that during the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or requirements in the permit. The notice must contain a description of the emergency, steps taken to mitigate emissions, and the corrective actions taken.

II. Any deviation that poses an imminent and substantial danger to public health, safety, or the environment shall be reported as soon as practicable.

III. Any other deviations identified in the permit as requiring more frequent reporting than the permittee's semiannual report shall be reported on the schedule specified in the permit;

(d) Every report submitted shall be certified by a responsible official, except that, if a report of a deviation must be submitted within ten (10) days after the deviation, the report may be submitted without a certification if the report is resubmitted with an appropriate certification within ten (10)

days after that, together with any corrected or supplemental information required concerning the deviation; and

(e) A permittee may request confidential treatment of information submitted in any report of deviation.

D. Risk management plans. If the installation is required to develop and register a risk management plan pursuant to section 112(r) of the Act, the permit is required to specify only that the permittee will verify that they have complied with the requirement to register such a plan. The contents of the risk management plan itself need not be incorporated as a permit term.

E. Emissions exceeding Title IV allowances. Where applicable, the permit shall prohibit emissions exceeding any allowances that the installation lawfully holds under Title IV of the Act or rules promulgated thereunder.

(I) No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid rain program if the increases do not require a permit revision under any other applicable requirement.

(II) No limit shall be placed on the number of allowances that may be held by an installation. The installation may not use these allowances, however, as a defense for noncompliance with any other applicable requirement.

(III) Any of these allowances shall be accounted for according to procedures established in rules promulgated under Title IV of the Act.

F. Severability clause. The permit shall include a severability clause to ensure the continued validity of uncontested permit conditions in the event of a successful challenge to any contested portion of the permit.

G. General requirements.

(I) The permittee must comply with all the terms and conditions of the permit. Any noncompliance with a permit condition constitutes a violation and is grounds for enforcement action, for permit termination, permit revocation and reissuance, permit modification, or denial of a permit renewal application. Note: The grounds for termination of a permit under part (5)(C)1.G.(I) are the same as the grounds for revocation as stated in part (5)(E)8.A.(I).

(II) It shall not be a defense in an enforcement action that it would have been necessary for the permittee to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

(III) The permit may be modified, revoked, reopened, reissued, or terminated for cause. Except as provided for minor permit modifications, the filing of an application or request for a permit modification, revocation and reissuance, or termination, or the filing of a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

(IV) The permit does not convey any property rights of any sort, or grant any exclusive privilege.

(V) The permittee shall furnish to the permitting authority, upon receipt of a written request and within a reasonable time, any information that the permitting authority reasonably may require to determine whether cause exists for modifying, reopening, reissuing, or revoking the permit or to determine compliance with the permit. Upon request, the permittee also shall furnish to the permitting authority copies of records required to be kept by the permittee. The permittee may make a claim of confidentiality for any information or records submitted under this paragraph (5)(C)1.

H. Incentive programs not requiring permit revisions. The permit shall include a provision stating that no permit revision will be required for any installation changes made under any approved economic incentive, marketable permit, emissions trading, or other similar programs or processes provided for in the permit.

I. Reasonably anticipated operating scenarios. The permit shall include terms and conditions for reasonably anticipated operating scenarios identified by the applicant and approved by the permitting authority. The permit shall authorize the permittee to make changes among alternative operating scenarios authorized in the permit without notice, but shall require the permittee, contemporaneous with changing from one (1) operating scenario to another, to record in a log at the permitted installation the scenario under which it is operating. The permit shield shall apply to these terms and conditions.

J. Emissions trading. The permit shall include terms and conditions for the trading of emissions increases and decreases within the permitted installation to the extent that the applicable requirements provide for the trading of increases and decreases without case-by-case approval of each emissions trade. These terms and conditions shall include all those required to determine compliance (to include contemporaneous recording in a log of the details of the trade) and must meet all applicable requirements, and requirements of this rule. The permit shield shall apply to all terms and conditions that allow the trading of these increases and decreases in emissions.

2. Federally-enforceable conditions and state-only requirements.

A. Federally-enforceable conditions. Except as provided in subparagraph (5)(C)2.B. of this rule, all terms and conditions in a permit issued under this section, including any voluntary provisions designed to limit an installation's potential to emit, are enforceable by the permitting authority, by the administrator, and by citizens under section 304 of the Act.

B. State-only requirements. Notwithstanding subparagraph (5)(C)2.A. of this rule, the permitting authority shall expressly designate as not being federally-enforceable or enforceable under section 304 of the Act any terms and conditions included in the permit that are not required under the Act or any of its applicable requirements, and these terms and conditions shall not be enforceable by the administrator or by citizens under section 304 of the Act. Terms and conditions so designated are not subject to the requirements of 40 CFR sections 70.7 and 70.8. Terms and conditions expressly designated as state-only requirements under this paragraph may be included in an addendum to the installation's permit.

