



Understanding Environmental Regulations and Permits

8/2006

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Introduction

Understanding Environmental Regulations and Permits provides background on the permits administered by the Department of Natural Resources, describing what the various permits address. Information on other requirements related to environmental protection, are also provided.

Two other documents prepared by the department, may also be of interest to you.

Environmental Permits and How To Obtain Them outlines individual environmental permits, certifications, registrations, and licenses. It indicates the permit length, processing time and renewal, fees, and other specific permit issues. *Environmental Permits and How to Obtain Them* can be found on the web at <http://www.dnr.mo.gov/pubs/pub98.pdf> .

Or if you are selling or buying a facility that has environmental permits, *A Guide to Missouri Department of Natural Resources Permit Transfers* describes the situations where specific permits can be easily transferred from seller to buyer without going through the entire permitting process. For information on permit transfers call the department's Field Services Office at 1-800-361-4827 and ask for the pamphlet called *A Guide to Missouri Department of Natural Resources Permit Transfers* or go online at <http://www.dnr.mo.gov/pubs/pub541.pdf>

Laws and statutes related to environmental permits

The federal regulations referred to in this document for the US Environmental Protection Agency (EPA) can be found in Title 40 of the Code of Federal Regulations (CFR). The CFRs are available from the United States Government Printing Office, your local library, or on the Internet at <http://www.gpoaccess.gov/cfr/index.html>.

The regulations for the Missouri Department of Natural Resources (DNR) are found in Title 10 of the Missouri Code of State Regulations (CSR). The CSRs are available from the Secretary of State's Office at:

Kirkpatrick State Information Center
600 W. Main Street
P.O. Box 778
Jefferson City, Missouri 65102
(573) 751-4015

The CSRs can also be found on the Internet at <http://www.sos.mo.gov/adrules/csr/csr.asp>

A brief description of environmental services

The departments Division of Environmental Quality (DEQ) consists of five programs: Air Pollution Control Program (APCP), Hazardous Waste Program (HWP), Land Reclamation Program (LRP), Solid Waste Management Program (SWMP), and Water Protection Program (WPP). Its mission is to help Missourians prevent pollution, protect the public from harmful emissions, discharges and waste disposal practices. More information can be found on the Internet at <http://www.dnr.mo.gov/env/index.html>

The Field Services Division (FSD) delivers services such as compliance assistance, permitting, inspections, and other environmental expertise closest to where Missourians live and work. More information regarding these services can be found on the web at <http://www.dnr.mo.gov/services/index.html>. The Division oversees the department's five regional offices, nine satellite offices, the Environmental Services Program (ESP) and other essential field activities. A map and list of the satellite and regional office can be found on the Internet at <http://www.dnr.mo.gov/regions/regions.htm> or contact the FSD at 1-800-361-4827.

The Environmental Services Program (ESP) supports the other programs in the department that need accurate scientific data for their work. To obtain this data, the Environmental Services Program performs fieldwork, conducts monitoring, collects samples and provides laboratory testing for environmental pollutants. More information can be found on the Internet at <http://www.dnr.mo.gov/env/esp/index.html>

The department offers an Initial Assistance Visit (IAV). This is onsite visit by department staff with appropriate representative(s) of a facility for newly issued permits, or for those facilities that have never had a visit or inspection from the department before. The IAV is intended to improve understanding of the permit and environmental requirements, to enhance environmental compliance with the regulations that apply to the permittee's unique operations, and to provide resources for assistance. More information can be found on the Internet at <http://www.dnr.mo.gov/services/opsmanual-chapter2.pdf>

A list of online services is available to our customers at <http://www.dnr.mo.gov/eservices.htm> . The page will help you to reach online systems for submitting information, querying data and reaching automated forms. Please call the Missouri Department of Natural Resources at 1-800-361-4827 for additional assistance or questions.

Pollution prevention

Pollution prevention is simply not making the waste (or pollutant) in the first place. It means doing what we can to reduce the amount and toxicity of the pollution generated or energy consumed. Preventing pollution may be something as simple as buying products with little or no packaging or something as complex as redesigning your operation to increase efficiency and reduce waste. Simple things like choosing nonhazardous solvents and cleaners can protect the environment and reduce the number of environmental regulations you are faced with. Pollution prevention means thinking about the environmental impact of your actions and trying to limit that impact.

Pollution prevention was established as a national policy through the **Pollution Prevention Act of 1990**. Congress defined pollution prevention as:

Any practice which reduces the amount of a hazardous substance, pollutant or contaminant entering any waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment, or disposal.

Congress established a hierarchy of preferred pollution prevention methods. Source reduction is the preferred method with recycling, treatment, and disposal listed in descending order of preference. Disposal should always be the last resort. To achieve maximum benefits, a

facility's pollution prevention program should have two distinct parts. The first is the general, overall pollution prevention plan, that encompasses the entire facility, and the initial requirements to get a pollution prevention program started. The second portion deals with the details of doing pollution prevention opportunity assessments on specific activities or processes.

When we generate waste or pollution, we must safely and legally manage that waste or pollution. Whether it is household trash or waste from a business, managing wastes costs money. Usually the things we discard are items we bought. A good example is paper towels. We buy them, use them once, and then pay again to have them disposed of. If we reduce the amount of waste we generate, we save money. It's as simple as that. Reducing costs is a major reason to prevent pollution. Here are a few others:

- Improved work environment and worker safety
- Reduced liability
- Increased efficiency
- Fewer regulatory requirements
- Better environmental protection
- Enhanced marketing and public relations opportunities

Pollution prevention makes sense. Pollution prevention techniques not only resolve or reduce environmental quality issues or problems, but also save money. By reducing expenses, pollution prevention improves both the competitiveness and efficiency of business and industry.

Department of Natural Resources contact phone numbers

The offices are located in Jefferson City unless otherwise noted.

Field Services Division:	1-800-361-4827
Regional Offices	
Kansas City	(816) 622-7000
Northeast (Macon)	(660) 385-8000
St. Louis	(314) 416-2960
Southeast (Poplar Bluff)	(573) 840-9750
Southwest (Springfield)	(417) 891-4300
 Division of Environmental Quality:	
Air Pollution Control	(573) 751-4817
Hazardous Waste	(573) 751-3176
Land Reclamation	(573) 751-4041
Solid Waste Management	(573) 751-5401
Water Protection Program	
Public Drinking Water	(573) 751-5331
Water Pollution Control	(573) 751-1300
 Division of Geology and Land Survey (Rolla)	(573) 368-2100
Geological Survey (Rolla)	(573) 368-2160
 State Historic Preservation Office	(573) 751-7858
 Water Resources Center	(573) 751-2867
Dam and Reservoir Safety (Rolla)	(573) 368-2175
Major Water Users	(573) 751-7823

Frequently Used Acronyms

Acronym	Meaning
APCP	Air Pollution Control Program
API	American Petroleum Institute
AST	Aboveground Storage Tank
ASTM	American Society for Testing and Materials
ATG	Automatic Tank Gauge
ATRS	Automatic TRI Reporting Software
BACT	Best Achievable Control Technology
BEMI	Business Environmental Management Institute
BMP	Best Management Practices
BTEX	Benzene, Toluene, Ethyl Benzene, Xylene
CAA	Clean Air Act
CAAA	Clean Air Act Amendments of 1990
CAFO	Concentrated Animal Feeding Operations
CALM	Cleanup Levels for Missouri
CEPPO	Chemical Emergency Preparedness & Prevention Office
CERCLA	Comprehensive Environmental Response, Compensation & Liability Act
CESQG	Conditionally Exempt Small Quantity Generator
CFR	Code of Federal Regulations
CO	Carbon monoxide
CP	Cathodic Protection
CSR	Code of State Regulations
DED	Department of Economic Development
DEQ	Division of Environmental Quality
DGLS	Division of Geology and Land Survey
DOHSS	Department of Health and Senior Services
EHS	Extremely Hazardous Substance
EIERA	Environmental Improvement and Energy Recovery Authority
EIQ	Emissions Inventory Questionnaire
EMI	Environmental Management Institute
EMS	Environmental Management System
EPA	US Environmental Protection Agency
EPCRA	Emergency Planning Community Right-to-Know Act
ESP	Environmental Services Program
FAI	Financial Assurance Instrument
FAQ	Frequently Asked Questions
FR	Federal Register
FRP	Fiberglass Reinforced Plastic
FSD	Field Services Division
gpd	Gallons per Day
GW	Groundwater
HAPs	Hazardous Air Pollutants

HWP	Hazardous Waste Program
IAV	Initial Assistance Visit
ISO	International Standards Organization
LAER	Lowest Achievable Emission Rate
lbs.	Pounds
LEPC	Local Emergency Planning Committee
LEPD	Local Emergency Planning District
LQG	Large Quantity Generator
LQH	Large Quantity Handler
LRP	Land Reclamation Program
LUST	Leaking Underground Storage Tank
MACC	Missouri Air Conservation Commission
MACT	Maximum Achievable Control Technology
MDA	Missouri Department of Agriculture
MEK	Methyl Ethyl Ketone
MERC	Missouri Emergency Response Commission
MHDR	Maximum Hourly Design Rate
MSDS	Material Safety Data Sheet
MSW	Municipal Solid Waste
MTBE	Methyl Tertiary Butyl Ether
NAAQS	National Ambient Air Quality Standards
NACE	National Association of Corrosion Engineers
NESHAP	National Emission Standard for Hazardous Air Pollutants
NLIC	National Lead Information Center
NOx	Nitrogen Oxides
NPDES	National Pollutant Discharge Elimination System
NSPS	New Source Performance Standard
OSHA	Occupational Safety and Health Administration
P2	Pollution Prevention
PCB	Polychlorinated Biphenyls
PDWB	Public Drinking Water Branch
P.E.	Professional Engineer
pH	Measure of Acidity or Alkalinity (0-6 Acid; 7 Neutral; 8-14 Alkaline)
PL	Public Law
PM ₁₀	Particulate Matter, 10 microns diameter or smaller (dust)
POTW	Publicly Owned Treatment Works
PPA	Pollution Prevention Act
ppb	Parts per Billion = microgram/liter (liquid) or microgram/kilogram (solid)
ppm	Parts per Million = milligram/liter (liquid) or milligram/kilogram (solid)
PSTIF	Petroleum Storage Tank Insurance Fund
PTE	Potential to Emit (also called Potential Emissions)
RACT	Reasonably Achievable Control Technology
RBCA	Risk Based Corrective Action
RCRA	Resource Conservation and Recovery Act
RMP	Risk Management Plan/Program

