**Title 10—DEPARTMENT OF NATURAL RESOURCES**

**Division 10—Air Conservation Commission**

**Chapter 6— Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri**

**PROPOSED AMENDMENT**

**10 CSR 10-6.060 Construction Permits Required**. The commission proposes to amend sections (1) through (12). If the commission adopts this rule action, the department intends to submit this rule amendment to the U.S. Environmental Protection Agency to replace the current rule that is in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Proposed Rules website www.dnr.mo.gov/proposed-rules.

*PURPOSE: This rule defines sources which are required to obtain permits to construct. It establishes requirements to be met prior to construction or modification of any of these sources. This rule also establishes permit fees and public notice requirements for certain sources and incorporates a means for unifying the processing of construction and operating permit issuance. This rule amendment makes significant changes to the entire construction permit rule to clarify requirements and procedures improving user friendliness and regulatory certainty. The rulemaking also updates incorporations by reference, removes unnecessary uses of restrictive words in compliance with the Executive Order 17-03, and removes a significant amount of duplicative language. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is Executive Order 17-03 Red Tape Reduction Review and related comments.*

*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.*

(1) Applicability.

(A) Covered Installations. This rule applies to installations throughout Missouri that meet any of the following provisions:

1. The installation has the potential to emit any pollutant in an amount equal to or greater than the *de minimis* threshold levels;
2. The installation has the potential to emit any pollutant less than *de minimis* thresholds due to taking a federally enforceable requirement in a previous permit;
3. The installation has construction or modification that would be greater than *de minimis* threshold levels;

4. The installation has one or more incinerators, unless permitted under rule 10 CSR 10-6.062; or
5. The installation requests to take voluntary, practically enforceable limits.

(B) Exempt Construction or Modification. No construction permit is necessary for the following construction or modification of installations that—
1. the entire construction or modification is exempt or excluded by 10 CSR 10-6.061;
2. are permitted under 10 CSR 10-6.062; or
3. original construction occurred prior to May 13, 1982.

(C) Construction and Operation Prohibited Prior to Permitting. Owners or Operators shall obtain a permit from the permitting authority, except as allowed under subsection (1)(D) of this rule, prior to any of the following activities:
1. Commencing construction or modification of any installation subject to this rule;
2. Beginning operation after construction or modification; or
3. Beginning operation of any emission unit that has been permanently shutdown.

(D) Construction Allowed Prior to Permitting. A Pre-Construction Waiver may be obtained with authorization of the director by sources not subject to review under sections (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 which demonstrates that benefits of the proposed installation significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.

(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) 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,

$$Hg = 2.5H$$

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

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.

(G) 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.

(H) 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.

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

(J) 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 exceptions 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:

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.

(K) 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.

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

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

(N) 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.

(O) Refuse—The garbage, rubbish, trade wastes, leaves, salvageable material, agricultural wastes, or other wastes.

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

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

(R) Shutdown, permanent—See permanent shutdown.

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

(T) Temporary installation—An installation which 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 30 days prior to application submittal of a section (7), (8) or (9) permit application.

(B) Permitting Authority's Responsibilities.

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 subparagraph (3)(B)2.(I) of this rule;

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

(IV) Potential emissions rates 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.

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. 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.

4. 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 Clean Air Act.
5. Calculations on which the information in parts (3)(B)2.D(I) through (3)(B)2.D(VIII) of this rule are based.
6. Related information in sufficient detail necessary to establish compliance with the applicable standard reference test method, if any.
7. Ambient air quality modeling data, in accordance with section (5) or section (8) of this rule, for all pollutants requiring modeling to determine the air quality impact of the construction or modification of the installation.
8. 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.
9. 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.
10. Filing fees in accordance with subparagraph (3)(D)5.I. of this rule.

(D) Application Review Process.

1. Review of applications for completeness includes the following:
   A. 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.
   B. If the permitting authority does not notify the installation that its application is not complete within thirty (30) days of receipt of the application, the application shall be deemed complete. However, nothing in this subsection prevents the permitting authority from requesting additional information that is necessary to process the application.
   C. 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.
2. Conditions required by permitting authority. 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, and are no less stringent than any applicable requirements. Nothing in this rule limits the power of the permitting authority in this regard. The following condition examples are solely for the purposes of illustration:

A. Operating or work practice constraints to limit the maximum level of emissions;
B. Emission control device efficiency specifications to limit the maximum level of emissions;
C. Maximum level of emissions;
D. 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;
E. Instrumentation to monitor and record emission data;
F. Other sampling and testing facilities;
G. Data reporting;
H. Post-construction ambient monitoring and reporting;
I. Sampling ports of a suitable size, number, and location; and.
J. Safe access to each port.

