This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order or rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register;* an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-day period during which an agency shall file its Order of Rulemaking for publication in the *Missouri Register* begins either:1) after the hearing on the Proposed Rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
Chapter 30—Petroleum Inspection

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Agriculture under section 414.142, RSMo Supp. 1998, the director amends a rule as follows.

2 CSR 90-30.050 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 17, 1999 (24 MoReg 1195–1199). Those sections with changes are reprinted here. Paragraph (1) is reprinted to correct a typographical error. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division of Weights and Measures received comments from three sources.

COMMENT: The executive director of the Missouri Petroleum Storage Tank Insurance Fund submitted a comment supporting the amendment.
RESPONSE: The Department of Agriculture acknowledges this response and appreciates the support.

COMMENT: The Missouri Petroleum Marketers and Convenience Store Association submitted comments regarding the following paragraphs:

Section (15) relating to the prohibition of plastic sight tube gauges. They recommended the continued use of such gauges with the addition of solenoid valves.
RESPONSE: The plastic currently used with sight tube gauges is not always compatible with the product it is gauging. This type of gauge is often not well maintained and also subject to vandalism which results in damage to the gauge, theft of petroleum products and subsequent product release into the environment. The use of solenoid valves on gauges would render them useless for their intended purpose especially for those deliveries that occur after business hours. No changes are being made to this section.

COMMENT: Section (29) relating to the definition of "suitable material" and "designed". They recommend the terms be either replaced or better defined.
RESPONSE AND EXPLANATION OF CHANGE: The terms "suitable material" has been eliminated from the text of the rule. Specific materials are stated in the text of the rule which will better clarify the intent of this section.

COMMENT: Section (33) relating to leak detection. The association stated there are problems with leak detection devices on exposed aboveground storage tank piping and recommend the use of electrical solenoid valves combined with annual pressure testing of lines.
RESPONSE: Solenoid valves do control the flow of product into the piping while they are in the off position. However they do not have the ability to indicate a piping leak nor do they control a leak when they are activated during the dispensing process. There may be some problems with some aspects of line leak detection with aboveground tank use, however, the proposed rule will allow different methods of leak detection or combinations thereof. This will include any new and more effective technology that is developed in the future. No changes are being made to this section.

COMMENT: Comments were received from the Department of Natural Resources, Division of Environmental Quality with regard to the following sections:
Section (1): There is a typographical error in the text of this section.
RESPONSE AND EXPLANATION OF CHANGE: The error is noted and corrected.

COMMENT: Section (3): DNR recommends the term major modification be better defined. Additionally DNR states that new piping installed onto older existing piping (such as an elbow in a lines fails, and is subsequently replaced) is certainly significant and believes that repairs and materials used in repairs should be required to meet the new standards and many instances should trigger an update of the entire facility; especially if the cause of the failure was corrosion of the tanks or piping.
RESPONSE: The language that appears in the text of this rule, with exception of the reference to the 1996 editions of NFPA 30 and 30A, has been in the Petroleum Inspection Rules for many years and does not appear to have created any problems or undue burden on the industry. Additionally, fuel storage and dispensing systems come in many different sizes and configurations. In the department's opinion, it would be impossible to define "major modification" in a manner that would easily be understood and applied. What may be a major modification for a small operator may be a minor modification for a large facility such as a truck stop. With regard to the elbow replacement referred to in comment; if the elbow was replaced on underground piping it could prove to be a "major modification." If the elbow was installed on an aboveground piping system it could be minor. Even what may appear to be a minor modification, such as electrical wiring, if not

done correctly, may produce a very distinct hazard to public and property. The department feels the current language in this section gives the department the authority and flexibility needed to address safety issues in a fair and equitable manner. No change has been made to this section.

COMMENT: Section (10): DNR stated the requirement of identifying loading and unloading connections to petroleum storage is a positive step.
RESPONSE: The department acknowledges the DNR comment and appreciates the support.

COMMENT: Sections (14)(B) and (18): DNR recommends that the language in these sections state whether the applicability includes both aboveground and underground storage tanks. There is a concern regarding the duplication in the regulation of underground storage tanks.
RESPONSE AND EXPLANATION OF CHANGE: The department agrees with this comment and has added text to clarify the applicability.

COMMENT: Section (20): DNR suggests that the interstitial space between two compartments in a multi-product tank be done from ports located on the top of the tank to prevent the accidental release of any product.
RESPONSE AND EXPLANATION OF CHANGE: The department would be concerned if drains were located on top of tanks since this would allow condensate to accumulate and either create or increase corrosion of the internal bulkhead. The department has added additional text which would require the drain to remain closed except for draining condensate or checking for leakage or failure of the bulkhead.

COMMENT: Section (21): DNR states that they think this section, which addresses tanks of riveted construction, is a good effort by the department in incorporating a phase out of such tanks. The DNR comments that tank replacement is a major capital investment and suggests that the Department of Agriculture clarify who does the inspection, who makes the determination and how extensive corrosion is determined. DNR comments that the American Petroleum Institute has developed recommended practices that may be useful references for inspection and corrosion determinations of tanks. DNR also recommends that this section be amended to add that the tanks and any other residuals be managed in accordance with state and federal requirements and that the tank site be assessed for product releases.
RESPONSE AND EXPLANATION OF CHANGE: The Department of Agriculture agrees that this section needs clarification as to who does the inspection and determination for tank corrosion. Changes have been made to this section to address this issue. With regard to references; guidelines are being established by the department for tank inspection . The tank inspection guidelines will include the incorporation of various standards, such as API 653, UL 142 and National Association of Corrosion Engineers (NACE). Ultrasonic testing will also be utilized as a tool for determination of tank shell thickness.

COMMENT: Section (24): DNR recommends that tanks "not being used" be defined in terms of a certain length of time out of use. They also stated that unused tanks are not necessarily empty, purged, or cleaned. Tanks that are not being used should be emptied, cleaned and disposed of in a manner that is safe to public, property and the environment. In addition, the DNR recommends language concerning safe closure procedures, proper management of used tanks and other residuals and to specify whether storage tanks include aboveground and underground tanks.
RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comments and recommendations from DNR regarding length of time out of use and emptying and cleaning of unused tanks and has changed the text to incorporate a portion of their suggested language. The department agrees with defining the applicability of this section to used aboveground tanks.

COMMENT: Section (25): DNR recommends that former underground storage tanks be prohibited from adaptation and use as an aboveground storage tank.
RESPONSE AND EXPLANATION OF CHANGE: The National Fire Protection Association (NFPA) 30A, Automotive and Marine Service Station Code, which is adopted by 2 CSR 90-30.050, prohibits the use of underground tanks for aboveground use. The department has, however, inserted a note in the text of this section relating to the prohibition of underground storage tanks for aboveground use.

COMMENT: Section (27): DNR commented that the exception to the 95% stop fill requirement should be eliminated or clarified. They also went on to state that tank overfills have contributed to some significant releases in Missouri and that overfill devices are seriously needed in Missouri to protect the environment.
RESPONSE: The department agrees that the overfilling of petroleum storage tanks has been a significant problem in Missouri. The department believes that overfills can be prevented by other inexpensive means, including 90% overfill alarms and proper tank gauging. The cost to retrofit the several thousand aboveground storage tanks in a manner that would allow the use of a stop-fill device would be extremely expensive and would place an undue burden on the industry, especially small business. No changes are being made to this section.

COMMENT: Section (29): DNR comments that the terms "substantially liquid tight" and "corrective action" need to be defined or clarified. They state that to their agency, corrective action generally means environmental cleanup including soil and groundwater, which can in some cases, take years to clean up. Additionally, DNR comments that the Department of Agriculture might wish to incorporate accepted industry standards in this section such as developed by the American Petroleum Institute. DNR states that if gravel or rock is not going to be allowed for secondary containment, to state it plainly.
RESPONSE AND EXPLANATION OF CHANGE: The department agrees with DNR that some of the language contained in the text of this section regarding substantially liquid tight, corrective action and construction materials need to be clarified. The department has made changes to this section.

COMMENT: Section (30): DNR recommends that secondary containment drains be eliminated. DNR states that the drain is a wastewater discharge point and may be subject to Water Pollution Control Program permits. DNR also states that there is a tendency for drains to be left open or otherwise fail, thereby rendering the containment structure ineffective.
RESPONSE: The department agrees that open drain valves on secondary containment structures is somewhat of a problem. The greater problem is, if the drain is eliminated, there is no easy nor necessarily economical way of eliminating water from containment structures. Other methods of water disposal, such as the use of sump pumps, may actually increase the hazard of fire and/or explosion if the sump is not installed or maintained properly. Accumulated water in containment structures reduce or eliminate the volume needed to contain released product, can produce a buoyancy problem for the storage tanks and also promote corrosion of the tanks, piping and associated equipment. The department actively informs the industry of the problems associated with storm water and that DNR does have a permitting process that probably applies to them. Drain lines in diked areas are also allowed and addressed in the United States Environmental

Protection Agency (USEPA) regulations 40 CFR 112.7(e)(1).The department does not see a need for change to the text of this section.

COMMENT: Section (33): DNR commented that they applaud the effort to develop and implement piping leak detection requirements. They recommended that leak detection requirements be expanded to include tank bottoms also. DNR stated that the leak detection requirements listed are not all equivalent and the terms used needed definition. DNR also states that automatic line leak detectors are not normally very sensitive devices and the alternative to this rule seems to be an accurate inventory.
RESPONSE: The Department of Agriculture recognizes the DNR comments on efforts to develop and implement piping leak detection requirements and appreciates the comment. Leak detection for tank bottoms may have merit but would dramatically increase the cost to the industry. The cost to the industry may not be commensurate with the protection provided by existing technology. This rule as stated allows alternative methods of leak detection. With regard to accurate inventory; those inventory methods currently utilized in underground tank systems will not likely be as accurate for aboveground storage tank systems. Historically, the industry buys product as net gallons and sells them as gross gallons. This inequity combined with the wide temperature variations associated with aboveground tank systems make inventory reconciliation much more difficult and perhaps somewhat more inaccurate as compared to underground storage tank inventory. No change is being made to this section.

COMMENT: Section (34): The DNR recommends the term accurate be clarified. They recommend the reference to the American Petroleum Institute publication API RP-1621 in the text of this rule.
RESPONSE: The language in the text of the proposed rule is consistent with the language contained in NFPA 30, Flammable and Combustible Liquids Code and 30A, Automotive and Marine Service Station Code regarding inventories for underground and aboveground storage tanks. No changes are being made to the text in this section.

COMMENT: Comments were received from MFA Oil Company with regard to the following sections:

Section (3): MFA stated that their concern with this rule is in regard to an existing bulk plant that needs to be updated including, but not limited to pulling the tanks to pour a dike wall or dike floor. If it will be considered that this is a major modification, there may not be enough room available to meet the distance requirements contained in NFPA 30A. Also, at an existing bulk plant, there may not be enough room for the distance requirements if a card system is to be installed. The requirement for new construction is fine, but the requirement for new installation and major renovation may be a hardship for current business.
RESPONSE: The language in this rule, with exception to the reference to the 1996 NFPA 30 and 30A has been in the Petroleum Inspection Rules for many years and has not created an undue burden on the industry. Additionally, fuel storage and dispensing systems come in many different sizes and configurations. In the department's opinion, it would be impossible to define "major modification" in a manner that would be easily understood and applied. What may be a major modification for a small operator may be a minor modification for a large facility such as a truck stop. With regard to card systems at bulk plants, instead of bulk delivery trucks or transports being the only vehicles to frequent the plant, numerous members of the public have access to the bulk plant and refueling facilities. In this type of facility the number of product transfers dramatically increase, the amount of fuel handled is much greater and fuel transfer involves a much more complex dispensing system. This increases the safety exposures for the bulk plants and creates a greater potential for incidents. No change has been made to this section.

COMMENT: Section (13): MFA stated that doing any of the four items listed in this section of the rule will create a problem when upgrading or improving a location and require total relocation. This would be a problem if they have to remove tanks to make improvements on dikes. MFA states that it would be safer and to their advantage to install a larger tank and that this would not be allowed under the new regulations if proper distance requirements were not adequate. They stated that it may be necessary for them to install additional tanks because of the diesel fuel excise tax situation.
RESPONSE: Chapter 414, RSMo, mandates that premises utilized for the sale of petroleum products be safe from fire and explosion and not likely to cause injury to public or property. The existing tank spacing and distance requirements, in many instances, are not adequate to protect public and property should an incident occur with an aboveground storage tank facility. Also, the lack of tank spacing from buildings or property lines can hinder attempts by emergency personnel to get equipment in place to control such an incident adequately. Many factors, including traffic, tank size, point of product transfer into a tank, tank venting and ignition sources play a role in safety and may dictate where or how a tank should be located. Our primary concern must be to protect public and property. No changes are being made to this section.

COMMENT: Section (27): MFA states that in order to comply with the NFPA codes it would be necessary to have an audible alarm in addition to the 95% stop-fill. They state that the department is giving an exemption to the stop fill requirement, but still requiring the audible alarm. MFA also states that the technology for these alarms is limited, but they have been working with suppliers on demonstrations. MFA does not believe these should be required on existing tanks.
RESPONSE: The overfilling of tanks is a significant problem in Missouri that is creating major safety hazards to public and property while also creating significant environmental problems. There are overfill alarm devices on the market today, when utilized properly, and combined with good inventory control, including attentiveness by drivers on the loading/unloading process, can prevent tank overfills. The possible exemption on the 95% stop-fill requirement is because most of the 7,600 aboveground tanks that are in service at regulated sites would require a major retrofit to accommodate stop fill devices at a significant cost. The stop fill requirement would also significantly impact those smaller tanks that are currently filled by nozzle from tank wagon delivery trucks. No changes are being made to this section.

COMMENT: Section (34): MFA states that this section does not state the period of time inventory records would be requested for and that the period of time to provide records for the immediate future would be greater. MFA also states that they could provide months of records within hours but current records would take longer. They state that final reconciliation of records are done at the end of the month.
RESPONSE: Should a leak occur or an accident happen, it is extremely important to have current and/or historical product inventory records available as soon as possible. This will help to determine the extent of product loss and a subsequent corrective action plan. Continuous product inventory is an important tool needed to insure the integrity of the fuel storage and dispensing system. No changes are being made to this section.

2 CSR 90-30.050 Inspection of Premises

(1) All locations utilized for the sale or storage of petroleum products regulated by Chapter 414, RSMo shall meet the requirements of the National Fire Protection Association (NFPA) manual No.

30, entitled *Flammable and Combustible Liquids Code*, 1996 Edition and NFPA 30A entitled *Automotive and Marine Service Station Code*, 1996 Edition which are incorporated herein by reference. Existing plants, storage, storage equipment, buildings, structures and installations for the storage, handling or use of flammable or combustible liquids at any location which is not in strict compliance with the terms of this code may be continued in use, provided these do not constitute a distinct hazard to life or property. When the director determines that continued use will constitute a distinct hazard to life and property, s/he shall notify the owner or operator and specify the reason in writing and shall order the correction, discontinuance or removal of same.

(14) After the effective date of this rule, the provisions of section 2-4.2.2, relating to aboveground storage tank distance requirements, contained in the 1996 Edition of NFPA Manual No. 30A shall apply only to new locations and those existing locations that—

(A) Install aboveground storage tanks in place of underground storage tanks;

(B) Remove and replace all aboveground storage tanks, piping and dispensing devices;

(C) Replace any existing aboveground storage tanks with one of a larger capacity; and

(D) Install additional aboveground tanks.

(18) Storage tanks of double wall construction are not acceptable for use aboveground in lieu of secondary containment by diking or remote impounding unless the tanks meet the requirements of NFPA 30A, 1996 Edition, section 2-4.5, and are equipped with automatic tank gauging, overfill protection and interstitial monitoring. Section 2-3.4.1, exception (2), contained in the 1996 Edition of NFPA 30 shall not apply.

(20) All aboveground storage tanks utilizing compartments and storing different classes of products shall be constructed with a double wall center bulkhead with means interstitial monitoring. This may be accomplished using an interstitial drain which must be kept closed at all times except for draining condensate or checking for leakage or failure of the bulkhead. Any liquid that is drained from the interstitial space, may be considered a hazardous waste, and must be disposed of in a manner that is in compliance with the Department of Natural Resources regulations pertaining to such liquids.

(21) Any aboveground storage tank utilizing riveted construction, that has been determined by inspection, by the Department of Agriculture, to have extensive corrosion of the tank shell or seepage or leakage from any portion of the tank shell or tank seams, shall be removed from service and disposed of in a safe manner. All other aboveground storage tanks utilizing riveted construction shall be removed from service on or before January 1, 2004, and disposed of in a manner that is safe to public, property and the environment.

(24) Aboveground storage tanks that are not being used, and have been out of service for six (6) months or more, shall be emptied, cleaned of product and shall be removed from the secondary containment facilities.

(25) Tanks manufactured for transportation purposes, such as tank wagon and transportation tanks, shall not be utilized for fixed storage of products regulated by Chapter 414, RSMo. (Note: Tanks manufactured for underground use are also prohibited for aboveground storage tank use.)

(29) The walls and floor of secondary containment structures shall be constructed of earth, steel, concrete or solid masonry that is compatible with the specifications of the product being stored, that is liquid tight and have the ability to contain any released product until corrective action, such as the removal of released product and subsequent cleanup including soil and groundwater, can occur. Cleanup of any released product and contaminated soil, groundwater, etc., shall be in conformance with the Department of Natural Resources environmental regulations. The walls and floor of the containment structure shall be designed to support the gravity load of the storage containers and the hydrostatic loads resulting from a release within the secondary containment structure. Gravel, rock or open cell block structures are not considered to be liquid tight and cannot be used.

Title 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
Chapter 30—Petroleum Inspection

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Agriculture under section 414.142, RSMo Supp. 1998, the director rescinds a rule as follows:

2 CSR 90-30.060 Automotive and Marine Service Stations **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 17, 1999 (24 MoReg 1200). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received regarding this proposed rescission.

Title 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
Chapter 30—Petroleum Inspection

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Agriculture under section 414.142, RSMo Supp. 1998, the director amends a rule as follows.

2 CSR 90-30.070 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 17, 1999 (24 MoReg 1200–1202). The section with changes is reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Two written comments were received.

COMMENT: The executive director of the Missouri Petroleum Storage Tank Insurance Fund supports the amendment.

COMMENT: MFA Oil Company raised concern regarding the leak detection requirement contained in section (13) of this rule. They stated that it has been their experience that line leak detectors do not work properly on aboveground storage tanks because of temperature changes and vaporization of the fuel. MFA stated that their plants which have submerged pumps have solenoid valves installed, thus the section of piping monitored would be small. They also stated if the solenoid valve was moved because to the inlet of a gravity tank, there would be a greater potential for leaks and product release.

RESPONSE AND EXPLANATION OF CHANGE: The text contained in this section, with exception of the year edition of NFPA 30A, has not changed since January 1, 1988. Changes have been made to make this section consistent with the provision of 2 CSR 90-30.050(33).

2 CSR 90-30.070 Unattended Self-Service Stations

(13) Remote pumps serving dispensing devices shall meet the standards of UL and the requirements contained in 2 CSR 90-30.050 (33).