RQ	Reportable Quantity
RSMo.	Revised Statutes of Missouri
SARA	Superfund Amendments and Reauthorization Act
SCC	Source Classification Code
SEMA	State Emergency Management Agency
SIC	Standard Industrial Classification
SIR	Statistical Inventory Reconciliation
Sox	Sulfur Oxides
SPCC	Spill Prevention, Control and Countermeasure
SQG	Small Quantity Generator
SQH	Small Quantity Handler
SWCP	Soil and Water Conservation Program
SWMP	Solid Waste Management Program
TAP	Technical Assistance Program
TCLP	Toxicity Characteristic Leaching Procedure
TPH	Total Petroleum Hydrocarbons
TPQ	Threshold Planning Quantity
TRI	Toxic Release Inventory
TSD	Treatment, Storage, Disposal facility
UST	Underground Storage Tank
VCP	Voluntary Cleanup Program
VOC	Volatile Organic Compounds
WPP	Water Protection Program
WPCB	Water Pollution Control Branch
WRC	Water Resources Center

Air Pollution Control

Air pollution sources in Missouri are regulated by the Missouri Department of Natural Resources, Division of Environmental Quality (DEQ), Air Pollution Control Program (APCP), and the U.S. Environmental Protection Agency (EPA). These agencies administer programs created by the federal Clean Air Act (CAA), Clean Air Act Amendments (CAAA), and Missouri Air Conservation Law.

The department's Air Pollution Control Program (APCP) administers the federal program and enforces state-only regulations and operates under the authority of the Missouri Air Conservation Law found in Chapter 643 (RSMo). The portion of the Code of State Regulations (CSR) that governs and outlines the Program's responsibilities is recorded in 10 CSR 10. There are four local government agencies that also have the authority to regulate air emissions: City of Kansas City, City of Springfield, City of St. Louis, and County of St. Louis.

CAA requirements administered by the APCP include (but are not limited to):

National Ambient Air Quality Standards (NAAQS): Health-based standards that apply to six criteria pollutants: carbon monoxide, lead, nitrogen oxides, ozone (measured as volatile organic compounds), particulates, and sulfur oxides.

National Emission Standards for Hazardous Air Pollutants (NESHAP) and Maximum Achievable Control Technology (MACT) standards: Health-based standards that apply to hazardous air pollutants including, but not limited to, asbestos, benzene, beryllium, inorganic arsenic, mercury, radionuclides, and vinyl chloride.

New Source Performance Standards (NSPS): Technology-based minimum standards that limit emissions of regulated pollutants from newly built facilities and some existing facilities that undergo modification.

Regulations that phased-out of stratospheric ozone depleting chemicals: CFC, halons, carbon tetrachloride, methyl chloroform and hydrofluorocarbons.

Urban smog decreases by reducing emissions from small businesses as well as large factories and vehicles.

Permits

The APCP regulates asbestos removal projects through the **Asbestos Removal Notifications** under the federal regulations found in 40 CFR 61 Subpart M, the National Emission Standards for Asbestos. An asbestos abatement project is an activity undertaken to encapsulate, enclose or remove 160 square feet or 260 linear feet or more of friable asbestos-containing material from buildings and other air contaminant sources, or to demolish buildings and other air contaminant sources containing 160 square feet or 260 linear feet or more of asbestos.

Friable asbestos containing material is any material that contains more than 1% asbestos, by weight, which is applied to ceilings, walls, structural members, piping, ductwork or any other part of a building or facility and when dry, may be crumbled, pulverized or reduced to powder by

hand pressure. Nonfriable asbestos containing material may be rendered friable by certain activities and thus regulated. Please contact the APCP regarding any questions concerning the applicability of the regulation.

Any regulated asbestos project must be performed by a contractor registered with the APCP. Under strict conditions, certain types of businesses may obtain an exemption from portions of the asbestos rule to perform asbestos mitigation work in their own place of business. Please contact the Air Pollution Control Program (APCP) regarding any questions concerning asbestos.

Construction Permits also called New Source Review (NSR) Permits, are issued by the Division of Environmental Quality's Air Pollution Control Program (APCP). Construction permits allow an installation to construct and operate an air emission source and are required prior to commencing construction of an air emission source. All new installations built after May 13, 1982 with the potential to emit (PTE) a regulated air pollutant in an amount equal to or greater than the de minimis (threshold) level are required to obtain a construction permit. Construction permits are also required for existing installations when the construction or modification has the potential to emit a regulated air contaminant at or above the insignificance levels. No construction permit is required if potential emissions of the entire installation are less than regulatory de minimis levels or potential emissions of the proposed project are below the insignificance levels. All incinerators must have a construction permit, regardless of emission levels. In addition, there are specific exemptions to the requirement of a construction permit. These exemptions are detailed in 10 CSR 10-6.061, *Construction Permit Exemptions*. The regulated air pollutants, the de minimis emissions levels and insignificance levels are listed in Table 1 and Table 2 of this document.

Table 1
De minimis emission levels
Table 1 of 10 CSR 10-6.020(3)(A)

AIR CONTAMINANT	EMISSION RATE (tons per year)
Carbon monoxide (CO)	100.0
Nitrogen dioxide (NO ₂)	40.0
Particulate Matter (PM)	25.0
Particulate Matter – 10 micron (PM ₁₀)	15.0
Sulfur dioxide (SO ₂)	40.0
Ozone (to be measured as Volatile Organic Compounds, VOC)	40.0
Lead	0.6
Mercury	0.1
Beryllium	0.0004
Asbestos	0.007
Fluorides	3.0
Sulfur acid mist	7.0
Vinyl chloride	1.0
Hydrogen sulfide	10.0
Total reduced sulfur (including hydrogen sulfide)	10.0
Reduced Sulfur Compounds (including hydrogen sulfide)	10.0
Municipal waste combustor organics --(measured as total tetra- through octa-chlorinated dibenzoturans and Dibenzofurans)	3.5×10^{-6}
Municipal Waste Combustor Metals --(measured as Particulate Matter)	15.0
Municipal Waste Combustor Acid Gases--(measured as sulfur dioxide and hydrogen chloride)	40.0
Municipal solid waste landfill emissions--(measured as nonmethane organic compounds)	50.0
Hazardous Air Pollutant (each)	10.0
Sum of Hazardous Air Pollutants	25.0

Table 2
Emission levels of common air pollutants

Pollutant	Insignificant Levels (lbs/hour)	Regulatory De Minimis Levels (tons per year)	Major Source Thresholds – Operating Permits/ NSR named sources (tons per year)	Major Source Thresholds – NSR Non-named sources (tons per year)
PM ₁₀	1.0	15	100	250
SOx	2.75	40	100	250
NOx	2.75	40	100	250
VOC	2.75	40	100	250
CO	6.88	100	100	250
HAPs	0.5 (Note 1)	10/25	10/25	10/25

Note 1: or the hazardous emission threshold as established in subsection (12)(J) of 10 CSR 10-6.060, whichever is less.

The potential to emit of a proposed project is calculated based on the maximum design capacity of the equipment, assuming continuous operation (24 hours a day, 365 days per year). In the construction permit application, the installation may request an emission limit. This limit, if accepted by the APCP would become part of the constraints in the construction permit. The proposed limit could change the type of construction permit issued and the operating permit status of the installation. Operating permits are discussed in the next section.

After determining if a permit is required, the installation must submit an Application for Authority to Construct to the APCP, in duplicate, with a filing fee of \$100. In addition, the applicant is charged \$50 per hour for engineering review time. Upon permit issuance, installations are required to begin the construction/modification within eighteen months for major sources and within two years for all other sources. When an addition or modification is planned for an existing installation, the application forms are completed only for the added or modified equipment or process. The APCP's review of the permit applications may take up to 90 or 180 days to complete depending on the type of construction permit requested.

A De Minimis New Source Review Permit is issued for a major or minor installation when the modification by itself has the potential to produce emissions below the de minimis level for each regulated air contaminant. A project with potential emissions above de minimis levels may request voluntary limits to de minimis levels to qualify for a de minimis permit.

A Minor New Source Review Permit is required for an installation or process, such that the construction or modification has the potential to emit at or greater than the de minimis level of a regulated air contaminant but less than the major level

A Major Source New Source Review Permit, also known as a **Prevention of Significant Deterioration (PSD) Permit**, is required for any installation or process, when the construction or the modification has the potential to emit more than the major emission level of a regulated air contaminant. These requirements are found in 10 CSR 10-6.060 (8). Major emission levels

vary between 100 and 250 tons per year depending on local compliance with ambient air quality standards and whether the facility is a Named Installation. See Table 1 and Table 2 for emissions levels for common air pollutants.

Named Installations refers to a list of source categories that can be found at, 10 CSR 10-6.020(3)(B) and Table 3 below. This list, used in the construction and operating permit rules, identifies types of sources of air pollution that must include fugitive emissions when calculating whether or not they are subject to the rule or section. For example, fugitive emissions must be included in the calculation of a Portland Cement Plant when deciding whether the potential to emit exceeds the 100 tons per year threshold (section (8) of the construction permit rule, PSD). However, stone quarry plants (not on the list) do not have to include fugitive emissions when comparing the PTE to 250 tons per year.

Table 3
List of named installations

1. Coal cleaning plants (with thermal dryers)
2. Kraft pulp mills
3. Portland cement plants
4. Primary zinc smelters
5. Iron and steel mills
6. Primary aluminum ore reduction plants
7. Primary copper smelters
8. Municipal incinerators capable of charging more than 250 tons of refuse per day
9. Hydrofluoric, sulfuric or nitric acid plants
10. Petroleum refineries
11. Lime plants
12. Phosphate rock processing plants
13. Coke oven batteries
14. Sulfur recovery plants
15. Carbon black plants (furnace process)
16. Primary lead smelters
17. Fuel conversion plants
18. Sintering plants
19. Secondary metal production plants
20. Chemical process plants
21. Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input
22. Petroleum storage and transfer facilities with a capacity exceeding three hundred thousand (300,000) barrels
23. Taconite ore processing facilities
24. Glass fiber processing plants
25. Charcoal production facilities
26. Fossil-fuel-fired steam electric plants of more than 250 million British thermal units per hour heat
27. All other stationary source categories regulated by a standard promulgated under Section 111, Standards of Performance for New Stationary Sources or Section 112, Maximum Achievable Control Technology (MACT) of the Clean Air Act Amendments.

