

Volume 40, Number 10

Pages 617-714

May 15, 2015

SALUS POPULI SUPREMA LEX ESTO

*"The welfare of the people shall be the supreme law."*



JASON KANDER  
SECRETARY OF STATE

MISSOURI  
REGISTER

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The *Missouri Register* is published semi-monthly by

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ISSN 0149-2942, USPS 320-630; periodical postage paid at Jefferson City, MO  
Subscription fee: \$56.00 per year

POSTMASTER: Send change of address notices and undelivered copies to:

**MISSOURI REGISTER**

Office of the Secretary of State

Administrative Rules Division

PO Box 1767

Jefferson City, MO 65102

The *Missouri Register* and *Code of State Regulations* (CSR) are now available on the Internet. The Register address is <http://www.sos.mo.gov/adrules/moreg/moreg.asp> and the CSR is <http://www.sos.mo.gov/adrules/csr/csr.asp>. These websites contain rulemakings and regulations as they appear in the Registers and CSR. These websites do not contain the official copies of the Registers and CSR. The official copies remain the paper copies published by the Office of the Secretary of State pursuant to sections 536.015 and 536.031, RSMo Supp. 2014. While every attempt has been made to ensure accuracy and reliability, the Registers and CSR are presented, to the greatest extent practicable as they appear in the official publications. The Administrative Rules Division may be contacted by email at [rules@sos.mo.gov](mailto:rules@sos.mo.gov).

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

# Missouri Participating Libraries

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## HOW TO CITE RULES AND RSMo

**RULES**—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

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

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

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

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

**RSMo**—The most recent version of the statute containing the section number and the date.

**U**nder this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

**E**ntirely new rules are printed without any special symbology under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

**A**n important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

**I**f an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

**A**n agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety- (90-) day-count necessary for the filing of the order of rulemaking.

**I**f an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

**Boldface text indicates new matter.**

*[Bracketed text indicates matter being deleted.]*

**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**

**PROPOSED RESCISSION**

**10 CSR 10-6.260 Restriction of Emission of Sulfur Compounds.** This rule limited the maximum allowable concentration of sulfur compounds in source emissions and in the ambient air. If the commission adopts this rule action, the department intends to submit this rule rescission to the U.S. Environmental Protection Agency for removal from the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found

at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, [www.dnr.mo.gov/regs/index.html](http://www.dnr.mo.gov/regs/index.html).

*PURPOSE: This rulemaking rescinds the current rule, 10 CSR 10-6.260, Restriction of Emission of Sulfur Compounds. The Air Pollution Control Program is proposing a new sulfur dioxide (SO<sub>2</sub>) rule, 10 CSR 10-6.261 Control of Sulfur Dioxide Emissions, that addresses requirements for sources affected by the Environmental Protection Agency's initial one (1)-hour SO<sub>2</sub> National Ambient Air Quality Standard nonattainment designations that will carry forward requirements as is from 10 CSR 10-6.260 needed to maintain existing levels of SO<sub>2</sub> control in nondesignated parts of the state (i.e., areas outside nonattainment areas). In addition, the new rule will eliminate 10 CSR 10-6.260 provisions that are obsolete or redundant with other requirements. The rescission is being proposed now because the proposed new sulfur dioxide rule, 10 CSR 10-6.261, is on schedule. Rescinding 10 CSR 10-6.260 is meant to occur at the same time as the adoption of the new rule. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is a June 22, 2010, Federal Register rule that established a new one (1)-hour SO<sub>2</sub> standard and an August 5, 2013, Federal Register rule that established one (1)-hour SO<sub>2</sub> nonattainment areas.*

*AUTHORITY: section 643.050, RSMo Supp. 2011. Original rule filed Jan. 19, 1996, effective Aug. 30, 1996. Amended: Filed Sept. 29, 2003, effective May 30, 2004. Amended: Filed June 26, 2007, effective Feb. 29, 2008. Amended: Filed Dec. 16, 2008, effective Sept. 30, 2009. Amended: Filed Jan. 31, 2012, effective Sept. 30, 2012. Rescinded: Filed April 10, 2015.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rescission will begin at 9:00 a.m., June 25, 2015. The public hearing will be held at the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., July 2, 2015. Written comments shall be sent to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to [apcprulespn@dnr.mo.gov](mailto:apcprulespn@dnr.mo.gov).*

**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**

**PROPOSED RULE**

**10 CSR 10-6.261 Control of Sulfur Dioxide Emissions.** If the commission adopts this rule action, it will be the department's intention to submit this new rule to the U.S. Environmental Protection Agency for inclusion in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning

this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, [www.dnr.mo.gov/regs/index.html](http://www.dnr.mo.gov/regs/index.html).

*PURPOSE: This rule establishes requirements for emission units emitting sulfur dioxide (SO<sub>2</sub>). These requirements are necessary to comply with the one (1)-hour SO<sub>2</sub> National Ambient Air Quality Standard (NAAQS) and to maintain existing SO<sub>2</sub> regulatory requirements previously found in 10 CSR 10-6.260 that were in place prior to the establishment of the one (1)-hour SO<sub>2</sub> NAAQS. The rule consolidates, streamlines, and updates existing regulatory requirements in accordance with 536.175, RSMo. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is a June 22, 2010, **Federal Register** rule that established a new one (1)-hour SO<sub>2</sub> standard and an August 5, 2013, **Federal Register** rule that established one (1)-hour SO<sub>2</sub> nonattainment areas.*

(1) Applicability. This rule applies to any source that emits sulfur dioxide (SO<sub>2</sub>). The following exceptions apply to any source not listed in Table I of this rule. Owners or operators of units that meet the exception criteria must furnish the director information necessary to confirm the criterion is met.

(A) Individual units fueled exclusively with natural gas (as defined in 40 CFR 72.2) or liquefied petroleum gas as defined by American Society for Testing and Materials (ASTM) International or any combination of these fuels as of December 31, 2016;

(B) Individual indirect heating units with a rated capacity less than or equal to three hundred fifty thousand British thermal units (350,000 Btus) per hour actual heat input; or

(C) Individual units subject to a more restrictive SO<sub>2</sub> emission limit or more restrictive fuel sulfur content limit under –

1. 10 CSR 10-6.070; or
2. Any federally enforceable permit.

(2) Definitions. Definitions of certain terms specified in this rule may be found in 10 CSR 10-6.020.

(3) General Provisions.

(A) SO<sub>2</sub> Emission Limits. No later than January 1, 2017, owners or operators of sources and units listed in Table I of this rule must limit their SO<sub>2</sub> emissions as specified. As of the effective date of this rule, owners or operators of sources listed in Table II of this rule must limit their SO<sub>2</sub> emissions as specified.

**Table I – Sources with SO<sub>2</sub> emission limits necessary to address the one (1)-hour SO<sub>2</sub> National Ambient Air Quality Standard\***

Source	Source ID	Emission Limit per Source/Unit (Pounds SO <sub>2</sub> per Hour)	Averaging Time
Ameren Missouri — Labadie Energy Center	0710003	40,837	24-hour block average
Ameren Missouri — Meramec Energy Center	1890010	7,371	24-hour block average
Ameren Missouri — Rush Island Energy Center	0990016	13,600	24-hour block average
Independence Power and Light — Blue Valley Station Unit 1 Unit 2 Unit 3	0950050	Natural gas Natural gas Natural gas	N.A. N.A. N.A.
Kansas City Power and Light Co. — Hawthorn Station Boiler #5 Combustion turbine 7 Combustion turbine 8 Combustion turbine 9	0950022	785 Natural gas Natural gas Natural gas	30-day rolling N.A. N.A. N.A.
Kansas City Power and Light Co. — Sibley Generating Station Boiler #1 Boiler #2 Boiler #3	0950031	1,468.17 1,447.01 10,632.02	30-day rolling 30-day rolling 30-day rolling
Veolia Energy Kansas City Inc. — Grand Ave. Station Boiler 1A Boiler 6 & 8 Boiler 7	0950021	0.5 351.8 0.5	1 hour 1 hour 1 hour

\*Any Table I source/unit fueled by coal, diesel, or fuel oil shall require an SO<sub>2</sub> Continuous Emission Monitoring System (CEMS) and owners or operators must follow all applicable requirements per subparagraph (3)(E)1.B. of this rule. Any source/unit that is fueled by natural gas (or changes fuels to natural gas no later than January 1, 2017) shall no longer require SO<sub>2</sub> CEMS for such units beginning with the completion date of the fuel change to natural gas.

**Table II – Sources subject to SO<sub>2</sub> emission limits in place prior to 2010**

Source	Source ID	Emission Limit per Source (Pounds SO <sub>2</sub> per Million Btus Actual Heat Input)	Averaging Time
Associated Electric Coop, Inc. — Chamois Plant	1510002	6.7	3 hours
Empire District Electric Company — Asbury Plant	0970001	12.0	3 hours
New Madrid Power Plant — Marston	1430004	10.0	3 hours
Thomas Hill Energy Center Power Division — Thomas Hill	1750001	8.0	3 hours
University of Missouri (MU) — Columbia Power Plant	0190004	8.0	3 hours
Kansas City Power and Light Co. — Montrose Generating Station	0830001	3.9	24 hours
Ameren Missouri — Sioux Plant	1830001	4.8	Daily average, 00:01 to 24:00
Doe Run Company — Buick Resource Recycling Facility	0930009	8,650 pounds SO <sub>2</sub> /hr	1-hour test repeated 3 times

(B) Owners or operators of indirect heating sources with a total capacity, excluding exempt units, greater than three hundred fifty thousand British thermal units (350,000 Btus) per hour actual heat input must limit their SO<sub>2</sub> emissions as follows:

1. For sources located in Missouri, other than in Franklin, Jefferson, St. Louis, St. Charles Counties, or City of St. Louis, no more than eight pounds (8 lbs.) of SO<sub>2</sub> per million Btus actual heat input averaged on any consecutive three (3)-hour time period unless that source is listed in Table I or II of this rule; and

2. For sources located in Franklin, Jefferson, St. Louis, St. Charles Counties, or City of St. Louis, no more than two and three-tenths pounds (2.3 lbs.) of SO<sub>2</sub> per million Btus actual heat input averaged on any consecutive three (3)-hour time period unless —

A. The source is listed in Table I or II of this rule; or

B. The source has a total rated capacity of less than two thousand (2,000) million Btus per hour and then the following restrictions apply.

(I) During the months of October, November, December, January, February, and March of every year, no person shall burn or permit the burning of any coal containing more than two percent

(2%) sulfur or of any fuel oil containing more than two percent (2%) sulfur. Otherwise, no person shall burn or permit the burning of any coal or fuel oil containing more than four percent (4%) sulfur.

(II) Part (3)(B)2.B.(I) of this rule shall not apply to any source if it can be shown that emissions of SO<sub>2</sub> from the source into the atmosphere will not exceed two and three-tenths pounds (2.3 lbs.) per million Btus actual heat input to the source.

(C) Owners or operators of sources and units not covered under subsection (3)(A) or (3)(B) of this rule must limit the fuel sulfur content as specified below.

Source or unit	Liquid fuel sulfur content in parts per million (ppm) sulfur	
	Residual	Distillate
New	8,509	8,812
Existing	34,036	35,249



(D) No later than January 1, 2017, owners or operators of sources subject to this rule in Jackson and Jefferson Counties must accept for delivery only ultra-low sulfur distillate fuel oil with a maximum fuel sulfur content of fifteen (15) ppm for use in unit(s) fueled, in whole or in part, by diesel, No. 1 fuel oil and/or No. 2 fuel oil.

(E) Compliance Determination. Compliance must be determined as follows:

1. For sources and/or units listed in Table I of this rule, SO<sub>2</sub> Continuous Emission Monitoring System (CEMS) data.

A. SO<sub>2</sub> CEMS are not required for the following cases:

(I) Units fueled exclusively by natural gas and not using any secondary fuel; or

(II) Units fueled by natural gas and only using fuel oil for less than forty-eight (48) hours annually and only for qualifying situations (e.g., testing, maintenance or operator training). The forty-eight (48)-hour annual limit for the use of fuel oil as a secondary fuel shall not include qualifying curtailment events and compliance must be demonstrated using paragraph (3)(D)3. of this rule;

B. SO<sub>2</sub> CEMS must follow the requirements in 40 CFR 75 and/or 40 CFR 60, Appendices B and F, as incorporated by reference in subsection (5)(B) of this rule;

2. For sources listed in Table II of this rule already subject to a SO<sub>2</sub> CEMS requirement, SO<sub>2</sub> CEMS data; and

3. For sources subject to subsection (3)(B) or (3)(C) of this rule not required to use SO<sub>2</sub> CEMS for compliance and for sources listed in Table II of this rule not required to use SO<sub>2</sub> CEMS for compliance—

A. Fuel delivery records;

B. Fuel sampling and analysis;

C. Performance tests;

D. Continuous emission monitoring; or

E. Other compliance methods approved by the staff director and the U.S. Environmental Protection Agency and incorporated into the state implementation plan.

#### (4) Reporting and Record Keeping.

(A) Owners or operators of all sources subject to this rule must—

1. Report any excess emissions other than startup, shutdown, and malfunction excess emissions already required to be reported under 10 CSR 10-6.050 to the staff director for each calendar quarter within thirty (30) days following the end of the quarter. In all cases, the notification must be a written report and must include, at a minimum, the following:

A. Name and location of source;

B. Name and telephone number of person responsible for the source;

C. Identity and description of the equipment involved;

D. Time and duration of the period of SO<sub>2</sub> excess emissions;

E. Type of activity;

F. Estimate of the magnitude of the SO<sub>2</sub> excess emissions expressed in the units of the applicable emission control regulation and the operating data and calculations used in estimating the magnitude;

G. Measures taken to mitigate the extent and duration of the SO<sub>2</sub> excess emissions; and

H. Measures taken to remedy the situation which caused the SO<sub>2</sub> excess emissions and the measures taken or planned to prevent the recurrence of these situations;

2. Maintain a list of modifications to the source's operating procedures or other routine procedures instituted to prevent or minimize the occurrence of any excess SO<sub>2</sub> emissions;

3. Maintain a record of data, calculations, results, records, and reports from any SO<sub>2</sub> emissions performance test, SO<sub>2</sub> continuous emission monitoring, fuel deliveries, and/or fuel sampling tests; and

4. Maintain a record of any applicable SO<sub>2</sub> monitoring data, performance evaluations, calibration checks, monitoring system and device performance tests, and any adjustments and maintenance performed on these systems or devices.

(B) Owners or operators of sources using SO<sub>2</sub> CEMS for compliance must also—

1. If SO<sub>2</sub> CEMS is already used to satisfy other requirements (other than only to demonstrate compliance with this rule), continue to follow all correlating SO<sub>2</sub> CEMS requirements; or

2. If SO<sub>2</sub> CEMS is used only to demonstrate compliance with this rule, the SO<sub>2</sub> CEMS and any necessary auxiliary monitoring equipment must follow the requirements in subsection (5)(B) of this rule.

(C) Owners or operators of sources using fuel delivery records for compliance must also maintain the fuel supplier certification information to certify all fuel deliveries. Bills of lading and/or other fuel delivery documentation containing the following information for all fuel purchases or deliveries are deemed acceptable to comply with the requirements of this rule:

1. The name, address, and contact information of the fuel supplier;

2. The type of fuel (bituminous or sub-bituminous coal, diesel, #2 fuel oil, etc.);

3. The moisture content of the coal (if applicable);

4. The sulfur content or maximum sulfur content expressed in percent sulfur by weight or in ppm sulfur; and

5. The heating value of the fuel.

(D) Owners or operators of sources using fuel sampling and analysis for compliance must also follow the requirements in subsection (5)(D) of this rule.

(E) Owners or operators of sources using SO<sub>2</sub> emissions performance tests for compliance must also follow the requirements in subsection (5)(A) of this rule.

(F) All required reports and records must be retained on-site for a minimum of five (5) years and made available within five (5) business days upon written or electronic request by the director.

(G) Owners or operators of sources subject to this rule must furnish the director all data necessary to determine compliance status.

#### (5) Test Methods.

(A) Owners or operators of sources must use one (1) or more of the following test methods contained in 40 CFR 60, Appendix A, published as of July 1, 2014, and hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, DC 20408, to determine compliance with SO<sub>2</sub> emission limits in this rule. This rule does not incorporate any subsequent amendments or additions.

1. Method 1: Sample and velocity traverses for stationary sources;

2. Method 2: Determination of stack gas velocity and volumetric flow rate (Type S pitot tube);

3. Method 3: Gas analysis for the determination of dry molecular weight;

4. Method 4: Determination of moisture content in stack gases;

5. Method 6: Determination of Sulfur Dioxide Emissions from Stationary Sources;

6. Method 6A: Determination of Sulfur Dioxide, Moisture, and Carbon Dioxide from Fuel Combustion Sources;

7. Method 6B: Determination of Sulfur Dioxide and Carbon Dioxide Daily Average Emissions from Fossil Fuel Combustion Sources;

8. Method 6C: Determination of Sulfur Dioxide Emissions from Stationary Sources (Instrumental Analyzer Procedure); and/or

9. Method 8: Determination of sulfuric acid mist and sulfur dioxide emissions from stationary sources.

(B) Owners or operators of sources using a SO<sub>2</sub> CEMS for demonstrating compliance with this rule must follow the requirements in 40 CFR 75 and/or 40 CFR 60, Appendices B and F, published as of July 1, 2014, which are hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington,

DC 20408. This rule does not incorporate any subsequent amendments or additions.

(C) Owners or operators of secondary lead smelters must operate an SO<sub>2</sub> CEMS as follows:

1. The SO<sub>2</sub> CEMS must be certified by the owner or operator in accordance with 40 CFR 60 Appendix B, Performance Specification 2 and Section 60.13 as is pertinent to SO<sub>2</sub> continuous emission monitors as adopted by reference in 10 CSR 10-6.070.

2. The span of SO<sub>2</sub> continuous emission monitors must be set at an SO<sub>2</sub> concentration of one-fifth percent (0.20%) by volume.

(D) Owners or operators of sources must use fuel sampling and analysis to determine sulfur weight percent, or equivalent, of fuel(s) used to operate fuel emission sources and/or units regulated by this rule in accordance with 10 CSR 10-6.040.

(E) The heating value of the fuel must be determined as specified in 10 CSR 10-6.040. The actual heat input must be determined by multiplying the heating value of the fuel by the amount of fuel burned during the source test period.

(F) Owners or operators of sources may use an alternative test method that provides results at least the same accuracy and precision as the replaced method, and is approved in advance by the staff director, the EPA, and incorporated into the state implementation plan.

*AUTHORITY: section 643.050, RSMo Supp. 2013. Original rule filed April 10, 2015.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate. Fiscal notes are provided for this proposed rule to document detailed information and assumptions associated with the economic cost estimates.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate. Fiscal notes are provided for this proposed rule to document detailed information and assumptions associated with the economic cost estimates.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rule will begin at 9:00 a.m., June 25, 2015. The public hearing will be held at the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., July 2, 2015. Written comments shall be sent to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to apcprulespn@dnr.mo.gov.*

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 3—Hazardous Waste Management System:  
General**

**PROPOSED AMENDMENT**

**10 CSR 25-3.260 Definitions, Modifications to Incorporations and Confidential Business Information.** The commission is amending sections (1), (2), and (3) of the rule.

*PURPOSE: There are multiple purposes to this amendment. First of all, the incorporation by reference of 40 CFR part 260 will be updated from the July 1, 2010 edition to the July 1, 2013 edition, plus one (1) additional rule promulgated on July 31, 2013. In doing so, all changes to part 260 during this time period will be incorporated into the state rules. Second, the Department of Natural Resources has identified numerous changes in this rule that are required by section*

*260.373, RSMo. This section requires the department to identify rules that are inconsistent with the limitation on rulemaking authority established in this section and to make the necessary changes to the rule text by December 31, 2015. Finally, other changes to this rule are proposed as part of the routine process of making corrections to the rule, eliminating outdated rule text, and making the rules easier to understand, which will reduce the burden on both the department and the regulated community.*

(1) The regulations set forth in 40 CFR part 260, July 1, [2010] 2013, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, **and the changes made at 78 FR 0, July 31, 2013**, are incorporated by reference, except for the changes made at 70 FR 53453, September 8, 2005, and 73 FR 64667 to 73 FR 64788, October 30, 2008, subject to the following additions, modifications, substitutions, or deletions. This rule does not incorporate any subsequent amendments or additions.

(A) Except where otherwise noted in sections (2) and (3) of this rule or elsewhere in 10 CSR 25, any federal agency, administrator, regulation, or statute that is referenced in 40 CFR parts 260–270, 273, and 279, and incorporated by reference in 10 CSR 25, shall be deleted and in its place add the comparable state department, director, rule, or statute. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

1. “Director” shall be substituted for “Administrator” or “Regional Administrator” except where those terms are defined in 40 CFR 260.10 incorporated in this rule and where otherwise indicated in 10 CSR 25. [All applications, approvals, petitions, appeals, or other paperwork associated with the United States Environmental Protection Agency’s “National Environmental Performance Track” shall not be submitted to the director in lieu of the administrator or regional administrator.]

2. “Missouri Department of Natural Resources” shall be substituted for “EPA,” “U.S. EPA,” or “U.S. Environmental Protection Agency” except where those terms appear in definitions in 40 CFR 260.10 incorporated in this rule and where otherwise indicated in 10 CSR 25.

3. “Section 260.395.15, RSMo,” shall be substituted for “Section 3005(e) of RCRA.”

4. “Sections 260.375(9), 260.380.1(9), 260.385(7), and 260.390(7), RSMo,” shall be substituted for “Section 3007 of RCRA.”

5. “Sections 260.410 and 260.425, RSMo,” shall be substituted for “Section 3008 of RCRA.”

6. “10 CSR 25-3.260” shall be substituted for any reference to 40 CFR part 260.

7. “10 CSR 25-4.261” shall be substituted for any reference to 40 CFR part 261.

8. “10 CSR 25-5.262” shall be substituted for any reference to 40 CFR part 262.

9. “10 CSR 25-6.263” shall be substituted for any reference to 40 CFR part 263.

10. “10 CSR 25-7.264” shall be substituted for any reference to 40 CFR part 264.

11. “10 CSR 25-7.265” shall be substituted for any reference to 40 CFR part 265.

12. “10 CSR 25-7.266” shall be substituted for any reference to 40 CFR part 266.

13. “10 CSR 25-7.268” shall be substituted for any reference to 40 CFR part 268.

14. “10 CSR 25-7.270” shall be substituted for any reference to 40 CFR part 270.

15. “10 CSR 25-8.124” shall be substituted for any reference to 40 CFR part 124.

16. “10 CSR 25-11.279” shall be substituted for any reference to 40 CFR part 279.

17. "10 CSR 25-16.273" shall be substituted for any reference to 40 CFR part 273.

18. "Sections 260.350-260.434, RSMo," shall be substituted for "Subtitle C of RCRA Act," or "RCRA," except where those terms are defined in 40 CFR 260.10, incorporated in this rule.

19. "Section 260.380.1(1), RSMo" shall be substituted for "Section 3010 of RCRA."

20. "Section 260.420, RSMo" shall be substituted for "Section 7003 of RCRA."

21. "Waste within the meaning of section 260.360(21), RSMo," shall be substituted for "solid waste within the meaning of section 1004(27) of RCRA." Residual materials specified as wastes under section 260.360(21), RSMo, shall mean any spent materials, sludges, by-products, commercial chemical products, or scrap metal that are solid wastes under 40 CFR 261.2, as incorporated in 10 CSR 25-4.261.

22. "Section 260.360(9), RSMo," shall be substituted for "Section 1004(5) of RCRA."

23. "Chapter 610, RSMo, sections 260.430 and 260.550, RSMo, 10 CSR 25-3.260(1)(B), and 10 CSR 25-7.270(2)(B)" shall be substituted for any reference to the Federal Freedom of Information Act (5 U.S.C. 552(a) and (b)), 40 CFR part 2, or Section 3007(b) of RCRA.

*[24. "Owner/operator" shall be substituted for each reference to "owner and operator" and "owner or operator" in the 40 CFR parts incorporated in 10 CSR 25.]*

*[25.]24. All quantities of solid waste which are defined as hazardous waste pursuant to 10 CSR 25-4 are hazardous waste and are regulated under sections 260.350-260.434, RSMo, and 10 CSR 25. A person shall manage all hazardous waste which is not subject to requirements in 10 CSR 25 in accordance with subsection 260.380.2, RSMo. When a person accumulates one hundred kilograms (100 kg) of nonacute hazardous waste or one kilogram (1 kg) of acutely hazardous waste [or one gram (1 g) of 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD)], or the aggregate of one hundred kilograms (100 kg) of acute and nonacute hazardous waste, whichever first occurs, that person is subject to the provisions in 10 CSR 25. This provision is in addition to the calendar-month generation provisions in 40 CFR 261.5 which are incorporated by reference and modified in 10 CSR 25-4.261(2)(A).*

*[26.]25. The term variance in 10 CSR 25 means an action of the commission pursuant to section 260.405, RSMo. In any case where a federal rule that is incorporated by reference in 10 CSR 25 uses the term variance but the case-by-case decision or action of the department or commission does not meet the description of a variance pursuant to section 260.405, RSMo, the decision or action shall be considered an exception or exemption based on the conditions set forth in the federal regulation incorporated by reference or the omission from regulation.*

*[27.]26. The rules of grammatical construction in 40 CFR 260.3 incorporated by reference in this rule shall also apply to the incorporated text of 40 CFR parts 266 and 270 and to 10 CSR 25.*

(2) This section sets forth specific modifications to the regulations incorporated in section (1) of this rule. (Comment: This section has been organized so that all Missouri additions, changes, or deletions to any subpart of the federal regulations are noted within the corresponding subsection of this section. For example, changes to 40 CFR part 260 subpart A will be located in subsection (2)(A) of this rule.)

*[(D) 40 CFR part 260 Appendix I is not incorporated in this rule.]*

(3) Missouri Specific Definitions. Definitions of terms used in 10 CSR 25. This section sets forth definitions which modify or add to those definitions in 40 CFR parts 60, 260-270, 273, and 279 and 49 CFR parts 40, 171-180, 383, 387, and 390-397.

(A) Definitions beginning with the letter A.

*[1. ASTM means the American Society for Testing and Materials.]*

*[2.]1. Abandoned or uncontrolled means any property where hazardous waste has been disposed of illegally or where hazardous waste was disposed of prior to regulation under sections 260.350-260.434, RSMo.*

*[3. Active fault means a fault which, according to substantial geologic evidence, is capable of movement along a fault trace. A fault which, according to historical records, has moved along a fault trace is considered an active fault.]*

*[4.]2. Attenuation means any physical, chemical, or biological reaction, or a combination of both, transformation occurring in the zone of aeration or zone of saturation that brings about a temporary or permanent decrease in the maximum concentration or total quantity of an applied chemical or biological constituent in a fixed time or distance traveled.*

(C) Definitions beginning with the letter C.

1. CFR means the *Code of Federal Regulations*.

2. CSR means the *Missouri Code of State Regulations*.

3. Commission means the Hazardous Waste Management Commission of Missouri created by section 260.365, RSMo.

*[4. Compliance procedure means any proceeding instituted under sections 260.350-260.434, RSMo, which seeks to require compliance with, or which is in the nature of an enforcement action or an action to cure a violation of, sections 260.350-260.434, RSMo, or rules adopted under those sections, or permits, licenses, or certifications issued under those sections. A compliance procedure includes, without limitation, an order issued pursuant to section 260.410, RSMo, or any denial or revocation of or notice of intent to revoke a license, permit, or certification pursuant to, or any civil or criminal action filed in the courts of Missouri pursuant to, sections 260.350-260.434, RSMo. A compliance procedure is considered to be pending from the time an order, denial, revocation, or notice of intent to revoke is issued by the director or judicial proceedings begin, until the director notifies the person subject to the compliance procedure in writing that the violation has been corrected or that the procedure has been withdrawn or dismissed.]*

(D) Definitions beginning with the letter D.

1. Department means the Missouri Department of Natural Resources.

2. Director means the director of the Missouri Department of Natural Resources.

*[3. Displacement means the relative movement of any two (2) sides of a fault measured in any direction.]*

*[4.]3. DOT means the United States Department of Transportation.*

(E) Definitions beginning with the letter E. *(Reserved)*

*[1. Extended reporting period means a declaration or endorsement in a liability insurance policy required by 10 CSR 25-7 which provides an extension of the coverage of the policy to claims otherwise covered by the policy and first made during a specified period immediately following the effective date of cancellation or nonrenewal of the policy. The specified period shall be of at least twelve (12) months duration.]*

(F) Definitions beginning with the letter F.

1. Farmer means a person primarily engaged in the production of crops or livestock for agricultural purposes, or both.

*[2. Fault means a fracture along which rocks on one (1) side have been displaced with respect to those on the other side.]*

(H) Definitions beginning with the letter H.

*[1. HSWA means the Hazardous and Solid Waste Amendments of 1984. These amendments were made to the Resource Conservation and Recovery Act by P.L. 98-616, November 8, 1984.*

2. *Hazardous constituent means any chemical compound listed in 40 CFR part 261 Appendix VIII as incorporated in 10 CSR 25-4.261. (This is different than the term hazardous waste constituent as defined in 40 CFR 260.10.)*

[3.]1. Hazardous waste means any waste or combination of wastes as defined by or listed in 10 CSR 25-4, which, because of its quantity, concentration, or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a threat to the health of humans or other living organisms.

[4.]2. Hazardous waste transporter means any person or company conducting activities in Missouri which require a hazardous waste transporter license pursuant to 10 CSR 25-6.263. These activities may include, but are not limited to, transportation of hazardous wastes, used oil, and infectious wastes by highway, railway, or waterway.

[5. *Holocene means the most recent epoch of the Quarternary period, extending from the end of the Pleistocene period to the present, approximately the previous twelve thousand (12,000) years.*]

[6.]3. Household hazardous waste means any household waste excluded from regulation as hazardous waste by 40 CFR 261.4(b)(1) but otherwise meets the definition of hazardous waste in paragraph (2)(H)3. of this rule.

(L) Definitions beginning with the letter L. *(Reserved)*

[1. *Land-based management facility means any hazardous waste landfill, land treatment unit, surface impoundment, or waste pile.*]

(O) Definitions beginning with the letter O. *(Reserved)*

[1. *One hundred (100)-year flood means a flood that has a one percent (1%) chance of recurring in any year or a flood of magnitude equaled or exceeded once in one hundred (100) years on the average over a significantly long period. In any given one hundred (100)-year interval, a flood of that magnitude may or may not occur, or more than one (1) flood of that magnitude may occur.*

2. *One hundred (100)-year floodplain means any land area which is subject to a one percent (1%) or greater chance of flooding in any given year from any source.*

3. *Operating disposal facility means a hazardous waste management facility permitted or seeking a permit for the construction, operation, or both, including receipt of hazardous waste, of surface impoundment, waste pile, land treatment unit, or landfill.*

4. *Owner/operator means owner and operator. For the purposes of performing the activities required by these rules, where not specifically required of the owner, the owner may designate in writing that the operator has the authority to perform the duties of the owner/operator. This designation does not relieve the owner of his/her joint liability that these activities are performed.*

(P) Definitions beginning with the letter P.

[1. *Post-closure disposal facility means a hazardous waste management facility which has disposed of hazardous waste, and which is required by applicable state and federal laws and regulations to have a permit to conduct post-closure activities, or to perform necessary post-closure activities under an enforceable document, as defined in 40 CFR 270.1(c)(7) and incorporated by reference in 10 CSR 25-7.270(1).*]

[2.]1. Professional engineer or registered engineer means a professional engineer licensed to practice by the Missouri Board of Architects, Professional Engineers and Land Surveyors.