3. 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:
   A. Emit five (5) or more tons of lead per year;
   B. That contain good engineering practice stack height demonstrations; or
   C. That are subject to section (7), (8), or (9) of this rule,
4. Final completeness permit determination. Final determination will be made on the following schedules.
   A. 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.
   B. The permitting authority will make final permit determination for permit applications processed under section (3), (4), or (5) 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.
   C. 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.

D. 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.

5. Fees

A. 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 paragraph (3)(C)10. of this rule.

B. 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 projects subject to paragraph (4)(D)1. of this rule, a flat fee as specified in subsection (3)(I) of this rule must be submitted by the applicant.

C. 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.

D. 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 subparagraph (3)(D)5.I of this rule.

E. 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 have been paid.

F. Partially processed permits that are withdrawn after submittal are charged at the same processing fee rate in subparagraph (3)(D)5.I of this rule for the time spent processing the application.

G. 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.

H. 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.

I. Permit fees.

| Permit Application Type | Rule Section Reference | Filing Fee | Processing Fee |
|---|---|---|---|
| Portable Source Relocation Request | (4) | $300 | ---- |
| De minimis | (5) | $250 | $75/hr |
| Minor | (6) | $250 | $75/hr |
| NSR | (7) | $5,000 | $75/hr |
| PSD | (8) | $5,000 | $75/hr |
| HAP | (9) | $5,000 | $75/hr |
| Initial PAL | (7) or (8) | $5,000 | $75/hr |
| Renewal PAL | (7) or (8) | $2,500 | $75/hr |
| Temporary/Pilot | (3) | $250 | $75/hr |
| Permit Amendment | (10) | ---- | $75/hr |

6. No later than three (3) calendar days after receipt of the whole amount of the fee due, the permitting authority will send the applicant a notice of payment received. The permit will also be issued at this time, provided the final determination was for approval and the permit processing fee was timely received.

(E) Final Permit Issuance: Any installation subject to this section rule per 10 CSR 10-6.060 (1)(A) 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. This installation will not interfere with the attainment or maintenance of NAAQS and the air quality standards established in 10 CSR 10-6.010;
5. This installation will not cause or contribute to ambient air concentrations in excess of any applicable maximum allowable increase listed in paragraph (5)(F)3. Table 1, of this rule, or be over the baseline concentration in any attainment or unclassified area;
6. This installation will not exceed the risk assessment levels required for all pollutants that exceed the screening model action levels; and
7. All permit fees are paid.

(F) 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 after 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 (3), (4), (5) or (6) 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
      (IV) 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 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 portable equipment meeting the following criteria:

1. Any construction or modification at a covered installation that is portable and has changes where the potential emissions of the construction or modification are less than two hundred fifty (250) tons

per year of particulate matter and less than one hundred (100) tons per year of any other air pollutant, taking into account any federally enforceable conditions.

2. Any equipment operated at a location for more than twenty-four (24) consecutive months without an intervening relocation.

(B) The review and issuance of each initial permit application will follow the procedures of section (3) of this rule 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 subsection (3)(I) of this rule.
   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.
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.
   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)(L)4. through 7. of this rule or complaints filed in the vicinity.

(5) *De Minimis* Permits.

(A) Applicability. This section applies to covered installations and changes that have construction or emission increases and are not subject to sections (4), (7), (8), (9), or (10) of this rule.

(B) The submittal, review, and issuance of each permit application 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 at a covered installation with changes where the allowable emission increase from the construction or modification is greater than *de minimis* threshold levels or the hazardous air pollutant is greater than the screening model action levels 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 risk assessment levels for all pollutants that exceed the screening model action levels.

(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)(L)4. through 7. of this rule;
2. It is likely that the construction or modification will result in the discharge of air contaminants 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 paragraph are based on applicable air quality models, data bases, and other requirements specified in Environmental Protection Agency's (EPA) Guideline on Air Quality Models at appendix W of 40 CFR part 51 as specified in 10 CSR 10-6.030(21).
2. The air quality analysis demonstration required in subsection (5)(D) of this rule or required by the director in subsection (5)(E) are deemed to have been made if the emission increase from the proposed construction or modification alone would cause, in all areas, air quality impacts less than the amounts listed in Table 1.
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 | | | |
| $PM_{2.5}$ | 0.3 | 1.2 | | | |
| $NO_2$ | 1.0 | | | | 7.5 |
| CO | | | 500 | | 2000 |
| Individual HAP Significant Impact Levels ae equal to 4 percent of the respective Risk Assessment Levels listed in the table referenced in paragraph (5)(F)6.A | | | | | |

