

10 CSR 10-6.061 Construction Permit Exemptions

(1) Applicability. This rule shall apply to all installations in Missouri. The provisions of section (3) of this rule notwithstanding, 10 CSR 10-6.060 shall apply to any construction, reconstruction, alteration or modification which-

(A) Is expressly required by an operating permit; or

(B) Is subject to federally-mandated construction permitting requirements set forth in sections (7), (8), or (9), or any combination of these, of 10 CSR 10-6.060.

(2) Definitions. Definitions for certain terms specified in this rule may be found in 10 CSR 10-6.020.

(3) General Provisions. The following construction or modifications are not required to obtain a permit under 10 CSR 10-6.060:

(A) Exempt Emission Units.

1. The following combustion equipment is exempt from 10 CSR 10-6.060 if the equipment emits only combustion products, and the equipment produces less than one hundred fifty (150) pounds per day of any air contaminant:

A. Any combustion equipment using exclusively natural gas or liquefied petroleum gas or any combination of these with a capacity of less than ten (10) million British thermal units (Btus) per hour heat input;

B. Any combustion equipment with a capacity of less than one (1) million Btus per hour heat input;

C. Drying or heat treating ovens with less than ten (10) million Btus per hour capacity provided the oven does not emit pollutants other than the combustion products and the oven is fired exclusively by natural gas, liquefied petroleum gas, or any combination thereof; and

D. Any oven with a total production of yeast leavened bakery products of less than ten thousand (10,000) pounds per operating day heated either electrically or exclusively by natural gas firing with a maximum capacity of less than ten (10) million Btus per hour.

2. The following establishments, systems, equipment and operations are exempt from 10 CSR 10-6.060:

A. Office and commercial buildings, where emissions result solely from space heating by natural or liquefied petroleum gas of less than twenty (20) million Btus per hour heat input. Incinerators operated in conjunction with these sources are not exempt unless the incinerator operations are exempt under another section of this rule;

B. Comfort air conditioning or comfort ventilating systems not designed or used to remove air contaminants generated by, or released from, specific units of equipment;

C. Equipment used for any mode of transportation;

(Section (3)(A)2.D. is not included in the SIP.)

E. Any grain handling, storage and drying facility which—

(I) Is in noncommercial use only (used only to handle, dry or store grain produced by the owner) if—

(a) The total storage capacity does not exceed seven hundred fifty thousand (750,000) bushels;

(b) The grain handling capacity does not exceed four thousand (4,000) bushels per hour; and

(c) The facility is located at least five hundred feet (500') from any recreational area, residence or business not occupied or used solely by the owner;

(II) Is in commercial or noncommercial use and the total storage capacity of the new and any existing facility(ies) does not exceed one hundred ninety thousand (190,000) bushels; or

(III) Is in commercial or noncommercial use and has an installation of additional grain storage capacity in which there is no increase in hourly grain handling capacity and that utilizes existing grain receiving and loadout equipment;

F. Restaurants and other retail establishments for the purpose of preparing food for employee and guest consumption;

G. Any wet sand and gravel production facility that obtains its material from subterranean and subaqueous beds where the deposits of sand and gravel are consolidated granular materials resulting from natural disintegration of rock and stone and whose maximum production rate is less than five hundred (500) tons per hour. All permanent in-plant roads shall be paved and cleaned, or watered, or properly treated with dust-suppressant chemicals as necessary to achieve good engineering control of dust emissions. Only natural gas shall be used as a fuel when drying;

H. Equipment solely installed for the purpose of controlling fugitive dust;

I. Equipment or control equipment which eliminates all emissions to the ambient air;

J. Equipment, including air pollution control equipment, but not including an anaerobic lagoon, that emits odors but no regulated air pollutants;

K. Residential wood heaters, cookstoves or fireplaces;

L. Laboratory equipment used exclusively for chemical and physical analysis or experimentation, except equipment used for controlling radioactive air contaminants;