[3.]2. Power unit for the purpose of this regulation is a truck with at least two (2) axles, regardless of licensed vehicle weight or configuration.

[4. *Preceding year is defined as the period of twelve (12) consecutive months immediately prior to July 1 immediately preceding the commencement of the license year for which license is sought.*]

(R) Definitions beginning with the letter R.

1. RCRA means the Resource Conservation and Recovery Act, 42 U.S.C. sections 6901-6991.

[2. *Regional aquifer means a geologic formation, group of formations or part of a formation that contains sufficient saturated permeable material to yield or be capable of yielding water at a sufficient rate to serve as a practical source of water supply.*]

[3.]2. Registry means the Missouri Registry of Confirmed Abandoned or Uncontrolled Hazardous Waste Disposal Sites.

[4.]3. Remedial action means any action at a hazardous waste site to protect the public health and environment. These actions may include, but are not limited to: storage; confinement; perimeter protection using dikes, trenches, or ditches; clay cover; neutralization; cleanup of hazardous waste, hazardous substances, or contaminated materials; recycling or reuse; diversion; destruction; segregation of reactive materials; repair or replacement of leaking containers; collection of leachate and runoff; on-site treatment or incineration; provision of alternative water supplies; any monitoring reasonably required to assure that these actions protect the public health and environment; or any combination of these actions.

[5.]4. Remedial action plan means the specific procedures to be followed in implementation of any remedial action and all necessary, related procedures including, but not limited to, safety, analysis, sampling, handling, packaging, storing, removing, transporting, labeling, registering, and site security. A remedial action plan has a defined endpoint, agreed to in advance, which will complete the plan. Additional remedial actions may be necessary after completion of a remedial action plan dependent upon results of sample analysis or development of new information.

[6. *Residual materials means any spent materials, sludges, by-products, commercial chemical products, or scrap metals that are solid wastes under 40 CFR 261.2, as incorporated in 10 CSR 25-4.261.*]

[7.]5. Resource recovery means the reclamation of energy or materials from waste, its reuse, or its transformation into new products which are not wastes.

[Editor's Note: Paragraph (2)(R)7. will become effective December 31, 1993.]

[8.]6. Responsible party means any person(s) liable for costs of removal actions or remedial action or other response costs or damages pursuant to Section 107 of the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9607-9657 as amended by P.L. 99-499 Superfund Amendments, and Reauthorization Act of 1986, or any current owners or other person willing to assume responsibility.

(S) Definitions beginning with the letter S.

1. Site, for purposes of 10 CSR 25-10, means the smallest geographic boundary which contains known chemical contamination. A buffer zone may be included within the area.

[2. *Standby trust fund means a trust fund which must be established by the owner or operator who obtains a surety bond or provides other security as specified in these rules.*]

[3.]2. Substantial change means any change in use of a site which may result in a spread of contamination over additional portions of a site or off-site, an increase in human exposure to hazardous materials, an increase in adverse environmental impacts, or a situation making potential remedial actions to correct problems at the site more difficult to undertake or complete.

(T) Definitions beginning with the letter T.

1. Training means formal instruction which supplements an employee's existing job knowledge and is designed to protect human health and the environment through increased awareness and improved job proficiency.

2. Transporter; see hazardous waste transporter.

[3. True vapor pressure means the pressure exerted when a solid or liquid is in equilibrium with its own vapor. The vapor pressure is a function of the substance and of the temperature.

4. Twenty-four (24)-hour, twenty-five (25)-year storm means a storm of twenty-four (24)-hour duration for which the frequency of occurrence is once in twenty-five (25) years.]

(U) Definitions beginning with the letter U.

1. Universal waste means any of the hazardous wastes that are defined under the universal waste requirements of 10 CSR 25-16.273(2)(A).

2. Used oil.

A. The definition of used oil at 40 CFR 260.10 is amended to include, but not be limited to, petroleum-derived and synthetic oils which have been spilled into the environment or used for any of the following:

(I) Lubrication/cutting oil;

(II) Heat transfer;

(III) Hydraulic power; or

(IV) Insulation in dielectric transformers.

[B. The definition of used oil at 40 CFR 260.10 is amended to exclude used petroleum-derived or synthetic oils which have been used as solvents. (Note: Used ethylene glycol is not regulated as used oil under 10 CSR 25.)

C. Except for used oil that meets the used oil specifications found in 40 CFR 279.11, any amount of used oil that exhibits a hazardous characteristic and is released into the environment is a hazardous waste and shall be managed in compliance with the requirements of 10 CSR 25, Chapters 3-9 and 13. Any exclusions from the definition of solid waste or hazardous waste will apply.

3. USGS means United States Geological Survey.]

[4.3. [U.S.] United States importer means a United States-based person who is in corporate good standing with the U.S. state in which they are registered to conduct business and who will be assuming all generator responsibilities and liabilities specified in sections 260.350-260.430, RSMo, for wastes which the [U.S.] United States importer has arranged to be imported from a foreign country.

(V) Definitions beginning with the letter V.

[1. Vapor recovery system means a system capable of collecting vapors and discharged gases and a vapor processing system capable of processing those vapors and gases so as to control emission of contaminants to the atmosphere. Emission not retained by vapor recovery systems, except for emissions regulated in 10 CSR 25, are regulated by rules adopted by the Missouri Air Conservation Commission, 10 CSR 10.]

[2.1. Vehicle, for the purpose of this regulation, refers to a power unit.

(W) Definitions beginning with the letter W.

[1. Washout means the fluvial transport of hazardous waste from a hazardous waste management unit as a result of flooding.]

[2.1. Waste means any material for which no use or sale is intended and which will be discarded or any material which has been or is being discarded. Waste shall also mean certain residual materials which may be sold for purposes of energy or materials reclamation, reuse, or transformation into new products which are not wastes. [Waste shall also mean hazardous waste fuels.]

*AUTHORITY: sections 260.370, RSMo Supp. 2010, and section] and 260.395, RSMo [2000] Supp. 2013. Original rule filed*

*Dec. 16, 1985, effective Oct. 1, 1986. For intervening history, please consult the Code of State Regulations. Amended: Filed April 15, 2015.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on June 18, 2015 at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.*

*Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on June 25, 2015. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on June 25, 2015. Email comments shall be sent to tim.eiken@dnr.mo.gov. Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1738 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.*

## **Title 10—DEPARTMENT OF NATURAL RESOURCES Division 25—Hazardous Waste Management Commission Chapter 4—Methods for Identifying Hazardous Waste**

### **PROPOSED AMENDMENT**

**10 CSR 25-4.261 Methods for Identifying Hazardous Waste.** The commission is amending sections (1) and (2) of the rule.

*PURPOSE: There are multiple purposes to this amendment. First of all, the incorporation by reference of 40 CFR part 261 will be updated from the July 1, 2010 edition to the July 1, 2013 edition, plus one (1) additional rule promulgated on July 28, 2013. In doing so, all changes to part 260 during this time period will be incorporated into the state rules. Second, the Department of Natural Resources has identified numerous changes in this rule that are required by section 260.373, RSMo. This section requires the department to identify rules that are inconsistent with the limitation on rulemaking authority established in this section and to make the necessary changes to the rule text by December 31, 2015. Finally, other changes to this rule are proposed as part of the routine process of making corrections to the rule, eliminating outdated rule text, and making the rules easier to understand, which will reduce the burden on both the department and the regulated community.*

(1) The regulations set forth in 40 CFR part 261, July 1, [2010] 2013, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, and the changes made at 78 FR 0, July 31, 2013, are incorporated by reference, except for the changes made at 55 FR 50450, December 6, 1990, 56 FR 27332, June 13, 1991, 60 FR 7366, February 7, 1995, 63 FR 33823, June 19, 1998, 70 FR 53453, September 8, 2005, 73 FR 64667 to 73 FR 64788, October 30, 2008, and 73 FR 77954, December 19, 2008. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms

set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

*[Publisher's Note: The effective date for rules of mixed radioactive and hazardous wastes in Missouri is March 12, 1993.]*

(2) This section sets forth specific modifications of the regulations incorporated in section (1) of this rule. A person required to identify a hazardous waste shall comply with this section as it modifies 40 CFR part 261 as incorporated in this rule. (Comment: This section has been organized in order that all Missouri additions, changes, or deletions to any subpart of the federal regulation are noted within the corresponding subsection of this section. For example, changes to 40 CFR part 261 subpart A will be located in subsection (2)(A) of this rule.)

(A) General. The following are changes to 40 CFR part 261 subpart A incorporated in this rule:

*[1. Material that is stored or accumulated in surface impoundments or waste piles is inherently waste-like as provided in 40 CFR 261.2(d) incorporated in this rule, and is a solid waste, regardless of whether the material is recycled;*

*2. A solid waste, as defined in 40 CFR 261.2, as incorporated in this rule, is a hazardous waste if it is a mixture of solid waste and one (1) or more hazardous wastes listed in 40 CFR part 261 subpart D, as incorporated in this rule, and has not been excluded from 40 CFR 261.3(a)(2), as incorporated in this rule, under 40 CFR 260.20 and 260.22, as incorporated in 10 CSR 25-3.260. However, mixtures of solid wastes and hazardous wastes listed in 40 CFR part 261 subpart D, as incorporated in this rule, are not hazardous wastes (except by application of 40 CFR part 261.3(a)(2)(i) or (ii), as incorporated in this rule) if the generator can demonstrate that the mixture consists of wastewater, the discharge of which is regulated under Chapter 644, RSMo, the Missouri Clean Water Law;]*

*[3.]1. In Table 1 of 40 CFR 261.2, add an asterisk in column 3, row 6, Reclamation of Commercial Chemical Products listed in 40 CFR 261.33 and add the following additional footnotes: "Note 2. Commercial chemical products listed in 40 CFR 261.33 are not solid wastes when the original manufacturer uses, reuses, or legitimately recycles the material in his/her manufacturing process"; "Note 3. Gasoline and diesel fuels are not solid wastes if they are legitimately used as fuels;"*

*[4.]2. (Reserved)*

*[5.]3. [In addition to the requirements in 40 CFR 261.3 incorporated in this rule, hazardous waste may not be diluted solely for the purpose of rendering the waste nonhazardous unless dilution is warranted in an emergency response situation or where the dilution is part of a hazardous waste treatment process regulated or exempted under 10 CSR 25-7 or 10 CSR 25-9;] (Reserved)*

*[6.]4. [Fly ash that is not regulated under sections 260.200–260.245, RSMo, or sections 644.006–644.564, RSMo, or is not beneficially reused as allowed under 10 CSR 80-2.020(9)(B), and fails Toxicity Characteristic Leaching Procedure (TCLP) is not subject to the exclusion at 40 CFR 261.4(b)(4) and shall be disposed of in a permitted hazardous waste facility;] (Reserved)*

*[7.]5. [In 40 CFR 261.4(a)(8)(i) incorporated in this rule, substitute "is a totally enclosed treatment facility" for "through completion of reclamation is closed";] (Reserved)*

*[8.]6. [40 CFR 261.4(a)(11) is not incorporated in this rule;] (Reserved)*

*[9.]7. 40 CFR 261.4(a)(16) is not incorporated in this rule (Note: The paragraph at 40 CFR 261.4(a)(16) added by 63 FR*

*33823, June 19, 1998, is the paragraph not incorporated by 10 CSR 25-4.261(2)(A)9.);*

*[10.]8. [Household hazardous waste which is segregated from the solid waste stream becomes a regulated hazardous waste upon acceptance by delivery at a commercial hazardous waste treatment, storage, or disposal facility. Any waste for which the commercial facility becomes the generator in this way shall not be subject to waste minimization requirements under 40 CFR 264.73(b)(9), as incorporated by 10 CSR 25-7.264(1), nor shall that facility be required to pay hazardous waste fees and taxes on that waste pursuant to 10 CSR 25-12.010;] 40 CFR 261.4(a)(20) and (21) are not incorporated in this rule;*

*[11.]9. A generator shall submit the information required in 40 CFR 261.4(e)(2)(v)(C) as incorporated in this rule to the department along with the Generator's Hazardous Waste Summary Report required in 10 CSR 25-5.262(2)(D)1.;*

*[12.]10. The changes to 40 CFR 261.5, special requirements for hazardous waste generated by conditionally exempt small quantity generators, incorporated in this rule are as follows:*

*A. The modification set forth in 10 CSR 25-3.260(1)(A)/25.]24. applies in this rule in addition to other modifications set forth;*

*B. 40 CFR 261.5(g)(2) is not incorporated in this rule;*

*[C. A process, procedure, method, or technology is considered to be on-site treatment for the purposes of 40 CFR 261.5(f)(3) and 40 CFR 261.5(g)(3), as incorporated in this rule, only if it meets the following criteria:*

*(I) The process, procedure, method, or technology reduces the hazardous characteristic(s) and/or the quantity of a hazardous waste; and*

*(II) The process, procedure, method, or technology does not result in off-site emissions of any hazardous waste or constituent; and*

*D. If a conditionally exempt small quantity generator's wastes are mixed with used oil, the mixture is subject to 40 CFR 279.10(b)(3) as incorporated in 10 CSR 25-11.279;]*

*[13.]11. The substitution of terms in 10 CSR 25-3.260(1)(A) does not apply in 40 CFR 261.6(a)(3)(i), as incorporated in this rule. The state may not assume authority from the Environmental Protection Agency (EPA) to receive notifications of intent to export or to transmit this information to other countries through the Department of State or to transmit Acknowledgments of Consent to the exporter. This modification does not relieve the regulated person of the responsibility to comply with the Resource Conservation and Recovery Act (RCRA) or other pertinent export control laws and regulations issued by other agencies;*

*[14.]12. [40 CFR 261.6(a)(4) is amended by adding the following sentence: "Used oil that exhibits a hazardous characteristic and that is released into the environment is subject to the requirements of 10 CSR 25-3, 4, 5, 6, 7, 8, 9, and 13.";] (Reserved)*

*[15.]13. (Reserved)*

*[16.]14. [Recyclable materials that meet the definition of used oil in 40 CFR 260.10 as incorporated in 10 CSR 25-3.260(1) shall be managed in accordance with 10 CSR 25-11.279 and applicable portions of 10 CSR 25-3.260–10 CSR 25-9.020;] (Reserved)*

*[17.]15. The resource recovery of hazardous waste is regulated by 10 CSR 25-9.020. An [owner/operator] owner or operator of a facility that uses, reuses, or recycles hazardous waste shall be certified under 10 CSR 25-9 or permitted under 10 CSR 25-7, unless otherwise excluded. Therefore, the parenthetical text in 40 CFR 261.6(c)(1) is not incorporated in this rule; and*

*[18.]16. In accordance with section 260.432.5(2), RSMo, used cathode ray tubes (CRTs) may not be placed in a sanitary landfill, except as permitted by section 260.380.3, RSMo.*

*(D) Lists of Hazardous Wastes. The following are additions or*

changes to the lists in 40 CFR part 261 subpart D, incorporated in this rule:

1. Hazardous waste identified by the Environmental Protection Agency (EPA) hazardous waste number F020, F023, or F027 is hazardous waste even if highly purified 2,4,5-trichlorophenol is used. Therefore, the following language is deleted from 40 CFR 261.31 incorporated in this rule:

A. In F020, delete the words “(This listing does not include wastes from the production of Hexachlorophene from highly purified 2,4,5-trichlorophenol.)”;

B. In F023, delete the words “(This listing does not include wastes from equipment used only for the production or use of Hexachlorophene from highly purified 2,4,5-trichlorophenol.)”; and

C. In F027, delete the words “(This listing does not include formulations containing Hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component.)”;

2. Any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill of waste listed in F020, F021, F022, F023, F026, or F027 (including the changes made in 10 CSR 25-4.261(2)(D)1.), regardless of the quantity or time of the spill or release, is an acutely hazardous waste and is designated the Missouri hazardous waste number MH01. Note: This does not include hexachlorophene soap rinses resulting from medicinal uses.;

3. 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD) is an acutely hazardous waste and is designated the Missouri hazardous waste number MH02. Without regard to any quantity specified in 40 CFR 261.5, as incorporated and modified in paragraph (2)(A)10. of this rule, if a generator generates less than one gram (1 g) of 2,3,7,8-TCDD in a calendar month and does not accumulate one gram (1 g) of 2,3,7,8-TCDD at any one time, that generator shall manage that hazardous waste in accordance with subsection 260.380.2, RSMo. When a generator generates one gram (1 g) of 2,3,7,8-TCDD in a calendar month or accumulates at least one gram (1 g) of 2,3,7,8-TCDD at any one time, that generator shall manage that hazardous waste in accordance with the provisions in 10 CSR 25.;

[4.]1. 40 CFR 261.38 is not incorporated in this rule.

**AUTHORITY:** section 260.370, RSMo Supp. [2010] 2013. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For intervening history, please consult the *Code of State Regulations*. Amended: Filed April 15, 2015.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on June 18, 2015 at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on June 25, 2015. Written comments shall be sent to the director of the Hazardous

Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on June 25, 2015. Email comments shall be sent to [tim.eiken@dnr.mo.gov](mailto:tim.eiken@dnr.mo.gov). Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1738 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

## Title 10—DEPARTMENT OF NATURAL RESOURCES Division 25—Hazardous Waste Management Commission Chapter 5—Rules Applicable to Generators of Hazardous Waste

### PROPOSED AMENDMENT

**10 CSR 25-5.262 Standards Applicable to Generators of Hazardous Waste.** The commission is amending sections (1) and (2) of this rule.

**PURPOSE:** There are multiple purposes to this amendment. First of all, the incorporation by reference of 40 CFR part 262 and 40 CFR 302.4 and 302.5 will be updated to the July 1, 2013 edition, and the incorporation by reference of 49 CFR part 172 will be updated to the October 1, 2013 edition. In doing so, all changes to part 262 since the date of previous incorporation will be incorporated into the state rules. Second, the Department of Natural Resources has identified numerous changes in this rule that are required by section 260.373, RSMo. This section requires the department to identify rules that are inconsistent with the limitation on rulemaking authority established in this section and to make the necessary changes to the rule text by December 31, 2015. Finally, other changes to this rule are proposed as part of the routine process of making corrections to the rule, eliminating outdated rule text, and making the rules easier to understand, which will reduce the burden on both the department and the regulated community.

(1) The regulations set forth in 49 CFR part 172, [October 1, 1999] **October 1, 2013**, 40 CFR 302.4 and .5, July 1, [2006] **2013**, and 40 CFR part 262, July 1, [2010] **2013**, except [S]subpart H, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

(2) A generator located in Missouri, except as conditionally exempted in accordance with 10 CSR 25-4.261, shall comply with the requirements of this section in addition to the requirements incorporated in section (1). Where contradictory or conflicting requirements exist in 10 CSR 25, the more stringent shall control. (Comment: This section has been organized so that all Missouri additions, changes, or deletions to any subpart of the federal regulations are noted within the corresponding subsection of this section. [For example, the additional storage standards which are added to 40 CFR part 262 subpart C are found in subsection (2)(C) of this rule.]

(A) General. The following registration requirements are additional requirements to, or modifications of, the requirements specified in 40 CFR part 262 subpart A:

1. In lieu of 40 CFR 262.12(a) and (c), a generator located in Missouri shall comply with the following requirements:

A. A person generating in one (1) month or accumulating at any one (1) time the quantities of hazardous waste specified in 10 CSR 25-4.261 and a transporter who is required to register as a generator under 10 CSR 25-6.263 shall register and is subject to applicable rules



under 10 CSR 25-3.260–10 CSR 25-9.020 and 10 CSR 25-12.010; and

B. Conditionally exempt generators may choose to register and obtain Environmental Protection Agency (EPA) and Missouri identification numbers, but in doing so will be subject to any initial registration fee and annual renewal fee outlined in this chapter;

2. An *[owner/operator] owner or operator* of a treatment, storage, disposal, or resource recovery facility who ships hazardous waste from the facility shall comply with this rule;

3. The following constitutes the procedure for registering:

A. A person who is required to register shall file a completed registration form furnished by the department. The department shall require an original ink signature on all registration forms before processing. In the event the department develops the ability to accept electronic submission of the registration form, the signature requirement will be consistent with the legally-accepted standards in Missouri for an electronic signature on documents. All generators located in Missouri shall use only the Missouri version of the registration form;

B. A person required to register shall also complete and file an updated generator registration form if the information filed with the department changes;

C. The department may request additional information, including information concerning the nature and hazards associated with a particular waste or any information or reports concerning the quantities and disposition of any hazardous wastes as necessary to authorize storage, treatment, or disposal and to ensure proper hazardous waste management;

D. A person who is required to register, and those conditionally-exempt generators who choose to register, shall pay a one-hundred-dollar (\$100) initial or reactivation registration fee at the time their registration form is filed with the department. If a generator site has an inactive registration, and a generator required to register reactivates that registration, the generator shall file a registration form and pay the one-hundred-dollar (\$100) registration reactivation fee. The department shall not process any form for an initial registration or reactivation of a registration if the one-hundred-dollar (\$100) fee is not included. Generators required to register shall thereafter pay an annual renewal fee of one hundred dollars (\$100) in order to maintain their registration in good standing; and

E. Any person who pays the registration fee with what is found to be an insufficient check shall have their registration immediately revoked;

4. The following constitutes the procedure for registration renewal:

A. The calendar year shall constitute the annual registration period;

B. Annual registration renewal billings will be sent by December 1 of each year to all generators holding an active registration;

C. Any generator initially registering between October 1 and December 31 of any given year shall pay the initial registration fee, but shall not pay the annual renewal fee for the calendar year immediately following their initial registration. From that year forward, they shall pay the annual renewal fee;

D. Any generator required to register who fails to pay the annual renewal fee by the due date specified on the billing shall be administratively inactivated and subject to enforcement action for failure to properly maintain their registration;

E. Generators administratively inactivated for failure to pay the renewal fee in a timely manner, who later in the same registration year pay the annual renewal fee, shall pay the fifteen-percent (15%) late fee required by section 260.380.4, RSMo, in addition to the one-hundred-dollar (\$100) annual renewal fee for each applicable registration year and shall file an updated generator registration form with the department before their registration is reactivated by the department;

F. Generators who request that their registration be made

inactive rather than pay the renewal fee, who later in that same renewal year pay the annual renewal fee to reactivate their registration, shall pay the fifteen-percent (15%) late fee required by section 260.380.4, RSMo, in addition to the one-hundred-dollar (\$100) annual renewal fee and file an updated generator registration form with the department before their registration is reactivated by the department; and

G. Any person who pays the annual renewal fee with what is found to be an insufficient check shall have their registration immediately revoked; and

5. The department may administratively inactivate the registration of generators that fail to pay any applicable hazardous waste fees and taxes in a timely manner after appropriate notice to do so.

(B) The Manifest. Additional manifest and reporting requirements are set forth in subsections (2)(D) and (E). This subsection is applicable to all Missouri generators and to all other generators who deposit hazardous waste in Missouri. (Note: This section is not applicable to an out-of-state or international generator who is shipping hazardous waste through, in less than ten (10) days, but not depositing hazardous waste in Missouri. This subsection does not prevent a transporter from voluntarily carrying information in addition to the manifest. Any reference to the United States Environmental Protection Agency (EPA) form 8700-22 means the form as revised by EPA and approved by the federal Office of Management and Budget (OMB)).

*[1. Generators must list the Missouri waste code MH02 if the hazardous waste is 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD) as listed in 10 CSR 25-4.261(2)(D)3.*

*2. If the waste contains MH02 or MH01, these must be one (1) of the six (6) waste codes listed on the manifest.*

*3. Generators must list the Missouri waste code D098 if the hazardous waste is a used oil as described in 10 CSR 25-11.279(2)(I)1.B.]*

*[4.]1. Generators must record either the total weight in kilograms or pounds or the specific gravity for wastes listed or measured in gallons, liters, or cubic yards.*

*[5.]2. Manifest reporting. This paragraph sets forth additional requirements for manifest reporting. The generator shall contract with the designated facility to return the completed manifest to the generator within thirty-five (35) days after the hazardous waste was accepted by the initial transporter. [A generator, in addition to this requirement, and where applicable under paragraph (2)(D)2. of this rule, shall file exception reports.]*

(C) Pretransport, Containerization, and Labeling Requirements.

*[1. During the entire time hazardous waste is accumulated in storage on-site, generators shall package, mark, and label hazardous waste containers in compliance with the requirements of 40 CFR 262.32 and 40 CFR part 262 subpart C, as incorporated and modified within these regulations. The generator is not required to mark the manifest document number for the shipment on the container until it is prepared for off-site shipment.]*

**1. In addition to labeling containers used to accumulate hazardous waste in accordance with the requirements in 40 CFR 262.34(a)(2), (a)(3), and (d)(4), generators must also comply with either subparagraphs A. or B. below.**

**A. All containers used to accumulate hazardous waste must be labeled in accordance with applicable United States Department of Transportation labeling requirements in 49 CFR part 172 subpart E during the entire time the waste is accumulated on-site. If a generator determines that labeling a container with a capacity of less than one (1) gallon is not feasible, the generator shall affix the appropriate label(s) to the locker, rack or other device used to hold or accumulate any such container; or**

**B. Clearly label each container with words that correctly identify the hazards of the contents of the container during the entire on-site storage period. Such words shall include one or more of the following as defined in 40 CFR part 261 subparts C**



and D: Ignitable, Toxic, Corrosive, or Reactive. The label shall be white with black lettering or black with white lettering that is a minimum of one (1) inch in height. If a generator determines that labeling a container with a capacity of less than one (1) gallon is not feasible, the generator shall affix the appropriate label(s) to the locker, rack or other device used to hold or accumulate any such container. Note that pursuant to 49 CFR 172.401, "No person may offer for transportation and no carrier may transport a package bearing any marking or label which by its color, design or shape could be confused with or conflict with a label prescribed by this part."

[2. This paragraph sets forth requirements for storage of hazardous waste based on the quantity of waste generated or accumulated.]

2. In addition to labeling requirements for tanks used to accumulate hazardous waste in accordance with the requirements of 40 CFR 262.34(a)(3) and (d)(4), generators must also comply with the 2012 Edition of the *National Fire Protection Association Standard NFPA 704: Standard System for the Identification of the Hazards of Materials for Emergency Response* to identify the hazards of the tank contents. The 2012 edition of *NFPA 704* is hereby incorporated by reference without any subsequent amendments or additions, and is published by the National Fire Protection Association, 1 Battery March Park, Quincy, MA, 02169-7471.

[A. Notwithstanding any other provisions of this rule to the contrary, a person who generates one hundred kilograms (100 kg) or more, but fewer than one thousand kilograms (1000 kg) of nonacute hazardous waste in a calendar month may store these hazardous wastes in quantities, according to time frames and under the conditions specified in 40 CFR 262.34(d) as incorporated in this rule. However, upon accumulating one thousand kilograms (1000 kg) of nonacute hazardous waste, the generator must also comply with 40 CFR 262.34(a)(1) incorporated in this rule rather than 40 CFR 262.34(d)(3) incorporated in this rule, 40 CFR part 265 subpart D as incorporated in 10 CSR 25-7.265(1) and modified in 10 CSR 25-7.265(2)(D) rather than 40 CFR 262.34(d)(5) incorporated in this rule, and 40 CFR 265.16 as incorporated in 10 CSR 25-7.265(1) and modified in 10 CSR 25-7.265(2)(D) in addition to the requirements of 40 CFR 262.34(d) incorporated in this rule.

B. A person who generates one kilogram (1 kg) of acutely hazardous waste defined by or listed in 10 CSR 25-4.261 or one gram (1 g) of 2,3,7,8-TCDD or one thousand kilograms (1000 kg) of nonacute hazardous waste, or an aggregate of one thousand kilograms (1000 kg) of hazardous waste, as listed in 10 CSR 25-4.261 shall comply with 40 CFR 262.34(a) and (b) as incorporated in this rule.

C. General inspection requirements. In addition to the requirements in 40 CFR Part 262, a generator shall also comply with the following requirements.

(I) The owner/operator shall inspect his/her facility for malfunction, deterioration, or both, operator error, and any evidence of discharges which may be causing or could cause the release of hazardous waste constituents to the environment or could pose a threat to human health. The owner/operator shall conduct these inspections often enough to identify and correct any problems of that nature before they cause harm to human health or the environment.

(II) The frequency of inspection may vary for the items that require inspection. However, it should be based on the rate of possible deterioration of the equipment and the probability of an environmental or human health incident if the deterioration, malfunction, or any operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, shall be inspected daily when in use. At a minimum, the inspection schedule shall

include the terms and frequencies set forth in the applicable regulations in 40 CFR 265.174 and 40 CFR 265.195, incorporated in 10 CSR 25-7.265; and

(III) The owner/operator shall remedy any deterioration or malfunction of equipment or structures which the inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action shall be taken immediately.

D. Containment for storage in containers. This subparagraph sets forth additional requirements for storage of hazardous waste in containers.

(I) Container storage areas shall have a containment system that is designed and operated in accordance with part (2)(C)2. D.(III) of this rule, except as provided in part (2)(C)2.D.(II) of this rule.

(II) Storage areas that store containers holding only wastes that do not contain free liquids or storage areas that store less than one thousand kilograms (1000 kg) of nonacute hazardous waste containing free liquids need not have a containment system as described in part (2)(C)2.D.(I) of this rule, provided that the storage area is sloped or is otherwise designed and operated to drain and remove liquid resulting from precipitation, or the containers are elevated or are otherwise protected from contact with accumulated liquid.

(III) A containment system shall be designed, maintained, and operated as follows:

(a) The containment system shall include a base which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed. The base shall be under the container;

(b) The base shall be sloped or the containment system shall be designed and operated to drain and remove liquids resulting from leaks, spills, or precipitation, unless the containers are elevated or are otherwise protected from contact with accumulated liquids;

(c) The containment system shall have a capacity equal to ten percent (10%) of the containerized waste volume or the volume of the largest container, whichever is greater. (Containers that do not contain free liquids need not be considered in this calculation);

(d) Run-on into the containment system shall be prevented unless the collection system has sufficient excess capacity in addition to that required in subpart (2)(C)2.B.(III)(c) of this rule to contain any run-on which might enter the system; and

(e) Spilled or leaked waste and accumulated precipitation shall be removed from the sump or collection area as necessary to prevent overflow of the collection system.

(IV) The containment system must also be inspected as part of the weekly inspections required by 40 CFR 265.174 as incorporated in 10 CSR 25-7.265.

E. Tanks. This subparagraph sets forth additional requirements for storage of hazardous waste in tanks. Additional requirements set forth in paragraph (2)(C)2. apply to storage of hazardous waste in tank systems.

F. General requirements for ignitable, reactive, incompatible, or volatile wastes.

(I) Volatile waste having a true vapor pressure of greater than seventy-eight millimeters (78 mm) of mercury at twenty-five degrees Celsius (25°C) shall not be placed in an open tank.

(II) The owner/operator shall take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. These hazardous wastes shall be separated and protected from sources of ignition or reaction including, but not

limited to, open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), spontaneous ignition (that is, from heat-producing chemical reactions), and radiant heat. While ignitable or reactive waste is being handled, the owner/operator shall confine smoking and open flame to specially designated locations. No Smoking signs shall be conspicuously placed wherever there is a hazard from ignitable or reactive waste.

G. Preparedness and prevention. In addition to the required equipment specified in 40 CFR 265.32, incorporated in 10 CSR 25-7.265, a generator shall also provide safety equipment such as fire blankets, gas masks, and self-contained breathing apparatus.]

