

(1) Applicability.

(A) This rule applies to any installation that: notifies and accepts a permit-by-rule under 10 CSR 10-6.062, is required to obtain a permit under 10 CSR 10-6.060 or 10 CSR 10-6.065, is required to file an Emission Inventory Questionnaire (EIQ) as outlined in the Reporting Frequency table in paragraph (3)(A)6. of this rule, or is required by the staff director to prove its potential emissions are below *de minimis* levels.

(B) An annual emission statement (Form 2.0Z) is required of facilities in an ozone nonattainment area if the actual emission of either nitrogen oxides (NO_x), volatile organic compounds (VOCs) or carbon monoxide (CO) are equal to or greater than ten (10) tons annually. After the effective date of this rule, any revision to the annual emission statement (Form 2.0Z) will be presented to the regulated community for a forty-five (45)-day comment period.

(2) Definitions.

(A) Peak Ozone Season—The time period (the months of June 1 through August 31) used in calculating ozone nonattainment area emissions on Form 2.0Z.

(B) Consolidated Emissions Reporting Rule (CERR)—A U.S. Environmental Protection Agency (EPA) rule designed to simplify federal reporting and unify state and local agency reporting dates.

(C) Reporting Year—The state reporting requirement will coincide with the three (3) year reporting cycle of the CERR beginning with 2008. The subsequent reporting years will be every three (3) years following 2008 (i.e., 2011, 2014, 2017, etc.).

(D) Definitions of certain terms specified in this rule, other than those specified in this rule section, may be found in 10 CSR 10-6.020.

(3) General Provisions.

(A) Record Keeping and Reporting Requirements.

1. The owner or operator of an installation that is a source of any air contaminant shall collect, record and maintain, during each calendar year of operation—the time period and duration of emissions; the amounts of processed materials, fuels and solvents consumed; and the amounts of process materials, fuels and solvents stored in tanks and storage piles which emit any regulated air pollutant.

2. The owner or operator of an installation subject to paragraph (3)(A)1. of this rule shall file with the director, on the frequency specified in paragraph (3)(A)6. of this rule, reports containing the information specified in paragraph (3)(A)1. of this rule. The reports shall specify the type and location of all sources of regulated air pollutants and the amount of each type of regulated air pollutant at each location; the size and height of all emission outlets, stacks and vents; the processes employed, including all fuel combustion and incineration; the type of air pollution control equipment used at the installation; the capture efficiency and control efficiency of the air pollution control equipment, where applicable; and ozone season information (Form 2.0Z) from sources located in nonattainment areas. Capture efficiency shall be applicable to emission points which are controlled by air pollution control devices and are not fully enclosed. Capture efficiency is not applicable to fugitive dust. The department encourages facilities to perform tests to determine capture efficiency. Industrial ventilation principles and engineering calculations may be used if testing is physically impossible or cost prohibitive. If testing or engineering calculation is not possible, then a default value of fifty percent (50%) capture efficiency may be used. Documentation verifying the capture efficiency shall be included with the EIQ. The owner or operator may submit a report containing information of a different nature provided the information submitted is adequate for the purposes of air quality planning and fee assessment and is approved by the director. Information submitted shall be reduced by the director to emission data as defined in 10 CSR 10-6.210(3)(B)2.

3. The reports required by paragraphs (3)(A)2. and 4. of this rule shall be completed on state supplied EIQ forms or in a form satisfactory to the director and shall be submitted to the director by June 1 after the end of each reporting period. After the effective date of this rule, any revision to the EIQ forms will be presented to the regulated community for a forty-five (45)-day comment period. The reporting periods for an installation, as determined by the reporting frequency

specified in paragraph (3)(A)6. of this rule, shall end on December 31 of each calendar year. Each report shall contain the information required by paragraph (3)(A)2. of this rule for each air contaminant source at the installation for the twelve (12)-month period immediately preceding the end of the reporting period, in addition to the information required under paragraph (3)(A)1. of this rule to be collected, recorded and maintained during each year of operation of the installation.