In nonattainment areas, major sources are subject to **Nonattainment Major New Source Review Permit** regulations. These requirements are found in 10 CSR 10-6.060 (7). If the potential to emit of the nonattainment pollutant is greater than de minimis, a Nonattainment permit is required.

In Missouri there are two areas designated as nonattainment due to violations of National Ambient Air Quality Standards. A nonattainment area for ozone and particulate matter less than 2.5 microns (PM 2.5) consists of Franklin, Jefferson, St. Charles and St. Louis Counties, and the City of St. Louis. The nonattainment area for lead includes the city of Herculaneum in Jefferson County.

Operating Permits are issued by the APCP in accordance with Title V of the 1990 Clean Air Act Amendments. The federal regulation enabling Title V is found in 40 CFR 70 and thus operating permits are frequently referred to as Title V permits. All sources with the potential to emit any regulated air pollutant above *de minimis* levels, including “grandfathered” sources not required to have a construction permit, must obtain an operating permit. The intent of the program is to insure that sources comply with all applicable state and federal regulations. There are three classes of operating permits: Part 70 (Major), Intermediate (also called Synthetic Minor) and Basic State.

A **Part 70 Operating Permit** is required for installations with potential emissions exceeding 100 tons per year of any criteria pollutant, 10 tons per year of any single hazardous air pollutant (HAP) or 25 tons per year of combined HAPs, or if the EPA Administrator requires a Part 70 permit as a part of a federal rule making. These emissions levels are calculated after control devices and are called the major source threshold.

An **Intermediate (or Synthetic Minor) Operating Permit** may be obtained by installations whose PTE is above the major source threshold, but request a voluntary limit on operations to keep emissions below the major source threshold. Conditions could include absolute emissions limits, record keeping of operating hours limits, or production limits. Before applying for intermediate status, businesses should carefully consider whether voluntary conditions to limit emissions would be an undue handicap on operations.

A **Basic State Operating Permit** is required if the PTE is between de minimis and major levels. All incinerators must obtain an operating permit, regardless of the level of emissions.

The completed application is submitted with a \$100 fee to the Air Pollution Control Program or if the business is located in one of the local jurisdictions such as Kansas City or St. Louis, to that local agency. No review time is charged. Part 70 applications are overviewed by the EPA regional office and require public notice. A public hearing may be requested for cause by any interested party. A hearing does not have to be held, if in the judgement of the APCP it is not required. Intermediate applications require public notice, and interested parties may comment or request a hearing.

Several source categories have the option of applying for a **Permit by Rule** rather than a de minimis or minor New Source Review permit. The permit by rule application contains conditions of operation. Once the installation accepts these conditions and submits the applicable application, the department reviews and issues the permit by rule within 7 days of receipt of the notification/application. At the time of publication, permit by rule was available for the following source categories: printing operations, crematories and animal incinerators, surface coating and livestock markets.

Portable equipment having the potential to emit any regulated air pollutant greater than de minimis levels must obtain a construction permit. This permit will be a De Minimis or Minor New Source Review Permit depending on the level of emissions. The equipment will be permitted for all sites included in the application, but the applicant must indicate the original location for the plant. When the owner or operator wants to move the equipment, a **Portable Source Relocation Request** must be submitted to the APCP. For pre-approved sites (site previously permitted) the agency reviews these requests within 7 days, for new sites these reviews take 21 days. Once a portable plant is relocated, the operations at the new site are limited to 24 months. If an owner desires to stay at a relocation site longer than the 24 months, they must submit a regular construction permit application for approval, which is subject to a 90-day review.

Temporary Installations and Pilot Plants with a potential to emit less than 100 tons per year may receive a permit upon written request to the APCP before construction begins. Permits are issued only when the attainment or maintenance of ambient air quality standards is not threatened.

Many of the required forms are available on-line under the heading *Air Pollution* at <http://www.dnr.mo.gov/forms/index.html> For more information about the specific permits, *Environmental Permits and How to Obtain Them* may be helpful, and is also located online. To receive a paper copy of any air pollution control application forms, please contact the Air Pollution Control Program (APCP) Permit Section at (573) 526-3835.

Risk Management Program to prevent accidental releases

Under 112(r) of the Federal Clean Air Act Amendments of 1990: Prevention of Accidental Releases, if you handle, manufacture, use, or store any of the 140 specified toxic and flammable substances above the threshold quantities in a process, you are required to develop and implement a **Risk Management Program**. The goal of the Risk Management Program is to prevent accidental releases of substances that can cause serious harm to the public and the environment. Your Risk Management Plan will help the Local Emergency Planning Committee (LEPC) prepare for and respond to chemical accidents. It will also be useful to the public in understanding the chemical hazards in their community.

Covered facilities are required to submit a plan describing their efforts to prevent and minimize the consequences of accidental chemical releases. The accidental release regulation, found in Code of Federal Regulations 40 CFR 68, requires that covered facilities identify, assess, document, and minimize their chemical hazards by developing a risk management program and submitting a risk management plan (RMP) to the EPA.

The phrase “risk management program” refers to all of the requirements of Part 68, which must be implemented on an on-going basis. The phrase “risk management plan” refers to the document summarizing the risk management program that you must submit to EPA.

In general, 40 CFR 68 requires that:

- Covered facilities must develop and implement a risk management program and maintain documentation of the program at the site. The risk management program will include an analysis of the potential offsite consequences of an accidental release, a five-

year accident history, a release prevention program, and an emergency response program.

- Covered facilities must develop and submit an RMP to EPA no later than the date on which the facility first has more than a threshold quantity. The RMP provides a summary of the risk management program. The RMP will be available for federal, state and local government agencies and the public via the Internet.
- Covered facilities also must continue to implement the risk management program and update their RMPs every five years or when covered processes change, when new covered processes are added, or within six months of when the offsite consequence analysis distances change by a factor of 2. For example, if the distance doubles or is cut in half.

Am I covered?

The type and quantity of chemicals used will determine if your facility is affected. Some of the chemicals covered by this regulation include ammonia and chlorine. Your business will likely be required to comply with the Risk Management Program if you use any of the 140 regulated substances in quantities that exceed certain thresholds. Even if you are a small business, you may be using common hazardous chemicals in quantities great enough to cause harm to the surrounding community if there were an accident. These regulations also apply to government facilities.

Some included chemicals and threshold quantities:

- Ammonia (anhydrous)-covered if you exceed 10,000 lbs.
- Chlorine-covered if you exceed 2500 lbs.

If you discover that you are subject to the Risk Management Program, you will then determine which "program level" you fit. EPA established three levels of requirements to reduce the regulatory burden for facilities with a low risk of offsite impacts in the event of a chemical accident. Program Level 1 has the fewest requirements, while Program Levels 2 and 3 require more work because their processes present a greater risk to the surrounding communities. For guidance when determining whether the chemicals you use are covered substances above the threshold quantities and to determine which level applies to you, contact the Air Pollution Control Program (APCP).

The availability of your risk management plan via the Internet is intended to stimulate communication between industry and the public to improve accident prevention and emergency response practices at the local level. This way, the people who live near your business, and the police and firefighters who protect them, will learn more about the hazards of the chemicals that you use and the steps that you are taking to prevent accidents.

The department is committed to implement the Risk Management Program in Missouri with a focus on compliance assistance. EPA will provide for enforcement activities in Missouri. The regulation requires that all plans be submitted electronically to EPA via computer diskette. Small businesses that are unable to comply with required electronic submission may be eligible for an electronic waiver whereby they can submit their RMP on paper.

Chemical safety, site security, and Fuels Regulatory Relief Act

On August 5, 1999, President Clinton signed the **Chemical Safety Information, Site Security and Fuels Regulatory Relief Act** (Public Law 106-40). The new law primarily concerns the public availability of the Off-site Consequence Analysis (OCA) sections of risk management plans. The new law prohibits government officials from disclosing to the public the OCA sections of RMPs and other related materials until at least August 5, 2000. However, the law does not prohibit facilities from sharing with the public the OCA sections of their RMPs, and it requires most facilities to provide the public with at least a summary of their OCA information by February 1, 2000.

If your facility was required to submit an RMP for a Program 2 or Program 3 process, you should have announced and held a public meeting by February 1, 2000, to discuss your RMP, including the OCA sections. If you meet the applicable definition of "small business stationary source," you may opt to publicly post a summary of your OCA information.

In either case, you must certify to the Federal Bureau of Investigation (FBI) by June 5, 2000 that you have held the meeting or posted the summary. Facilities having only Program 1 processes are exempt from the public meeting/summary requirement. The certificate may be mailed to the following address:

Director, FBI
Attention: RMP Program - Room 1B327
935 Pennsylvania Ave. N.W.
Washington, D.C. 20535-0001

The FBI will document receipt of the certifications and provide documentation to the EPA. No other communication should be included with certifications to the FBI.

The owner or operator of a facility may choose to share with the public the OCA sections of the facility's RMP. PL 106-40 provides that the OCA sections of any RMP made available to the public without restriction by the facility owner or operator is not subject to the restrictions of the law. Once a facility has released that portion of its RMP to the public, government officials may do so, as well. If your facility makes the OCA portion of your RMP available to the public without restriction, PL 106-40 requires you to notify EPA that you have done so. EPA must keep a public list of facilities that have released the OCA portion of their RMPs without restriction.

EPA has the authority to enforce the meeting, certification, and notification provisions of the law. Failing or refusing to comply with the above provisions may result in EPA initiating a judicial action in federal district Court to enforce the obligations under the new law.

This law created a new exemption for flammable fuels used as fuel or held for sale as fuel at a retail facility. A retail facility is defined as a facility "at which more than one-half of the income is obtained from direct sales to end users or at which more than one-half of the fuel sold by volume, is sold through a cylinder exchange program."

This exemption was added to the existing exemption for anhydrous ammonia when used as an agricultural nutrient by the end user.

For more information: Contact EPA's hotline at (800) 424-9346 (during regular business hours) or the Chemical Emergency Preparedness and Prevention Office web-site <http://www.epa.gov/ceppo>.

