Orders of Rulemaking

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 of 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 (30) days after the date of publication of the revision to the *Code of State Regulations*.

he 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 (90)-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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation CommissionChapter 4—Wildlife Code: General Provisions

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 10-4.111 Endangered Species is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2002 (27 MoReg 226). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received during the comment period.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 40—Office of Athletics Chapter 1—General Organization and Procedures

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo 2000, the office rescinds a rule as follows:

4 CSR 40-1.010 General Organization is rescinded.

A notice of the proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2354). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations.*

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 40—Office of Athletics Chapter 1—General Organization and Procedures

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo 2000, the office rescinds a rule as follows:

4 CSR 40-1.021 Definitions is rescinded.

A notice of the proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2354). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations.*

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 40—Office of Athletics Chapter 1—General Organization and Procedures

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under sections 317.001 and 317.006, RSMo 2000, the office adopts a rule as follows:

4 CSR 40-1.021 Definitions is adopted.

A notice of the proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2354–2355). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations.*

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 40—Office of Athletics Chapter 1—General Organization and Procedures

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under sections 610.010–610.035, RSMo 2000, the office rescinds a rule as follows:

4 CSR 40-1.030 Custodian of Public Records is rescinded.

A notice of the proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2355). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations.*

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 40—Office of Athletics Chapter 1—General Organization and Procedures

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo 2000, the office rescinds a rule as follows:

4 CSR 40-1.031 Fees for Document Search and Copying is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2355). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations.*

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 40—Office of Athletics Chapter 2—Licenses and Permits

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo 2000, the office rescinds a rule as follows:

4 CSR 40-2.011 Licenses is rescinded.

A notice of the proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2356). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations.*

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 40—Office of Athletics Chapter 2—Licenses and Permits

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo 2000, the office adopts a rule as follows:

4 CSR 40-2.011 Licenses is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2356–2364). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 40—Office of Athletics Chapter 2—Licenses and Permits

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo 2000, the office rescinds a rule as follows:

4 CSR 40-2.021 Permits is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2365). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations.*

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 40—Office of Athletics Chapter 2—Licenses and Permits

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo 2000, the office adopts a rule as follows:

4 CSR 40-2.021 Permits and Fees is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2365–2368). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 40—Office of Athletics Chapter 3—Ticket Procedures

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo 2000, the office rescinds a rule as follows:

4 CSR 40-3.011 Tickets and Taxes is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2369). No changes have been made to the proposed

rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations.*

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 40—Office of Athletics Chapter 3—Ticket Procedures

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo 2000, the office adopts a rule as follows:

4 CSR 40-3.011 Tickets and Taxes is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2369–2371). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations.*

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 40—Office of Athletics Chapter 4—Licensees and Their Responsibilities

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo 2000, the office rescinds a rule as follows:

4 CSR 40-4.015 Promoters is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2372). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations.*

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 40—Office of Athletics Chapter 4—Licensees and Their Responsibilities

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under sections 317.006 and 317.015, RSMo 2000, the office adopts a rule as follows:

4 CSR 40-4.015 Promoters is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2372–2375). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations.*

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 40—Office of Athletics Chapter 4—Licensees and Their Responsibilities

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo 2000, the office rescinds a rule as follows:

4 CSR 40-4.020 Matchmakers is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2376). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations.*

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 40—Office of Athletics Chapter 4—Licensees and Their Responsibilities

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under sections 317.006 and 317.015, RSMo 2000, the board adopts a rule as follows:

4 CSR 40-4.020 Matchmakers is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2376). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations.*

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 40—Office of Athletics Chapter 4—Licensees and Their Responsibilities

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo 2000, the office rescinds a rule as follows:

4 CSR 40-4.030 Professional Boxing, Wrestling and Karate Referees is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2376–2377). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations.*

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 40—Office of Athletics Chapter 4—Licensees and Their Responsibilities

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under sections 317.006 and 317.015, RSMo 2000, the office adopts a rule as follows:

4 CSR 40-4.030 Professional Boxing, Professional Wrestling, Professional Kickboxing, and Professional Full-Contact Karate Referees **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2377–2381). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 40—Office of Athletics Chapter 4—Licensees and Their Responsibilities

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo 2000, the office rescinds a rule as follows:

4 CSR 40-4.040 Physicians for Boxing and Karate is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2382). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations.*

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 40—Office of Athletics Chapter 4—Licensees and Their Responsibilities

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under sections 317.006 and 317.015, RSMo 2000, the office adopts a rule as follows:

4 CSR 40-4.040 Physicians for Professional Boxing, Professional Wrestling, Professional Kickboxing, and Professional Full-Contact Karate **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2382–2383). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 40—Office of Athletics Chapter 4—Licensees and Their Responsibilities

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo 2000, the office rescinds a rule as follows:

4 CSR 40-4.050 Timekeepers is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2384). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations.*

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 40—Office of Athletics Chapter 4—Licensees and Their Responsibilities

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under sections 317.006 and 317.015, RSMo 2000, the office adopts a rule as follows:

4 CSR 40-4.050 Timekeepers is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2384–2386). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 40—Office of Athletics Chapter 4—Licensees and Their Responsibilities

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under sections 317.006 and 317.015, RSMo 2000, the office amends a rule as follows:

4 CSR 40-4.060 Announcers is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2387). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 40—Office of Athletics Chapter 4—Licensees and Their Responsibilities

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under sections 317.006 and 317.015, RSMo 2000, the office amends a rule as follows:

4 CSR 40-4.070 Seconds is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2387–2388). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations.*

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 40—Office of Athletics Chapter 4—Licensees and Their Responsibilities

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo 2000, the office rescinds a rule as follows:

4 CSR 40-4.080 Judges for Professional Boxing and Karate is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2388). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations.*

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 40—Office of Athletics Chapter 4—Licensees and Their Responsibilities

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo 2000, the office adopts a rule as follows:

4 CSR 40-4.080 Judges for Professional Boxing, Professional Kickboxing and Professional Full-Contact Karate **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2388–2391). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 40—Office of Athletics Chapter 4—Licensees and Their Responsibilities

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under sections 317.006 and 317.015, RSMo 2000, the office amends a rule as follows:

4 CSR 40-4.090 Contestants is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2392). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 40—Office of Athletics Chapter 5—Inspector Duties and Rules for Professional Boxing, Professional Wrestling, Professional Kickboxing, and Professional Full-Contact Karate

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo 2000, the office amends a rule as follows:

4 CSR 40-5.010 Inspectors is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2392–2394). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 40—Office of Athletics Chapter 5—Inspector Duties for Boxing, Wrestling, Karate, and Semiprofessional Elimination Contests

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo 2000, the office rescinds a rule as follows:

4 CSR 40-5.030 Rules for Professional Wrestling is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2395). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 40—Office of Athletics Chapter 5—Inspector Duties and Rules for Professional Boxing, Professional Wrestling, Professional Kickboxing, and Professional Full-Contact Karate

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under sections 317.006 and 317.015, RSMo 2000, the office adopts a rule as follows:

4 CSR 40-5.030 Rules for Professional Wrestling is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2395–2397). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations.*

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 40—Office of Athletics Chapter 5—Inspector Duties for Boxing, Wrestling, Karate and Semiprofessional Elimination Contests

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo 2000, the office rescinds a rule as follows:

4 CSR 40-5.040 Rules for Professional Boxing is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2398). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 40—Office of Athletics Chapter 5—Inspector Duties and Rules for Professional Boxing, Professional Wrestling, Professional Kickboxing, and Professional Full-Contact Karate

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under sections 317.006 and 317.015, RSMo 2000, the office adopts a rule as follows:

4 CSR 40-5.040 Rules for Professional Boxing is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2398–2400). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations.*

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 40—Office of Athletics Chapter 5—Inspector Duties for Boxing, Wrestling, Karate and Semiprofessional Elimination Contests

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo 2000, the office rescinds a rule as follows:

4 CSR 40-5.050 Rules for Amateur Boxing is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2400). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations.*

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 40—Office of Athletics Chapter 5—Inspector Duties for Boxing, Wrestling, Karate and Semiprofessional Elimination Contests

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo 2000, the office rescinds a rule as follows:

4 CSR 40-5.060 Rules for Professional and Amateur Full-Contact Karate is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2400). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations.*

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 40—Office of Athletics Chapter 5—Inspector Duties and Rules for Professional Boxing, Professional Wrestling, Professional Kickboxing, and Professional Full-Contact Karate

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo 2000, the office adopts a rule as follows:

4 CSR 40-5.060 Rules for Professional Kickboxing and Professional Full-Contact Karate **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2400–2402). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 40—Office of Athletics Chapter 5—Inspector Duties for Boxing, Wrestling, Karate and Semiprofessional Elimination Contests

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under sections 317.001(7) and 317.006(1), RSMo 2000, the office rescinds a rule as follows:

4 CSR 40-5.070 Semiprofessional Elimination Contest is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2402). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations.*

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 40—Office of Athletics Chapter 6—Facilities

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo 2000, the office rescinds a rule as follows:

4 CSR 40-6.010 Facility and Equipment Requirements is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2402–2403). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations.*

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 40—Office of Athletics Chapter 6—Facilities

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo 2000, the office adopts a rule as follows:

4 CSR 40-6.010 Facility and Equipment Requirements is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2403). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations.*

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 40—Office of Athletics Chapter 7—Disciplinary and Appeals Procedures

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo 2000, the office rescinds a rule as follows:

4 CSR 40-7.010 Disciplinary and Appeals Procedures is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2403–2404). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations.*

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 40—Office of Athletics Chapter 7—Disciplinary and Appeals Procedures

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo 2000, the office adopts a rule as follows:

4 CSR 40-7.010 Disciplinary and Appeals Procedures is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2404). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations.*

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 100—Division of Credit Unions Chapter 2—State-Chartered Credit Unions

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Credit Unions under section 370.100, RSMo 2000, the director amends a rule as follows:

4 CSR 100-2.085 Credit Union Service Organization (CUSO) is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2002 (27 MoReg 16–18). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division of Credit Unions received one (1) comment on the proposed amendment.

COMMENT: The Missouri Credit Union System submitted a comment in support of the proposed amendment.

RESPONSE: The Division of Credit Unions appreciates having the support of the Missouri Credit Union System in this effort.

Title 10—DEPARTMENT OF NATURAL RESOURCES Division 10—Air Conservation Commission Chapter 5—Air Quality Standards and Air Pollution Control Rules Specific to the St. Louis Metropolitan Area

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-5.300 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2001 (26 MoReg 1967–1974). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program (APCP) received comments from the U.S. Environmental Protection Agency (EPA), The Boeing Corporation, DaimlerChrysler Corporation and Safety-Kleen Systems, Inc. The comments focused on support, language clarity, additions and changes.

COMMENT: The Boeing Corporation commented that subparagraphs (3)(B)1.A. and parts (3)(B)1.A.(I) through (IV) should be deleted. These provisions relate to a transitional 2mmHg vapor pressure limit for cold cleaning that was in place between September 30, 1998 and April 1, 2001. It is after April 1, 2001, and the 2mmHg vapor pressure no longer has any applicability. As a result, these paragraphs unnecessarily clutter and lessen the clarity of the rule. Subsequent language that reference the deleted language can also then be simplified, and should be easier to understand.

RESPONSE: The department's Air Pollution Control Program believes the rule language as written is rule history and follows correct rule organization format. The rule language also demonstrates the phase-in period for the vapor pressure requirements. Therefore, no changes were made as a result of this comment.