*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.
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. Hazardous Air Pollutants Table and Public Review.
   - A. The director shall maintain a table of emission threshold levels, risk assessment levels, and screening model action levels for hazardous air pollutants.
   - B. Public Review: The permitting authority will make available for public review any changes to emission threshold levels, risk assessment levels or screening model action levels of any hazardous air pollutant in accordance with the following procedures:
     - (I) The permitting authority issues a draft proposal for use of alternate risk assessment level or screening model action levels values 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 ($30^{th}$) day after the date of publication of the 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 (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, not to exceed 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 good engineering practice (GEP) stack height; or

(II) Any other dispersion technique.

B. Paragraph (5)(A)1. 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 Permits Requirements. The permitting authority may issue a general 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.

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.

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 permit and the date by which the owner or operator must commence construction in order for coverage under the general permit to remain valid (i.e., 2 years after the permit effective date);
   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 electronic 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 Programs central office and a posting on the department's website; and
   C. The procedures for submitting comments as stated 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 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 section. This will not include any confidential information as defined in 10 CSR 10-6.210.

(C) Amending the General Construction Permit. General 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 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 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 permit, the owner or operator may request coverage under that general permit to the permitting authority on the effective date of the general permit. The effective date of each general permit will be posted on the department's website.
2. A source that seeks to vary from the general permit, and obtain an emission limitation, control, or other requirement not contained in that general 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 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 permit is considered to be granted
6. If the reviewing authority determines that the request for coverage meets all of the requirements of the general permit, the permitting authority

will issue notification of approval.

7. If request for coverage under a general 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 permit.

(G) The director may revoke authorization of coverage under the general 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; and
2. The emission units covered under the general permit are part of a larger construction or modification that includes units not covered under the general permit.

(H) Any owner or operator authorized by a general permit may request to be excluded from the coverage of the general permit by applying for an individual permit.

1. When an individual permit is issued to an owner or operator otherwise subject to a general permit, the applicability of the general permit for the emission units covered under the general 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 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 permit is considered final agency action with respect to all aspects of the general 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 permit is the applicability of the general 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.

1. Major stationary source as defined in 40 CFR 51.165(a)(1)(iv) as specified in 10 CSR 10-6.030(21);
2. Major modification is defined in 40 CFR 51.165(a)(1)(v) as specified in 10 CSR 10-6.030(21), 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;
3. Net emissions increase is defined in 40 CFR 51.165(a)(1)(vi) as specified in 10 CSR 10-6.030(21), except that the term paragraph (a)(1)(xii)(B) is 40 CFR 52.21(b)(21)(ii); and
4. Significant is defined in 40 CFR 51.165(a)(1)(x) as specified in 10 CSR 10-6.030(21).

(B) Applicability Procedures. The following provisions of this subsection

determine, prior to beginning actual construction, if a project at an existing major stationary source is a major modification and thus subject to the permit application and review requirements of subsection (7)(C) of this rule:

1. Except for sources with a Plantwide Applicability Limit (PAL) in compliance with subsection (7)(D) of this rule, and in accordance with the definition of the term major modification contained in paragraph (7)(A)2. of this rule, a project is a major modification if it causes two (2) types of emissions increases for the nonattainment pollutant—a significant emissions increase and a significant net emissions increase. The project is not a major modification if it does not cause a significant emissions increase. If the project causes a significant emissions increase, then the project is a major modification only if it also results in a significant net emissions increase.
2. The emissions increase from the project is determined by taking the sum of the emissions increases from each emissions unit affected by the project. An emissions unit is considered to be affected by the project if an emissions increase from the unit would occur as a result of the project, regardless of whether a physical change or change in the method of operation will occur at the particular emissions unit.
3. For each existing emissions unit affected by the project, the emissions increase is determined by taking the difference between the projected actual emissions for the completed project and the baseline actual emissions. In accordance with the definition of the term projected actual emissions found in 40 CFR 52.21 as referred to in subsection (2) of this rule, the owner or operator of the major stationary source may elect to use the existing emission unit's potential to emit in lieu of the projected actual emissions for this calculation.
4. For each new emissions unit affected by the project, the emissions increase is equal to the potential to emit.
5. The procedure for calculating the net emissions increase (the significance of which is the second criterion for determining if a project is a major modification) is contained in the definition of the term net emissions increase found in subsection (2) of this rule.
6. The provisions of subsection (7)(B) of this rule do not apply to a source or modification that would be a major stationary source or major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the potential to emit of the stationary source or modification, and the source does not belong to one (1) of the source categories listed in items (i)(1)(vii)(a)–(aa) of 40 CFR 52.21, which is incorporated by reference in subsection (8)(A) of this rule.