Dam and Reservoir Safety

Dam and reservoir safety for non-federal, non-agricultural dams over 35 feet tall is overseen in Missouri by the Water Resources Center's Dam and Reservoir Safety Program. The program administers the Dam and Reservoir Safety Law RSMo 236.400 through 236.500 and rules 10 CSR 22-3.020, 22-3.030, 22-3.040 and 22-3.050 with general guidance provided by the Dam and Reservoir Safety Council.

Minimum safety standards set by the Dam and Reservoir Safety Council must be met before permits for construction and operation of regulated dams are issued.

Permits

Construction and modification of all non-federal and non-agricultural dams at least 35 feet tall require a **Construction Permit**. There are no fees associated with the permit. The permits are issued for up to one year, but an extension can be requested as needed to complete the project.

Applicants submit a completed construction application form, plans, specifications, engineering calculations and certifications.

Within 2 months time of the completion of dam construction, the owner provides notification that construction is complete through the **Safety Permit Application**. The engineer responsible for construction of the dam certifies that it was built substantially according to plans and specifications, and if any revisions were made, that they do not endanger public safety, life or property.

The Dam and Reservoir Safety Program inspects dams. These inspections provide the basis for the owner to submit the **Registration Permit Application**. This registration and subsequent renewals show that the dam has been inspected as to compliance and that the owner has corrected any observed defects.

These forms are available online at http://www.dnr.mo.gov/env/wrc/damsft/pubs_av.htm#forms

For further information or assistance contact the Dam and Reservoir Safety Program at (573) 368-2175.

Hazardous Waste

The Resource Conservation and Recovery Act (RCRA) of 1976, which amended the Solid Waste Disposal Act, was the first major effort by Congress to establish a regulatory structure for the management of solid and hazardous wastes. RCRA Subtitle C set up a “cradle-to-grave” system for hazardous waste. Hazardous waste is tracked from the time it’s created (“cradle”) until it’s recycled, treated or disposed (“grave”). RCRA Subtitle D contains less restrictive requirements for non-hazardous solid waste.

The Hazardous and Solid Waste Amendments (HSWA) of 1984 established additional waste management requirements and added RCRA Subtitle I. This amendment required the phasing out of land disposal of untreated hazardous waste and imposed management requirements for underground storage tanks (USTs) that contain petroleum or hazardous substances. It outlined tougher hazardous waste management standards and increased EPA’s enforcement authority. The amendment also included details for corrective action (cleanup) of any hazardous waste releases at hazardous waste facilities. RCRA focuses only on active and future facilities. It does not generally address abandoned or uncontrolled hazardous waste sites.

Sites that have been contaminated with hazardous substances may also be subject to requirements under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), commonly known as Superfund. CERCLA created a federal Trust Fund through a tax on the chemical and petroleum industries. This Trust Fund or “Superfund” was to be used to clean up uncontrolled or abandoned hazardous substances sites when potentially responsible parties could not be identified or located or were unwilling to clean up.

EPA has delegated authority to the Missouri Department of Natural Resources (department) to enforce most of the RCRA requirements in Missouri. The department’s Hazardous Waste Program (HWP) is responsible for monitoring and controlling the generation, handling, storage, treatment and disposal of hazardous wastes in Missouri. They administer programs created by the following federal laws found in the Code of Federal Regulations (CFR):

- RCRA Subtitle C, 40 CFR Part 260 through 40 CFR Part 272,
- CERCLA, 40 CFR Part 300,
- Underground Storage Tanks, 40 CFR Part 280 through 40 CFR Part 282,
- Universal Waste Rule, 40 CFR Part 273 and
- Used Oil Regulations, 40 CFR Part 279.

The *Missouri Hazardous Waste Management Law* (Chapter 260 of the *Missouri Revised Statutes (RSMo)*) and the *Underground Storage Tank Law* (Chapter 319 RSMo) combine those RCRA requirements with other requirements that Missouri has added. These laws address the issues of registration, hazardous waste management, cleanup of hazardous waste and hazardous substance releases, management and removal of petroleum storage tanks, and cleanup of leaking petroleum storage tanks. The program’s responsibilities are recorded in the following state laws found in the Code of State Regulations (CSR):

- Hazardous Waste Management, 10 CSR 25,
- Underground Storage Tanks, 10 CSR 20,
- Universal Waste, 10 CSR 25-16.273,
- Used Oil, 10 CSR 25-11.279 and

- Dry Cleaning Environmental Response Trust (DERT) Fund, 10 CSR 25-17.010 through 10 CSR 25-17.170.

Definition of hazardous waste

For a hazardous material to be regulated as a hazardous waste, it must first fall under the regulatory definition of a solid waste. The definition of a solid waste is based on the fact that the material is a waste, not that it is a solid rather than a liquid or gas. With that in mind, solid waste includes the following materials:

- Materials that are thrown away
- Materials that are recycled
- Materials that are naturally waste-like
- Waste military weapons and ammunition

A hazardous waste is any solid waste that is flammable, corrosive, reactive (e.g., explosive), toxic or is listed (identified) as a hazardous waste in state or federal law. Listed hazardous wastes can be found in 40 CFR Part 261 and 10 CSR 25-4.261(2)(D). Examples of hazardous waste include used solvents, cleaning fluids, electroplating chemicals, oil-refining sludge, banned pesticides and chemicals that can no longer be used.

Permits

An **Aboveground Storage Tank (AST)** includes any tank and connecting pipes that are 90 percent or more above ground surface and contains a petroleum product designated for sale. For more information on the regulation and inspections of ASTs, contact the Missouri Department of Agriculture, Weights and Measures Division, Petroleum Inspection Program at (573) 751-5636.

Dry Cleaning Environmental Response Trust (DERT) Fund Annual Registration is required for any commercial dry cleaning operation that uses chlorinated solvents to clean garments. This also includes coin-operated dry cleaning facilities. Dry cleaning facilities located in prisons, governmental entities, hotels, motels and industrial laundry facilities are excluded from these rules. Facilities that use non-chlorinated solvents are also exempt from these rules.

Operators of an active dry cleaning facility are required to register with department, as outlined in Section 260.915, RSMo. Each active dry cleaning facility is required to pay an annual registration surcharge based on the number of gallons of chlorinated solvents used during the calendar year. Dry cleaning facility categories and the subsequent registration surcharges are listed below:

Size of Dry Cleaner	Gallons of Chlorinated Solvent Used	Annual Registration Fee
Small	0 to 140	\$500
Medium	141 to 360	\$1,000
Large	>360	\$1,500

The annual registration surcharge is due on April 1 of each calendar year. Failure to pay this fee within 30 days will result in a penalty of 15 percent of the facility registration surcharge and interest on the unpaid amount at the rate of ten percent per annum.

A Missouri **Hazardous Waste Facility Permit**, also known as a hazardous waste permit, is required for Missouri hazardous waste treatment, storage or disposal (TSD) facilities. These facilities are specially designed to handle, treat or otherwise dispose of hazardous wastes.

Businesses that produce or store a certain amount of hazardous wastes are required to complete a **Hazardous Waste Generator Registration**. There are three waste generator categories, depending on the amount of hazardous waste generated or stored:

Large Quantity Generator (LQG)

- Generates more than 1 kg (2.2 lbs.) of acutely hazardous waste in one calendar month or
- Generates 1,000 kg (2,200 lbs.) or more of hazardous waste in one calendar month

Small Quantity Generator (SQG)

- Generates less than 1 kg (2.2 lbs.) of acutely hazardous waste in one calendar month and
- Generates between 100 kg (220 lbs.) and 1,000 kg (2,200 lbs.) of hazardous waste in one calendar month or
- Accumulates more than 100 kg (220 lbs.) of hazardous waste before shipping it off-site

Conditionally Exempt Small Quantity Generator (CESQG)

- Generates 100 kg (220 lbs.) or less of hazardous waste in one calendar month and
- Generates less than 1 kg (2.2 lbs.) of acutely hazardous waste in one calendar month

It is impossible to list every type of business that produces hazardous waste. Businesses likely to produce hazardous waste include automobile repair shops, printers, dry cleaning and laundry facilities, photo processors, furniture manufacturers and refinishers, pest control services and road and building construction companies. Businesses should refer to the appropriate state and federal laws and regulations and should request the fact sheet, *Does Your Business Generate Hazardous Waste?* (Pub117) is available online at <http://www.dnr.mo.gov/pubs/pub117.pdf>.

A Hazardous Waste Resource Recovery Certification is for activities where hazardous waste is recycled, reused or reclaimed. Hazardous waste is reused if it can be used as a substitute for another chemical. Reclaiming a hazardous waste involves processing it to recover a usable product. A number of hazardous wastes, such as solvents, can be filtered to make them pure again.

A facility is required to notify the department if they recover less than 2,200 pounds of hazardous waste in a month. A facility is required to get a Resource Recovery Certificate if they process 2,200 pounds or more of their own hazardous waste in a month or if the recovery is done by a second company at the first company's facility (in which case the mobile service needs to have the certificate). A facility will normally need to get a Resource Recovery

Certificate, a hazardous waste permit, or both if they want to process any hazardous waste from off-site.

Resource Recovery Certification is not required by the federal government. Missouri requires Resource Recovery facilities to meet certain financial assurance and operational standards beyond the federal law.

Those transporting hazardous waste must get a **Hazardous Waste Transporter License**. This license can be obtained through the Missouri Department of Transportation, Motor Carrier Services at (573) 751-3358.

Persons that want to accept waste or waste manufactured items that contain PCB's (Polychlorinated Biphenyls), such as capacitor or transformers, in order to commercially broker, treat or dispose of PCB's in Missouri must get a **PCB (Polychlorinated Biphenyl) Facility Permit**. The persons involved will also have to meet Toxic Substance Control Act (TSCA) requirements, possibly including getting a separate permit from EPA. PCB Facility Permits list similar requirements to what is found in a Hazardous Waste Management Facility Permit. The Missouri PCB facility permit requirements are found in 10 CSR 25-13, and are largely based on the standards found in 40 CFR Parts 264, 270 and 761.

Facilities that only store PCB's are not required to be permitted. However, all PCB storage areas must be registered with EPA for manifest reasons.

Underground Storage Tank Registration is for any underground storage tank (UST) including any tank and piping system that is 10 percent or more covered with soil and contains petroleum or a hazardous product listed in CERCLA. Petroleum is defined as gasoline, kerosene, diesel, lubricants, E85, E10 and fuel oil. Any tank smaller than 110 gallons, farm or residential tanks smaller than 1,100 gallons holding motor fuel used for noncommercial purposes, emergency spill and overfill tanks, flow-through process tanks, septic tanks and systems for collecting storm water and wastewater and any heating oil tanks for on-site use are excluded from the UST definition.