COMMENT: The Boeing Corporation commented that subparagraph (3)(B)1.C. includes the undefined term, enclosed reservoir, which makes its applicability unclear. The term and/or the applicability of this section should be defined. Additionally, subparagraph (3)(B)1.C. states that a cold cleaner must have a cover or an enclosed reservoir (which limit the escape of solvent vapors when not processing parts). Part (3)(B)1.D.(X) states that all remote closed top spray gun cleaning machines shall not be operated unless the cover is closed and shall be closed or covered when not in use. If a remote reservoir is similar to an enclosed reservoir, then subparagraph (3)(B)1.C. and part (3)(B)1.D.(X) seem to contradict each other.

RESPONSE: The department's Air Pollution Control Program believes the term enclosed reservoir is self-explanatory and does not need defining. It should be pointed out that subparagraph (3)(B)1.C. deals with Cold Cleaners and part (3)(B)1.D.(X) deals with only Spray Gun Cleaning that includes spray gun cleaning machines. Therefore, no changes were made as a result of this comment.

COMMENT: The Boeing Corporation commented that relevant exempt activities found in subparagraph (3)(B)1.D. are exempted only from the vapor pressure requirements as written, including the small unit (< 1 gallon) exemptions at part (3)(B)1.D. (VI). This means that if a facility has a beaker that contains one ounce of solvent used to clean metal parts, then the facility would need to comply with the annual training, record keeping and other provisions of the rule—except the vapor pressure. These requirements are overly burdensome. The operations listed under the exemptions are either covered adequately by other language in the rule, specifically parts (3)(B)1.D. (III) and (3)(B)1.D. (V) as numbered in the proposal, or have negligible impact to air quality and therefore should be unconditionally exempt from all requirements of the rule.

RESPONSE: The department's Air Pollution Control Program believes training and record keeping are needed to control air pollution emissions. Operations originally covered under this rule prior to the incorporation of the vapor pressure restrictions are still required to have record keeping and training. Personnel need to be trained to do the job properly and quantities of solvents need to be known so that they can be monitored. The rules referenced in parts (3)(B)1.D.(III) and (V) have their own reporting and record keeping requirements. Processes covered under these rules are not required to comply with the training and record keeping requirements of the solvent metal cleaning rule. Therefore, no changes were made as a result of this comment.

COMMENT: The Boeing Corporation commented that the Missouri Hazardous Waste rules cited in subparts (3)(B)1.D.(VIII)(b) and (c) stand alone and do not need to be repeated in this rule. Including 10 CSR 25 rules in an air pollution control rule sets up a situation where a violation of a hazardous waste regulation unrelated to emissions (ex. missing accumulation start date) is purportedly enforceable under Missouri clean air rules. This places the violating facility in jeopardy under two sets of rules for the same infraction, and makes the air pollution control enforcement staff responsible for enforcing rules whose details they are unfamiliar with.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program does not intend to enforce Hazardous Waste Program rules or access penalties under the air law for hazardous waste law violations. However the words, for reference, have been added to subparagraphs (3)(C)1.E., (3)(C)2.J. and (3)(C)3.H. and subparts (3)(B)1.D.(VIII)(b) and (c) for rule clarity and standardization.

COMMENT: The Boeing Corporation commented that part (3)(B)1.D.(X) on paint spray gun cleaning should be deleted completely because although part (3)(B)1.D.(X) was proposed to provide an exemption for certain gun cleaning machines. Boeing's position is that paint spray gun cleaning is outside the scope of this solvent cleaning rule, so that a partial exemption is unnecessary. RESPONSE: The department's Air Pollution Control Program believes the machines used to clean spray guns are a type of cold cleaner and fall under the applicability of this rule. Therefore, no changes were made as a result of this comment.

COMMENT: The Boeing Corporation and DaimlerChrysler Corporation commented that the term soils was not defined in the rule or in 10 CSR 10-6.020 Definitions.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program agrees that the term soils is not defined. Soils are usually thought of as something not wanted on something else. A paint spray gun that has to be cleaned or has to apply a different color paint is dirty or soiled and has to be cleaned to be reusable. Therefore, the department's Air Pollution Control Program has added language in section (2) Definitions to read, Soils—Includes, but is not limited to, unwanted grease, wax, grit, ash, dirt, oil, primers, paint, specialty coatings, adhesives, sealers, resins and deadeners.

COMMENT: DaimlerChrysler Corporation commented to revise the language to clarify that the paint spray gun exemption applies to all coatings and not just what may be commonly viewed as paint.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program agrees with this comment. Language has been added to part (3)(B)1.D.(X) clarifying that other coatings may also be exempt.

COMMENT: The Boeing Corporation commented about the term metal parts and how metal parts do not relate to spray gun tools falling within the scope of metal surfaces intended to be covered by this rule.

RESPONSE: The department's Air Pollution Control Program realizes that a spray gun is made up of components or parts (metal or otherwise) and can be cleaned in the whole or in parts. Since a spray gun consists of parts, it can be cleaned using cold cleaners or more efficiently using spray gun cleaning machines which are a subcategory of cold cleaners. Therefore, no changes were made as a result of this comment.

COMMENT: The Boeing Corporation commented on the creation of a rules conflict regarding that no solvent vapor pressure limits have been set for gun cleaning or that annual training record keeping requirements are required with respect to the St. Louis Aerospace Volatile Organic Compound (VOC) rule 10 CSR 10-5.295 Control of Emissions From Aerospace Manufacture and Rework Facilities and the Aerospace National Emission Standards for Hazardous Air Pollutants (NESHAP) referenced in 10 CSR 10-6.075 Maximum Achievable Control Technology Regulations and this rule amendment.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program's intention of this rule amendment is to exempt the solvent vapor requirements for solvents used in remote closed top spray gun cleaning machines because it is realized that industry needs to use solvents that can perform the needed cleaning operation. Also, the department's Air Pollution Control Program believes annual training and record keeping requirements are needed to improve operating practices to help control air pollution emissions and thus reduce air pollution. Therefore, the department's Air Pollution Control Program has retained the solvent vapor pressure exemption for remote closed top spray gun cleaning machines. However, the department's Air Pollution Control Program has added the applicable NESHAP's spray gun cleaning language to the spray gun cleaning exemption part (3)(B)1.D.(X) to expand and better clarify the intent of the rule. Exemption language has also been added to paragraph (3)(D)5. Operator and Supervisor Training and subsection (4)(D) Reporting and Record Keeping to exempt personnel training and record keeping for spray gun cleaning operations that are regulated by 10 CSR 10-5.295 and 10 CSR 10-6.075. This exemption language was added to better clarify the intent of the rule because these operations use semi-annual compliance and certification as control techniques.

COMMENT: The Boeing Corporation commented on the placement of spray paint gun cleaning into Missouri's surface coating regulations as in the St. Louis Aerospace VOC rule, so that painters who also clean paint guns can readily find the requirements that pertain to their activity. Businesses that perform primarily surface coating do not anticipate finding their regulatory requirements in a rule for cold cleaners and vapor degreasers, activities more typical of machine shops and vehicle repair. RESPONSE: The department's Air Pollution Control Program believes that facilities that perform primarily surface coating should anticipate finding spray gun cleaning regulatory requirements in a solvent metal cleaning rule for cold cleaners because spray gun cleaning machines are a subcategory of cold cleaners. Therefore, no changes were made as a result of this comment.

COMMENT: The Boeing Corporation commented that no information pertaining to spray gun cleaning was known prior to its inclusion into this proposed rule amendment. History concerning the promulgation of the prior rule amendment to 10 CSR 10-5.300 solvent vapor pressure restrictions shows support was given to the prior amendment by Boeing and Safety-Kleen in cold cleaning degreasing applications and at no time was spray gun cleaning addressed therefore part (3)(B)1.D.(X) should be deleted.

RESPONSE: The department's Air Pollution Control Program addressed concerns by Safety-Kleen that the low vapor pressure restrictions in the original rule did not allow use of solvents capable of cleaning paint spray guns with this proposed rule amendment. The department's Air Pollution Control Program considered comments by Safety-Kleen in the rule amendment development stage and determined that spray gun cleaning can be done in spray gun cleaning machines which are a subcategory of cold cleaners. As a result, spray gun cleaning requirements belong in 10 CSR 10-5.300. Therefore, no changes were made as a result of this comment.

COMMENT: The Boeing Corporation commented that actual emissions from paint gun cleaning are very minimal, even in the aggregate. Further comment stated that it was clear that the department has not determined what actual paint gun cleaning practices have been in the past, nor whether all paint guns can actually be cleaned under a rule that considers gun cleaning to be subject to solvent vapor pressure limits and other cold cleaner rule provisions. Therefore, part (3)(B)1.D.(X) should be deleted. Reference was also made to California's South Coast Air Quality District Rule 1171 specifically addressing the vapor pressure limits of solvents used in gun cleaning.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program's presentation stated that the proposed amendment clearly addresses spray gun cleaning since spray gun cleaners are considered cold cleaners. The department's Air Pollution Control Program's presentation was not intended to explain all techniques or facets of spray gun cleaning. The department's Air Pollution Control Program researched 40 CFR Part 63, Subpart GG-National Emission Standards for Aerospace Manufacturing and Rework Facilities, other states rules, and Missouri's rules that pertain to coating application and subsequent application equipment cleaning. Most rules do not address spray gun cleaning because solvent vapor limits that are set to control VOC emissions relating to ozone creation are too low to allow adequate gun cleaning to be done. Subpart GG has the most extensive language that directly pertains to gun cleaning, and even it doesn't control solvent vapor pressure of the solvents used. Therefore, the department's Air Pollution Control Program has added language to part (3)(B)1.D.(X) from Subpart GG pertaining to five (5) spray gun cleaning techniques as well as expanded the language to better clarify the intent of part (3)(B)1.D.(X).

COMMENT: The Boeing Corporation commented that the term volatility in part (3)(B)1.F.(I) and subparagraphs (3)(B)1.H. and (3)(B)1.K. should be changed to vapor pressure to lessen any confusion pertaining to the meanings of the two terms.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program agrees and has changed the word volatility to vapor pressure in part (3)(B)1.F. (I) and subparagraphs (3)(B)1.H. and (3)(B)1.K.

COMMENT: The Boeing Corporation commented that the department's Air Pollution Control Program should add language to paragraph (3)(B)2. to read—Any vapor degreasers regulated under any federal National Emission Standard for Hazardous Air Pollutant are exempt from this rule. This would parallel language concerning cold cleaners regulated under a NESHAP at part (3)(B)1.D.(V), and would eliminate duplicative requirements for vapor degreasers subject to the Halogenated Solvent Cleaning NESHAP.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program agrees and has added new language in subparagraph (3)(B)2.E. to duplicate language in part (3)(B)1.D.(V) for rule uniformity.

COMMENT: The Boeing Corporation commented that subparagraph (3)(C)1.C. pertaining to a requirement that a cold cleaner is to be shut down immediately and remain shut down until trained service personnel are able to restore operation within the established parameters is not relevant for a cold cleaner because they are such simple devices with simple operating procedures. This paragraph has little to no value and clutters the rule. Further comments concerning subparagraph's (3)(C)2.F. and (3)(C)3.C. that equipment operators in many instances are experienced enough to be able to restore operation of nonfunctioning cleaners and that language should be added to the present language in the rule pertaining to restoring operation of the equipment by trained service personnel as presently allowed in the rule.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program realizes that cold cleaners are simple devices with simple operating procedures. The sooner any solvent emission source can be repaired when not performing properly, the less emissions will be emitted. Furthermore, the department's Air Pollution Control Program believes that the operator of the cold cleaner that is not performing correctly may be able to correct the unit as well as trained service personnel. Therefore, the department's Air Pollution Control Program has added language in subparagraphs (3)(C)1.C., (3)(C)2.F.,(3)(C)3.C., (3)(C)1.D., (3)(C)2.G. and (3)(C)3.D. to allow operators to repair and restore operation as well as trained service personnel.

