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**MATT BLUNT**

**SECRETARY OF STATE**

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule.

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## HOW TO CITE RULES AND RSMo

**RULES**—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 26, *Missouri Register*, page 27. The approved short form of citation is 26 MoReg 27.

The rules are divided in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation, i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

**RSMo**—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.

**R**ules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

**R**ules filed as emergency rules may be effective not less than ten days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

**A**ll emergency rules must state the period during which they are in effect, and in no case can they be in effect more than 180 calendar days or 30 legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Public Drinking Water Program  
Chapter 14—Operator Certification**

**EMERGENCY AMENDMENT**

**10 CSR 60-14.010 Classification of Public Water Systems.** The department is amending sections (1)–(4).

*PURPOSE: The purpose of this emergency amendment is to strengthen the rule in regard to new federal requirements in order to avoid a loss of about \$2 million annually in federal funding used mainly for low-interest loans to public water systems.*

*EMERGENCY STATEMENT: This amendment makes changes that are needed for the state to continue to qualify for an annual allotment of about \$2 million in federal funds used for essential drinking water protection activities and to provide low-interest loans to public water systems. The amendment must be effective by Feb. 5, 2001, which is only possible through this emergency action. Continuing to provide the services and public health protection made possible by these federal funds is a compelling governmental interest.*

*A proposed amendment containing these and other changes was published in the Dec. 15, 2000 issue of the Missouri Register. To ensure fairness to all interested persons and parties under the circumstances, pre-publication drafts of the proposed amendment (containing these changes) were distributed to the Safe Drinking*

*Water Commission, water industry associations and other interested persons. Informal public meetings were held throughout the state and input was encouraged during the development of the proposed amendment. After publication of the proposed amendment, a public hearing was held Jan. 16, 2001 for formal comments, and a comment period for written comments was provided from Dec. 15, 2000 through Jan. 31, 2001.*

*The scope of this emergency amendment is limited to the issues requiring emergency action to preserve a compelling governmental interest. The procedure followed in promulgating this amendment comply with the protections extended by the Missouri and U.S. Constitutions.*

*Emergency amendment filed Jan. 25, 2001, effective Feb. 5, 2001, expires Aug. 3, 2001.*

(1) This rule applies to all community public water systems, **all nontransient noncommunity water systems** and those **transient noncommunity public water systems** that use surface or ground water under the direct influence of surface water.

(2) Classification of Public Water Systems.

*[(B) Untreated public water systems serving fewer than fifty (50) service connections and fewer than two hundred (200) individuals shall be exempted from the operator certification provisions of this rule provided the system has demonstrated a history of safe water and has no major construction deficiencies.]*

*[(C)] (B) All treated public water systems will have a minimum classification of Class D. Classifications, determined from the rating values in subsection (2)/(E)/(D) are as follows:*

- |            |                |
|------------|----------------|
| 1. Class E | 0–20 points;   |
| 2. Class D | 21–50 points;  |
| 3. Class C | 51–75 points;  |
| 4. Class B | 76–100 points; |

and

- |            |                     |
|------------|---------------------|
| 5. Class A | 101 or more points. |
|------------|---------------------|

*[(D)] (C) A public water system can request, in writing, a hearing before the department to appeal its certification classification or denial of exemption as outlined previously. The hearing shall be conducted by the director or a hearing officer designated by the director.*

*[(E)] (D) Rating Values for Classification of Water Systems.*

Unit	Points	
Source	Groundwater	3
	Surface supply (stream or river)	8
	Surface supply with reservoir(s)	6
	Purchasing finished water	—
Bacterial Quality	Shallow well	4
	Deep well with coliform count	4
	Impoundment	8
	Stream or river	10
Treatment	Aeration	2
	Coagulation—surface	10
	—ground	5
	Sedimentation—conventional	5
	—high rate upflow	10
	Filtration	10
	Disinfection—chlorine added	5
	Ion exchange	5
	Adsorption	2
	Chemical oxidation	2
	Chemical precipitation (softening)	10
	Sequestration or stabilization	2
	Fluoridation	2