3. Compliance requirements. Permits issued under this section (5) shall contain the elements listed here with respect to compliance.

A. General requirements, including certification. Consistent with the monitoring and related record-keeping and reporting requirements of this paragraph, the operating permit must include compliance certification, testing, monitoring, reporting, and record-keeping requirements sufficient to assure compliance with the terms and conditions of the permit. Any document (including reports) required to be submitted under this rule shall contain a certification signed by a responsible official as to the results of the required monitoring.

B. Inspection and entry. The permit must include requirements providing that, upon presentation of credentials and other documents as may be required by law, the permittee shall allow authorized officials of the permitting authority to perform the following (subject to the permittee's right to seek confidential treatment of information submitted to, or obtained by, the permitting authority under this subsection):

(I) Enter upon the permittee's premises where a

permitted installation is located or an emissions-related activity is conducted, or where records must be kept under the conditions of the permit;

(II) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

(III) Inspect, at reasonable times and using reasonable safety practices, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and

(IV) As authorized by the Missouri Air Conservation Law Chapter 643, RSMo, or the Act, sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

C. Schedule of compliance. The permit must include a schedule of compliance, to the extent required.

D. Progress reports. To the extent required under an applicable schedule of compliance, the permit must require progress reports to be submitted semiannually, or more frequently if specified in the applicable requirement or by the permitting authority. These progress reports shall contain the following:

(I) Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when these activities, milestones, or compliance were achieved; and

(II) An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

E. Compliance certification. The permit must include requirements for certification of compliance with terms and conditions contained in the permit that are federally enforceable, including emissions limitations, standards, or work practices. The permit shall specify—

(I) The frequency (which shall be annually unless the applicable requirement specifies submission more frequently) of compliance certifications;

(II) The means for monitoring compliance with emissions limitations, standards, and work practices contained in applicable requirements;

(III) A requirement that the compliance certification include the following:

(a) The identification of each term or condition of the permit that is the basis of the certification;

(b) The permittee's current compliance status, as shown by monitoring data and other information reasonably available to the permittee;

(c) Whether compliance was continuous or intermittent;

(d) The method(s) used for determining the compliance status of the installation, currently and over the reporting period; and

(e) Such other facts as the permitting authority may require to determine the compliance status of the source;

(IV) A requirement that all compliance certifications be submitted to the administrator as well as to the permitting authority;

(V) Additional requirements as may be specified pursuant to sections 114(a)(3) and 504(b) of the Act; and

(VI) Any other provisions as the permitting authority may require.

4. General permits. Installations may apply to operate under any general permit.

A. Issuance of general permits. General permits covering similar part 70 installations may be issued by the permitting authority after notice and opportunity for public participation under subsection (5)(F) and section (6). 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 includes the following:

(I) Categories of sources covered by the general permit must be homogeneous in terms of operations, processes, and emissions;

(II) Sources may not be subject to case-by-case standards or requirements; and

(III) Sources must be subject to substantially similar requirements governing operations, emissions, monitoring, reporting, and record keeping.

B. Applications. The permitting authority shall provide application forms for coverage under a general permit. General permit applications may deviate from individual part 70 permit applications but shall include all information necessary to determine qualification for, and to assure compliance with, the general permit. The permitting authority shall authorize coverage by the conditions and terms of a general permit to all installations that apply for and qualify under the specified general permit criteria. Installations applying for coverage under a general permit must comply with all the requirements of this rule, except public participation requirements. General permits shall not be authorized for affected sources under the acid rain program unless otherwise provided in rule promulgated under Title IV of the Act.

C. Public participation. Although public participation under section (6) of this rule is necessary for the issuance of a general permit, the permitting authority may authorize an installation to operate under general permit terms and conditions without repeating the public participation procedures. However, this authorization shall not be a final permit action of purposes for judicial review.

D. Enforcement. Notwithstanding the permit shield provisions of paragraph (5)(C)6. of this rule, an installation authorized to operate under a general permit is subject to enforcement for operating without an individual part 70 operating permit if the installation is determined not to be qualified for the general permit.

5. Portable installations. An installation may apply for a single permit authorizing emissions from similar operations by the same installation owner or operator at multiple temporary locations.

A. Qualification criteria. To qualify for a permit under this paragraph (5)(C)5. the applicant's operation must be temporary and involve at least one (1) change of location during the permit term. Affected sources shall not be authorized as temporary installations under the acid rain program unless otherwise provided in rules promulgated under Title IV of the Act.

