

10 CSR 10-6.170 Restriction of Particulate Matter to the Ambient Air Beyond the Premises of Origin

(1) Applicability. This rule applies to any operation, process, or activity resulting in fugitive particulate matter (PM) emissions throughout the state of Missouri, with the following exceptions:

(A) Fugitive PM emissions from unpaved public roads located in areas not designated as nonattainment for PM;

(B) Agricultural operations including tilling, planting, cultivating or harvesting within a field, the moving of livestock on foot, or the hauling of produce within the confines of a farm;

(C) Fugitive PM emissions from driveways limited to residential use; and

(D) Fugitive PM emissions in violation of this rule which, according to the director, occurred due to unusual or adverse weather conditions. These conditions may include, but are not limited to, high winds, extended dry weather periods, and extreme cold weather periods.

(2) Definitions.

(A) Control measure—Any means which reduce the quantity of a pollutant that is emitted into the air.

(B) Director—Director of the Missouri Department of Natural Resources or a representative designated to carry out the duties as described in 643.060, RSMo.

(C) Facility—All contiguous or adjoining property that is under common ownership or control, including properties that are separated only by a road or other public right-of-way.

(D) Fugitive particulate matter emissions—Any particulate matter emissions which could not reasonably be passed through a stack, chimney, vent, or other functionally equivalent opening.

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

(F) Particulate matter—Any liquid or solid material, except uncombined water, that exists in a finely divided form with an aerodynamic diameter smaller than one hundred micrometers (100 µm).

(3) General Provisions.

(A) Restrictions to Limit Fugitive Particulate Matter Emissions.

1. No person shall cause or allow fugitive particulate matter emissions to—

A. Go beyond the premises of origin in such quantities that the particulate matter may be found on surfaces beyond the property line of origin due to the following activities:

(I) Handling, transporting, or storing of any material;

(II) Construction, repair, cleaning, or demolition of a building or its appurtenances;

(III) Construction or use of a road, driveway, or open area; or

(IV) Operation of a commercial or industrial facility;
or

B. Remain visible in the ambient air beyond the property line of origin.

2. The nature or origin of the particulate matter shall be determined to a reasonable degree of certainty by a technique proven to be accurate and approved by the director.

(B) Should the director determine that noncompliance with subsection (3)(A) has occurred at a location, the director may require reasonable control measures, as may be necessary. These measures may include, but are not limited to, the following:

1. Revision of procedures involving construction, repair, cleaning, and demolition of buildings and their appurtenances that produce particulate matter emissions;

2. Paving or frequent cleaning of roads, driveways, and parking lots;

3. Application of dust-free surfaces;

4. Application of water; and

5. Planting and maintenance of vegetative ground cover.

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

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

EPA Rulemakings

CFR: 40 C.F.R. 52.1320(c)
 FRM: 88 FR 36251 (7/03/2023)
 PRM: 88 FR 22976 (4/14/2023)
 State Submission: 03/07/2019
 State Final: 10 C.S.R. 10-6 (3/30/2019)
 APDB File: MO-422
 Description: This revision adds definitions specific to this rule, restructures the rule into the standard rule organization format, and removes the unnecessary use of restrictive words.

CFR: 40 C.F.R. 52.1320(c)
 FRM: 65 FR 17164 (3/31/00)
 PRM: 65 FR 28947 (5/28/99)
 State Submission: 11/12/99
 State Final: 10 C.S.R. 10-6 (8/30/98)
 APDB File: MO-151
 Description: This revision exempts from the rule certain fugitive emissions which occur under circumstances which are deemed by Missouri to be "adverse weather conditions" as described in the rule.

CFR: 40 C.F.R. 52.1320(c) (102) (i) (A) (B) (C) (D) (E)
 FRM: 63 FR 3037 (1/21/98)
 PRM: 62 FR 43697 (8/15/97)
 State Submission: 9/25/90, 11/20/96, 2/18/97
 State Proposal: 15 MR 420 (3/16/90), 15 MR 1362 (9/15/90), 21 MR 2015 (9/16/96)
 State Final: 10 C.S.R. 10-6 (9/30/96)
 APDB File: MO-62
 Description: The EPA approved a new statewide rule related to the regulation of particulate matter as fugitive dust. In addition, the EPA approved the rescission of four area specific fugitive dust rules: 10 C.S.R. 10-2.050, 10 C.S.R. 10-3.070, 10 C.S.R. 10-4.050, and 10 C.S.R. 10-5.100.

CFR: 40 C.F.R. 52.1320(c) (13) (i) and (viii)
 FRM: 45 FR 17145 (3/18/80)
 PRM: 44 FR 52001 (9/6/79)
 State Submission: 8/28/78
 State Proposal: Unknown
 State Final: (effective 7/9/75)
 APDB File: MO-03 (also see MO-62)
 Description: The EPA disapproved a revision to the regulation which requires a complaint to be filed in order to constitute a violation. The EPA approved the recodification of the rule from Regulation IV (Kansas City Metropolitan Area) to 10 C.S.R. 10-2.050.