Title 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
Chapter 30—Petroleum Inspection

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Agriculture under section 414.142, RSMo Supp. 1998, the director amends a rule as follows:

2 CSR 90-30.080 Measuring Devices **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 17, 1999 (24 MoReg 1203). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received regarding this proposed amendment.

Title 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
Chapter 30—Petroleum Inspection

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Agriculture under section 414.142, RSMo Supp. 1998, the director amends a rule as follows:

2 CSR 90-30.090 Tank Trucks and Tank Wagons **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 17, 1999 (24 MoReg 1203–1206). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received regarding this proposed amendment.

Title 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
Chapter 30—Petroleum Inspection

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Agriculture under section 414.142, RSMo Supp. 1998, the director amends a rule as follows:

2 CSR 90-30.100 Terminals **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 17, 1999 (24 MoReg 1207). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were received from the executive director of the Missouri Petroleum Storage Tank Insurance Fund supporting the proposed amendment.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.440 is amended.

This amendment establishes hunting seasons and limits and is excepted by section 536.021, RSMo from the requirement for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-7.440 by establishing seasons and limits for hunting migratory waterfowl during the 1999-2000 seasons.

3 CSR 10-7.440 Migratory Game Birds and Waterfowl: Seasons, Limits

PURPOSE: The Department of Conservation is authorized to select waterfowl hunting season dates and bag limits within frameworks established by the U. S. Fish and Wildlife Service. The seasons and limits selected are intended to provide optimum hunting opportunity consistent with the welfare of the species.

(1) Migratory game birds and waterfowl may be taken, possessed, transported and stored as provided in federal regulations. The head or one fully feathered wing must remain attached to all waterfowl while being transported from the field to one's home or a commercial preservation facility. Seasons and limits are as follows:

(F) Ducks and coots may be taken from one-half (1/2) hour before sunrise to sunset from October 23 to December 21 in the North Zone (that portion of Missouri north of a line running west from the Illinois border on Interstate Hwy. 70 to U.S. Hwy. 54; south on U.S. Hwy. 54 to U.S. Hwy. 50; and west on U.S. Hwy. 50 to the Kansas border); from November 13 to January 11 in the South Zone (that portion of the state South of a line running west from the Illinois border on Mo. Hwy. 34 to Interstate Hwy. 55; south on Interstate Hwy. 55 to U.S. Hwy. 62; west on U.S. Hwy. 62 to Mo. Hwy. 53; north on Mo. Hwy. 53 to Mo. Hwy. 51; north on Mo. Hwy. 51 to U.S. Hwy. 60; west on U.S. Hwy. 60 to Mo. Hwy. 21; north on Mo. Hwy. 21 to Mo. Hwy. 72; west on Mo. Hwy. 72 to Mo. Hwy. 32; west on Mo. Hwy. 32 to U.S. Hwy. 65; north on U.S. Hwy. 65 to U.S. Hwy. 54; west on U.S. Hwy. 54 to Mo. Hwy. 32; south on Mo. Hwy. 32 to Mo. Hwy. 97; south on Mo. Hwy. 97 to Dade County Hwy. NN; west on Dade County Hwy. NN to Mo. Hwy. 37; west on Mo. Hwy. 37 to Jasper County Hwy. N; west on Jasper County Hwy. N to Jasper County Hwy. M; and west on Jasper County Hwy. M to the Kansas border); and from October 30 to December 28 in the Middle Zone (remainder of Missouri). Ducks and coots may be taken by youth hunters less than sixteen (16) years of age from one-half (1/2) hour before sun-

rise to sunset on October 16 in the North Zone, on October 23 in the Middle Zone and on November 6 in the South Zone. Youth hunters must be accompanied by an adult eighteen (18) years of age or older who cannot hunt. Adults must be licensed unless the youth hunter possesses a valid hunter education certificate card. Limits are as follows:

1. Coots—Fifteen (15) daily; thirty (30) in possession.

2. Ducks—The daily bag limit of ducks is six (6) and may include no more than four (4) mallards (no more than two (2) of which may be a female), three (3) scaup, two (2) wood ducks, one (1) black duck, two (2) redhead, five (5) mergansers (no more than one (1) hooded merganser), one (1) canvasback and one (1) pintail. The possession limit is twelve (12), including no more than eight (8) mallards (no more than four (4) of which may be female), six (6) scaup, four (4) wood ducks, two (2) black ducks, four (4) redheads, ten (10) mergansers (no more than two (2) hooded mergansers), two (2) canvasbacks and two (2) pintails.

(G) Geese may be taken from one-half (1/2) hour before sunrise to sunset as follows:

1. Blue, snow and Ross' geese may be taken from November 6 to January 16 and February 5 to March 9 in the North Zone and Middle Zone; from November 20 to March 4 in the Swan Lake Zone; and from November 25 to March 9 in the Southeast Zone and South Zone.

2. White-fronted geese may be taken from October 2 to October 18, November 6 to November 28 and December 18 to January 16 in the North Zone and Middle Zone; from October 23 to October 31 and from November 20 to January 30 in the Swan Lake Zone; and from November 13 to January 30 in the Southeast Zone and South Zone.

3. In the Swan Lake Zone, Canada geese and brant may be taken from October 23 to October 31 and from November 20 to December 30. In the Swan Lake Zone, no hunter shall fire more than ten (10) shells daily at Canada geese during the Canada goose season.

4. In the Southeast Zone and South Zone, Canada geese and brant may be taken from October 2 to October 11, from November 13 to November 28 and December 18 to January 30.

5. Except in the Swan Lake Zone, Southeast Zone and South Zone, Canada geese and brant may be taken from October 2 to October 18, November 6 to November 28 and December 18 to January 16 in the North Zone and Middle Zone.

6. The daily bag limit is twenty (20) blue, snow or Ross' geese, two (2) brant and two (2) white-fronted geese statewide. The possession limits for brant and white-fronted geese are four (4) each and there is no possession limit for blue, snow and Ross' geese.

7. The daily bag limit is two (2) Canada geese in the Swan Lake Zone. The possession limit is four (4) Canada geese.

8. The daily bag limit is three (3) Canada geese from October 2 to October 11 and two (2) Canada geese from November 13 to November 28 and from December 18 to January 30 in the Southeast Zone and South Zone. The possession limit is six (6) Canada geese from October 2 to October 11 and four (4) Canada geese from November 13 to November 28 and from December 18 to January 30.

9. Except in the Swan Lake Zone, Southeast Zone and South Zone, the daily bag limit is three (3) Canada geese from October 2 to October 18 and two (2) Canada geese from November 6 to November 28 and from December 18 to January 16 in the North Zone and Middle Zone. The possession limit is six (6) Canada geese from October 2 to October 18 and four (4) Canada geese from November 6 to November 28 and from December 18 to January 16.

10. Zones: The Swan Lake Zone shall be the area bounded by U.S. Hwy. 36 on the north, Mo. Hwy. 5 on the east, Mo. Hwy. 240 and U.S. Hwy. 65 on the south, and U.S. Hwy. 65 on the west. The North Zone shall be that portion of the state north of a line running West from the Illinois border on Interstate Hwy. 70 to U.S. Hwy. 54; south on U.S. Hwy. 54 to U.S. Hwy. 50; west on U.S. Hwy 50 to the Kansas border excluding the Swan Lake Zone. The South Zone shall be that portion of Missouri south of a line running west from the Illinois border on Mo. Hwy. 34 to Interstate Hwy. 55; south on Interstate Hwy. 55 to U.S. Hwy. 62; west on U.S. Hwy. 62 to Mo. Hwy. 53; north on Mo. Hwy. 53 to Mo. Hwy. 51; north on Mo. Hwy. 51 to U.S. Hwy. 60; west on U.S. Hwy. 60 to Mo. Hwy. 21; north on Mo. Hwy. 21 to Mo. Hwy. 72; west on Mo. Hwy. 72 to Mo. Hwy. 32; west on Mo. Hwy. 32 to U.S. Hwy. 65; north on U.S. Hwy. 65 to U.S. Hwy. 54; west on U.S. Hwy. 54 to Mo. Hwy. 32; south on Mo. Hwy. 32 to Mo. Hwy. 97; south on Mo. Hwy. 97 to Dade County Hwy. NN; west on Dade County Hwy. NN to Mo. Hwy. 37; west on Mo. Hwy. 37 to Jasper County Hwy. N; west on Jasper County Hwy. N to Jasper County Hwy. M; west on Jasper County Hwy. M to the Kansas border. The Middle Zone shall be the remainder of Missouri excluding the Southeast Zone (that portion of the state west of a line beginning at the intersection of Mo. Hwy. 34 and Interstate Hwy. 55, south of Interstate Hwy. 55 to U.S. Hwy. 62; west on U.S. Hwy. 62 to Mo. Hwy. 53; north on Mo. Hwy. 53 to Mo. Hwy. 51; north on Mo. Hwy. 51 to U.S. Hwy. 60; west on U.S. Hwy. 60 to Mo. Hwy. 21; north on Mo. Hwy. 21 to Mo. Hwy. 72; east on Mo. Hwy. 72 to Mo. Hwy. 34; east on Mo. Hwy. 34 to Interstate Hwy. 55).

(H) Shells possessed or used while hunting waterfowl and coots statewide, and for other wildlife as designated by posting on public areas, must be loaded with material approved as nontoxic by the United States Fish and Wildlife Service.

SUMMARY OF COMMENTS: Seasons and limits are excepted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment filed September 1, 1999, effective **September 11, 1999**.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife: Privileges, Permits, Standards

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-9.442 is amended.

This amendment establishes hunting seasons and limits and is excepted by section 536.021, RSMo from the requirement for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-9.442 by adjusting the season for waterfowl hunting by falconers in 1999-2000 to conform to federal frameworks.

3 CSR 10-9.442 Falconry

PURPOSE: This amendment adjusts the season dates for hunting waterfowl by falconry as provided in the frameworks established by the U. S. Fish and Wildlife Service.

(2) Only designated types and numbers of birds of prey may be possessed and all these birds shall bear a numbered, nonreuseable marker provided by the department. Birds held under a falconry permit may be used, without further permit, to pursue and take wildlife within the following seasons and bag limits:

(E) Ducks, mergansers and coots may be taken from September 11 to September 26 and from October 13 to January 11 from one-half (1/2) hour before sunrise to sunset. Daily limit: three (3) birds singly or in the aggregate, including doves; possession limit: six (6) birds singly or in the aggregate, including doves.

SUMMARY OF COMMENTS: Seasons and limits are excepted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment filed September 1, 1999, effective **September 11, 1999**.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 50—Division of Instruction
Chapter 321—Consolidated Federal Programs

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under section 178.430, RSMo 1994, the board amends a rule as follows:

5 CSR 50-321.010 General Provisions Governing the Consolidated Grants Under the Improving America's Schools Act **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 1999 (24 MoReg 1365–1366). No changes are made to the text of the proposed amendment and no changes are recommended to the *Administrative Manual for the Consolidated Federal Programs* which are incorporated by reference in the administrative rule. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 40—State Board of Mediation
Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Board of Mediation under section 295.070, RSMo 1994, the board amends a rule as follows:

8 CSR 40-2.010 Definitions **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 1999 (24 MoReg 1507–1508). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 40—State Board of Mediation
Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Board of Mediation under section 295.070, RSMo 1994, the board amends a rule as follows:

8 CSR 40-2.020 Petitions for Certification or Decertification **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 1999 (24 MoReg 1508). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 40—State Board of Mediation
Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Board of Mediation under section 295.070, RSMo 1994, the board amends a rule as follows:

8 CSR 40-2.030 Contents of Petition for Certification **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 1999 (24 MoReg 1508–1509). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 40—State Board of Mediation
Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Board of Mediation under section 295.070, RSMo 1994, the board amends a rule as follows:

8 CSR 40-2.040 Contents of Petition for Decertification **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 1999 (24 MoReg 1509). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 40—State Board of Mediation
Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Board of Mediation under section 295.070, RSMo 1994, the board amends a rule as follows:

8 CSR 40-2.050 Petition for Unit Clarification **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 1999 (24 MoReg 1509). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 40—State Board of Mediation
Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Board of Mediation under section 295.070, RSMo 1994, the board amends a rule as follows:

8 CSR 40-2.055 Petition for Amendment of Certification **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 1999 (24 MoReg 1509–1510). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 40—State Board of Mediation
Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Board of Mediation under section 295.070, RSMo 1994, the board amends a rule as follows:

8 CSR 40-2.070 Validity of Showing of Interest **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 1999 (24 MoReg 1510). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 40—State Board of Mediation
Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Board of Mediation under section 295.070, RSMo 1994, the board amends a rule as follows:

8 CSR 40-2.100 Initial Action **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 1999 (24 MoReg 1510). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 40—State Board of Mediation
Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Board of Mediation under section 295.070, RSMo 1994, the board amends a rule as follows:

8 CSR 40-2.110 Petition—Amendments or Withdrawal by Petitioning Party **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 1999 (24 MoReg 1510–1511). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 40—State Board of Mediation
Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Board of Mediation under section 295.070, RSMo 1994, the board amends a rule as follows:

8 CSR 40-2.120 List of Employees **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 1999 (24 MoReg 1511). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 40—State Board of Mediation
Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Board of Mediation under section 295.070, RSMo 1994, the board amends a rule as follows:

8 CSR 40-2.130 Intervention **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 1999 (24 MoReg 1511). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 40—State Board of Mediation
Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Board of Mediation under section 295.070, RSMo 1994, the board amends a rule as follows:

8 CSR 40-2.150 Notices of Election **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 1999 (24 MoReg 1511–1512). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 40—State Board of Mediation
Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Board of Mediation under section 295.070, RSMo 1994, the board amends a rule as follows:

8 CSR 40-2.160 Election Procedure **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 1999 (24 MoReg 1512). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 40—State Board of Mediation
Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Board of Mediation under section 295.070, RSMo 1994, the board amends a rule as follows:

8 CSR 40-2.170 Runoff Election **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 1999 (24 MoReg 1512–1513). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 40—State Board of Mediation
Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Board of Mediation under section 295.070, RSMo 1994, the board amends a rule as follows:

8 CSR 40-2.180 Agreement for Consent Election **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 1999 (24 MoReg 1513). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo Supp. 1998, the commission amends a rule as follows:

10 CSR 10-6.060 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 17, 1999, (24 MoReg 1208–1215). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department received comments from the Environmental Protection Agency (EPA), the Regulatory Group for Missouri (REGFORM), the Missouri Limestone Producers Association (MLPA), the Missouri Ag Industries Council Incorporated (MO-AG), the American Cyanamid Company, and the Associated Industries of Missouri (AIM).

COMMENT: REGFORM, and others (MLPA, MO-AG, American Cyanamid Company, and AIM) supported establishing by rule a general exemption from permitting for small projects at currently permitted installations. However, they commented that the proposed negligible levels, emission levels under which currently permitted installations would be exempt from pre-construction review, were too low. A "White Paper" prepared by REGFORM argues that negligible levels and approach vary from state to state, and suggested that an "average" negligible emission level be chosen based on the experience of other states. The commenters suggested that the negligible levels for criteria pollutants be established at four (4) tons per year averaged on a monthly basis (0.333 tons per

month). The commenters also argued that the proposed negligible level (0.5 pounds per hour) was not supported by any clear or scientific rationale, and that the department should, therefore, rely on the experience of other states. The 0.5 pounds per hour figure may not achieve its desired affect, that being the reduction of the number of permit reviews of insignificant projects. Another point made by commenters was that this issue is one of competitiveness, arguing that Missouri competes with other states for projects, and this is another factor that affects the decision of some companies when deciding where to locate.

During the Missouri Air Conservation Commission meeting on July 29, 1999, the topic of negligible levels was discussed at some length. The Commission considered the issue and directed staff to draft rule language that increased the negligible exemption to industry's proposed 0.91 pounds per hour (4 tons per year) for situations in which an emission unit is being built farther than 500 feet from the property line.

RESPONSE: The Commission adopted the proposed order of rulemaking such that the negligible level, as proposed by the Department (0.5 pounds per hour), will apply only to situations where the proposed emission unit is located closer than 500 feet from the property boundary. For situations where the proposed emission unit is located at a distance greater than 500 feet from the property boundary, the negligible level will be 0.91 pounds per hour. This compromise recognizes the Department's concern about situations in which applicants want to locate emission units on very small lots, thereby compromising local air quality. The higher exemption is available for businesses that have enough distance to its property boundary for emissions to disperse.

The department agrees that the proposed 0.5 pounds per hour negligible level was not based on any scientific rationale or method, but this was not possible. There are simply too many factors beyond emissions rate that affect the ambient concentration. These confounding factors include distance to the property line, emission height, local meteorological conditions, and plume velocity and temperature, characteristics of the pollutant, and terrain and building downwash effects. Looking at other states as a starting point is a good idea, but the department believes that the specific needs of Missouri should be considered. Missouri permitting experience tells us that most facilities have enough distance that small emission increases will not have significant air quality impacts. But Missouri does deal with many applicants that wish to locate on very small lots, and this is the department's primary concern. By adding a distance component to the negligible level, the department's concerns are somewhat addressed.

The proposed 0.5 pound per hour level is greater than that used by Kentucky and Tennessee, and Illinois, but more conservative than Iowa, Kansas, and Oklahoma. Industry's proposed 0.91 pounds per hour suggestion is more in line with the negligible levels in Iowa and Oklahoma.

In addition to the magnitude of the negligible level, there was also the issue of averaging time. The reason the department chose to set the negligible level on an hourly basis has to do with the fact that annual limits are not protective. Some of the air quality standards are annual but most are based on much shorter timeframes. PM_{10}, for instance, is a 24-hour standard. But SO_2 and CO have 8-hour, 3- hour, and 1-hour averaging times. Hydrogen sulfide is a half-hour standard. We chose hourly to make the exemption simple. It is easy for a company to estimate their maximum hourly emissions using maximum hourly design rates. If we looked at a longer timeframe, for instance industry's suggested monthly average, there would be confusion about operating schedule. During the discussions at the July 19, 1999 Commission meeting, the Commissioners considered a monthly averaging timeframe, but chose to adopt the levels on an hourly basis.

COMMENT: EPA commented that the proposed negligible level for criteria pollutants (0.5 pounds per hour) is greater than the de minimis level for lead (Pb). Under the proposed rule sources emitting lead at rates greater than the de minimis level could be found exempt from review.

RESPONSE AND EXPLANATION OF CHANGE: The Department agrees and has changed the proposed rule to explicitly remove this exemption for projects that emit lead as a criteria pollutant. In practice, lead will be treated as a hazardous air pollutant and the negligible levels will follow the guidelines as required under subsection (12)(J).

COMMENT: The Missouri Ag Industries Council, Incorporated commented that subsection (5)(D) should be rewritten to exempt de minimis source applications from an air quality analysis unless the director of the Air Pollution Control Program has substantial evidence that the national ambient air quality standards are being "substantially exceeded." They also argued that imposing an air quality analysis requirement is burdensome to both staff and applicants, and is done with little corresponding benefit to the environment. Also, that regulatory air models are designed to work for larger emission sources, and are poorly applied with respect to smaller emission sources.