(C) Permit Requirements. Applicants must meet all of the following requirements for a permit to construct a new major stationary source of, or for a major modification to an existing major stationary source, of nonattainment pollutants:

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 national ambient air quality standard and

consistent with the requirements of Section 173(a)(1)(A) of the Clean Air Act and paragraphs 40 CFR 51.165(a)(3) and (9) as specified in 10 CSR 10-6.030(21);

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 offset and banking procedures in 10 CSR 10-6.410;
4. The administrator has not determined that the state implementation plan is not being adequately implemented for the nonattainment area in which the proposed source is to be constructed or modified;
5. Temporary installation and portable sources are exempt from this section provided that the source applies 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.

(C) Plantwide Applicability Limits (PALs). The provisions of subsection (aa) of 40 CFR 52.21, which is incorporated by reference in subsection (8)(A) of this rule, 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 Prevention of Significant Deterioration (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.

(D) Reporting and Record Keeping. This subsection applies to projects at existing major stationary sources, without a PAL, and 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.

(E) 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.

(F) All permit applications subject to subsection (7)(C) of this rule are subject to the public participation requirements in subsection (12)(A) of this rule.

(G) The director of the Missouri Department of Natural Resources' Air Pollution Control Program shall transmit to the administrator of the U.S. Environmental Protection Agency a copy of each permit application filed under section (7) of this rule and 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 U.S. Environmental Protection Agency:

1. (b)(17) Federally enforceable;
2. (b)(37)(i) Repowering;
3. (b)(43) Prevention of Significant Deterioration (PSD) program;
4. (b)(48)(ii)(c);
5. (b)(50) Regulated NSR pollutant;
6. (b)(51) Reviewing authority;
7. (g) Redesignation;
8. (l) Air quality models;

9. (p)(2) Federal Land Manager; and
10. (t) Disputed permits or redesignations.

(C) All permit applications subject to section (8) of this rule are subject to the public participation requirements in subsection (12)(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 U.S. Environmental Protection Agency 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. The requirements of this section apply to any owner or operator of a major source identified in subsection (9)(B) of this rule, unless the major source in question has been specifically regulated or exempted from regulation under a standard issued pursuant to section 112(d), section 112(h), or section 112(j) of the Clean Air Act and incorporated in another subpart of part 63 of the *Code of Federal Regulations* (CFR), or the owner or operator of such a major source has received all necessary air quality permits for construction or reconstruction before the effective date of this section. Sections 112 (h) and 112(j) of the Clean Air Act, as published February 24, 2004 by the U.S. Congress are 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) Solely for the purpose of section (9) of this rule, the following definitions apply to terms in addition to definitions specified in section (2) of this rule:
1. Construct a major source—
   A. Fabricate, erect, or install, at any greenfield site, a stationary source or group of stationary sources which is located within a contiguous area and under common control and which emits or has the potential to emit ten (10) tons per year of any hazardous air pollutant (HAP) or twenty-five (25) tons per year of any combination of HAPs; or
   B. Fabricate, erect, or install, at any developed site, a new process or production unit which in and of itself emits or has the potential to emit ten (10) tons per year of any HAP or twenty-five (25) tons per year of any combination of HAPs;
2. Greenfield site—A contiguous area under common control that is an undeveloped site;
3. Process or production—Any collection of structures and/or equipment, that processes, assembles, applies, or otherwise uses material inputs to produce or store an intermediate or final product. A single facility may

contain more than one (1) process or production unit;

4. Reconstruct a major source—Replace components at an existing process or production unit where the replacement of components in and of itself emits or has the potential to emit ten (10) tons per year of any HAP or twenty-five (25) tons per year of any combination of HAPs, whenever—
   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;
5. Research and development activities—Activities conducted at a research or laboratory facility whose primary purpose is to conduct research and development into new processes and products, where such source is operated under the close supervision of technically-trained personnel and is not engaged in the manufacture of products for sale or exchange for commercial profit, except in a de minimis manner;
6. Similar source—A stationary source or process that has comparable emissions and is structurally similar in design and capacity to a constructed or reconstructed major source such that the source could be controlled using the same control technology; and
7. Definitions for certain terms, other than those defined in subparagraphs (9)(A)1. through 6. of this rule, may be found in 40 CFR 63.41, promulgated July 1, 2018, and 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.