3. Satellite accumulation. [In addition to the requirements in 40 CFR 262.34(c), the generator shall comply with the following requirements: Within one (1) year from the date satellite storage begins, irrespective of the quantity of hazardous waste in the satellite storage area, the hazardous waste shall be transferred to the area where hazardous waste is stored during the ninety (90)-, one hundred eighty (180)-, or two hundred seventy (270)-day storage period. And in 40 CFR 262.34(c)(1)(iii), add the words "Mark his containers either with the words 'Hazardous Waste' or with other words that identify the contents of the containers and the beginning date of satellite storage." ] As an alternative to compliance with the accumulation limits in 40 CFR 262.34(c)(1), generators who instead wish to store up to fifty-five (55) gallons of each non-acute hazardous waste stream, or up to one (1) quart of each acutely hazardous waste stream in a satellite accumulation area may do so if they comply with the other applicable requirements of 40 CFR 262.34(c) and the following additional requirements:

A. The generator must notify the department that it has chosen to comply with the additional requirements in this section and must also re-notify at any time it changes this decision. Such notification must be made by submitting an updated Notification of Regulated Waste Activity Form. All satellite accumulation areas at the generator's location must operate under the same requirements;

B. The generator may not use more than one (1) container per wastestream;

C. Each container must be marked with its beginning date of satellite storage;

D. A container of hazardous waste shall be stored in a satellite accumulation area for more than one (1) year pursuant to this paragraph 3. shall be removed from the satellite accumulation area within three calendar days if any of the following occurs:

(I) One (1) year has passed since the accumulation start date;

(II) The container is full; or

(III) The container has reached its volume limit.

E. A container of hazardous waste removed from the satellite accumulation area pursuant to subparagraph D. above must be taken to the generator storage area, shipped offsite for proper hazardous waste management, or managed in accordance with an approved hazardous waste permit or certification at the site.

F. In lieu of 40 CFR 262.34(c)(2), during the three day period referenced in subparagraph D. above, the generator may start a new satellite container for that wastestream if in compliance with all other requirements of paragraph 3. and 40 CFR 262.34(c)(1) as modified by this paragraph 3.

4. 40 CFR 262.34(a)(1)(iii) is not incorporated in this rule.

[5. In addition to requirements in 40 CFR 262.34(d), a generator, upon generating one thousand kilograms (1000 kg) of nonacute hazardous waste, in a calendar month or accumulating one thousand kilograms (1000 kg) of nonacute

hazardous waste, shall comply with paragraph (2)(C)2. of this rule.]

5. Generators who accumulate more than six thousand (6000) kilograms of ignitable or reactive hazardous waste may elect to comply with 10 CSR 25-7.264(2)(I) in lieu of 40 CFR 265.176.

[6. All generators shall meet the special requirements for ignitable or reactive waste set forth in 40 CFR 265.176 incorporated in 10 CSR 25-7.265 and, therefore, the following language in 40 CFR 262.34(d)(2) is not incorporated in this rule: "except the generator need not comply with subsection 265.176." ]

7. Closure. At closure of the storage area, the generator shall remove and properly dispose of all hazardous waste and hazardous residues. For the purpose of this paragraph, closure shall occur when the storage of hazardous wastes has not occurred or is not expected to occur for one (1) year.]

(D) Record Keeping and Reporting. In addition to requirements in 40 CFR 262.40, generators shall retain registration information required in subsection (2)(A) of this rule and the Generator's Hazardous Waste Summary Report required in paragraph (2)(D)1. of this rule for no fewer than three (3) years. [The period of record retention referred to in 40 CFR 262.40(d) begins the day the initial transporter signs the manifest. The period of record retention referred to extends upon the written requests of the department or automatically during the course of any unreleased enforcement action regarding the regulated activity.]

1. This paragraph establishes requirements for quarterly Generator's Hazardous Waste Summary Reports.

A. All generators who are required to register in accordance with subsection (2)(A) of this rule shall complete a Generator's Hazardous Waste Summary Report. This report shall be completed on a form provided by the department or on a reproduction of the form provided by the department or in the same format as the form provided by the department after review and approval by the department.

B. Persons who do not ship any hazardous wastes or who make only one (1) shipment of hazardous waste during the entire reporting year, July 1 through June 30, or are defined as a small quantity generator for the entire reporting year, or are defined as a large quantity generator and filing their report electronically in a manner prescribed by the department, may file an annual report by August 14 following the reporting year period. However, persons who are defined as a large quantity generator and have more than one (1) shipment of hazardous waste during the reporting years, and do not file their report using the electronic method prescribed by the department, shall file quarterly. Large quantity generators may submit an annual report electronically beginning with the reporting period of July 1, 2015-June 30, 2016, or sooner if the system for electronic reporting is in place prior to that reporting period.

C. A generator who is registered with the department shall report the quantity, type, and status of all hazardous waste(s) shipped off-site during the reporting period on the Generator's Hazardous Waste Summary Report regardless of the destination of the shipment(s).

D. The Generator's Hazardous Waste Summary Report shall be signed and certified by an authorized representative as defined in 40 CFR 260.10 incorporated by reference in 10 CSR 25-3. The certification statement shall read as follows: "CERTIFICATION: I certify under penalty of law that I personally examined and am familiar with the information submitted on this form and all attached documents and, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment." The handwritten signature of the authorized representatives shall follow this certification.

E. The generator shall submit the completed Generator's Hazardous Waste Summary Report within forty-five (45) days after the end of each reporting period. The reporting periods and submittal dates are as follows: January 1 through March 31, with a submittal date of May 14 of the same year; April 1 through June 30, with a submittal date of August 14 of the same year; July 1 through September 30, with a submittal date of November 14 of the same year; and October 1 through December 31, with a submittal date of February 14 of the following year.

F. A generator shall submit the information required in 40 CFR 261.4(e)(2)(v)(C) incorporated by reference in 10 CSR 25-4.261(1) to the department along with the completed Generator's Hazardous Waste Summary Report.

G. Generators failing to file the reports required by this rule shall have their registration administratively inactivated. Their registration shall be reactivated after all required reporting is filed, applicable fees are paid, and an updated generator registration form is submitted to the department.

[2. *Exception reporting. 40 CFR 262.42 is not incorporated in this rule. In lieu of those requirements, a generator shall comply with the following requirements:*

A. A generator shall contract with the designated facility to return the completed manifest to the generator within thirty-five (35) days after the date the waste was accepted by the initial transporter. A generator, in addition to the requirements of this subsection, shall comply with manifest reporting requirements in paragraph (2)(B)6. of this rule;

B. A generator who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within thirty-five (35) days of the date the waste was accepted by the initial transporter shall contact the transporter, the owner, or both, or operator of the designated facility, to determine the status of the hazardous waste;

C. A generator who has not received the completed manifest with the handwritten signature of the designated facility operator within thirty-five (35) days from the date the waste was accepted by the initial transporter shall submit a completed exception report to the department within forty-five (45) days from the date the waste was accepted by the initial transporter; and

D. The exception report may be completed on the exception report form provided by the department or in a format which shall include the following: the generator's EPA identification number (if applicable), the Missouri generator identification number and the generator's name, address, and telephone number; the name, address, phone number, EPA identification number (if applicable), and Missouri transporter license number for each transporter; the EPA identification number of the facility (if applicable), the Missouri facility identification number, the facility telephone number, and the designated facility's name and address; the Missouri and EPA hazardous waste manifest document numbers followed by the date of shipment; the waste description and EPA waste code identification number as listed in 10 CSR 25-4 for each hazardous waste appearing on the manifest; the total quantity of each hazardous waste and the appropriate abbreviation for units of measure as follows: G—gallons (liquids only); P—pounds; T—tons (2,000 lbs.); Y—cubic yards; L—liters (liquids only); K—kilograms; M—metric tons (1,000 kg); N—cubic meters; the following certification statement, signed and dated by an authorized representative of the generator: "I have personally examined and am familiar with the information submitted on this form. I hereby certify that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information which include fine and imprisonment"; a legible

copy of the manifest document originated by the generator and signed by the initial transporter which was retained by the generator and for which the generator does not have confirmation of delivery; and a cover letter signed by the generator or his/her authorized representative explaining the efforts taken to locate the hazardous waste and the results of those efforts. The director may require a generator to furnish additional reports concerning the quantities and disposition of wastes identified or listed in 10 CSR 25-4.261 as the director deems necessary under section 260.375(7), RSMo.]

[3.]2. Reporting requirements for small quantity generators. 40 CFR 262.44 is not incorporated in this rule.

(I) [Emergency Procedures. In the event of a spill of hazardous waste at the generator's site, where there is clear and imminent danger to humans or the environment, the generator shall take reasonable action to eliminate the danger. In the event of a spill of a reportable quantity of material under 40 CFR 302.4 and 302.5 (Note: this includes table 302.4), a generator shall notify the department in accordance with the notification procedure set forth in 10 CSR 24-3.010.] (Reserved)

**AUTHORITY:** section[s] 260.370, **RSMo Supp. 2013**, and section 260.380, **RSMo Supp. [2010] 2014**. This rule was previously filed as 10 CSR 25-5.010. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For intervening history, please consult the **Code of State Regulations**. Amended: Filed April 15, 2015.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment is estimated to cost private entities approximately thirteen thousand one hundred and forty-four dollars (\$13,144) in the aggregate. As detailed in the fiscal note, the department assumes that these are one- (1-) time costs and there are no recurring costs to comply with the rule. The fiscal note for this proposed amendment includes the information relied upon to develop this estimated cost of compliance.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on June 18, 2015 at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on June 25, 2015. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on June 25, 2015. Email comments shall be sent to [tim.eiken@dnr.mo.gov](mailto:tim.eiken@dnr.mo.gov). Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1738 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

## FISCAL NOTE

## PRIVATE COST

## I. RULE NUMBER

Rule Number and Name	<i>10 CSR 25-5.262 Standards Applicable to Generators of Hazardous Waste</i>
Type of Rulemaking	<i>Amendment</i>

## II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
<i>14</i>	<i>Hazardous waste generators utilizing tanks to store hazardous waste</i>	<i>\$3472</i>
<i>21</i>	<i>Tanks used to store hazardous waste at permitted hazardous waste treatment, storage, and disposal facilities</i>	<i>\$5208</i>
<i>18</i>	<i>Tanks used to treat hazardous waste at permitted hazardous waste treatment, storage, and disposal facilities</i>	<i>\$4464</i>

## III. Worksheet

The cost of a new aluminum sign which displays the information required under NFPA standard 704 ranges from \$10 for a 7.5 inch diamond to \$62 for a 30 inch diamond<sup>1</sup>. The required size for the sign depends on the facility but for purposes of this fiscal note the department assumed that those affected by the requirement would purchase the largest size. In addition, the requirement can be met by displaying plastic signs or by displaying adhesive labels, both of which would be less expensive than purchasing aluminum signs. Again, for purposes of this fiscal note, the department is assuming the most expensive option for compliance with the rule.

The number of labels for each tank again varies according to the requirements of the rule, but for purposes of this fiscal note, the department assumes that one label will be required for both the front and back of the tank, and for each end of the tank, to ensure that the label is visible from any location around the tank. Therefore, each tank would require approximately 4 signs to comply with the requirements of NFPA 704.

At a cost of \$62 for a 30 inch sign, and with each tank requiring the display of four signs to comply with the requirements of the standard, it would cost \$248 to purchase the required signs for each tank affected by the rule.

$\$248 \times 14$  hazardous waste generators using waste description including the word "tank" = \$3472

$\$248 \times 21$  tanks used to store hazardous waste at permitted facilities = \$5208

$\$248 \times 18$  tanks used to treat hazardous waste at permitted facilities = \$4464

Total cost of compliance =  $\$3472 + \$5208 + \$4464 = \$13,144$

<sup>1</sup>Cost information was obtained from the website [www.compliancesigns.com](http://www.compliancesigns.com)

#### IV. Assumptions

1. For the 2014 reporting year, a total of 14 generators reported a hazardous waste that used the word "tank" in the description of the waste. While not all of these may involve residue from a tank used by the generator to store or treat hazardous waste, the department believes that it is a reasonable estimate of the number of tanks being used by hazardous waste generators
2. The department used information from the RCRAInfo database to gather information on the number of permitted hazardous waste facilities actively using tanks to store or treat hazardous waste. Only tanks that are actively being used are included in the total number of tanks in each category.
3. Compliance cost will be a one-time cost because once labels have been purchased and applied to tanks, there will be no ongoing costs to comply with the labeling requirement

The proposed amendment includes a requirement that those storing hazardous waste in tanks comply with the National Fire Protection Association (NFPA) standard 704: *Standard System for the Identification of the Hazards of Materials for Emergency Response* to identify the hazards of the tank contents. Tanks are currently only required to be labeled with the words "hazardous waste". Any generator or permitted facility that stores hazardous waste in tanks will have to be in compliance with the NFPA standard, which uses placards to identify the hazards of the material stored in the tanks.

The requirement to label hazardous waste tanks applies to hazardous waste generators and hazardous waste treatment, storage, and disposal facilities (TSDs). A hazardous waste generator is any person or site whose processes and actions create hazardous waste.

The parties affected by the proposed changes to the requirements for labeling tanks include, but are not limited to, various types of businesses; treatment, storage and disposal facilities; industrial and academic laboratories; retail stores; schools; colleges; universities and other academic institutions, and manufacturing facilities.

Specifically, Section 260.373.1(3)(d) allows the department to retain, modify, or rescind rules *“requiring hazardous waste generators to display hazard labels (e.g., Department of Transportation (DOT) labels) on containers and tanks during the time hazardous waste is stored on-site”*. The exclusion which established the option to retain rules for the display of hazard labels on tanks was added to the bill based on concerns expressed by emergency responders. Emergency responders preferred to have some additional information on tanks that would assist them in determining the appropriate response in an emergency situation without having to approach the container or tank when it would be unsafe to do so. Based on this exclusion, the department discussed potential changes to the rules for hazardous waste tanks with stakeholders including emergency responders and, after several stakeholder meetings where this topic was discussed, draft rule language was prepared that was both consistent with the statutory limitation and provided emergency responders with sufficient additional information to satisfy their concerns. Stakeholders felt that whatever economic cost generators or permitted facilities would incur to place the appropriate labels on tanks was justified by the environmental benefit of providing information to facility employees and emergency responders about the contents of individual containers and tanks. The additional information will help to prevent accidental spills and releases, and in the event of a spill or release will provide necessary information to determine the appropriate response to the spill or release.

For hazardous waste tanks, while compliance with the NFPA standard is a new requirement, once tanks have been properly labeled they will not need to be relabeled unless the type of waste stored in the tank changes, or the label becomes worn from use and is no longer clearly visible. This should minimize the long term impact of this specific change.

The intent of the proposed amendment for labeling hazardous waste tanks in accordance with NFPA 704 is to prevent accidental releases or spills by making sure that proper containers and tanks are used in storage, and that incompatible wastes are not mixed together in the containers or tanks, which could cause a chemical reaction that would result in a fire, explosion, or the release of toxic fumes or gases. The additional information on the tank also provides emergency responders with visual information on the contents of the container or tank in the event of a spill or a release so that they can determine the appropriate response.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 6—Rules Applicable to Transporters of  
Hazardous Waste**

**PROPOSED AMENDMENT**

**10 CSR 25-6.263 Standards for Transporters of Hazardous Waste.** The commission is amending section (1) and the authority statement of the rule.

*PURPOSE:* The reason for this amendment is to update the incorporation by reference of 40 CFR part 263 from the July 1, 2010 edition to the July 1, 2013 edition. In doing so, all changes to part 263 during this time period will be incorporated into the state rules.

(1) The regulations set forth in 40 CFR part 263, July 1, [2010] 2013; 49 CFR parts 171–180, November 1, 1990, and December 1, 1997; and 49 CFR parts 40, 383, 387, 390–397, October 1, 1990, and October 1, 1997, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference, except for 49 CFR 390.3(f)(2), which is not incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule except that the modifications do not apply to the 49 CFR parts incorporated in this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

*AUTHORITY:* sections 260.370 and 260.373, RSMo Supp. [2010] 2013, and sections 260.385 and 260.395, RSMo 2000. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For intervening history, please consult the *Code of State Regulations*. Amended: Filed April 15, 2015.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on June 18, 2015 at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on June 25, 2015. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on June 25, 2015. Email comments shall be sent to tim.eiken@dnr.mo.gov. Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1738 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 7—Rules Applicable to Owners[/] or Operators  
of Hazardous Waste Facilities**

**PROPOSED AMENDMENT**

**10 CSR 25-7.264 Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities.** The commission is amending sections (1), (2), and (3) of the rule.

*PURPOSE:* There are multiple purposes to this amendment. First of all, the incorporation by reference of 40 CFR part 264 will be updated to the July 1, 2013 edition. In doing so, all changes to part 264 since the date of previous incorporation will be incorporated into the state rules. Second, the Department of Natural Resources has identified numerous changes in this rule that are required by section 260.373, RSMo. This section requires the department to identify rules that are inconsistent with the limitation on rulemaking authority established in this section and to make the necessary changes to the rule text by December 31, 2015. Finally, other changes to this rule are proposed as part of the routine process of making corrections to the rule, eliminating outdated rule text, and making the rules easier to understand, which will reduce the burden on both the department and the regulated community.

(1) The regulations set forth in 40 CFR part 264, July 1, [2010] 2013, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modification set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control. [“Owner/operator,” as defined in 10 CSR 25-3.260(2)(O)3., shall be substituted for any reference to “owner and operator” or “owner or operator” in 40 CFR part 264 incorporated in this rule.]

(2) The [owner/operator] owner or operator of a permitted hazardous waste treatment, storage, or disposal facility shall comply with this section in addition to the regulations of 40 CFR part 264. In the case of contradictory or conflicting requirements, the more stringent shall control. (Comment: This section has been organized so that all Missouri additions, changes, or deletions to any subpart of the federal regulations are noted within the corresponding subsection of this section. For example, the requirements to be added to 40 CFR part 264 subpart E are found in subsection (2)(E) of this rule.)

(A) General. This subsection sets forth requirements which modify or add to those requirements in 40 CFR part 264 subpart A.

1. A treatment permit is not required under this rule for a resource recovery process that has been certified by the department in accordance with 10 CSR 25-9.020. Storage of hazardous waste prior to resource recovery must be in compliance with this rule.

2. A permit is not required under this rule for an elementary neutralization unit or a wastewater treatment unit receiving only hazardous waste that is generated on-site or generated by its operator or only one (1) generator if the owner/operator, upon request, can demonstrate to the satisfaction of the department compliance with the requirements in 10 CSR 25-7.270(2)(A)3.

3. Hazardous waste which must be managed in a permitted unit (for example, waste generated on-site and stored beyond the time frames allowed without a permit pursuant to 10 CSR 25-5.262, waste received from off-site, certain hazardous waste fuels, etc.) shall not be stored or managed outside an area or unit which does not have a permit or interim status for that waste for a period which exceeds twenty-four (24) hours. This provision shall not apply to railcars held for the period allowed by, and managed in accordance with, 10 CSR 25-7.264(3) of this regulation. (Comment: The purpose of this paragraph is to allow necessary movement of hazardous waste into, out of, and through facilities, and not to evade permit requirements.)



(B) General Facility Standards. **(Reserved)** [This subsection sets forth requirements which modify or add to those requirements in 40 CFR part 264 subpart B.

1. The substitution of terms at 10 CSR 25-3.260(1)(A)1. does not apply to 40 CFR 264.12(a), incorporated by reference in this rule. In addition to the requirements in 40 CFR 264.12(a) incorporated in this rule, an owner/operator shall submit to the department a separate analysis for each hazardous waste that s/he intends to import. Each analysis shall contain the following information: the foreign generator's name, site address, and telephone number; a list of applicable United States Environmental Protection Agency (EPA) waste codes and a percentage of each for each hazardous waste; the flash point determined in accordance with 40 CFR 261.21 incorporated by reference in 10 CSR 25-4; a list of reactive waste(s) as defined in 40 CFR 261.23 incorporated by reference in 10 CSR 25-4; and results of toxicity tests conducted in accordance with 40 CFR 261.24 incorporated by reference in 10 CSR 25-4.261, if applicable.

2. Information describing the frequency and type of analysis performed on run off and leachate generated at the hazardous waste management units shall be included as part of the waste analysis plan required in 40 CFR 264.13(b) incorporated in this rule.

3. 40 CFR 264.15(b)(5) is not incorporated in this rule.

4. The comment following 40 CFR 264.18(a) is not incorporated in this rule.]

(E) Manifest System, Record Keeping, and Reporting. This subsection sets forth requirements which modify or add to those requirements in 40 CFR part 264 subpart E.

1. Missouri requires an original copy of the manifest to be submitted to the department by all in-state and out-of-state Treatment, Storage, or Disposal Facilities (TSDFs) in accordance with 40 CFR 264.71(e).

[2. As it becomes available, the following additional information shall be maintained in the operating record described in 40 CFR 264.73 incorporated in this rule until final closure, at which time the operating record shall be submitted to the department:

A. The information from each manifest shall be maintained in the operating record;

B. In addition to the requirements in 40 CFR 264.73(b)(2) incorporated in this rule, an owner/operator of a hazardous waste disposal facility shall record the location and quantity of each hazardous waste shipment on a map or diagram of each cell or disposal area with respect to a surveyed permanent benchmark and baseline;

C. In addition to the requirements in 40 CFR 264.73(b)(2) incorporated in this rule, an owner/operator of a facility which has had a release or which has hazardous waste or hazardous waste constituent migration beyond the hazardous waste management unit shall record the locations and concentrations of contamination on a map or diagram with respect to a surveyed permanent benchmark and baseline;

D. If applicable, information regarding volumes, dates of removal, and disposition of leachate removed from collection points shall be maintained in the operating record; and

E. A complete copy of the final, approved permit application, including all approved engineering plans, shall be maintained in the operating record.]

[3.]2. The [owner/operator] owner or operator of a hazardous waste management facility shall submit a report to the department as set forth in this paragraph.

A. All [owners/operators] owners or operators shall comply with the reporting requirements in 10 CSR 25-5.262(2)(D) regardless of whether the [owner/operator] owner or operator is

required to register as a generator pursuant to 10 CSR 25-5.262(2)(A)1.

B. In addition to the requirements in 10 CSR 25-5.262(2)(D) for hazardous waste generated on-site and shipped off-site for treatment, storage, resource recovery, or disposal, the [owner/operator] owner or operator shall meet the same requirements for the following:

(I) All hazardous waste generated on-site during the reporting period that is managed on-site; and

(II) All hazardous waste received from off-site during the reporting period, including hazardous waste generated by another generator and hazardous waste generated at other sites under the control of the [owner/operator] owner or operator.

C. In addition to the information required in 10 CSR 25-5.262(2)(D), an [owner/operator] owner or operator shall include the following information in the summary report:

(I) A description and the quantity of each hazardous waste that was both generated and managed on-site during the reporting period;

(II) For each hazardous waste that was received from off-site, a description and the quantity of each hazardous waste, the corresponding state, and EPA identification numbers of each generator;

(III) For imports, the name and address of the foreign generator;

(IV) The corresponding method of treatment, storage, resource recovery, disposal, or other approved management method used for each hazardous waste;

(V) The quantity and description of hazardous waste residue generated by the facility; and

(VI) A summary of both quantitative and qualitative groundwater monitoring data that was received during the reporting period, as required in 40 CFR part 264 subpart F incorporated in this rule and subsection (2)(F) of this rule. (Comment: This does not change the frequency of monitoring required by rules or in specific permit conditions. It only changes the frequency of reporting.)

[4.]3. As outlined in section 260.380.2, RSMo, all [owners/operators] owners or operators shall pay a fee to the department of two dollars (\$2) per ton or portion thereof for any and all hazardous waste received from outside of Missouri. This fee shall be referred to as the Out-of-State Waste Fee and shall not be paid on hazardous waste received directly from other permitted treatment, storage, and disposal facilities located in Missouri.

A. For each [owner/operator] owner or operator, this fee shall be paid on or before January 1 of each year and shall be based on the total tons of hazardous waste received in the aggregate by that [owner/operator] owner or operator for the twelve- (12-)/- month period ending the previous June 30. As outlined in section 260.380.4, RSMo, failure to pay this fee in full by the due date shall result in imposition of a late fee equal to fifteen percent (15%) of the total original fee. Each twelve- (12-)/- month period ending on June 30 shall be referred to as a reporting year.

B. [Owners/operators] Owners or operators may elect, but are not required, to pay this fee on a quarterly basis at the time they file the reporting required in subparagraphs (2)(E)3.B. and C. of this rule. If they do not choose to pay the fee quarterly, [owners/operators] owners or operators may elect, but are not required, to pay the fee at the time they file their final quarterly report of each reporting year. However, the total fee for each reporting year must be paid on or before January 1 immediately following the end of each reporting year.



**EXAMPLES OF OUT-OF-STATE WASTE FEE CALCULATION**

Example 1. ABC Company reports receiving 250 tons of hazardous waste from outside of Missouri:

$$\$2 \times 250 \text{ tons} = \$500 \text{ fee}$$

Example 2. ABC Company reports receiving 410.6 tons of hazardous waste from outside of Missouri. The number of tons would be rounded to 411:

$$\$2 \times 411 \text{ tons} = \$822 \text{ fee}$$

Example 3. ABC Company reports receiving 52,149.3 tons of hazardous waste from outside of Missouri. The number of tons would be rounded to 52,150:

$$\$2 \times 52,150 \text{ tons} = \$104,300 \text{ fee}$$

(F) Releases From Solid Waste Management Units. **(Reserved)**. This subsection sets forth requirements which modify or add to those requirements in 40 CFR part 264 subpart F.

1. If the department determines that there is a significant risk to human health or the environment resulting from ground or surface water contamination from operation of any hazardous waste management facility or solid waste management unit, the department may condition the permit for a facility or unit; or upon issuance or reissuance or by modification of a permit, the department may require that an owner/operator of the facility comply with the requirements of this section. An owner/operator shall furnish to the department, within a reasonable time period, any information which the department requests to comply with this subsection.

2. In addition to requirements in 40 CFR 264.91(a)(3) and 40 CFR 264.100(e)(2) incorporated in this rule, the owner/operator shall document in the operating record all efforts taken to monitor groundwater or take corrective action beyond the facility boundary.

3. The facility permit will include, as described in 40 CFR 264.100(b) incorporated in this rule, a course of action to implement remedial procedures. The corrective action program may include, if necessary, closure of the appropriate units to prevent further leachate generation and transport.

4. This paragraph sets forth requirements for surface water monitoring.

A. The owner/operator is exempt from regulations under this paragraph if—

(I) S/he is exempted under this subsection and 40 CFR part 264 subpart F, incorporated in this rule; or

(II) The department finds based upon a demonstration by the owner/operator, that there is low potential for migration of liquid from the facility or unit to surface water bodies throughout the post-closure care period. This demonstration shall be certified by a registered geologist or professional engineer registered in Missouri; or

(III) The surface water runoff from the regulated unit(s) is being monitored in accordance with the facility's National Pollutant Discharges Elimination System (NPDES) or state operating stormwater discharge permit and the NPDES or state operating permit is substantially equivalent to that which would otherwise be required under this section.

B. An owner/operator shall establish a surface water monitoring program, except as provided otherwise in subparagraph (2)(F)4.A. of this rule. This program shall be designed to protect human health and the environment. The owner/operator, at a minimum, shall fulfill the following requirements:

(I) The surface water monitoring system shall consist of a sufficient number of points at appropriate locations to yield surface water samples that—

(a) Represent the quality of background surface water that has not been affected by any contamination from the facility (for example, upgradient); and

(b) Represent the quality of surface water hydrologically downgradient of the facility or regulated units;

(II) The surface water monitoring program must include consistent sampling and analysis procedures that are designed to ensure monitoring results which provide a reliable indication of surface water quality at the facility and changes in the water quality due to the impact of the facility or regulated units;

(III) The owner/operator shall report to the department the surface water analysis by including it in the routine reports required by part (2)(E)3.C.(VI) of this rule; and

(IV) If the department determines, based upon the findings in the reports submitted under part III of this subparagraph, that there is a substantial threat to human health or the environment, it will direct the owner/operator, through modification of the facility permit, to take corrective and preventative measures.

5. The department may require additional monitoring to protect human health and the environment.]

(G) Closure and Post-Closure. **(Reserved)** [This subsection sets forth requirements which modify or add to those requirements in 40 CFR part 264 subpart G.

1. The incorporation by reference of 40 CFR 264.113(d) and (e) does not relieve the owner/operator of his/her responsibility to comply with 10 CSR 80.

2. The owner/operator of a hazardous waste unit which is certifying closure with residues left in place, regardless of the level of treatment to render the residue nonhazardous, shall meet the requirements in 40 CFR 264.116 incorporated in this rule.

3. In addition to requirements in 40 CFR 264.116, when an owner/operator certifies a closure which did not result in the removal of wastes to background levels, the owner/operator shall record, in accordance with state law, a notation on an instrument which is normally examined during title search that in perpetuity will notify any potential purchaser of the property that the land has been used to manage hazardous waste.

4. In addition to requirements in 40 CFR 264.116 and 264.119 as incorporated in this rule, an owner/operator shall submit a notarized statement to the department certifying that the owner/operator has caused the notation(s) to be recorded. The notation shall be recorded with the recorder(s) of deeds in all counties in which the facility is located.]

(H) Financial Assurance Requirements. *(Reserved)* [This subsection sets forth the requirements which modify or add to those requirements in 40 CFR part 264 subpart H.

1. For purposes of this subsection, commercial treatment, storage, or disposal (TSD) facility means any facility that would be considered a commercial hazardous waste TSD facility for the purposes of 10 CSR 25-12.020, or any facility that is certified as an R2 resource recovery facility according to 10 CSR 25-9.020, or any facility that receives for remuneration polychlorinated biphenyls (PCB) material or PCB units as defined by 10 CSR 25-13.010.

2. In 40 CFR 264.143(a)(3), incorporated by reference in this rule, delete "the term of the initial RCRA permit" and insert in its place "a period of five (5) years, beginning with the date the permit is issued."

3. In 40 CFR 264.145(a)(3), incorporated by reference in this rule, delete "the term of the initial RCRA permit" and insert in its place "a period of five (5) years, beginning with the date the permit is issued."

4. This paragraph modifies the requirements for surety bonds guaranteeing payment into a closure trust fund or post-closure trust fund per 40 CFR 264.143(b) or 40 CFR 264.145(b), incorporated in this rule.

A. Any surety company issuing a surety bond guaranteeing payment into a closure trust fund or post-closure trust fund shall be authorized to do business in Missouri.

B. Any surety company issuing a surety bond guaranteeing payment into a closure trust fund or post-closure trust fund shall not cancel, terminate, or fail to renew a surety bond guaranteeing payment into a closure or post-closure trust fund, and the surety bond shall remain in full force and effect in the event that on or before the date of cancellation:

(I) The director deems the facility abandoned; or

(II) The permit is terminated or revoked, or a new permit is denied; or

(III) Closure is ordered by the department or a court of competent jurisdiction; or

(IV) The owner/operator is named as a debtor in a

voluntary or involuntary proceeding under 11 U.S.C. section 1, et seq.; or

(V) The premium due is paid; or

(VI) An appeal of an order to close the facility as specified in part (4)(H)4.B.(III) of this subparagraph is pending.

C. Facilities that have a surety bond or bond(s) guaranteeing payment into a closure trust fund or a post-closure trust fund as of the effective date of this subparagraph shall modify their surety instruments to comply with this paragraph within twelve (12) months of the effective date of this subparagraph.

5. This paragraph modifies the requirements for surety bonds guaranteeing performance of closure or performance of post-closure care per 40 CFR 264.143(c) or 40 CFR 264.145(c), incorporated in this rule.

A. A surety company issuing a surety bond for closure or post-closure performance shall be authorized to do business in Missouri.