RESPONSE: The Department disagrees, and believes that the Missouri Air Conservation Law gives the Department broad authority and responsibility to make sure that emissions from a proposed project will not cause an air quality problem. The Department understands that this can be a burden, especially to small business. In the past, it has often been the case that de minimis projects were not subjected to an air quality analysis, because it was assumed that small projects would not have a significant impact on air quality. While typically true, this is not the case for situations in which an applicant chooses to take an annual de minimis emission limit, but their operating schedule enables them to emit relatively large amounts over short timeframes. This is a situation where the averaging time used to determine permit applicability is not protective of air quality. Many air quality standards have averaging times that are much shorter than annual, some shorter than one day. Program experience also shows that de minimis sources of fugitive particulate emissions also have the potential to cause air quality problems. In both cases, the Department believes that the Air Law places a responsibility to perform an air quality analysis for these types of projects. Because the Department recognizes that this process can be a burden, an improved application package is being developed to help applicants through this process. The improved application package is being redesigned so that all of the information needed to perform an air quality analysis will be required as part of the application. The application package will also include guidance so that applicants can perform a screening analysis themselves, prior to application. With this new guidance and new tools, applicants should be able to avoid a situation of not knowing what to expect, and hence avoid unplanned construction delays. For these reasons, the Department believes that the proposed rule language is appropriate. No change was made as a result of this comment.

COMMENT: The Environmental Protection Agency (EPA) recognized that the Department plans to propose changes to 10 CSR 10-6.020 Definitions and Common Reference Tables at a future date. EPA commented that the proposed changes to the definitions rule are directly related to the changes being recommended by the Construction Permit Streamlining Workgroup, and requests that all revisions to the new source review program are submitted to EPA for their review and action. In particular, changes to the system of aggregating emissions depends on the definition of "Net Emissions Increase". EPA provided a comparison of the federal definition with Missouri's.

RESPONSE: The Department agrees that to wholly complete the new source review reforms recommended by the Construction Permit Streamlining Workgroup changes will need to be made to the definitions rule, and the Department has had plans to do this as part of a future rulemaking. The Department intends to explain the context of these changes upon public hearing during the next revision to the definitions rule. When proposing changes to the definitions rule, the Department intends to better align Missouri's "Net Emissions Increase" definition with the federal. No change was made as a result of this comment.

COMMENT: EPA commented that paragraph (1)(D)3. states that certain facilities are exempt from the rule if they are "currently permitted". This term is not clear and should state what type of permit the facility needs to have to qualify for the exemption.
RESPONSE AND EXPLANATION OF CHANGE: The Department agrees and has changed language in the section as recommended.

COMMENT: EPA commented that Paragraphs (1)(D)3. and (5)(D)1. state that the director may require review of otherwise exempt projects if their emissions "will appreciably affect air quality or the air quality standards are appreciably exceeded. Both the Clean Air Act and subsequent regulations require that the preconstruction permit program assure that projects will not interfere with the attainment of an air quality standard. If a source contributes to a violation, whether the standards are "appreciably exceeded" or not, the state should be able to prevent construction of the source. EPA recommended changes to the rule to accommodate these concerns.
RESPONSE: The Department understands with EPA's concerns, but has decided not to change the regulation. In practice, the test applied to new construction is whether the project will cause exceedance of an ambient air quality standard. The language proposed by the Department mirrors our authority under Missouri Air Law. If the language is changed according to this comment, the regulation may be challenged because it would exceed the authority of the Air Law. Given these concerns, the Department has decided not to incorporate EPA's recommended changes.

COMMENT: EPA commented that the determining factor for whether or not to issue a permit in Paragraph (5)(D)1. should not be whether the application states a specific emission level, but whether, based on the application and any other available information, the director shows that the proposed source will operate at certain emission levels.
RESPONSE: Permit determinations can only be based on what is presented in an application. In practice, the Department attaches by reference the application as part of the permit. If an owner or operator change their operation in the future or they submit false information as part of an application, then either the operational change requires a new permit or they are in violation of their current permit. The Department already has the ability to make these determinations or require more information of applicants if needed. Therefore, the Department has decided not to change the proposed language.

COMMENT: EPA commented that the proposed rule language pertaining to air quality analysis for hazardous air pollutants (subsection (12)(J)) should be revised to omit language that requires the director to determine that a particular source is causing a particular injury in order to require additional analyses. Also, that these determinations are made at a particular point in time, and that the proposed language has the potential to allow the Department to "re-open" its determination at a later date requiring further analysis.
RESPONSE: The Department does not believe that the proposed language places the "burden of proof" on the director when determining whether additional air quality analysis will be required during review of a permit. The proposed language says that the director may require an air quality analysis if it is likely to cause an air quality problem. Also, in practice, once a permit review has been completed, it cannot be reopened for additional review. If a case were to arise in which the Department received new information about a particular hazardous air pollutant such that it would have changed the review and air quality analysis on a previous permit review, this would not be handled by re-opening a construction permit. It would either be dealt with during an operating permit review, or under other air pollution control program authority. For these reasons the Department has decided not to make any changes to the proposed language.

COMMENT: American Cyanamid commented that individual businesses often have the latest and best information about a particular hazardous air pollutant. Air Program staff track all Hazardous Air Pollutants, and can fall behind on current information about specific compounds. Applicants should be given the opportunity to present this information as part of the permitting process.
RESPONSE: The Department agrees. No changes to the rule were made, but we recognize that this science is evolving and as new information is presented by applicants, it should be incorporated into the tables required under section (12)(J).

COMMENT: Commissioner Foresman commented that in paragraph (12)(J)1. The term screen model action levels should be screening model action levels.

RESPONSE AND EXPLANATION OF CHANGE: The Department agrees and has incorporated the recommended change.

10 CSR 10-6.060 Construction Permits Required

(1) Applicability.
(D) Exempt Emissions Units.
1. The following combustion equipment is exempt from this rule if the equipment emits only combustion products, and the equipment produces less than one hundred fifty (150) pounds per day of any air contaminant:
A. Any combustion equipment using exclusively natural or liquefied petroleum gas or any combination of these with a capacity of less than ten (10) million British thermal units (BTUs) per hour heat input; or
B. Any combustion equipment with a capacity of less than one (1) million BTUs per hour heat input.
2. The following establishments, systems, equipment and operations also are exempt from this rule:
A. Office and commercial buildings, where emissions result solely from space heating by natural or liquefied petroleum gas of less than twenty (20) million BTUs per hour heat input. Incinerators operated in conjunction with these sources are not exempt;
B. Comfort air conditioning or comfort ventilating systems not designed or used to remove air contaminants generated by, or released from, specific units of equipment;
C. Equipment used for any mode of transportation;
D. Livestock and livestock handling systems from which the only potential air contaminant is odorous gas;
E. Any grain handling, storage and drying facility which—
(I) Is in noncommercial use only, that is, used only to handle, dry or store grain produced by the owner if—
(a) The total storage capacity does not exceed seven hundred fifty thousand (750,000) bushels;
(b) The grain handling capacity does not exceed four thousand (4000) bushels per hour; and

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

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

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

G. Sand and gravel operations that have a maximum capacity to produce less than seventeen and one-half (17.5) tons of product per hour and use only natural gas as fuel when drying;

H. Fugitive dust controls unless a control efficiency can be assigned to the equipment or control equipment;

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

J. Equipment (other than anaerobic lagoons) or control equipment which emits odors unless the equipment or control equipment also emits other regulated air pollutants;

K. Residential wood heaters, cookstoves or fireplaces;

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

M. Recreational fireplaces; and

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

3. At installations, previously issued a permit under this rule, construction or modifications are exempt from this rule if they meet the requirements of subparagraphs (1)(D)3.A. or (1)(D)3.B. of this rule for criteria pollutants, except lead, and subparagraph (1)(D)3.C. for hazardous air pollutants. The director may require review of construction or modifications otherwise exempt under subparagraphs (1)(D)3.A., (1)(D)3.B., or (1)(D)3.C. of this rule if the emissions of the proposed construction or modification will appreciably affect air quality or the air quality standards are appreciably exceeded or complaints involving air pollution have been filed in the vicinity of the proposed construction or modification.

A. For proposed construction or modification located less than five hundred (500) feet from the property boundary, at maximum design capacity the proposed construction or modification shall emit each criteria pollutant at a rate of no more than one-half (0.5) pounds per hour. For proposed construction or modification located more than five hundred (500) feet from the property boundary, at a maximum design capacity the proposed construction or modification shall emit each criteria pollutant at a rate of no more than 0.91 pounds per hour.

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

C. At maximum design capacity the proposed construction or modification will emit a hazardous air pollutant at a rate of no more that one-half (0.5) pounds per hour, or the hazardous air pollutant emission threshold as established in subsection (12)(J) of this rule, which ever is less.

(12) Appendices.

(J) Appendix J, Air Quality Analysis for Hazardous Air Pollutants.

1. The director shall maintain a table of emission threshold levels, risk assessment levels, and screening model action levels for hazardous air pollutants. Applicants will not be required to submit a hazardous air pollutant air quality analysis for applications having a maximum design capacity no more than the hazardous air pollutant emission threshold levels unless paragraph (12)(J)2. applies.

2. Exceptions. The director may require an air quality analysis for applications if it is likely that the construction or modification will result in the discharge of air contaminants in quantities, of characteristics and of a duration which directly and proximately cause or contribute to injury to human, plant, or animal life or the use of property or complaints filed in the vicinity of the proposed construction or modification warrant an air quality analysis.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo Supp. 1998, the commission adopts a rule as follows:

10 CSR 10-6.220 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 3, 1999 (24 MoReg 1054–1056). Those sections with changes and typographical corrections are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Air Pollution Control Program (APCP) received fifty-nine comments from nine sources: City Utilities of Springfield, UtiliCorp United, the U. S. Environmental Protection Agency (EPA), the Regulatory Environmental Group for Missouri (REGFORM), Associated Electric Cooperative, Inc., City of Independence Water Pollution Control Department, Missouri Limestone Producers Association, AMEREN Corporation and Associated General Contractors of Missouri, Inc. Similar comments on this proposed rule are grouped together and responded to with one response.

COMMENT: Three sources of comments stated that section (2) contains a set of definitions specific to this portion of the rule and prefer to see all these terms defined in the Definitions and Common Reference Tables rule 10 CSR 10-6.020.
RESPONSE: These definitions cannot be added to 10-6.020 Definitions and Common Reference Tables at this time because it is not opened for amendment. However, the department will consider this comment the next time rule 10 CSR 10-6.020 is opened for revision. Therefore, no wording changes have been made to the proposed rule as a result of this comment.

COMMENT: Seven sources of comments stated that subsection (3)(A) wording be changed to clarify that opacity limitations of this rule do not apply to fugitive sources such as storage piles and unpaved haul roads. These fugitive sources are already subject to property line restrictions described in 10 CSR 10-6.170 Restriction of Particulate Matter to the Ambient Air Beyond the Premises of Origin. Any attempt to incorporate a fugitive opacity rule in the current rulemaking effort would amount to increasing the stringency of an existing standard.
RESPONSE: The department does not intend for this proposed rule to be applicable to any additional sources than those sources that the existing area specific opacity rules are applicable to. The wording used in this proposed rule is similar to the existing rules to assure that the applicability would not change. Therefore, no wording changes have been made to the proposed rule as a result of this comment.

COMMENT: Two sources of comments stated that subsection (3)(H) includes two statements related to the terms source operat-

ing time and cycling time. They believe these terms should be considered definitions and incorporated in the Definitions section.
RESPONSE: The department views these terms as clarifying requirements applicable to Continuous Opacity Monitoring Systems (COMS) rather than definitions. The existing four area specific state rules have the term cycling time in a similar format in the COMS subsection of the rule. For consistency and ease in interpreting the COMS requirements, no wording changes have been made to the proposed rule as a result of this comment.

COMMENT: Five sources of comments stated that the test method for fugitive opacity proposed in subsection (5)(C) should be eliminated from this rule because this rule does not apply to fugitive emissions.
RESPONSE: Method 22 is the method used to determine visible emissions for non-metallic mineral processing facilities now exempted under subsection (1)(G) and this method must be included for cases where a facility's operating permit specifies Method 22 as a Method 9 substitute for everyday operation. It is not the department's intent to use Method 22 to determine fugitive visible emissions from fugitive sources that are subject to the property line restrictions of 10 CSR 10-6.170 Restriction of Particulate Matter to the Ambient Air Beyond the Premises of Origin. Therefore, no wording changes have been made to the proposed rule as a result of this comment.

COMMENT: One source commented that the asterisk note for the exception for St. Louis existing sources in subsection (3)(A) is not consistent with the existing rule 10 CSR 10-5.090 Restriction of Emission of Visible Air Contaminants and suggested a language revision.
RESPONSE AND EXPLANATION OF CHANGE: The department agrees that the language should be revised and has changed the requirements in the table including the wording of the note in subsection (3)(A).

COMMENT: One source commented that the title for subsection (3)(B) should be revised to include the term exceptions.
RESPONSE AND EXPLANATION OF CHANGE: The department agrees because the existing rules use this term. Therefore, the title for subsection (3)(B) has been revised.

COMMENT: One source commented that the double asterisk note in subsection (3)(B) should be modified and suggested a language revision.
RESPONSE AND EXPLANATION OF CHANGE: The department agrees that the language should be revised to accurately reflect the existing rule requirements and has changed the wording of this note.

COMMENT: One source commented that the triple asterisk note in subsection (3)(B) should be modified and suggested a language revision.
RESPONSE AND EXPLANATION OF CHANGE: After further review, it is evident that the exception would not apply to sources that emit less than twenty-five pounds of particulate matter other than incinerator sources. Because the sources it would not apply to are already limited to forty percent opacity, the department agrees that the triple asterisk note as proposed was not appropriate. For clarity, the triple asterisk note was removed from the proposed rule.

COMMENT: One source commented that subsection (3)(C) does not need to be explicitly stated in the rule.
RESPONSE: The department agrees that this language is not necessary. However, this language was added as a result of an industry request during the draft rule stage and does not change the requirements of the proposed rule. In addition, the department received four comments suggesting that the rule provide for the exemption of start-up and shut down procedures. Therefore, no wording changes have been made to the proposed rule as a result of this comment.

COMMENT: One source commented that it is their understanding that fluid bed catalytic cracking unit catalyst regenerators were not specifically listed in this rule because they are not subject sources.
RESPONSE: The department agrees with this comment. However, no wording changes are required to the proposed rule as a result of this comment.

COMMENT: One source recommends that paragraph (3)(H)5. be renamed to Alternative Monitoring Methods.
RESPONSE AND EXPLANATION OF CHANGE: The department agrees that the suggested paragraph name is a better choice of language and has renamed this paragraph as suggested.

COMMENT: One source recommends that the language in subsection (3)(H) be moved to section (4) to coincide with the format design of the rule.
RESPONSE: For new rules and major revisions to existing rules, the Air Pollution Control Program follows an established rule organization format. Based on this format, the general requirements should remain in section (3) which is intended for general rule requirements and the reporting and record keeping requirements should remain in section (4) which is intended for reporting and record keeping requirements. Therefore, no wording changes have been made to the proposed rule as a result of this comment.

COMMENT: One source commented that paragraph (3)(I)3. appears to be unnecessary given that this is not really a new rule but a consolidation of existing requirements in an existing rule.
RESPONSE AND EXPLANATION OF CHANGE: The department agrees and has removed this paragraph.

COMMENT: One source recommends that the department submit the rescission of the area specific rules with the statewide rule if it is adopted in order to minimize confusion.
RESPONSE: The department agrees. If the new proposed rule is adopted, the four area specific rule rescissions will be included together with the new proposed rule in the state implementation plan submittal to the EPA. No wording changes have been made to the proposed rule as a result of this comment.

COMMENT: One source commented that they support the department's efforts to consolidate these area specific rules into one single rule. However, they believe that it is not in the best interest to promulgate this proposed rule without a full presentation of the differences between the existing rules and the proposed rule. They request to defer any decision on this proposal until the department has explained the differences. Any substantive changes made in this proposed rule would warrant reconvening the Opacity workgroup.
RESPONSE: The department appreciates the comment support to consolidate the four area specific state rules into one single rule. We recognize that these comments were prepared prior to having the benefit of the presentation at public hearing that summarized the differences between the existing rules and the proposed rule. The earlier Opacity workgroup was formed with the main intent of overhauling the opacity rules including lowering the opacity limits and consolidating the existing rules into one rule. However, the department intends for this proposed rule to mainly consolidate the existing four rules without interjecting any significant new requirements. As mentioned at the public hearing presentation, other minor changes were made as part of the consolidation. For example, obsolete exemptions were removed, definitions were added for clarification and other changes, some by earlier comments, were

made where we regarded them to be insignificant. The department did summarize the non-substantive changes at the public hearing and does not intend to lower the opacity limits as part of this consolidation effort. It should be noted that some comments received during this comment period have resulted in some proposed revisions being deleted to assure that this proposed rule remains, as intended, mainly a consolidation of existing requirements. In addition, the source of this comment testified at public hearing that they don't want to delay the process unnecessarily. Therefore, we do not believe that the decision for adoption of the proposed rule should be deferred. No wording changes have been made to the proposed rule as a direct result of this comment. However, changes have been made in response to other comments received.

COMMENT: Three sources of comments stated that it should be stated on record which specific rules will be rescinded.
RESPONSE: During the public hearing on June 24, 1999, the department gave notice that this proposed rule consolidates the existing four area specific state rules from Chapters 2, 3, 4 and 5 of the *Code of State Regulations* into one state rule that is applicable statewide. The department does intend to rescind the following area specific state rules if this proposed rule is adopted: 10 CSR 10-2.060 Restriction of Emission of Visible Air Contaminants, 10 CSR 10-3.080 Restriction of Emission of Visible Air Contaminants, 10 CSR 10-4.060 Restriction of Emission of Visible Air Contaminants and 10 CSR 10-5.090 Restriction of Emission of Visible Air Contaminants. If the commission adopts this rule action, the department intends to submit this rule action to the EPA to replace the current rules that are in the Missouri State Implementation Plan. No wording changes have been made to the proposed rule as a result of this comment.

COMMENT: Three sources commented that subsection (1)(A) should be revised to remove the word mobile so that the exemption will be the same as the requirement in the existing rules.
RESPONSE AND EXPLANATION OF CHANGE: The department agrees that the word mobile can be removed with the language revisions made in this order of rulemaking.

COMMENT: Two sources commented that an exemption for all mobile sources of visible air contaminants should be added to section (1) because they believe visible emissions for mobile sources are regulated under other rules.
RESPONSE: The department believes that the language proposed in subsection (1)(A) of this order of rulemaking as a result of other comments reflects the current requirements of the existing area specific opacity rules. This recommendation should be deferred because it is more substantive than the consolidation effort. Therefore, no additional wording changes have been made to the proposed rule as a result of this comment.

COMMENT: Three sources of comments stated that the use of Methods 203, 203A and 203B in paragraphs (5)(A)2., (5)(A)3. and (5)(A)4. which have not been granted final approval by the EPA could result in an unenforceable rule.
RESPONSE: As stated at the public hearing, CFR Methods 203, 203A and 203B were proposed in the *Federal Register* as recommended test methods for intended uses in state implementation plans. Proposed rule subsection (3)(F), as written, does not require the use of these methods but the department is not opposed to any source using them as the EPA intended. When these test methods are final, the department plans to update this rule accordingly. Therefore, no wording changes have been made to the proposed rule as a result of this comment.