(B) Applicability. No person may construct or reconstruct a major source unless they submit an application and receive approval from the permitting authority according to the procedures of paragraphs (9)(D)2. and (9)(D)3. of this rule; or unless all of the following are satisfied:

1. All HAPs emitted by the process or production unit, which would otherwise be controlled under the requirements of this section, will be controlled by emission control equipment, which was previously installed at the same site as the process or production unit;
2. The permitting authority—
   A. Has determined within a period of five (5) years prior to the fabrication, erection, or installation of the process or production unit that the existing emission control equipment represented best available control technology (BACT), lowest achievable emission rate (LAER) under 40 CFR 51 or 52, toxic-best available control technology (T-BACT), or maximum achievable control technology (MACT) based on state air toxic rules for the category of pollutants, which includes those HAPs to be emitted

by the process or production unit. 40 CFR 51 as specified in 10 CSR 10-6.030(1). 40 CFR 52, promulgated 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.; or

B. Determines that the control of HAP emissions provided by the existing equipment will be equivalent to that level of control currently achieved by other well-controlled similar sources (i.e., equivalent to the level of control that would be provided by a current BACT, LAER, T-BACT, or state air toxic rule MACT determination);

3. The permitting authority determines that the percent control efficiency for emissions of HAP from all sources to be controlled by the existing control equipment will be equivalent to the percent control efficiency provided by the control equipment prior to the inclusion of the new process or production unit;
4. The permitting authority has provided notice and an opportunity for public comment concerning its determination that paragraphs (9)(B)1., 2., and 3. of this rule apply and concerning the continued adequacy of any prior LAER, BACT, T-BACT, or state air toxic rule MACT determination;
5. If any commenter has asserted that a prior LAER, BACT, T-BACT, or state air toxic rule MACT determination is no longer adequate, the permitting authority has determined that the level of control required by that prior determination remains adequate;
6. The requirements of section (5)of this rule are met; and
7. Any emission limitations, work practice requirements, or other terms and conditions upon which the above determinations by the permitting authority are predicated will be construed by the permitting authority as applicable requirements under section 504(a) of the Clean Air Act and either have been incorporated into any existing part 70 permit for the affected facility or will be incorporated into such permit upon issuance. Section 504(a) of the Clean Air Act as published February 24, 2004 by the U.S. Congress is 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.

(C) Exemptions. The requirements of section (9) of this rule do not apply to—

1. Electric utility steam generating units unless they are listed on the source category list established in accordance with section 112(c) of the Clean Air Act, published February 24, 2004 by the U.S. Congress is 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; or

2. Research and development activities.

(D) MACT Review and Determinations.

1. General principles.

A. The MACT emission limitation or MACT requirements recommended by the applicant and approved by the permitting authority shall not be less stringent than the emission control, which is achieved in practice by the best controlled similar source, as determined by the permitting authority.

B. Based upon available information, the MACT emission limitation and control technology recommended by the applicant and approved by the permitting authority shall achieve the maximum degree of reduction in emissions of HAPs, which can be achieved by utilizing those control technologies that can be identified from the available information, taking into consideration the costs of achieving such emission reduction and any non-air quality health and environmental impacts and energy requirements associated with the emission reduction.

C. The applicant may recommend a specific design, equipment, work practice, or operational standard, or a combination thereof, and the permitting authority may approve such a standard if the permitting authority specifically determines that it is not feasible to prescribe or enforce an emission limitation under the criteria set forth in section 112(h)(2) of the Clean Air Act as incorporated by reference in section (9) of this rule.

D. The applicant has met the requirements of section (6) of this rule.

2. Application requirements for a case-by-case MACT determination.

A. An application for a MACT determination shall specify a control technology selected by the owner or operator that, if properly operated and maintained, will meet the MACT emission limitation or standard as determined according to the principles set forth in paragraph (9)(C)1. of this rule.

B. Where additional control technology or a change in control technology is required, the application for a MACT determination shall contain the following information:

(I) Emissions Information for Construction Permit Application;

(II) Standard application form and information as described in section (2) of this rule;

(III) The anticipated date of start-up;

(IV) The estimated emission rate for each such HAP, to the extent this information is necessary for the permitting authority to determine MACT;

(V) Any applicable federally enforceable emission limitations;

(VI) The maximum and expected utilization of capacity and

the associated uncontrolled emission rates for that source, to the extent this information is necessary for the permitting authority to determine MACT;

(VII) The controlled emissions in tons/year at expected and maximum utilization of capacity, to the extent this information is necessary for the permitting authority to determine MACT;

(VIII) A recommended emission limitation consistent with the principles set forth in paragraph (9)(D)1. of this rule;

(IX) The selected control technology to meet the recommended MACT emission limitation, including technical information on the design, operation, size, and estimated control efficiency of the control technology (and the manufacturer's name, address, telephone number, and relevant specifications and drawings, if requested by the permitting authority);

(X) Supporting documentation including identification of alternative control technologies considered by the applicant to meet the emission limitation, and analysis of cost and non-air quality health environmental impacts or energy requirements for the selected control technology; and

(XI) Any other relevant information required to be submitted by the permitting authority deemed necessary to determine MACT.