M. Recreational fireplaces;

N. Stacks or vents to prevent the escape of sewer gases through plumbing traps for systems handling domestic sewage only. Systems which include any industrial waste do not qualify for this exemption;

O. Noncommercial incineration of dead animals, the on-site incineration of resident animals for which no consideration is received or commercial profit is realized as authorized in section 269.020.6, RSMo 2000;

P. The following miscellaneous activities:

(I) Use of office equipment and products, not including printing establishments or businesses primarily involved in photographic reproduction. This exemption is solely for office equipment that is not part of the manufacturing or production process at the installation;

(II) Tobacco smoking rooms and areas;

(III) Hand-held applicator equipment for hot melt adhesives with no volatile organic compound (VOC) in the adhesive formula;

(IV) Paper trimmers and binders;

(V) Blacksmith forges, drop hammers, and hydraulic presses;

(VI) Hydraulic and hydrostatic testing equipment; and

(VII) Environmental chambers, shock chambers, humidity chambers, and solar simulators provided no hazardous air pollutants are emitted by the process;

Q. The following internal combustion engines:

(I) Portable electrical generators that can be moved by hand without the assistance of any motorized or non-motorized vehicle, conveyance or device;

(II) Spark ignition or diesel fired internal combustion engines used in conjunction with pumps, compressors, pile drivers, welding, cranes, and wood chippers or internal combustion engines or gas turbines of less than two hundred fifty (250) horsepower rating; and

(III) Laboratory engines used in research, testing, or teaching;

R. The following quarries, mineral processing, and biomass facilities:

(I) Drilling or blasting activities;

(II) Concrete or aggregate product mixers or pug mills with a maximum rated capacity of less than fifteen (15) cubic yards per hour;

(III) Riprap production processes consisting only of a grizzly feeder, conveyors, and storage, not including additional hauling activities associated with riprap production;

(IV) Sources at biomass recycling, composting, landfill, publicly owned treatment works (POTW), or related facilities specializing in the operation of, but not limited to tub grinders powered by a motor with a maximum output rating of ten (10) horsepower, hoppers and shredders and similar equipment powered by a motor with a maximum output rating of twenty-five (25) horsepower, and other sources at such facilities with a total throughput less than five hundred (500) tons per year; and

(V) Land farming of soils contaminated only with petroleum fuel products where the farming beds are located a minimum of three hundred feet (300') from the property boundary;

S. The following kilns and ovens:

(I) Kilns with a firing capacity of less than ten (10) million Btus per hour used for firing ceramic ware, heated exclusively by natural gas, liquefied petroleum gas, electricity, or any combination thereof; and

(II) Electric ovens or kilns used exclusively for curing or heat-treating provided no hazardous air pollutants (HAPs) or VOCs are emitted;

T. The following food and agricultural equipment:

(I) Any equipment used in agricultural operations to grow crops;

(II) Equipment used exclusively to slaughter animals. This exemption does not apply to other slaughterhouse equipment such as rendering cookers, boilers, heating plants, incinerators, and electrical power generating equipment;

(III) Commercial smokehouses or barbecue units in which the maximum horizontal inside cross-sectional area does not exceed twenty (20) square feet;

(IV) Equipment used exclusively to grind, blend, package, or store tea, cocoa, spices or coffee;

(V) Equipment with the potential to dry, mill, blend, grind, or package less than one thousand (1,000) pounds per year of dry food products such as seeds, grains, corn, meal, flour, sugar, and starch;

(VI) Equipment with the potential to convey, transfer, clean, or separate less than one thousand (1,000) tons per year of dry food products or waste from food production operations;

(VII) Storage equipment or facilities containing dry food products that are not vented to the outside atmosphere or which have the potential to handle less than one thousand (1,000) tons per year;

(VIII) Coffee, cocoa, and nut roasters with a roasting capacity of less than fifteen (15) pounds of beans or nuts per hour, and any stoners or coolers operated with these roasters;

(IX) Containers, reservoirs, tanks, or loading equipment used exclusively for the storage or loading of beer, wine, or other alcoholic beverages produced for human consumption;

