

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

(1) Restrictions to Limit Fugitive Particulate Matter Emissions. It shall be a violation of this regulation if, in the opinion of the staff director—

(A) Any person causes or allows to occur any handling, transporting or storing of any material; construction, repair, cleaning or demolition of a building or its appurtenances; construction or use of a road, driveway or open area; or operation of a commercial or industrial installation without applying reasonable measures as may be required to prevent, or in a manner which allows or may allow, fugitive particulate matter emissions to go beyond the premises of origin in quantities that the particulate matter may be found on surfaces beyond the property line of origin. 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; or

(B) Any person causes or allows to occur any fugitive particulate matter emissions to remain visible in the ambient air beyond the property line of origin.

(2) Should the director determine that noncompliance with section (1) 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:

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

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

C. Application of dust free surfaces;

D. Application of water; and

E. Planting and maintenance of vegetative ground cover.

(3) Exceptions. Section (1) shall not apply to the following:

(A) Those portions of unpaved public roads that are not designated as nonattainment areas for particulate matter;

10 CSR 10-6.170

(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; and

(C) Driveways limited to residential use.

(4) The staff director may allow an exemption for unusual and adverse weather conditions for any activity which would otherwise be a violation of section (1). These conditions may include, but are not limited to, high winds, extended dry weather periods and extreme cold weather periods.

EPA Rulemakings

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.

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.

10 CSR 10-6.170

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.