COMMENT: Two sources of comments stated that Method 22 in subsection (5)(B) should be removed from the rule because this test method applies to mobile internal combustion engines which are exempt from this rule.
RESPONSE: Mobile internal combustion engines must meet the requirements of rules 10 CSR 10-2.080 and 10 CSR 10-5.180. Method 22 is included in this section as a reference only. It is the intended test method for determining visible emissions for mobile internal combustion engines and is included as a convenient source for anyone referencing this rule for opacity requirements. Therefore, no wording changes have been made to the proposed rule as a result of this comment.

COMMENT: Four sources of comments stated that this rule does not provide an exemption for start-up and shut down conditions and suggest that it be added to the rule.
RESPONSE AND EXPLANATION OF CHANGE: An exemption for these conditions is covered in subsection (3)(C). The exemption must be approved by the director in accordance with rule 10 CSR 10-6.050. As a result of this comment, the title of the rule was added for clarity.

COMMENT: One source commented that 40 CFR 60, Performance Specification 1 (PS1) is currently being revised by the EPA. They expect that specification revisions will require some changes to COMS equipment design, production or testing procedures. Therefore, it is requested that provision be added to the rule to explain how the transition will be handled from the perspective of compliance.
RESPONSE: This rule requirement is the same requirement currently in the existing area specific rules. Revisions to PS1 have been proposed twice by the EPA. The EPA is currently reviewing comments on the second proposal and has not established a final action date. In addition, when these rules are finalized they typically have grandfathering clauses that exempt existing equipment that is already installed. To make any change at this time, in anticipation of a change, that may or may not come about would be premature. Therefore, no wording changes have been made to the proposed rule as a result of this comment.

COMMENT: Two sources commented that the paragraph (4)(B)2. requirement to maintain all data collected by the COMS for two years should be revised to clarify that this is all six-minute opacity averages and daily Quality Assurance (QA)/Quality Control (QC) records.
RESPONSE AND EXPLANATION OF CHANGE: The department agrees that clarification is required and has revised this paragraph as suggested.

COMMENT: One source commented that the subsection (3)(G) requirement for the department's qualified observer measurement to take precedence over a non-department qualified observer measurement should be revised to allow any qualified observer reading as meeting this requirement.
RESPONSE: The department received earlier comments requesting that qualified observer readings be allowed as a temporary substitute if a COMS is malfunctioning. We have added this requirement as requested with the condition that a department's qualified observer measurement would take precedence over a non-department qualified observer measurement should this dilemma ever arise in the field. Without language covering this situation, the department would be reluctant to allow qualified observer readings as a temporary substitute for facilities that are required to use COMS for measurements. Therefore, no wording changes have been made to the proposed rule as a result of this comment.

COMMENT: Two sources commented that subsection (3)(B) should be revised to add a time frame to the exclusion requirement to define how often the exclusion is allowed. Both sources recommended a sixty-minute time frame.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and has revised the language in this subsection to add a sixty-minute time frame.

COMMENT: One source commented that the exception for incinerators in the Kansas City Metropolitan Area and Springfield-Greene County should be deleted from subsection (3)(D). The presence of uncombined water should not be deemed a violation of the visible air contaminant rule for any emission source because water vapor is not a vapor contaminant.

RESPONSE AND EXPLANATION OF CHANGE: The department wrote these requirements exactly as they appear in the existing area specific rules. However, based on this comment, we have revised the language as recommended.

COMMENT: Four sources commented that the implementation of the proposed rule should be delayed or withdrawn because enough differences exist between the proposed rule and the existing rules to justify reconvening or forming a new Opacity Workgroup.

RESPONSE: The department would agree that reconvening or forming a new Opacity Workgroup would be required in order to implement substantive changes, such as lowering opacity limitations, to the existing requirements. The department decided at this time that it would be prudent to only consolidate the existing area specific opacity state rules into one rule that is applicable statewide. Consolidation of existing requirements does not require a workgroup. The department has consolidated the existing opacity rules into one statewide rule while also taking into consideration those comments that were brought up during earlier workgroup meetings. This approach simplifies Title V compliance and clarifies statewide visible emission requirements and exemptions. As a result of comments received during this open comment period, the department has further revised the proposed rule language to result in a reasonable middle-of-the-road approach to a consolidated rule. The department believes that the rule language proposed in this order of rulemaking as a result of other comments provides a good consolidated proposed rule and should not be withdrawn or delayed. Therefore, no wording changes have been made to the proposed rule as a result of this comment.

COMMENT: One source commented that the violations section of the rule that was included in an early draft rule that was derived during the Opacity Workgroup is missing from the proposed rule.

RESPONSE: The department did not include the violations section mentioned because, as stated during public hearing and elsewhere in these responses to comments, this proposed rule was not intended to include substantive changes. Due to the controversy on this subject during the workgroup meetings, this topic was considered a substantive change that did not belong in the consolidation effort. Therefore, no wording changes have been made to the proposed rule as a result of this comment.

COMMENT: Two sources commented that the rule private entity cost statement does not reflect the financial impact that affected sources could be forced to withstand in order to comply with the proposed rule as written.

RESPONSE: As stated in other responses to comments, this rule is not intended to result in any substantive requirements in addition to the current requirements in the existing area specific rules. To assure that this is the case, we have made additional changes to the rule language as a result of comments made during the open public comment period and do not anticipate any substantial financial impact. Therefore, no changes have been made to the estimated cost statements as a result of this comment.

10 CSR 10-6.220 Restriction of Emission of Visible Air Contaminants

(1) Applicability. This rule applies to all sources of visible emissions throughout the state of Missouri with the exception of the following:

(A) Internal combustion engines except as provided in rules 10 CSR 10-2.080 and 10 CSR 10-5.180;

(2) Definitions.

(E) Six-minute period—A three hundred sixty (360) consecutive second time interval. Six-minute block averages per 40 CFR Part 60, Performance Specification 1 shall be utilized for COMS data.

(3) General Provisions.

(A) Maximum Visible Emissions Limitations. Unless specified otherwise in this rule, no owner or other person shall cause or permit to be discharged into the atmosphere from any source, not exempted under this rule, any visible emissions greater than the limitations in the following table:

Area of State	Visible Emission Limitations	
	Existing Sources	New Sources
Kansas City Metropolitan Area	20%	20%
St. Louis Metropolitan Area	20%*	20%
Springfield-Greene County Area	40%	20%
Outstate Area	40%	20%

*Exception: Existing sources in the St. Louis metropolitan area that are not incinerators and emit less than twenty-five (25) lbs/hr of particulate matter shall be limited to forty percent (40%) opacity.

(B) Visible Emissions Limitations, Exceptions Allowed In One Six-Minute Period. The visible emissions limitations in the following table shall be allowed for a period not aggregating more than one six-minute period in any sixty (60) minutes:

Area of State	**Visible Emission Limitations, Exceptions**	
	Existing Sources	**New Sources**
Kansas City Metropolitan Area	60%**	60%**
St. Louis Metropolitan Area	40%	40%
Springfield-Greene County Area	60%**	60%**
Outstate Area	60%	60%

** This exception does not apply to existing and new incinerators in the Kansas City metropolitan area and Springfield-Greene County.

(C) Visible emissions over the limitations shown in subsection (3)(B) of this rule are in violation of this rule unless the director determines that the excess emissions do not warrant enforcement action based on data submitted under 10 CSR 10-6.050 Start-Up, Shutdown and Malfunction Conditions.

(D) Failure to meet the requirements of subsection (3)(A) solely because of the presence of uncombined water shall not be a violation of this rule.

(H) Continuous Opacity Monitoring Systems (COMS) General Requirements.

1. Source operating time includes any time fuel is being combusted and/or a fan is being operated.

2. Cycling time. Cycling times include the total time a monitoring system requires to sample, analyze and record an emission measurement. Continuous monitoring systems for measuring opacity shall complete a minimum of one (1) cycle of operation (sampling, analyzing and data recording) for each successive ten-second period.

3. Certification. All COMS shall be certified by the director after review and acceptance of a demonstration of conformance with 40 CFR Part 60, Appendix B, Performance Specification 1.

4. Audit Authority. All COMS shall be subject to audits conducted by the department, and all COMS records shall be made available upon request to department personnel.

5. Alternative monitoring methods. All alternative monitoring systems requirements, system locations and procedures for

operation and maintenance which do not meet the requirements of this rule must be approved by the staff director. Submittals for approval determination must—

A. Demonstrate that a requirement of subsection (3)(H), (4)(A) and/or (4)(B) of this rule cannot be practically met; and

B. Demonstrate that the alternative produces results that adequately verify compliance.

(I) Time Schedule for Compliance.

1. All new sources shall comply when operations begin; and

2. All existing sources shall comply as of the effective date of this rule.

(4) Reporting and Record Keeping.

(A) COMS Reporting. Owners or operators of sources required to install COMS shall submit a quarterly written report to the director. All quarterly reports shall be postmarked no later than the thirtieth day following the end of each calendar quarter and shall include the following emissions data:

1. A summary including total time for each cause of excess emissions and/or monitor downtime;

2. Nature and cause of excess emissions, if known;

3. The six-minute average opacity values greater than the opacity emission requirements (The average of the values shall be obtained by using the procedures specified in the Reference Method used to determine the opacity of the visible emissions);

4. The date and time identifying each period during which the COMS was inoperative (except for zero and span checks), including the nature and frequency of system repairs or adjustments that were made during these times; and

5. If no excess emissions have occurred during the reporting period and the COMS has not been inoperative, repaired or adjusted, this information shall be stated in the report.

(B) COMS Records to be Maintained. Owners or operators of affected sources shall maintain a file (hard copy or electronic version) of the following information for a minimum of two (2) years from the date the data was collected:

1. All information reported in the quarterly summaries; and

2. All six-minute opacity averages and daily Quality Assurance (QA)/Quality Control (QC) records.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo Supp. 1998, the commission rescinds a rule as follows:

10 CSR 10-6.230 Administrative Penalties **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 17, 1999 (24 MoReg 1215). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Air Pollution Control Program did not receive any comments on the proposed rescission.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo Supp. 1998, the commission adopts a rule as follows:

10 CSR 10-6.230 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 17, 1999 (24 MoReg 1215–1224). The subsection with a typographical correction is reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Air Pollution Control Program (APCP) received written comments from the Regulatory Environmental Group For Missouri (REGFORM). Testimony was presented on behalf of the following groups: Associated Industries of Missouri (AIM) and REGFORM.

COMMENT: REGFORM commented that in subsection (6)(D) that the economic benefit portion of the proposed rule was inappropriately revised to state that economic benefits will, as opposed to may, be added to the penalty amount.
RESPONSE: The APCP feels it is important to attach economic benefits to all penalties where it is appropriate. Paragraphs (6)(D)1., 2., and 3. give the Department adequate discretion to determine where economic benefit is not appropriate. No wording changes have been made to the proposed rule as a result of this comment.

COMMENT: REGFORM commented that in subparagraph (6)(E)3.D. which includes whether the violator knew or should have known about the violated requirement is confusing, arbitrary, and has no apparent rational basis for being included.
RESPONSE: The APCP disagrees with this comment. The APCP believes that subparagraph (6)(E)3.D. further defines and explains the criteria that will be used to determine a violator's culpability. For example, an inspector provides a facility with a written interpretation specific to their operation. Failure to follow that interpretation would be described as "knew or should have known." No wording changes have been made to the proposed rule as a result of this comment.

COMMENT: REGFORM commented that the provision for Supplemental Environmental Projects (SEPs) had been removed from the proposed rule.
RESPONSE: The Department has decided to remove that specific language from all Program Administrative Rules. However, nothing in the regulation prohibits using SEPs, if appropriate. No wording changes have been made to the proposed rule as a result of this comment to provide more predictability.

COMMENT: REGFORM commented that the proposed rule should include multi-day matrices in the same manner that is included in both the Hazardous Waste and Underground Storage Tank (existing and proposed) administrative penalty rules to provide more predictability.
RESPONSE AND EXPLANATION OF CHANGE: The APCP believes that the Gravity-Based Penalty Assessment Matrix in paragraph (6)(A)3. of the proposed rule provides the basis to determine an equitable administrative penalty. The amount multiplied by the

number of days of violation is predictable. Therefore, the only change made to the proposed rule as a result of this comment is the typographical error correction in the matrix.

COMMENT: REGFORM commented that no explanation is provided as to why the APCP administrative penalties are higher than other programs' administrative penalties.
RESPONSE: The APCP's administrative penalties are consistent with 643.151.3, RSMo which establishes the penalty limits. No wording changes have been made to the proposed rule as a result of this comment.

COMMENT: During review of this comment, staff observed that a typographical error was made when the proposed rulemaking was published in the *Missouri Register*.
RESPONSE AND EXPLANATION OF CHANGE: For consistency, the format for section (4) and (5) has been revised.

10 CSR 10-6.230 Administrative Penalties

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

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

(6) Determination of Penalties. The amount of an administrative penalty will involve the application of a gravity-based assessment under subsection (6)(A) and may involve additional factors for multiple violations, (6)(B), multi-day violations, (6)(C) and economic benefit resulting from noncompliance, (6)(D). The resulting administrative penalty may be further adjusted as specified under (6)(E).

(A) Gravity-Based Assessment. The gravity-based assessment is determined by evaluating the potential for harm posed by the violation and the extent to which the violation deviates from the requirements of the Missouri Air Conservation Law.

1. Potential for harm. The potential for harm posed by a violation is based on the risk to human health, safety or the environment or to the purposes of implementing the Missouri Air Conservation Law and associated rules or permits.

A. The risk of exposure is dependent on both the likelihood that humans or the environment may be exposed to contaminants and the degree of potential exposure. Penalties will reflect the probability the violation either did result in or could have resulted in a release of contaminants in the environment, and the harm which either did occur or would have occurred if the release had in fact occurred.

B. Violations which may or may not pose a potential threat to human health or the environment, but which have an adverse effect upon the purposes of or procedures for implementing the Missouri Air Conservation Law and associated rules or permits may be assessed a penalty.

C. The potential for harm shall be evaluated according to the following degrees of severity:

(I) Major. The violation poses or may pose a substantial risk to human health and safety or to the environment, or has or may have a substantial adverse effect on the purposes of or procedures for implementing the Missouri Air Conservation Law and associated rules and/or permits;

(II) Moderate. The violation poses or may pose a significant risk to human health and safety or to the environment, or has or may have a significant adverse effect on the purposes of or procedures for implementing the Missouri Air Conservation Law and associated rules and/or permits; and

(III) Minor. The violation does not pose significant or substantial risk to human health and safety or to the environment, was not knowingly committed, and is not defined by the United States Environmental Protection Agency as other than minor.

2. Extent of deviation. The extent of deviation may range from slight to total disregard of the requirements of the Missouri Air Conservation Law and associated rules and/or permits. The assessment will reflect this range and will be evaluated according to the following degrees of severity:

A. Major. The violator has deviated substantially from the requirements of the Missouri Air Conservation Law, associated rules, or permits resulting in substantial noncompliance;

B. Moderate. The violator has deviated significantly from the requirements of the Missouri Air Conservation Law, associated rules, or permits resulting in significant noncompliance; and

C. Minor. The violator has deviated slightly from the requirements of the Missouri Air Conservation Law, associated rules, or permits that does not result in substantial or significant noncompliance; most provisions were implemented as intended; the violation was not knowingly committed; and is not defined by the United States Environmental Protection Agency as other than minor.

3. Gravity-based penalty assessment matrix. The matrix that follows will be used to determine the gravity-based assessment portion of the administrative penalty. Potential for harm and extent of deviation form the axes of the matrix. The penalty range selected may be adapted to the circumstances of a particular violation.

Gravity-Based Penalty Assessment Matrix

Potential for Harm	Extent of Deviation		
	Major	Moderate	Minor
Major	$10,000 to $8,750	$8,750 to $7,500	$7,500 to $6,250
Moderate	$6,250 to $5,000	$5,000 to $3,750	$3,750 to $2,500
Minor	$2,500 to $1,250	$1,250 to $500	$0

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 20—Clean Water Commission
Chapter 7—Water Quality

ORDER OF RULEMAKING

By the authority vested in the Clean Water Commission under section 644.026, RSMo Supp. 1998, the commission amends a rule as follows:

10 CSR 20-7.015 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 1999 (24 MoReg 879–885). Changes have been made to the proposed amendment and those changes are reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held May 12, 1999. All comments received during the public hearing and the public comment period were considered.

COMMENT: The cities of Springfield, Nixa, Branson and Kimberling City, along with a group of other cities within the region, support the removal of phosphorus from Table Rock Lake.
RESPONSE: No response required.

COMMENT: Remove the phrase "as soon as possible" from paragraph (3)(G)2.–4.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees and the phrase "as soon as possible" has been removed from the proposed changes.

COMMENT: The Missouri Constitution, Section 21, Article 10 prohibits the establishment of regulations that mandate local governments to increase a level of activity or service without providing compensation.
RESPONSE: Legal staff has reviewed the legal argument presented and has concluded that the commission has the authority to proceed without providing compensation. No changes are made.

COMMENT: Something must also be done with nonpoint source phosphorus contributions as well as phosphorus contributed from Arkansas.
RESPONSE: The department is focusing a major part of the state's nonpoint source effort into the James River Basin. The department is also communicating with its counterpart in Arkansas on nutrient issues. While the commission recognizes the importance of this work for the protection of Table Rock Lake, this rulemaking is directed and limited toward the control of point sources in Missouri. No changes are made.

COMMENT: This problem is not new. It was known in 1977 when scuba diving was common in Table Rock Lake. The commission was urged to move on this at an expedited pace. As an option to the "as soon as possible" language it was suggested that conditions be put in permits to require a showing of a rate of progress toward achievement.
RESPONSE: Schedules for upgrading can be negotiated and put into permits as long as the final date of compliance does not exceed the date adopted by the commission in rule. No additional regulatory language is needed and no changes are made.

COMMENT: Only one tier is allowed for wastewater treatment facilities above a design flow of 1.0 million gallons per day (MGD) flow.
RESPONSE: Such a change would delay phosphorus reduction by three cities from four years to eight. The commission has made no change in order to achieve phosphorus contribution to the lake as soon as possible.

COMMENT: It was requested that the proposed 0.5 mg/l phosphorus effluent limit not be adopted until such time as the necessary water quality or engineering studies are accomplished, a scientific basis for decision making established, and the allowable phosphorus load equitably distributed among all point and nonpoint source discharges in the watershed.
RESPONSE: The commission believes the conditions of reduced water clarity, abundant algal production and potentially catastrophic reduction of dissolved oxygen levels in Table Rock Lake are directly related to the concentration of phosphorus in the lake. The commission also believes there is a long-term decline in the water quality of Table Rock Lake that is related to the increase in phosphorus. The direct impacts of specific sources could be better delineated and loads of phosphorus better apportioned after several additional years of monitoring and modeling the watershed. However, the local leadership of the area has expressed an unequivocal interest in reducing pollution in an effort to reverse the historical trend at the earliest opportunity, even though additional study may result in more equitable means for dealing with the problem. The work group concluded that this proposed rulemaking was in the best interest of the local community and local economy, recognizing that it may be an imperfect tool. No change to the proposed amendment is made.