B. Any surety company issuing a surety bond for closure or post-closure performance shall not cancel, terminate, or fail to renew a surety bond guaranteeing performance of closure or post-closure care and the surety bond shall remain in full force and effect in the event that on or before the date of cancellation:

(I) The director deems the facility abandoned; or

(II) The permit is terminated or revoked, or a new permit is denied; or

(III) Closure is ordered by the department or a court of competent jurisdiction; or

(IV) The owner/operator is named as a debtor in a voluntary or involuntary proceeding under Title 11 (Bankruptcy), United States Code; or

(V) The premium due is paid; or

(VI) An appeal of an order to close the facility as specified in part (4)(H)5.B.(III) of this subparagraph is pending.

C. Facilities that have a surety bond or bonds guaranteeing performance of closure or performance of post-closure care as of the effective date of this subparagraph shall modify their surety instruments to comply with this paragraph within twelve (12) months of the effective date of this subparagraph.

6. This paragraph modifies the requirements for letters of credit per 40 CFR 264.143(d), 40 CFR 264.145(d), and 40 CFR 264.147(h), incorporated in this rule. Letters of credit shall be issued by a state- or federally-chartered and regulated bank or trust association.

7. An owner/operator of a facility that is a commercial TSD facility may not satisfy financial assurance requirements for closure, post-closure, or liability coverage, or any combination of these, by the use of a financial test as specified in 40 CFR 264.143(f), 40 CFR 264.145(f), or 264.147(f), incorporated in this rule.

8. This paragraph modifies the requirements for closure insurance per 40 CFR 264.143(e), incorporated in this rule, post-closure insurance per 40 CFR 264.145(e), incorporated in this rule, liability coverage for sudden accidental occurrences per 40 CFR 264.147(a)(1), incorporated in this rule, and liability coverage for non-sudden accidental occurrences per 40 CFR 264.147(b)(1), incorporated in this rule. Each insurance policy shall be issued by an insurer who, at a minimum, is licensed to transact the business of insurance or is eligible to provide insurance as an excess or surplus lines insurer in Missouri.

9. In 40 CFR 264.143(f), incorporated in this rule, delete "or a firm with a 'substantial business relationship' with the owner or operator."

10. In 40 CFR 264.145(f), incorporated in this rule, delete "or a firm with 'a substantial business relationship' with the owner or operator."

11. In 40 CFR 264.147(g), incorporated in this rule, delete "or a firm with a 'substantial business relationship' with the owner or operator."

(I) Containers. This subsection sets forth requirements in addition to 40 CFR part 264 subpart I incorporated in this rule.

[1. An owner/operator of a facility which treats hazardous waste in containers shall meet the requirements of 40 CFR 264.601–264.603 incorporated in this rule and subsection (2)(X) of this rule.]

[2.]1. Containers storing hazardous waste must be [marked and] labeled in accordance with 10 CSR 25-5.262(2)(C) during the entire storage period.

[3. Container storage areas which close without removing all hazardous waste and/or hazardous waste constituents to below background levels may pursue either a risk-based closure if there is no evidence of groundwater or surface water contamination or, in the absence of such evidence, close in accordance with 10 CSR 25-7.264(2)(N) and 40 CFR part 264 subpart N as incorporated in subsection (2)(N). The owner/operator shall also comply with the requirements of 10 CSR 25-7.264(2)(G).]

[4.]2. Containers holding ignitable or reactive waste that are stored outdoors or in buildings not equipped with sprinkler systems shall be located at least fifty feet (50') from the facility's property line.

[5.]3. Containers holding ignitable or reactive waste that are stored indoors shall be located at least fifty feet (50') from the facility's

property line unless the following requirements are satisfied:

A. Exposing walls that are located more than ten feet (10') but less than fifty feet (50') from a boundary line of adjoining property that can be built upon shall have a fire-resistance rating of at least two (2) hours, with each opening protected by an automatically-closing listed one and one-half (1.5) hour (B) fire door;

B. Exposing walls that are located less than ten feet (10') from a boundary line of adjoining property, that can be built upon, shall have a fire-resistance rating of at least four (4) hours, with each opening protected by an automatically-closing listed three- (3-)/-hour (A) fire door (Comment: All fire doors, closure devices, and windows shall be installed in accordance with the National Fire Protection Agency (NFPA) Code 80, *Standards for Fire Doors and Windows*, 1995 edition);

C. The construction design of exterior walls shall provide ready accessibility for fire-fighting operations through the provision of access openings, windows, or lightweight noncombustible wall panels;

D. Container storage areas shall be provided with automatic fire suppression systems designed and installed in accordance with the NFPA 14 (1996 edition), NFPA 15 (1996 edition), NFPA 16 (1995 edition), NFPA 16A (1994 edition), NFPA 17 (1998 edition), NFPA 17A (1998 edition), NFPA 18 (1995 edition), NFPA 20 (1996 edition), NFPA 22 (1996 edition), and NFPA 24 (1995 edition) standards. Final design of these systems shall be approved by a qualified, registered professional engineer in Missouri;

E. Each container storage area shall have preconnected hose lines capable of reaching the entire area. The fire hose shall be either a *[one and one-half (1.5)-inch] one and one-half-inch (1.5")* line or a one-inch (1") hard rubber line. Where a *[one and one-half (1.5)-inch] one and one-half-inch (1.5")* fire hose is used, it shall be installed in accordance with NFPA 14 (1996 edition). Hand-held fire extinguishers rated for the appropriate class of fire shall be available at each storage area;

F. Only containers meeting the requirements of, and containing products authorized by, Chapter I, Title 49 of the *Code of Federal Regulations* (DOT Regulations) or NFPA 386, *Standard for Portable Shipping Tanks* shall be used;

G. All storage of ignitable or reactive materials shall be organized in a manner which will not physically obstruct a means of egress. Materials shall not be placed in a manner that a fire would preclude egress from the area. Evacuation plans shall recognize the locations of any automatically-closing fire doors;

H. All containers shall be arranged so there is a minimum aisle space of four feet (4') between rows, allowing accessibility to each individual container. Double rows can be utilized. Containers shall not be stacked or placed closer than three feet (3') from ceilings or any roof members, or both; and

I. Explosive gas levels in the facility shall be monitored continuously. If the facility is not manned twenty-four (24) hours per day, a telemetry system shall be provided to alarm designated response personnel.

(J) Tanks. *(Reserved)* [This subsection sets forth requirements which modify or add to those requirements in 40 CFR part 264 subpart J.

1. Hazardous waste that has a true vapor pressure of greater than seventy-eight millimeters of mercury (78 mm Hg) at twenty-five degrees Celsius (25 °C) is considered to be volatile and shall not be placed in an open tank.

2. 40 CFR 264.190(c) is not incorporated by reference.

3. In 40 CFR 264.193(g) incorporated in this rule, delete "or that in the event of a release that does migrate to ground water or surface water, no substantial present or potential hazard will be posed to human health or the environment." 40 CFR 264.193(g)(2) and its subdivisions are not incorporated in this rule.

4. For purposes of 40 CFR 264.193(h) incorporated in this rule, "variance" means exception.

5. In 40 CFR 264.196(c) and 40 CFR 264.196(c)(1) incorporated in this rule, delete "visible" and "visual." Tank storage areas which close without removing all hazardous waste and/or hazardous waste constituents to below background levels may pursue either a risk-based closure if there is no evidence of groundwater or surface water contamination or in the absence of such evidence, close in accordance with 10 CSR 25-7.264(2)(N) and 40 CFR part 264 subpart N as incorporated in subsection (2)(N). The owner/operator shall also comply with the requirements of 10 CSR 25-7.264(2)(G).

6. An owner/operator of a facility which treats hazardous waste in a tank system shall meet the requirements of 40 CFR 264.601–40 CFR 264.603 incorporated in this rule and subsection (2)(X) of this rule.]

(K) Surface Impoundments. *(Reserved)* [This subsection sets forth standards and requirements which modify or add to those requirements in 40 CFR part 264 subpart K.

1. Design and operating requirements are as follows:

A. Any existing surface impoundment or existing portion of a surface impoundment shall be replaced with a new surface impoundment in compliance with 40 CFR part 264 subpart K, incorporated in this rule, and this subsection prior to permit issuance;

B. Each new surface impoundment shall be constructed with a double liner as required in 40 CFR 264.221(c), incorporated in this rule, and subparagraphs (2)(K)1.C. and D. of this rule;

C. The lower component of the composite liner required by 40 CFR 264.221(c) shall, at a minimum, consist of at least three feet (3') of clay, recompacted to ninety-five percent (95%) of Standard Proctor Density with the moisture content between two percent (2%) below and four percent (4%) above the optimum moisture content. The soils used for this purpose shall meet the following minimum specifications:

(I) Be classified under the United Soil Classification Systems as CL, CH, or SC (American Society for Testing and Materials (ASTM) Standard D2487-93, current edition approved September 15, 1993, published November 1993);

(II) Allow more than thirty percent (30%) passable through a No. 200 sieve (ASTM Test D1140-54 (reapproved 1971), current edition approved September 15, 1954);

(III) Have a liquid limit equal to or greater than thirty (30) (ASTM Test D4318-95a, current edition approved December 10, 1995, published April 1996);

(IV) Have a plasticity index equal to or greater than fifteen (15) (ASTM Test D4318-95a, as previously referenced in this rule); and

(V) Have a coefficient of permeability equal to or less than  $1 \times 10^{-8}$  cm/sec when compacted to ninety-five percent (95%) of Standard Proctor Density with the moisture content between two percent (2%) below and four percent (4%) above the optimum moisture content, and when tested by using the indirect calculation from the one (1)-dimensional consolidation test for clay rich soils (ASTM D2435-96, current edition approved June 10, 1996, published August 1996) or other procedures approved by the department;

D. The leak detection system required by 40 CFR 264.221(c)(2) shall cover the entire sides and bottom of the surface impoundment;

E. When liquids are detected in the leak detection system installed to comply with subparagraph (2)(K)1.D. of this rule and 40 CFR 264.221(c)(2), the owner/operator shall—

(I) Notify the department in writing within thirty (30) days of the event;

(II) Continue to operate and maintain the leak detection system so that the liquids are removed as they accumulate or with sufficient frequency to prevent backwater within the system; and

(III) Implement leachate monitoring in accordance with paragraph (2)(K)1.F. of this rule and the facility permit;

F. This paragraph sets forth requirements for leachate monitoring at surface impoundments. An owner/operator that is required under subparagraph (2)(K)1.E. of this rule to initiate leachate monitoring shall comply with parts (2)(K)1.F.(I)–(IV) of this rule.

(I) The owner/operator shall remove any accumulated leachate in the leak detection system collection sumps at least weekly during the active life and closure period. After the final cover is installed, accumulated leachate shall be removed at least as often as the owner/operator is required by 40 CFR 264.226(d)(2) to record the amount of liquids removed from the system.

(II) The owner/operator shall analyze the leachate at least annually. At a minimum, the annual leachate analyses shall be conducted for indicator parameters (that is pH, specific conductance, dissolved organic carbon, and total organic halogen) and selected hazardous waste constituents. The hazardous waste constituents selected must provide a reliable indication of the presence of hazardous constituents that are reasonably expected to be in or derived from wastes contained in each unit.

(III) The owner/operator shall calculate the average daily flow rate for each sump as required by 40 CFR 264.222(b). If the department determines that the leachate generation rate is greater than reasonably expected for any unit, the department may require the owner/operator to provide additional information to evaluate the existing conditions.

(IV) In accordance with subsection (2)(E) of this rule and 40 CFR part 264 subpart E incorporated in this rule, the owner/operator shall submit to the department all information required to comply with parts (2)(K)1.F.(I)–(III) of this rule.

(V) The department may require more frequent leachate collection and analysis than that outlined in parts (2)(K)1.F.(I)–(III) of this rule if determined necessary. The frequency of leachate collection and analysis will be specified in the facility permit.

(VI) Indicator parameters and constituents to be monitored as required by part (2)(K)1.F.(II) of this rule will be specified by the department in the facility permit. If the department determines that results of the chemical analyses are outside of the range that is reasonably expected for any unit, the department may require the owner/operator to provide additional information to evaluate the existing conditions;

G. The owner/operator shall measure daily precipitation at the facility until final closure is certified. During the post-closure care period of the facility, the owner/operator shall also record and report regional precipitation from the nearest weather recording station in accordance with the schedule established for the maintenance of the facility. The information required under this paragraph shall be submitted to the department in accordance with subsection (2)(E) of this rule and 40 CFR part 264 subpart E incorporated in this rule; and

H. If the leachate monitoring (implemented in accordance with subparagraph (2)(K)1.F. of this rule) detects hazardous waste(s) constituents in the leak detection system, a leak in the surface impoundment liner is indicated and the owner/operator shall—

(I) Within seven (7) days after detecting the leak,

notify the department in writing of the leak;

(II) Remove, within the period of time specified in the permit, accumulated liquid, repair or replace the leaking liner to prevent the migration of hazardous waste liquids through the liner and obtain a certification from a registered professional engineer that, to the best of his/her knowledge and opinion, the leak has been stopped; and

(III) Obtain, after performing the necessary repairs, written approval from the department prior to placing the surface impoundment in service again.

2. Those surface impoundments which are intended to be closed without removing the hazardous waste shall meet the requirements of subparagraph (2)(N)1.A. and 40 CFR part 264 subpart N, incorporated in this rule. If the site cannot meet these requirements and contamination exists beyond the liner of the surface impoundment, the owner/operator shall clean up contaminated residues and hazardous constituents to the greatest extent practical during closure. If the department determines, based on the potential impact on human health and the environment, that it is not necessary or feasible to remove contaminated material down to background concentrations during closure, the owner/operator shall—

A. Comply with subsection 40 CFR 264.228(b) incorporated in this rule; or

B. Submit and obtain approval for a delisting petition pursuant to 40 CFR 260.20 and 40 CFR 260.22 for the contaminated material not removed during closure.

3. An owner/operator of a facility which treats hazardous waste in a surface impoundment shall meet the requirements of 40 CFR 264.601–40 CFR 264.603 incorporated in this rule and subsection (2)(X) of this rule.]

(L) Waste Piles. *(Reserved)* [This subsection sets forth standards which modify or add to those requirements in 40 CFR part 264 subpart L.

1. In addition to the requirements in 40 CFR part 264.250(c) incorporated in this rule, the waste pile must be at least ten feet (10') above the historical high groundwater table to be exempt from the regulatory requirements in 40 CFR 264.251 incorporated in this rule, 40 CFR part 264 subpart F incorporated in this rule, and subsection (2)(F) of this rule.

2. Design and operating requirements are as follows:

A. Any existing waste pile or existing portion of a waste pile shall be replaced with a new waste pile in compliance with 40 CFR 264 subpart L, incorporated in this rule, and this subsection prior to permit issuance;

B. Each new waste pile shall be constructed with a double liner as required in 40 CFR 264.251(c), incorporated in this rule, and subparagraphs (2)(L)2.C. and D. of this rule;

C. The lower component of the composite liner required by 40 CFR 264.251(c), at a minimum, shall consist of at least three feet (3') of clay, recompacted to ninety-five percent (95%) of Standard Proctor Density with the moisture content between two percent (2%) below and four percent (4%) above the optimum moisture content. The soils used for this purpose shall meet the following minimum specifications:

(I) Be classified under the United Soil Classification Systems as CL, CH, or SC (ASTM Standard D2487-93, as previously referenced in this rule);

(II) Allow more than thirty percent (30%) passable through a No. 200 sieve (ASTM Test D1140, as previously referenced in this rule);

(III) Have a liquid limit equal to or greater than thirty (30) (ASTM Test D4318-95a, as previously referenced in this rule);

(IV) Have a plasticity index equal to or greater than

fifteen (15) (ASTM Test D4318-95a, as previously referenced in this rule); and

(V) Have a coefficient of permeability equal to or less than  $1 \times 10^{-8}$  cm/sec when compacted to ninety-five percent (95%) of Standard Proctor Density with the moisture content between two percent (2%) below and four percent (4%) above the optimum moisture content, and when tested by using the indirect calculation from the one (1) dimensional consolidation test for clay rich soils (ASTM D2435-96, as previously referenced in this rule) or other procedures approved by the department;

D. The leak detection system required by 40 CFR 264.251(c)(3) shall be capable of detecting leaks from the entire area of the waste pile;

E. When liquids are detected in the leachate collection/removal system installed to comply with 40 CFR 264.251(c)(2), the owner/operator shall—

(I) Notify the department in writing within thirty (30) days of the event;

(II) Continue to operate and maintain the leachate collection/removal and leak detection systems so that the liquids are removed as they accumulate or with sufficient frequency to prevent backwater within the system; and

(III) Implement leachate monitoring in accordance with subparagraph (2)(L)2.F. of this rule and the facility permit;

F. This paragraph sets forth requirements for leachate monitoring at waste piles. An owner/operator that is required under subparagraph (2)(L)2.E. to initiate leachate monitoring shall comply with parts (2)(L)2.F.(I)–(IV) of this rule.

(I) The owner/operator shall remove any accumulated leachate in the leachate collection/removal and leak detection system collection sumps at least weekly during the active life and closure period. After the final cover is installed, accumulated leachate shall be removed at least as often as the owner/operator is required by subparagraph (2)(L)3.A. of this rule to record the amount of liquids removed from the system.

(II) The owner/operator shall analyze leachate from the leak detection system at least annually. If leachate has not yet been discovered in the leak detection system, the annual analysis shall be completed on leachate collected from the leachate collection/removal system. At a minimum, the annual leachate analyses shall be conducted for indicator parameters (that is pH, specific conductance, dissolved organic carbon, and total organic halogen) and selected hazardous waste constituents. The hazardous waste constituents selected must provide a reliable indication of the presence of hazardous constituents that are reasonably expected to be in or derived from wastes contained in each unit.

(III) The owner/operator shall calculate the average daily flow rate for each sump in the leak detection system as required by 40 CFR 264.252(b), in addition the average daily flow rate for each sump calculated in a similar manner. If the unit is closed in accordance with 40 CFR 264.258(b), the average daily flow rates shall be calculated at the same frequency as the recording of leachate removal as required by subparagraph (2)(L)3.B. of this rule. If the department determines that the leachate generation rate is greater than reasonably expected for any unit, the department may require the owner/operator to provide additional information to evaluate the existing conditions.

(IV) The owner/operator shall submit all information required to comply with parts (2)(L)2.F.(I)–(III) of this rule to the department in accordance with subsection (2)(E) of this rule and 40 CFR part 264 subpart E incorporated in this rule.

(V) The department may require more frequent

leachate collection and analysis than that outlined in parts (2)(L)2.F.(I)–(III) of this rule if determined necessary. The frequency of leachate collection and analysis will be specified in the facility permit.

(VI) Indicator parameters and constituents to be monitored, as required by part (2)(L)2.F.(III) of this rule, will be specified by the department in the facility permit. If the department determines that results of the chemical analyses are outside of the range that is reasonably expected for any unit, the department may require the owner/operator to provide additional information to evaluate the existing conditions;

G. The owner/operator shall measure daily precipitation at the facility until final closure is certified. During the post-closure care period of the facility, the owner/operator shall also record and report regional precipitation from the nearest weather recording station in accordance with the schedule established for the maintenance of the facility. The information required under this paragraph shall be submitted to the department in accordance with subsection (2)(E) of this rule and 40 CFR part 264 subpart E incorporated in this rule; and

H. If the leachate monitoring (implemented in accordance with subparagraph (2)(L)2.F. of this rule) detects hazardous waste constituents in the leak detection system, a leak in the waste pile liner is indicated, and the owner/operator shall—

(I) Notify the department in writing of the leak within seven (7) days after detecting the leak;

(II) Remove, within the period of time specified in the permits, accumulated liquid, repair or replace the leaking liner to prevent the migration of hazardous waste liquids through the liner and obtain a certification from a registered professional engineer that, to the best of his/her knowledge and opinion, the leak has been stopped; and

(III) Obtain, after performing the necessary repairs, written approval from the department prior to placing the waste pile in service again.

3. This paragraph sets forth standards which modify or add to those requirements in 40 CFR 264.254(c) for monitoring and inspection.

A. In addition to recording the amount of liquids removed from each leak detection system sump at least once per week during the active live and closure period, the owner/operator shall record the amount of liquids removed from each leachate collection/removal system sump at the same frequency.

B. If the waste pile is closed in accordance with 40 CFR 264.258(b), following closure the amount of liquids removed from each leachate collection/removal and leak detection system sump shall be recorded at least monthly. If the liquid level in the sump stays below the pump operating level for two (2) consecutive months, the amount of liquids in the sump must be recorded at least quarterly. If the liquid level in the sump stays below the pump operating level for two (2) consecutive quarters, the amount of liquids in the sump shall be recorded at least semiannually. If at any time during the post-closure care period the pump operating level is exceeded at units on quarterly or semiannual recording schedules, the owner/operator must return to monthly recording of amounts of liquids removed from each sump until the liquid level again stays below the pump operating level for two (2) consecutive months.]

(N) Landfills. **(Reserved)** [This subsection sets forth standards which modify or add to those requirements in 40 CFR part 264 subpart N.

1. This paragraph sets forth standards for a site suitability demonstration.

*A. Location standards.*

(I) A landfill shall be located so as to minimize discharges and the potential for harm to human health and the environment.

(II) A landfill shall be located so that a total of no less than thirty feet (30') of soil or other material, which has a coefficient of permeability of less than  $1 \times 10^{-7}$  cm/sec, when tested according to subpart (2)(N)1.B.(II)(d) of this rule, lies between the bottom of the lowest artificial liner or lowest engineered soil liner and the uppermost regional aquifer.

(III) The requirements of part (2)(N)1.A.(III) of this rule do not apply to a landfill which meets the following criteria:

(a) Demonstrates to the satisfaction of the department by a combination of laboratory tests, field test and development of models that naturally occurring materials between the lowest artificial liner or lowest engineered soil liner and the uppermost regional aquifer would retard the migration of hazardous constituents contained in the waste to at least the same degree that thirty feet (30') of material having a coefficient of permeability of  $1 \times 10^{-7}$  cm/sec when tested according to subpart (2)(N)1.B.(II)(d) would retard the migration of water, but in no case shall the thickness of the naturally occurring material be less than twenty feet (20');

(b) Receives only wastes generated by its operator(s); and

(c) Meeting the criteria in subparts (2)(N)1.A.(III)(a) and (b) shall not waive compliance with any regulations except those set forth in part (2)(N)1.A.(III) of this rule.

(IV) No landfill shall be located in the following areas:

(a) In a wetland;

(b) Within two hundred feet (200') of a fault which has had surface displacement in Holocene time;

(c) In a one hundred (100)-year flood plain;

(d) In an area of unstable soil deposits or area(s) containing landslides; or

(e) In an area subject to catastrophic collapse as evaluated by the Division of Geology and Land Survey.

*B. The permit application shall include the following engineering reports:*

(I) A geologic description of the region in which the site is located, which description shall be prepared by a qualified geologist familiar with the region;

(II) A description of the natural soils and bedrock underlying the site including a representative number of borings that indicate the type, depth and thickness of soils, bedrock, and other materials underlying the site and test results that indicate the following parameters for soils or other materials underlying the site. The following test methods shall be utilized unless other procedures have been evaluated and approved by the department:

(a) Atterberg limits (ASTM D4318-95a, as previously referenced in this rule);

(b) pH (Methods of Soil Analysis Part II, Chemical and Microbiological Properties, A.L. Page, Ed. American Society of Agronomy, 2nd Ed., 1982, pp. 200-209);

(c) Maximum dry density at optimum moisture content (ASTM D1557-91, current edition approved November 18, 1991, published January 1992);

(d) Coefficient of permeability, which is the indirect calculation from the one (1)-dimensional consolidation test for clay rich soils (ASTM D2435-96, as previously referenced in this rule) or other laboratory procedures found in the professional literature and approved by the department;

(e) Grain size distribution, Unified Soil Classification

System designation (ASTM Standards D2487-93, as previously referenced in this rule and D422-63 (reapproved 1990) current edition approved November 21, 1963); and

(f) Cation exchange capacity (Methods of Soil Analysis Part II, Chemical and Microbiological Properties, A.L. Page, Ed., American Society of Agronomy, 2nd Ed., 1982, pp. 149-157);

(III) A hydrogeologic study conducted at the site to determine the potential for transport of groundwater and contaminants. This study shall include:

(a) Piezometric contours of groundwater;

(b) Potential direction(s) of groundwater movement and estimated rate(s);

(c) Identification and description of the aquifer(s);

(d) Background water quality data; and

(e) Field permeability tests as found in the professional literature and approved by the department;

(IV) A present water balance which shall be determined as outlined in Use of the Water Balance Method for Predicting Leachate Generation from Solid Waste Disposal Sites, EPA/530/SW-168 or an equivalent method approved by the department;

(V) Engineering and geologic drawings that delineate—

(a) Typical disposal cells for each hazardous waste type;

(b) Structures for surface water control;

(c) Locations of borings and monitoring systems;

(d) Leachate collection systems, bottom elevations, and cover elevations for each disposal area; and

(e) Stratigraphic cross-sections of the geologic setting showing, at a minimum, boring locations and depths, trench design and depths, and piezometric surfaces and water tables where present; and

(VI) Any other applicable details.

2. This paragraph sets forth additional design and operating requirements.

A. Any existing landfill or existing portion of a landfill shall be replaced with a new landfill in compliance with 40 CFR part 264 subpart N, incorporated in this rule, and this subsection prior to permit issuance;

B. Each new landfill shall be constructed with a double liner as required in 40 CFR 264.301(c), incorporated in this rule, and subparagraphs (2)(N)2.C. of this rule;

C. The lower component of the composite liner required by 40 CFR 264.301(c), at a minimum, shall consist of at least three feet (3') of clay, recompacted to ninety-five percent (95%) of Standard Proctor Density with the moisture content between two percent (2%) below and four percent (4%) above the optimum moisture content. The soils used for this purpose shall meet the following minimum specifications:

(I) Be classified under the United Soil Classification Systems as CL, CH, or SC (ASTM Standard D2487-93, as previously referenced in this rule);

(II) Allow more than thirty percent (30%) passable through a No. 200 sieve (ASTM Test D1140, as previously referenced in this rule);

(III) Have a liquid limit equal to or greater than thirty (30) (ASTM Test D4318-95a, as previously referenced in this rule);

(IV) Have a plasticity index equal to or greater than fifteen (15) (ASTM Test D4318-95a, as previously referenced in this rule); and

(V) Have a coefficient of permeability equal to or less than  $1 \times 10^{-8}$  cm/sec when compacted to ninety-five percent (95%) of Standard Proctor Density with the moisture content between two percent (2%) below and four percent (4%)

above the optimum moisture content, and when tested by using the indirect calculation from the one (1)-dimensional consolidation test for clay rich soils (ASTM D2435-96, as previously referenced by this rule) or other procedures approved by the department;

D. Each detection or collection and removal system shall meet the requirements of 40 CFR 264.301(c)(3)(I)-(V), incorporated in this rule.

E. The leak detection system required by 40 CFR 264.301(c)(3) shall be capable of detecting leaks from the entire sides and bottom of each cell.

F. When liquids are detected in the leachate collection/removal system installed to comply with 40 CFR 264.301(c)(2), the owner/operator shall—

(I) Notify the department in writing within thirty (30) days of the event;

(II) Continue to operate and maintain the leachate collection/removal and leak detection systems so that the liquids are removed as they accumulate or with sufficient frequency to prevent backwater within the system; and

(III) Implement leachate monitoring in accordance with subparagraph (2)(N)2.G. of this rule and the facility permit;

G. This paragraph sets forth requirements for leachate monitoring at landfills. An owner/operator that is required under subparagraph (2)(N)2.F. to initiate leachate monitoring shall comply with parts (2)(N)2.G.(I)-(V) of this rule.

(I) The owner/operator shall remove any accumulated leachate in the leachate collection/removal and leak detection system collection sumps at least weekly during the active life and closure period. After the final cover is installed, accumulated leachate shall be removed at least as often as the owner/operator is required by 40 CFR 264.303(c)(2) to record the amount of liquids removed from the systems.

(II) The owner/operator shall analyze leachate from the leak detection system at least annually. If leachate has not yet been discovered in the leak detection system, the annual analysis shall be completed on leachate collected from the leachate collection/removal system. At a minimum, the annual leachate analyses shall be conducted for indicator parameters (that is pH, specific conductance, dissolved organic carbon, and total organic halogen) and selected hazardous waste constituents. The hazardous waste constituents selected must provide a reliable indication of the presence of hazardous constituents that are reasonably expected to be in or derived from wastes contained in each unit.

(III) At the first occurrence of leachate in the leak detection system, the owner/operator shall analyze leachate from that system for the complete list of parameters identified in 40 CFR part 264 Appendix IX.

(IV) The owner/operator shall calculate the average daily flow rate for each sump in the leak detection system as required by 40 CFR 264.302(b). In addition, the average daily flow rate for each sump in each of the leachate collection/removal systems shall also be calculated in a similar manner. Following closure, the average daily flow rates shall be calculated at the same frequency as the recording of leachate removal as required by 40 CFR 264.303(c)(2). If the department determines that the leachate generation rate is greater than reasonably expected for any unit, the department may require the owner/operator to provide additional information to evaluate the existing conditions.

(V) The owner/operator shall submit all information required to comply with parts (2)(N)2.G.(I)-(IV) of this rule to the department in accordance with subsection (2)(E) of this rule and 40 CFR part 264 subpart E incorporated in this

rule.

(VI) The department may require more frequent leachate collection and analysis than that outlined in parts (2)(N)2.G.(I)-(IV) of this rule if determined necessary. The frequency of leachate collection and analysis will be specified in the facility permit.

(VII) Indicator parameters and constituents to be monitored as required by part (2)(N)2.G.(II) of this rule will be specified by the department in the facility permit. If the department determines that results of the chemical analyses are outside of the range that is reasonably expected for any unit, the department may require the owner/operator to provide additional information to evaluate the existing conditions.

H. The owner/operator shall measure daily precipitation at the facility until final closure is certified. During the post-closure care period of the facility, the owner/operator shall also record and report regional precipitation from the nearest weather recording station in accordance with the schedule established for the maintenance of the facility. The information required under this paragraph shall be submitted to the department in accordance with subsection (2)(E) of this rule and 40 CFR part 264 subpart E incorporated in this rule.

I. If the volume or rate of flow of leachate contained in the leak detection system (implemented in accordance with subparagraph (2)(N)2.G. of this rule) exceeds ten percent (10%) of the action leakage rate as defined in 40 CFR 264.302, incorporated in this rule, then the owner/operator shall analyze the leachate for the indicator parameters and constituents outlined in the facility permit. If the analyzed leachate exceeds the detection limits outlined in the facility permit, the owner/operator shall—

(I) Notify the department in writing of the leak within seven (7) days after detecting the leak;

(II) Remove, within the period of time specified in the permit, accumulated liquid, conduct an assessment of the leakage to determine the cause and extent of the leak, and, if necessary, initiate repairs or replace the leaking liner to prevent the migration of hazardous waste liquids through the liner; and

(III) Submit to the department the assessment and a certification from a registered professional engineer describing any repairs or replacement of the liner system within thirty (30) days of completion.

J. A landfill shall be designed, constructed, and operated to minimize erosion, landslides and sloughing.

K. Where necessary, features shall be provided around closed units or, when leachate is detected in the lower leachate collection system, features shall control horizontal migration of leachate from the disposal unit. These features may include, but are not limited to, recompacted trench walls, slurry trenches, and interceptor trenches.

L. There shall be a minimum of three hundred feet (300') of buffer between the property line of the disposal facility and the permitted area.