4. For sources located in ozone nonattainment areas, an emission statement is required if the actual emission of nitrogen oxides (NO_x), volatile organic compounds (VOCs) or carbon monoxide (CO) is equal to or greater than ten (10) tons for any one (1) pollutant annually. Emissions of each pollutant shall be reported if a facility meets the ten (10) ton threshold for any of the three (3) pollutants. Emissions statement reporting requirements shall be completed on state supplied EIQ forms and include the information required at paragraph (3)(A)2. of this rule and ozone season information for VOC, NO_x and CO emissions and any other criteria pollutant requested by the director. After the effective date of this rule, any revision to the EIQ forms will be presented to the regulated community for a forty-five (45)-day comment period. Emission statements shall be submitted in accordance with the schedule in paragraph (3)(A)6. of this rule.

5. All data collected and recorded in support of the provisions of this rule shall be retained in accordance with the requirements in section (4) of this rule by the owner or operator for not less than five (5) years after the end of the calendar year in which the data was collected and all these records shall be made available to the director upon his/her request.

6. The reports required by paragraphs (3)(A)2. and 4. of this rule shall be filed on the following frequency:

Reporting Frequency		
	Emission Inventory Questionnaire	
Installation Classification	Nonattainment Area	All Other
1. Any installation required to obtain a Part 70 or Intermediate State Operating Permit under 10 CSR 10-6.065.	Annually	Annually
2. Any installation required to obtain a Basic State Operating Permit under 10 CSR 10-6.065.	Once every three (3) years	Once every three (3) years

3. Any installation required to obtain a construction permit under 10 CSR 10-6.060 or accepting a permit-by-rule under 10 CSR 10-6.062, but not required to obtain an operating permit.	Once every six (6) years	Once every six (6) years
4. Any installation required to submit an EIQ by the director.	Within forty-five (45) days of request	Within forty-five (45) days of request
5. Any ozone nonattainment area installation whose actual emissions of VOC, NO _x or CO is equal to or greater than ten (10) tons for any one (1) pollutant annually.	Annually, an emission statement is required	Exempt, no emission statement required

(B) Specific Report Required. The director may require the owner or operator of an installation to submit compound specific emission rates when the information submitted pursuant to paragraph (3)(A)3. of this rule does not provide sufficient information to determine whether specific compounds from the installation may cause a threat to public health or welfare.

(C) Public Availability of Emission Data and Process Information. Any information obtained pursuant to the rule(s) of the Missouri Air Conservation Commission that would not be entitled to confidential treatment under 10 CSR 10-6.210 shall be made available to any member of the public upon request.

(D) Emission Fees.

1. Any air contaminant source required to obtain a permit under sections 643.010-643.190, RSMo, except sources that produce charcoal from wood, shall pay an annual emission fee, regardless of their EIQ reporting frequency, of forty dollars and no cents (\$40.00) per ton of regulated air pollutant emitted starting with calendar year 2007 in accordance with the conditions specified in paragraph (3)(D)2. of this rule. Sources which are required to file reports once every three (3) or six (6) years may use the information in their most recent EIQ to determine their annual emission fee if they have an EIQ on file. Sources that increase or decrease emissions by twenty percent (20%) will be required to provide a complete (rather than the short form) EIQ for that year and every CERR reporting year thereafter (i.e., 2011, 2014, 2017, etc. as applicable).

2. General requirements.

A. The fee shall apply to the first four thousand (4,000) tons of each regulated air pollutant emitted.

However, no air contaminant source shall be required to pay fees on total emissions of regulated air pollutants in excess of twelve thousand (12,000) tons in any calendar year. A permitted air contaminant source which emitted less than one (1) ton of all regulated pollutants shall pay a fee equal to the amount of one (1) ton.

B. The fee shall be based on the information provided in the facility's EIQ.

C. An air contaminant source which pays emissions fees to a holder of a certificate of authority issued pursuant to section 643.140, RSMo, may deduct those fees from the emission fee due under this section.

D. The fee imposed under paragraph (3)(D)1. of this rule shall not apply to ammonia, carbon monoxide, and PM_{2.5} particulate matter emissions.