COMMENT: The Boeing Corporation commented to delete subparagraph (3)(C)1.E. and its language regarding disposal of solvents from a cold cleaner. Missouri Hazardous Waste rules stand alone and provide adequate assurance of proper disposal and storage of spent solvent in closed containers. This subparagraph and subsection (4)(A) are written as to encourage businesses to use a cold cleaner service such as those offered by some Treatment, Storage, Disposal, Recycling Facilities (TSDFs). Facilities that do not use external contractors to perform these activities should not be put at a regulatory disadvantage.

RESPONSE: The department's Air Pollution Control Program does not intend to enforce Hazardous Waste Program rules or access penalties under the air law. Record keeping is a means to better monitor solvent emissions. Only affected facilities know the best way to handle solvent waste for their operation. The department's Air Pollution Control Program does not encourage any cold cleaner service, but rather references Missouri hazardous waste rules so that a proper disposal method is used. No change was made as a result of this comment.

COMMENT: The Boeing Corporation commented that subparagraph (3)(C)2.A. pertaining to open top vapor degreasers, that the cover shall be kept closed at all times except when processing workloads through the degreaser, should be changed to include, for maintenance or collecting samples, because maintenance and solvent sample collection are necessary short term activities that cannot be performed with the vapor degreaser cover closed. RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the department's Air Pollution Control Program has added the recommended language to subparagraph (3)(C)2.A.

COMMENT: The Boeing Corporation requested that in subparagraph (3)(C)2.1. concerning vapor degreasers requiring that, water shall not be visually detectable in solvent exiting the water separator, should be changed to read, water shall not be visually detectable in solvent exiting any manually operated water separator. Boeing states that water may not be visually detectable in solvent exiting an automatic water separator due to the configuration of the equipment. If water must be manually removed from the separator, then the potential exists for water to be reintroduced from the separator into the solvent. Where the water is automatically removed from the separator, there is negligible potential for water to be reintroduced from the separator into the solvent.

RESPONSE: The rule requires that water shall not be visually detectable in solvent exiting the water separator. This is required regardless if manual or automatic water separators are used to remove water from the solvent. Therefore, no changes have been made as a result of this comment.

COMMENT: The Boeing Corporation requested that subsection (4)(A) be deleted due to duplication of record keeping and the burdens incurred.

RESPONSE: The rule restates in subsection (4)(A) the original rule language. No additional record keeping is expected as a result of this organizational change. Therefore, no changes were made as a result of this comment.

COMMENT: The Boeing Corporation requested that section (8) Exceptions be retained because the exception language merely informs operators who may be unfamiliar with the VOC definition that these formerly common solvents are not within the rule.

RESPONSE: The department's Air Pollution Control Program believes that the definition of volatile organic compound (VOC) in 10 CSR 10-6.020 Definitions adequately covers these compounds. These compounds are exempt from the requirements of 10 CSR 10-5.300 since they are not VOCs. Therefore, no changes were made as a result of this comment.

COMMENT: DaimlerChrysler Corporation and Safety-Kleen Systems, Inc. commented, that in subpart (3)(B)1.D.(X), spray gun cleaning machines used by industry use larger spent solvent recovery containers than the five (5) gallon limit specified in this proposed rule amendment. They ask that the container size be increased to keep existing equipment from becoming out of compliance. DaimlerChrysler further commented that machines that are in use prior to the rule amendments effective date should be exempt. Further comments by Safety-Kleen state that the VOC emissions produced by the unit are independent to the size of both the solvent supply container and the spent solvent recovery container because both are closed except when being accessed or maintained and therefore can not produce emissions since they are closed.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program believes that the spray gun cleaning machines, regardless of solvent container size, do produce emissions even when not in use. Most of the emissions are produced when the machines are accessed and maintained. Increasing container size will lower emissions because less maintenance will be required. Therefore, the language in subpart (3)(B)1.D.(X), concerning container size limit has been changed from five (5) gallons to thirty (30) gallons.

COMMENT: DaimlerChrysler Corporation commented to exempt piping and pump cleaning machines because motor vehicle manufacturing facilities need to clean not only the coating spray guns and nozzles, but also the piping and pumps that are used to deliver the coatings to those guns and nozzles.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program agrees and has changed the language in part (3)(B)1.D.(X). Pertaining to five (5) gun cleaning techniques and has expanded the language to better clarify the intent of this exemption.

COMMENT: Safety-Kleen Systems, Inc. commented that open top spray gun cleaning machines should be exempt since the proposed rule amendment proposes to exempt closed top spray gun cleaning machines. Safety-Kleen submitted testing data with results on emission tests where their open top spray gun cleaning machines were tested against several different closed top spray gun cleaning machines and the results found favorably for Safety-Kleens open top machines.

RESPONSE: The department's Air Pollution Control Program has reviewed the test results but finds the test did not include both Safety-Kleen gun cleaning machine types in a direct comparison. Without direct test results to verify that open top spray gun cleaning machines have equal or less emissions than closed top spray gun cleaning machines, we cannot verify this claim. Therefore no changes were made as a result of this comment.

COMMENT: The EPA commented they do not have any objections to the principle of the proposed amendment which will allow high volatility solvents to be used to clean paint spray guns and nozzles as long as they are cleaned in closed top cleaning machines. However, without knowing what the present practice is, EPA does not know if the proposed rule amendment will result in an increase or decrease in volatile organic compound emissions. 10 CSR 10-5.300 is a St. Louis RACT rule and is part of the attainment demonstration and the 15 percent rate of progress plan. The rule amendment can not allow any increase in emissions without calling into question the adequacy of the attainment demonstration and the 15 percent rate of progress plan. Therefore, if the proposed rule amendment is approved, EPA requests that the department provide documentation when the rule is submitted for State Implementation Plan (SIP) approval which demonstrates that the revised rule will not have an adverse impact on the attainment demonstration or the 15 percent rate of progress plan.

RESPONSE: The department's Air Pollution Control Program agrees and plans to include documentation with the SIP submittal to show that this amendment will not increase emissions. Therefore, no changes were made as a result of this comment.

10 CSR 10-5.300 Control of Emissions From Solvent Metal Cleaning

(2) Definitions.

(I) Soils—Includes, but is not limited to, unwanted grease, wax, grit, ash, dirt, oil, primers, paint, specialty coatings, adhesives, sealers, resins and deadeners.

(J) Definitions of certain terms specified in this rule, other than those specified in this rule section, may be found in 10 CSR 10-6.020.

(3) General Provisions.

(B) Equipment Specifications.

- 1. Cold cleaners.
 - A. After September 30, 1998—

(I) No owner or operator shall allow the operation of any cold cleaner using a cold cleaning solvent with a vapor pressure greater than 2.0 millimeters of Mercury (mmHg) (0.038 psi) at twenty degrees Celsius (20° C) (sixty-eight degrees Fahrenheit (68° F)) unless the cold cleaner is used for carburetor cleaning;

(II) No supplier of cold cleaning solvents shall sell or offer for sale any cold cleaning solvent with a vapor pressure

greater than 2.0 mmHg (0.038 psi) at twenty degrees Celsius (20° C) (sixty-eight degrees Fahrenheit (68° F)) for use within the city of St. Louis and St. Charles, St. Louis, Jefferson and Franklin Counties, unless the cold cleaning solvent is used for carburetor cleaning;

(III) No owner or operator shall allow the operation of any cold cleaner using a cold cleaning solvent for the purpose of carburetor cleaning with a vapor pressure greater than 7.0 mmHg (0.133 psi) at twenty degrees Celsius (20° C) (sixty-eight degrees Fahrenheit (68° F)); and

(IV) No supplier of cold cleaning solvents shall sell or offer for sale any cold cleaning solvent for the purpose of carburetor cleaning with a vapor pressure greater than 7.0 mmHg (0.133 psi) at twenty degrees Celsius (20° C) (sixty-eight degrees Fahrenheit (68° F)) for use within the city of St. Louis and St. Charles, St. Louis, Jefferson and Franklin Counties.

B. After April 1, 2001-

(I) No owner or operator shall operate or allow the operation of any cold cleaner using a cold cleaning solvent with a vapor pressure greater than 1.0 mmHg (0.019 psi) at twenty degrees Celsius (20° C) (sixty-eight degrees Fahrenheit (68° F)) unless the cold cleaner is used for carburetor cleaning;

(II) No supplier of cold cleaning solvents shall sell or offer for sale any cold cleaning solvent with a vapor pressure greater than 1.0 mmHg (0.019 psi) at twenty degrees Celsius (20° C) (sixty-eight degrees Fahrenheit (68° F)) for use within the city of St. Louis and St. Charles, St. Louis, Jefferson and Franklin Counties, unless the cold cleaning solvent is used for carburetor cleaning;

(III) No owner or operator shall allow the operation of any cold cleaner using a cold cleaning solvent for the purpose of carburetor cleaning with a vapor pressure greater than 5.0 mmHg (0.095 psi) at twenty degrees Celsius (20° C) (sixty-eight degrees Fahrenheit (68° F)); and

(IV) No supplier of cold cleaning solvents shall sell or offer for sale any cold cleaning solvent for the purpose of carburetor cleaning with a vapor pressure greater than 5.0 mmHg (0.095 psi) at twenty degrees Celsius (20° C) (sixty-eight degrees Fahrenheit (68° F)) for use within the city of St. Louis and St. Charles, St. Louis, Jefferson and Franklin Counties.

C. Each cold cleaner shall have a cover which will prevent the escape of solvent vapors from the solvent bath while in the closed position or an enclosed reservoir which will limit the escape of solvent vapors from the solvent bath whenever parts are not being processed in the cleaner.

D. Exemptions.

(I) Sales of cold cleaning solvents in quantities of five (5) gallons or less shall be exempt from the requirements of parts (3)(B)1.A.(II), (3)(B)1.A.(IV), (3)(B)1.B.(II) and (3)(B)1.B.(IV) of this rule.

(II) The cleaning of electronic components shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule.

(III) Solvent cleaning operations which meet the emission control requirements of 10 CSR 10-5.295, 10 CSR 10-5.330, 10 CSR 10-5.340 or 10 CSR 10-5.442 shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule.

(IV) Cold cleaners using aqueous solvents shall be exempt from the requirements of parts (3)(B)1.A.(I), (3)(B)1.A.(III), (3)(B)1.B.(I) and (3)(B)1.B.(III) of this rule.

(V) Cold cleaners using solvents regulated under any federal National Emission Standard for Hazardous Air Pollutants shall be exempt from the requirements of parts (3)(B)1.A.(I), (3)(B)1.B.(I) and (3)(B)1.B.(III) of this rule.

(VI) Any cold cleaner with a liquid surface area of one (1) square foot or less or a maximum capacity of one (1) gallon or less shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule.

(VII) The cleaning of medical and optical devices shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule.

(VIII) Air-tight or airless cleaning systems shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule if the following requirements are met:

(a) The equipment is operated in accordance with the manufacturer's specifications and operated with a door or other pressure sealing apparatus that is in place during all cleaning and drying cycles;

(b) All waste solvents are stored in properly identified and sealed containers, and managed in compliance with the Missouri Hazardous Waste Management Commission rules for reference codified at 10 CSR 25, as applicable. All associated pressure relief devices shall not allow liquid solvents to drain out;

(c) Spills during solvent transfer shall be wiped up immediately and managed in compliance with the Missouri Hazardous Waste Commission rules for reference codified at 10 CSR 25, as applicable, and the used wipe rags shall be stored in closed containers; and

(d) A differential pressure gauge shall be installed to indicate the sealed chamber pressure.

(IX) Janitorial and institutional cleaning shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule.