COMMENT: The following comment is not related to the proposed addition of phosphorus limitations but to other portions of the Effluent Regulations. The Effluent Regulations establish a limit of 45 mg/l for treatment facilities that provide at least primary treatment during a precipitation event and that discharge on a noncontinuous basis. In our view, 45/45 limits are inappropriate for wet weather discharges receiving primary treatment because they are not technology-based limits. It is our experience that 45/45 limits cannot be achieved on a consistent basis utilizing primary treatment.
RESPONSE: This portion of the rule is not open for amendment. The department has initiated the process of amending the rule by soliciting public input. No change to the proposed amendment is made.

COMMENT: The James River Basin Partnership voted unanimously to send the strongest letter of support possible for the proposed amendment.
RESPONSE: No response required.

COMMENT: We would like to offer the support of the Missouri Department of Conservation toward adoption of the proposed amendment to the Effluent Regulations. The biological effects of excess nutrients in Table Rock Lake have been documented and long suspected as a cause of the low dissolved oxygen problems in Lake Taneycomo during late summer and fall. Both lakes are too valuable as recreational resources to be jeopardized.
RESPONSE: No response required.

COMMENT: Any community with a flow rate of less than 100,000 gallons per day should be exempt from phosphorus regulation. These communities discharge only a few pounds of phosphorus per day as compared to the hundreds of pounds per day discharged by Springfield. The cost of phosphorus removal is beyond the scope or income.
RESPONSE: The rule was drafted with a longer compliance period for smaller discharges, and this was intended to address some of the economic needs of smaller communities. The commission agrees that these smaller facilities account for a much smaller portion of the problem than the very large communities. At the same time, most communities in the watershed are continuing to grow and thus increase their contributions to the phosphorus load. The commission does believe that existing facilities with a design flow under 22,500 gallons per day should be exempted.

COMMENT: The existing rule exempts facilities with a design flow of 22,500 gallons per day. It may not be physically possible or economically practicable to provide phosphorus removal facilities on these very small facilities and/or lagoons. The aggregate contribution (in pounds per day) to Table Rock Lake from all facilities which discharge less than 22,500 gallons per day is considered to be very small, and insignificant to the flow contribution to the lake.
COMMENT: A more realistic level of 1.5 to 2.0 mg/l of phosphorus for small plants is a far better cost-effective approach. At these levels, the need for filters required for a limit of 0.5 mg/l will not be required, which will reduce the capital cost/financing cost and eliminate the high cost of the filtering equipment.
RESPONSE: The commission recognizes that these smaller facilities account for a much smaller portion of the problem than the very large communities. As a result, the commission believes existing facilities with a design flow of less than 22,500 gallons per day should be exempt.

COMMENT: Perhaps the exclusion of these very small facilities is already considered (if not stated) because the fiscal note attached to the proposal indicates fewer facilities than on another listing.

RESPONSE: The variation in numbers is due to several factors such as facilities that were issued construction permits but that were not built and storm water permits that are not anticipated to be affected by the proposed rulemaking. No change is made.

COMMENT: The Table Rock Lake/Kimberling City Area Chamber of Commerce Board of Directors voted unanimously to support the proposal for phosphorus control for wastewater discharges to Table Rock Lake and its watershed, as submitted by the Department of Natural Resources appointed work group.

RESPONSE: No response required.

COMMENT: The proposed regulations will impose a financial burden upon the citizens of many small communities in the watershed of Table Rock Lake. This cost is not justified because these communities contribute a small portion of the phosphorus. These communities are also having to deal with the cost of expanding wastewater treatment facilities because of population and commercial growth. In one case, the cost of phosphorus removal increases the anticipated sewer rate for a proposed new sewer system that a community is attempting to construct by $6.25 from $20.60 to $26.85. This jeopardizes the affordability of the project for the community.

RESPONSE: It is correct that a significant cost is associated with the proposed rulemaking. This cost will in most cases be more for citizens of small communities. For example, the City of Cassville estimates an increase in the average residential household sewer bill from $8.50 to $18.25. The City of Galena estimates the average residential cost will go from $18.75 to $33.00. It is also correct that the majority of the phosphorus comes from the City of Springfield, nonpoint sources and from the State of Arkansas. The phosphorus work group understood this proposal had a significant cost associated with it and that smaller wastewater facilities did not contribute a large amount of the total phosphorus. They still felt that is was necessary to include all wastewater treatment facilities and to apply the 0.5 mg/l limit to all. The rapid rate of growth in the watershed was one reason why they concluded that all discharges should be controlled. They also felt that all contributors to the problem should be responsible for contributing to the solution. They did decide the date for compliance could be delayed for eight years for small systems.

COMMENT: The 0.5 mg/l limit of phosphorus from point source discharges is too low. It is more stringent than what is needed to correct the diminishing water quality in Table Rock Lake resulting from point source pollutants.

RESPONSE: The phosphorus work group considered the long-range impacts of phosphorus on Table Rock Lake and felt it was necessary to establish the limit of 0.5 mg/l instead of the less costly limit of 1.0 mg/l. No change is made except the previously discussed exemption for existing small flows.

COMMENT: The commission should adopt a 1.0 mg/l discharge limit on phosphorus instead of 0.5 mg/l. This can be achieved with the addition of chemicals without the costly installation of filtration. The cost of reduction from 1.0 to 0.5 mg/l of phosphorus is not justified.

RESPONSE: The phosphorus work group decided that the long-term impacts to Table Rock Lake, especially considering the rapid growth, justifies the lower limit. No change is made except the previously discussed exemption for existing small flows.

COMMENT: The commission should provide a longer time frame for compliance with the proposed regulation.

RESPONSE: Compliance times of four years and eight years, depending upon facility size are reasonable. No change is made.

10 CSR 20-7.015 Effluent Regulations

(3) Effluent Limitations for the Lakes and Reservoirs.

(G) In addition to other requirements in this section, discharges to Table Rock Lake watershed, defined as hydrologic units numbered 11010001 and 11010002, shall not exceed five-tenths milligrams per liter (0.5 mg/l) of phosphorus as a monthly average according to the following schedules except as noted in paragraph (3)(G)5.:

1. Any new discharge shall comply with this new requirement upon the start of operations;

2. Any existing discharge, or any sum of discharges operated by a single continuing authority, with a design flow of 1.0 MGD or greater shall comply no later than four (4) years after the effective date of this rule;

3. Any existing discharge, or any sum of discharges operated by a single continuing authority, with a design flow of 0.1 MGD or greater, but less than 1.0 MGD, shall comply no later than eight (8) years after the effective date of this rule, and shall not exceed one milligram per liter (1.0 mg/l) as a monthly average as soon as possible and no later than four (4) years after the effective date of this rule;

4. Any existing discharge with a design flow of twenty-two thousand five hundred gallons per day (22,500 gpd) or greater but less than 0.1 MGD shall comply no later than eight (8) years after the effective date of this rule;

5. Any existing discharge with a design flow of less than twenty-two thousand five hundred gallons per day (22,500 gpd) permitted prior to the effective date of this rule shall be exempt from this requirement unless the design flow is increased; and

6. Any existing discharge in which the design flow is increased shall comply according to the schedule applicable to the final design flow.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 100—Petroleum Storage Tank Insurance Fund Board of Trustees
Chapter 1—General Organization

ORDER OF RULEMAKING

By the authority vested in the Missouri Petroleum Storage Tank Insurance Fund Board of Trustees under sections 319.129 and 536.023, RSMo Supp. 1998, the board adopts a rule as follows:

10 CSR 100-1.010 Organization **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 3, 1999 (24 MoReg 1063–1064). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on June 16, 1999 to receive testimony on this and other rules. Carol R. Eighmey, Executive Director for the Petroleum Storage Tank Insurance Fund, testified regarding the general process used to develop this and other rules. No other comments were received at the hearing. Two written comments were received.

COMMENT: Ric Telthorst, Executive Director of the Missouri Oil Council, and John Pelzer, Executive Vice President of the Missouri Petroleum Marketers and Convenience Store

Association, commended the Board for the process used to develop this and its other rules.
RESPONSE: The Petroleum Storage Tank Insurance Fund Board of Trustees notes and appreciates the affirmation.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 100—Petroleum Storage Tank Insurance Fund Board of Trustees
Chapter 2—Definitions

ORDER OF RULEMAKING

By the authority vested in the Missouri Petroleum Storage Tank Insurance Fund Board of Trustees under section 319.129, RSMo Supp. 1998, the board adopts a rule as follows:

10 CSR 100-2.010 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 3, 1999 (24 MoReg 1065–1066). The only section with a change is reprinted herein. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on June 16, 1999 to receive testimony on this and other rules. Carol R. Eighmey, Executive Director for the Petroleum Storage Tank Insurance Fund, testified regarding the general process used to develop this and other rules. One other comment was received at the hearing, and the same comment was submitted in writing by another party.

COMMENT: It was suggested that the definition of "pipeline terminal" be amended, since most pipeline terminals, including all in Missouri, are located along a pipeline, not at the end of a pipeline.
RESPONSE AND EXPLANATION OF CHANGE: The Petroleum Storage Tank Insurance Fund Board of Trustees concurs with this suggestion and has deleted the phrase, "and which serves as the end of the pipeline."

10 CSR 100-2.010 Definitions

(14) "Pipeline terminal" means a large storage facility which receives product via pipeline.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 100—Petroleum Storage Tank Insurance Fund Board of Trustees
Chapter 3—Transport Load Fee

ORDER OF RULEMAKING

By the authority vested in the Missouri Petroleum Storage Tank Insurance Fund Board of Trustees under sections 319.129 and 319.132, RSMo Supp. 1998, the board adopts a rule as follows:

10 CSR 100-3.010 Assessment of Transport Load Fee **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 3, 1999 (24 MoReg 1066–1068). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on June 16, 1999 to receive testimony on this and other rules. Carol R. Eighmey, Executive Director for the Petroleum Storage Tank Insurance Fund, testified regarding the general process used to develop this and other rules. No other comments were received.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 100—Petroleum Storage Tank Insurance Fund Board of Trustees
Chapter 4—Participation Requirements

ORDER OF RULEMAKING

By the authority vested in the Missouri Petroleum Storage Tank Insurance Fund Board of Trustees under sections 319.129, 319.131 and 319.133, RSMo Supp. 1998, the board adopts a rule as follows:

10 CSR 100-4.010 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 3, 1999 (24 MoReg 1069–1074). Changes have been made in the text of the proposed rule, so that section is reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on June 16, 1999 to receive testimony on this and other rules. Carol R. Eighmey, Executive Director for the Petroleum Storage Tank Insurance Fund, testified regarding the general process used to develop this and other rules. One other comment from Mr. Ric Telthorst, Executive Director of the Missouri Oil Council, was received at the hearing; the same comment was submitted in writing by David Shorr, attorney for BP Amoco. A second written comment was received from the Department of Natural Resources.

COMMENT: It was suggested by Mr. Telthorst and Mr. Shorr that the rule be expanded to explicitly state that the owner of a site insured by the Fund can receive a pro-rated refund of unused participation fees if ownership of the site changes, the existing policy is transferred to the new owner, and the new owner pays a fee covering the remainder of the policy term.
RESPONSE: The Board notes that this procedure is acceptable and has occasionally been used, although—due to the fact that participation fees are so low—the amount of money involved is so small as to make it hardly worthwhile. Nothing in the rule prohibits this procedure. The rule simply restates a statutory provision to make it clear that the Board will not charge participation fees to two parties to cover the same period of time. Therefore, the Board of Trustees does not believe any change to the proposed rule is necessary to accommodate this situation.

COMMENT: The Department of Natural Resources' Division of Environmental Quality suggested that the requirements for participation in the Fund which appear in the statute be repeated verbatim in the rule.
RESPONSE AND EXPLANATION OF CHANGE: The Board inserted the statutory language as (2)(B) and relabeled the rest of the subsections.

10 CSR 100-4.010 Participation Requirements for Underground Storage Tanks

(2) The following procedures shall be utilized to apply for insurance coverage for underground storage tanks which are in use or temporarily closed in accordance with 10 CSR 20-10.070:

(A) Any owner or operator who wishes to participate in the fund shall so indicate by applying for coverage on a form specified by the board;

(B) Applications shall include a certification that the petroleum tanks meet or exceed and are in compliance with all technical standards established by the U.S. Environmental Protection Agency, and rules established by the Missouri Department of Natural Resources and the Missouri Department of Agriculture;

(C) An application form shall be submitted for each site for which an owner desires coverage;

(D) Applications shall include information on all tanks known to exist at the site, including aboveground storage tanks and underground storage tanks which contain a hazardous substance, or which are temporarily closed, out of use, or permanently closed in place;

(E) Applications shall include documentation as required by the board to demonstrate that the applicant has a reasonable assurance of the integrity of all USTs on the site which are in use or temporarily closed. This documentation shall include:

1. A minimum of two (2) months' leak detection records;

2. Evidence that pressurized lines are equipped with line leak detectors which are in working order, unless the entire UST system is a double-wall system, and monitoring devices are adequate to detect a leak;

3. Evidence that the cathodic protection system, if any, is functioning properly;

4. Evidence that the tank lining, if any, has been properly installed and inspected according to accepted industry practices;

5. Evidence that the UST is equipped with corrosion protection and spill/overfill prevention devices, as required in 10 CSR 20-10;

6. Line and/or tank tightness tests, as required in 10 CSR 20-10; and

7. Any other documentation as may reasonably be required by the board;

(F) Applications shall also include documentation as required by the board in order to demonstrate that the applicant has the ability to pay the first ten thousand dollars ($10,000) in the event he or she makes a claim for benefits from the fund.

1. For non-public entities, such documentation shall include:

A. A letter of credit for this amount from a federally-insured financial institution in the favor of the Petroleum Storage Tank Insurance Fund;

B. One (1) or more certificates of deposit which total this amount. The applicant shall submit documentation from the custodian of such certificates that assures the fund of their existence and preservation for the purposes described herein;

C. Financial statements indicating that the net worth of the applicant is at least one hundred thousand dollars ($100,000), or that the applicant has at least fifty thousand dollars ($50,000) working capital;

D. A written guarantee from another person or entity demonstrating the ability to pay this amount in a manner outlined in this rule. The provider of the guarantee shall disclose the relationship between that person or entity and the applicant;

E. A letter signed by an officer of a federally-insured financial institution attesting to the ability of the applicant to pay this amount; or

F. Any other method determined by the board to be reasonable and sufficient.

2. For public entities, documentation requirements are as follows:

A. Cities with a population greater than three thousand (3,000), none;

B. Cities participating in the State Revolving Loan Fund (SRF) administered by the Department of Natural Resources, none. The board will review documents submitted to the SRF, as needed;

C. Cities with a population of three thousand (3,000) or less, a copy of the most recent annual audit of the city's finances, or a current set of financial statements;

D. First class or second class counties, or charter counties, none;

E. Third class counties, a copy of the most recent annual audit of the county's finances, or a current set of financial statements; or

F. Schools, sewer districts, fire districts, and other similar entities, a copy of current financial statements; and

(G) The board shall review applications within thirty (30) days of receipt, and shall respond to such applications in writing with a notice of acceptance, a request for clarification or information, or a rejection of the application.

1. If the response is a notice of acceptance, it shall include the effective date and period of coverage.

2. If the response is a request for clarification or information, it shall specify a date by which the applicant must respond.

3. If the response is a rejection, it shall identify the additional information needed or list the reason(s) coverage is being denied. If the applicant submitted participation and/or one (1)-time fees with the application, the fees shall be returned or refunded.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 100—Petroleum Storage Tank Insurance Fund Board of Trustees
Chapter 4—Participation Requirements

ORDER OF RULEMAKING

By the authority vested in the Missouri Petroleum Storage Tank Insurance Fund Board of Trustees under sections 319.129, 319.131 and 319.133, RSMo Supp. 1998, the board adopts a rule as follows:

10 CSR 100-4.020 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 3, 1999 (24 MoReg 1075–1080). Changes have been made in the text of the proposed rule, so that section is reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on June 16, 1999 to receive testimony on this and other rules. Carol R. Eighmey, Executive Director for the Petroleum Storage Tank Insurance Fund, testified regarding the general process used to develop this and other rules. One other comment from Mr. Ric Telthorst, Executive Director of the Missouri Oil Council, was received at the hearing; the same comment was submitted in writing by David Shorr, attorney for BP Amoco. A second written comment was received from the Department of Natural Resources.

COMMENT: It was suggested by Mr. Telthorst and Mr. Shorr that the rule be expanded to explicitly state that the owner of a site insured by the Fund can receive a pro-rated refund of unused participation fees if ownership of the site changes, the existing policy is transferred to the new owner, and the new owner pays a fee covering the remainder of the policy term.

RESPONSE: The Board notes that this procedure is acceptable and has occasionally been used, although—due to the fact that participation fees are so low—the amount of money involved is so small as to make it hardly worthwhile. Nothing in the rule prohibits this procedure. The rule simply restates a statutory provision to make it clear that the Board will not charge participation

fees to two parties to cover the same period of time. Therefore, the Board of Trustees does not believe any change to the proposed rule is necessary to accommodate this situation.

COMMENT: The Department of Natural Resources' Division of Environmental Quality suggested that the requirements for participation in the Fund which appear in the statute be repeated verbatim in the rule.
RESPONSE AND EXPLANATION OF CHANGE: The Board inserted the statutory language as (2)(B) and relabeled the rest of the subsections.

10 CSR 100-4.020 Participation Requirements for Aboveground Storage Tanks

(2) The following procedures shall be utilized to apply for insurance coverage for aboveground storage tanks which are in use:

(A) Any owner or operator who wishes to participate in the fund shall so indicate by applying for coverage on a form specified by the board;

(B) Applications shall include a certification that the petroleum tanks meet or exceed and are in compliance with all technical standards established by the U.S. Environmental Protection Agency, and rules established by the Missouri Department of Natural Resources and the Missouri Department of Agriculture;

(C) An application form shall be submitted for each site for which an owner desires coverage;

(D) Applications shall include information on all tanks known to exist at the site, including underground storage tanks, hazardous substance tanks and aboveground storage tanks which are out of use;

(E) Applications shall include documentation as required by the board to demonstrate that the applicant has a reasonable assurance of the integrity of all aboveground storage tanks on the site which are in use or temporarily out of use. This documentation shall include:

1. A copy of a current Spill Prevention, Control and Countermeasure Plan, as described in 40 CFR Part 112;

2. A demonstration, performed within the previous twelve (12) months, that any pressurized piping which is connected to or part of the aboveground storage tank(s) for which coverage is being sought is liquid tight; and

3. Other documentation as may reasonably be required by the board;

(F) Applications shall also include documentation as required by the board in order to demonstrate that the applicant has the ability to pay the first ten thousand dollars ($10,000) in the event he or she makes a claim for benefits from the fund. Such documentation shall include:

1. A letter of credit for this amount from a federally-insured financial institution in the favor of the Petroleum Storage Tank Insurance Fund;

2. One (1) or more certificates of deposit which total this amount. The applicant shall submit documentation from the custodian of such certificates that assures the fund of their existence and preservation for the purposes described herein;

3. Financial statements indicating that the net worth of the applicant is at least one hundred thousand dollars ($100,000), or that the applicant has at least fifty thousand dollars ($50,000) working capital;

4. A written guarantee from another person or entity demonstrating the ability to pay this amount in a manner outlined in this rule. The provider of the guarantee shall disclose the relationship between that person or entity and the applicant;

5. A letter signed by an officer of a federally-insured financial institution attesting to the ability of the applicant to pay this amount; or

6. Any other method determined by the board to be reasonable and sufficient; and

(G) The board shall review applications within thirty (30) days of receipt, and shall respond to such applications in writing with a notice of acceptance, a request for clarification or information, or a rejection of the application.