M. If the owner/operator accepts any odoriferous waste, the owner/operator shall apply cover or otherwise manage the landfill to control odor dispersal.

N. If gases are generated within the landfill, a gas collection and control system shall be installed to control the vertical and horizontal escape of gases from the landfill.

3. All hazardous wastes accepted for disposal shall be listed in the permit application in accordance with 40 CFR 270.13(j) as incorporated by reference in 10 CSR 25-7.270. In addition, departmental approval of individual waste streams may be required prior to allowing the disposal of the waste streams in the landfill.



4. Wastes having a true vapor pressure greater than seventy-eight millimeters of mercury (78 mm Hg) at twenty-five degrees Celsius (25 °C) are volatile wastes and shall not be landfilled.]

(O) Incinerators. *(Reserved)* [This subsection sets forth standards which modify or add to those requirements in 40 CFR part 264 subpart O.

1. Sampling methods to determine compliance with 40 CFR 264.343 incorporated in this rule will be specified by the department in the permit and shall consist of any of the following methods:

A. The methods described in the Engineering Handbook for Hazardous Waste Incineration, SW-889, by the United States EPA or equivalent; or

B. The methods specified in 40 CFR part 60 Appendix A (July 1, 1989). For facilities subject to paragraph (2)(O)2. of this rule, the methods referenced in this paragraph shall be used exclusively to determine compliance with the emission limitations required in this subsection.

2. The provisions of 40 CFR part 60 subpart E, July 1, 1989, shall apply and are incorporated by reference as part of this rule. An owner/operator of a hazardous waste incinerator which is regulated under the New Source Performance Standards in that subpart shall comply with the provisions in addition to complying with all other applicable provisions in this rule.

3. Where emission limitations found in both paragraph (2)(O)2. of this rule and in another provision of this rule are applicable to a hazardous waste incinerator, the more stringent shall control.

(P) Health Profiles.

1. An owner/operator shall submit a health profile, as required by section 260.395.7(5), RSMo, with the initial application for a hazardous waste treatment or land disposal facility. A health profile is not necessary for facilities that must obtain a permit for only post-closure care and/or corrective action activities. A health profile shall identify any potential serious illnesses, the rate of which exceeds the state average for the illnesses, which might be attributable to environmental contamination from any hazardous waste treatment or land disposal unit at the hazardous waste facility applying for the permit. The purpose of the information in the health profile is to document the potential for exposure from the applicable hazardous waste treatment or land disposal units and to determine whether additional permit controls are necessary for these units to ensure protection of human health beyond the facility property boundaries. One of the following for each applicable unit or combination of units as approved by the department may constitute a health profile for the purposes of this subsection:

A. For combustion units—

(I) The evaluation described in 40 CFR 270.10(I)(1) for hazardous waste combustion units;

(II) An evaluation of the potential risk to human health resulting from both direct and indirect exposure pathways. In selecting this option, the applicant shall submit a workplan to conduct the evaluation with the initial application; however, the permit shall not be issued until the evaluation is final; or

(III) A Health Evaluation by the Missouri Department of Health and Senior Services requested by the facility according to paragraph (2)(P)4;

B. For other treatment units—

(I) An evaluation of the potential risk to human health resulting from both direct and indirect exposure pathways. In selecting this option, the applicant shall submit a workplan to conduct the evaluation with the initial application; however, the permit shall not be issued until the evaluation

is final; or

(II) A Health Evaluation by the Missouri Department of Health and Senior Services requested by the facility according to paragraph (2)(P)4.; and

C. For land disposal units—

(I) The information required by 40 CFR 270.10(j);

(II) An evaluation of the potential risk to human health resulting from both direct and indirect exposure pathways. In selecting this option, the applicant shall submit a workplan to conduct the evaluation with the initial application; however, the permit shall not be issued until the evaluation is final; or

(III) A Health Evaluation by the Missouri Department of Health and Senior Services requested by the facility according to paragraph (2)(P)4.

2. This paragraph sets forth requirements which shall be met subsequent to the initial permit application for hazardous waste treatment and/or land disposal activities.

A. If changes occur after permit issuance that may increase the potential for human exposure to hazardous waste or hazardous constituents from the treatment or land disposal unit, an updated health profile shall be part of a facility application for permit renewal or permit modifications that include addition or modification of a hazardous waste treatment or land disposal unit.

B. Appropriate documentation to be submitted as the updated health profile shall include one (1) of the options set out in subparagraphs (2)(P)1.A. through C., or an update of a previous submittal under those requirements.

3. Additional epidemiological investigations by the Missouri Department of Health and Senior Services may be required if the information provided pursuant to subparagraph (2)(P)2.B. indicates the presence of potentially unacceptable human health risks.

4. A Health Evaluation by the Missouri Department of Health and Senior Services will assess the potential for exposure and adverse health effects to the public from materials released by the applicable hazardous waste units. If the owner or operator chooses to request a Health Evaluation by the Missouri Department of Health and Senior Services to meet the requirements of this subsection, the request shall be submitted with the initial application; however, a permit shall not be issued until the evaluation is final.]

(X) Miscellaneous Units. *(Reserved)* [This subsection sets forth requirements in addition to 40 CFR part 264 subpart X incorporated in this rule.

1. A facility which continuously feeds hazardous waste into the treatment process shall be equipped with an automatic waste feed cutoff or a bypass system that is activated when a malfunction in the treatment process occurs. A bypass system shall return hazardous wastefeed to storage and shall not allow a discharge or release of hazardous waste.

2. Residuals of by-products from a treatment process (for example, sludges, spent resins) shall be analyzed during a trial period to determine the effectiveness of the treatment process.]

(3) [The following requirements apply to] **Permitted** hazardous waste TSD facilities that accept and/or ship hazardous waste via railroad tank car (railcar) shall comply with the requirements for container storage in 40 CFR part 264 subpart I, as incorporated by reference in 10 CSR 25-7.264(1), or the following requirements for railcar management.

(A) The [owner/operator] owner or operator shall submit a railcar management plan with the application for a hazardous waste treatment, storage, or disposal facility permit. Permitted facilities that currently accept and/or ship hazardous waste via railcars shall



request a Class I permit modification that requires prior director approval for the railcar management plan according to the procedures defined in **40 CFR 270.42 as incorporated in 10 CSR 25-7.270(1)**. *[within one hundred eighty (180) days of the effective date of this paragraph. Permitted facilities that fail to apply for a permit modification in compliance with this subsection shall cease all operations involved in the acceptance and/or shipment of hazardous waste via railcar. The permitted facility that has fully complied with this subsection has authorization to conduct the operations involved in the acceptance and/or shipment of hazardous waste via railcar, pending action by the director.]*

1. The railcar management plan shall describe steps to be taken by the facility in order to comply with the requirements of subsections (3)(B)–(3)(F).

2. The railcar management plan shall be maintained at the facility.

(B) Railcars shall not be used as container or tank storage units at a facility unless the *[owner/operator] owner or operator* complies with the standards for container storage set forth in 40 CFR part 264 subpart I as incorporated in this rule and 40 CFR 270.15 as incorporated in 10 CSR 25-7.270. During the time allowed for loading and unloading as set forth in this section, the railcar shall not be considered to be in storage.

1. The *[owner/operator] owner or operator* shall ship hazardous wastes loaded onto a railcar within seventy-two (72) hours after loading is initiated. For the purposes of this section, shipment occurs when—

A. The transporter signs and dates the manifest acknowledging acceptance of the hazardous waste;

B. The transporter returns a signed copy of the manifest to the facility; and

C. The railcar crosses the property boundary line of the TSD facility.

2. The *[owner/operator] owner or operator* shall have a maximum of ten (10) days following receipt of a shipment to unload hazardous waste from incoming railcars. The amount of time allowed for unloading shall be specified in the approved railcar management plan for each facility as part of the permit. The department will review and approve each railcar management plan on a case-by-case basis and will base its decision regarding the time allowed for unloading on factors including, but not limited to, the size of the rail siding, surveillance and security standards, enclosure of the facility, type and amount of emergency response equipment, and the facility's capacity to handle incidents. Unless more time is allowed by an approved railcar management plan, the *[owner/operator] owner or operator* shall unload hazardous waste from an incoming railcar within seventy-two (72) hours of receipt of the shipment. For the purposes of this section, receipt of the shipment occurs when—

A. The *[owner/operator] owner or operator* signs the shipping paper; or

B. The *[owner/operator] owner or operator* signs the manifest; or

C. The railcar crosses the property boundary line of the TSD facility.

3. The time limits in this subsection may be extended for up to an additional twenty-four (24) hours for Saturdays, Sundays, or public holidays as defined in section 9.010, RSMo [2000], that fall within the time period approved in the railcar management plan.

4. If the *[owner/operator] owner or operator* finds that a railcar shipment must be rejected, the railcar shall be shipped within twenty-four (24) hours of that determination, or within the time period approved in the railcar management plan, whichever is later. The rejection and the reasons for the rejection shall be documented in the facility's operating record.

5. The *[owner/operator] owner or operator* shall attempt to arrange for the rail carrier to provide the *[owner/operator] owner or operator* a notification detailing when a railcar was picked up

from the facility or when a railcar was delivered to the facility. If the rail carrier declines to enter into such arrangements, the *[owner/operator] owner or operator* must document the refusal in the operating record. The time limitations set forth in this subsection must be documented by recording dates and times in the facility's operating record.

6. If the loading and unloading time frames specified in this section are exceeded, then the *[owner/operator] owner or operator* utilizing railcars shall comply with the standards for container storage in 40 CFR part 264 subpart I, as incorporated in this rule, and with 40 CFR 270.15, as incorporated in 10 CSR 25-7.270.

(C) The *[owner/operator] owner or operator* shall comply with 40 CFR 264.17, incorporated in this rule, during railcar loading and unloading. Additional specific precautions to be taken shall include facility design, construction, operation and maintenance standards as specified in "Loading and Unloading Operations: Tank Vehicles and Tank Cars" in section 5-4.4.1 of the 1993 Edition of the *National Fire Protection Association Flammable and Combustible Liquids Code* (NFPA 30).

(D) The *[owner/operator] owner or operator* shall provide security for railcars at the facility by utilizing one of the alternatives specified in 40 CFR 264.14(b), as incorporated in this rule. If the *[owner/operator] owner or operator* demonstrates that it is not practical to provide security for railcars at the facility as specified in 40 CFR 264.14(b), incorporated in this rule, railcars shall be secured by locking all fill and drain posts upon receipt of a loaded railcar or upon completion of the *[owner/operator's] owner or operator's* loading procedures. The locks must remain in place until the *[owner/operator] owner or operator* begins unloading procedures or until the rail carrier picks up the loaded or rejected railcar for transport off-site.

(E) In accordance with 40 CFR 264.15, incorporated in this rule, the *[owner/operator] owner or operator* shall inspect railcars and surrounding areas, at least daily, looking for leaks and for deterioration caused by corrosion or other factors.

(F) In accordance with 40 CFR part 264 subpart C and 40 CFR part 264 subpart D, as incorporated in this rule, the *[owner/operator] owner or operator* shall develop preparedness and prevention procedures and a contingency plan for railcars. If the *[owner/operator] owner or operator* has not prepared a Spill Prevention Control and Countermeasures (SPCC) Plan for hazardous waste, then one must be developed that parallels requirements and guidelines as specified in 40 CFR part 112 for oil. At a minimum, the SPCC Plan must include adequate spill response equipment and preventative measures, such as dikes, curbing, and containment systems.

*AUTHORITY: sections 260.370, [RSMo Supp. 2010 and sections] 260.390, and 260.395, RSMo [2000] Supp. 2013. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For intervening history, please consult the Code of State Regulations. Amended: Filed April 15, 2015.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on June 18, 2015 at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.*

*Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on June 25, 2015. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on June 25, 2015. Email comments shall be sent to tim.eiken@dnr.mo.gov. Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1738 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.*

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 7—Rules Applicable to Owners[/] or Operators  
of Hazardous Waste Facilities**

**PROPOSED AMENDMENT**

**10 CSR 25-7.265 Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities.** The commission is amending sections (1), (2), and (3) of the rule.

*PURPOSE: There are multiple purposes to this amendment. First of all, the incorporation by reference of 40 CFR part 265 will be updated to the July 1, 2013 edition. In doing so, all changes to part 265 since the date of previous incorporation will be incorporated into the state rules. Second, the Department of Natural Resources has identified numerous changes in this rule that are required by section 260.373, RSMo. This section requires the department to identify rules that are inconsistent with the limitation on rulemaking authority established in this section and to make the necessary changes to the rule text by December 31, 2015. Finally, other changes to this rule are proposed as part of the routine process of making corrections to the rule, eliminating outdated rule text, and making the rules easier to understand, which will reduce the burden on both the department and the regulated community.*

(1) The regulations set forth in 40 CFR part 265, July 1, [2010] 2013, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

(2) The [owner/operator] owner or operator of a treatment, storage, or disposal (TSD) facility shall comply with the requirements noted in this section in addition to requirements set forth in 40 CFR part 265 incorporated in this rule. In the case of contradictory or conflicting requirements in 10 CSR 25, the more stringent shall control. (Comment: This section has been organized so that all Missouri additions, changes, or deletions to any subpart of the federal regulations are noted within the corresponding subsection of this section. For example, the additional requirements to be added to 40 CFR part 265 subpart A are found in subsection (2)(A) of this rule.)

(A) General. In addition to the requirements in 40 CFR part 265 subpart A, the following regulations also apply:

[1. This rule does not apply to an owner/operator of an elementary neutralization unit or a wastewater treatment unit receiving only hazardous waste generated on-site or generated by its operator or only one (1) operator if the unit meets the standards set forth in 10 CSR 25-7.270(2)(A)3.;]  
[2.]1. This rule does not apply to an [owner/operator] owner

or operator for that portion of or process at the facility which is in compliance with 10 CSR 25-9.020 Hazardous Waste Resource Recovery Processes. (Note: Underground injection wells are prohibited in Missouri by section 577.155, RSMo.); and

[3.]2. State interim status is authorization to operate a hazardous waste treatment, storage, or disposal facility pursuant to section 260.395.15, RSMo, 10 CSR 25-7.265, and 10 CSR 25-7.270 until the final administrative disposition of the permit application is made or until interim status is terminated pursuant to 10 CSR 25-7.270. The [owner/operator] owner or operator of a facility or unit operating under state interim status shall comply with the requirements of this rule and 10 CSR 25-7.270. In addition to providing notification to the Environmental Protection Agency (EPA), the [owner/operator] owner or operator is required to provide state notification in accordance with 10 CSR 25-7.270[; and].

[4. Hazardous waste which must be managed in a permitted unit (e.g., waste generated on-site and stored beyond the time frames allowed without a permit pursuant to 10 CSR 25-5.262, waste received from off-site, certain hazardous waste fuels, etc.) shall not be stored or managed outside an area or unit which does not have a permit or interim status for that waste for a period which exceeds twenty-four (24) hours. This provision shall not apply to railcars held in areas for handling during the time period allowed by, and managed in accordance with, 10 CSR 25-7.264(3) of this regulation. (Comment: The purpose of this paragraph is to allow the necessary movement of hazardous waste into, out of, and through facilities, and not to evade permit requirements.)]

(B) General Facility Standards. (Reserved) [This subsection sets forth requirements that modify or add to the requirements in 40 CFR part 265 subpart B.

1. In addition to the requirements in 40 CFR 265.12(a) incorporated in this rule, an owner/operator shall submit to the department a separate analysis for each hazardous waste that s/he intends to import. Each analysis shall contain the following information: the foreign generator's name, site address, and telephone number; a list of applicable EPA waste codes and a percentage of each for each hazardous waste; the flash point determined in accordance with 40 CFR 261.21, incorporated by reference in 10 CSR 25-4; a list of reactive waste(s) as defined in 40 CFR 261.23, incorporated by reference in 10 CSR 25-4; and results of toxicity tests conducted in accordance with 40 CFR 261.24, incorporated by reference in 10 CSR 25-4.261, if applicable.

2. 40 CFR 265.15(b)(5) is not incorporated in this rule.]

(E) Manifest System, Record Keeping, and Reporting. This subsection sets forth standards which modify or add to those requirements in 40 CFR part 265 subpart E.

1. All [owners/operators] owners or operators shall comply with the reporting requirements in 10 CSR 25-5.262(2)(D) regardless of whether the [owner/operator] owner or operator is required to register as a generator pursuant to 10 CSR 25-5.262(2)(A)1.

2. In addition to the requirements in 10 CSR 25-5.262(2)(D) for hazardous waste generated on-site and shipped off-site for treatment, storage, resource recovery, or disposal, the [owner/operator] owner or operator shall meet the same requirements for the following:

A. All hazardous waste generated on-site during the reporting period that is managed on-site; and

B. All hazardous waste received from off-site during the reporting period, including hazardous waste generated by another generator and hazardous waste generated at other sites under the control of the [owner/operator] owner or operator.

3. In addition to the information required in 10 CSR 25-5.262(2)(D), an [owner/operator] owner or operator shall include the following information in the summary report:

A. A description and the quantity of each hazardous waste that was both generated and managed on-site during the reporting period;

B. For each hazardous waste that is received from off-site, a description and the quantity of each hazardous waste and the corresponding state and EPA identification numbers of each generator;

C. For imports, the name and address of the foreign generator;

D. The corresponding method of treatment, storage, resource recovery, disposal, or other approved management method used for each hazardous waste.

4. As outlined in section 260.380.2, RSMo, all *[owners/operators] owners or operators* shall pay a fee to the department of two dollars (\$2) per ton or portion thereof for any and all hazardous waste received from outside of Missouri. This fee shall be referred to as the Out-of-State Waste Fee and shall not be paid on hazardous waste received directly from other permitted treatment, storage, and disposal facilities located in Missouri.

A. For each *[owner/operator] owner or operator*, this fee shall be paid on or before January 1 of each year and shall be based on the total tons of hazardous waste received in the aggregate by that *[owner/operator] owner or operator* for the twelve- (12-)/- month period ending the previous June 30. As outlined in section 260.380.4, RSMo, failure to pay this fee in full by the due date shall result in imposition of a late fee equal to fifteen percent (15%) of the total original fee. Each twelve- (12-)/- month period ending on June 30 shall be referred to as a reporting year.

B. *[Owners/operators] Owners or operators* may elect, but are not required, to pay this fee on a quarterly basis at the time they file the reporting required in subparagraphs (2)(E)3.B. and C. of this rule. If they do not choose to pay the fee quarterly, *[owners/operators] owners or operators* may elect, but are not required, to pay the fee at the time they file their final quarterly or annual report of each reporting year. However, the total fee for each reporting year must be paid on or before January 1 immediately following the end of each reporting year.

#### EXAMPLES OF OUT-OF-STATE WASTE FEE CALCULATION

Example 1. ABC Company reports receiving 250 tons of hazardous waste from outside of Missouri:

$$\text{\$2} \times 250 \text{ tons} = \text{\$500 fee}$$

Example 2. ABC Company reports receiving 410.6 tons of hazardous waste from outside of Missouri.  
The number of tons would be rounded to 411.

$$\text{\$2} \times 411 \text{ tons} = \text{\$822 fee}$$

Example 3. ABC Company reports receiving 52,149.3 tons of hazardous waste from outside of Missouri.  
The number of tons would be rounded to 52,150.

$$\text{\$2} \times 52,150 \text{ tons} = \text{\$104,300 fee}$$

(G) Closure and Post-Closure. **(Reserved)** [This subsection sets forth additional requirements to 40 CFR part 265 subpart G, incorporated in this rule.

1. The incorporation by reference of 40 CFR 265.113(d) and (e) does not relieve the owner/operator of his/her responsibility to comply with 10 CSR 80 if a solid waste permit is required under those rules.

2. The owner/operator of a hazardous waste unit which is certifying closure with residues left in place, regardless of the level of treatment to render the residue nonhazardous, shall meet the requirements in 40 CFR 265.116 incorporated in this rule.

3. In addition to requirements in 40 CFR 265.116, when an owner/operator certifies a closure which did not result in removal of hazardous wastes to background levels, the owner/operator shall record, in accordance with state law, a notation on an instrument which is normally examined during title search that will notify, in perpetuity, a potential purchaser of the property that the land has been used to manage hazardous waste.

4. In addition to the requirements in 40 CFR 265.116 and 265.119 as incorporated in this rule, an owner/operator shall submit a notarized statement to the department certifying that the owner/operator has caused the notation(s) to be recorded. The notation(s) shall be recorded with the recorder(s) of deeds in all counties in which the facility or part of the facility is located.]

(H) Financial Assurance Requirements. **(Reserved)** [This subsection sets forth the requirements which modify or add to those requirements in 40 CFR part 265 subpart H.

1. For purposes of this subsection, commercial treatment, storage, or disposal (TSD) facility means any facility that would be considered a commercial hazardous waste treatment, storage, and disposal facility for purposes of 10 CSR 25-12.020, or any facility that is certified as an R2 resource recovery facility according to 10 CSR 25-9.020, or any facility that receives for remuneration polychlorinated biphenyls (PCB) material or PCB units as defined by 10 CSR 25-13.010.

2. In 40 CFR 265.143(a)(3), incorporated by reference in this rule, delete "the 20 years" and insert in its place "a period of five (5) years."

3. In 40 CFR 265.145(a)(3), incorporated by reference in this rule, delete "the 20 years" and insert in its place "a period of five (5) years."

4. This paragraph modifies the requirements for surety bonds guaranteeing payment into a closure trust fund or post-closure trust fund per 40 CFR 265.143(b) or 40 CFR 265.145(b), incorporated in this rule.

A. Any surety company issuing a surety bond guaranteeing payment into a closure trust fund or post-closure trust fund shall be authorized to do business in Missouri.

B. Any surety company issuing a surety bond guaranteeing payment into a closure trust fund or post-closure trust fund shall not cancel, terminate, or fail to renew a surety bond guaranteeing payment into a closure or post-closure trust fund and the surety bond shall remain in full force and effect in the event that on or before the date of cancellation—

(I) The director deems the facility abandoned; or

(II) Interim status is terminated or revoked; or

(III) Closure is ordered by the department or a court of competent jurisdiction; or

(IV) The owner/operator is named as a debtor in a voluntary or involuntary proceeding under 11 U.S.C. section 1, et seq.; or

(V) The premium due is paid; or

(VI) An appeal of an order to close the facility as

specified in part (2)(H)4.B.(III) of this subparagraph is pending.

C. Facilities that have a surety bond or bonds guaranteeing payment into a closure trust fund or a post-closure trust fund as of the effective date of this subparagraph shall modify their surety instruments to comply with this paragraph within twelve (12) months of the effective date of this subparagraph.

5. This paragraph modifies the requirements for letters of credit per 40 CFR 265.143(c), incorporated in this rule, 40 CFR 265.145(c), incorporated in this rule, and 40 CFR 265.147(h), incorporated in this rule. Letters of credit shall be issued by a state- or federally-chartered and regulated bank or trust association.

6. An owner/operator of a facility that is a commercial TSD facility may not satisfy financial assurance requirements for closure, post-closure, or liability coverage, or any combination of these, by the use of a financial test as specified in 40 CFR 265.143(e), incorporated in this rule, 40 CFR 265.145(e), incorporated in this rule, or 40 CFR 265.147(f), incorporated in this rule.

7. This paragraph modifies the requirements for closure insurance per 40 CFR 265.143(d), incorporated in this rule, post-closure insurance per 40 CFR 265.145(d), incorporated in this rule, liability coverage for sudden accidental occurrences per 40 CFR 265.147(a)(1), incorporated in this rule, and liability coverage for non-sudden accidental occurrences per 40 CFR 265.147(b)(1), incorporated in this rule. Each insurance policy shall be issued by an insurer which, at a minimum, is licensed to transact the business of insurance or is eligible to provide insurance as an excess or surplus lines insurer in Missouri.

8. In 40 CFR 265.143(e), incorporated in this rule, delete "or a firm with a 'substantial business relationship' with the owner or operator."

9. In 40 CFR 265.145(e), incorporated in this rule, delete "or a firm with a 'substantial business relationship' with the owner or operator."

10. In 40 CFR 265.147(g), incorporated in this rule, delete "or a firm with a 'substantial business relationship' with the owner or operator."

(I) Use and Management of Containers. This subsection sets forth additional standards for container storage areas.

[1. Container storage areas shall have a containment system that is designed and operated in accordance with paragraph (2)(I)2. of this rule except as provided by paragraph (2)(I)4. of this rule.

2. A containment system shall be designed, maintained, and operated as follows:

A. A containment system shall have a base which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed;

B. The base shall be sloped or the containment system shall be otherwise designed and operated to drain and remove liquids resulting from leaks, spills, or precipitation, unless the containers are elevated or otherwise protected from contact with accumulated liquids;

C. The containment system shall have a capacity equal to ten percent (10%) of the containerized waste volume or the volume of the largest container, whichever is greater. Containers that do not contain free liquids need not be considered in this calculation;

D. Run-on into the containment system shall be prevented unless the collection system has sufficient excess capacity in addition to that required in subparagraph (2)(I)2.C. of this rule to contain any run-on which might enter the system; and

*E. Spilled or leaked waste and accumulated precipitation shall be removed from the sump or collection area in as timely a manner as is necessary to prevent overflow of the collection system.*

*3. The containment system shall also be inspected as part of the weekly inspections required by 40 CFR 265.174, incorporated in this rule.*

*4. Storage areas that store containers holding only wastes that do not contain free liquids or storage facilities that store less than one thousand kilograms (1,000 kg) of nonacute hazardous waste containing free liquids need not have a containment system described in paragraph (2)(I)2. of this rule provided that—*

*A. The storage area is sloped or is otherwise designed and operated to drain and remove liquid resulting from precipitation; or*

*B. The containers are elevated or are otherwise protected from contact with accumulated liquid.*

*5. Containers storing hazardous waste must be marked and labeled in accordance with 10 CSR 25-5.262(2)(C) during the entire storage period.*

*6. Container storage areas which close without removing all hazardous waste and/or hazardous waste constituents to below background levels may pursue either a risk-based closure if there is no evidence of groundwater or surface water contamination or, in the absence of such evidence, close in accordance with 10 CSR 25-7.264(2)(N) and 40 CFR part 264 subpart N, as incorporated in subsection (2)(N). The owner/operator shall also comply with the requirements of 10 CSR 25-7.265(2)(G).]*

*[7.1. Containers holding ignitable or reactive waste which are stored outdoors or in buildings not equipped with sprinkler systems shall be located at least fifty feet (50') from the facility's property line.*

*[8.2. Containers holding ignitable or reactive waste which are stored indoors shall be located at least fifty feet (50') from the facility's property line, unless the following requirements are satisfied:*

*A. Exposing walls that are located more than ten feet (10') but less than fifty feet (50') from a boundary line of adjoining property that can be built upon shall have a fire-resistance rating of at least two (2) hours, with each opening protected by an automatically-closing listed one and one-half- (1.5-)/- hour (B) fire door;*

*B. Exposing walls that are located less than ten feet (10') from a boundary line of adjoining property that can be built upon shall have a fire-resistance rating of at least four (4) hours, with each opening protected by an automatically-closing listed three- (3-)/- hour (A) fire door (Comment: All fire doors, closure devices, and windows shall be installed in accordance with the National Fire Protection Association (NFPA) Code 80, *Standards for Fire Doors and Windows*, 1995 edition);*

*C. The construction design of exterior walls shall provide ready accessibility for fire-fighting operations through the provision of access openings, windows, or lightweight noncombustible wall panels;*

*D. Container storage areas shall be provided with automatic fire suppression systems designed and installed in accordance with NFPA 14 (1996 edition), NFPA 15 (1996 edition), NFPA 16 (1995 edition), NFPA 16A (1994 edition), NFPA 17 (1998 edition), NFPA 17A (1998 edition), NFPA 18 (1995 edition), NFPA 20 (1996 edition), NFPA 22 (1996 edition), and NFPA 24 (1995 edition) Standards. Final design of these systems shall be approved by a qualified, registered professional engineer in Missouri;*

*E. Each container storage area shall have preconnected hose lines capable of reaching the entire area. The fire hose shall be a [one and one-half (1.5)-inch] one and one-half-inch (1.5") line or one-inch (1") hard rubber line. Where a [one and one-half (1.5)-inch] one and one-half-inch (1.5") fire hose is used, it shall be installed in accordance with NFPA 14 (1996 edition). Hand-held*

*fire extinguishers rated for the appropriate class of fire shall be available at each storage area;*

*F. Only containers meeting the requirements of, and containing products authorized by, Chapter I, Title 49 of the *Code of Federal Regulations* (DOT Regulations) or NFPA 386, *Standard for Portable Shipping Tanks* (1990 edition) shall be used;*

*G. All storage of ignitable or reactive materials shall be organized in a manner which will not physically obstruct a means of egress. Materials shall not be placed in a manner that a fire would preclude egress from the area. Evacuation plans shall recognize the locations of any automatically-closing fire doors;*

*H. All containers shall be arranged so that there is a minimum aisle space of four feet (4') between rows, allowing accessibility to each individual container. Double rows can be utilized. Containers shall not be stacked, placed, or both, closer than three feet (3') from ceilings or any roof members; and*

*I. Explosive gas levels in the facility shall be monitored continuously. If the facility is not manned twenty-four (24) hours per day, a telemetry system shall be provided to alarm designated response personnel.*

*(J) Tanks. (Reserved) [This subsection modifies and adds to the incorporation of 40 CFR part 265 subpart J.*

*1. 40 CFR 264.190(c) is not incorporated by reference.*

*2. In 40 CFR 265.193(g)(1) incorporated in this rule, delete "or that in the event of a release that does migrate to ground water or surface water, no substantial present or potential hazard will be posed to human health or the environment." 40 CFR 265.193(g)(2) is not incorporated by reference in this rule. In 40 CFR 265.193(g)(4)(ii) incorporated in this rule, substitute "264.197(b)" for "265.197(b)." For purposes of 40 CFR 265.193(h) incorporated in this rule, "variance" means exception.*

*3. In 40 CFR 265.196(c) and (c)(2) incorporated in this rule, delete "visible" and "visual." Tank storage areas which close without removing all hazardous waste and/or hazardous waste constituents to below background levels may pursue either a risk-based closure if there is no evidence of groundwater or surface water contamination or in the absence of such evidence, close in accordance with 10 CSR 25-7.264(2)(N) and 40 CFR part 264 subpart N as incorporated in subsection (2)(N). The owner/operator shall also comply with the requirements of 10 CSR 25-7.265(2)(G).]*

*(K) Surface Impoundments. (Reserved) [ In addition to the requirements in 40 CFR part 265 subpart K, those surface impoundments which are intended to be closed without removing the hazardous waste shall meet the requirements of 10 CSR 25-7.264(2)(N)1.A. and 40 CFR part 264 subpart N as incorporated in 10 CSR 25-7.264. If the site location for any such impoundment cannot meet these site specific location requirements and contamination exists beyond the liner of the surface impoundment, the owner/operator shall clean up contaminated residues and hazardous constituents to the greatest extent practical during closure. If the department determines, based on the potential impact on human health and the environment, that it is not necessary or not feasible to remove contaminated material down to background concentrations during closure, the owner/operator shall comply with 40 CFR 264.228(b) incorporated in 10 CSR 25-7.264 or shall submit a delisting petition and obtain approval from EPA for that delisting petition pursuant to 40 CFR 260.20 and 40 CFR 260.22 for the contaminated material not removed during closure.]*

*[(3) This section applies to TSD facilities that accept and/or ship hazardous waste via railroad tank cars (railcars). The owner/operator of a TSD facility shall comply with requirements set forth in 10 CSR 25-7.264(3) and shall submit a rail car management plan for inclusion in their part B permit*

*application within one hundred eighty (180) days of the effective date of this section.]*

(3) Interim status hazardous waste TSD facilities that accept and/or ship hazardous waste via railroad tank car (railcar) shall comply with the requirements for container storage in 40 CFR part 265 subpart I, as incorporated by reference in 10 CSR 25-7.265(1), or the following requirements for railcar management:

(A) The owner or operator shall submit a railcar management plan with the application for a hazardous waste treatment, storage, or disposal facility permit. Interim status facilities that currently accept and/or ship hazardous waste via railcars shall request a change in interim status that requires director approval for the railcar management plan according to the procedures defined in 40 CFR 270.72 as incorporated in 10 CSR 25-7.270(1).