(X) Brewing operations at facilities with the potential to produce less than three (3) million gallons of beer per year; and

(XI) Fruit sulfuring operations at facilities with the potential to produce less than ten (10) tons per year of sulfured fruits and vegetables;

U. Batch solvent recycling equipment provided the recovered solvent is used primarily on-site, the maximum heat input is less than one (1) million Btus per hour, the batch capacity is less than one hundred fifty (150) gallons, and there are no solvent vapor leaks from the equipment which exceed five hundred (500) parts per million;

V. The following surface coating and printing operations:

(I) Batch mixing of inks, coatings, or paints provided good housekeeping is practiced, spills are cleaned up as soon as possible, equipment is maintained according to manufacturer's instruction and property is kept clean. In addition, all waste inks, coating, and paints shall be disposed of properly. Prior to disposal all liquid waste shall be stored in covered container. This exemption does not apply to ink, coatings, or paint manufacturing facilities;

(II) Any powder coating operation, or radiation cured coating operation where ultraviolet or electron beam energy is used to initiate a reaction to form a polymer network;

(III) Any surface-coating source that employs solely non-refillable handheld aerosol cans; and

(IV) Surface coating operations utilizing powder coating materials with the powder applied by an electrostatic powder spray gun or an electrostatic fluidized bed;

W. The following metal working and handling equipment:

(I) Carbon dioxide (CO₂) lasers, used only on metals and other materials that do not emit a HAP or VOC in the process;

(II) Laser trimmers equipped with dust collection attachments;

(III) Equipment used for pressing or storing sawdust, wood chips, or wood shavings;

(IV) Equipment used exclusively to mill or grind coatings and molding compounds in a paste form provided the solution contains less than one percent (1%) VOC by weight;

(V) Tumblers used for cleaning or deburring metal products without abrasive blasting;

(VI) Batch mixers with a rated capacity of fifty-five (55) gallons or less provided the process will not emit hazardous air pollutants;

(VII) Equipment used exclusively for the mixing and blending of materials at ambient temperature to make water-based adhesives provided the process will not emit hazardous air pollutants;

(VIII) Equipment used exclusively for the packaging of lubricants or greases;

(IX) Platen presses used for laminating provided the process will not emit hazardous air pollutants;

(X) Roll mills or calendars for rubber or plastics provided the process will not emit hazardous air pollutants;

(XI) Equipment used exclusively for the melting and applying of wax containing less than one percent (1%) VOC by weight;

(XII) Equipment used exclusively for the conveying and storing of plastic pellets; and

(XIII) Solid waste transfer stations that receive or load out less than fifty (50) tons per day of nonhazardous solid waste;

X. The following liquid storage and loading equipment:

(I) Storage tanks and vessels having a capacity of less than five hundred (500) gallons; and

(II) Tanks, vessels, and pumping equipment used exclusively for the storage and dispensing of any aqueous solution which contains less than one percent (1%) by weight of organic compounds. Tanks and vessels storing the following materials are not exempt:

(a) Sulfuric or phosphoric acid with an acid strength of more than ninety-nine percent (99.0%) by weight;

(b) Nitric acid with an acid strength of more than seventy percent (70.0%) by weight;

(c) Hydrochloric or hydrofluoric acid with an acid strength of more than thirty percent (30.0%) by weight; or

(d) More than one liquid phase, where the top phase contains more than one percent (1%) VOC by weight;

Y. The following chemical processing equipment or operations:

(I) Storage tanks, reservoirs, pumping, and handling equipment, and mixing and packaging equipment containing or processing soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions, provided appropriate lids and covers are utilized; and

(II) Batch loading and unloading of solid phase catalysts;

Z. Body repair and refinishing of motorcycle, passenger car, van, light truck and heavy truck and other vehicle body parts, bodies, and cabs, provided—