Units	Points	
Distribution	Well water pumping	5
	Finished water pumping	5
	Storage on system	2
Capacity or Usage	Untreated water systems or purchased water: Average consumption (gallons per day (GPD))	—
	Treated water systems: Plant design capacity (GPD)	—
	Points for capacity or usage from following:	—
	2,000,000 gallons per day or less—1 point for each 50,000 gallons or part	
	2,000,001 to 6,000,000 gallons per day—40 points plus 1 point for each 100,000 gallons or part for amount over 2,000,000 gallons	
	6,000,001 to 10,000,000 gallons per day—80 points plus 1 point for each 200,000 gallons or part for amount over 6,000,000 gallons	
10,000,001 gallons or more per day—100 points		
TOTAL POINTS	—	

(3) System Requirements.

(A) The name of the chief operator must be supplied to the department by the owner of the public water system and will be on file at all times. A chief operator may be replaced with another properly certified operator at any time. The owner shall notify the department in writing within thirty (30) days after the replacement. **The chief operator is a certified operator designated by the owner of the public water system to have overall responsibility regarding supervisory and operational activities that will directly impact the quality and quantity of drinking water. This individual must possess a certificate at the level of or higher than the classification of the treatment facility or distribution system, or both, for which he or she is responsible.**

(E) All persons making process control/system integrity decisions must be certified.

(F) A certified operator shall be available for consultation whenever process control/system integrity decisions are made.

(4) Violations.

(A) As of January 1, 1987, no person, firm, corporation, municipal corporation or other governmental subdivision or agency shall operate a public water system unless the competency of the chief operator to operate the facility is duly certified by the department as provided in this [rule] chapter except during periods of emergency[,] or disaster [or work stoppage]. No person shall perform the duties of a chief operator without being duly certified under the provisions of 10 CSR 60-14.020.

*AUTHORITY: section 640.100, RSMo [Supp. 1992] 2000. Original rule filed July 11, 1986, effective Jan. 1, 1987. Amended: Filed March 31, 1992, effective Dec. 3, 1992. Amended: Filed Nov. 15, 2000. Emergency amendment filed Jan. 25, 2001, effective Feb. 5, 2001, expires Aug. 3, 2001.*

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Public Drinking Water Program  
Chapter 14—Operator Certification  
EMERGENCY AMENDMENT**

**10 CSR 60-14.020 Certification of Water Supply Operators.**  
The department is amending sections (2), (5) and (8).

*PURPOSE: The purpose of this emergency amendment is to strengthen the rule in regard to new federal requirements in order to avoid a loss of about \$2 million annually in federal funding used mainly for low-interest loans to public water systems.*

*EMERGENCY STATEMENT: This amendment makes changes that are needed for the state to continue to qualify for an annual allotment of about \$2 million in federal funds used for essential drinking water protection activities and to provide low-interest loans to public water systems. The amendment must be effective by Feb. 5, 2001, which is only possible through this emergency action. Continuing to provide the services and public health protection made possible by these federal funds is a compelling governmental interest.*

*A proposed amendment containing these and other changes was published in the Dec. 15, 2000 issue of the Missouri Register. To ensure fairness to all interested persons and parties under the circumstances, pre-publication drafts of the proposed amendment (containing these changes) were distributed to the Safe Drinking Water Commission, water industry associations and other interested persons. Informal public meetings were held throughout the state and input was encouraged during the development of the proposed amendment. After publication of the proposed amendment, a public hearing was held Jan. 16, 2001 for formal comments, and a comment period for written comments was provided from Dec. 15, 2000 through Jan. 31, 2001.*

*The scope of this emergency amendment is limited to the issues requiring emergency action to preserve a compelling governmental interest. The procedure followed in promulgating this amendment comply with the protections extended by the Missouri and U.S. Constitutions.*

*Emergency amendment filed Jan. 25, 2001, effective Feb. 5, 2001, expires Aug. 3, 2001.*

(2) Training and Experience Required for Certification.