B. Compliance at each location. The permittee must comply with all applicable requirements at each authorized location.

C. Notice of location change. The owner or operator of the installation must notify the permitting authority at least ten (10) days in advance of each change of location.

6. Permit shield.

A. Express permit statement required. Part 70 operating permits shall include express provisions stating that compliance with the conditions of the permit shall be deemed compliance with all applicable requirements as of the date of permit

issuance, provided that –

(I) The applicable requirements are included and specifically identified in the permit; or

(II) The permitting authority, in acting on the permit revision or permit application, determines in writing that other requirements, as specifically identified in the permit, are not applicable to the installation and the permit expressly includes that determination or a concise summary of it.

B. Exceptions to permit protection. The permit shield does not affect the following:

(I) The provisions of section 303 of the Act or section 643.090, RSMo, concerning emergency orders;

(II) Liability for any violation of an applicable requirement which occurred prior to, or was existing at, the time of permit issuance;

(III) The applicable requirements of the acid rain program;

(IV) The administrator's authority to obtain information; or

(V) Any other permit or extra-permit provisions, terms, or conditions expressly excluded from the permit shield provisions of this rule.

7. Emergency provisions.

A. Definition. For the purposes of a part 70 operating permit, an emergency or upset means any condition arising from sudden and not reasonably foreseeable events beyond the control of the permittee, including acts of God, which require immediate corrective action to restore normal operation and that causes the installation to exceed a technology-based emission limitation under the permit due to unavoidable increases in emissions attributable to the emergency or upset. An emergency or upset does not include noncompliance caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.

B. Affirmative defense requirements. The permitting authority shall include in each permit a provision stating that an emergency or upset constitutes an affirmative defense to an enforcement action brought for noncompliance with technology-based emissions limitations. To establish an emergency- or upset-based defense, the permittee must demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence, the following:

(I) An emergency or upset occurred and the permittee can identify the source of the emergency or upset;

(II) The installation was being operated properly;

(III) The permittee took all reasonable steps to minimize emissions that exceeded technology-based emissions limitations or the requirements in the permit; and

(IV) The permittee submitted notice of the emergency to the permitting authority within two (2) working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

8. Operational flexibility (installation changes not requiring permit revisions). An installation that has been issued a part 70 operating permit under this rule is not required to apply for or obtain a permit revision in order to make any of the changes to the permitted installation described in subparagraph (5)(C)8.A. of this rule if the changes are not Title I modification and the changes do not cause emissions to exceed emissions allowable under the permit, and the changes do not result in the emission of any air contaminant not previously emitted. The installation shall notify the permitting authority and the administrator at least seven (7) days in advance of these changes, except as allowed for emergency or upset conditions. Emissions allowable under the permit means a federally-enforceable permit term or condition determined at issuance to be required by an applicable requirement that establishes an emissions limit (including a work practice standard) or a federally-enforceable emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject.

A. Section 502(b)(10) changes. Changes that, under section 502(b)(10) of the Act, contravene an express permit term may be made without a permit revision, except for changes that would violate applicable requirements of the Act or contravene federally-enforceable monitoring (including test methods), record-keeping, reporting, or compliance requirements of the permit.

(I) Before making a change under this provision, the permittee shall provide advance written notice to the permitting authority and to the administrator, describing the change to be made, the date on which the change will occur, any changes in emissions, and any permit terms and conditions that are affected. The permittee shall maintain a copy of the notice with the permit, and the permitting authority shall place a copy with the permit in the public file. Written notice shall be provided to the administrator and the permitting authority at least seven (7) days before the change is to be made. If less than seven (7) days' notice is provided because of a need to respond more quickly to these unanticipated conditions, the permittee shall provide notice to the administrator and the permitting authority as soon as possible after learning of the need to make the change.

(II) The permit shield shall not apply to these changes.

B. SIP-based emissions trading changes. Changes associated with trading emissions increases and decreases within a permitted installation may be made without a permit revision if the SIP provides for these trades. The permit shall contain terms and conditions governing the trading of emissions.

(I) For these changes, the advance written notice provided by the permittee shall identify the underlying authority authorizing the trade and shall state when the change will occur, the types and quantities of emissions to be traded, the permit terms or other applicable requirements with which the source will comply through emissions trading, and any other information as may be required by the applicable requirement authorizing the emissions trade.

(II) The permit shield shall not apply to these changes. Compliance will be assessed according to the terms of the implementation plan authorizing the trade.