C. Where the owner or operator contends that source will be in compliance, upon start-up, with case-by-case MACT without a change in control technology, the application for a MACT determination shall contain the following information:

(I) The information described in parts (9)(D)2.B.(II) through (9)(D)2.B.(XI) of this rule to determine MACT; and

(II) Documentation of the control technology in place.

3. Administrative procedures for review of the MACT application.

A. The permitting authority will notify the owner or operator in writing, within thirty (30) days from the date the application is first received, as to whether the application for a MACT determination is complete or whether additional information is required.

B. The permitting authority will initially approve the recommended MACT emission limitation and other terms set forth in the application, or the permitting authority will notify the owner or operator in writing of its intent to disapprove the application, within thirty (30) calendar days after the owner or operator is notified in writing that the application is complete.

C. Notice of disapproval.

(I) The owner or operator may present, in writing, within

sixty (60) calendar days after receipt of notice of the permitting authority's intent to disapprove the application, additional information or arguments pertaining to, or amendments to, the application for consideration by the permitting authority before it decides whether to finally disapprove the application.

(II) The permitting authority will either initially approve or issue a final disapproval of the application within ninety (90) days after it notifies the owner or operator of an intent to disapprove or within thirty (30) days after the date additional information is received from the owner or operator, whichever is earlier.

(III) A final determination by the permitting authority to disapprove any application will be in writing and will specify the grounds on which the disapproval is based. If any application is finally disapproved, the owner or operator may submit a subsequent application, provided the subsequent application has been amended in response to the stated grounds for the prior disapproval.

D. Incorporation of the MACT determination into a construction permit.

(I) When an application for a MACT determination is approved pursuant to this section, the construction permit issued pursuant to this rule shall contain a MACT emission limitation (or a MACT work practice standard if the permitting authority determines it is not feasible to prescribe or enforce an emission standard) to control the emissions of HAP.

(II) Such construction permit will specify any notification, operation and maintenance, performance testing, monitoring, reporting, and record-keeping requirements. Such construction permit shall include:

(a) In addition to the MACT emission limitation additional emission limits, production limits, operational limits, or other terms and conditions necessary to ensure enforceability of the MACT emission limitation;

(b) Compliance certifications, testing, monitoring, reporting, and record-keeping requirements that are consistent with the requirements of 10 CSR 10-6.065;

(c) In accordance with section 114(a)(3) of the Clean Air Act, monitoring shall be capable of demonstrating continuous compliance during the applicable reporting period. Such monitoring data shall be of sufficient quality to be used as a basis

for enforcing all applicable requirements including emission limitations. Section 114(a)(3) of the Clean Air Act as published February 24, 2004 by the U.S. Congress is 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; and

(d) A statement requiring the owner or operator to comply with all applicable requirements.

(III) Approval expires if construction or reconstruction does not commence within eighteen (18) months of issuance, unless the permitting authority grants an extension. However, in no case will approval extend beyond thirty (30) months from the date of issuance if construction or reconstruction have not commenced.

E. Opportunity for public comment on the construction permit shall follow the procedure found in subsection (12)(A), Appendix (A), Public Participation, of this rule.

F. EPA notification. The permitting authority shall send a copy of the final construction permit or other notice of approval issued to the administrator through the appropriate regional office, and to all other state and local air pollution control agencies having jurisdiction in affected states.

G. Compliance date. On and after the date of start-up, a constructed or reconstructed major source, which is subject to these requirements, shall comply with all applicable requirements specified in the MACT determination.

(E) Requirements for constructed or reconstructed major sources subject to a subsequently promulgated standard or MACT requirement.

1. If an emission standard is promulgated under section 112(d) or section 112(h) of the Clean Air Act, as incorporated by reference in section (9) of this rule, or the state issues a determination under section 112(j) of the Clean Air Act, as incorporated by reference in section (9) of this rule, that is applicable to a stationary source or group of sources, which would be deemed to be a constructed or reconstructed major source under this section, before the date that the owner or operator obtains a final and legally-effective MACT determination under any of the review options available in this rule, the owner or operator of the source(s) shall comply with the promulgated standard or determination rather than any MACT determination under this section by the state and the promulgated standard by the compliance date in the promulgated standard.