(X) Spray gun cleaning. Each owner or operator of a manufacturing and/or rework operation shall clean spray guns used in the application of (and not limited to) primers, paint, specialty coatings, adhesives, sealers, resins and deadeners utilizing one (1) or more of the following techniques:

(a) Enclosed system spray gun cleaning shall consist of forcing solvent through the gun. Spray gun cleaning machines used to clean spray guns with the exception of remote open top spray gun cleaning machines shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule. Spray guns and nozzles only may be cleaned in remote closed top spray gun cleaning machines containing solvent-based materials capable of cleaning, provided the removable clean and spent solvent containers (not to exceed thirty (30) gallons in size) are kept tightly closed or covered at all times except when being accessed or maintained. All remote spray gun cleaning machines shall be operated within the manufacturer's specifications. All remote closed top spray gun cleaning machines shall not be operated unless the cover is closed and shall be closed or covered when not in use;

(b) Nonatomized cleaning shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule. Spray guns shall be cleaned by placing cleaning solvent in the pressure pot and forcing it through the gun with the atomizing cap in place. No atomizing air is to be used. The cleaning solvent from the spray gun shall be directed into (and not limited to) a pail, bucket, drum, or other waste container that is closed when not in use;

(c) Disassembled spray gun cleaning shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule. Spray guns shall be cleaned by disassembling and cleaning the components by hand in a cold cleaner, which shall remain closed at all times except when in use. Alternatively, the components shall be soaked in a cold cleaner, which shall remain closed during the soaking period and when not inserting or removing components;

(d) Atomizing cleaning shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule. Spray guns shall be cleaned by forcing the cleaning solvent through the gun and directing the resulting atomized spray into a waste container that is fitted with a device designed to capture the atomized cleaning solvent emissions; and

(e) Cleaning of the nozzle tips of automated spray equipment systems, except for robotic systems that can be programmed to spray into a closed container, shall be exempt from the requirements of part (3)(B)1.D.(X).

E. An owner or operator of a cold cleaner may use an alternate method for reducing cold cleaning emissions if the owner or operator shows the level of emission control is equivalent to or greater than the requirements of parts (3)(B)1.A.(I), (3)(B)1.A.(III), (3)(B)1.B.(I) and (3)(B)1.B.(III) of this rule. This alternate method must be approved by the director.

F. When one (1) or more of the following conditions exist, the design of the cover shall be such that it can be easily operated with one (1) hand such that minimal disturbing of the solvent vapors in the tank occurs. (For covers larger than ten (10) square feet, this shall be accomplished by either mechanical assistance such as spring loading or counter weighing or by power systems):

(I) The solvent vapor pressure is greater than 0.3 psi measured at thirty-seven point eight degrees Celsius (37.8°C) (one hundred degrees Fahrenheit (100°F)), such as in mineral spirits;

(II) The solvent is agitated; or

(III) The solvent is heated.

G. Each cold cleaner shall have a drainage facility which will be internal so that parts are enclosed under the cover while draining.

H. If an internal drainage facility cannot fit into the cleaning system and the solvent vapor pressure is less than 0.6 psi measured at thirty-seven point eight degrees Celsius (37.8° C) (one hundred degrees Fahrenheit (100° F)), then the cold cleaner shall have an external drainage facility which provides for the solvent to drain back into the solvent bath.

I. Solvent sprays, if used, shall be a solid fluid stream (not a fine, atomized or shower-type spray) and at a pressure which does not cause splashing above or beyond the freeboard.

J. A permanent conspicuous label summarizing the operating procedures shall be affixed to the equipment.

K. Any cold cleaner which uses a solvent that has a solvent vapor pressure greater than 0.6 psi measured at thirty-seven point eight degrees Celsius (37.8°C) (one hundred degrees Fahrenheit (100°F)) or heated above forty-eight point nine degrees Celsius (48.9°C) (one hundred twenty degrees Fahrenheit (120°F)) must use one (1) of the following control devices:

(I) A freeboard ratio of at least 0.75;

(II) Water cover (solvent must be insoluble in and heavier than water); or

(III) Other control systems with a mass balance demonstrated overall VOC emissions reduction efficiency greater than or equal to sixty-five percent (65%). These control systems must receive approval from the director prior to their use.

2. Open-top vapor degreasers.

A. Each open-top vapor degreaser shall have a cover which will prevent the escape of solvent vapors from the degreaser while in the closed position and shall be designed to open and close easily with one (1) hand such that minimal disturbing of the solvent vapors in the tank occurs. For covers larger than ten (10) square feet, easy cover use shall be accomplished by either mechanical assistance, such as spring loading or counter weighing or by power systems.

B. Each open-top vapor degreaser shall be equipped with a vapor level safety thermostat with a manual reset which shuts off the heating source when the vapor level rises above the cooling or condensing coil, or an equivalent safety device approved by the director.

C. Each open-top vapor degreaser with an air/vapor interface over ten and three-fourths $(10 \ 3/4)$ square feet shall be equipped with at least one (1) of the following control devices:

(I) A freeboard ratio of at least 0.75;

(II) A refrigerated chiller;

(III) An enclosed design (the cover or door opens only when the dry part actually is entering or exiting the degreaser); (IV) A carbon adsorption system with ventilation of at least fifty (50) cubic feet per minute per square foot of air vapor area when the cover is open and exhausting less than twenty-five parts per million (25 ppm) of solvent by volume averaged over one (1) complete adsorption cycle as measured using the reference method specified at 10 CSR 10-6.030(14)(A); or

(V) A control system with a mass balance demonstrated overall VOC emissions reduction efficiency greater than or equal to sixty-five percent (65%) and prior approval by the director.

D. A permanent conspicuous label summarizing the operating procedures shall be affixed to the equipment.

E. Exemption. Open-top vapor degreasers using solvents regulated under any federal National Emission Standard for Hazardous Air Pollutants shall be exempt from the requirements of parts (3)(B)1.A.(I), (3)(B)1.A.(III), (3)(B)1.B.(I) and (3)(B)1.B.(III) of this rule.

3. Conveyorized degreasers.

A. Each conveyorized degreaser shall have a drying tunnel or rotating (tumbling) basket or other means demonstrated to have equal to or better control which shall be used to prevent cleaned parts from carrying out solvent liquid or vapor.

B. Each conveyorized degreaser shall have the following safety switches or equivalent safety devices approved by the director which operate if the machine malfunctions:

(I) A vapor level safety thermostat with manual reset which shuts off the heating source when the vapor level rises just above the cooling or condensing coil; and

(II) A spray safety switch, which shuts off the spray pump if the vapor level in the spray chamber drops four inches (4"), for conveyorized degreasers utilizing a spray chamber.

C. Entrances and exits shall silhouette workloads so that the average clearance between parts and the edge of the degreaser opening is less than four inches (4") or less than ten percent (10%) of the width of the opening.

D. Covers shall be provided for closing off the entrance and exit during hours when the degreaser is not being used.

E. A permanent, conspicuous label summarizing the operating procedures shall be affixed to the equipment.

F. If the air/vapor interface is larger than twenty-one and one-half (21 1/2) square feet, one (1) major control device shall be required. This device shall be one (1) of the following:

(I) A refrigerated chiller:

(II) Carbon adsorption system with ventilation of at least fifty (50) cubic feet per minute per square foot of the total entrance and exit areas (when downtime covers are open) and exhausting less than twenty-five (25) ppm of solvent by volume averaged over one (1) complete adsorption cycle as measured using the reference method specified at 10 CSR 10-6.030(14)(A); or

(III) A control system with a mass balance demonstrated overall VOC emissions reduction efficiency greater than or equal to sixty-five percent (65%) and prior approval by the director.

(C) Operating Procedures.

1. Cold cleaners.

A. Cold cleaner covers shall be closed whenever parts are not being handled in the cleaners or the solvent must drain into an enclosed reservoir except when performing maintenance or collecting solvent samples.

B. Cleaned parts shall be drained in the freeboard area for at least fifteen (15) seconds or until dripping ceases, whichever is longer.

C. Whenever a cold cleaner fails to perform within the operating parameters established for it by this rule, the unit shall be shut down immediately and shall remain shut down until the operator or trained service personnel are able to restore operation within the established parameters.

D. Solvent leaks shall be repaired immediately or the degreaser shall be shut down until the leaks are repaired by the operator or trained service personnel.

E. Any waste material removed from a cold cleaner shall be disposed of by one (1) of the following methods and in accordance with the Missouri Hazardous Waste Management Commission rules for reference codified at 10 CSR 10-25, as applicable:

(I) Reduction of the waste material to less than twenty percent (20%) VOC solvent by distillation and proper disposal of the still bottom waste; or

(II) Stored in closed containers for transfer to-

(a) A contract reclamation service; or

(b) A disposal facility approved by the director.

F. Waste solvent shall be stored in covered containers only.

2. Open-top vapor degreasers.

A. The cover shall be kept closed at all times except when processing workloads through the degreaser except when performing maintenance or collecting solvent samples.

B. Solvent carry-out shall be minimized in the following ways:

(I) Parts shall be racked, if practical, to allow full drainage;

(II) Parts shall be moved in and out of the degreaser at less than eleven feet (11') per minute;

(III) Workload shall remain in the vapor zone at least thirty (30) seconds or until condensation ceases;

(IV) Pools of solvent shall be removed from cleaned parts before removing parts from the degreaser freeboard area; and

(V) Cleaned parts shall be allowed to dry within the degreaser freeboard area for at least fifteen (15) seconds or until visually dry, whichever is longer.

C. Porous or absorbent materials such as cloth, leather, wood or rope shall not be degreased.

D. If workloads occupy more than half of the degreaser's open-top area, rate of entry and removal shall not exceed five feet (5') per minute.

E. Spray shall never extend above vapor level.

F. Whenever an open-top vapor degreaser fails to perform within the operating parameters established for it by this rule, the unit shall be shut down until the operator or trained service personnel are able to restore operation within the established parameters.

G. Solvent leaks shall be repaired immediately or the degreaser shall be shut down until the leaks are repaired by the operator or trained service personnel.

H. Ventilation exhaust shall not exceed sixty-five (65) cubic feet per minute per square foot of degreaser open area unless proof is submitted that it is necessary to meet Occupational Safety and Health Administration (OSHA) requirements. Fans shall not be used near the degreaser opening.

I. Water shall not be visually detectable in solvent exiting the water separator.

J. Any waste material removed from an open-top vapor degreaser shall be disposed of by one (1) of the following methods or equivalent and in accordance with the Missouri Hazardous Waste Management Commission rules for reference codified at 10 CSR 10-25, as applicable:

(I) Reduction of the waste material to less than twenty percent (20%) VOC solvent by distillation and proper disposal of the still bottom waste; or

(II) Stored in closed containers for transfer to-

(a) A contract reclamation service; or

(b) A disposal facility approved by the director.

K. Waste solvent shall be stored in closed containers only.

3. Conveyorized degreasers.

A. Ventilation exhaust shall not exceed sixty-five (65) cubic feet per minute per square foot of degreaser opening unless proof is submitted that it is necessary to meet OSHA requirements. Fans shall not be used near the degreaser opening. B. Solvent carry-out shall be minimized in the following ways:

(I) Parts shall be racked, if practical, to allow full drainage; and

(II) Vertical conveyor speed shall be maintained at less than eleven feet (11') per minute.

C. Whenever a conveyorized degreaser fails to perform within the operating parameters established for it by this rule, the unit shall be shut down immediately and shall remain shut down until the operator or trained service personnel are able to restore operation within the established parameters.

D. Solvent leaks shall be repaired immediately or the degreaser shall be shut down until the leaks are repaired by the operator or trained service personnel.

E. Water shall not be visually detectable in solvent exiting the water separator.

F. Covers shall be placed over entrances and exits immediately after conveyor and exhaust are shut down and removed just before they are started up.

G. Waste solvent shall be stored in closed containers only.

H. Any waste material removed from a conveyorized degreaser shall be disposed of by one (1) of the following methods or equivalent and in accordance with the Missouri Hazardous Waste Management Commission rules for reference codified at 10 CSR 10-25, as applicable:

(I) Reduction of the waste material to less than twenty percent (20%) VOC solvent by distillation and proper disposal of the still bottom waste; or

(II) Stored in closed containers for transfer to-

(a) A contract reclamation service; or

(b) A disposal facility approved by the director.