(I) Good housekeeping is practiced; spills are cleaned up as soon as possible, equipment is maintained according to manufacturers' instructions, and property is kept clean. In addition, all waste coatings, solvents, and spent automotive fluids including, but not limited to, fuels, engine oil, gear oil, transmission fluid, brake fluid, antifreeze, fresh or waste fuels, and spray booth filters or water wash sludge are disposed of properly. Prior to disposal, all liquid waste shall be stored in covered containers. All solvents and cleaning materials shall be stored in closed containers;

(II) All spray coating operations shall be performed in a totally enclosed filtered spray booth or totally enclosed filtered spray area with an air intake area of less than one hundred (100) square feet. All spray areas shall be equipped with a fan which shall be operated during spraying, and the exhaust air shall either be vented through a stack to the atmosphere or the air shall be recirculated back into the shop through a carbon adsorption system. All carbon adsorption systems shall be properly maintained according to the manufacturer's operating instructions, and the carbon shall be replaced at the manufacturer's recommended intervals to minimize solvent emissions; and

(III) Spray booth, spray area, and preparation area stacks shall be located at least eighty feet (80') away from any residence, recreation area, church, school, child care facility, or medical or dental facility;

AA. Sawmills processing no more than twenty-five (25) million board feet, green lumber tally of wood per year, in which no mechanical drying of lumber is performed, in which fine particle emissions are controlled through the use of properly engineered baghouses or cyclones, and which meet all of the following provisions:

(I) The mill shall be located at least five hundred feet (500') from any recreational area, school, residence, or other structure not occupied or used solely by the owner of the facility or the owner of the property upon which the installation is located;

(II) All sawmill residues (sawdust, shavings, chips, bark) from debarking, planing, saw areas, etc., shall be removed or contained to minimize fugitive particulate emissions. Spillage of wood residues shall be cleaned up as soon as possible and contained such that dust emissions from wind erosion and/or vehicle traffic are minimized. Disposal of collected sawmill residues must be accomplished in a manner that minimizes residues becoming airborne. Disposal by means of burning is prohibited unless it is conducted in a permitted incinerator; and

(III) All open-bodied vehicles transporting sawmill residues (sawdust, shavings, chips, bark) shall be covered with a tarp to achieve maximum control of particulate emissions;

BB. Internal combustion engines and gas turbine driven compressors, electric generator sets, and water pumps, used only for portable or emergency services, provided that the maximum annual operating hours shall not exceed five hundred (500) hours. Emergency generators are exempt only if their sole function is to provide back-up power when electric power from the local utility is interrupted. This exemption only applies if the emergency generators are operated only during emergency situations and for short periods of time to perform maintenance and operational readiness testing. The emergency generator shall be equipped with a non-resettable meter;

CC. Commercial dry cleaners; and

DD. Carving, cutting, routing, turning, drilling, machining, sawing, sanding, planing, buffing, or polishing solid materials, other than materials containing any asbestos, beryllium or lead greater than one percent (1%) by weight as determined by Material Safety Data Sheets (MSDS), vendor material specifications and/or purchase order specifications, where equipment-

(I) Directs a stream of liquid at the point where material is processed;

(II) Is used only for maintenance or support activity not conducted as part of the installation's primary business activity;

(III) Is exhausted inside a building; or

(IV) Is ventilated externally to an operating cyclonic inertial separator (cyclone), baghouse, or dry media filter. Other particulate control devices such as electrostatic precipitators or scrubbers are subject to construction permitting or a permit-by-rule, unless otherwise exempted.

3. Construction or modifications are exempt from 10 CSR 10-6.060 if they meet the requirements of subparagraphs (3)(A)3.B. of this rule for each hazardous air pollutant and the requirements of subparagraph (3)(A)3.A., (3)(A)3.C. or (3)(A)3.D. of this rule for each criteria pollutant. The director may require review of construction or modifications otherwise exempt under paragraph (3)(A)3. of this rule if the emissions of the proposed construction or modification will appreciably affect air quality or the air quality standards are appreciably exceeded or complaints involving air pollution have been filed in the vicinity of the proposed construction or modification.

A. At maximum design capacity the proposed construction or modification shall emit each pollutant at a rate of no more than the amount specified in Table 1.