E. The fees for emissions produced during the previous calendar year shall be due June 1 each year for all United States Department of Labor Standard Industrial Classifications. The fees shall be payable to the Department of Natural Resources.

F. All Emissions Inventory Questionnaire forms or equivalent approved by the director shall be due annually on June 1 according to the required reporting schedules in paragraph (3)(A)6. of this rule for all United States Department of Labor Standard Industrial Classifications.

G. For the purpose of determining the amount of air contaminant emissions on which the fees are assessed, a facility shall be considered one (1) source under the definition of section 643.078.2, RSMo, except that a facility with multiple operating permits shall pay emission fees separately for air contaminants emitted under each individual permit.

3. Fee collection. The annual changes to this rule to establish emission fees for a specific year do not relieve any source from the payment of emission fees for any previous year.

(E) Emission Calculation and Verification.

1. Emission calculation. All sources shall use the following hierarchy as a guide in determining the most desirable

emission data to report to the department. If data is not available for an emission estimation method or an emission estimation method is impractical for a source, then the subsequent emission estimation method should be used in its place:

A. Continuous Emission Monitoring System (CEMS) as specified in subparagraph (3)(E)2.A. of this rule;

B. Stack tests as specified in subparagraph (3)(E)2.B. of this rule;

C. Material/mass balance;

D. AP-42 (Environmental Protection Agency (EPA) *Compilation of Air Pollution Emission Factors*) or FIRE (Factor Information and Retrieval System) (as updated);

E. Other EPA documents as specified in subparagraph (3)(E)2.C. of this rule;

F. Sound engineering calculations; or

G. Facilities shall obtain department preapproval of emission estimation methods other than those listed in subparagraphs (3)(E)1.A.-F. of this rule before using any such method to estimate emissions in the submission of an EIQ. The department will approve or deny requests by December 31 if submitted in writing by September 1.

2. Emission verification. The director reserves the authority to review and approve all emission estimation methods used to calculate emissions for the purpose of filing an EIQ for accuracy, reliability and appropriateness. Inappropriate usage of an emission factor or method shall include, but is not limited to: using emission factors not representative of a process, using equipment in a manner other than that for which it was designed for in calculating emissions, or using a less accurate emission estimation method for a process when a facility has more accurate emission data available. Additional requirements for the use of a specific emission estimation method include:

A. Continuous Emission Monitoring System (CEMS).

(I) CEMS must be shown to have met applicable performance specifications during the period for which data is being presented.

(II) CEMS data must be presented in the units which the system was designed to measure. Additional data sets used to extrapolate CEMS data must have equal or better reliability for such extrapolation to be acceptable.

(III) When using CEMS data to estimate emissions, the data must include all parameters (i.e., emission rate, gas flow rate, etc.) necessary to accurately determine the emissions. CEMS data which does not include all the necessary parameters must be reviewed and approved by the director or local air pollution control authority before it may be used to estimate emissions;

B. Stack tests.

(I) Stack tests must be conducted on the specific equipment for which the stack test results are used to estimate emissions.

(II) Stack tests must be conducted according to the methods cited in 10 CSR 10-6.030, unless an alternative method has been approved in advance by the director or local air pollution control authority.

(III) Stack tests will not be accepted unless the choice of test sites and a detailed test plan have been approved in advance by the director or local air pollution control authority.

(IV) Stack tests will not be accepted unless the director or local air pollution control authority has been notified of test dates at least thirty (30) days in advance and thus provided the opportunity to observe the testing. This thirty (30)-day notification may be reduced or waived on a case-by-case basis by the director or local air pollution control authority.

(V) Stack test results which do not meet all the criteria of parts (3)(E)2.B.(I)-(IV) of this rule may be acceptable for estimating emissions, but must be submitted for review and approval by the director or local air pollution control authority on a case-by-case basis; and

C. EPA documents. Other EPA documents may be used to estimate emissions if the emission factors are more appropriate or source specific than AP-42 or FIRE. Newly developed EPA emission factors must be published by December 31 of the year for which the facility is submitting an EIQ.

(F) Emission Fee Auditing/Adjustment.