1. If the response is a notice of acceptance, it shall include the effective date and period of coverage.

2. If the response is a request for clarification or information, it shall specify a date by which the applicant must respond.

3. If the response is a rejection, it shall identify the additional information needed or list the reason(s) coverage is being denied. If the applicant submitted participation and/or one (1)-time fees with the application, the fees shall be returned or refunded.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 100—Petroleum Storage Tank Insurance Fund Board of Trustees
Chapter 5—Claims

ORDER OF RULEMAKING

By the authority vested in the Missouri Petroleum Storage Tank Insurance Fund Board of Trustees under sections 319.129, 319.131, and 319.132, RSMo Supp. 1998, the board adopts a rule as follows:

10 CSR 100-5.010 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 3, 1999 (24 MoReg 1081–1092). The sections with changes are reprinted herein. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Seven persons made comments on this rule, and a total of 15 comments or changes were suggested. A public hearing on the proposed rule was held on June 16, 1999; at that hearing, Carol R. Eighmey, Executive Director of the Petroleum Storage Tank Insurance Fund, summarized the development of the rule and highlighted how the rule would change current Fund practices. Ric Telthorst, Executive Director of the Missouri Oil Council, made several comments and provided a written copy of his testimony. Brian Treece, Executive Director of the Missouri Coalition of Environmental Contractors, testified on behalf of that organization. Written comments were received from Bruce Wylie, Executive Director of the Consulting Engineers Council of Missouri, Robert L. Johnson, Johnson Consulting, David Shorr, attorney representing BP Amoco, and John Pelzer, Executive Vice President of the Missouri Petroleum Marketers and Convenience Store Association. All comments were reviewed and considered by the Petroleum Storage Tank Insurance Fund Board of Trustees.

COMMENT: Bruce Wylie objected to the provision in 5.010(3) which gives the Board final authority to make decisions regarding eligibility and cost issues, on the grounds that the Department of Natural Resources determines what actions are necessary to clean up a site. Robert Johnson suggested the Board may wish to employ a third-party mediator to make eligibility and cost decisions, due to the possibility that the Board may not be able to make objective decisions.
RESPONSE: The Missouri General Assembly has given the Board of Trustees the authority and responsibility for management of the Petroleum Storage Tank Insurance Fund. While the Board may choose to employ others to assist in its decision-making, the ulti-

mate responsibility for all decisions involving the Fund, including decisions about payments, rests unavoidably with the Board. The proposed rule simply recognizes this fact. The Board disagrees with Mr. Wylie's characterization of the Department of Natural Resources' (DNR's) role. While it is true that DNR has statutory and regulatory authority to oversee cleanups, and to specify the criteria by which a site will be judged to be adequately cleaned up, the specific design and implementation of systems to accomplish those goals are the responsibility of the environmental consultant and/or engineer employed by the landowner or party responsible for the cleanup. DNR reviews proposed corrective action plans to ensure that they address the contamination problem adequately, conform with permitting and other regulatory requirements, and will likely result in reduction of contaminants to the levels specified by DNR. As has been demonstrated in several specific instances, such plans may include extra work beyond the minimum necessary, or unnecessarily expensive activities or technologies; however, DNR makes no decision regarding costs. Rather, the PSTIF as the party shouldering the financial responsibility for the cleanup evaluates the cost, and must make the determination as to whether the proposed expenditures are a cost-efficient method of meeting the environmental goals.

COMMENT: It was noted by Ric Telthorst and David Shorr that Section (4)(B)3 of the rule requires, in certain cases, ongoing and continuous insurance coverage from the Petroleum Storage Tank Insurance Fund as a condition for receiving continued benefits from the Fund to clean up a historic release. Mr. Telthorst suggested that a lapse in coverage caused by an error of the Fund's administrator should not result in lapse of benefits.
RESPONSE: The Board does not believe any change in the rule is needed in order to accommodate this hypothetical situation. In those rare instances where a mistake by Fund staff may have caused a lapse in coverage, the error has been corrected by reinstating coverage with a retroactive date, so no lapse actually occurs. Therefore, no change in the proposed rule is needed to accommodate the situation described.

COMMENT: Mr. Telthorst and Mr. Shorr suggested that Section (5)(B)1 be amended to allow eligibility for a release of petroleum, even though the tank may have stored hazardous substances previously.
RESPONSE AND EXPLANATION OF CHANGE: The Petroleum Storage Tank Insurance Fund Board of Trustees has clarified this provision by adding the phrase, "when the release occurred."

COMMENT: Mr. Telthorst and Mr. Shorr suggested that cleanup costs resulting from a release of petroleum from a regulated UST located on a terminal site should be eligible expenses, and alleged this is required by statute.
RESPONSE: Section (5)(C) of the Board's proposed rule excluded all cleanup costs at a terminal, based on its view that the legislature intended to exclude all cleanup costs at terminal sites. The Board does not agree that the statute includes such USTs, and made no change to the Fund's historical interpretation as presented in the proposed rule.

COMMENT: It was suggested by Bruce Wylie, Ric Telthorst and David Shorr that if the Board believes that proposed costs for a project are too high, the Board's response should specify why it reached this decision, and/or specify which parts of the proposed project are too expensive. It was also suggested that the Board's response should state what is a reasonable range of costs for such service. Changes to Section (8) were recommended.
RESPONSE AND EXPLANATION OF CHANGE: The Board concurs that clarification is needed to reflect its intention to provide as much information as possible to Fund participants and beneficiaries who submit proposed costs in advance of the project. Therefore, the Board of Trustees has added a sentence to the end of subsection (8)(E), as printed below.

COMMENT: Mr. Wylie suggested that (8)(A)1 be amended to require Fund participants and beneficiaries to negotiate fees with their selected environmental consultant.
RESPONSE: The Board recognizes that many times, such negotiations take place and are beneficial, as the Fund participant or beneficiary is preparing his cost estimate or bids for submission to the Fund; however, it does not desire to impose a requirement that negotiation take place in every case, since it may not always be necessary.

COMMENT: Mr. Johnson suggested removing the word "all" from (8)(A)1., stating it is not possible to identify every possible task that may be necessary to complete cleanup.
RESPONSE: The Board believes the rule is sufficiently flexible to accommodate unforeseen circumstances, and notes (A)2.G of the rule provides for contingencies.

COMMENT: Mr. Johnson offered a suggested change to (8)(A)2.A., noting that the Fund may benefit from allowing certain costs to be bid and paid in either tons or truckloads.
RESPONSE: The Board welcomes cost estimates in tons, and the rule allows for this. While the Board believes there may be some instances where a bid in "truckloads" might result in confusion, since trucks come in various sizes, nevertheless the Board also believes the rule is sufficiently flexible to allow the approach recommended by Mr. Johnson, and encourages Mr. Johnson and other consultants to assist the Fund in obtaining the most cost-efficient services possible.

COMMENT: Mr. Johnson suggested 5.010(8) be revised to use the term "bidder" in place of "contractor or consultant," and that the Board require that Fund participants and beneficiaries employ a professional engineer for every project.
RESPONSE: The Board disagrees that "bidder" would be a better term, and believes the terms "contractor or consultant" are broad enough to include the range of professionals that may be involved in the management, design and implementation of projects to characterize and clean up petroleum contamination. Further, it believes that the Department of Natural Resources is the proper entity to determine what professional expertise is needed to design or implement corrective action plans; thus, the Board chooses not to require a professional engineer on every project.

COMMENT: Mr. Johnson suggested that (10)(D) be modified to specify that costs of removal of fill material, concrete and structures which are necessary to access contaminated soil should be eligible, and that costs of "management and handling" of such material should also be eligible expenses. Mr. Wylie similarly suggested that costs of demolition and removal of buildings, canopies and dispensers should be allowed on a case by case basis, rather than excluded in (10)(C).
RESPONSE AND EXPLANATION OF CHANGE: The Board agrees that "overburden" may be too limited in meaning, and intends to pay for removal of fill material, concrete, etc. as needed to clean up contamination. The wording in (10)(D) has been expanded accordingly. In addition, the Board independently noted that paragraphs 1 and 2 were inadvertently printed under subsection (E), rather than under subsection (D) as intended, and has corrected this mistake. The Board is not clear what "management and handling" means, and believes the word "removal" is sufficiently broad. Based on its experience to date, the Board has not seen cases where removal of buildings was necessary to remediate a site, and believes costs for removal of canopies and dispensers

should generally be ineligible; it notes that its Claim Appeal Procedure allows for consideration of unusual circumstances.

COMMENT: It was noted by Mr. Telthorst and Mr. Shorr that Section 319.107, RSMo, requires the Fund to pay certain costs incurred by tank owners whose tanks are not the source of contamination; an amendment to (10)(E) was suggested.
RESPONSE: The Board acknowledges the liability imposed on the Fund by Section 319.107, RSMo. However, this rule does not address situations described in that section of law. Rather, this rule addresses situations governed by other statutory provisions, where a release from a tank has occurred. Therefore, no change to subsection (10)(E) of the proposed rule is required.

COMMENT: Regarding Section (10)(K), Ric Telthorst and David Shorr suggested the Board should pay the administrative costs of filing a claim, noting some Fund participants and beneficiaries employ an outside party to do this.
RESPONSE: Most tank owners submit claims without incurring costs for outside assistance. Furthermore, the Board has streamlined the claims process so that, unlike other states where separate forms and substantial extra documentation are required, Fund participants and beneficiaries in Missouri can file a claim by simply mailing existing reports and invoices to the Fund. The Board sees no reason to increase its costs by inviting charges for claim preparation and/or submittal, and has made no change to subsection (10)(K) of the proposed rule.

COMMENT: Testimony given at the public hearing regarding Sections (10)(F), (10)(G), and (10)(H), suggested that environmental consultants sometimes "mark up" certain costs—such as landfill fees, laboratory analytical expenses, and drilling costs—and that the Fund should pay this "markup." This comment was also contained in written comments from Mr. Wylie and Mr. Johnson. Written comments from Mr. Pelzer supported the Board's proposed rule, which disallows these costs.
RESPONSE: Prior to April 1997, the historical practice of the Fund had been to pay no markup of any subcontracted cost. During development of a Claim Kit, the Board of Trustees and its Advisory Committee discussed this practice in detail with numerous Fund participants and beneficiaries, and with contractors and consultants. It was recognized that the "no markup" policy did not always work well, so a change was instituted. Effective with the publication of the Claim Kit in April 1997, the Board began recognizing and paying "markup" on any and all tasks and services, except three: fees charged by a facility that treats or disposes of contaminated soil (typically a landfill), fees charged by laboratories for analysis of soil and water samples, and fees charged by drillers.

This policy has been in place for fourteen months, and has expedited claims processing and reduced claim disputes. The Board of Trustees has considered the comments received on this subject, and concluded that there is a sound basis for continuing the existing policy.

COMMENT: John Pelzer supported the provision in subsection (10)(L), which would change current practices and allow the Board to pay for resurfacing a site when existing pavement is destroyed by the cleanup activities. During its review of the proposed rule, the Board noted that the language in subsection (10)(L) was not sufficiently precise to accurately communicate the intent of the Board and its Advisory Committee.
RESPONSE AND EXPLANATION OF CHANGE: Clarifying language has been added to reflect the Board's intention to pay for resurfacing only for recent claims.

COMMENT: Mr. Johnson recommended section (12) be amended to require an engineering survey, copies of certain contracts, and/or a certification by a professional engineer of quantities of soil, water, etc. as part of the claim submittal to the Fund.
RESPONSE: While the Board recognizes and appreciates the value of such information, and may request such information in some circumstances as part of the process of verifying claims, it believes that imposing this as a standard requirement applicable to all claims would be overly burdensome and costly. The statute and rules give the Board's claims adjusters sufficient flexibility and authority to obtain such information as needed.

10 CSR 100-5.010 Claims for Cleanup Costs

(5) Fund participants or beneficiaries may not receive monies from the fund for the following sites:

(B) Sites contaminated by a release from a tank that—

1. Is or was used to store hazardous substances when the release occurred;

2. Is a farm or residential tank of one thousand one hundred (1,100) gallons or less, which is used for storing motor fuel for noncommercial purposes;

3. Is or was used, at the time of the release, for storing heating oil for consumptive use on the premises;

4. Is a septic tank or part of a storm water or waste water collection system;

5. Is a flow-through process tank;

6. Is situated in an underground area, such as a basement, the tank is on or above the floor; or

7. Is part of a transformer, circuit breaker, or similar electrical equipment; and

(8) Fund participants and beneficiaries are required to seek preapproval of cleanup costs by following the procedures outlined below:

(E) The board will respond in writing to bid(s) or cost estimate(s) submitted by fund participants or beneficiaries, and will state whether the bid(s) or cost estimate(s) are eligible, reasonable, and necessary. This response will be based on information submitted for each project, as well as information available to the board from its review of other cost estimates and its processing of similar claims. To the extent possible, the board's response will note which specific tasks, rates or items are deemed to be ineligible, unreasonable or unnecessary, and will explain the reason for its decision;

(10) Costs not associated with cleanup of a release from a petroleum storage tank are not eligible. Such costs include, but are not limited to:

(D) Costs of excavation, transport, treatment or disposal of soil which is not contaminated with petroleum at levels such that the Department of Natural Resources requires corrective action, except that—

1. The cost of removal of concrete or similar surface material, overburden, or fill material which is necessary to access contaminated soil for removal is eligible; and

2. Costs for removal, transport, and treatment or disposal of backfill which surrounds underground tanks or piping, which is removed during tank closure activities, and which is contaminated at a level such that the Department of Natural Resources prohibits placement of the material back into the excavated area, are eligible;

(E) Costs for environmental site assessments, or similar work, the purpose of which is to determine whether or not a release has occurred;

(L) Paving or resurfacing, except as required as a result of necessary cleanup activities. Claims for resurfacing shall be paid on a depreciated basis, or on the basis of the actual cash value of the surface which existed immediately prior to the cleanup; in no case

shall costs for resurfacing be recognized as eligible expenses unless the costs of cleanup were incurred after May 3, 1999;

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 100—Petroleum Storage Tank Insurance Fund Board of Trustees
Chapter 5—Claims

ORDER OF RULEMAKING

By the authority vested in the Missouri Petroleum Storage Tank Insurance Fund Board of Trustees under section 319.129, RSMo Supp. 1998, the board adopts a rule as follows:

10 CSR 100-5.020 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 3, 1999 (24 MoReg 1093–1095). Changes have been made in the text of the proposed rule, so they are are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on the proposed rule was held on June 16, 1999; at that hearing, Carol R. Eighmey, Executive Director of the Petroleum Storage Tank Insurance Fund, summarized the process by which the rule had been developed. Testimony was received from Ric Telthorst at the hearing, and the same comment was submitted in writing by David Shorr. Robert Johnson also submitted two written comments on this rule.

COMMENT: Mr. Telthorst and Mr. Shorr suggested that the rule provides no incentive for the third-party administrator to act on appeals in a timely fashion, and recommended a change to section (2) which would state the appellant "wins" the appeal if no response is received within thirty (30) days. Similar changes were recommended to sections (4) and (5).
RESPONSE: While the Board is committed to providing timely service in all aspects of the Fund's operation, it nevertheless believes it would be imprudent to commit funds in payment of a disputed claim without substantive review of the issues. Therefore, the suggested changes have not been made.

COMMENT: Robert Johnson suggested that section (4) of the rule be amended to allow the Executive Director to disburse funds, if she/he finds in favor of the appellant, in order to efficiently end the appeals process without the need to obtain action by the Board of Trustees. He also suggested the Board and/or the Executive Director be authorized to obtain the services of a professional mediator to assist in resolving claim appeals.
RESPONSE: The Board considered this option when it initially established its Claim Appeal Procedure, and chose to retain authority for supplemental disbursement of funds itself. The current procedure has not proved unworkable, and therefore, the Board has made no change to this aspect of the rule.

Regarding use of a mediator, the Board believes it has the authority to employ services as needed, without any change to the proposed rule.

COMMENT: Mr. Johnson also suggested that section (6) be amended to require the services of a mediator, in lieu of making its decision in closed session.
RESPONSE: The Board of Trustees has the authority and responsibility for managing the Petroleum Storage Tank Insurance Fund, including decisions regarding all payments from the Fund. The Attorney General's Office has advised the Board that it may deliberate and decide claim appeals in closed session, if it chooses. The Board prefers to retain this flexibility.

COMMENT: Mr. Johnson suggested the cost of appealing a claim should be recognized as an eligible expense and paid by the Board.
RESPONSE: The Board prefers not to encourage claim appeals by automatically paying the appellant's cost to appeal. It recognizes that some claim appeals may be litigated in a court of law, and prefers to allow the judicial system to make determinations on a case-by-case basis regarding whether the appellant's cost of appeal is to be paid by the Fund.

COMMENT: During its review of the proposed regulation, the Board of Trustees noted that clarification was needed in order to specify whether the various deadlines are to be calculated from the date a communication is "sent", or the date it is "received".
RESPONSE AND EXPLANATION OF CHANGE: To clarify the method of calculating the deadlines, the word "present" in section (1) has been changed to "send or deliver." In section (3), the phrase "of receipt of the administrator's decision" has been added. In section (5), the phrase "of receipt of the executive director's decision" has been added.

COMMENT: During its review of the proposed regulation, the Board of Trustees noted that the rule did not specify what its intentions were in the circumstance where a Fund participant or beneficiary fails to file his appeal in a timely manner.
RESPONSE AND EXPLANATION OF CHANGE: The Board has rectified this oversight by adding a section (7), which clarifies that failure to file an appeal in a timely fashion nullifies the participant's or beneficiary's rights under the procedure, and relieves the Board and its staff and/or agents of the obligation to act.

10 CSR 100-5.020 Claims Appeal Procedure

(1) If a fund participant or beneficiary disagrees with a payment decision, he or she must send or deliver the objection(s) or reason(s) for the disagreement in writing to the party designated by the board to process claims within one hundred eighty (180) days of the date the check or the claim denial is issued.

(3) If the fund participant or beneficiary still disagrees with the administrator's decision, he or she may request further review by sending a written request within sixty (60) days of receipt of the administrator's decision to the board's executive director.

(5) If the executive director affirms the previous decision, and the fund participant or beneficiary is still dissatisfied, he or she may request review by the board by sending a written request within sixty (60) days of receipt of the executive director's decision to the board's mailing address.