The tank owner must register their USTs with the department within 30 days of bringing them into use. The department requires a 30-day advance notice of installation. Systems out of service before 1974 are exempt from the registration requirement. Both the owner and operator are responsible for all other aspects of the UST rules:

- keeping records of corrosion protection,
- repairs,
- monthly leak detection,
- site assessments,
- financial responsibility and
- reporting all releases, including suspected releases, spills, overfills and confirmed releases within 24 hours. Petroleum spills of less than 25 gallons do not have to be reported if cleaned up immediately.

New UST systems (new tanks and piping) must meet the technical requirements for corrosion protection, spill and overfill prevention, leak detection and certification of proper installation. All existing UST systems should have been upgraded by December 1998. Upgrades consist of lining and/or cathodically protecting the tank, adding spill and overfill preventers to the tank and cathodically protecting the piping.

Because of the potential for a spill or release from their tanks, owners must show that they have resources set aside to pay for soil and ground water cleanup, third-party property cleanup and third-party bodily injury. Participation in the Missouri Petroleum Storage Tank Insurance Fund (PSTIF) is one way of meeting this requirement.

The **Universal Waste Rule** was designed to give generators of certain types of hazardous wastes an option to manage those wastes under less stringent Universal Waste Rule requirements rather than by the more stringent existing hazardous waste regulations. Universal wastes are hazardous wastes, but not all hazardous wastes can be universal wastes. In general, to qualify as a universal waste a hazardous waste must be widespread, commonly found in medium to large volumes, exhibit only low-level hazards or be easily managed.

Universal wastes in Missouri's rule include the following items:

- Batteries such as nickelcadmium (Ni-Cd) and small sealed lead-acid batteries
- Pesticides that are collected and managed as part of a waste pesticide collection program
- Thermostats, mercury switches and mercury containing thermometers and manometers
- Mercury containing lamps

Most businesses generate universal waste. Anyone who wants to manage one or more of the universal wastes under the Universal Waste Rule must determine his or her handler status. The handler counts only those wastes that will be managed as universal wastes. All other hazardous wastes are calculated separately and determine the "hazardous waste generator status" of the business. There are two universal waste handler categories, depending on the amount of universal waste accumulated:

- Large Quantity Handler (LQH) - Accumulates 5,000 kg (11,000 lbs.) or more of universal waste at any time.
- Small Quantity Handler (SQH) - Accumulates less than 5,000 kg (11,000 lbs.) of universal waste at any time.

Small quantity handlers generating only universal wastes that they manage under this rule do not need to register or obtain an EPA identification number. Large quantity handlers must register and obtain an EPA identification number if a number has not previously been obtained. Businesses should refer to the appropriate state and federal laws and regulations and should request the technical bulletin, *Universal Waste Rule in Missouri* (Pub2058) is available online at <http://www.dnr.mo.gov/pubs/pub2058.pdf>.

Used Oil is defined as petroleum-derived and synthetic oils that have been spilled into the environment or used for lubrication or cutting oil, heat transfer, hydraulic power or insulation in dielectric transformers. Oil used as solvents and used ethylene glycol are not defined as used oil.

Any business that produces used oil through commercial or industrial operations or that collects used oil from these operations or from private households and exempted farmers is considered a used oil generator. Households who change their own oil (do-it-yourselfers) and farmers who generate an average of 25 gallons or less of used oil per month are exempt. Businesses should refer to the appropriate state and federal laws and regulations and should request the technical

bulletin, *Used Oil Generators* (Pub131) available online at <http://www.dnr.mo.gov/pubs/pub131.pdf>.

Many of the required forms are available on-line under the heading *Hazardous Waste* at <http://www.dnr.mo.gov/forms/index.html> For more information about the specific permits, *Environmental Permits and How to Obtain Them* may be helpful, and is also located online. To receive a paper copy of any hazardous waste application forms, please contact the Hazardous Waste Program (HWP) Permit Section at (573) 751-3553.

Pesticides

The federal government first regulated pesticides when Congress passed the Insecticide Act of 1910. Congress broadened the federal government's control of pesticides by passing the original Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) of 1947 under control of the U.S. Department of Agriculture. In 1970, Congress transferred the administration of FIFRA to the newly created Environmental Protection Agency (EPA). This initiated a shift in the focus of federal policy from the control of pesticides for reasonably safe use in agricultural production to the control of pesticides for reduction of unreasonable risks to humans and the environment.

In Missouri, the Missouri Department of Agriculture administers the pesticide program in the Bureau of Pesticide Control in the Plant Industries Division. The Bureau administers the Missouri Pesticide Use Act (281.005 - 281.115 RSMo.) and the Missouri Pesticide Registration Act (281.210 - 281.310 RSMo.). The portion of the Code of State Regulations (CSR) that governs and outlines the Bureau's responsibilities is recorded in Title 2 CSR 70-25.

The Missouri Department of Natural Resources regulates the disposal of pesticides including pesticide containers. In Missouri, pesticides are regulated under the **Universal Waste Rule** (UWR), found in 10 CSR 25-16.273. This rule incorporates the federal law found in 40 CFR 273. The UWR gives generators of certain types of hazardous waste (including pesticides) a less stringent management option. Please refer to the Universal Waste topic.

For further information concerning pesticide use, applicator licensing, registration or training contact:

The Bureau of Pesticide Control - Plant Industries Division
Missouri Department of Agriculture
P.O. Box 630
Jefferson City, MO 65102
(573) 751-5504
(573) 751-0005 fax
www.mda.mo.gov

Additional information is also available toll-free from the National Pesticide Information Center at (800) 858-7378 or <http://npic.orst.edu>.

Historic Preservation

Section 106

Under Section 106 of the [National Historic Preservation Act](#), federal agencies must consider the effect of their actions on historic properties and provide the federal [Advisory Council on Historic Preservation \(ACHP\)](#) the opportunity to comment on proposed actions. The State Historic Preservation Office (SHPO) within the Department of Natural Resources plays an important role in Section 106 review.

While the SHPO participates in the Section 106 consultation process, it is the federal agency that bears the responsibility for initiating various steps in the process. Although the federal agency may use the services of applicants, [consultants](#), or designees to prepare information, analyses and recommendations, the federal agency remains legally responsible for all required findings and determinations.

Once the responsible federal agency has determined that an action is an "undertaking," there are three basic steps in 106 consultation. First, the agency must determine whether "historic properties" are present in the project area. If historic properties are present, the agency must consult with the SHPO and other interested parties to determine whether the proposed undertaking will have an "effect" on the historic properties. If the effect will be adverse, the agency must notify the ACHP, and must consult with the SHPO and interested parties to discuss ways to avoid or mitigate damage to the historic properties.

For more detailed information on Section 106, you can check the [ACHP](#) website. The site contains the complete text of the [revised 106 regulations](#) and a handy [Citizen's Guide to Section 106 Review](#) that explains the process and the citizen's role in the process.

To initiate Section 106 review in Missouri, the federal agency or its agent/consultant must submit a **Section 106 Project Information Form**. Section 106 forms, instructions, and regulations are available below as downloadable PDF files. The editable forms cannot be submitted online, but are offered as a convenient way to fill out and print the document. The completed document must then be signed and mailed in (or hand delivered).

Professional archaeologists or architectural historians complete the **Section 106 Survey Memo Form** to report survey results.

Forms are available at <http://www.dnr.mo.gov/forms/780-1027.pdf>.

For more information or assistance please contact the State Historic Preservation Office at: (573) 751-7858.

Major Water Users

Collection of major water use data by DNR is authorized under a law passed in 1983 by the Missouri General Assembly (RSMo Chapter 256.400, 256.405, 256.410, 256.415, 256.420, 256.425, and 256.430). The law's purpose is to insure the compilation of information needed to analyze future water resource management needs. The Missouri Water Resources Center is responsible for administering the law.

Inventory

No permit is issued and the major water user does not need permission to withdraw water. However, major water users must submit the **Water Use Inventory** annually before March 31. There are no fees, and there are no limits to the amount of water that can be withdrawn.

For more information about major water users data, contact the Water Resources Program at (573) 751-7823.

Mining and Coal Exploration

The Land Reclamation Program (LRP) is responsible for regulating surface mining operations throughout Missouri. Mining in Missouri is divided into three categories defined by three different mining laws. These are 1) coal mines, 2) industrial minerals mines and 3) metallic minerals mines. Coal mining is administered under programs created by the federal Surface Mining Control and Reclamation Act of 1977 and the corresponding state law is the Missouri Surface Mining Law. Industrial minerals are administered through the Missouri Land Reclamation Act, and metallic minerals are administered through the Missouri Metallic Minerals Waste Management Law. The three state statutes are all contained in Chapter 444 (RSMo). The portion of the Code of State Regulations (CSR) that governs and outlines the Program's responsibilities is recorded in 10 CSR 40. The LRP also regulates the disposal of metallic mineral waste, which is recorded in 10 CSR 45.

Permits

A **Coal Exploration Permit** is required for exploratory drilling and test-pit excavation. Separate permit requirements apply for drilling operations and exploration work that remove more than 250 tons of coal, cause substantial disturbance to the natural land surface, or take place on land designated unsuitable for surface mining. An application fee and a reclamation bond of \$5000 must be posted for drilling operations. Full-cost bonding is needed for other exploration activities. Air pollution, water pollution, or Mine Safety and Health Administration permits may be required.

An **Industrial Surface Mining Permit** is required for the surface mining and surface disturbance associated with the underground mining of gravel, limestone, granite, traprock, tar sands, clay, barite, sandstone, oil shale, sand, shale, and all others as defined in Chapter 444.765 (RSMo). An application fee and reclamation bond must be posted. These operations typically require other permits from the Missouri Department of Natural Resources, including the Air Pollution Control Program and the Water Pollution Control Branch. Should the mining occur in a stream, a permit may also be required by the nearest United States Army Corps of Engineers District Office. Mine Safety and Health Administration permits are also usually required.

A **Metallic Mineral Waste Management Permit** is required for the disposal of waste from metallic minerals mining, beneficiation, and processing. A permit fee and financial assurance are required. Coordination with the Air Pollution Control Program, Water Pollution Control Branch, Division of Geology and Land Survey's Dam Safety Program, Solid Waste Management Program, and Hazardous Waste Management Program regulations is recommended. For additional information, contact the Land Reclamation Program (LRP) at (573) 751-4041.