(D) Operator and Supervisor Training.

1. Only persons trained in at least the operational and equipment requirements specified in this rule for their particular solvent metal cleaning process shall be permitted to operate the equipment.

2. The supervisor of any person who operates a solvent metal cleaning process shall receive equal or greater operational training than the operator.

3. Refresher training shall be given to all solvent metal cleaning equipment operators at least once each twelve (12) months.

4. Training records shall be maintained per subsections (4)(D) and (4)(E) of this rule.

5. Operator and supervisor personnel training and record keeping is exempt for spray gun cleaning operations that are regulated by 10 CSR 10-5.295 Control of Emissions From Aerospace Manufacturing and Rework.

(4) Reporting and Record Keeping.

(D) A record shall be kept of solvent metal cleaning training for each employee except per paragraph (3)(D)5.

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 2000, the commission amends a rule as follows:

10 CSR 10-6.060 Construction Permits Required is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2001 (26 MoReg 1974–1975). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received two comments during the public comment period. One comment was from the Missouri Pork Producers Association during the public hearing and the other was a written comment from the Department of Agriculture. Both comments were in support of the proposed language changes.

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 2000, the commission amends a rule as follows:

10 CSR 10-6.065 Operating Permits is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2001 (26 MoReg 1975–1976). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received two comments during the public comment period. One comment was from the Missouri Pork Producers Association during the public hearing and the other was a written comment from the Department of Agriculture. Both comments were in support of the proposed language changes.

Title 10—DEPARTMENT OF NATURAL RESOURCES Division 20—Clean Water Commission Chapter 6—Permits

ORDER OF RULEMAKING

By the authority vested in the Missouri Clean Water Commission under section 644.026, RSMo 2000, the commission amends a rule as follows:

10 CSR 20-6.200 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2001 (26 MoReg 1976–1991). Changes have been made in the text of the proposed amendment and are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Natural Resources received several comments on the proposed amendment to 10 CSR 20-6.200.

COMMENT: A request was made to create an automatic waiver for communities with less than 1,000 in population. The commenter stated that the automatic waiver should be allowed because the majority of these small communities do not have the financial resources or the technical expertise to prove eligibility for the waiver requirements. Also, these communities only cover a small geographic area and do not usually pose serious water quality problems.

RESPONSE AND EXPLANATION OF CHANGE: The state agrees with the comment and will add language to exclude communities that have less than 1,000 in population from needing a permit unless designated as a regulated MS4 by the department. The rule will retain the language that allows the state to require a permit from these communities should the department determine that the criteria for a waiver are not being met. Consistent with the federal rules, an application for a permit would be required within 180 days after a community has been notified (or designated) as a regulated municipal separate storm sewer system.

COMMENT: A request was made for the use of Permit-by-Rule as the means to establish permit coverage for the small MS4s. The use of Application Form E for permitting small MS4s was questioned and it was recommended that a new form be developed for accepting applications for small MS4s.

RESPONSE: The Missouri statutes allow for the use of Permit-by-Rule. The use of this permitting method would be beneficial toward reducing the regulatory burden on both the applicant and the state. However, the state does not believe that the requirements of the Phase II program could be satisfied by this approach. A Permit-by-Rule would only be effective where standard conditions can be developed for all participating municipalities. The cities must develop specific storm water management plans for implementing the six minimum control measures and for measuring progress in each municipality. The department must have a role in reviewing and approving these plans. Permit-by-Rule does not allow for this type of interaction. As an alternative that should streamline the issuance of permits, the state is developing a general permit that requires the submittal and approval of the requisite plan before a permit is issued. Once the plan is approved, the general permit can be promptly issued.

Form E contains essential information on the type of permit requested, name and address of the applicant, location of the proposed discharges and other information needed to determine whether or not the type of permit requested is appropriate for the proposed discharge. While Form E must be used, the department recognizes the differences between the permitting requirements of Phase I and Phase II of the storm water program and does not intend to require the same amount of information for both phases. A new form for Phase II may be developed to guide applicants on developing a Phase II storm water management plan that satisfactorily addresses the required six minimum control measures and presents the city's schedule for the plan's implementation.

COMMENT: One person testified in support of the rulemaking and requested the commission adopt the proposed amendment.

RESPONSE: The department recommends the adoption of the proposed amendment with the changes identified above.

COMMENT: One comment requested an increase to the width of the area allowed to be disturbed during trenching activities.

RESPONSE: Current rules allow for an exemption from a permit if trenching does not disturb an area of more than two feet in width. Staff believes the current exemption is appropriate and should be retained in the rule. No change will be made as no evidence was presented as to why the additional width would be justified. COMMENT: A comment was made regarding (1)(A) "All persons...point sources and" the word "and" should be changed to "or."

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and will make this change.

COMMENT: (1)(C)15.A.-D. should not have been deleted.

RESPONSE AND EXPLANATION OF CHANGE: (1)(C)16. is a definition of municipal separate storm sewer system. (1)(C)15.A.-D. should not have been deleted from the rule and staff will restore this language.

10 CSR 20-6.200 Storm Water Regulations

(1) Storm Water Permits-General

(A) All persons who operate, use, maintain existing storm water point sources or who disturb land that would result in a storm water point source shall apply to the department for the permits required by the Missouri Clean Water Law and these regulations. A permit must be obtained before beginning any new construction related to the above activities. The department issues these permits in order to enforce the Missouri Clean Water Law and regulations and administer the state operating permit program.

(B) Nothing shall prevent the department from taking action, including the requirement for issuance of any permits under the Missouri Clean Water Law and regulations, if any of the operations exempted should cause pollution of waters of the state or otherwise violate the Missouri Clean Water Law or these regulations. The following are exempt from storm water permit regulations:

1. Discharges from facilities or activities excluded from the state operating permit program under 10 CSR 20-6.010(1)(B);

2. Areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots, as long as the drainage from the excluded areas is not mixed with storm water drained from permitted areas;

3. *De minimis* discharges as defined by the department in general permits or by the Clean Water Commission;

4. Recycling collection points which are covered in a manner which prevents contact with storm water, including run on;

5. Farmlands, domestic gardens or lands used for sludge management where domestic sludge is beneficially reused and which are not physically located in the confines of the facility producing the sludge;

6. Agricultural storm water discharges and irrigation return flows;

7. Sites that disturb less than one (1) acre of total land area which are not part of a common plan or sale. Land disturbance activity on an individual residential building lot is not considered as part of the overall subdivision unless the activity is by the developer to improve the lot for sale;

8. Linear, strip or ribbon construction or maintenance operations meeting one (1) of the following criteria:

A. Grading of existing dirt or gravel roads which does not increase the runoff coefficient and the addition of an impermeable surface over an existing dirt or gravel road;

B. Cleaning or routine maintenance of roadside ditches, sewers, waterlines, pipelines, utility lines or similar facilities;

C. Trenches two (2') feet in width or less; or

D. Emergency repair or replacement of existing facilities as long as best management practices are employed during the emergency repair;

9. Mowing, brush hog clearing, tree cutting or similar activities which do not grade, dig, excavate or otherwise remove or kill the surface growth and root system of the ground cover;

10. Landfills which have received Missouri Department of Natural Resources approval to close and which are in compliance with any post-closure monitoring, management requirements and

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deed restrictions, unless the department determines the facility is a significant discharger of storm water related pollutants;

11. Facilities built to control the release of only storm water are not subject to the construction permitting requirement of 10 CSR 20-6.010(4), provided that the storm water does not come in contact with process waste, process wastewater or significant materials, and the storm water is not a significant contributor of pollutants;

12. The department may waive permit coverage if a municipal separate storm sewer system (MS4) serves a population of one thousand (1,000) or more within an urbanized area and the discharges meet the following criteria:

A. The discharges are not contributing substantially to the pollutant loadings of a physically interconnected MS4 that is regulated by the department's storm water program; and

B. If the discharge includes any pollutant(s) that have been identified as a cause of impairment of any water body to which it flows and storm water controls are not needed based on wasteload allocations that are part of a U.S. Environmental Protection Agency (EPA) approved or established total maximum daily load (TMDL) that addresses the pollutant(s) of concern;

13. The department may waive permit coverage if a MS4 serves a population of ten thousand (10,000) or more and the discharges meet the following criteria:

A. The department has evaluated all waters of the state, including small streams, tributaries, lakes, and ponds, that receive a discharge from the MS4;

B. For all such waters, the department has determined that storm water controls are not needed based on wasteload allocations that are part of an EPA approved or established TMDL that addresses the pollutant(s) of concern or, if a TMDL has not been developed or approved, an equivalent analysis that determines sources and allocations for the pollutant(s) of concern;

C. For the purpose of this paragraph, the pollutant(s) of concern include biochemical oxygen demand (BOD), sediment or a parameter that addresses sediment (such as total suspended solids, turbidity or siltation), pathogens, oil and grease, and any pollutant that has been identified as a cause of impairment of any water body that receives a discharge from a MS4; and

D. The department has determined that future discharges from a MS4 do not have the potential to result in exceedances of water quality standards, including impairment of designated uses, or other significant water quality impacts, including habitat and biological impacts;

14. A regulated small MS4, may share the responsibility under the following:

A. A MS4 may develop an agreement with another entity to assist with satisfying the National Pollutant Discharge Elimination System (NPDES) permit obligations or with implementing a minimum control measure if:

(I) The other entity currently implements the control measure;

(II) The particular control measure, or component thereof, is at least as stringent as the corresponding permit requirement; and

(III) A MS4 that relies on another entity to satisfy some of the permit obligations specifies the condition of the agreement, including a description of the obligations implemented by the other entity. The permitted MS4 remains ultimately responsible for compliance with the permit obligations if the other entity fails to implement the control measure (or component thereof);

B. In some cases, the department may recognize, either in an individual permit or in a general permit that another governmental entity is responsible under a permit for implementing one or more of the minimum control measures for a small MS4. Where the department recognizes these dual responsibilities, the department may not require the MS4 to include such minimum control measure(s) in their program. The MS4 permit may be modified to include the requirement to implement a minimum control measure if the other entity fails to implement it;

15. The director may waive the otherwise applicable requirements in a general permit for a storm water discharge from construction activities that disturb less than five (5) acres, but more than one (1) acre, where:

A. The value of the rainfall erosivity factor R in the Revised Universal Soil Loss Equation is less than five (5) during the period of construction activity. The rainfall erosivity factor is determined in accordance with Chapter 2 of Agriculture Handbook Number 703, Predicting Universal Soil Loss Equation (RUSLE), pages 21-64, dated January 1997, which is incorporated in this rule by reference. Copies may be obtained from EPA's Water Resource Center, Mail Code RC4100, 401 M Street S.W., Washington, DC 20460. An operator must certify to the director that the construction activity will take place during a period when the value of the rainfall erosivity factor is less than five (5); or

B. A TMDL approved or established by the department or by the EPA that addresses the pollutant(s) of concern without the need for storm water controls;

C. Waste load allocations are not needed on non-impaired waters to protect water quality based on consideration of existing in-stream concentrations, expected growth in pollutant contributions from all sources, and a margin of safety. For the purpose of paragraphs (1)(B)15.B. and C. of this rule, the pollutant(s) of concern include sediment or a parameter that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause or a potential cause of impairment of any water body that will receive a discharge from the construction activity. The operator must certify to the department that the construction activity will take place, and that storm water discharges will occur, within the drainage area addressed by the TMDL or by an equivalent analysis; and

16. A storm water permit under this rule may be excluded for industrial activities that do not expose materials to storm water. No exposure exists if the industrial materials and activities are protected from rain, snow, snowmelt and/or runoff and the operator meets the requirements under parts A. (I) through B. (III) of this paragraph.