TABLE 1. Insignificant Emission Exemption Levels

Pollutant	Insignificance Level (lbs per hr)
Particulate Matter 10 Micron (PM ₁₀) (Emitted solely by equipment)	1.0
Sulfur Oxides (SO _x)	2.75
Nitrogen Oxides (NO _x)	2.75
Volatile Organic Compounds (VOCs)	2.75
Carbon Monoxide (CO)	6.88

B. At maximum design capacity, the proposed construction or modification will emit a hazardous air pollutant at a rate of no more than one-half (0.5) pound per hour, or the hazardous emission threshold as established in subsection (12)(J) of 10 CSR 10-6.060, whichever is less.

C. Actual emissions of each criteria pollutant, except lead, will be no more than eight hundred seventy-six (876) pounds per year.

D. Actual emissions of volatile organic compounds that do not contain hazardous air pollutants will be no more than four (4) tons per year.

(B) Excluded Activities. 10 CSR 10-6.060 does not apply to—

1. Routine maintenance, parts replacement or relocation of emission units within the same installation which do not involve either any appreciable change either in the quality or nature, or any increase in either the potential to emit or the effect on air quality, of the emissions of any air contaminant. Some examples are as follows:

A. Replacing the bags in a baghouse;

B. Replacing wires, plates, rappers, controls or electric circuitry in an electrostatic precipitator which does not measurably decrease the design efficiency of the unit;

C. Replacement of fans, pumps or motors which does not alter the operation of a source or performance of a control device;

D. Replacement of boiler tubes;

E. Replacement of piping, hoods, and ductwork; and

F. Replacement of engines, compressors or turbines as part of a normal maintenance program;

2. Changes in a process or process equipment which do not involve installing, constructing or reconstructing an emissions unit or associated air cleaning devices, and that do not involve either any appreciable change either in the quality or nature, or any increase in either the potential to emit or the effect on air quality of the emissions of any air contaminant. Some examples are as follows:

A. Change in supplier or formulation of similar raw materials, fuels, paints and other coatings;

B. Change in the sequence of the process;

C. Change in the method of raw material addition;

D. Change in the method of product packaging;

E. Change in the process operating parameters;

F. Replacement of an identical or more efficient cyclone precleaner which is used as a precleaner in a fabric filter control system;

G. Installation of a floating roof on an open top petroleum storage tank;

H. Replacement of a fuel burner in a boiler with a more thermally efficient burner;

I. Lengthening a paint drying oven to provide additional curing time; and

J. Changes in the location, within the storage area, or configuration of a material storage pile or material handling equipment;

3. Replacement of like-kind emission units that do not involve either any appreciable change either in the quality or nature, or any increase either in the potential to emit or the effect on air quality, of the emissions of any air contaminant;

4. The exempt activities in paragraphs (3)(B)1.-3. of this rule reflect a presumption that existing emission units which are changed or replaced by like-kind units shall be treated as having begun normal operation for purposes of the definition of actual emissions in 10 CSR 10-6.020;

5. The following miscellaneous activities:

A. Plant maintenance, and upkeep activities such as routine cleaning, janitorial services, use of janitorial products, grounds keeping, general repairs, architectural or maintenance painting, welding repairs, plumbing, roof repair, installing insulation, using air compressors and pneumatically operated equipment, and paving parking lots, provided these activities are not conducted as part of the installation's primary business activity;

B. Batteries and battery charging stations;

C. Fire suppression equipment and emergency road flares;

D. Laundry activities, except dry-cleaning and steam boilers;
and

E. Steam emissions from leaks, safety relief valves, steam cleaning operations, and steam sterilizers; and

6. The following miscellaneous surface preparation and cleaning activities:

A. Equipment and containers used for surface preparation, cleaning, or stripping by use of solvents or solutions that meet all of the following:

(I) Solvent used must have an initial boiling point of greater than three hundred two degrees Fahrenheit (302°F), and this initial boiling point must exceed the maximum operating temperature by at least one hundred eighty degrees Fahrenheit (180°F);