A **Surface Coal Mine and Reclamation Permit** is required for any surface coal mine operation as well as the surface-disturbance associated with underground coal mines. An application fee, reclamation bond, and an annual permit fee are required. Air pollution, water pollution, and Mine Safety and Health Administration permits are required.

Many of the required forms are available on-line under the heading *Mining and Coal Exploration* at <http://www.dnr.mo.gov/forms/index.html>. For more information about the specific permits,

Environmental Permits and How to Obtain Them may be helpful, and is also located online. To receive a paper copy of any hazardous waste application forms, please contact the Land Reclamation Program at (573) 751- 4041.

Oil and Gas Wells

The Division of Geology and Land Survey, Geologic Survey Program is responsible for regulating oil and gas wells throughout Missouri. The [State Oil and Gas Council](#) implements RSMo Chapter 259 pertaining to oil and gas wells in Missouri. 10 CSR 50 outlines the regulations of the State Oil and Gas Council

Oil and gas regulations also are impacted by the Environmental Protection Agency's Underground Injection Control Program (UIC). The Geologic Survey Program plays an important role in administering the UIC program and preventing contamination of the state's water resources.

Oil and gas wells in Missouri are divided into two categories: commercial oil and gas wells and private gas wells.

Permits

Before drilling either type of well, certain forms must be completed and submitted to the department. An **Organization Report (OGC-1)** identifies the company or person that will operate the well. A full-cost **Surety Bond (OGC-2)** is needed prior to drilling the well. This bond is for the life of the well, and the amount is contingent upon the depth and number of wells being drilled. A well bond can be through a surety company, a letter of credit or a certificate of deposit. An **Application to Drill, Deepen or Plug Back (OGC-3)** once approved allows 180 days from the permit date for the well to be drilled. The wells must be accurately located on a **Well Location Plat (OGC-4)** that indicates distances to property lines. The **Completion Report (OGC-5)** is needed within 30 days of drilling the well. An **Intent to Abandon form (OGC-6)** is completed in the event the well does not produce adequate quantities of oil or gas and the owner wishes to plug the well. The **Plugging form (OGC-7)** details the plugging of the oil or gas well. In some cases, a well may produce enough water to be used a private water supply. If the landowner wishes to do this, a **Well Conversion Agreement form (OGC-8)** is completed.

If a well is never drilled or completed, a **Notice to Cancel Permit Application** is required.

Commercial oil and gas well operators complete the above forms. In addition, if a commercial company decides to use injection techniques to produce oil or gas, they are required to submit an **Injection Well Permit (OGC-3I)** and an **Injection Well Location Plat (OGC-4I)** describing an area with a 1/4-mile radius of the injection well, along with an **Injection Well Schematic form (OGC-11)**. Any commercial oil or gas production is reported on a **Monthly Status and Production Report (OGC-9)** and a **Monthly Disposal Report (OGC-10)**. The water produced with oil or gas can potentially be re-injected back into the same geologic formation it came from. Yearly, the **Injection Well Pressure Report (OGC-12)** is required.

Many of the required forms are available on-line at <http://www.dnr.mo.gov/forms/index.html>. For more information about the specific permits, *Environmental Permits and How to Obtain Them* may be helpful, and is also located online. To receive a paper copy of any oil or gas application forms, please contact the Geological Survey Program at (573) 368-2143.

Public Drinking Water

The Water Protection Program's Public Drinking Water Branch is responsible for the monitoring and quality of public drinking water in Missouri. They administer programs created by the federal Safe Drinking Water Act and the Safe Drinking Water Act Amendments. The primary state enabling legislation is the Public Drinking Water Law, Chapter 640 (RSMo). The portion of the Code of State Regulations (CSR) defining the organization and responsibilities of the Public Drinking Water Branch is found in 10 CSR 60.

A **Community Water System** is a water system having 15 or more service connections and operates on a year-round basis or serves at least 25 residents on a year-round basis. Businesses possibly included in this category are larger mobile home parks, subdivisions, and condominiums.

A **Non-transient Non-Community Water System** serves at least 25 of the same persons over 6 months of the year but is not a community water system. Businesses possibly included in this category are industries, schools, and local government facilities.

A **Transient Non-Community Water System** has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year but is not a community water system. Possible businesses in this category are restaurants, hotels, motels, resorts, airports, and campgrounds.

A **Private Water System** will have less than 15 service connections or will serve an average of less than 25 individuals daily at least 60 days out of the year. Businesses possibly included in this category are small mobile home parks, small campgrounds, automotive repair shops, and beauty shops. Contact the Water Protection Program's Drinking Water Branch at (573) 751-5331 for more information.

Permits

A **Construction Permit** is required for all construction whether a new system, expansion, modification or upgrade. Replacement of components of existing facilities does not require a permit if the replacement is primarily maintenance in nature and no significant upgrading is done. There is no fee for this permit. There are annual laboratory services and water customer fees, based on the type of facility and population served.

A **Permit to Dispense** is required to operate a new, improved or existing public water system. It requires that the water system components provide safe and adequate water supply that is capable of withstanding substantial hazards of weather. There is no fee for this permit, although there are annual laboratory services and water customer fees, based on the type of facility and population served.

Many of the required forms are available on-line under the heading *Public Drinking Water* at <http://www.dnr.mo.gov/forms/index.html> For more information about the specific permits, *Environmental Permits and How to Obtain Them* may be helpful, and is also located online. To receive a paper copy of any public drinking water application forms, please contact the Public Drinking Water Branch at (573) 751- 5331.

Solid Waste

The Solid Waste Management Program (SWMP) is responsible for the control and regulation of solid (nonhazardous) waste in Missouri. The waste may be generated from commercial, industrial, municipal or residential sites. The SWMP also regulates infectious waste and the management of waste tires. The program administers programs created by federal law, the Resource Conservation and Recovery Act (RCRA) and state law (the Solid Waste Management Law, Chapter 260.200 - 260.345 RSMo). The portion of the Code of State Regulations (CSR) defining the organization and responsibilities of the Solid Waste Management Program is found in 10 CSR 80.

The SWMP is primarily involved with the permitting and regulating of the design, construction and operation of solid waste disposal areas and processing facilities. The SWMP is also responsible for the proper management and closure of existing landfills, waste tire processing facilities, and waste tire storage sites.

Permits

An **Infectious Waste Processing Facility** accepts infectious waste transferred from an off-site generator for processing or treatment. A hospital that processes or treats its own waste on-site is exempt. Both a construction permit and an operating permit are required. Prior to completion of the construction permitting process, a public notice is required and a public hearing will be held upon request.

A **Scrap Tire End-User Registration** is required for any facility where scrap tires or scrap tire material are used as a fuel, fuel supplement or used to make a product and more than 100 scrap tires are used for any purpose.

Those who transports scrap tires must obtain a **Scrap Tire Hauler Permit**. Hauler permits are issued by the Missouri Department of Transportation, Motor Carrier Services Unit. Hauling scrap tires generated at a business or residence does not need a permit if the tires are transported by the employees using vehicles of the business. The SWMP does not require a public notice or hearing.

A **Scrap Tire Processing Facility Permit** is for facilities where tires are reduced in volume by bailing, shredding, cutting, chipping or otherwise altered is required to have this permit. Processing must be done to facilitate recycling, resource recovery or disposal. A public notice or hearing is not currently required for this permit. Exemptions to the permit requirement are:

- The facility does not store more than 24 tires at any time.
- Any business that processes scrap tires generated only at that site.

Any scrap tire site or location storing 500 or more whole, cut, chipped or shredded scrap tires has to have a **Scrap Tire Site Permit**. A public notice or hearing is not currently required for this permit. A scrap tire site permit must include a Financial Assurance Instrument (FAI). The FAI demonstrates the financial capability of the facility owner to properly close the site. A scrap tire site must also have tire processing capability and a waste tire processing facility permit in order to qualify for a scrap tire site permit.

A scrap tire collection center is a site where scrap tires are collected prior to recycling or processing and fewer than 500 tires are stored on any given day. This includes whole, baled, shredded, cut or chipped tires. A facility that stores less than 25 tires at any time is exempt.

A solid waste disposal area (or landfill) is a facility that accepts waste from any commercial, industrial, recreational or governmental operation or more than one residence. There is a multi-step public participation process prescribed by law for these facilities. Prior to applying for a **Solid Waste Disposal Area Permit**, an applicant must first obtain approval for the site's geologic and hydrologic conditions from Missouri Department of Natural Resources' Division of Geology and Land Survey. Before constructing a solid waste processing facility or a solid waste disposal area, an applicant must first obtain a construction permit from the Missouri Department of Natural Resources Solid Waste Management Program.

In order to obtain a construction permit, plans, specifications and other data necessary to comply with the Solid Waste Management Law must be submitted to the SWMP. Prior to accepting waste at the facility the applicant must apply for and receive an operating permit from the SWMP. The operating permit will be issued after the department is assured the facility has been constructed in accordance with the approved plans, specifications and construction permit conditions.

A **Solid Waste Processing Facility** such as an incinerator, compost plant, or transfer station is a facility that accepts municipal solid waste (MSW) for processing or salvaging. Prior to completion of the construction permitting process, a public notice is required and a public hearing will be held upon request.

Many of the required forms are available on-line under the heading *Solid Waste* at <http://www.dnr.mo.gov/forms/index.html> For more information about the specific permits, *Environmental Permits and How to Obtain Them* may be helpful, and is also located online. To receive a paper copy of any solid waste application forms, please contact the Solid Waste Management Program at (573) 751- 5401.

Waste diversion through the three R's : Reduce, Reuse, Recycle

According to the *Missouri Policy on Resources Recovery*, Missouri emphasizes reducing waste disposal and taking full advantage of resource recovery opportunities. Resource recovery means following the hierarchy of waste management:

- First – reduce the amount of solid waste created
- Second – reuse, recycle and compost solid waste to the greatest extent feasible
- Third – recover energy from solid waste
- Fourth – incinerate or dispose of waste in a permitted landfill

Legislation in 1990 focused Missouri's solid waste management efforts by setting a goal to divert at least 40% of its waste from disposal. The department provides technical bulletins and other guidance documents to assist individuals, businesses, and local governments in achieving the goal. Technical and financial assistance is also available from the department.