(7) While the board may, at its sole discretion, choose to consider an appeal which is not submitted according to the deadlines imposed by sections (1), (3) or (5) of this rule, it is under no obligation to consider or take action on such requests, and may deny a claim based upon the failure to timely comply with the deadlines stated in this section.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 100—Petroleum Storage Tank Insurance Fund Board of Trustees
Chapter 5—Claims

ORDER OF RULEMAKING

By the authority vested in the Missouri Petroleum Storage Tank Insurance Fund Board of Trustees under sections 319.129 and 319.131, RSMo Supp. 1998, the board adopts a rule as follows:

10 CSR 100-5.030 Third-Party Claims **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 3, 1999 (24 MoReg 1096–1097). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on the proposed rule was held on June 16, 1999; at that hearing, Carol R. Eighmey, Executive Director of the Petroleum Storage Tank Insurance Fund, summarized the process by which the rule had been developed. The Board also received testimony from Mr. Ric Telthorst, and the same comment was submitted in writing by David Shorr.

COMMENT: Mr. Telthorst and Mr. Shorr suggested that the rule contradicts statutory provisions, and asked the Board to amend its rule to allow payment of third-party damages for certain kinds of claims involving historic releases.

RESPONSE: The Board does not agree that there is a conflict between the rule and the statute. Further, subjecting the Fund to liability for third-party damages in situations where the release may have occurred years ago, and occurred at a time when the Fund was not insuring the tank owner or operator, could potentially have a substantial negative impact on the solvency of the Fund and the Board's ability to meet its present and future obligations. After consideration of this comment and review of the proposed rule, the Petroleum Storage Tank Insurance Fund Board of Trustees voted to make no change to the proposed rule.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 17—Voluntary Exclusions

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section(s) 313.041, RSMo 1994, the Commission amends a rule as follows:

11 CSR 45-17.020 Procedure for Applying for Placement on List of Disassociated Persons **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 3, 1999 (24 MoReg 1098–1099). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 17—Voluntary Exclusions

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.041, RSMo 1994, the commission amends a rule as follows:

11 CSR 45-17.040 Confidentiality of List of Disassociated Persons **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 3, 1999 (24 MoReg 1100). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 2—Membership

ORDER OF RULEMAKING

By the authority vested in the board of directors under section 50.1032, RSMo Supp. 1998, the board amends a rule as follows:

16 CSR 50-2.020 Payroll Contributions **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 1999 (24 MoReg 1675). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 19—DEPARTMENT OF HEALTH
Division 20—Division of Environmental Health and Communicable Disease Prevention
Chapter 28—Immunization

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Health under section 376.1215, RSMo Supp. 1998, the director amends a rule as follows:

19 CSR 20-28.060 Minimum Immunization Coverage to Be Provided by Individual and Group Health Insurance Policies **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 1999 (24 MoReg 1543–1544). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE
Division 10—General Administration
Chapter 1—Organization

ORDER OR RULEMAKING

By the authority vested in the director of the Department of Insurance under section 374.045, RSMo Supp. 1998, the director amends a rule as follows:

20 CSR 10-1.020 Interpretation of Referenced or Adopted Material **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 1999 (24 MoReg 1545–1549). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received concerning this proposed amendment.

Title 20—DEPARTMENT OF INSURANCE
Division 200—Financial Examination
Chapter 5—Articles and Bylaws of Domestic Insurers

ORDER OR RULEMAKING

By the authority vested in the director of the Department of Insurance under section 374.045.1(2), RSMo Supp. 1998, the director amends a rule as follows:

20 CSR 200-5.010 Amendment and Restatement of Articles **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 1999 (24 MoReg 1550–1552). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received concerning this proposed amendment.

Title 20—DEPARTMENT OF INSURANCE
Division 200—Financial Examination
Chapter 6—Surplus Lines

ORDER OR RULEMAKING

By the authority vested in the director of the Department of Insurance under sections 374.045, RSMo 1998, and 384.017, 384.031 and 384.057, RSMo 1994, the director amends a rule as follows:

20 CSR 200-6.100 Surplus Lines Insurance Forms **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 1999 (24 MoReg 1553–1554). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received concerning this proposed amendment.

Title 20—DEPARTMENT OF INSURANCE
Division 200—Financial Examination
Chapter 7—Security Deposits

ORDER OR RULEMAKING

By the authority vested in the director of the Department of Insurance under sections 374.045 and 400.8-108.3, RSMo 1998, and 375.460, RSMo 1994, the director amends a rule as follows:

20 CSR 200-7.200 Deposit of Securities Under a Book-Entry System **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 1999 (24 MoReg 1555–1558). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received concerning this proposed amendment.

Title 20—DEPARTMENT OF INSURANCE
Division 200—Financial Examination
Chapter 8—Risk Retention

ORDER OR RULEMAKING

By the authority vested in the director of the Department of Insurance under section 374.045.1(3), RSMo Supp. 1998, the director amends a rule as follows:

20 CSR 200-8.100 Federal Liability Risk Retention Act **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 1999 (24 MoReg 1559–1561). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received concerning this proposed amendment.

Title 20—DEPARTMENT OF INSURANCE
Division 200—Financial Examination
Chapter 9—Third-Party Administrators (TPA)

ORDER OR RULEMAKING

By the authority vested in the director of the Department of Insurance under sections 374.045 and 376.1095, RSMo Supp. 1998, the director amends a rule as follows:

20 CSR 200-9.600 Application for Certificate of Authority **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 1999 (24 MoReg 1562–1569). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received concerning this proposed amendment.

Title 20—DEPARTMENT OF INSURANCE
Division 200—Financial Examination
Chapter 10—Managing General Agent (MGA)

ORDER OR RULEMAKING

By the authority vested in the director of the Department of Insurance under sections 374.045, RSMo Supp. 1998, and 375.153, RSMo 1994, the director amends a rule as follows:

20 CSR 200-10.500 Forms and Fees **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 1999 (24 MoReg 1570–1571). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received concerning this proposed amendment.

Title 20—DEPARTMENT OF INSURANCE
Division 200—Financial Examination
Chapter 14—Multiple Employer Self-Insured Health Plans

ORDER OR RULEMAKING

By the authority vested in the director of the Department of Insurance under sections 374.045, 375.786 and 376.1025, RSMo Supp. 1998, and 376.1022, RSMo 1994, the director amends a rule as follows:

20 CSR 200-14.400 Dissolution of Plan **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 1999 (24 MoReg 1572–1573). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received concerning this proposed amendment.

Title 20—DEPARTMENT OF INSURANCE
Division 400—Life, Annuities and Health
Chapter 1—Life Insurance and Annuity Standards

ORDER OR RULEMAKING

By the authority vested in the director of the Department of Insurance under sections 374.045, RSMo Supp. 1998 and 376.309 and 376.671, RSMo 1994, the director amends a rule as follows:

20 CSR 400-1.150 Modified Guaranty Annuity **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 1999 (24 MoReg 1574–1575). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received concerning this proposed amendment.

Title 20—DEPARTMENT OF INSURANCE
Division 400—Life, Annuities and Health
Chapter 2—Accident and Health Insurance in General

ORDER OR RULEMAKING

By the authority vested in the director of the Department of Insurance under section 374.045, RSMo Supp. 1998, the director amends a rule as follows:

20 CSR 400-2.130 Group Health Filings **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 1999 (24 MoReg 1576–1584). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received concerning this proposed amendment.

Title 20—DEPARTMENT OF INSURANCE
Division 500—Property and Casualty
Chapter 1—Property and Casualty Insurance in General

ORDER OR RULEMAKING

By the authority vested in the director of the Department of Insurance under sections 374.045, RSMo Supp. 1998, and 379.150, 379.160 and 379.840, RSMo 1994, the director amends a rule as follows:

20 CSR 500-1.100 Standard Fire Policies **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 1999 (24 MoReg 1585). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received concerning this proposed amendment.

Title 20—DEPARTMENT OF INSURANCE
Division 500—Property and Casualty
Chapter 4—Rating Laws

ORDER OR RULEMAKING

By the authority vested in the director of the Department of Insurance under sections 374.045, RSMo Supp. 1998, and 375.031, 375.136, 379.318(2), 379.321(3) and 379.470(6), RSMo 1994, the director amends a rule as follows:

20 CSR 500-4.300 Rate Variations (Consent Rate) Prerequisites **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 1999 (24 MoReg 1585–1586). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received concerning this proposed amendment.

Title 20—DEPARTMENT OF INSURANCE
Division 500—Property and Casualty
Chapter 7—Title

ORDER OR RULEMAKING

By the authority vested in the director of the Department of Insurance under sections 374.045, 381.031(22) and 381.231, RSMo 1998, and 381.071, RSMo 1994, the director amends a rule as follows:

20 CSR 500-7.200 Standards for Policy Issuance **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 1999 (24 MoReg 1587–1588). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received concerning this proposed amendment.

Title 20—DEPARTMENT OF INSURANCE
Division 700—Licensing
Chapter 1—Agents, Brokers and Agencies

ORDER OR RULEMAKING

By the authority vested in the director of the Department of Insurance under sections 374.045, 375.012, 375.013 and 375.022, RSMo Supp. 1998, and 375.014, 375.016, 375.017, 375.018, 375.019, 375.020, 375.021, 375.025, 375.027, 375.031, 375.033, 375.035, 375.037, 375.039, 375.041, 375.046, 375.051 and 375.061, RSMo 1994, the director amends a rule as follows:

20 CSR 700-1.110 Licensing of Agencies **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 1999 (24 MoReg 1589–1591). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received concerning this proposed amendment.

Title 20—DEPARTMENT OF INSURANCE
Division 700—Licensing
Chapter 3—Education Requirements

ORDER OR RULEMAKING

By the authority vested in the director of the Department of Insurance under sections 374.045, RSMo Supp. 1998 and 375.018, RSMo 1994, the director amends a rule as follows:

20 CSR 700-3.100 Prelicensing Education **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 1999 (24 MoReg 1592–1594). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received concerning this proposed amendment

Title 20—DEPARTMENT OF INSURANCE
Division 700—Licensing
Chapter 4—Utilization Review

ORDER OR RULEMAKING

By the authority vested in the director of the Department of Insurance under sections 374.045 and 376.1399, RSMo Supp. 1998 and 374.515, RSMo 1994, the director amends a rule as follows:

20 CSR 700-4.100 Utilization Review **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 1999 (24 MoReg 1595–1597). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received concerning this proposed amendment.

Title 20—DEPARTMENT OF INSURANCE
Division 700—Licensing
Chapter 6—Bail Bond Agents

ORDER OR RULEMAKING

By the authority vested in the director of the Department of Insurance under sections 374.045, 374.700-374.775, RSMo 1994 and Supp. 1998, the director amends a rule as follows:

20 CSR 700-6.300 Affidavits **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 1999 (24 MoReg 1598–1599). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received concerning this proposed rule.

Title 20—DEPARTMENT OF INSURANCE
Division 700—Licensing
Chapter 7—Reinsurance Intermediary

ORDER OR RULEMAKING

By the authority vested in the director of the Department of Insurance under section 374.045.1(2) and (3), RSMo 1998, the director amends a rule as follows:

20 CSR 700-7.100 Reinsurance Intermediary License **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 1999 (24 MoReg 1600–1605). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received concerning this proposed amendment.

Title 20—DEPARTMENT OF INSURANCE
Division 800—General Counsel
Chapter 2—Miscellaneous

ORDER OR RULEMAKING

By the authority vested in the director of the Department of Insurance under sections 374.045, RSMo Supp. 1998, and 375.256, 375.261, 375.281, 375.906 and 379.680, RSMo 1994, the director amends a rule as follows:

20 CSR 800-2.010 Service of Process **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 1999 (24 MoReg 1606). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received concerning this proposed amendment.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

Schedule of Compensation as Required by Section 105.005 RSMo

Office	RSMo Citation	Highest Statutory Salary FY 1999	Highest Statutory Salary FY 2000	Citizens' Comm. Recommended Salary FY 2000
Elected Officials				
Governor	26.010	$112,755	$112,755 *	$113,883 **
Lt. Governor	26.010	68,188	68,188 *	73,023 **
Attorney General	27.010	97,899	97,899 *	98,878 **
Secretary of State	28.010	90,471	90,471 *	91,376 **
State Treasurer	30.010	90,471	90,471 *	91,376 **
State Auditor	29.010	90,471	90,471 *	91,376 **
General Assembly				
Senator	21.140	29,082	29,082 *	29,373 **
Representative	21.140	29,082	29,082 *	29,373 **
Speaker of House	21.140	31,582	31,582 *	31,873 **
President Pro Tem of Senate	21.140	31,582	31,582 *	31,873 **
Speaker Pro Tem of the House	21.140	30,582	30,582 *	30,873 **
Majority Floor Leader of House	21.140	30,582	30,582 *	30,873 **
Majority Floor Leader of Senate	21.140	30,582	30,582 *	30,873 **
Minority Floor Leader of House	21.140	30,582	30,582 *	30,873 **
Minority Floor Leader of Senate	21.140	30,582	30,582 *	30,873 **
Appointed Officials				
Commissioner of Administration	105.950	96,129	99,013	
Director, Department of Revenue	105.950	95,633	99,013	
Director, Department of Social Services	105.950	92,317	95,086	
Director, Department of Agriculture; Corrections; Economic Development; Labor and Industrial Relations; Natural Resources; and Public Safety	105.950	88,526	92,952	
State Tax Commissioners	138.236	86,843	91,185	
Administrative Hearing Commissioners	621.015	84,610	88,840	
Probation and Parole				
1. Chairman	217.665	73,451	75,539	
2. Board Members	217.665	69,576	71,664	
Labor and Industrial Relations Commissioners	286.005	86,843	91,185	
Division of Workers' Compensation				
1. Legal Advisor	287.615	69,788	69,788 ***	75,144 ***
2. Chief Counsel	287.615	71,788	71,788 ***	77,144 ***
3. Administrative Law Judge	287.615	78,512	78,512 ***	84,537 ***
4. Administrative Law Judge in Charge	287.615	83,512	83,512 ***	89,537 ***
5. Director, Division of Workers' Compensation	287.615	85,512	85,512 ***	91,537 ***
Public Service Commissioners	386.150	86,843	91,185	

*Actual statutory salary as appropriated in the Fiscal Year 2000 appropriation bills.
**Highest statutory salary as recommended by the Citizens' Commission on Total Compensation (includes Citizens' Commission base salary and a one percent cost of living adjustment.)
***Division of Workers' Compensation salaries are tied to those of Associate Circuit Judges.

The salary adjustment contained in the pay plan applicable to other state employees generally for the fiscal year ending June 30, 2000 was one percent for cost of living increases and an average of four percent within grade increases for eligible employees.

The percentage increase in personal income in Missouri in calendar year 1998 was 4.0 percent.

Schedule of Compensation as Required by Section 476.405 RSMo

	RSMo Citation	Highest Salary FY 1999	Highest Salary FY 2000	Citizens' Comm. Recommended Salary FY 2000
Supreme Court				
Chief Justice	477.130	$116,848	$116,848 *	$123,700 **
Judges	477.130	114,348	114,348 *	121,200 **
Court of Appeals				
Judges	477.130	106,797	106,797 *	113,120 **
Circuit Court				
Circuit Court Judges	478.013	98,947	98,947 *	106,050 **
Associate Circuit Judges	478.018	87,235	87,235 *	93,930 **
Juvenile Officers	211.381			
Juvenile Officer		37,027	38,878	
Chief Deputy Juvenile Officer		31,356	32,924	
Deputy Juvenile Officer Class I		27,651	29,034	
Deputy Juvenile Officer Class 2		24,942	26,189	
Deputy Juvenile Officer Class 3		22,513	23,639	
Court Reporters	485.060	44,482	46,706	
Probate Commissioner	478.266 & 478.267	98,947	98,947 ***	106,050 ***
Deputy Probate Commissioner	478.266	87,235	87,235 ***	93,930 ***
Family Court Commissioner	211.023 & 487.020	87,235	87,235 ***	93,930 ***
Circuit Clerk				
1st Class Counties	483.083	55,378	58,147	
St. Louis City	483.083	92,668	97,301	
Jackson, Jasper & Cape Girardeau	483.083	60,053	63,056	
2nd & 4th Class Counties	483.083	49,700	52,185	
3rd Class Counties	483.083	43,212	45,373	
Marion-Hannibal & Palmyra	483.083	48,887	51,331	
Randolph & Lewis	483.083	47,424	49,795	

*Actual statutory salary as appropriated in the Fiscal Year 2000 appropriation bills.

**Highest statutory salary as recommended by the Citizens' Commission on Total Compensation (includes Citizens' Commission base salary and a one percent cost of living adjustment.)

***Salaries are tied to those of Circuit and Associate Circuit Judges.

The salary adjustment contained in the pay plan applicable to other state employees generally for the fiscal year ending June 30, 2000 was one percent for cost of living increases and an average of four percent within grade increases for eligible employees.

OFFICE OF ADMINISTRATION
Division of Purchasing

BID OPENINGS

Sealed Bids in one (1) copy will be received by the Division of Purchasing, Room 580, Truman Building, P.O. Box 809, Jefferson City, MO 65102, telephone (573) 751-2387 at 2:00 p.m. on dates specified below for various agencies throughout Missouri. Bids are available to download via our homepage: http://www.state.mo.us/oa/purch/purch.htm. Prospective bidders may receive specifications upon request.

B001027 Security System 10/4/99;
B001029 Equipment: Car Wash 10/4/99;
B001052 Meats–November 10/4/99;
B003021 Temporary Nursing Services 10/4/99;
B003031 Print: Carbonless Forms 10/4/99
B001055 Dairy Products: Cheese 10/5/99;
B002019 Fiber Optic Cable Installation-Buried 10/5/99;
B003005 Drug Testing Using Sweat Patch 10/5/99;
B003039 Investigation/Inspection-Amusement Ride 10/5/99;
B001049 Pharmaceuticals 10/6/99;
B003011 Print: 3-Part Carbonless Form 10/6/99;
B003025 Insurance Examination Administration 10/11/99;
B001045 Law Enforcement Equipment 10/12/99;
B001056 Envelopes: Unprinted 10/12/99;
B001057 Soap,Lotion 10/12/99;
B003015 Print: Missouri Conservationist 10/14/99;
B003030 Environmental Inspection/Design Services 10/18/99;
B002022 Evaluation-Medicaid Section 1115 Waiver 10/19/99;
B003012 Banking Services for WIC Program 10/19/99;
B003037 Janitorial Services-St. Louis 10/19/99;

It is the intent of the State of Missouri, Division of Purchasing to purchase the following as a single feasible source without competitive bids. If suppliers exist other than the one identified, contact (573) 751-2387 immediately.

1.) Enhanced Inactivated Polio-Virus (E-IPV) Vaccine in 10 dose vials, supplied by Pasteur Merieux Connaught. 2.) Measles, Mumps, Rubella (MMR) Vaccine NDC#0006-4681-00, supplied by Merck Vaccine Division.
1.) Child Care Resource and Referral Services, supplied by Missouri Child Care Resource and Referral Network. 2.) Copyrighted Publications, supplied by Nawd Publications.