(II) The equipment or container has a capacity of less than thirty-five (35) gallons of liquid. For remote reservoir cold cleaners, capacity is the volume of the remote reservoir;

(III) The equipment or container has a liquid surface area less than seven (7) square feet, or for remote reservoir cold cleaners, the sink or working area has a horizontal surface less than seven (7) square feet;

(IV) Solvent flow must be limited to a continuous fluid stream type arrangement. Fine, atomized, or shower type sprays are not exempt; and

(V) All lids and closures are properly employed;

B. The exclusion in subparagraph (3)(B)6.A. of this rule does not apply to solvent wipe cleaning operations;

C. Abrasive blasting sources that have a confined volume of less than one hundred (100) cubic feet and are controlled by a particulate filter;

D. Blast cleaning equipment using a suspension of abrasive in water;

E. Portable blast cleaning equipment for use at any single location for less than sixty (60) days; and

F. Any solvent cleaning or surface preparation source that employs only non-refillable handheld aerosol cans.

(C) Exceptions to Excluded Activities. The exclusion provisions of subsection (3)(B) of this rule notwithstanding, 10 CSR 10-6.060 shall apply to any construction, reconstruction, alteration or modification which—

1. Is expressly required by an operating permit; or

2. Is subject to federally-mandated construction permitting requirements set forth in sections (7), (8), or (9), or any combination of these, of 10 CSR 10-6.060.

(4) Reporting and Record Keeping. The operator shall maintain records in sufficient detail to show compliance with the exemptions in paragraph (3)(A)3. of this rule. Any noncompliance with the requirements in this paragraph constitutes a violation and is grounds for enforcement action and the exemption will no longer apply. Operators of installations found to be not in compliance with the requirements of this paragraph shall be required to apply for a construction permit under 10 CSR 10-6.060. The exemptions shall be documented as follows:

(A) Record keeping shall begin on the date the construction, reconstruction, modification or operation commencement and records shall be maintained to prove potential emissions are below *de minimis* levels and that actual emissions are below the exemption threshold levels in paragraph (3)(A)3. of this rule. Records shall be maintained using Emission Inventory Questionnaire (EIQ) methods in accordance with EIQ emission calculation hierarchy; or

(B) In lieu of records, the owner or operator shall demonstrate through engineering calculations that emissions are not in excess of the exemption levels established in paragraph (3)(A)3. of this rule.

(5) Test Methods. (Not Applicable)

EPA Rulemakings

CFR: 40 C.F.R. 52.1320(c)
 FRM: 71 FR 70315 (12/04/2006)
 PRM: 71 FR 70338 (12/04/2006)
 State Submission: 04/15/2005 and 08/02/2006
 State Final: 10 C.S.R. 10-6 (06/30/2006); effective 07/30/2006
 APDB File: MO-233 and MO-252; EPA-R07-OAR-2006-0883
 Description: This revision updates the insignificance levels and adds a new exemption for manufacturing operations in (3)(A)2.DD and (3)(A)3. Subparagraph (3)(A)2.E. clarifies the grain handling facilities exemption and Section 4 restructures the record keeping portion of the rule.

CFR: 40 C.F.R. 52.1320(c)
 FRM: 71 FR 38997 (07/11/2006)
 PRM: 71 FR 14439 (03/22/2006)
 State Submission: 07/14/2004
 State Final: 10 C.S.R. 10-6 (09/30/2003); effective 10/30/2003
 APDB File: MO-224; EPA-R07-OAR-2005-MO-0005
 Description: This new rule establishes a separate rule for construction permit exemptions. It lists specific construction or modification projects that are not required to obtain permits to construct under 10 CSR 10-6.060.

Difference Between the State and EPA-Approved Regulation

Section (3)(A)2.D. is not included in the SIP. However, the approved SIP continues to exempt the following from 10 CSR 10-6.060, "Livestock and livestock handling systems from which the only potential contaminant is odorous gas."