(A) In order to be eligible for a certificate, the applicant must have accumulated actual or equivalent operational experience and training, or both, in accordance with the following:

Certification Classification	Minimum Requirements
A	Six (6) years' water system experience (of which two (2) years may be equivalent)
B	Four (4) years' water system experience (of which one (1) year may be equivalent)
C	Two (2) years' water system experience (of which one (1) year may be equivalent)
D	[One (1) year] <b>One-half (1/2) year</b> water system experience (which may be equivalent)
E	[No education or experience requirement] <b>One-half (1/2) year water system experience (which may be equivalent)</b>

(B) Years of equivalent experience may be computed from the following criteria. [Experience equivalence for high school and college degrees is nonadditive:

1. High school diploma or GED certificate one-half (1/2) year;]
- [2.] 1. Graduation from an approved one (1)-year certificate program in water/wastewater technology one (1) year;
- [3.] 2. College level course in biological/environmental sciences (grade C or better required; maximum of six (6) months' credit) one (1) month per three (3) semester hours;

[4.] 3. Two (2)-year associate degree in related field (environmental health/science) one and one-half (1 1/2) years;

[5.] 4. Four (4)-year or more degree in sanitary, public health, civil, mechanical or electrical engineering or allied sciences two (2) years;

[6.] 5. An approved multiweek entry-level training course or correspondence course (maximum credit of one (1) year) one-half (1/2) year.

**(H) The minimum education requirement for certification is any one (1) of the following:**

1. A high school diploma;
2. A general equivalency diploma (GED);
3. Successful completion of a department-approved multi-day water system operating course, appropriate to the type of certification sought (Note: This training shall not be counted for both education and equivalent experience); or

4. Six months of experience. (Note: This experience shall not be counted for both education and equivalent experience, and is not included in the cap on equivalent experience in subsection (2)(A) of this rule.)

(5) Certification Without Examination.

(A) Certificates in appropriate classifications shall be issued without examination, upon written application, to a noncertified person *[or a person certified at a level lower than required]* who, because of changes to the operator certification program to meet federal requirements, must be certified when this individual is attested to by *[a governing body or]* the owner of *[a]* the public water system to be *[the chief operator provided that person has been an operator]* an operator in responsible charge making process control/system integrity decisions for *[the]* that public water system for at least one (1) year prior to adoption of this rule. A certificate so issued will be valid for that operator only at that particular facility provided that the source, capacity, treatment, or a combination of these, do not change. Any certificate issued under this provision shall be so marked. Applications for certification under the provisions of this subsection must be made by *[March 2, 1987]* the owner by **July 31, 2002**.

(B) The fee for operator certificates issued under *[the provisions of subsection (5)(A)]* this section (5) is *[fifteen dollars (\$15)]* forty-five (\$45). Certificates in appropriate classification type and level shall be issued without examination to no more than two (2) operators in responsible charge per eligible public water system.

(C) If the certificate issued under this section (5) is allowed to expire, the operator must meet the requirements for regular certification, including passing the appropriate examination.

(D) The operator may replace the restricted certificate with a regular certificate at any time by passing the applicable examination and meeting the applicable experience requirements.

(E) Operators with restricted certificates must, within three (3) years of certification, meet all requirements for renewing the restricted certificate. In order for the restricted certificate to be renewed the following conditions must be met:

1. The water system must not be in significant noncompliance with the public drinking water rules;
2. The water system owner must certify in writing to the department that the operator named on the certificate continues to perform the duties of a chief operator for the public water system;
3. A completed renewal application and renewal fee must be submitted for each certificate; and

4. The department-approved renewal training must be completed prior to the expiration of the certificate.

(8) Denial or Revocation of Certificate.

(B) The department may revoke the certificate of an operator if it is found that the operator has practiced fraud or deception in obtaining the certificate, or that the operator has exhibited gross negligence, willful malpractice or incompetence in operating a public water system *[or that the operator has]*, **sabotaged the water system, misled or lied to a government official regarding the water system, participated in sample tampering or selective sampling**, falsified facility operating records or reports required by 10 CSR 60 or that willful violations of 10 CSR 60 has occurred.

*AUTHORITY: section 640.100, RSMo [Supp. 1992] 2000. Original rule filed July 11, 1986, effective Jan. 1, 1987. Rescinded and readopted: Filed July 15, 1991, effective March 1, 1992. Amended: Filed Nov. 15, 2000. Emergency amendment filed Jan. 25, 2001, effective Feb. 5, 2001, expires Aug. 3, 2001.*