1. The department may conduct on-site detailed reviews (audits) of EIQs and supporting documentation as the director deems necessary.

2. The department may make emission fee adjustments when—

A. Clerical or arithmetic errors have been made;

B. Submitted documentation is not supported by inspections or audits;

C. Emissions estimates are modified as a result of emission verification or audits;

D. Credit has been incorrectly applied for an emissions fee paid to a local air pollution control agency; or

E. The department shall not be limited by subparagraphs (3)(F)2.A.-D. of this rule in making emission fee adjustments.

(4) Reporting and Record Keeping. Owners or operators shall maintain records containing sufficient information to demonstrate compliance with all applicable emission fee rule requirements as specified in subsections (3)(A) and (B). All data collected and recorded in accordance with the provisions of this rule shall be retained by the owner or operator for not less than five (5) years after the end of the calendar year in which the data was collected and all these records shall be made available to the director upon his/her request.

(5) Test Methods. (*Not Applicable*)

EPA Rulemakings

CFR: 40 C.F.R. 52.1320(c) and 40 C.F.R. 70, Appendix A, Missouri (v)
 FRM: 73 FR 53137 (9/15/2008)
 PRM: 73 FR 53163 (9/15/2008)
 State Submission: 12/21/2007
 State Final: 10 C.S.R. 10-6 (11/30/2007; effective 12/30/2007)
 APDB File: MO-263; Docket No. EPA-R07-OAR-2008-0614
 Description: This revision establishes the emissions fee for calendar year 2007 as \$40 per ton of regulated air pollutant, aligns state rule reporting requirements with the Federal Consolidated Emissions Reporting Rule (CERR) and decreases required emission inventory questionnaire (EIQ) reporting frequency for affected installations.

CFR: 40 C.F.R. 52.1320(c) and 40 C.F.R. 70, Appendix A, Missouri (u)
 FRM: 72 FR 10613 (3/9/2007)
 PRM: 71 FR 27654 (5/12/2006)
 State Submission: 12/11//2006
 State Final: 10 C.S.R. 10-6 (12/30/2006)
 APDB File: MO-255; Docket No. EPA-R07-OAR-2007-0041
 Description: The emissions fee for calendar year 2006 is \$34.50 per ton of regulated air pollutant. Subsections (3)(D)2.E. and (3)(D)2.F. were revised to change the due date for emissions fees and for the Emission Inventory Questionnaire to June 1 for all Standard Industrial Classifications.

CFR: 40 C.F.R. 52.1320(c) and 40 C.F.R. 70, Appendix A, Missouri (q)
 FRM: 71 FR 27628 (5/12/2006)
 PRM: 71 FR 27654 (5/12/2006)
 State Submission: 1/5/2006
 State Final: 10 C.S.R. 10-6 (12/30/2005)
 APDB File: MO-246; Docket No. EPA-R07-OAR-2006-0380
 Description: This revision increased the emissions fee by \$1.50 per ton of regulated air pollutant to \$34.50 for calendar year 2005. The revision clarified that the emissions fees and forms are due by April 1 for all Standard Industrial Classifications (SIC) except for SIC 4911 Electric Services which are due June 1.

CFR: 40 C.F.R. 52.1320(c) and 40 C.F.R. 70, Appendix A, Missouri (p)
 FRM: 70 FR 22603 (5/2/2005)
 PRM: 70 FR 22623 (5/2/2005)
 State Submission: 12/8/2004
 State Final: 10 C.S.R. 10-6 (12/30/2004)
 APDB File: MO-232; Docket No. EPA-R07-OAR-2005-MO-0004
 Description: This revision decreased the emissions fee by \$1.00 and removed a subsection dealing with fee increases and refunds.

FR: 40 C.F.R. 52.1320(c) and 40 C.F.R. 70, Appendix A, Missouri (o)
 FRM: 69 FR 75478 (12/17/2004)
 PRM: 69 FR 75495 (12/17/2004)
 State Submission: 12/5/2003
 State Final: 10 C.S.R. 10-6 (12/30/2003)
 APDB File: MO-225
 Description: This revision broadens the rule to require permit fees from any installation that notifies and accepts a permit-by-rule under 10 CSR 10-6.062. A new section references definitions in 10 CSR 10-6.020. The emissions fee for calendar year 2003 was increased to \$35.00 per ton of regulated air pollutant. The rule was renumbered and includes a new section for reporting and record keeping requirements.