2. If an emission standard is promulgated under section 112(d) or section 112(h) of the Clean Air Act, as incorporated by reference in section (9) of this rule, or the state issues a determination under section 112(j) of the

Clean Air Act, as incorporated by reference in section (9) of this rule, that is applicable to a stationary source or group of sources, which would be deemed to be a constructed or reconstructed major source under this section and has been subject to a prior case-by-case MACT determination pursuant to this section, and the owner or operator obtained a final and legally-effective case-by-case MACT determination prior to the promulgated date of such emission standard, then the state shall (if the initial part 70 permit has not yet been issued) issue an initial operating permit that incorporates the emission standard or determination, or (if the initial part 70 permit has been issued) revise the operating permit according to the reopening procedures in 40 CFR 70 or 71, whichever is relevant, to incorporate the emission standard or determination. 40 CFR 70, promulgated 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. 40 CFR 71, promulgated 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.

A. The EPA may include in the emission standard established under section 112(d) or section 112(h) of the Clean Air Act, as incorporated by reference in section (9) of this rule, a specific compliance date for those sources that obtained a final and legally-effective MACT determination under this section and submitted the information required by this section to the EPA before the close of the public comment period for the standard established under section 112(d) of the Clean Air Act. Such date assure that the owner or operator complies with the promulgated standard as expeditiously as practicable, but no longer than eight (8) years after such standard is promulgated. In that event, the state shall incorporate the applicable compliance date in the part 70 operating permit.

B. If no compliance date has been established in the promulgated section 112(d) or 112(h) standard or section 112(j) determination, for those sources that obtained a final and legally-effective MACT determination under this section, then the permitting authority shall establish a compliance date in the permit that assures that the owner or operator complies with the promulgated standard or determination as expeditiously as practicable, but not longer than eight (8) years after such standard is promulgated or a section 112(j) determination is made.

3. Notwithstanding the requirements of paragraphs (9)(E)1. and 2. of this

rule, if an emission standard is promulgated under section 112(d) or section 112(h) of the Clean Air Act, as incorporated by reference in section (9) of this rule, or the state issues a determination under section 112(j) of the Clean Air Act, as incorporated by reference in section (9) of this rule, that is applicable to a stationary source or group of sources deemed to be a constructed or reconstructed major source under this section and subject of a prior case-by-case MACT determination pursuant to this section, and the level of control required by the emission standard issued under section 112(d) or section 112(h) or the determination issued under section 112(j) is less stringent than the level of control required by any emission limitation or standard in the prior MACT determination, the state is not required to incorporate any less stringent terms of the promulgated standard in the part 70 operating permit applicable to such source(s) and may in its discretion consider any more stringent provisions of the prior MACT determination to be applicable legal requirements when issuing or revising such operating permit.

(10) 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 process and trials covered by this subsection do not include pilot processes or 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) Section (10) 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 section (3)(L)4 through 7 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 amendment 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.

(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;
   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 (6) of this rule will be issued no later than ninety (90) calendar days after receipt of a written request and amendments to major source permits 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 subsection (11)(A) 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 eight four (184) days includes a 40-day public comment period with an opportunity for a public hearing and the period for permitting authority's response to comments the 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) 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) The degree of increment consumption, when appropriate;
      (VI) The permitting authority's draft permit of whether or not to approve, approve with conditions or deny;
      (VII) Any reference to conditions relating to visibility as required in paragraph (8)(C)5. of this rule;
      (VIII) The procedures as stated in subparagraph (12)(A)2.C. of this rule for the public to request a public hearing including a statement that public hearing will be canceled if a request is not received;
      (IX) The procedures as stated in subparagraph (12)(A)2.D. of

this rule for submitting public comments; and

(X) The time and location of the public hearing if one is requested.

C. Materials made available during the public notice period. The following material 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. Prior to the start of public notice period, the permitting authority sends a copy of the public notice to the following:

(I) The applicant,

(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; and

(f) Any Federal Land Manager (FLM) whose lands may be affected by emissions from the installation or modification.

E. Public hearing:

(I) A public hearing will be held by the department, if one is requested, within twenty-eight (28) days of the publication of the notice. The hearing will be canceled if a request for a hearing is not received in this time frame.

(II) At the public hearing, any interested person may submit any relevant information, materials, and views in support of or opposed to the permit applied for.

(III) The public hearing shall be held in the county in which all or a major part of the proposed project is to be located .