C. Emissions cap-based changes. Changes associated with the trading of emissions increases and decreases within a permitted installation may be made without a permit revision if this trading is solely for the purpose of complying with the federally-enforceable emissions cap that was established in the permit at the applicant's request, independent of otherwise applicable requirements. For these changes, the advance written notice provided by the permittee shall identify the underlying authority authorizing the emissions trade and shall state when the change will occur, the types and quantities of emissions to be traded, the permit terms, or other applicable requirements with which the source will comply through emissions trading, and any other information as may be required by the applicable requirement authorizing the emissions trade. The permit shield does apply to these changes.

9. Off-permit changes. Except as provided in subparagraph (5)(C)9.A. in this rule, a part 70 permitted installation may make

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

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

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

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

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

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

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

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

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

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

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

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

1. Action on application.

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

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

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

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

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

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

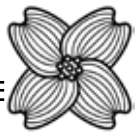
B. Completeness determination. After receipt of an application, the permitting authority promptly shall provide notice to the applicant of whether the application is complete. Unless the permitting authority notifies the applicant that the application is not complete within sixty (60) days after receipt,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

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

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

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

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



or permit renewal.

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

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

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

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

E. Action following the administrator's review.

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

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

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

F. Final actions.

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

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

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

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

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

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

2. Application shield.

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

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

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

3. Permit renewal and expiration.

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

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

permit renewal by the expiration date.

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

4. Administrative permit amendments.

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

(I) Corrects typographical errors;

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

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

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

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

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

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

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

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

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

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

5. Permit modifications.

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

B. Minor permit modification.

(I) Criteria.

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

I. Violate any applicable requirement;

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

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

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

V. Constitute a Title I modification; and

VI. Constitute a significant permit modification.

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

(II) Procedures.

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

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

II. The applicant's draft modified permit;

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

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

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

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

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

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

I. Issue the permit modification as proposed;

II. Deny the permit modification;

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

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

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

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

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

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

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

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

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

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

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

(b) The applicant's draft modified permit;

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

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

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

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

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

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

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

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

D. Significant permit modifications.

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

(II) Procedures.

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

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

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

6. Reopening permits for cause.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7. Reopening permits for cause by the administrator.

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

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

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

8. Revocations and terminations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Administrator review.

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

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

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

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

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

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

2. Affected state review.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AUTHORITY: section 643.050, RSMo 2016. Original rule filed Sept. 2, 1993, effective May 9, 1994. Amended: Filed June 5, 1995, effective Jan. 30, 1996. Amended: Filed Oct. 3, 1995, effective June 30, 1996. Amended: Filed Aug. 14, 1997, effective April 30, 1998. Amended: Filed Sept. 22, 1999, effective May 30, 2000. Amended: Filed Sept. 4, 2001, effective May 30, 2002. Amended: Filed July 19, 2002, effective April 30, 2003. Amended: Filed March 5, 2003, effective Oct. 30, 2003. Amended: Filed Dec. 14, 2004, effective Sept. 30, 2005. Emergency amendment filed Dec. 15, 2010, effective Jan. 3, 2011, expired July 1, 2011. Amended: Filed Nov. 30, 2010, effective Aug. 30, 2011. Amended: Filed Jan. 31, 2012, effective Sept. 30, 2012. Amended: Filed Aug. 17, 2015, effective March 30, 2016. Amended: Filed June 27, 2018, effective March 30, 2019.*

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

10 CSR 10-6.070 New Source Performance Regulations

PURPOSE: This rule incorporates by reference the new source performance standards in 40 CFR 60. This provides the Missouri Department of Natural Resources the authority to implement and enforce these U.S. Environmental Protection Agency regulations.

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

(1) Applicability. This rule applies to sources subject to 40 CFR 60 subparts incorporated by reference in subsection (3)(A) of this rule.

(2) Definitions. Certain terms used in 40 CFR 60 refer to federal officers, agencies, and publications. The following terms are substituted when applicable to Missouri where appropriate for the federal counterparts:

(A) Director is substituted for Administrator;

(B) Missouri Department of Natural Resources is substituted for EPA, EPA Regional Office, or Environmental Protection Agency; and

(C) *Missouri Register* is substituted for *Federal Register*.

(3) General Provisions.

(A) Incorporations by Reference.

1. The provisions of 40 CFR 60, promulgated as of July 1, 2019, are hereby incorporated by reference in this rule, as published by the Office of the Federal Register. Copies can be obtained from the U.S. Publishing Office Bookstore, 710 N. Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions.

2. Exceptions to paragraph (3)(A)1. of this rule are –

A. Those provisions which are not delegable by the U.S. Environmental Protection Agency (EPA);

B. Sections 60.4, 60.9, and 60.10 of subpart A;

C. Subpart B;

D. Subpart AAA;

E. Subpart QQQQ; and

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

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