To encourage recycling, composting and other alternatives to disposal, solid waste management laws and regulations minimize the permitting requirements for these activities. For example, source separated recycling facilities and yard waste composting facilities are not

required to obtain a solid waste permit to operate. The department does advise that anyone interested in pursuing these types of activities should contact the Solid Waste Management Program at (573) 751-5401.

Water Pollution Control

The basic framework for the current national water quality programs was put in place by Congress with the enactment of the Federal Water Pollution Control Act (FWPCA) of 1972, and the Marine Protection, Research and Sanctuaries Act of 1972. The Clean Water Act (CWA) of 1977 reorganized the FWPCA and added a major new program to control toxic water pollutants. Of the subsequent amendments to these statutes, the most significant are the Water Quality Act of 1987, which addressed storm water discharges, and the Oil Prevention Act of 1990, which tightened control of discharges of oil and hazardous substances.

In Missouri, the Water Protection Program (WPP) is responsible for protecting, maintaining, and improving the quality of Missouri's water. This entails prevention, abatement, and regulating wastewater discharges from commercial, industrial, and municipal sites in order to protect surface and ground water from contamination. The primary state enabling legislation is the Missouri Clean Water Law, Chapter 644 (RSMo). The portion of the Code of State Regulations (CSR) defining the organization and responsibilities of the Water Pollution Control Program is recorded in 10 CSR 20.

The primary purpose of the CWA is to restore and protect the quality of the nation's surface waters. As originally approved, the ultimate goal of the Act was to eliminate the discharge of pollutants into navigable waters. The surface waters covered by the Act are defined quite broadly and include rivers, lakes, intermittent streams, and even wetlands. Federally, the definition does not extend to ground water, which is covered by the Safe Drinking Water Act. Missouri's clean water law includes groundwater in the definition of "waters of the state".

CWA established the National Pollutant Discharge Elimination System (NPDES) to limit pollutant discharges into streams, rivers, and bays. EPA regulations can be found in 40 CFR 122. The WPP administers the program in Missouri. The WPP requires state operating permits for all point source discharges to waters of the state. The EPA maintains authority to review applications and permits for major dischargers, based on discharge quantity, and content.

The federal Clean Water Act requires cities in urbanized areas having populations over 1,000 and certain counties in urbanized areas to develop storm water management plans and obtain discharge permits for storm water outfalls. In Missouri this program is handled by the WPP, which issues National Pollutant Discharge Elimination System (NPDES) permits. Companies must submit applications to the WPCP to ensure that storm water discharges that enter streams directly from industrial facilities are also permitted.

Permits

For some circumstances wastewater treatment is regulated by the Missouri Department of Health and Senior Services. If a business is located in an area where no wastewater treatment facilities are available, wastewater treatment for the business may be regulated by the Missouri Department of Natural Resources or by Missouri Department of Health and Senior Services (DOHSS). The regulating authority is determined by the quantity of wastewater produced and whether the wastewater is considered domestic or industrial. Domestic wastewater or sewage is defined as human excreta and wastewater, including bath and toilet waste, residential laundry waste, residential kitchen waste and other similar waste from household or establishment plumbing.

If the business will dispose of domestic wastewater with a design flow of less than 3000 gallons (design flow) per day to an approved no discharge soil absorption system, the business will be regulated by the Department of Health and Senior Services. Contacts may be made to the Department of Health (573) 751-6095 or the local county Health Department.

Some **Concentrated Animal Feeding Operations** (CAFOs) are required to have a No-Discharge State Operating Permit. Any operation where the animals are confined may require a No-Discharge State Operating Permit. Contact the Water Protection Program regarding any questions concerning CAFOs.

If the business will be producing 3000 gallons per day (design flow) or more of domestic wastewater or will be producing any other type of wastewater, the business is required to get a **Wastewater Treatment Construction Permit** and a state **Operating Permit** from the Missouri Department of Natural Resources Water Pollution Control Branch. Contact the Water Protection Program (WPP) or the local regional office for application information.

If the business is located in an area where wastewater treatment facilities are available, the municipality, sewer district or private sewer company responsible for the wastewater treatment facilities should be contacted for information about approvals, costs, and procedures for connection. Unless waived by the local authority, connection to an existing system is required.

An NPDES permit required for operating a sewer or sewage treatment plant is referred to as a state **Operating Permit**. Land application of sludge and wastewater can be included under the same site-specific operating permit if the site is within a 20-mile radius. A facility may choose to apply for a general permit where available.

A **General Permit** may be developed for a specific category of discharge or activities. The General Permit contains a standard set of requirements. There are General Permits for the land application of food processing wastewater and sludge and domestic sewage sludges including septage from a septic tank. A General Permit must be obtained for each operating location, which is not contiguous. The department may choose to require a permit on a case-by-case basis where determined to be necessary to protect human health and the environment.

A state-operating permit is required where there will be storm water runoff from certain industries. A **Storm Water Permit** is also required if construction activity will disturb one or more acres of land. General storm water permits are available for many industries in Missouri. Some industries with general storm water permits are lumber and wood processors, chemical manufacturers, and motor freight transportation.

404 permits and 401 water quality certifications

When construction or filling (including dredging or installing and repairing utility lines) will disturb a water of the U.S., including wetlands, a **404 Permit** is required from the U. S. Army Corps of Engineers. Section 404 of the Clean Water Act requires a permit to excavate in or discharge dredged or fill material into a water of the United States.

Construction activities can be authorized in waters of the United States when the discharges of dredged or fill material meet the requirements of the federal Clean Water Act, Endangered Species Act, and National Wild and Scenic Rivers Act. Permits may be required even if the work is on private land. If the work is in a water area, or where water lays or runs part of the year, the activity may be regulated by federal law. Individuals, commercial enterprises, port

authorities, marinas, and local, state and federal agencies need a 404 permit to work in waters of the United States.

Under Section 10 of the Rivers and Harbors Act of 1899, a permit may be required from the Corps of Engineers for any structure or work that takes place in, under or over a navigable water or wetland adjacent to navigable waters of the United States. The Corps of Engineers requires a completed federal application form with appropriate drawings and a copy of the letter sent to the Missouri Department of Natural Resources requesting certification. Contact a U.S. Corps of Engineers' Regulatory Branch with any questions:

Missouri State Regulatory Office
221 Bolivar Street, #103
Jefferson City, MO 65101
(573) 634-5657

St. Louis District
1222 Spruce Street
St. Louis, MO 63103
(314) 331-8575

Kansas City District
700 Federal Building
601 E. 12th Street
Kansas City, MO 64106
(816) 983-3990

Section 401 of the Clean Water Law requires an applicant for a federal permit for an activity which may result in a water quality problem in navigable waters to provide the federal agency an approval from the state water quality agency. In Missouri, the Water Pollution Control Branch issues **401 Water Quality Certifications**. A letter requesting water quality certification for the proposed project and one copy of the federal application including drawings should be sent by the applicant to the Missouri Department of Natural Resources Water Pollution Control Branch. Contact the Water Pollution Control Branch for information regarding 401 Water Quality Certification.

Sludge

The Clean Water Act requires the EPA to establish minimum national standards for the use and disposal of domestic sludge. Sludge means solid, semi-solid or liquid residue removed during the treatment of domestic wastewater. EPA specifies the technical standards for sludge use and disposal in the federal rule, Title 40 Code of Federal Regulations Part 503, (40 CFR 503). This regulation contains risk-based limitations for metals and pathogens, and includes best management practices. Sludge permit requirements for the National Pollutant Discharge Elimination System (NPDES) can be found in 40 CFRs 122, 123 and 501.

EPA Region VII handles the compliance assessment and enforcement of the 503 regulations. State operating (NPDES) permits are issued with the sludge requirements addressed in the Missouri Clean Water Law.

From production to disposal, the generator of the sludge is responsible for complying with all sludge standards and permit requirements. The generator is the person owning the wastewater treatment facility producing the sludge. An exception is the single family, residential septic tank. In this case, the septage hauler is the responsible party, rather than the homeowner. The generator remains responsible for sludge disposal unless the sludge is hauled to another permitted sludge use or disposal facility. A contract hauler is considered an agent of the generator. The use of a contract hauler does not relieve the generator of the responsibility under the EPA regulations, unless the hauler obtains a separate sludge permit.

A state **Construction Permit** is required for all persons who build, erect, alter or replace facilities for sludge or biosolid storage, treatment or disposal. Each construction permit application must include engineering plans and specifications. Plans must be developed

according to design regulations published in the Missouri Code of State Regulations (CSR) under 10 CSR 20. MoDNR will review the application. A public notice of the proposed permit action is then issued for a 30 day comment period. After resolving the public comment, the department issues a construction permit. The sludge management system must be built according to the approved design. A professional engineer (P.E.) must certify the complete construction.

Missouri's sludge regulations are incorporated into the standard conditions of the state-**Operating Permit**. A state operating permit is required for all persons who operate, use or maintain facilities for the storage, treatment or disposal of sludge or biosolids.

If you are a sludge generator, the sludge requirements are included in the wastewater discharge (NPDES) permit. If you are not a generator, but you operate a sludge use or disposal facility, a sludge-only permit is required. For new facilities, the operating permit application must include certification by a P.E. that the facility was built according to the construction permit.

For an existing facility built without a construction permit, the application must include as-built engineering plans and specifications. The facility must go through the same public notice procedure as a new construction project.

Sludge that is not reused as biosolids must be disposed in a permitted sludge disposal facility. There are two types of disposal: surface disposal and incineration. Surface disposal sludge requires a solid waste disposal permit under the Missouri Solid Waste Management Law. The corresponding regulation can be found in 10 CSR 80-3. This applies to sanitary landfills, sludge monomials, sludge disposal lagoons, and other types of sludge disposal on land. Sludge disposal lagoons include any sludge-only lagoon, that has more than two years accumulation of sludge, unless an alternate storage and clean out plan has been approved by the department and the EPA.

The incineration of sludge must comply with air emission standards. The ash must comply with all other sludge use or disposal standards. Incinerating the sludge concentrates the metals and other inorganic pollutants in the ash, but does not reduce the environmental risks from these pollutants. Ash disposal must meet the same surface disposal requirements as other sludges.

Biosolids are treated sludge that has met the sludge standards for use as a fertilizer or soil conditioner. These standards include meeting metal limitations, pathogen reduction, vector requirements, and best management practices.