CFR: 40 C.F.R. 52.1320(c) and 40 C.F.R. 70, Appendix A, Missouri (m)
 FRM: 67 FR 70319 (11/22/2002)
 PRM: 67 FR 70357 (11/22/2002)
 State Submission: 09/09/2002
 State Final: 10 C.S.R. 10-6 (08/30/2002)
 APDB File: MO-205
 Description: This revision makes the rule applicable to calendar year 2002 emissions and raises the annual emission fee from \$25.70 to \$31.00 per ton.

CFR: 40 C.F.R. 52.1320(c) and 40 C.F.R. 70, Appendix A, Missouri (k)
 FRM: 67 FR 7963 (2/21/2002)
 PRM: 67 FR 8000 (2/21/2002)
 State Submission: 12/27/2001
 State Final: 10 C.S.R. 10-6 (11/30/2001)
 APDB File: MO-195
 Description: This revision makes the rule applicable to calendar year 2001 emissions.

CFR: 40 C.F.R. 52.1320(c) and 40 C.F.R. 70, Appendix A, Missouri (j)
 FRM: 66 FR 40901 (8/6/01)
 PRM: 66 FR 40953 (8/6/01)
 State Submission: 11/27/2000
 State Final: 10 C.S.R. 10-6 (11/30/00)
 APDB File: MO-180
 Description: This rule revision applies to sources required to obtain a construction or Title V permit and to sources seeking an exemption from major source permitting requirements. The rule requires submittal of an Emission Inventory Questionnaire (EIQ) and payment of emissions fees based on information submitted in the EIQ. Payment of a service fee by Phase I acid rain sources is no longer required, but these sources are required to pay Title V emission fees. The state deleted the requirement for payment of fees by charcoal production sources. This revision includes other minor revisions, corrections, and clarifications.

CFR: 40 C.F.R. 52.1320(c) and 40 C.F.R. 70, Appendix A, Missouri (g)
 FRM: 65 FR 64158 (10/26/00)
 PRM: 65 FR 64192 (10/26/00)
 State Submission: 5/30/00
 State Final: 10 C.S.R. 10-6 (2/29/00)
 APDB File: MO-166
 Description: This revision corrects a typographical error, updates calendar year references, and adds a section which clarifies the state's ability to collect past fees.

CFR: 40 C.F.R. 52.1320(c) and 40 C.F.R. 70, Appendix A, Missouri (e)
 FRM: 64 FR 72032 (12/23/99)
 PRM: 64 FR 72045 (12/23/99)
 State Submission: 12/8/99
 State Proposal: 10 C.S.R. 10-6 (11/30/97)
 State Final: 10 C.S.R. 10-6 (12/30/98)
 APDB File: MO-146
 Description: This revision establishes emission and service fees for 1997 through 2000 and clarifies language regarding reporting requirements, emission calculations, and verification.

CFR: 40 C.F.R. 52.1320(c)(100)(i)(A)
 FRM: 62 FR 45166 (8/26/97), Correction Notice 63 FR 6648 (2/10/98)
 PRM: 62 FR 10002 (3/5/97)
 State Submission: 2/1/96
 State Proposal: 20 MR 6781 (11/15/95)
 State Final: 10 C.S.R. 10-6 (12/31/95)
 APDB File: MO-128
 Description: This revision adds sections (6), (7), and (8) which establishes approved methods that can be used to calculate emission factors and establishes procedures for adjusting emission fees. Sections (1) and (2) were revised to include modifications to procedures for collecting, recording, and submitting emission data and process information.