Rule 10 C.S.R. 10-2.050 was rescinded and replaced by statewide rule 10 C.S.R. 10-6.170 on January 21, 1998.

CFR: 40 C.F.R. 52.1320(a) (1)
 FRM: 37 FR 10842 (5/31/72)
 PRM: None
 State Submission: 1/24/72
 State Proposal: Unknown
 State Final: (effective 1/5/69; revised 2/25/70)
 APDB File: MO-00
 Description: The EPA approved Regulation IV (Kansas City Metropolitan Area) as part of the original SIP submission for controlling particulate matter.

Rule 10 C.S.R. 10-2.050 was rescinded and replaced by statewide rule 10 C.S.R. 10-6.170 on January 21, 1998.

CFR: 40 C.F.R. 52.1320(c) (13) (i), (ii), and (viii)
 FRM: 45 FR 17145 (3/18/80)
 PRM: 44 FR 52001 (9/6/79)
 State Submission: 8/28/78
 State Proposal: Recodification: Unknown 2 MR 491 (9/1/77)
 State Final: Recodification: Unknown 3 MR 84 (2/1/78)
 APDB File: MO-03 (also see MO-62)
 Description: The EPA disapproved a revision to the regulation which requires a complaint to be filed in order to constitute a violation. The EPA approved the recodification of the rule from Regulation S-VII to 10 C.S.R. 10-3.070, as well as the transfer of the definition of terms to 10 C.S.R. 10-6.020.

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Rule 10 C.S.R. 10-3.070 was rescinded and replaced by statewide rule 10 C.S.R. 10-6.170 on January 21, 1998.

CFR: 40 C.F.R. 52.1320(a)(1)
 FRM: 37 FR 10842 (5/31/72)
 PRM: None
 State Submission: 1/24/72
 State Proposal: Unknown
 State Final: (effective 7/23/71; revised 11/9/71)
 APDB File: MO-00
 Description: The EPA approved Regulation S-VII as part of the original SIP submission for controlling particulate matter.

Rule 10 C.S.R. 10-3.070 was rescinded and replaced by statewide rule 10 C.S.R. 10-6.170 on January 21, 1998.

CFR: 40 C.F.R. 52.1320(c)(13)(i)
 FRM: 45 FR 17145 (3/18/80)
 PRM: 44 FR 52001 (9/6/79)
 State Submission: 8/28/78
 State Proposal: Unknown
 State Final: Unknown
 APDB File: MO-03 (see also MO-62)
 Description: The EPA approved the recodification of the rule from Regulation IV (Springfield-Greene County) to 10 C.S.R. 10-4.050.

Rule 10 C.S.R. 10-4.050 was rescinded and replaced by statewide rule 10 C.S.R. 10-6.170 on January 21, 1998.

CFR: 40 C.F.R. 52.1320(a)(1)
 FRM: 37 FR 10842 (5/31/72)
 PRM: None
 State Submission: 1/24/72
 State Proposal: Unknown
 State Final: (effective 12/16/69)
 APDB File: MO-00
 Description: The EPA approved Regulation IV (Springfield-Greene County) as part of the original SIP submission for controlling particulate matter.

Rule 10 C.S.R. 10-4.050 was rescinded and replaced by statewide rule 10 C.S.R. 10-6.170 on January 21, 1998.

CFR: 40 C.F.R. 52.1320(c)(13)(i) and (viii)
 FRM: 45 FR 17145 (3/18/80)
 PRM: 44 FR 52001 (9/6/79)
 State Submission: 8/28/78
 State Proposal: Unknown
 State Final: Unknown
 APDB File: MO-03 (also see MO-62)
 Description: The EPA disapproved a revision to the regulation which requires a complaint to be filed in order to constitute a violation. The EPA approved the recodification to the rule from Regulation IX (St. Louis Metropolitan Area) to 10 C.S.R. 10-5.100.

Rule 10 C.S.R. 10-5.100 was rescinded and replaced by statewide rule 10 C.S.R. 10-6.170 on January 21, 1998.

CFR: 40 C.F.R. 52.1320(a)(2)
 FRM: 37 FR 10842 (5/31/72)
 PRM: None
 State Submission: 1/24/72
 State Proposal: Unknown
 State Final: (effective 3/24/67; revised 9/18/70)
 APDB File: MO-00
 Description: The EPA approved Regulation IX (St. Louis Metropolitan Area) as part of the original SIP submission.

Rule 10 C.S.R. 10-5.100 was rescinded and replaced by statewide rule 10 C.S.R. 10-6.170 on January 21, 1998.

Difference Between the State and EPA-Approved Regulation

None.