(IV) The hearing shall be scheduled not less than thirty (30) nor more than forty (40) days from the date of publication of the notice.

(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 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) or (8) of this rule, but which propose an emission of five (5) or more tons of lead per year or applications containing GEP stack height demonstrations. For these applications, completing the final determination within ninety (90) calendar days after receipt of the complete application involves performing the same public participation activities as those subject to section (7) or (8) of this rule, but with shorter time frames. The following specifies the new time frames:

A. Permitting authority's preliminary determination—No later than forty-five (45) calendar days after receipt of a complete application;

B. Public notice of hearing—No later than five (5) calendar days

after the preliminary determination;

C. Public hearing—No later than thirty (30) calendar days after the date of the public notice; and

D. Applicant response—No later than five (5) calendar days after the end of the public comment period, the applicant may submit a written response to any comments submitted.

(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 and 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 insure 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 (6), (7), (8), or (9) unified review construction permit applications and part 70 operating permit applications.

A. Permit review by the administrator and affected states.

(I) Administrator review.

(a) Copies of applications, proposals, and final actions. The applicant will provide two (2) copies of the information included in an application. The permitting authority will forward to the administrator one (1) copy of each permit application and each final operating permit.

(b) Administrator's objection. No permit shall be issued under this rule if the administrator objects to its issuance in writing within forty-five (45) days after receipt of the proposed permit and all necessary supporting information.

(c) Failure to respond to objection. If the permitting authority does not respond to an objection of the administrator by transmitting a revised proposed permit within ninety (90) calendar days after receipt of that objection, the administrator may issue or deny the permit in accordance with the Act.

(d) Public petitions for objection. If the administrator does not object to a proposed permit action, any person may petition the administrator to make such an objection within sixty (60) days after expiration of the administrator's forty-five (45)-day review period.

I. This petition may only be based on objections raised during the public review process, unless the petitioner demonstrates that it was impracticable to raise objection during the public review period (including when the grounds for objection arose after that period).

II. If the administrator responds to a petition filed under this section by issuing an objection, the permitting authority will not issue the permit until the objection has been resolved. If the permit was issued after the administrator's forty-five (45)-day review period, and prior to any objection by the administrator, the permitting authority shall treat that objection as if the administrator were

reopening the permit for cause. In these circumstances, the petition to the administrator does not stay the effectiveness of the issued permit, and the permittee shall not be in violation of the requirement to have submitted a complete and timely permit application.

(II) Affected state review.

(a) Notice of draft actions. The permitting authority will give notice of each draft permit to any affected state on or before the time that the permitting authority provides notice to the public. Affected states may comment on the draft permit action during the period allowed for public comment, as shall be set forth in a notice to affected states.

(b) Refusal to accept recommendations. If the permitting authority refuses to accept all recommendations for a proposed permit action that any affected state has submitted during the review period, the permitting authority shall notify the administrator and the affected state in writing of its reasons for not accepting those recommendations.

B. Proposals for review. Following the end of the public comment period, the permitting authority shall prepare and submit to the administrator a proposed permit.

(I) The proposed permit shall be issued no later than forty-five (45) days after the deadline for final action under this section and shall contain all applicable requirements that have been promulgated and made applicable to the installation as of the date of issuance of the draft permit.

(II) If new requirements are promulgated or otherwise become newly applicable to the installation following the issuance of the draft permit, but before issuance of a final permit, the permitting authority may elect to either—

(a) Extend or reopen the public comment period to solicit comment on additional draft permit provisions to implement the new requirements; or

(b) If the permitting authority determines that this extension or reopening of the public comment period would delay issuance of the permit unduly, the permitting authority may include in the proposed or final permit, or both, a provision stating that the operating permit will be reopened immediately to incorporate the new requirements

and stating that the new requirements are excluded from the protection of the permit shield. If the permitting authority elects to issue the proposed or final permit, or both, without incorporating the new requirements, the permitting authority, within thirty (30) 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 increment will be allocated on a first-come, first-serve basis. The marked received date of a complete application will be used by the permitting authority to determine which applicant is entitled to prior allocation of increments.
3. At the intervals of five (5) years from the 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 Feb. 28, 2019.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate. The public entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., September 27, 2018. The public hearing will be held at the Elm Street Conference Center, 1730 East Elm Street, Lower Level, Bennett Springs Conference Room, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a statement of their views until 5:00 p.m., October 4, 2018. Send online comments via the proposed rules web page www.dnr.mo.gov/proposed-rules, email comments to apcprulespn@dnr.mo.gov, or written comments to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.*