1. The railcar management plan shall describe steps to be taken by the facility in order to comply with the requirements of subsections (3)(B)–(3)(F).

2. The railcar management plan shall be maintained at the facility;

(B) Railcars shall not be used as container or tank storage units at a facility unless the owner or operator complies with the standards for container storage set forth in 40 CFR part 265 subpart I as incorporated in this rule and 40 CFR 270.15 as incorporated in 10 CSR 25-7.270(1). During the time allowed for loading and unloading as set forth in this section, the railcar shall not be considered to be in storage.

1. The owner or operator shall ship hazardous wastes loaded onto a railcar within seventy-two (72) hours after loading is initiated. For the purposes of this section, shipment occurs when—

A. The transporter signs and dates the manifest acknowledging acceptance of the hazardous waste;

B. The transporter returns a signed copy of the manifest to the facility; and

C. The railcar crosses the property boundary line of the TSD facility.

2. The owner or operator shall have a maximum of ten (10) days following receipt of a shipment to unload hazardous waste from incoming railcars. The amount of time allowed for unloading shall be specified in the approved railcar management plan for each facility as part of the permit. The department will review and approve each railcar management plan on a case-by-case basis and will base its decision regarding the time allowed for unloading on factors including, but not limited to, the size of the rail siding, surveillance and security standards, enclosure of the facility, type and amount of emergency response equipment, and the facility's capacity to handle incidents. Unless more time is allowed by an approved railcar management plan, the owner or operator shall unload hazardous waste from an incoming railcar within seventy-two (72) hours of receipt of the shipment. For the purposes of this section, receipt of the shipment occurs when—

A. The owner or operator signs the shipping paper; or

B. The owner or operator signs the manifest; or

C. The railcar crosses the property boundary line of the TSD facility.

3. The time limits in this subsection may be extended for up to an additional twenty-four (24) hours for Saturdays, Sundays, or public holidays as defined in section 9.010, RSMo, that fall within the time period approved in the railcar management plan.

4. If the owner or operator finds that a railcar shipment must be rejected, the railcar shall be shipped within twenty-four (24) hours of that determination, or within the time period approved in the railcar management plan, whichever is later. The rejection and the reasons for the rejection shall be documented in the facility's operating record.

5. The owner or operator shall attempt to arrange for the rail carrier to provide the owner or operator a notification detailing when a railcar was picked up from the facility or when a rail-

car was delivered to the facility. If the rail carrier declines to enter into such arrangements, the owner or operator must document the refusal in the operating record. The time limitations set forth in this subsection must be documented by recording dates and times in the facility's operating record.

6. If the loading and unloading time frames specified in this section are exceeded, then the owner or operators utilizing railcars shall comply with the standards for container storage in 40 CFR part 265 subpart I, as incorporated in this rule, and with 40 CFR 270.15, as incorporated in 10 CSR 25-7.270;

(C) The owner or operator shall comply with 40 CFR 265.17, incorporated in this rule, during railcar loading and unloading. Additional specific precautions to be taken shall include facility design, construction, operation, and maintenance standards as specified in "Loading and Unloading Operations: Tank Vehicles and Tank Cars" in section 5-4.4.1 of the 1993 Edition of the *National Fire Protection Association Flammable and Combustible Liquids Code* (NFPA 30);

(D) The owner or operator shall provide security for railcars at the facility by utilizing one (1) of the alternatives specified in 40 CFR 265.14(b), as incorporated in this rule. If the owner or operator demonstrates that it is not practical to provide security for railcars at the facility as specified in 40 CFR 265.14(b), incorporated in this rule, railcars shall be secured by locking all fill and drain posts upon receipt of a loaded railcar or upon completion of the owner or operator's loading procedures. The locks must remain in place until the owner or operator begins unloading procedures or until the rail carrier picks up the loaded or rejected railcar for transport off-site;

(E) In accordance with 40 CFR 265.15, incorporated in this rule, the owner or operator shall inspect railcars and surrounding areas at least daily looking for leaks and for deterioration caused by corrosion or other factors; and

(F) In accordance with 40 CFR part 265 subpart C and 40 CFR part 265 subpart D, as incorporated in this rule, the owner or operator shall develop preparedness and prevention procedures and a contingency plan for railcars. If the owner or operator has not prepared a Spill Prevention Control and Countermeasures (SPCC) Plan for hazardous waste, then one must be developed that parallels requirements and guidelines as specified in 40 CFR part 112 for oil. At a minimum, the SPCC Plan must include adequate spill response equipment and preventative measures, such as dikes, curbing, and containment systems.

*AUTHORITY: sections 260.370, [RSMo Supp. 2010 and sections] 260.390, and 260.395, RSMo [2000] Supp. 2013. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For intervening history, please consult the Code of State Regulations. Amended: Filed April 15, 2015.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on June 18, 2015 at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.*

*Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or*

email statement of their views until midnight on June 25, 2015. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on June 25, 2015. Email comments shall be sent to [tim.eiken@dnr.mo.gov](mailto:tim.eiken@dnr.mo.gov). Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1738 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 7—Rules Applicable to Owners[/] or Operators  
of Hazardous Waste Facilities**

**PROPOSED AMENDMENT**

**10 CSR 25-7.266 Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities.** The commission is amending sections (1) and (2) and the authority section of the rule.

*PURPOSE:* There are multiple purposes to this amendment. First of all, the incorporation by reference of 40 CFR part 266 will be updated to the July 1, 2013 edition. In doing so, all changes to part 266 since the date of previous incorporation will be incorporated into the state rules. Second, the Department of Natural Resources has identified numerous changes in this rule that are required by section 260.373, RSMo. This section requires the department to identify rules that are inconsistent with the limitation on rulemaking authority established in this section and to make the necessary changes to the rule text by December 31, 2015. Finally, other changes to this rule are proposed as part of the routine process of making corrections to the rule, eliminating outdated rule text, and making the rules easier to understand, which will reduce the burden on both the department and the regulated community.

(1) The regulations set forth in 40 CFR part 266, July 1, [2010] 2013, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

(2) Persons subject to the regulations in 40 CFR part 266 shall comply with the requirements, changes, additions, or deletions noted in this section in addition to 40 CFR part 266 incorporated in this rule. (Comment: This section has been organized so that all Missouri additions or changes to any subpart of the federal regulations are noted within the corresponding subsection of this section. For example, the changes to the management requirements for hazardous waste fuels, 40 CFR part 266 subpart D, are found in subsection (2)(D) of this rule.)

(G) Spent Lead-Acid Batteries Being Reclaimed. In addition to the requirements in 40 CFR part 266 subpart G a person who reclaims materials from spent lead-acid batteries shall obtain a hazardous waste resource recovery certification pursuant to 10 CSR 25-9.020.

*1. Owners or operators of facilities that store spent batteries before reclaiming them are subject to the following requirements:*

*A. Notification requirements under section 3010 of RCRA;*

*B. All applicable provisions in subparts A, B (but not 40 CFR 264.13 (waste analysis)), C, D, E (but not 264.71 or 264.72 (dealing with the use of the manifest and mani-*

*fest discrepancies)), and F through L of 40 CFR part 264, as incorporated by reference in 10 CSR 25-7.264(1) and modified in 10 CSR 25-7.264(2)(A) through 10 CSR 25-7.264(2)(L);*

*C. All applicable provisions in subparts A, B (but not 40 CFR 265.13 (waste analysis)), C, D, E (but not 265.71 or 265.72 (dealing with the use of the manifest and manifest discrepancies)), and F through L of 40 CFR part 265, as incorporated by reference in 10 CSR 25-7.265(1) and modified in 10 CSR 25-7.265(2)(A) through 10 CSR 25-7.265(2)(L);*

*D. All applicable provisions in parts 270 and 124 of the CFR, as incorporated by reference in 10 CSR 25-7.270 and 10 CSR 25-8.124. (Note: The language printed at 10 CSR 25-7.266(2)(G)1.A.–D. above was originally incorporated by reference from 40 CFR 266.80(b), 1994 edition. The language is reprinted here because it was mistakenly omitted from subsequent editions of the Code of Federal Regulations.)*

(H) Hazardous Waste Burned in Boilers and Industrial Furnaces. Additions, modifications, and deletions to 40 CFR part 266 subpart H “Hazardous Waste Burned in Boilers and Industrial Furnaces” are as follows:

*1. 40 CFR 266.100(c)(1) is not incorporated by reference in this rule;*

*2.]1. Add the following provision to 40 CFR 266.100(d) incorporated in this rule: “The [owner/operator] owner or operator of facilities that process hazardous waste solely for metal recovery in accordance with 40 CFR 266.100(d) shall be certified for resource recovery pursuant to 10 CSR 25-9.020” [;].*

*3. In 40 CFR 266.101(c)(2) incorporated in this rule, replace “paragraph (c)(1)” with “paragraphs (c)(1) and (d)(1)”; and*

*4. 40 CFR 266.101 is amended by adding a new subsection (d) to 266.101 incorporated in this rule as follows: (d)(1) Treatment facilities. Owners/operators of permitted facilities that thermally, chemically, physically (that is, shredding, grinding, etc.), or biologically treat hazardous waste prior to burning must comply with 10 CSR 25-7.264(2)(X), and owners/operators of interim status facilities that thermally, chemically, physically (that is, shredding, grinding, etc.), or biologically treat hazardous waste prior to burning shall comply with 10 CSR 25-7.265(2)(P) and (Q). Owners/operators of permitted facilities which blend hazardous waste in tanks or containers prior to burning must comply with 10 CSR 25-7.264(2)(J)6., and owners/operators of interim status facilities that blend hazardous waste in tanks or containers prior to burning shall comply with 10 CSR 25-7.265(2)(J).]*

*[Editor’s Note: Subsection (2)(H) becomes effective December 31, 1993.]*

*AUTHORITY:* sections 260.370, 260.373, [RSMo Supp. 2010 and sections] 260.390, and 260.395, RSMo [2000] Supp. 2013. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For intervening history, please consult the Code of State Regulations. Amended: Filed April 15, 2015.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** The Missouri Hazardous Waste Management Commission



will hold a public hearing on this rule action and others beginning at 10:00 a.m. on June 18, 2015 at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on June 25, 2015. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on June 25, 2015. Email comments shall be sent to [tim.eiken@dnr.mo.gov](mailto:tim.eiken@dnr.mo.gov). Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1738 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 7—Rules Applicable to Owners[/] or Operators  
of Hazardous Waste Facilities**

**PROPOSED AMENDMENT**

**10 CSR 25-7.268 Land Disposal Restrictions.** The commission is amending sections (1) and (2) of the rule.

*PURPOSE:* There are multiple purposes to this amendment. First of all, the incorporation by reference of 40 CFR part 268 will be updated to the July 1, 2013 edition. In doing so, all changes to part 268 since the date of previous incorporation will be incorporated into the state rules. Second, the Department of Natural Resources has identified numerous changes in this rule that are required by section 260.373, RSMo. This section requires the department to identify rules that are inconsistent with the limitation on rulemaking authority established in this section and to make the necessary changes to the rule text by December 31, 2015. Finally, other changes to this rule are proposed as part of the routine process of making corrections to the rule, eliminating outdated rule text, and making the rules easier to understand, which will reduce the burden on both the department and the regulated community.

(1) The regulations set forth in 40 CFR part 268, July 1, [2010] 2013, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

(2) Persons who generate or transport hazardous waste and [owners/operators] owners or operators of hazardous waste treatment, storage, and disposal facilities shall comply with this section in addition to the regulations in 40 CFR part 268. (Comment: This section has been organized so that all Missouri additions, changes, or deletions to any subpart of the federal regulations are noted within the corresponding subsection of this section. For example, the changes to 40 CFR part 268 subpart A are found in subsection (2)(A) of this rule.)

(B) 40 CFR part 268 subpart B, Schedule for Land Disposal Prohibition and Establishment of Treatment Standards. **(Reserved)**, is not incorporated in this rule.]

(C) Prohibitions on Land Disposal. **(Reserved)** [This subsection

sets forth modifications to 40 CFR part 268 subpart C incorporated by reference in section (1) of this rule.

1. The waste specific prohibitions in 40 CFR 268.31 apply to the hazardous wastes identified by EPA hazardous waste numbers F020, F023, and F027 as amended in 10 CSR 25-4.261(2)(D)1.A.–C.

2. The waste specific prohibitions in 40 CFR 268.31 apply to the EPA hazardous waste numbers F020, F021, F022, F023, F026, and F027 as amended in 10 CSR 25-4.261(2)(D)2.

3. The hazardous waste identified by the Missouri hazardous waste number MH02 in 10 CSR 25-4.261(2)(D)3. may be disposed in a landfill or surface impoundment only if that unit is in compliance with the requirements specified in 40 CFR 268.5(h)(2) as incorporated in section (1) of this rule and all other applicable requirements of 10 CSR 25-7.264(1) incorporating by reference 40 CFR part 264 and 10 CSR 25-7.265(1) incorporating by reference 40 CFR part 265.]

(D) Treatment Standards. This subsection sets forth modifications to 40 CFR part 268 subpart D incorporated by reference in section (1) of this rule.

[1. The treatment standards in 40 CFR part 268 subpart D for the hazardous wastes identified by EPA hazardous waste numbers F020, F023, and F027 apply to F020, F023, and F027 hazardous wastes as amended in 10 CSR 25-4.261(2)(D)1.A.–C.

2. The treatment standard in 40 CFR part 268 subpart D for the hazardous wastes identified by EPA hazardous waste numbers F020, F021, F022, F023, F026, and F027 apply to these listed wastes as amended in 10 CSR 25-4.261(2)(D)2.]

[3.]1. The state cannot be delegated the authority from the U.S. EPA to allow the use of alternative treatment methods as provided in 40 CFR 268.42(b) incorporated in this rule. The substitution of terms in 10 CSR 25-3.260(1)(A) does not apply in 40 CFR 268.42(b) as incorporated in this rule. This modification does not relieve the regulated person of his/her responsibility to comply with 40 CFR 268.42(b) of the federal hazardous waste management regulations.

[4.]2. The state cannot be delegated the authority from the U.S. EPA to approve variances from treatment standards as provided in 40 CFR 268.44 incorporated in this rule. The substitution of terms in 10 CSR 25-3.260(1)(A) does not apply in 40 CFR 268.44, as incorporated in this rule. This modification does not relieve the regulated person of his/her responsibility to comply with 40 CFR 268.44 of the federal hazardous waste management regulations.

*AUTHORITY:* sections 260.370, 260.390, and 260.395, RSMo Supp. [2010] 2013, and section[s] 260.400, RSMo 2000. Original rule filed Feb. 16, 1990, effective Dec. 31, 1990. For intervening history, please consult the **Code of State Regulations**. Amended: Filed April 15, 2015.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on June 18, 2015 at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required.



However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on June 25, 2015. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on June 25, 2015. Email comments shall be sent to [tim.eiken@dnr.mo.gov](mailto:tim.eiken@dnr.mo.gov). Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1738 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 7—Rules Applicable to Owners/[/] or Operators  
of Hazardous Waste Facilities**

**PROPOSED AMENDMENT**

**10 CSR 25-7.270 Missouri Administered Permit Programs: The Hazardous Waste Permit Program.** The commission is amending sections (1) and (2) of the rule.

*PURPOSE:* There are multiple purposes to this amendment. First of all, the incorporation by reference of 40 CFR part 270 will be updated to the July 1, 2013 edition. In doing so, all changes to part 270 since the date of previous incorporation will be incorporated into the state rules. Second, the Department of Natural Resources has identified numerous changes in this rule that are required by section 260.373, RSMo. This section requires the department to identify rules that are inconsistent with the limitation on rulemaking authority established in this section and to make the necessary changes to the rule text by December 31, 2015. Finally, other changes to this rule are proposed as part of the routine process of making corrections to the rule, eliminating outdated rule text, and making the rules easier to understand, which will reduce the burden on both the department and the regulated community.

(1) The regulations set forth in 40 CFR part 270, July 1, [2010] 2013, except for the changes made at 70 FR 53453 September 8, 2005, and 73 FR 64667 to 73 FR 64788, October 30, 2008, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

(A) Any federal agency, administrator, regulation, or statute that is referenced in 40 CFR part 270 shall be deleted and the comparable state department, director, rule, or statute as provided in 10 CSR 25-3.260(1)(A) shall be added in its place except as specified in [paragraph (2)(A)6. of] this rule. The additional substitutions or changes noted in this subsection shall also apply.

[1. "Owner/operator" as defined by 10 CSR 25-3.260(2)(O)3. shall be substituted for any reference to "owner and operator" or "owner or operator" in 40 CFR part 270.]

(2) The [owner/operator] owner or operator of a permitted hazardous waste treatment, storage, or disposal (TSD) facility shall comply with the requirements noted in this rule along with 40 CFR part 270, incorporated in this rule. (Comment: This section has been organized so that all Missouri additions, changes, or deletions to any

subpart of the federal regulations are noted within the corresponding subsection of this section. For example, the changes to 40 CFR part 270 subpart A are found in subsection (2)(A) of this rule.)

(A) General Information. This subsection sets forth requirements which modify or add to those requirements in 40 CFR part 270 subpart A.

1. When a facility is owned by one (1) person but is operated by another person, both the owner and operator shall sign the permit application, and the permit shall be issued to both.

2. The [owner/operator] owner or operator of a new hazardous waste management facility shall contact the department and obtain a United States Environmental Protection Agency (EPA) identification number before commencing treatment, storage, or disposal of hazardous waste.

[3. A permit is not required under this rule for an elementary neutralization unit or a wastewater treatment unit receiving only hazardous waste that is generated on-site or generated by its operator or only one (1) generator if the owner/operator, upon request, can demonstrate to the satisfaction of the department the following:

A. There is sufficient evidence that the unit is not leaking;

B. The unit is structurally sound and there is no evidence that the unit will fail or collapse;

C. There are no incompatible wastes being placed in the unit;

D. The owner/operator has been and is in compliance with all present and prior permits and authorizations issued to the owner/operator; and

E. There is no evidence of any past releases from the unit.

4. In addition to the requirements in 40 CFR 270.1(b) incorporated in this rule, the owner/operator shall provide state notification to the department within sixty (60) days after the effective date of a state rule that first requires him/her to comply with 10 CSR 25 where that notification is required.

5. (Reserved)

6. In 40 CFR 270.2, substitute "Facility mailing list means the mailing list required of the permittee or applicant in accordance with 10 CSR 25-7.270(2)(B)10." for the definition of "Facility mailing list" given in the incorporated regulation.]

[7.]3. In 40 CFR 270.3 "Considerations Under Federal Law," do not substitute any comparable Missouri statute or administrative rule for the federal acts and regulations. This does not relieve the [owner/operator] owner or operator of his/her responsibility to comply with any applicable and comparable state law or rule in addition to complying with the federal acts and regulations.

(B) Permit Application. This subsection sets forth requirements which modify or add to those requirements in 40 CFR part 270 subpart B.

1. Existing hazardous waste management facilities must submit a [state] Part A permit application to the department no later than sixty (60) days after the effective date of state rules which first require them to comply with the requirements set forth in 10 CSR 25-7.265 or 10 CSR 25-7.266. A facility which did not meet federal notification and Part A submittal requirements under the Hazardous and Solid Waste Amendments (HSWA) shall not qualify for state interim status. State interim status is granted to those facilities which either meet federal interim status requirements, are required to meet state interim status requirements because no federal interim status requirements affect the filing, or become subject to regulations under state rules which are not promulgated to meet the requirements of 40 CFR part 271.

2. Confidentiality may be requested for the information required in 40 CFR 270.13(a)-(m) incorporated in this rule. 10 CSR 25-3.260(1)(B) sets forth requirements for protection of confidential

business information and the availability of information provided under 10 CSR 25. Therefore, 40 CFR 270.12 is not incorporated by reference in this rule.

[3. *The topographic map required in 40 CFR 270.13(I) incorporated in this rule shall also depict surrounding land uses such as residential, commercial, agricultural, and recreational.*

4. *Seismic evaluation requirements for hazardous waste management facility permit applicants. 40 CFR 270.14(b)(11)(i) and (iii) are not incorporated in this rule. An applicant for a hazardous waste management facility permit (excluding post-closure) shall design and construct the facility to withstand stresses due to earthquake loading or certify that the existing facility is able to withstand stresses due to earthquake loading. In the event that the regulated unit cannot withstand stresses, the facility shall certify that a release or situation which will endanger human health and/or the environment is not likely to occur. The applicant shall submit as part of the permit application a certification of the adequacy of the design or the ability of the existing facility to withstand stresses due to earthquake loading. The certification shall consider the location of the facility (e.g., the proximity of the facility to an active seismic zone) and must be completed by a qualified professional engineer registered in Missouri.*

5. *In addition to the topographic map required in 40 CFR 270.14(b)(19) incorporated in this rule, an applicant for a land-based hazardous waste management facility permit shall submit drawings which depict at a minimum—*

- A. *Original contours;*
- B. *Proposed final contours;*
- C. *Original surface water drainage patterns;*
- D. *Proposed final surface water drainage patterns;*
- E. *Layout of the leachate collection system;*
- F. *Layout of the monitoring system;*
- G. *Access roads;*
- H. *Location of soil borings and trenches;*
- I. *Major rock outcrops and sinkholes within the map area;*
- J. *Occupied permanent residential dwelling houses within one-fourth (1/4) mile of the disposal facility boundaries;*
- K. *All available information on private and public wells, public water supply lines, and any aquifers, seeps, sinkholes, caves, or mining areas within one-fourth (1/4) mile of the facility; and*

L. *For landfills only, a coordinate system referenced to a benchmark and baseline that have been permanently established on the site and referenced to Government Land Office corners and the legal boundaries of the facility as described by a registered land surveyor licensed by Missouri.]*

[6.]3. *All submitted engineering plans and reports shall be approved by a registered professional engineer licensed by Missouri. The engineering plans and reports shall specify the materials, equipment, construction methods, design standards, and specifications for hazardous waste management facilities, and processes that will be utilized in the construction and operation of the facility. The engineering plans and reports shall also include a diagram of any piping, instrumentation or process flows, and descriptions of any feed systems, safety cutoffs, bypass systems, and pressure controls (for example, vents).*

[7. *The applicant for a hazardous waste facility permit to construct or operate a facility shall submit the application to the department in triplicate (quadruplicate, if application is made for a land-based management facility). If a permit is issued, the permittee shall submit two (2) copies of the entire approved application to the department.]*

[8.]4. *The permit application fee set forth in 10 CSR 25-12.010*

shall be submitted with the application.

[9.]5. *The department will supervise any field work undertaken to collect geologic and engineering data which is to be submitted with the application. The applicant shall contact the department at least five (5) working days prior to conducting any field work that is undertaken to collect geologic and engineering data which is to be submitted with the application. A fee shall also be assessed pursuant to 10 CSR 25-12.010 for all costs incurred by the department in the observation of field work, engineering and geological review of the application, and all other review necessary by the department to verify that the application complies with section 260.395.7., RSMo.*

[10.]6. *The permit application shall include the following information for the purpose of notification:*

A. *Names and address of all persons listed on the facility mailing list as defined in 10 CSR 25-8.124(1)(A)10.C.(I)(c) shall be submitted in the form of an alphabetical list with five (5) sets of addressed, self-adhesive mailing labels also included; and*

B. *The name, address, and telephone number of the location where the permit application and supporting documents are to be placed, as described in 10 CSR 25-8.124(1)(B)3.B.(II)(c) and the name of the person at that location who may be contacted to schedule a review of the documents.*

[11. *The applicant shall submit the information required by subsection (2)(H) of this rule in the form of a disclosure statement as part of the permit application.]*

[12.]7. *An applicant may be required to submit other information as may be necessary to enable the department to carry out its duties.*

[13. *In addition to the requirements in 40 CFR 270.15 incorporated in this rule, an owner/operator of a facility that treats hazardous waste in containers shall meet the requirements in 40 CFR 270.23 incorporated in this rule.*

14. *In addition to the requirements in 40 CFR 270.16 incorporated in this rule, an owner/operator of a facility that treats hazardous waste in a tank system shall meet the requirements in 40 CFR 270.23 incorporated in this rule.*

15. *40 CFR 270.16(h)(2) is not incorporated in this rule.*

16. *An owner/operator who stores, treats, or disposes of hazardous waste in surface impoundments shall provide the following information in addition to the requirements of 40 CFR 270.17 incorporated in this rule: detailed plans and an engineering report explaining the location of the saturated zone in relation to the surface impoundment and the design of a double-liner system that incorporates a leak detection system between liners.*

17. *An owner/operator who disposes of hazardous waste in landfills shall provide the following information in addition to the requirements of 40 CFR 270.21 incorporated in this rule:*

A. *Engineering reports which describe the geology and hydrology of the site and demonstrate the site suitability as required in 10 CSR 25-7.264(2)(N)1.;*

B. *Detailed plans and an engineering report addressing the following items:*

(I) *Management of run off from the disposal facility or unit;*

(II) *Minimization of erosion, landslides, and sloughing;*

(III) *Control of horizontal migration of leachate where applicable;*

(IV) *Delineation of a three hundred foot (300') buffer between the property line of the disposal facility and area to be permitted;*

(V) *Control of wind dispersal of waste particulate matter where applicable;*

(VI) *Control of odor dispersal where applicable; and*

(VII) *Control of escape of gases where applicable.*

C. *Detailed plans and engineering report explaining*

*the location of the saturated zone in relation to the landfill and the design of a double-liner system that incorporates a leachate collection and removal system above and between the liners; and*

*D. An explanation of how the volatile waste standards in 10 CSR 25-7.264(2)(N)4. are met.*

*18. An owner/operator of a hazardous waste treatment facility or operating disposal facility shall submit a health profile as set forth in 10 CSR 25-7.264(2)(P).*

*19. The person applying for a permit under sections 260.350–260.434, RSMo, shall notify the department in the permit application of any convictions for any acts occurring after July 9, 1990, which would have the effect of limiting competition. The applicant, after submission of the permit application and prior to permit issuance, shall notify the department in writing within thirty (30) days of any conviction for any act which would have the effect of limiting competition.*

*20. 40 CFR 270.26 is not incorporated in this rule.]*

*[21.]8. The [owner/operator] owner or operator of a permitted or interim status treatment, storage, and disposal (TSD) facility that accepts and/or ships hazardous waste via railroad tank car (railcar) [shall] may submit a railcar management plan in accordance with the requirements set forth in 10 CSR 25-7.264(3) or 10 CSR 25-7.265(3), as applicable.*

*[22.]9. The person applying for a permit under sections 260.350–260.434, RSMo, shall comply with the requirements of 10 CSR 25-8.124(1).*

(C) Permit Conditions. This subsection sets forth requirements which modify or add to those requirements in 40 CFR part 270 subpart C.

1. This paragraph sets forth the procedures for issuance of a hazardous waste facility permit, construction certification, and authorization to begin operation.

A. If, after public notice in accordance with 10 CSR 25-8.124 and review of the application, the department determines that the application conforms with the provisions of sections 260.350–260.434, RSMo, and all standards and rules corresponding, the department shall issue the hazardous waste facility permit to the applicant upon payment of a fee of one thousand dollars (\$1000) for each facility for each year the permit is to be in effect beyond the first year. The department will issue an EPA identification number to the facility at the time.

*[B. The applicant may begin construction or alterations at the facility in accordance with the approved plans, reports, design specifications, and procedures after receiving the facility permit. When construction is completed as approved in the permit and the financial requirements of this chapter have been fulfilled, the owner/operator shall submit a written request as required in 40 CFR 270.30(l)(2) incorporated in this rule to the department for authorization to begin operation.*

*C. If the permit is for a facility operating under interim status, the department may deny authority to operate under the permit if the construction required under the permit is not completed in accordance with the approved plans within the time period specified in the permit or within the time period as extended by the department for cause due to circumstances beyond the permittee's control.]*

*[D.]B. The appeal period for a permit or any condition of a permit shall begin on the date of issuance of the permit as required in subparagraph (2)(C)1.A. of this rule. However, for the purposes of termination of interim status pursuant to 40 CFR 270.73(a) incorporated in this rule, final administrative disposition of the permit application shall occur either—*

(I) Thirty (30) days after issuance of a letter of authorization pursuant to *[subparagraph (2)(C)1.B. of]* this rule, unless a notice of appeal is filed with the commission within that time;

(II) Thirty (30) days after denial of authorization to operate pursuant to *[subparagraph (2)(C)1.C. of]* this rule, unless a notice of appeal is filed with the commission within that time; or

(III) Upon the issuance of a decision by the commission, after timely appeal of an action *[under subparagraph (2)(C)1.B. or C.]* of this rule.

2. The department may deny the permit application if—

A. The applicant fails to submit a complete application in accordance with, and within the time specified in, a notice of deficiency issued pursuant to 10 CSR 25-8.124(1)(A)3.;

B. The applicant has failed to fully disclose all relevant information in the application or during the permit issuance process or has misrepresented facts at any time;

C. The department determines that the application does not conform with the provisions of sections 260.350–260.434, RSMo, and all corresponding standards and rules, or that the facility cannot be effectively operated and maintained in full compliance with sections 260.350–260.434, RSMo, and all corresponding standards and rules, or that the facility is being operated or maintained in violation of a present permit, or that continued operation of the facility presents an unreasonable threat to human health or the environment or will create or allow for the continuance of a public nuisance;

*[D. The department determines that the applicant owner/operator is a habitual violator as defined in subsection (2)(H) of this rule;]*

*[E.]D. The department determines that one (1) of the conditions specified in section 260.395.17., RSMo, is present; or*

*[F.]E. The applicant [owner/operator] owner or operator fails to submit the permit fees required by subparagraph (2)(C)1.A. of this rule within thirty (30) days of receipt of notice from the department that the fees are due.*

*[3. In 40 CFR 270.30(l)(2) introductory text incorporated in this rule, delete “except as provided in 270.42.”*

*4. The owner/operator of a facility permitted under sections 260.350–260.434, RSMo, shall notify the department in writing of any conviction for any act occurring after July 9, 1990, which would have the effect of limiting competition. This written notification shall be provided within thirty (30) days of the conviction or plea and shall comply with the requirements at subsection (2)(l) of this rule.]*

(D) Changes to Permit. **(Reserved)** *[This subsection sets forth requirements which modify or add to those requirements in 40 CFR part 270 subpart D.*

1. *In addition to the requirements of 40 CFR 270.40(b), the department shall determine, in accordance with subsection (2)(H) of this rule, whether the proposed owner or operator, including an officer or management employee of the proposed owner or operator, is a person described in section 260.395.16, RSMo, and whether any of the conditions specified in section 260.395.17, RSMo, would exist if the proposed transfer were to take place.*

2. *“Revocation and reissuance” of a permit, as that term is used in 40 CFR part 270 incorporated in this rule, shall mean the same as “total modification” as that term is used in 10 CSR 25-8.124.*

3. *The “termination” of a permit, as used in 40 CFR part 270 incorporated in this rule, shall mean the same as “revocation” of a permit as used in 10 CSR 25-8.124.*

4. *The director shall suspend, revoke, or not renew the permit of any person to treat, store, and dispose of hazardous waste if that person has had two (2) or more convictions in any court of the United States or of any state other than Missouri, or two (2) or more convictions within a Missouri court for crimes or criminal acts occurring after July 9, 1990, an element of which involves restraint of trade, price fixing, intimidation of the customers of any person, or for engaging in any other acts which may have the effect of restraining or limiting competition concerning activities regulated under*

Chapter 260, RSMo, the Resource Conservation and Recovery Act, or similar laws of other states within any five (5)-year period. Convictions by entities which occurred prior to the purchase or acquisition by a permittee shall not be included. The permittee shall submit a written report to the department within thirty (30) days of the conviction or plea. The report shall include information explaining the charge(s) on which the permittee was convicted, the date(s) of the conviction(s), and the date(s) and charge(s) of previous convictions.