A. Industrial materials and activities protected by storm resistant shelter. No exposure means that all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product or waste product. To qualify a permit exclusion under this paragraph, the operator of the discharge must:

(I) Provide a storm resistant shelter to protect industrial materials and activities from exposure to rain, snow, snowmelt, and runoff;

(II) Complete and sign a certification that storm water is not contaminated by exposure to industrial materials and activities from the entire facility, except as provided in paragraph (1)(A)2. of this rule;

(III) Resubmit the signed certification to the department once every five (5) years;

(IV) Allow the department to inspect the facility to determine compliance with the no-exposure conditions;

(V) Make the no-exposure inspection reports available to the public upon request; and

(VI) For facilities that discharge through a MS4, submit a copy of the certification of no-exposure to the MS4 operator, as well as allow inspection and public reporting of the inspection findings by the MS4 operator. B. Industrial materials and activities not requiring storm resistant shelter. An industrial site may qualify for this exclusion without a storm resistant shelter if:

(I) Drums, barrels, tanks, and similar containers are tightly sealed, provided those containers are not deteriorated and do not leak. Sealed means banded or otherwise secured and without operational taps or valves;

(II) Adequately maintained vehicles are used in material handling; and

(III) All industrial materials consist of final products, other than products that would be mobilized by storm water.

(C) Definitions.

1. Best management practices (BMPs). Schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the pollution of waters of the state. BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal or drainage from raw material storage.

2. BMPs for land disturbance. A schedule of activities, practices or procedures that reduces the amount of soil available for transport or a device that reduces the amount of suspended solids in runoff before discharge to waters of the state. Types of BMPs for storm water control include, but are not limited to:

A. State-approved standard specifications and permit programs;

B. Employee training in erosion control, material handling and storage and housekeeping of maintenance areas;

C. Site preparation such as grading, surface roughening, topsoiling, tree preservation and protection, and temporary construction entrances;

D. Surface stabilization such as temporary seeding, permanent seeding, mulching, sodding, ground cover including vines and shrubs, riprap and geotextile fabric. Mulches may be hay, straw, fiber mats, netting, wood cellulose, corn or tobacco stalks, bark, corn cobs, wood chips or other suitable material which is reasonably clean and free of noxious weeds and deleterious materials. Grasses used for temporary seeding shall be a quick growing species such as rye grass, Italian rye grass or cereal grasses suitable to the area and which will not compete with the grasses sown later for permanent cover;

E. Runoff control measures such as temporary diversion dikes or berms, permanent diversion dikes or berms, right-of-way or perimeter diversion devices, and retention and detention basins. Sediment traps and barriers, sediment basins, sediment (silt) fence and staked straw bale barriers;

F. Runoff conveyance measures such as grass-lined channels, riprap and paved channels, temporary slope drains, paved flumes or chutes. Slope drains may be constructed of pipe, fiber mats, rubble, Portland cement concrete, bituminous concrete, plastic sheets or other materials that adequately will control erosion;

G. Inlet and outlet protection;

H. Streambank protection such as a vegetative greenbelt between the land disturbance and the watercourse. Also, structural protection which stabilizes the stream channel;

I. A critical path method analysis or a schedule for performing erosion control measures; and

J. Other proven methods for controlling runoff and sedimentation;

3. Copetitioner. A person with apportioned legal, financial and administrative responsibility based on land area under its control for filing Part 1 and Part 2 of a state operating permit for the discharge of storm water from municipal separate storm sewer systems. A copetitioner becomes a copermittee once the permit is issued.

4. Copermittee. A permittee to a state operating permit that is responsible only for permit conditions relating to the discharge for which it is owner or operator, or both. 5. *De minimis* water contaminant source. A water contaminant source, point source or wastewater treatment facility that is determined by the department to pose a negligible potential impact on waters of the state even in the event of the malfunction of wastewater treatment controls or material handling procedures.

6. Field screening point. A specific location which during monitoring will provide representative information to indicate the presence of illicit connections or illegal dumping and quality of water within a municipal separate storm sewer system.

7. Illicit discharge. Any discharge to a municipal separate storm sewer that is not composed entirely of storm water, except discharges pursuant to a state operating permit, other than storm water discharge permits and discharges from fire fighting activities.

8. Incorporated place (in Missouri, a municipality). A city, town or village that is incorporated under the laws of Missouri.

9. Landfill. Location where waste materials are deposited on or buried within the soil or subsoil. Included are open dumps and landfills built or operated, or both, prior to the passage of the Missouri Solid Waste Management Law as well as those built or operated, or both, since.

10. Large municipal separate storm sewer system. All municipal separate storm sewers that are either—

A. Located in an incorporated place with a population of two hundred fifty thousand (250,000) or more;

B. Located in the counties designated by the director as unincorporated places with significant urbanization and identified systems of municipal separate storm sewers;

C. Owned and operated by a municipality other than those described in subparagraph (1)(C)10.A. of this rule that are designated by the director as part of a system. In making this determination, the director may consider the following factors:

(I) Physical interconnections between the municipal separate storm sewers;

(II) The location of discharges from the designated municipal storm sewer relative to the discharges from municipal separate storm sewer described in subparagraph (1)(C)10.A. of this rule;

(III) The quantity and nature of pollutants discharged to the waters of the state;

(IV) The nature of the receiving waters; or

(V) Other relevant factors; and

D. The director, upon petition, may designate as a large municipal separate storm sewer system, municipal separate storm sewers located within the boundaries of a region defined by a storm water management regional authority based on a jurisdictional, watershed or other appropriate basis that includes one (1) or more of the systems described in subparagraph (1)(C)10.A. of this rule.

11. MS4 means:

A. A municipal separate storm sewer system.

12. Major municipal separate storm sewer system outfall (major outfall). A municipal separate storm sewer outfall that discharges from a single pipe with an inside diameter of thirty-six inches (36") or more (or its equivalent) or for municipal separate storm sewers that receive storm waters from lands zoned for industrial activity within the municipal separate storm sewer system with an outfall that discharges from a single pipe with an inside diameter of twelve inches (12") or more (or from its equivalent). Industrial activity areas do not include commercial areas.

13. Major outfall. A major municipal separate storm sewer outfall.

14. Major structural controls. Man-made retention basins, detention basins, major infiltration devices or other structures designed and operated for the purpose of containing storm water discharges from an area greater than or equal to fifty (50) acres.

15. Medium municipal separate storm sewer system. All municipal separate storm sewers that are either—

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A. Located in an incorporated place with a population of one hundred thousand (100,000) or more but less than two hundred fifty thousand (250,000), as determined by the latest decennial census by the Bureau of Census; or

B. Owned and operated by a municipality other than those described in subparagraph (1)(C)15.A. of this rule and that are designated by the director as part of the system. In making this determination, the director may consider the following factors:

(I) Physical interconnections between the municipal separate storm sewers;

(II) The locations of discharges from the designated municipal separate storm sewer relative to discharges from the municipal separate storm sewers described in subparagraph (1)(C)15.A. of this rule;

(III) The quantity and nature of pollutants discharged to waters of the state;

(IV) The nature of the receiving waters;

(V) Other relevant factors; or

(VI) The director, upon petition, may designate as a medium municipal separate storm sewer system, municipal separate storm sewers located within the boundaries of a region defined by a storm water management regional authority based on a jurisdictional watershed, or other appropriate basis that includes one (1) or more of the systems described in subparagraph (1)(C)15.A. of this rule.

16. Municipal separate storm sewer means a conveyance or system of conveyances including roads and highways with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, paved or unpaved channels or storm drains designated and utilized for routing of storm water which—

A. Does not include any waters of the state as defined in this rule;

B. Is contained within the municipal corporate limits or is owned and operated by the state, city, town, village, county, district, association or other public body created by or pursuant to the laws of Missouri having jurisdiction over disposal of sewage, industrial waste, storm water or other liquid wastes;

C. Is not a part or portion of a combined sewer system;

D. Is not a part of a publicly owned treatment works as defined in 40 CFR 122.2; and

E. Sewers that are defined as large or medium or small municipal separate storm sewer systems pursuant to paragraphs 10., 15., and 28. of this section, or designated under subsection (1)(B) of this rule.

17. Operator. The owner, or an agent of the owner, of a separate storm sewer with responsibility for operating and maintaining the effectiveness of the system.

18. Outfall. A point source as defined by 10 CSR 20-2.010 at the point where a municipal separate storm sewer discharges and does not include open conveyances connecting two (2) municipal separate storm sewers, pipes, tunnels or other conveyances which connect segments of waters of the state and are used to convey waters of the state.

19. Overburden. Any material of any nature consolidated or unconsolidated that overlays a mineral deposit excluding topsoil or similar naturally occurring surface materials that are not disturbed by mining operations.

20. Owner. A person who owns and controls the use, operation and maintenance of a separate storm sewer.

21. Process wastewater. Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product or waste product.

22. Receiving waters. Waters of the state as defined in this rule.

23. Recycling facilities. Locations where metals, paper, tires, glass, organic materials, used oils, spent solvents or other materials are collected for reuse, reprocessing or resale.

24. Regulated MS4 means:

A. A MS4 which serves a population of one thousand (1,000) or more within an urbanized area, or a MS4 which serves a population of ten thousand (10,000) or more elsewhere in the state.

B. A MS4 which is designated by the department when it is determined that the discharges from the MS4 have caused or have the potential to cause an adverse impact on water quality. An application shall be submitted within one hundred eighty (180) days of the designation by the department.

25. Runoff coefficient. The fraction of total rainfall that will appear at a conveyance as runoff.

26. Significant contributor of pollutants. A person who discharges or causes the discharge of pollutants in storm water which can cause water quality standards of the waters of the state to be violated.

27. Significant material or activity associated with industrial activity.

A. For the categories of industries identified in subsections (2)(A)-(D) of this rule, the term includes, but is not limited to, storm water discharged from industrial plant yards, immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material or by-products used or created by the facility.

B. Significant materials include, but are not limited to, raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101(14) of the Comprehensive Environmental Response, Compensation, Liability Act of 1980 (CERCLA); any chemical the facility is required to report pursuant to Section 313 of Title III of Superfund Amendments & Reauthorization Act of 1986 (SARA); fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.

C. Material received in drums, totes or other secure containers or packages which prevent contact with storm water, including run on, are exempted from the significant materials classification until the container has been opened for any reason. If the container is moved into a building or other protected area prior to opening, it will not become a significant material.

D. Empty containers which have been properly triple rinsed are not significant materials.

28. Small construction activity means:

A. Construction activities including clearing, grading and excavating that result in land disturbance of equal to or greater than one (1) acre and less than five (5) acres. Small construction activity also includes the disturbance of less than one (1) acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one (1) and less than five (5) acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.

B. Any other construction activity designated by the department, based on the potential for contribution to a violation of a water quality standard or for significant contribution of pollutants to waters of the United States.

29. Small municipal separate storm sewer system means:

A. Owned or operated by the United States, a state, city, town, borough, county, parish, district, association or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section

208 of the Clean Water Act (CWA) that discharges to water of the United States.

B. Not defined as large or medium municipal separate storm sewer systems pursuant to paragraphs 10. and 15. of this subsection.

C. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as around individual buildings.

30. Small MS4 means:

A. A small municipal separate storm sewer system.

31. Storm water means storm water runoff, snowmelt runoff and surface runoff, and drainage.

32. Storm water discharge associated with industrial activity means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing or raw material storage areas at an industrial plant.