Joyce Murphy, CPPO,
Director of Purchasing

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—21 (1996), 22 (1997), 23 (1998) and 24 (1999). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule and N.A. indicates not applicable.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
	OFFICE OF ADMINISTRATION				
1 CSR 10	State Officials' Salary Compensation Schedule				23 MoReg 2473
					This Issue
1 CSR 20-1.020	Personnel Advisory Board		24 MoReg 945	24 MoReg 2056	
1 CSR 20-2.015	Personnel Advisory Board		24 MoReg 946	24 MoReg 2058	
1 CSR 20-3.020	Personnel Advisory Board		24 MoReg 949	24 MoReg 2058	
1 CSR 20-3.040	Personnel Advisory Board		24 MoReg 949	24 MoReg 2058	
	DEPARTMENT OF AGRICULTURE				
2 CSR 10-5.005	Market Development	This Issue			
2 CSR 30-2.015	Animal Health	23 MoReg 1427			
2 CSR 70-13.010	Plant Industries		24 MoReg 1821		
2 CSR 70-13.015	Plant Industries		24 MoReg 1821		
2 CSR 70-13.020	Plant Industries		24 MoReg 1822		
2 CSR 70-13.025	Plant Industries		24 MoReg 1822		
2 CSR 70-13.030	Plant Industries		24 MoReg 1823		
2 CSR 70-13.035	Plant Industries		24 MoReg 1825		
2 CSR 70-13.040	Plant Industries		24 MoReg 1827		
2 CSR 80-5.010	State Milk Board		24 MoReg 875	24 MoReg 1952	
2 CSR 90-30.050	Weights and Measures		24 MoReg 1195	This Issue	
2 CSR 90-30.060	Weights and Measures		24 MoReg 1200R	This IssueR	
2 CSR 90-30.070	Weights and Measures		24 MoReg 1200	This Issue	
2 CSR 90-30.080	Weights and Measures		24 MoReg 1203	This Issue	
2 CSR 90-30.090	Weights and Measures		24 MoReg 1203	This Issue	
2 CSR 90-30.100	Weights and Measures		24 MoReg 1207	This Issue	
2 CSR 100-8.010	Agricultural and Small Business Authority	24 MoReg 1787R	24 MoReg 1829R		
	DEPARTMENT OF CONSERVATION				
3 CSR 10-4.111	Conservation Commission		24 MoReg 1475	24 MoReg 2156	
3 CSR 10-4.113	Conservation Commission		24 MoReg 1475	24 MoReg 2156	
3 CSR 10-4.115	Conservation Commission		24 MoReg 1479	24 MoReg 2156	
			N.A.	24 MoReg 2059	
3 CSR 10-4.116	Conservation Commission		24 MoReg 1484	24 MoReg 2156	
3 CSR 10-4.130	Conservation Commission		24 MoReg 1485	24 MoReg 2157	
3 CSR 10-4.136	Conservation Commission		24 MoReg 1485	24 MoReg 2157	
3 CSR 10-4.140	Conservation Commission		24 MoReg 1485	24 MoReg 2157	
3 CSR 10-4.145	Conservation Commission		24 MoReg 1486	24 MoReg 2157	
3 CSR 10-5.205	Conservation Commission		24 MoReg 1486	24 MoReg 2157	
3 CSR 10-5.215	Conservation Commission		24 MoReg 1486	24 MoReg 2157	
3 CSR 10-5.220	Conservation Commission		24 MoReg 1487	24 MoReg 2158	
3 CSR 10-5.420	Conservation Commission		24 MoReg 1487	24 MoReg 2158	
3 CSR 10-6.405	Conservation Commission		24 MoReg 1487	24 MoReg 2158	
3 CSR 10-6.415	Conservation Commission		24 MoReg 1488	24 MoReg 2158	
3 CSR 10-6.505	Conservation Commission		24 MoReg 1488	24 MoReg 2158	
3 CSR 10-6.510	Conservation Commission		24 MoReg 1488	24 MoReg 2158	
3 CSR 10-6.525	Conservation Commission		24 MoReg 1489	24 MoReg 2159	
3 CSR 10-6.540	Conservation Commission		24 MoReg 1489	24 MoReg 2159	
3 CSR 10-6.550	Conservation Commission		24 MoReg 1490	24 MoReg 2159	
3 CSR 10-7.440	Conservation Commission		N.A.	This Issue	
3 CSR 10-7.450	Conservation Commission		24 MoReg 1490	24 MoReg 2159	
3 CSR 10-8.515	Conservation Commission		24 MoReg 1490	24 MoReg 2159	
3 CSR 10-9.110	Conservation Commission		24 MoReg 1491	24 MoReg 2160	
3 CSR 10-9.230	Conservation Commission		24 MoReg 1494	24 MoReg 2160	
3 CSR 10-9.442	Conservation Commission		N.A.	This Issue	
3 CSR 10-10.725	Conservation Commission		24 MoReg 1494	24 MoReg 2160	
3 CSR 10-10.768	Conservation Commission		24 MoReg 1495	24 MoReg 2160	
3 CSR 10-11.805	Conservation Commission		24 MoReg 1495	24 MoReg 2160	
	DEPARTMENT OF ECONOMIC DEVELOPMENT				
4 CSR 30-4.070	Architects, Professional Engineers and Land Surveyors		24 MoReg 1207	24 MoReg 2160	
4 CSR 30-14.010	Architects, Professional Engineers and Land Surveyors		24 MoReg 950	24 MoReg 1952	
4 CSR 30-14.060	Architects, Professional Engineers and Land Surveyors		24 MoReg 950	24 MoReg 1952	
4 CSR 40-1.021	Office of Athletics	21 MoReg 2680			
4 CSR 40-5.070	Office of Athletics	21 MoReg 1963			
4 CSR 70-2.040	State Board of Chiropractic Examiners		24 MoReg 2201		
4 CSR 70-2.050	State Board of Chiropractic Examiners		24 MoReg 2201		
4 CSR 70-2.070	State Board of Chiropractic Examiners		24 MoReg 2202		
4 CSR 70-2.090	State Board of Chiropractic Examiners		24 MoReg 1722		

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4 CSR 90-13.020	State Board of Cosmetology		23 MoReg 1952		
4 CSR 90-13.040	State Board of Cosmetology		24 MoReg 1724		
4 CSR 90-13.060	State Board of Cosmetology		24 MoReg 1724		
4 CSR 105-1.010	Credit Union Commission		24 MoReg 1829		
4 CSR 105-2.010	Credit Union Commission	24 MoReg 1787	24 MoReg 1833		
4 CSR 105-3.010	Credit Union Commission	24 MoReg 1788	24 MoReg 1839		
4 CSR 105-3.020	Credit Union Commission	24 MoReg 1789	24 MoReg 1839		
4 CSR 105-3.030	Credit Union Commission	24 MoReg 1790	24 MoReg 1839		
4 CSR 120-2.010	Board of Embalmers and Funeral Directors		24 MoReg 1028	24 MoReg 2161	
4 CSR 120-2.020	Board of Embalmers and Funeral Directors		24 MoReg 1029	24 MoReg 2161	
4 CSR 120-2.060	Board of Embalmers and Funeral Directors		24 MoReg 2128		
4 CSR 120-2.100	Board of Embalmers and Funeral Directors		24 MoReg 1030 24 MoReg 2129	24 MoReg 2161	
4 CSR 150-2.001	State Board of Registration for the Healing Arts		23 MoReg 2565		
4 CSR 150-2.065	State Board of Registration for the Healing Arts		23 MoReg 2566		
4 CSR 150-3.080	State Board of Registration for the Healing Arts		24 MoReg 1497		
4 CSR 150-3.200	State Board of Registration for the Healing Arts		24 MoReg 1497		
4 CSR 150-3.201	State Board of Registration for the Healing Arts		24 MoReg 1498		
4 CSR 150-3.202	State Board of Registration for the Healing Arts		24 MoReg 1502		
4 CSR 150-3.203	State Board of Registration for the Healing Arts		24 MoReg 1506		
4 CSR 150-4.100	State Board of Registration for the Healing Arts		24 MoReg 714		
4 CSR 150-4.105	State Board of Registration for the Healing Arts		24 MoReg 714		
4 CSR 150-4.110	State Board of Registration for the Healing Arts		24 MoReg 715		
4 CSR 150-4.115	State Board of Registration for the Healing Arts		24 MoReg 716		
4 CSR 150-4.120	State Board of Registration for the Healing Arts		24 MoReg 717		
4 CSR 150-4.125	State Board of Registration for the Healing Arts		24 MoReg 718		
4 CSR 150-4.130	State Board of Registration for the Healing Arts		24 MoReg 718		
4 CSR 150-7.135	State Board of Registration for the Healing Arts		23 MoReg 489 24 MoReg 2131		24 MoReg 2087
4 CSR 150-7.300	State Board of Registration for the Healing Arts		23 MoReg 2703		
4 CSR 150-7.310	State Board of Registration for the Healing Arts		23 MoReg 2711		
4 CSR 165-1.020	Board of Examiners for Hearing Instrument Specialists		24 MoReg 1335	24 MoReg 2238	
4 CSR 165-2.010	Board of Examiners for Hearing Instrument Specialists		24 MoReg 1840		
4 CSR 165-2.030	Board of Examiners for Hearing Instrument Specialists		24 MoReg 1840		
4 CSR 165-2.050	Board of Examiners for Hearing Instrument Specialists		24 MoReg 1840		
4 CSR 195-5.010	Job Development and Training		This Issue		
4 CSR 195-5.020	Job Development and Training		This Issue		
4 CSR 195-5.030	Job Development and Training		This Issue		
4 CSR 210-2.060	State Board of Optometry		22 MoReg 1443		
4 CSR 220-2.010	State Board of Pharmacy		24 MoReg 1841		
4 CSR 220-2.020	State Board of Pharmacy		24 MoReg 1841		
4 CSR 220-2.160	State Board of Pharmacy		24 MoReg 1842		
4 CSR 230-2.010	Board of Podiatric Medicine		24 MoReg 1649		
4 CSR 230-2.030	Board of Podiatric Medicine		24 MoReg 1337	24 MoReg 2238	
4 CSR 230-2.065	Board of Podiatric Medicine		24 MoReg 1650 24 MoReg 2202		
4 CSR 230-2.070	Board of Podiatric Medicine		24 MoReg 1337	24 MoReg 2238	
4 CSR 235-1.015	State Committee of Psychologists		24 MoReg 2132		
4 CSR 235-1.020	State Committee of Psychologists		24 MoReg 1337	24 MoReg 2238	
4 CSR 235-1.025	State Committee of Psychologists		24 MoReg 2132		
4 CSR 235-1.026	State Committee of Psychologists		24 MoReg 2133		
4 CSR 235-1.030	State Committee of Psychologists		24 MoReg 2134		
4 CSR 235-1.031	State Committee of Psychologists		24 MoReg 2134		
4 CSR 235-1.060	State Committee of Psychologists		24 MoReg 2134		
4 CSR 235-1.063	State Committee of Psychologists		24 MoReg 2135		
4 CSR 235-2.020	State Committee of Psychologists		24 MoReg 2135		
4 CSR 235-2.040	State Committee of Psychologists		24 MoReg 2135		
4 CSR 235-2.050	State Committee of Psychologists		24 MoReg 2137		
4 CSR 235-2.060	State Committee of Psychologists		24 MoReg 2138		
4 CSR 235-2.065	State Committee of Psychologists		24 MoReg 2139		
4 CSR 235-2.070	State Committee of Psychologists		24 MoReg 2140		
4 CSR 235-3.020	State Committee of Psychologists		24 MoReg 2140		
4 CSR 235-4.030	State Committee of Psychologists		24 MoReg 2141		
4 CSR 240-2.010	Public Service Commission		This IssueR This Issue		
4 CSR 240-2.015	Public Service Commission		This Issue		
4 CSR 240-2.020	Public Service Commission		24 MoReg 2142		
4 CSR 240-2.030	Public Service Commission		24 MoReg 2142		
4 CSR 240-2.040	Public Service Commission		This IssueR This Issue		
4 CSR 240-2.050	Public Service Commission		This IssueR This Issue		
4 CSR 240-2.060	Public Service Commission		This IssueR This Issue		
4 CSR 240-2.065	Public Service Commission		This IssueR This Issue		
4 CSR 240-2.070	Public Service Commission		This IssueR This Issue		
4 CSR 240-2.075	Public Service Commission		This IssueR This Issue		
4 CSR 240-2.080	Public Service Commission		This IssueR This Issue		
4 CSR 240-2.085	Public Service Commission		This Issue		

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4 CSR 240-2.090	Public Service Commission		This IssueR		
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4 CSR 240-2.110	Public Service Commission		This IssueR		
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4 CSR 240-2.115	Public Service Commission		This IssueR		
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4 CSR 240-2.116	Public Service Commission		This IssueR		
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4 CSR 240-2.120	Public Service Commission		This IssueR		
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4 CSR 240-2.125	Public Service Commission		This IssueR		
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4 CSR 240-2.130	Public Service Commission		This IssueR		
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4 CSR 240-2.140	Public Service Commission		This IssueR		
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4 CSR 240-2.150	Public Service Commission		This IssueR		
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4 CSR 240-2.160	Public Service Commission		This IssueR		
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4 CSR 240-2.170	Public Service Commission		This IssueR		
4 CSR 240-2.180	Public Service Commission		This IssueR		
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4 CSR 240-2.200	Public Service Commission		This IssueR		
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4 CSR 240-18.010	Public Service Commission		This Issue		
4 CSR 240-20.015	Public Service Commission		24 MoReg 1340		
4 CSR 240-20.017	Public Service Commission		24 MoReg 281	24 MoReg 1680	
4 CSR 240-32.010	Public Service Commission		24 MoReg 482R	24 MoReg 1952R	
			24 MoReg 482	24 MoReg 1952	
4 CSR 240-32.020	Public Service Commission		24 MoReg 483R	24 MoReg 1952R	
			24 MoReg 483	24 MoReg 1952	
4 CSR 240-32.030	Public Service Commission		24 MoReg 485R	24 MoReg 1953R	
			24 MoReg 485	24 MoReg 1953	
4 CSR 240-32.040	Public Service Commission		24 MoReg 488R	24 MoReg 1957R	
			24 MoReg 488	24 MoReg 1958	
4 CSR 240-32.050	Public Service Commission		24 MoReg 489R	24 MoReg 1958R	
			24 MoReg 489	24 MoReg 1958	
4 CSR 240-32.060	Public Service Commission		24 MoReg 490R	24 MoReg 1960R	
			24 MoReg 490	24 MoReg 1960	
4 CSR 240-32.070	Public Service Commission		24 MoReg 494R	24 MoReg 1962R	
			24 MoReg 494	24 MoReg 1962	
4 CSR 240-32.080	Public Service Commission		24 MoReg 497R	24 MoReg 1963R	
			24 MoReg 497	24 MoReg 1963	
4 CSR 240-32.090	Public Service Commission		24 MoReg 500R	24 MoReg 1966R	
			24 MoReg 500	24 MoReg 1966	
4 CSR 240-32.100	Public Service Commission		24 MoReg 500R	24 MoReg 1966R	
			24 MoReg 501	24 MoReg 1967	
4 CSR 240-32.110	Public Service Commission		This Issue		
4 CSR 240-32.120	Public Service Commission		This Issue		
4 CSR 240-33.010	Public Service Commission		This IssueR		
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4 CSR 240-33.120	Public Service Commission		This Issue		
4 CSR 240-33.130	Public Service Commission		This Issue		
4 CSR 240-33.140	Public Service Commission		This Issue		
4 CSR 240-33.150	Public Service Commission	23 MoReg 2911			
		24 MoReg 1719	24 MoReg 1842		24 MoReg 1759
4 CSR 240-34.010	Public Service Commission		24 MoReg 758	24 MoReg 2059	
4 CSR 240-34.020	Public Service Commission		24 MoReg 758	24 MoReg 2059	
4 CSR 240-34.030	Public Service Commission		24 MoReg 759	24 MoReg 2059	
4 CSR 240-34.040	Public Service Commission		24 MoReg 760	24 MoReg 2060	
4 CSR 240-34.050	Public Service Commission		24 MoReg 761	24 MoReg 2060	
4 CSR 240-34.060	Public Service Commission		24 MoReg 764	24 MoReg 2061	

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4 CSR 240-34.070	Public Service Commission		24 MoReg 764	24 MoReg 2061	
4 CSR 240-34.080	Public Service Commission		24 MoReg 765	24 MoReg 2061	
4 CSR 240-34.090	Public Service Commission		24 MoReg 765	24 MoReg 2061	
4 CSR 240-40.015	Public Service Commission		24 MoReg 1346		
4 CSR 240-40.016	Public Service Commission		24 MoReg 1352		
4 CSR 240-45.010	Public Service Commission	23 MoReg 1923	24 MoReg 1030	24 MoReg 2062	
4 CSR 240-80.015	Public Service Commission		24 MoReg 1359		
4 CSR 245-4.020	Real Estate Appraisers		24 MoReg 1846		
4 CSR 245-4.050	Real Estate Appraisers		24 MoReg 1846		
4 CSR 245-5.010	Real Estate Appraisers		24 MoReg 1847		
4 CSR 245-5.020	Real Estate Appraisers		24 MoReg 1848		
4 CSR 245-8.010	Real Estate Appraisers		24 MoReg 1848		
4 CSR 245-8.040	Real Estate Appraisers		24 MoReg 1849		
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5 CSR 60-95.040	Vocational and Adult Education		24 MoReg 1049	24 MoReg 2066	
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10 CSR 10-5.070	Air Conservation Commission		24 MoReg 2224		
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10 CSR 20-4.043	Clean Water Commission		24 MoReg 1852		
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10 CSR 20-12.050	Clean Water Commission		24 MoReg 1061R		
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11 CSR 40-6.025	Division of Fire Safety		24 MoReg 887	24 MoReg 1968	
11 CSR 40-6.030	Division of Fire Safety		24 MoReg 887	24 MoReg 1968	
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16 CSR 10-4.010	Public School Retirement System		24 MoReg 2231		
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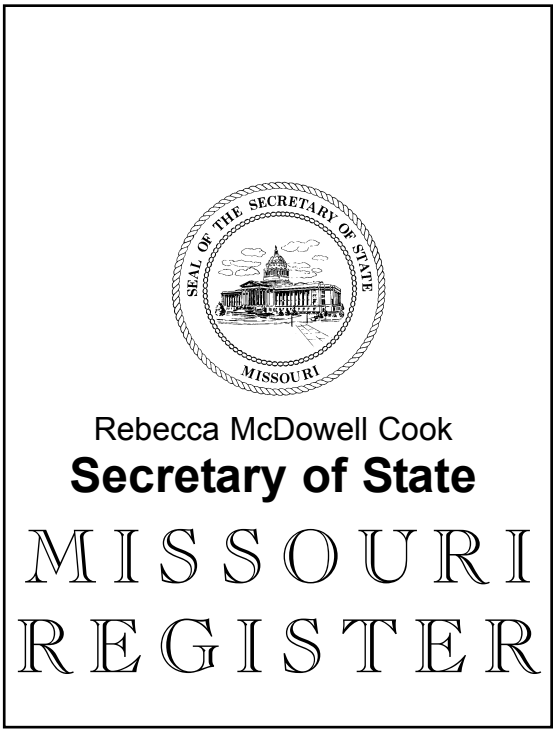

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