5. The owner/operator of a facility that has had his/her permit (issued under the provisions of sections 260.350–260.434, RSMo) revoked under section 260.379, RSMo, may apply to the department for reinstatement of his/her permit after five (5) years have elapsed from the date of the last conviction of crimes or criminal acts as described in section 260.379, RSMo. The application must be in writing and accompanied by a reapplication fee, updated permit application, and any other information the department deems necessary in order to reinstate the permit.

6. 40 CFR 270.42(j)(1) and 40 CFR 270.42(j)(2) are not incorporated in this rule.

7. 40 CFR 270.42(l) is not incorporated into this rule.]

(E) Expiration and Continuation of Permits. **(Reserved)** [The director will review all permits for operating disposal facilities every five (5) years after issuance for conformance with applicable current hazardous waste rules and laws. The permit will be modified as necessary to conform with the applicable rules and laws.]

(G) Interim Status. This subsection sets forth requirements which modify or add to those requirements in 40 CFR part 270 subpart G.

1. An [owner/operator] **owner or operator** who becomes regulated under 10 CSR 25-7 shall operate in compliance with interim status in accordance with paragraph/s (2)(A)4. and] (2)(B)1. of this rule.

2. In addition to the items in 40 CFR 270.73 incorporated in this rule, interim status terminates when the department issues an order or commences an action pursuant to paragraph (2)(G)4. of this rule requiring the [owner/operator] **owner or operator** to cease operations and undertake closure actions at the facility or at a unit.

3. The [owner/operator] **owner or operator**, at any time, [voluntarily] may voluntarily submit a permit application pursuant to this rule.

4. Upon a determination by the department that the facility is not being operated or cannot be operated in full compliance with the requirements of 10 CSR 25-7.265, the department, in lieu of or in addition to requiring the submittal of a permit application pursuant to paragraph (2)(G)1. of this rule, may take an enforcement action pursuant to sections 260.410, 260.420, and 260.425, RSMo, as it deems appropriate under the circumstances in order to fully and effectively protect public health and the environment.

(H) Habitual Violators. This subsection describes how the department shall determine whether a hazardous waste management facility permit applicant is a habitual violator for purposes of implementing section 260.395.16, RSMo. This subsection applies to the issuance, reissuance, or total modification of hazardous waste management facility permits, excluding post-closure and corrective action only permits, and to hazardous waste resource recovery facilities for the activities subject to permit requirements in 10 CSR 25-7.264.

1. The department shall consider the applicant's prior operating history pursuant to section 260.395.16, RSMo, during the review of an application for a permit to operate a hazardous waste management or commercial polychlorinated biphenyl (PCB) facility. All documentation required by this subsection shall be submitted along with the information specified in 40 CFR part 270 subparts B and D incorporated

by reference in section (1) of this rule and modified in subsection (2)(B) of this rule, paragraph (2)(D)1. of this rule, and 10 CSR 25-13.010(9)(B).

2. Definitions. The definitions in this paragraph apply to subsection (2)(H) of this rule.

A. Facility, for purposes of calculating violations as required in paragraph (2)(H)5. of this rule, means each permitted, licensed interim status, unpermitted or unlicensed hazardous waste management or commercial PCB facility, solid waste disposal area, solid waste processing facility, certified hazardous waste resource recovery facility, or solid or hazardous waste transporter or transfer station.

B. Person, in addition to the definition in section 260.360(17) RSMo, shall mean an officer or management employee of the applicant, any officer or management employee of any corporation or business which owns an interest in the applicant, any officer or management employee of any business in which an interest is owned by any person, corporation, or business which owns an interest in the applicant, or any officer or management employee of any corporation or business in which an interest is owned by the applicant.

C. Management employee means any individual, including a supervisor, who has the authority to serve as an agent for the employer in that the employee has the authority to perform or effectively recommend any one (1) or more of the following actions: hiring, firing, assigning, or directing other employees with respect to waste management operations.

D. Violation means any one (1) or more of the following actions or an equivalent action by this or another regulatory agency or competent authority in response to any violation of the Missouri solid or hazardous waste management law, the solid or hazardous waste management law of another state, or any federal law governing the management of solid waste, hazardous waste, PCB material, or PCB units:

(I) Final administrative order;

(II) Final permit revocation;

(III) Final permit suspension;

(IV) Civil judgment against the applicant;

(V) Criminal conviction; or

(VI) Settlement agreement in connection with a civil action which has been filed in court.

E. Interest, as used in "owning an interest in," means having control of at least seven and one-half percent (7.5%) of an applicant or person as defined in subparagraph (2)(H)2.B. of this rule. This is determined by multiplying the percentages of ownership at each successive level and comparing this result to a seven and one-half percent (7.5%) cutoff level. For city, county, state, federal, and military-owned facilities, interest, or owning an interest in, is defined as one (1) level above or below the facility applying for the permit. (For example, a military-owned facility shall consider one (1) command level above the base on which the facility will be operated as having an interest in the facility. Likewise, the "command" shall consider itself as having an interest in all facilities within the command).

F. Habitual violator means a person who has failed the habitual violator test set out in paragraph (2)(H)5. of this rule.

3. For the purpose of this subsection, any administrative action or order, judgment, or criminal conviction that has been ruled on appeal in favor of the applicant by a final decision of a competent authority will not be considered to be a violation. If the applicant has an appeal pending, the outcome of which will affect the issuance of a permit, the department shall delay issuance of the permit until a final decision is rendered.

4. The permit applicant shall submit the following information on the Habitual Violator Disclosure Statement form provided by the department, incorporated by reference in this rule, and published in the appendix to this rule as part of the permit application:

A. Names and addresses of all persons meeting any of the following criteria:

(I) Any person who owns an interest in the applicant;

(II) Any person in whom an interest is owned by any person who owns an interest in the applicant; and

(III) Any person in whom the applicant owns an interest;

B. A list of all solid waste management, infectious waste management, commercial PCB management and hazardous waste management permits (Part A and Part B), licenses, certifications, or equivalent documents held within the last ten (10) years by the applicant or any person(s) reported under subparagraph (2)(H)4.A. of this rule, for the operation or post-closure of a solid waste management, infectious waste management, commercial PCB or hazardous waste management facility, or a combination of these, as defined in subparagraph (2)(H)2.A. of this rule, in Missouri or in the United States and for each provide the following information:

(I) Permit or identification number;

(II) Type of permit, license, certification, or equivalent document and dates held;

(III) Name(s) of the person(s) to whom each permit, license, certification, or equivalent document was issued;

(IV) Address or location of each facility; and

(V) Issuing agency;

C. The structure of the applicant in relation to any person(s) reported in accordance with subparagraph (2)(H)4.A.;

D. Names and addresses of the officers and management employees of any person(s) reported in accordance with subparagraph (2)(H)4.A.;

E. A list of all violations, including the identification of any action for which an appeal or final judgment is pending, as defined in subparagraph (2)(H)2.D. of this rule cited within ten (10) years preceding the date of the permit application incurred by any persons required to be reported under subparagraph (2)(H)4.A. or (2)(H)4.D. of this rule. Each listing shall include the following information:

(I) Dates of violations;

(II) A brief description of each violation, including the type of regulatory action taken;

(III) Statutory or regulatory references, or both, to each specific statute or administrative rule that was violated;

(IV) Name and location of the facility cited; and

(V) Name and address of the issuing agency, and name and address of any competent authority with final jurisdiction regarding each violation;

F. A brief description of all incidents in which any person(s) reported under subparagraph (2)(H)4.A or (2)(H)4.D. of this rule have been adjudged in contempt of any court order enforcing the provisions of any state's solid or hazardous waste laws, or federal laws pertaining to hazardous waste;

G. A listing of all facilities as defined at (2)(H)2.A. owned or operated by any person required to be reported at (2)(H)4.A. or (2)(H)4.D. A brief justification as to why the facility has been included on the listing; and

H. All other information requested by the department necessary for the department to conduct an evaluation of the overall operating history of the applicant.

5. The habitual violator test.

A. A total of calculated violations shall be determined by the following formula:

Number of violations (as defined in subparagraph (2)(H)2.D. of this rule), occurring within the ten (10) years preceding the date of the permit application, incurred by any person required to be reported under (2)(H)4.A. or (2)(H)4.D., divided by the total number of facilities (as defined in subparagraph (2)(H)2.A. of this rule) equals the number of calculated violations.

$$\frac{\text{Number of Violations}}{\text{Total Number of Facilities}} = \text{Calculated Violations}$$

B. If the total of calculated violations is two (2.0) or less, the applicant has passed the habitual violator test. If the total of calculated violations is greater than two (2.0), the department will notify the applicant of his/her score. Upon receipt of notification, the applicant shall have thirty (30) days to produce clear and convincing evidence to the department which demonstrates that the applicant is not a habitual violator. The department shall determine whether the evidence is clear and convincing for the purpose of the habitual violator determination. If the evidence produced by the applicant is not found to be clear and convincing, or if no evidence is produced, the department will determine the applicant to be a habitual violator, and the department will notify the applicant of permit denial. If the evidence produced by the applicant is found to be clear and convincing, the department may determine that the applicant has not failed the habitual violator test (if the department determines the applicant has failed, a notice of denial will be sent to the applicant by the department) only after the department has considered the following factors:

(I) The nature and severity of violations;

(II) Any substantial realignment of corporate structure or corporate philosophy, or both;

(III) Any significant pattern of improved environmental compliance;

(IV) The complexity of the facilities and the volume of waste handled; and

(V) Any other relevant factors presented as evidence.

6. The department shall deny a permit for failure of the applicant to provide the required information or for submission of false information.

7. The department may deny a permit for failure of the applicant to provide complete information when submission of the information is required by this rule.

8. The department shall deny a permit if the applicant has failed the habitual violator test specified in paragraph (2)(H)5. of this rule.

9. The department shall not issue a permit to an applicant or a person who has offered in person or through an agent any inducement, including any discussion of possible employment opportunities, to any department employee when that person has an application for a permit pending or a permit under review. Distribution of job announcements from an applicant to the department, which are made in the regular course of business and are intended for general dissemination, shall not be considered improper inducements.

10. The department shall deny a permit if any person(s) reported in accordance with subparagraph (2)(H)4.A. or (2)(H)4.D. of this rule has been adjudged in contempt of any court order enforcing the provisions of any state's solid or hazardous waste management laws, or federal laws pertaining to hazardous waste.

11. Any person aggrieved by a permit denial under this

subsection may appeal the decision by filing a petition with the Missouri Hazardous Waste Management Commission within thirty (30) days of notice of denial. The appeal hearing shall be conducted in accordance with section 260.400, RSMo, and 10 CSR 25-8.124(2).

(l) Restraint of Trade.

1. Any person, as defined in section 260.379.1, RSMo, applying for a permit to operate a hazardous waste treatment, storage, or disposal facility shall notify the director of any conviction occurring after July 9, 1990, for any crimes or criminal acts specified in section 260.379, RSMo. The person shall include any crimes or criminal acts for which an appeal or about which a final judgment is pending. The applicant shall submit this information with the permit application. Any person with a permit application pending, or to whom a permit has been granted, shall notify the department within thirty (30) days of the conviction or plea. The information shall be submitted in the form of a disclosure statement worded as specified in paragraph (2)(l)4. and shall include the following information:

- A. Date of conviction or plea;
- B. The specific charge and statutory citation;
- C. Statutory or regulatory references, or both, and citations to each specific statute or administrative rule that was violated;
- D. Name and location of each facility or person cited;
- E. Name and address of the court; and
- F. Any other information requested by the department.

2. The department shall deny, suspend, revoke, or not renew a permit if the applicant or permittee fails to submit the required information, the information submitted is false, or the applicant or permittee exceeds the number of convictions allowed under section 260.379, RSMo.

3. Rehabilitation and reinstatement.

A. A person may apply to the department for reinstatement of a permit that has been revoked under the provisions of subsection (2)(l) of this rule and section 260.379, RSMo, no sooner than five (5) years after revocation. The person shall demonstrate to the department that s/he had no convictions or pleas for any crimes or criminal acts as specified in section 260.379, RSMo, in any court in any state, or any federal court, within five (5) years preceding the request for reinstatement. The person shall also prove that no litigation or appeal is pending against the person for any crimes or criminal acts specified in section 260.379, RSMo.

B. If the permit is reinstated, the permittee, for a period of five (5) years from the date of reinstatement, shall file semi-annual disclosure statements prepared in accordance with the requirements of this subsection (2)(l).

C. If any conviction or plea for the acts specified in section 260.379, RSMo, is entered in any court in any state during the five (5)-year period immediately following reinstatement, the reinstated permit shall be revoked for a period of at least five (5) years. Following this five (5)-year period, the person may reapply for reinstatement of the permit.

4. The disclosure statement specified in paragraph (2)(l)1. of this rule shall be worded as follows, except that instructions in parentheses are to be replaced with the relevant information, and the parentheses deleted:

(Name of permit applicant) (insert, "EPA Identification Number \_\_\_\_\_," if applicable) hereby certifies that the following list contains all instances in which any person, as defined by section 260.379.1, RSMo, has been convicted or pled to any crimes or criminal acts an element of which involves restraint of trade, price-fixing, intimidation of the customers of any person, or for engaging in any other acts

which may have the effect of restraining or limiting competition concerning activities regulated under Chapter 260, RSMo, or similar laws of other states or the federal government; except that convictions for violations by entities purchased or acquired by an applicant or permittee which occurred prior to the purchase or acquisition, shall not be included. (For each conviction or plea required to be reported, provide a listing of the information required in 10 CSR 25-7.270(2)(l)1.A.-F. If no conviction or plea is required to be reported, so state.)

I hereby certify the following:

a) The above information is complete and truthful as of the date this statement was signed;

b) The wording of this disclosure statement is identical to the wording specified in 10 CSR 25-7.270(2)(l)4. on the date this statement was signed; and

c) In such matters, I, the undersigned, do have the authority to act as agent for the permit applicant.

(Signature)

(Name)

(Title)

(Date)

(Seal)

(Notary seal and signature)]

**AUTHORITY:** sections 260.370, 260.373, [RSMo Supp. 2010 and sections] 260.390, and 260.395, RSMo [2000] Supp. 2013. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For intervening history, please consult the *Code of State Regulations*. Amended: Filed April 15, 2015.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on June 18, 2015 at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on June 25, 2015. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on June 25, 2015. Email comments shall be sent to [tim.eiken@dnr.mo.gov](mailto:tim.eiken@dnr.mo.gov). Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1738 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 8—Public Participation and General Procedural  
Requirements**

**PROPOSED AMENDMENT**

**10 CSR 25-8.124 Procedures for Decision Making.** The commission is amending the purpose statement of the rule.



*PURPOSE:* The purpose of this amendment is to remove a reference to a specific edition of the Code of Federal Regulations. By removing this date, the statement will accurately reflect the fact that, unlike other rules in Title 10, Division 25 of the Code of State Regulations, this rule is a standalone rule and does not incorporate by reference a corresponding regulation from the Code of Federal Regulations. As a standalone rule, although it reflects similar requirements found in Title 40, Part 124 of the Code of Federal Regulations, those regulations are not incorporated by reference. The commission is amending only the purpose statement of the rule.

*PURPOSE:* This rule reflects the requirements of the federal regulations in 40 CFR part 124 [July 1, 2010], with modifications and additional requirements established by the **Revised Statutes of Missouri**. This rule establishes the requirements for public notice and public participation in the issuance, denial, modification, and revocation of hazardous waste management facility permits, appeal hearings, variance petitions, and closure and post-closure activities. This rule also specifies procedures for the issuance, modification, and revocation of resource recovery facility certifications and the issuance and revocation of transporter licenses.

*AUTHORITY:* section 260.370, RSMo Supp. [2010] 2013, and sections 260.400, 260.405, and 260.437, RSMo 2000. Original rule filed June 1, 1998, effective Jan. 30, 1999. Amended: Filed Feb. 1, 2001, effective Oct. 30, 2001. Amended: Filed April 15, 2011, effective Dec. 30, 2011. Amended: Filed April 15, 2015.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on June 18, 2015 at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on June 25, 2015. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on June 25, 2015. Email comments shall be sent to [tim.eiken@dnr.mo.gov](mailto:tim.eiken@dnr.mo.gov). Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1738 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 9—Resource Recovery**

**PROPOSED AMENDMENT**

**10 CSR 25-9.020 Hazardous Waste Resource Recovery Processes.** The commission is amending sections (1), (2), and (3) and the authority section of the rule.

*PURPOSE:* As a result of changes being proposed to other rules in Title 10, Division 25 of the Code of State Regulations, corresponding

changes are necessary to this rule to implement the changes being made to those other rules as this rule includes terms and references that are being amended in other rules.

(1) Applicability.

(A) This rule applies to [the] owners[] and operators of [the facility which] facilities that reclaim/s) or reuse/s) hazardous waste defined or listed in 10 CSR 25-4.261 for materials, or transforms hazardous waste into new products which are not hazardous waste. This rule does not apply to facilities managing recyclable materials used for precious metal recovery in accordance with 40 CFR 266.70 as incorporated by reference in 10 CSR 25-7.266(1), and hazardous waste processes required to be permitted in accordance with 40 CFR part 264 subpart M, O, or X as incorporated in 10 CSR 25-7.264 or 40 CFR part 266 subpart H as incorporated in 10 CSR 25-7.266. This rule does not apply to the owner[] or operator of a totally enclosed treatment facility referenced in 40 CFR 264.1(g)(5) incorporated by reference in 10 CSR 25-7.264(1) and 40 CFR 265.1(c)(9) incorporated by reference in 10 CSR 25-7.265(1). A certification is not required under this rule for the owner[] or operator of a facility managing used oil in accordance with 40 CFR part 279 as incorporated in 10 CSR 25-11.279(1). Hazardous waste shall be stored in accordance with 10 CSR 25-5.262—10 CSR 25-112.010/9.020.

1. A generator, not exempted by section (2) of this rule, who utilizes a certified resource recovery facility shall comply with 10 CSR 25-5.262 but is exempt from certain generator fees and taxes to the extent specified in 10 CSR 25-12.

2. Transportation of hazardous waste to a resource recovery facility shall be in compliance with 10 CSR 25-6.

3. The owner[] or operator of a facility which uses, reuses, legitimately recycles, or reclaims hazardous waste shall apply for and operate in accordance with a resource recovery facility certification issued by the department except as provided otherwise in this rule.

4. [The owner/operator of a facility that recycles hazardous wastes in units defined in 10 CSR 25-7.264(2)(AA) and (BB) and 10 CSR 25-7.265(2)(AA) and (BB), and is subject to the permitting requirements in 10 CSR 25-7.270 shall comply with 10 CSR 25-7.264(2)(AA) and (BB), and 10 CSR 25-7.265(2)(AA) and (BB).] The owner or operator of a resource recovery facility that is subject to permitting requirements in 40 CFR part 270, incorporated by reference in 10 CSR 25-7.270(1), and that recycles hazardous wastes in units subject to 40 CFR part 264 subparts (AA) and (BB) or 40 CFR part 265 subparts (AA) and (BB) shall comply with all applicable requirements from those parts and subparts.

5. The owner[] or operator of a facility exempt from permitting requirements in 40 CFR part 266 subpart H, as incorporated in 10 CSR 25-7.266(1), that recycles materials used for precious metal recovery in units defined in 40 CFR 266.100, as incorporated in 10 CSR 25-7.266(1), shall comply with the requirements in 40 CFR 266.100(f)/112 as incorporated in 10 CSR 25-7.266(1).

(2) Exempt Resource Recovery Facilities.

(B) Exempt resource recovery facilities shall notify the Missouri Department of Natural Resources (MDNR), Hazardous Waste Program, P./O./ Box 176, Jefferson City, MO 65102 of their resource recovery activities. This notification shall identify the owner[] and operator, the name and location of the facility, an identification of the waste(s) recovered, method(s) of recovery, and approximate annual quantity of waste recovered.

(3) The owner[] or operator of a facility which uses, reuses, legitimately recycles, or reclaims hazardous waste and is not exempted from certification requirements under section (2) of this rule shall apply for and operate in accordance with a resource recovery facility certification issued by the department.

(A) Based on the hazardous wastes accepted and the method of



management, resource recovery facilities not exempted under section (2) will be certified as a U, R1, or R2 facility. This designation will be made as follows:

1. U—This classification applies to facilities that use, reuse, legitimately reclaim, or recycle more than one thousand kilograms (1000 kg) of hazardous waste on-site in a calendar month;

2. R1—This classification applies to *[the]* owners// and operators of mobile recycling processes that recycle/s/ hazardous waste for reuse at the site of generation and does not involve the recycling of hazardous waste to be reused off-site of generation; and

3. R2—This classification applies to a facility which accepts hazardous waste from off-site.

A. R2 facilities must meet and provide verification of adequate financial assurances to close the resource recovery facility in accordance with paragraphs (3)(C)3. and 4. of this rule.

B. *(Reserved)*

(B) The owner// or operator of a resource recovery facility not exempt under subsection (2)(A) of this rule, shall submit an application to the department for a resource recovery facility certificate which includes, as applicable, the following information:

1. A certified resource recovery facility application form provided by the department and completed according to directions;

2. A flowsheet depicting the flow of waste throughout the process. The flowsheet shall commence at the point of generation of the MDNR waste and shall continue through the reclamation process;

3. A quality control plan which includes the following unless determined by the department not to be applicable:

A. A plan to insure that the quality and type of waste processed are compatible with the successful operation of the resource recovery unit so that—

(I) Specific waste streams are defined in this plan;

(II) Test results are maintained at the facility for a period of at least three (3) years; and

(III) A contingency plan is formulated for incoming shipments which do not meet the specified limitations provided;

B. A plan outlining all tests performed on the product of the reclamation unit(s); and

C. A plan for treatment or disposal, or both, of any residues generated as a result of the process;

4. A legible drawing having a scale adequate to delineate the following:

A. The boundary of the facility;

B. The different facility segments or processes which generate hazardous waste(s);

C. Areas where hazardous waste is stored;

D. The location(s) of resource recovery unit(s) or process(es), or both;

E. Areas where the reclaimed product of the facility is stored; and

F. Any spill control equipment located at the facility; and

5. Identification of emergency response procedures and capabilities at the facility.

(C) In addition to the requirements in subsection (3)(B) of this rule, the owner// or operator of an R2 facility shall comply with the following:

1. Submit a sampling and analysis plan for incoming shipments to assure that the quality and type of wastes accepted are compatible with the successful operation of the facility;

2. Maintain a daily log which indicates the manifest number associated with each hazardous waste received and the immediate disposition of those wastes as part of its operating record in compliance with paragraph (3)(E)5. of this rule. The analytical data obtained as a result of the sampling and analysis plan shall correspond directly with the manifest;

3. Provide a closure plan and cost estimate for closure of the resource recovery activity at the facility prepared in accordance with **40 CFR part 264 subpart G, incorporated by reference in 10 CSR**

25-7.264/(2)(G)(1); and

4. Provide, as specified in **40 CFR 264 subpart H, as incorporated by reference in 10 CSR 25-7.264(1)**, a financial assurance mechanism to cover the closure cost estimate.

(D) The owner// or operator of a certified resource recovery facility shall submit a complete application for renewal of certification or a notification of intent to cease operations and close at least ninety (90) days prior to expiration of the prior certification. The owner// or operator of a proposed non-exempt resource recovery facility shall submit a complete application at least ninety (90) days prior to construction and operation of the facility. Upon receipt of a complete application, the department will have ninety (90) days to issue a certificate for operation or to reject the application for stated cause. The resource recovery certification may be issued for no longer than two (2) years. The applicant may appeal the decision in accordance with 10 CSR 25-8. Operation of the resource recovery facility shall not occur until the resource recovery certification has been issued.

(E) Operating Standards for All Certified Resource Recovery Facilities.

1. At least sixty (60) days prior to a major change at the resource recovery facility, the owner// or operator of the certified resource recovery facility shall submit a written request to the department for approval of that change. A major change shall include, but not be limited to, a change in a recovery process, the addition of a new recovery process, a ten percent (10%) or greater increase in the monthly quantity of any hazardous waste recovered, a change in ownership or operational control, or the closure of a resource recovery unit.

A. If any reclamation unit is removed from use, a plan addressing the disposition of the unit and the hazardous waste shall accompany the written request.

B. Within thirty (30) days after closure of any resource recovery unit, the owner// or operator must submit written notice to the department that the resource recovery unit has been closed and all hazardous waste or hazardous waste residue which was not recovered or recycled prior to the closure was disposed of in accordance with 10 CSR 25-3—10 CSR 25-7.

2. The owner// or operator shall submit a written request to the department for approval of a minor change at least thirty (30) days prior to the change. A minor change shall include, but not be limited to, the addition or deletion of a recyclable waste stream or a change in the operational procedures of the recycling process.

3. The owner// or operator shall maintain a copy of the certification and all approved modifications in an orderly manner at the facility. Modification of the resource recovery facility shall not occur until approval has been obtained from the department. The owner// or operator shall operate in accordance with the certification as it was approved or modified by the department.

4. The owner// or operator shall comply with manifest system requirements in 40 CFR 264.71 and 264.72 as incorporated in 10 CSR 25-7.264(1).

5. The owner// or operator shall comply with requirements for the operating record in *[10 CSR 25-7.264(2)(E)2. and]* 40 CFR 264.73(b)(1) and (2) as incorporated in 10 CSR 25-7.264(1).

6. The owner// or operator shall comply with reporting requirements in 10 CSR 25-7.264(2)(E)/3./2. and 40 CFR 264.76 as incorporated in 10 CSR 25-7.264(1).

7. Storage of hazardous waste as defined in 10 CSR 25-4.261, prior to resource recovery, does not require a permit or interim status pursuant to 10 CSR 25-7 if the following conditions are met:

A. Interim status or a permit for this storage is not required under 40 CFR part 270 as incorporated in 10 CSR 25-7.270(1);

B. Still bottoms produced from resource recovery processes may be stored in accordance with *[the satellite accumulation provisions of 10 CSR 25-5.262(2)(C)3.]* **40 CFR part 262, incorporated by reference in 10 CSR 25-5.262(1)**, until necessary to move to a storage area prior to shipment or disposal, or both. Once satellite accumulation ends, the facility has ninety (90) days to ship or dispose, or both, of the still bottoms, irrespective of any accumulation times of

the waste solvents prior to reclamation; and

C. Storage of hazardous waste shall be in compliance with 10 CSR 25-5—10 CSR 25-9.020. (Note: Underground storage tanks may need to meet additional requirements (that is, 40 CFR part 280) as directed by the United States Environmental Protection Agency and the MDNR [Water Pollution Control] Hazardous Waste Program.)

*AUTHORITY: sections 260.370, 260.373, 260.395, RSMo Supp. 2013, and section 260.437, RSMo 2000. Original rule filed Feb. 16, 1990, effective Dec. 31, 1990. For intervening history, please consult the Code of State Regulations. Amended: Filed April 15, 2015.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on June 18, 2015 at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.*

*Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on June 25, 2015. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on June 25, 2015. Email comments shall be sent to tim.eiken@dnr.mo.gov. Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1738 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.*

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 11—Used Oil**

**PROPOSED AMENDMENT**

**10 CSR 25-11.279 Recycled Used Oil Management Standards.**  
The commission is amending sections (1) and (2) of the rule.

*PURPOSE: The first reason for this amendment is to update the incorporation by reference of 40 CFR part 279 from the July 1, 2010 edition to the July 1, 2013 edition. In doing so, all changes to part 279 during this time period will be incorporated into the state rules. Second, there are some minor changes to this rule that are necessary as a result of the changes that are being proposed to other rules in Title 10, Division 25 of the Code of State Regulations, including the deletion of some text in this rule in order to be consistent with the proposed changes to those other chapters and renumbering the rule text accordingly.*

(1) The regulations set forth in 40 CFR parts 110.1, 112, and 279, July 1, [2010] 2013, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth

in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

(2) This section sets forth specific modification to 40 CFR part 279, incorporated by reference in section (1) of this rule. A person managing used oil shall comply with this section in addition to the regulations in 40 CFR part 279. In the case of contradictory or conflicting requirements, the more stringent shall control. (Comment: This section has been organized so that Missouri additions, changes, or deletions to a particular lettered subpart in 40 CFR part 279 are noted in the corresponding lettered subsection of this section. For example, changes to 40 CFR part 279 subpart A are found in subsection (2)(A) of this rule.)

(A) Definitions. This subsection sets forth requirements which modify or add to those requirements in 40 CFR part 279 subpart A.

1. The definition of do-it-yourself used oil collection center at 40 CFR 279.1 is amended to allow these sites or facilities to accept/aggregate and store used oil collected from household do-it-yourselfers and farmers not regulated by 40 CFR part 279 subpart C as incorporated in this rule.

2. The definition of used oil at 40 CFR 279.1 is amended as follows:

A. Used oil includes, but is not limited to, petroleum-derived and synthetic oils which have been spilled into the environment or used for lubrication/cutting oil, heat transfer, hydraulic power, or insulation in dielectric transformers[;].

[B. Used oil does not include petroleum-derived or synthetic oils which have been used as solvents. (Note: Used ethylene glycol is not regulated as used oil under this chapter.); and]

[C. Except for used oil that meets the used oil specifications found in 40 CFR 279.11, any amount of used oil that exhibits a hazardous characteristic and is released into the environment is a hazardous waste and shall be managed in compliance with the requirements of 10 CSR 25, Chapters 3, 4, 5, 6, 7, 8, 9, and 13. Any exclusions from the definition of solid waste or hazardous waste will apply.]

3. The definition of “used oil aggregation point” at 40 CFR 279.1 is amended to allow these sites or facilities to accept/aggregate and store used oil from household do-it-yourselfers and farmers not regulated by 40 CFR part 279 subpart C as incorporated in this rule.

4. The definition of used oil collection center at 40 CFR 279.1 is amended to allow these centers to accept/aggregate and store used oil from household do-it-yourselfers and farmers not regulated by 40 CFR part 279 subpart C as incorporated in this rule.

(B) Applicability. This subsection sets forth requirements which modify or add to those requirements in 40 CFR part 279 subpart B.

[1. 40 CFR 279.10(b)(2) is not incorporated in this rule.

2. Mixtures of used oil and hazardous waste are subject to the following:

A. Except as provided for in subparagraphs (2)(B)2.B. and C. of this rule, used oil that is mixed with hazardous waste shall be handled according to 10 CSR 25-3, 4, 5, 6, 7, 8, 9, and 13;

B. Used oil that is mixed with hazardous waste that solely exhibits the characteristic of ignitability or is mixed with a listed hazardous waste that is listed solely because it exhibits the characteristic of ignitability shall be managed as a used oil; provided that the subsequent mixture does not exhibit the characteristic of ignitability; and

C. A generator who generates and accumulates hazardous waste in amounts less than those described in 10 CSR 25-3.260(1)(A)25. shall handle mixtures of used oil with hazardous waste as a used oil.]