33. Waters of the state, as it applies to large and medium municipalities under this regulation, means all waters listed as L1, L2 and L3 in Table G and P, P1 and C in Table H of 10 CSR 20-7.031.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 4—Licenses

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under sections 313.004, 313.805 and 313.807, RSMo 2000, the commission amends a rule as follows:

11 CSR 45-4.030 Application for Class A License is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 3, 2001 (26 MoReg 2297). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) 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 4—Licenses

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under sections 313.004, 313.805 and 313.810, RSMo 2000, the commission amends a rule as follows:

11 CSR 45-4.200 Supplier's License is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 3, 2001 (26 MoReg 2297–2298). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) 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 4—Licenses

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under sections 313.004, 313.800, 313.805, 313.807 and 313.812, RSMo 2000, the commission amends a rule as follows:

11 CSR 45-4.205 Affiliate Supplier's License is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 3, 2001 (26 MoReg 2298). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) 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 4—Licenses

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under sections 313.004 and 313.805, RSMo 2000, the commission amends a rule as follows:

11 CSR 45-4.260 Occupational Licenses is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 3, 2001 (26 MoReg 2298). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) 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 30—Bingo

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.065, RSMo 2000, the commission amends a rule as follows:

11 CSR 45-30.190 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2001 (26 MoReg 2106). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held on December 11, 2001, and the public comment period ended December 1, 2001. At the public hearing, the Missouri Gaming Commission staff explained the new rule and five (5) comments were made. COMMENT: Linda Bennett, CPS with the VFW Auxiliary 280 in Columbia, Missouri stated that she opposes the amendment. She feels that this will create a situation whereby it will prohibit bingo games from starting at 10:00 a.m. She also feels that this rule conflicts with the statute.

RESPONSE AND EXPLANATION OF CHANGE: The commission proposes to amend this rule to facilitate bingo games starting at 10 a.m.

COMMENT: Enola Ziebol from the Catholic Kolping Society in St. Louis, Missouri strongly opposes the amendment because moving the time to 10:00 a.m. would make it difficult for the elderly and prevent younger players who have school children from playing because the children must be picked up by 3:00 p.m.

RESPONSE AND EXPLANATION OF CHANGE: The commission proposes to amend this rule to facilitate bingo games starting at 10 a.m.

COMMENT: Doris J. Geldbach, Auxiliary Bingo Finance Officer, Amvets Post #48 Ladies Auxiliary, Desoto, Missouri suggested that the amendment be changed to state that the first bingo number could not be called prior to 10:00 a.m. Their game currently starts at 10:45 a.m. with the doors opening at 9:00 a.m. Allowing the organization to sell paper prior to 10:00 a.m. would help the older senior citizens and young mothers to get out of the hall prior to 3:00 p.m.

RESPONSE AND EXPLANATION OF CHANGE: The commission proposes to amend this rule so as to allow the organizations to sell bingo paper before 10 a.m.

COMMENT: Mary L. Lopinot, Vice President, Cardonlet Area Programs, Inc. (CAPS) of St. Louis, Missouri states that this change could limit the number of players and believes that the cost would be more than \$500 as was stated in the proposed amendment fiscal note. She believes that only twenty players down could cost at least \$700 each session, which would cost approximately \$35,000 annually.

RESPONSE: The commission takes exception to this comment.

COMMENT: W.T. Dawson, lobbyist, representing the Association of Charitable Games of Missouri (ACGM), testified that his members oppose the amendment. Stated that the amendment appears to be in conflict with section 313.040(14), RSMo, and rule 11 CSR 45-30.355. He believes that the amendment restricting the selling of bingo paper and pull tabs prior to 10 a.m. does not allow the charities to conduct their game beginning at 10 a.m. as allowed in section 313.040(14), RSMo.

RESPONSE: No changes have been made to the rule as a result of this comment.

COMMENT: Mike Bockoff, President of ACGM, submitted petitions from the members of his association opposing the amendment.

RESPONSE: No changes have been made to the rule as a result of this comment.

COMMENT: Linda Bennett, Bingo Chairman, Boone County Auxiliary Post 280, opposes the amendment. She believes that charitable bingo should be assisted rather than being regulated out of business.

RESPONSE: No changes have been made to the rule as a result of this comment.

COMMENT: Bob Hughes representing Hall Provider 171 in South St. Louis County, stated that allowing sales of paper and pull tabs prior to 10 a.m. allows the charities to complete the morning bingo games prior to 2 or 2:30 p.m. which allows seniors and mothers of school children to play during the day. RESPONSE AND EXPLANATION OF CHANGE: The commission proposes to amend this rule so as to facilitate the morning bingo games prior to 2 p.m. as desired by the organization members.

11 CSR 45-30.190 Rules of Play

(1) Except for pull tab games, a bingo game begins with the first letter and number drawn (called). Bingo paper may be sold no more than two (2) hours prior to the start of the first bingo game, however, no pull tab sales may start before 10:00 a.m. The paper and/or pull tab sales time must be clearly posted in the licensees house or game rules. All bingo paper and/or pull tabs must be sold by approved workers and sales times are subject to approval by the commission.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 30—Bingo

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.065, RSMo 2000, the commission amends a rule as follows:

11 CSR 45-30.395 Manufacturer Record Keeping Requirements is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2001 (26 MoReg 2106). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held on December 11, 2001, and the public comment period ended December 1, 2001. At the public hearing the Missouri Gaming Commission staff explained the proposed amendment. One (1) comment was received.

COMMENT: John H. Adams, Vice President and General Counsel of International Gameco, Inc. stated that he supports the proposed change and agrees with the language in the proposed amendment.

RESPONSE: No changes have been made to the proposed amendment.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 30—Bingo

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.065, RSMo 2000, the commission amends a rule as follows:

11 CSR 45-30.525 Supplier Record Keeping Requirements is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2001 (26 MoReg 2106–2107). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held December 11, 2001, and the public comment period ended December 1, 2001. At the public hearing the Missouri Gaming Commission staff explained the proposed amendment. One (1) comment was received.

COMMENT: Torry Turlin, Exalted Rule, B.P.O.E. Lodge #2701 in Perryville, Missouri stated that he supports the proposed changes to the amendment. It appears that the amendment would allow a local business to conduct a "free" bingo game for Christmas.

RESPONSE: No changes have been made to the proposed amendment.

Title 13—DEPARTMENT OF SOCIAL SERVICES Division 70—Division of Medical Services Chapter 10—Nursing Home Program

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services, Division of Medical Services, under sections 208.153, 208.159, and 208.201, RSMo 2000, the department amends a rule as follows:

13 CSR 70-10.050 Pediatric Nursing Care Plan is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2409–2414). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations.*

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES Division 70—Division of Medical Services Chapter 20—Pharmacy Program

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Medical Services under sections 208.153 and 208.201, RSMo 2000, the director withdraws a proposed amendment as follows:

13 CSR 70-20.031 List of Excludable Drugs for Which Prior Authorization is Required is **withdrawn**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2001 (26 MoReg 2016–2017). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: The Division of Medical Services received six (6) comments on this proposed amendment. Four (4) comments were received at the November 27, 2001 public hearing. Comments were generally against the proposed amendment. RESPONSE: As a result, the Division of Medical Services is withdrawing this proposed amendment at this time.

Title 13—DEPARTMENT OF SOCIAL SERVICES Division 70—Division of Medical Services Chapter 20—Pharmacy Program

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Medical Services under sections 208.152, 208.153 and 208.201, RSMo 2000, the director withdraws a proposed amendment as follows:

13 CSR 70-20.034 List of Non-Excludable Drugs for Which Prior Authorization is Required is **withdrawn**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2001 (26 MoReg 2018–2019). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: The Division of Medical Services received forty (40) comments on this proposed amendment. Six (6) comments were received at the November 27, 2001 public hearing. Comments were generally against the proposed amendment. RESPONSE: As a result, the Division of Medical Services is withdrawing this proposed amendment at this time.

In Additions

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.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 100—Division of Credit Unions

APPLICATIONS FOR NEW GROUPS OR GEOGRAPHIC AREAS

Pursuant to section 370.081(4), RSMo 2000, the director of the Missouri Division of Credit Unions is required to cause notice to be published that the following credit unions have submitted applications to add new groups or geographic areas to their membership.

Credit Union	Proposed New Group or Geographic Area
Gateway Metro Credit Union	Residents and employees in the Missouri
1001 Pine Street	Counties of St. Louis and St. Charles.
St. Louis, MO 63101	

NOTICE TO SUBMIT COMMENTS: Anyone may file a written statement in support of or in opposition to any of these applications. Comments shall be filed with: Director, Division of Credit Unions, PO Box 1607, Jefferson City, MO 65102. To be considered, written comments must be submitted no later than ten (10) business days after publication of this notice in the **Missouri Register**.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 100—Division of Credit Unions

ACTIONS TAKEN ON APPLICATIONS FOR NEW GROUPS OR GEOGRAPHIC AREAS

Pursuant to section 370.081(4), RSMo 2000, the director of the Missouri Division of Credit Unions is required to cause notice to be published that the director has either granted or rejected applications from the following credit unions to add new groups or geographic areas to their membership and state the reasons for taking these actions.

The following applications have been granted. These credit unions have met the criteria applied to determine if additional groups may be included in the membership of an existing credit union and have the immediate ability to serve the proposed new groups or geographic areas. The proposed new groups or geographic areas meet the requirements established pursuant to 370.080(2), RSMo 2000.

Credit Union	Proposed New Group or Geographic Area
J C Federal Employees Credit Union	Family members of members
131 West High	
Jefferson City, MO 65102	

Title 10—DEPARTMENT OF NATURAL RESOURCES Division 10—Air Conservation Commission

IN ADDITION

CONCENTRATED ANIMAL FEEDING OPERATIONS

The Missouri Air Conservation Commission met December 6, 2001 and discussed concerns with one of the standards in the state's odor rules. The affected rules are 10 CSR 10-2.070, 10 CSR 10-3.090, 10 CSR 10-4.070, and 10 CSR 10-5.160. These rules establish odor standards for Class 1A concentrated animal feeding operations. Compliance with the odor standard is determined by an olfactory panel that is a group of people who characterize the odor for its concentration and intensity.

Air sample data collected by the Missouri Department of Natural Resources indicated that one standard of the rule, the detection threshold standard, is too rigorous. The commission recommended that the department not issue violations on this particular standard until the detection threshold level can be researched and this issue resolved. Other requirements of the odor rules, such as the odor control plans and the n-butanol, odor intensity standard, remain unaffected by the commission's decision.

The department will conduct additional research and determine what additional action must be taken to resolve the concerns with this rule standard. Actions taken will include contacting involved parties prior to revising the rules. Resulting rule revisions to correct the detection threshold standard are expected to be effective by early next year.

For questions or comments concerning the rules, contact the department's Air Pollution Control Program in writing at PO Box 176, Jefferson City, MO 65102-0176, by phone at (573) 751-4817 or by fax at (573) 751-2706.

Title 10—DEPARTMENT OF NATURAL RESOURCES Division 20—Clean Water Commission Chapter 6—Permits

IN ADDITION

A proposed amendment for this rule was published in the October 15, 2001 *Missouri Register* (26 MoReg 1976–1987). The following error occurred due to an oversight. The word "classification" in subparagraph (2)(B)3.C. was not printed in bold face type. For clarification, the affected portion of this subparagraph is reprinted here. Additionally, subparagraphs (5)(A)6.A.–C. should have been printed as (5)(A)6.A., subsection (B) and paragraphs (C)1. and 2. An order of rulemaking for this rule is published in this issue of the *Missouri Register*.

10 CSR 20-6.200 Storm Water Regulations

(2)(B)3.C. Facilities involved in the recycling of materials including metal scrap yards, battery re-claimers, salvage yards and automobile junk yards, including those with a SIC **classification** of 5015 and 5093; April 15, 2002 Vol. 27, No. 8

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript.

NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY

NOTICE OF WINDING UP TO ALL CREDITORS OF AND CLAIMANTS AGAINST Shaw Place LLC, a Missouri Limited Liability Company.

On March 8, 2002, Shaw Place LLC, a Missouri Limited Liability Company, filed its notice of winding up with the Missouri Secretary of State.

Dissolution was effective on March 8, 2002.

Said limited liability company requests that all persons and organizations with claims against it present them immediately by letter to the limited liability company at:

Shaw Place LLC 7925 Forsyth Blvd. St. Louis, MO 63105

All claims must include: the name and address of the claimant; the amount claimed; the basis for the claim; and the dates(s) on which the event(s) on which the claim is based occurred.