Sludge pumped from residential septic tanks and similar treatment works is considered septage. However, septage has fewer requirements for treatment and monitoring than other types of sludge. A general permit covers requirements for the land application of septage. Contract haulers for septage are responsible for complying with sludge standards and must obtain permits if they store, treat, land apply or dispose of septage. Septage may also be mixed with other sludges. The more stringent set of sludge standards would apply to the mixture.

Annual Sludge Reports are due January 28 of each year for the previous calendar year period. Report forms (Form S) are provided by the Missouri Department of Natural Resources and are approved for use by the EPA. This means Missouri permit holders may use the same form for reporting to both the Missouri Department of Natural Resources and the EPA and keep detailed reports on file for at least five years. These records must be made available for inspection by the department. The department's Regional Offices will continue to handle

permitting issues, complaints and lagoon closure plans. General sludge questions are to be directed to the Water Pollution Control Branch at (573) 751-1300 or the EPA Region VII office at (913) 551-7492.

Many of the required forms are available on-line under the heading *Water Pollution Control* at <http://www.dnr.mo.gov/forms/index.html> For more information about the specific permits, *Environmental Permits and How to Obtain Them* may be helpful, and is also located online. To receive a paper copy of any water pollution control application forms, please contact the Water Pollution Control Branch at (573) 751- 4041.

Other Federal Requirements Concerning the Environment

Emergency Planning Community Right-to-Know Act

The **Emergency Planning Community Right-to-Know Act** of 1986, also known as SARA Title III, is essentially made up of two parts, the Emergency Planning portion and the Community Right-to-Know. The Emergency Planning portion requirements provide the needed information for communities to plan for and respond to emergencies. For more information on **Tier II Reporting** requirements contact the Environmental Protection Agency at 1-800-424-9346 or go on-line at

<http://yosemite.epa.gov/oswer/ceppoweb.nsf/content/complianceandreporting.htm>

The Community Right-to-Know portion is commonly known as the **Toxics Release Inventory** (TRI) or Section 313 reporting. It is also sometimes called Form R reporting. For more information on TRI reporting requirements contact the Environmental Protection Agency at 202-566-0250 or go on-line at <http://www.epa.gov/tri> and <http://www.epa.gov/tri/contacts.htm> .

Toxic Substance Control Act

The **Toxic Substance Control Act (TSCA)**, originally passed in 1976 and later amended, applies to manufacturers, processors, importers, distributors, users, and disposers of chemical substances or mixtures. The federal regulations administered by Environmental Protection Agency's Office of Pollution Prevention and Toxics (OPPT) can be found in 40 CFR 700 to 799. For more information on TSCA reporting, requirements contact the Environmental Protection Agency (EPA) at (202) 564-3810 or go on-line at <http://www.epa.gov/oppt/>

Definitions

Applicable requirements -- Neither the state nor the federal operating permit program contains extensive substantive requirements of its own. Both serve as vehicles for identifying all requirements applicable to the source. These requirements can include, but are not limited to, compliance, record-keeping, reporting, emission controls, emission limits, work practices, operating hours, and other matters stemming from federal and state air laws and regulations, and permits issued to allow construction or modification of the facility.

Area source -- Any stationary source that is not a major source.

Best Available Control Technology (BACT) -- That pollution control method that is recognized as the one removing the greatest amount of air pollutants for a particular industry or process. Cost is considered in requiring BACT.

Biosolids -- Organic fertilizer or soil amendments produced by the treatment of domestic wastewater. Biosolids consist primarily of dead microbes and other organic matters. Untreated sludge or sludge that does not conform to related pollutants and pathogen treatment requirements are not considered biosolids.

Closure -- The act of securing a waste management facility in compliance with applicable requirements.

Criteria pollutant -- Any air pollutant for which EPA has established a National Ambient Air Quality Standard (NAAQS): carbon monoxide, lead, nitrogen oxides, ozone, particulates and sulfur oxides. Criteria pollutants are measured in air quality control regions to determine whether the area meets or does not meet the federal air quality standard.

De minimis level -- The threshold level of emissions where regulations apply.

Discharge to state waters -- Release of pollution from a ditch, pipe or other conveyance to surface waters (lake, stream, creek, river or tidal wetland).

Domestic wastewater -- Wastewater from restrooms, sanitary conveniences of residences, cities, mobile home parks, subdivisions, restaurants, rest homes, resorts, motels, factories, stores, and other commercial businesses. It also includes industrial contributions when domestic and industrial wastewater are combined in a city sewer system.

Emission unit -- Any part or activity of an installation that emits or has the potential to emit any regulated air pollutant.

Fugitive emissions -- Emissions, which according to good engineering practice could not pass through a stack, chimney, vent or other functionally equivalent opening.

General Permit -- A set of conditions that can be standardized for a number of facilities; use of general permits where possible eliminates individualized permits for similar situations and is cheaper and less burdensome administratively than individual permits.

Grandfathered -- This applies to air pollution sources only. A facility that was in existence before May 13, 1982.

Hazardous Air Pollutant (HAP) -- One of 188 substances and compounds for which EPA is establishing Maximum Achievable Control Technology (MACT) standards. A major source of HAPs is considered one that emits 10 tons per year of a single HAP or 25 tons per year of multiple HAPs.

Hazardous waste -- Specific substances listed by EPA and any other substance that is corrosive, ignitable, reactive or toxic.

Initial Assistance Visit (IAV) -- This is an onsite visit by department staff with appropriate representative(s) of a facility for newly issued permits, or for those facilities that have never had a visit or inspection from DNR before. The IAV is intended to improve understanding of the permit and environmental requirements, to enhance environmental compliance with the regulations that apply to the permittee's unique operations, and to provide resources for assistance.

Installation -- All source operations, including activities that result in fugitive emissions, that belong to the same industrial grouping (that have the same two (2)-digit code as described in the Standard Industrial Classification Manual, 1987) and any marine vessels while docked at the installation, located on one (1) or more contiguous or adjacent properties and under the control of the same person (or persons under common control).

Land application -- The incorporation of wastewater or sludge into the soil to either condition the soil or fertilize crops or vegetation grown in the soil.

Like-kind -- Refers to equipment that is essentially identical to or performs mechanically the same function as the equipment being replaced. The new equipment cannot cause any appreciable change in the quality or nature of the emissions of any air contaminant, or result in any increase in the potential to emit or the effect on air quality.

Lowest Achievable Emission Rate (LAER) -- The air emission rate that is the lowest possible for a type of facility for a specific pollutant; required of air pollution sources in air quality nonattainment areas.

Major source -- Any source defined as major under the Prevention of Significant Deterioration program; in a nonattainment area; or all other sources not meeting the definition of PSD or nonattainment area who emit 100 tons per year of a regulated pollutant. For sources subject to federal MACT rules, a major source is one that emits 10 tons per year of a single hazardous air pollutant or 25 tons per year of any combination of hazardous air pollutants.

Maximum Achievable Control Technology (MACT) -- The maximum degree of reduction in air pollution for new and existing sources, taking into consideration cost, non-air quality health and environmental impacts, and energy requirements.

Named installations -- A list of installations found in 10 CSR 10-6.020 (3)(A) and in Table II of this document. This list is used in the air construction and operating permit rules to identify types of sources of air pollution that must include fugitive emissions when determining the potential to emit.

National Ambient Air Quality Standards (NAAQS) -- Maximum allowable concentrations of pollutants that EPA may reasonably anticipate pose a danger to public health or welfare. When violated, the standards cause an area to be designated a nonattainment area.

National Emissions Standards for Hazardous Air Pollutants (NESHAP) -- Standards for asbestos, benzene, beryllium, inorganic arsenic, mercury, radionuclides, and vinyl chloride.

New Source Performance Standards (NSPS) -- Technology-based limits on air pollutants from new and modified sources.

Nitrogen Oxides (NO_x) -- Oxides of nitrogen and is defined as the sum of the concentrations of NO₂ and NO, where NO₂ means nitrogen dioxide and NO means nitrogen oxide

Nonattainment area -- A geographic area that violates the National Ambient Air Quality Standards.

Pilot plants -- Installations or emission units that are of new type or design which will serve as a trial unit for experimentation or testing and not production.

Potential to emit (PTE) -- The emission rate of any air pollutant at maximum design capacity. Annual potential is based on the maximum annual-rated capacity of the installation assuming continuous year-round operation. Federally enforceable permit conditions on the type of materials combusted or processed, operating rates, hours of operation or the application of air pollution control equipment must be used in determining the PTE.

Pretreatment -- Specialized industrial wastewater treatment, performed at the source, that makes the wastewater suitable for discharge to a public sewage system.

Prevention of Significant Deterioration (PSD) -- An air pollution permitting program intended to ensure that air quality does not diminish in attainment areas.

Publicly Owned Treatment Works (POTW) -- A sewage treatment works, normally for treatment of sanitary sewage, owned by state government, local government, utility authority or community.

Radon -- a colorless, odorless, radioactive gas that has been found in buildings, homes, schools, and workplace. It comes from the natural breakdown of uranium in soil, rock, and water.

Septage -- The biodegradable waste from septic tanks and similar treatment works. Septage includes the sediment, water, and grease and scum pumped from a septic tank.

Site-specific permit -- An operation permit that is developed with limitations based on a case-by-case review of site specific conditions.

Sludge -- Solid, semi-solid or liquid residue removed during the treatment of domestic wastewater.

Sludge lagoon -- An earthen basin that receives only sludge that has been removed from a wastewater treatment facility. It does not include wastewater treatment lagoons or sludge treatment units that are a part of a mechanical treatment.

State Implementation Plan (SIP) -- A plan through which a state institutes air quality protection measures that meet federal criteria. When approved by EPA, the state is delegated federal authority for air quality regulation.

Stationary source -- An air pollution source permanently located in a single location.

Storm water -- That portion of rainfall that does not infiltrate into the soil or evaporate.

Temporary installation -- An installation or air emission unit which operates or emits pollutants for less than two years.

Volatileorganic compound (VOC) -- According to the Clean Air Act, VOC means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, that participates in atmospheric photochemical reactions to produce ozone. A list of exempt compounds is found in 10 CSR 10-6-0.020 Definitions and Common Reference Tables.

Waste tire -- A tire that is no longer suitable for its intended purpose because of wear, damage or defect.

Wetlands -- Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, under normal circumstances, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.