CFR: 40 C.F.R. 70, Appendix A, Missouri (c)

FRM: 62 FR 45166 (8/26/97)

PRM: 62 FR 10002 (3/5/97)

State Submission: 2/1/96

State Proposal: 20 MR 6781 (11/15/95)

State Final: 10 C.S.R. 10-6 (12/31/95)

APDB File: MO-128

Description: This revision changes section (1) to include a provision that all installations required to obtain permits under 10 C.S.R. 10-6.060 or 10 C.S.R. 10-6.065 to file an EIQ as outlined in the reporting frequency table in subsection (2)(E). Revision to section (5) clarifies language related to payment of charcoal kiln fees.

CFR: 40 C.F.R. 70, Appendix A, Missouri (b)

FRM: 62 FR 26405 (5/14/97)

PRM: 61 FR 64402 (12/3/96)

State Submission: 8/14/95

State Proposal: 19 MR 585 (2/15/94)

State Final: 10 C.S.R. 10-6 (1/27/95)

APDB File: MO-96

Description: The EPA granted full approval of the operating permit program submitted by the state of Missouri for the purpose of complying with Federal requirements for an approvable state program to issue operating permits to all major stationary sources and to certain other sources. This approval gives the state the authority to receive delegation of section 112 standards for both Part 70 and non-Part 70 sources. The EPA issued a final 112(g) rule on December 27, 1996. The state has 18 months from the effective date of the rule to adopt an equivalent program.

CFR: 40 C.F.R. 70, Appendix A, Missouri (a)

FRM: 61 FR 16063 (4/11/96)

PRM: 60 FR 64404 (12/15/95)

State Submission: 8/14/95

State Proposal: 19 MR 585 (2/15/94)

State Final: 10 C.S.R. 10-6 (1/27/95)

APDB File: MO-96

Description: The EPA granted final interim approval, effective May 13, 1996, of an operating permit program submitted by the state of Missouri for the purpose of complying with Federal requirements for an approvable state program to issue operating permits to all major stationary sources and to certain other sources. The EPA is also giving interim approval, under section 112(l) of the Act, to the state program for accepting delegation of the section 112 standards to enforce air toxics regulations. This interim approval will extend for 18 months following the effective date and cannot be renewed. Revisions to this rule are required for full approval of the operating permits program.

CFR: 40 C.F.R. 52.1320(c)(86)(i)(A)

FRM: 61 FR 7714 (2/29/96), Correction 61 FR 39334 (7/29/96),
Correction 63 FR 6648 (2/10/98)

PRM: 60 FR 16824 (4/3/95)

State Submission: 3/31/94

State Proposal: 19 MR 585 (2/15/94)

State Final: 10 C.S.R. 10-6 (1/27/95)

APDB File: MO-103, MO-111

Description: The EPA approved a revision to the regulation pertaining to applicability, emission statements, emission data, and emission fees. The provisions pertaining to confidential information were deleted and are now contained in a new rule (10 C.S.R. 10-6.210). The action of 61 FR 39334 (July 29, 1996) corrects the EPA's inadvertent approval of section 5 pertaining to the submission of emission data and emission fees as a SIP revision. Section 5 was later approved as an integral part of the operating permit program in 61 FR 16063 (April 11, 1996). The action of 63 FR 6648 (February 10, 1998) corrects the effective date of the July 29, 1996, notice to February 10, 1998, to be consistent with sections 801 and 808 of the Congressional Review Act.

CFR: 40 C.F.R. 52.1320(c)(53)(i)

FRM: 51 FR 13000 (4/17/86)

PRM: 50 FR 38675 (9/24/85)

State Submission: 1/22/85

State Proposal: 9 MR 1085 (7/2/84)

State Final: 9 MR 1673 (11/1/84)

APDB File: MO-64

Description: The EPA approved a new regulation establishing procedures for the submission of emission information. Old rules 10 C.S.R. 10-2.130, 3.130, 4.120, and 5.210 were rescinded. The EPA revoked the disapproval at 52.1325(a) promulgated on October 28, 1972, at 37 FR 22089.

Difference Between the State and EPA-Approved Regulation

Section (3)(D), Emission Fees, has not been approved as part of the SIP.

Title V Approval

Section (3)(D), Emission Fees, has been approved as an integral part of the operating permit program and has not been approved as part of the SIP.