NOTICE: Because of the dissolution of **Shaw Place LLC**, any claims against it will be barred unless proceeding to enforce the claim is commenced within three years after the publication date of the notice authorized by statute.

Authorized Representative: Dennis Norman

Missouri Register

Bid Openings

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, PO 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: www.moolb.state.mo.us. Prospective bidders may receive specifications upon request.

B1E02251 Equipment: Wire Storage Cages 4/15/02;

- B3E02140 Janitorial Services 4/15/02;
- B3E02174 Trash Collection Services 4/15/02;
- B3Z02150 Commercial Advertising Program 4/15/02;
- B1E02265 Steel Tubing & Rods 4/16/02;
- B3Z02184 Water System Security Training 4/16/02;
- B1E02266 Steel Products 4/17/02;
- B1E02272 Building Supplies-Kansas City 4/17/02;
- B1E02267 Bakery Products 4/18/02;
- B3Z02168 Strategic Plan-Tobacco Use Prevention & Control 4/18/02;
- B3Z02169 Public Education Campaign-Occupant Protection 4/19/02;
- B1E02257 Automated Headspace Samplers 4/22/02;
- B3Z02141 MC+ Health Benefits Manager 4/22/02;
- B1E02202 Vests: Ballistic Protection NIJ Level II 4/23/02;
- B1Z02260 Meats: June 4/23/02;
- B2Z02058 Campground Reservation System 4/23/02;
- B2Z02059 De-Duplication Software & Maintenance 4/23/02;
- B2Z02060 Equipment Technology Consortium (ETC) 4/23/02;
- B3Z02185 Personal Care Assessment Services 4/23/02;
- B3Z02142 Enhanced Medicaid Pharmacy Program 4/25/02;
- B3E02194 Training Site & Meals 4/26/02;
- B3E02193 Janitorial Services 4/29/02;
- B2Z02062 Maintenance For U.F.O.S. 4/30/02;
- B3E02171 Banking Services 5/1/02;
- B3E02177 Parent Advisor 5/2/02;
- B1Z02187 Maintenance Service: Mailing Equipment 5/6/02.

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.) Microstation Software & Maintenance Support, supplied by Bentley Systems, Inc.

2.) Versata Software Certified Training, supplied by Versata Software.

Stage II Vapor Recovery Consulting Services, supplied by Remote Sensing = Air, Inc.

1.) Under Vehicle Inspection System, supplied by Law Enforcement Associates.

2.) Program Evaluation: Missouri Arthritis & Osteoporosis Program and Diabetes Control Program, supplied by St. Louis University Health Sciences Center.

3.) Over-The-Counter (OTC) Drivers License System Integration/Conversion Services, supplied by Keane Federal Systems.

4.) Upgrade to Remittance Processing System, supplied by Unisys Corporation.

James Miluski, CPPO, Director of Purchasing

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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—25 (2000), 26 (2001) and 27 (2002). 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, N.A. indicates not applicable and RUC indicates a rule under consideration.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
1 CSR 10	OFFICE OF ADMINISTRATION State Officials' Salary Compensation Schedu	le			25 MoReg 2478
	Missouri Ethics Commission				27 MoReg 189
1 CSR 50-3.010	Missouri Ethics Commission		26 MoReg 2219	27 MoReg 413	0
2 CSR 10-5.010	DEPARTMENT OF AGRICULTURE Market Development	26 MoReg 1305R			
2 CSR 10-5.010					
2 CSR 10-5.015	Market Development	26 MoReg 2217	27 MoReg 451		
2 CSR 30-2.010	Animal Health	26 MoReg 2257	26 MoReg 2263		
2 CSR 30-2.040	Animal Health	26 MoReg 2257	26 MoReg 2265		
2 CSR 30-6.020	Animal Health	26 MoReg 2258	26 MoReg 2267		
2 CSR 80-5.010 2 CSR 90-10.012	State Milk Board Weights and Measures	•••••	27 MoReg 396		
2 CSR 90-10.012	Weights and Measures	••••••••••••••••••••••••	27 MoReg 9		
2 CSR 90-10.020	Weights and Measures		27 MoReg 9		
2 CSR 90-10.040	Weights and Measures		27 MoReg 11		
2 CSR 90-20.040	Weights and Measures		27 MoReg 454		
2 CSR 90-22.140	Weights and Measures	•••••	27 MoReg 454		
2 CSR 90-23.010 2 CSR 90-25.010	Weights and Measures Weights and Measures	•••••			
2 CSR 50-25.010		•••••	27 Molkeg 455		
9 CCD 10 4 111	DEPARTMENT OF CONSERVATION		07 M-D-+ 000	The Lease	
3 CSR 10-4.111 3 CSR 10-5.550	Conservation Commission Conservation Commission	•••••		I nis Issue	
3 CSR 10-5.551	Conservation Commission	•••••	27 MoReg 455		
3 CSR 10-9.353	Conservation Commission		27 MoReg 552		
3 CSR 10-9.565	Conservation Commission Conservation Commission	27 MoReg 548	27 MoReg 553		
3 CSR 10-9.566	Conservation Commission	27 MoReg 549	27 MoReg 554		
	DEPARTMENT OF ECONOMIC DEVEL	OPMENT			
4 CSR 10-2.022	Missouri State Board of Accountancy	26 MoReg 2345	26 MoReg 2348		
4 CSR 10-2.041	Missouri State Board of Accountancy	26 MoReg 2346	26 MoReg 2352		
4 CSR 10-2.061	Missouri State Board of Accountancy	26 MoReg 2346	26 MoReg 2352		
4 CSR 10-2.160 4 CSR 30-3.020	Missouri State Board of Accountancy Missouri Board for Architects, Professional		26 MoReg 2353		
4 CSR 30-3.020	Engineers and Professional Land Surveyors		26 MoReg 2075	27 MoReg 493	
4 CSR 30-3.030	Missouri Board for Architects, Professional				
	Engineers and Professional Land Surveyors		26 MoReg 2076	27 MoReg 493	
4 CSR 30-3.040	Missouri Board for Architects, Professional		00 M D . 0077	07 M D . 400	
4 CSD 20 4 000	Engineers and Professional Land Surveyors Missouri Board for Architects, Professional	•••••	26 MoReg 2077	27 MoReg 493	
4 CSR 30-4.080	Findineers and Professional L and Surveyors		26 MoReg 2078	R 27 MoReg 4941	2
	Engineers and Professional Land Surveyors				C C
4 CSR 30-5.105	Missouri Board for Architects. Professional			8	
	Engineers and Professional Land Surveyors		26 MoReg 2269		
4 CSR 30-5.110	Missouri Board for Architects, Professional		00 M - D 00001	n	
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5 CSR 30-660.030	(Changed to 5 CSR 50-340.110) Division of School Services		26 MoReg 2284	R27 MoReg 573F	2
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5 CSR 50-340.200	(Changed from 5 CSR 30-340.010) Division of School Improvement Vocational and Adult Education		26 MoReg 2284	27 MoReg 573	
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8 CSR 20-8.010	DEPARTMENT OF LABOR AND IND Labor and Industrial Relations Commission	on	27 MoReg 399		
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10 CSR 60-10.040	Public Drinking Water Program		26 MoReg 1801	27 MoReg 499	96 MoDog 1947
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13 CSR 15-4.260	(Changed to 19 CSR 15- Division of Aging						27 MoReg 513
13 CSR 15-4.270	(Changed to 19 CSR 15- Division of Aging	4.260)					27 MoReg 513
13 CSR 15-4.280	Division of Aging						27 MoReg 513
13 CSR 15-4.290	(Changed to 19 CSR 15- Division of Aging	-4.280) 					
13 CSR 15-4.300	(Changed to 19 CSR 15-	4.290)					0
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13 CSR 15-6.025	(Changed to 19 CSR 15-	6.020)					-
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13 CSR 15-7.010	(Changed to 19 CSR 15- Division of Aging	7.005)				•••••	27 MoReg 514
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13 CSR 73-2.015	Missouri Board of Nursing Home Administrators	g		27 MoReg	19		
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16 CSR 20-3.010	Missouri Local Government Employees'	Retirement	_	-	
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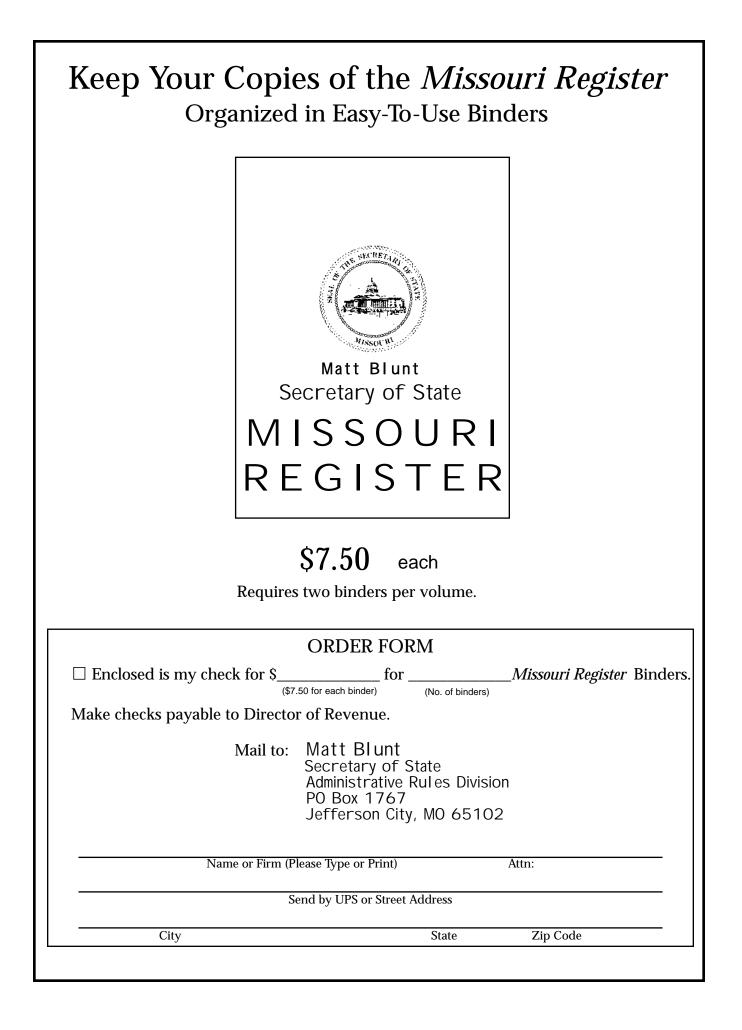
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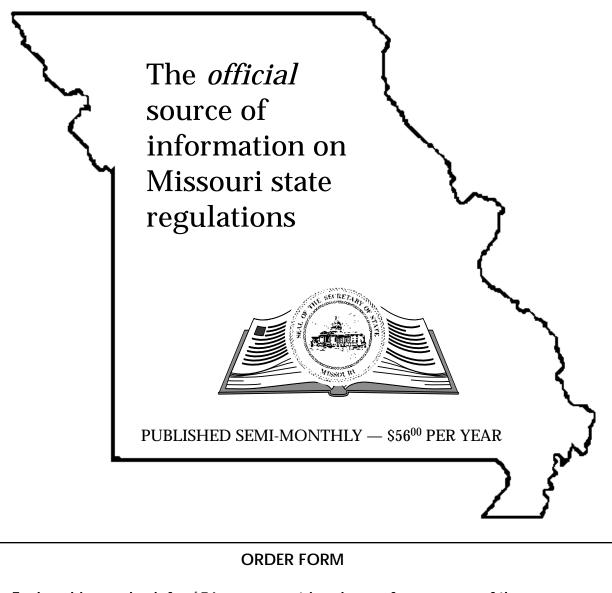
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