[3.]1. 40 CFR 279.10(c) is modified as follows. Used oil drained or removed from materials containing or otherwise contaminated with used oil shall be managed as a hazardous waste if the used oil exhibits a hazardous characteristic. Any exclusions from the

definition of solid waste or hazardous waste will apply.

[4.]2. In 40 CFR 279.10(f), incorporated by reference in this rule, delete “subject to regulation under either section 402 or section 307(b) of the Clean Water Act (including wastewaters at facilities which have eliminated the discharge of wastewater)” and in its place substitute “regulated under Chapter 644, RSMo, the Missouri Clean Water Law.”

[5.]3. In addition to the prohibitions of 40 CFR 279.12, incorporated by reference in this rule, the following shall apply:

A. All used oil is prohibited from disposal in a solid waste disposal area; and

B. Used oil shall not be disposed of into the environment or cause a public nuisance.

(D) Standards for Used Oil Collection Centers and Aggregation Points. This subsection sets forth requirements which modify or add to those requirements in 40 CFR part 279 subpart D.

1. Do-it-yourselfer used oil collection centers, used oil collection centers, and used oil aggregation points owned by the generator may accept used oil from farmers not regulated under 40 CFR part 279 subpart C.

2. In addition to the requirements of 40 CFR part 279 subpart D, do-it-yourselfer used oil collection centers, used oil aggregation points, and used oil collection centers shall notify the solid waste district in which they operate or the department’s Hazardous Waste Program of their used oil collection activities.

A. Notification shall be by letter and shall include the following:

(I) The name and location of the collection center;

(II) The name and telephone number of the owner[/] or operator;

(III) The name and telephone number of the facility contact, if different from the owner[/] or operator;

(IV) The type of collection center; and

(V) The dates and hours of operation.

B. The notification submitted by a used oil collection center will satisfy the requirement of 40 CFR 279.31(b)(2) that the used oil collection center be recognized by the state.

C. Do-it-yourselfer used oil collection centers, used oil collection centers, and used oil aggregation points shall notify the solid waste district in which they operate or the department’s Hazardous Waste Program when their used oil collection activities cease.

D. The notifications to operate or cease to operate received by a solid waste district shall be transmitted to the department’s Hazardous Waste Program for public information purposes or be incorporated in the information submitted to the department as part of their regular reporting requirements.

3. No quantity of used oil collected by do-it-yourselfer oil collection centers, used oil collection centers, and used oil aggregation points shall be stored for more than twelve (12) months at the collection center or aggregation point.

4. Do-it-yourselfer used oil collection centers, used oil collection centers, and used oil aggregation points shall keep all tanks and containers that are exposed to rainfall closed at all times except when adding or removing used oil.

5. Used oil collection centers, do-it-yourselfer used oil collection centers, and used oil aggregation points shall have a means of controlling public access to the used oil storage area.

A. Access control may be an artificial or natural barrier which completely surrounds the storage area or access control may be achieved by storing the used oil inside a locked building.

B. An attendant shall be present when the public has access to the do-it-yourselfer used oil collection center, used oil collection center, and used oil aggregation point. No public access shall be allowed to the stored used oil when the collection center or aggregation point is unattended.

(I) Standards for Use as a Dust Suppressant and Disposal of Used Oil. This subsection sets forth requirements which modify or add to those requirements in 40 CFR part 279 subpart I.

1. 40 CFR 279.81 is not incorporated in this rule. Instead of the requirements in 40 CFR 279.81, the following shall apply:

A. Used oil that cannot be or is not intended to be recycled in accordance with this rule shall be managed in accordance with 10 CSR 25-5, 6, 7, 9, and 13, and release of even non-hazardous used oil into the environment is prohibited[; and].

[B. Used oil that cannot be or is not intended to be recycled in accordance with this rule shall be assigned the Missouri waste code number D098.]

2. The use of used oil as a dust suppressant on a road, parking lot, driveway, or other similar surface is prohibited.

3. 40 CFR 279.82 is not incorporated in this rule.

*AUTHORITY: section 260.370, RSMo Supp. [2010] 2013. Original rule filed Jan. 5, 1994, effective Aug. 28, 1994. For intervening history, please consult the Code of State Regulations. Amended: Filed April 15, 2015.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on June 18, 2015 at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.*

*Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on June 25, 2015. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on June 25, 2015. Email comments shall be sent to tim.eiken@dnr.mo.gov. Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1738 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.*

## **Title 10—DEPARTMENT OF NATURAL RESOURCES Division 25—Hazardous Waste Management Commission Chapter 13—Polychlorinated Biphenyls**

### **PROPOSED AMENDMENT**

**10 CSR 25-13.010 Polychlorinated Biphenyls.** The commission is amending sections (1), (2), (3), (4), (6), (7), (8), (9), and (10) of the rule.

*PURPOSE: The first reason for this amendment is to update the incorporation by reference of 40 CFR part 279 from the July 1, 2010 edition to the July 1, 2013 edition. In doing so, all changes to part 279 during this time period will be incorporated into the state rules. Second, there are some minor changes to this rule that are necessary as a result of the changes that are being proposed to other rules in Title 10, Division 25 of the Code of State Regulations, including the deletion of some text in this rule in order to be consistent with the proposed changes to those other chapters and renumbering the rule text accordingly.*

(1) The regulations set forth in 40 CFR parts 761.3, 761.30(a)(2)(v),

761.60(b)(1)(i)(B), 761.60(g), 761.65(b), 761.71, 761.79, 761.72, and 761.180(b), July 1, *[2010]* 2013, as published by the Office of Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

(2) Applicability.

(B) *[Waste]* Used oil containing PCBs at a concentration of less than fifty parts per million (50 ppm) and not otherwise meeting the definition of PCB material shall be managed in accordance with 10 CSR 25-11.

(3) Definitions and Substitution of Terms. This section supplements and modifies the definitions in 10 CSR 25-3 and 10 CSR 25-7.

(A) Additional Definitions.

1. Consignor means an owner// or operator who transfers control of a shipment of PCB material, PCB units, or both to a transporter for conveyance to a Missouri PCB facility.

2. High efficiency boiler means one of the following: a boiler which meets the requirements of 40 CFR 761.71(a) or a boiler that has been approved by Environmental Protection Agency (EPA) under 40 CFR 761.71(b). PCB facility owners// or operators shall not destroy PCBs in concentrations exceeding five hundred parts per million (500 ppm) in a high efficiency boiler.

3. A facility is in operation if all components of the facility necessary for it to function as a PCB facility have been completely constructed, the facility is functioning as a PCB facility and the facility owner// or operator has received remuneration for such function at the facility.

4. Large PCB unit means a PCB unit weighing in excess of one hundred pounds (100 lbs.), not including the weight of any PCB material contained within the PCB unit.

5. PCB-contaminated metals reclamation incinerator means a thermal treatment unit which is utilized to remove organic material and residual PCBs from PCB units which formerly contained PCBs at concentrations of less than five hundred parts per million (500 ppm).

6. PCB(s) means any chemical substance that is limited to the biphenyl molecule that has been chlorinated to varying degrees or any combination of substances which contain this substance.

7. A PCB facility is one which accepts PCB material, PCB units, or both for brokerage, treatment, storage, or disposal on a commercial basis for remuneration.

8. PCB incinerator means an engineered device using controlled flame combustion to thermally degrade PCB material, PCB units, or both that is not classified as a high efficiency boiler or a PCB-contaminated metals reclamation incinerator.

9. PCB material is defined as any waste chemical substance that is known or assumed to contain equal to or greater than fifty parts per million (50 ppm) PCBs, or any mixture of a waste chemical substance that is known or assumed to contain equal to or greater than fifty parts per million (50 ppm) PCBs with a chemical substance containing less than fifty parts per million (50 ppm) PCBs. Unless tested in accordance with 40 CFR 761.60(g), oil in or from electrical equipment (except circuit breakers, reclosers, and cable) for which the PCB concentration is unknown must be assumed to contain equal to or greater than fifty parts per million (50 ppm) PCBs.

10. PCB units are defined as any waste manufactured item which contains or did contain PCB material, excluding the following PCB articles and PCB containers:

A. Small capacitors that remain as components of waste manufactured items;

B. PCB articles containing PCBs at concentrations of less

than five hundred parts per million (500 ppm), provided that the article is first drained of all free-flowing liquids, filled with a solvent that readily solubilizes PCBs (for example, kerosene, toluene), allowed to stand for at least eighteen (18) hours and then drained thoroughly;

C. PCB articles containing PCBs at concentrations of less than five hundred parts per million (500 ppm), provided that the article is first drained of all free-flowing liquids and then thermally treated for the purpose of degrading the residual PCBs and combustible material. *[(Note: Minimum technical standards for thermal treatment of PCB articles are set forth in subsection (11)(A) of this rule.)]*;

D. PCB containers that are decontaminated in accordance with 40 CFR 761.79;

E. PCB articles and PCB containers which have internal and external surfaces that have been decontaminated to less than ten micrograms (10 µg) PCBs per one hundred centimeters squared (100 cm<sup>2</sup>) surface area;

F. Electrical equipment that has been reclassified to non-PCB status pursuant to 40 CFR 761.30(a)(2)(v); and

G. PCB articles and PCB containers that are decontaminated by an alternate method, if approved by the department.

11. Treatment means any method, technique, or process, including degreasing, designed to change the physical, chemical, or biological character or composition of any PCB material or PCB units so as to recover energy or material resources from the waste or render the waste nontoxic or less toxic, to render the waste safer for transportation, storage, or disposal or to make the waste more suitable for recovery, storage, or volume reduction.

(4) Manifesting, Record Keeping, and Reporting.

(B) Manifests. **All shipments destined to or originating from a Missouri PCB facility shall meet the requirements of 40 CFR 761.207 through 40 CFR 761.219. Any required reports shall be submitted to the department as well as to the EPA Regional Administrator. [All shipments destined to or originating from a Missouri PCB facility shall use EPA's Uniform Hazardous Waste Manifest. The owner/ operator of a Missouri PCB facility who ships PCB material, PCB units, or both off-site for treatment, storage, or disposal shall comply with the following requirements:**

1. *The owner/operator of a Missouri PCB facility shall contract with the designated facility to return the completed manifest to the Missouri PCB facility within thirty-five (35) days after the date the waste was accepted by the initial transporter;*

2. *An owner/operator of a Missouri PCB facility who does not receive a copy of the PCB manifest with a handwritten signature of the owner/operator of the designated facility within thirty-five (35) days of the date the waste was accepted by the initial transporter shall contact the transporter, the owner/operator of the designated facility, or both, to determine the status of the consignment;*

3. *An owner/operator of a Missouri PCB facility who has not received the completed manifest with the handwritten signature of the owner/operator of the designated facility within thirty-five (35) days from the date the waste was accepted by the initial transporter shall submit a completed exception report to the department within forty-five (45) days from the date the waste was accepted by the initial transporter; and*

4. *The exception report shall include the following: the name, address, and telephone number of the Missouri PCB facility; the name, address, and telephone number and Missouri transporter license number for each transporter; the name, address, and telephone number of the designated facility; the manifest document numbers followed by the date of shipment; the waste description and the PCB identification*

number(s); the total quantity of PCB material, PCB units, or both, and the appropriate abbreviation for units of measure as follows: G—gallons (liquids only); P—pounds; T—tons (2,000 lbs.); Y—cubic yards; L—liters (liquid only); K—kilograms; M—metric tons (1,000 kg); N—cubic meters; the following certification statement, signed and dated by an authorized representative of the Missouri PCB facility: “I have personally examined and am familiar with the information submitted on this form. I hereby certify that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information which include fine and imprisonment”; a legible copy of the manifest document originated by the Missouri PCB facility and signed by the initial transporter which was retained by the Missouri PCB facility and for which the Missouri PCB facility does not have confirmation of delivery; and a cover letter signed by the facility owner/ or operator or his/her authorized representative explaining the efforts taken to locate the PCB material, PCB units, or both, and the results of those efforts.]

(D) Reporting Requirements. The owner// or operator of a PCB facility shall submit the following reports to the department:

1. The owner// or operator shall submit an annual report by July 15 of each year that covers the previous calendar year. The annual report shall be prepared in accordance with 40 CFR 761.180(b).

2. The owner// or operator shall complete and submit, within forty-five (45) days after the end of each calendar quarter, a quarterly report that includes the following information:

- A. The name, address, and phone number of the facility;
- B. The quarter for which the report is prepared;
- C. A summary of the total quantity of PCB material and PCB units (designated by PCB identification number) received during the quarter. For the purpose of this report, any dielectric fluid drained from electrical equipment shall be designated as M001 or M004, as applicable;
- D. A summary of the total quantity of PCB material and PCB units (designated by PCB identification number) generated on-site;
- E. A summary of the total quantity of PCB material and PCB units (designated by PCB identification number) treated on-site and the method of treatment;
- F. A summary of the total quantity of PCB material and PCB units (designated by PCB identification number) transferred to other treatment, storage, or disposal facilities. A summary shall be prepared for each individual facility utilized and shall include a list of shipping dates and the method of final disposition;
- G. A summary of the total quantity of PCB material and PCB units (designated by PCB identification number) retained at the facility at the end of the reporting quarter;

H. In chronological order, a copy of each PCB manifest received during the reporting quarter;

I. In chronological order, all completed manifests utilized for off-site shipments during that calendar quarter; and

J. A certification which reads: “CERTIFICATION: I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete for the quarterly accounting of PCB material so handled, and the operations of the facility referenced herein. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.” The original signature of the owner// or operator shall follow this certification.

(E) Operating Record. The owner// or operator of a PCB facility shall maintain a written operating record. This subsection sets forth record keeping requirements for storage and transfer operations. A PCB facility shall also comply with the applicable record keeping

requirements set forth in sections (7) and (8) of this rule. The information required in this subsection shall be recorded, as it becomes available, and maintained in the operating record of the facility until closure of the facility.

1. When PCB material is transferred from a PCB article or PCB container to a PCB container (for example, bulk tank or drum), the owner// or operator shall record the following information:

- A. The date of transfer;
- B. The quantity of PCB material transferred;
- C. The appropriate PCB identification number or some other reference to the type of material and PCB concentration;
- D. Identification of the container into which the PCBs were transferred; and
- E. The manifest document number from the manifest that accompanied the consignment or some other type of cross reference to the manifest document number.

2. When PCB material is transferred from a bulk tank to a tank truck, the owner// or operator shall record information that indicates—

- A. The date transported;
- B. The tank identification and tank level or the quantity of PCB material removed from the tank; and
- C. The manifest document number(s) associated with the off-site shipment(s).

(6) Provisionally Regulated PCB Facilities.

(B) The owners// or operators of provisionally regulated PCB facilities shall comply with the following:

1. Notification. The facility owner// or operator shall submit a notification letter to the department prior to commencing operation as a PCB facility. The notification letter shall include the following information:

- A. The facility name, address, and telephone number; and
- B. A description of the existing and proposed treatment and storage methods and capacities;

2. Manifesting. PCB articles that are transported to a facility for the purpose of servicing need not be accompanied by a manifest; and

3. Owners// or operators of PCB-contaminated metals reclamation incinerators shall meet the minimum technical standards in subsection (12)(A) of this rule.

(D) The owner// or operator of a provisionally regulated PCB facility who fails to operate within the criteria of subsection (6)(A) of this rule or who fails to comply with the requirements of subsection (6)(B) of this rule may be required to meet any or all of the requirements of this rule.

(7) Mobile Treatment Units.

(B) MTUs are exempt from sections (4), (8), (9), and (10) of this rule provided that—

1. The owner// or operator of an EPA approved MTU submits a copy of the MTU’s EPA approval to the department at least thirty (30) days prior to initial operation in Missouri;

2. The owner// or operator of an MTU that does not require an EPA approval submits a detailed description of his/her process at least thirty (30) days prior to initial operation in Missouri;

3. The owner// or operator of an MTU that is not providing a transformer reclassification service cannot operate for more than twenty (20) consecutive working days at any given job site without prior written approval of the department;

4. The owner// or operator of an MTU that is providing a transformer reclassification service cannot operate at any given job site for more than one hundred eighty (180) days without prior written approval from the department; and

5. The owner// or operator submits a site-specific notification to the department prior to treatment of PCBs at any given job site. The site-specific notification shall include the following information:

- A. The client’s name, address, and phone number;
- B. The approximate quantity of PCBs to be processed by the

MTU;

C. The approximate PCB concentration of the PCB material prior to treatment; and

D. The location of the job site.

(8) Standards for Owners// and Operators of PCB Facilities. The owner// and operator of a permitted Missouri PCB facility shall comply with this section. This section sets forth standards for a Missouri PCB facility permit which modify and add to the requirements of 40 CFR [P]part 264 incorporated by reference in 10 CSR 25-7.264(1) and modified in 10 CSR 25-7.264(2), which apply in this rule. For those subsections marked *Reserved* in which no modification or addition is indicated, the requirements of 10 CSR 25-7.264 and those 40 CFR parts incorporated by reference in 10 CSR 25-7.264(1) apply.

(A) Applicability. This subsection sets forth standards which modify or add to the requirements in 40 CFR [P]part 264 [S]subpart A, incorporated in 10 CSR 25-7.264(1) and modified in 10 CSR 25-7.264(2)(A). This section does not apply to an owner// or operator of a provisionally regulated PCB facility or mobile treatment unit provided that the owner// or operator maintains compliance with section (6) or (7) of this rule, respectively.

(B) General Facility Standards. This subsection sets forth standards which modify or add to 40 CFR [P]part 264 [S]subpart B, incorporated in 10 CSR 25-7.264(1) [and modified in 10 CSR 25-7.264(2)(B)]. In addition to the requirements in 40 CFR 264.13(a)(1), as incorporated in 10 CSR 25-7.264(1), the waste analysis, at a minimum, shall contain all the information which must be known to treat, store, dispose of, or broker the waste in accordance with the requirements of this rule, the PCB facility permit conditions and 40 CFR [P]part 761.

(E) Manifest System, Record Keeping, and Reporting. The owner// or operator shall comply with the requirements in section (3/4) of this rule.

(G) Closure and Post-Closure. [This subsection sets forth standards which modify or add to those requirements in 40 CFR Part 264 Subpart G incorporated in 10 CSR 25-7.264(1) and modified in 10 CSR 25-7.264(2)(G). The most recent closure and post-closure estimates prepared in accordance with this subsection shall be submitted annually to the department by March 1.] (Reserved)

(N) Landfills. [This subsection sets forth standards which modify or add to the requirements in 40 CFR Part 264 Subpart N incorporated by reference in 10 CSR 25-7.264(1) and modified in 10 CSR 25-7.264(2)(N).] Landfilling of PCB material containing free liquids is prohibited.

(O) PCB Incinerators. This subsection sets forth standards applicable to PCB incinerators which modify or add to those requirements in 40 CFR [P]part 264 [S]subpart O, incorporated by reference in 10 CSR 25-7.264(1) [and modified in 10 CSR 25-7.264(2)(O)].

1. The provisions of 40 CFR 264.340(b), as incorporated in 10 CSR 25-7.264(1), shall not apply in this rule.

2. The requirements of 40 CFR 264.343(a)(1), as incorporated in 10 CSR 25-7.264(1), are modified to require an incinerator burning PCBs to achieve a destruction and removal efficiency (DRE) of ninety-nine and nine thousand nine hundred ninety-nine ten-thousandths percent (99.9999%).

3. The provisions of 40 CFR 264.343(a)(2) as incorporated in 10 CSR 25-7.264(1) shall not apply in this rule.

4. Combustion criteria for PCB liquids and combustion gases entering a secondary chamber shall be either of the following:

A. Maintenance of the introduced liquids for a two- (2-)/second dwell time at twelve hundred degrees Celsius, plus or minus one hundred degrees Celsius (1,200°C ± 100°C) and three percent (3%) excess oxygen in the stack gas; or

B. Maintenance of the introduced liquids for a one and one-half (1 1/2) second dwell time at sixteen hundred degrees Celsius, plus or minus one hundred degrees Celsius, (1,600°C ± 100°C) and

two percent (2%) excess oxygen in the stack gas.

5. Combustion efficiency shall be at least ninety-nine and nine-tenths percent (99.9%), computed as follows: Combustion efficiency equals the concentration of carbon dioxide divided by the sum of the concentration of carbon dioxide and the concentration of carbon monoxide multiplied by one hundred

$$\left( \frac{C_{CO_2}}{C_{CO_2} + C_{CO}} \right) \times 100$$

where

C<sub>CO<sub>2</sub></sub> = the concentration of carbon dioxide; and

where

C<sub>CO</sub> = the concentration of carbon monoxide.

6. The provisions of 40 CFR 264.344(a)(2), as incorporated in 10 CSR 25-7.264(1) shall not apply in this rule.

(P) [Health Profiles.] (Reserved)

(X) Miscellaneous Units. This subsection sets forth requirements which modify or add to the requirements in **40 CFR 264 subpart X, incorporated by reference in 10 CSR 25-7.264(2)(X)(1).**

1. Permit conditions will be based upon successful process demonstrations. The process demonstrations shall define the maximum PCB concentration and type of PCB material and PCB units that can be treated.

2. The final concentrations of treated PCB material must be less than two parts per million (2 ppm) PCB.

(9) Interim Status Standards for Owners// and Operators of PCB Facilities. The requirements set forth in 40 CFR [P]part 265, incorporated by reference in 10 CSR 25-7.265(1) and modified in 10 CSR 25-7.265(2) apply in this rule. This section sets forth standards for interim status PCB facilities which modify and add to the requirements of 40 CFR [P]part 265 incorporated by reference in 10 CSR 25-7.265(1) and modified in 10 CSR 25-7.265(2). This section does not apply to an owner// or operator of a provisionally regulated PCB facility or mobile treatment unit provided that the owner// or operator maintains compliance with section (6) or (7) of this rule, respectively. For those subsections marked *Reserved* in which no modification or addition is indicated, the requirements of 10 CSR 25-7.265 and those 40 CFR parts incorporated by reference in 10 CSR 25-7.265(1) apply in this rule.

(A) General. Within one hundred eighty (180) days after the effective date of this rule, the owner// or operator shall complete, sign, and submit a PCB facility permit application or a closure plan prepared in accordance with 10 CSR 25-13.010(9)(G) to the director.

(E) Manifest System, Record Keeping, and Reporting. The owner// or operator shall comply with the requirements in section (3) of this rule.

(10) PCB Facility Permitting. The requirements in 40 CFR [P]part 270, incorporated by reference in 10 CSR 25-7.270(1) and modified in 10 CSR 25-7.270(2) apply in this rule. This section sets forth standards for a Missouri PCB facility permit which modify and add to the requirements of 40 CFR [P]part 270 incorporated by reference in 10 CSR 25-7.270(1) and modified in 10 CSR 25-7.270(2). This section does not apply to an owner// or operator of a provisionally regulated PCB facility or a mobile treatment unit provided that the owner// or operator maintains compliance with section (6) or (7) of this rule, respectively. For those subsections marked *Reserved* in which no modification or addition is indicated, the requirements of 10 CSR 25-7.270 and those 40 CFR parts incorporated by reference in 10 CSR 25-7.270(1) apply in this rule.

(A) General Information. This subsection sets forth standards which modify or add to the requirements in 40 CFR [P]part 270 [S]subpart A, incorporated by reference in 10 CSR 25-7.270(1) and modified in 10 CSR 25-7.270(2)(A). The owner// or operator shall submit a Missouri PCB facility application on a form provided by the department.

(B) Permit Application. This subsection sets forth standards which modify or add to the requirements in 40 CFR [P]part 270 [S]subpart B, incorporated by reference in 10 CSR 25-7.270(1) and modified in 10 CSR 25-7.270(2)(B).

1. The requirements for qualifying for interim status are set forth in paragraph (10)(G)2. of this rule.

2. The waste analysis plan required by 40 CFR 270.14(b)(3), as incorporated in 10 CSR 25-7.270(1), shall be prepared in accordance with subsection (8)(B).

3. These requirements are in addition to the specific information requirements for incinerators in 40 CFR 270.19 as incorporated in 10 CSR 25-7.270(1).

A. 40 CFR 270.19(a), as incorporated in 10 CSR 25-7.270(1), shall not apply in this rule.

B. In addition to the requirements of 40 CFR 270.19(c)(5) as incorporated in 10 CSR 25-7.270(1), methods and results of monitoring for the following parameters shall be submitted from any previously-conducted trial burns: oxygen (O<sub>2</sub>); carbon dioxide (CO<sub>2</sub>); oxides of nitrogen (NO<sub>x</sub>); hydrochloric acid (HCl); total chlorinated organic content (RCI); PCBs; and total particulate matter.

(F) Special Forms of Permits. This subsection sets forth standards which modify or add to the requirements in 40 CFR [P]part 270 [S]subpart F incorporated by reference in 10 CSR 25-7.270(1) [and modified in 10 CSR 25-7.270(2)(F)].

1. In addition to the requirements of 40 CFR 270.62(b)(2), as incorporated in 10 CSR 25-7.270(1), the applicant shall conduct monitoring for the following parameters: a) oxygen (O<sub>2</sub>); b) carbon monoxide (CO); c) carbon dioxide (CO<sub>2</sub>); d) oxides of nitrogen (NO<sub>x</sub>); e) hydrochloric acid (HCl); f) total chlorinated organic content (RCI); g) PCBs; and h) total particulate matter.

*AUTHORITY: sections 260.370 and 260.395, RSMo Supp. [2010] 2013, and section[s] 260.396, RSMo 2000. Original rule filed Aug. 14, 1986, effective Jan. 1, 1987. For intervening history, please consult the Code of State Regulations. Amended: Filed April 15, 2015.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on June 18, 2015 at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.*

*Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on June 25, 2015. s must be postmarked by midnight on June 25, 2015. Email comments shall be sent to tim.eiken@dnr.mo.gov. Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1738 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.*

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 16—Universal Waste**

**PROPOSED AMENDMENT**

**10 CSR 25-16.273 Standards for Universal Waste Management.**  
The commission is amending section (1) of the rule.

*PURPOSE: The reason for this amendment is to update the incorporation by reference of 40 CFR part 273 from the July 1, 2010 edition to the July 1, 2013 edition. In doing so, all changes to part 273 during this time period will be incorporated into the state rules.*

(1) The regulations set forth in 40 CFR part 273, July 1, [2010, and the changes made at 72 FR 35666, June 29, 2007,] 2013 as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

*AUTHORITY: section 260.370, RSMo Supp. [2010] 2013. Original rule filed June 1, 1998, effective Jan. 30, 1999. For intervening history, please consult the Code of State Regulations. Amended: Filed April 15, 2015.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on June 18, 2015 at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.*

*Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on June 25, 2015. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on June 25, 2015. Email comments shall be sent to tim.eiken@dnr.mo.gov. Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1738 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.*



**T**his 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*.

**T**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 Commission  
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,  
Limits**

**ORDER OF RULEMAKING**

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

3 CSR 10-7.433 is amended.

This rule establishes the firearms deer hunting season, limits, and provisions for hunting and is exempted by sections 536.021, RSMo from the requirements for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-7.433 by establishing firearms deer hunting seasons.

**3 CSR 10-7.433 Deer: Firearms Hunting Season**

(1) The firearms deer hunting season is comprised of six (6) portions.

(A) Urban zones portion: October 9 through 12, 2015; use any legal deer hunting method to take antlerless deer in open zones.

(B) Youth portions: October 31 and November 1, 2015, and January 2 and 3, 2016; for persons at least six (6) but not older than fifteen (15) years of age; use any legal deer hunting method to take one (1) deer statewide during the October 31 and November 1, 2015, portion; use any legal deer hunting method to take deer statewide during the January 2 and 3, 2016, portion.

(C) November portion: November 14 through 24, 2015; use any

legal deer hunting method to take deer statewide.

(D) Alternative methods portion: December 19 through 29, 2015; use muzzleloader and archery methods, crossbows, atlatl, handguns, and air-powered guns as defined in 3 CSR 10-7.431 to take deer statewide.

(E) Antlerless portion: November 25 through December 6, 2015; use any legal deer hunting method to take antlerless deer in open counties.

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

This amendment was filed April 15, 2015, becomes effective **June 1, 2015**.

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 9—Logo Signing**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under article IV, section 29, Mo. Const., section 226.535, RSMo 2000, and 23 USC section 131(f), the commission rescinds a rule as follows:

**7 CSR 10-9.010 Public Information is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 15, 2014 (39 MoReg 2121). No changes have been made in 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 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 9—Logo Signing**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under article IV, section 29, Mo. Const., section 226.535, RSMo 2000, and 23 USC section 131(f), the commission rescinds a rule as follows:

**7 CSR 10-9.020 Definitions is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 15, 2014 (39 MoReg 2121-2122). No changes have been made in 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 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 9—Logo Signing**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under article IV, section 29, Mo. Const., section 226.535, RSMo 2000, and 23 USC section 131(f), the commission rescinds a rule as follows:

**7 CSR 10-9.030 Eligibility Requirements is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 15, 2014 (39 MoReg 2122). No changes have been made in 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 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 9—Logo Signing**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under article IV, section 29, Mo. Const., section 226.535, RSMo 2000, and 23 USC section 131(f), the commission rescinds a rule as follows:

**7 CSR 10-9.040 Specific Service Signs is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 15, 2014 (39 MoReg 2122). No changes have been made in 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 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 9—Logo Signing**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under article IV, section 29, Mo. Const., section 226.535, RSMo 2000, and 23 USC section 131(f), the commission rescinds a rule as follows:

**7 CSR 10-9.050 Sign Design and Installation is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 15, 2014 (39 MoReg 2122). No changes have been made in 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 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 9—Logo Signing**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under article IV, section 29, Mo. Const., section 226.535, RSMo 2000, and 23 USC section 131(f), the commission rescinds a rule as follows:

**7 CSR 10-9.060 Administration is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 15, 2014 (39 MoReg 2123). No changes have been made in 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 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 17—Traffic Generators**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under section 226.525, RSMo 2000 and 23 USC section 131, the commission rescinds a rule as follows:

**7 CSR 10-17.010 Signs for Traffic Generators is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 15, 2014 (39 MoReg 2123). No changes have been made in 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: The commission received one thousand and fifty-eight (1,058) comments opposed to the changes to the Traffic Generator Program. A list of the commenters may be requested from the Missouri Highways and Transportation Commission at 105 W. Capitol Ave., PO Box 270, Jefferson City, MO 65102 or at MHTC@modot.mo.gov.

Since all the comments have the same response, one (1) response for the comments is given after the last comment.

COMMENTS #1- #204: Of the one thousand and fifty-eight (1,058) total comments received, there were two hundred and four (204) comments which expressed opposition to any change without being specific to a particular change.

COMMENTS #205 - #235: Thirty-one (31) comments expressed opposition to the changes being made under the apparent belief that the changes would affect small attractions in the state.

COMMENTS #236 - #291: Fifty-six (56) comments expressed opposition to the changes being made under the mistaken belief that the changes would remove signing for state parks.

COMMENTS #292 - #349: Fifty-eight (58) comments expressed opposition to the changes being made under the mistaken belief that small attractions would be required to generate one (1) million annual attendance to be eligible to participate in a signing program.

COMMENTS #350 - #492: One hundred and forty-three (143) comments expressed opposition to the changes under the mistaken belief

that any site would have to generate one (1) million annual attendance to be eligible to participate in a signing program.

COMMENTS #493 – #1,058: Five hundred and sixty-six (566) comments expressed opposition to the changes under the mistaken belief that state parks would be required to generate one (1) million annual attendance to be eligible to receiving signing.

RESPONSE: These comments received were not based on the actual changes being proposed to the published rule, but based on numerous publications and news releases which conveyed incorrect information on the proposed rule. The proposed rule, in fact, is not making any of the changes over which the comments were raising concerns. No changes have been made to the rescission as a result of these comments.

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 17—Supplemental Guide Sign Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under article IV, section 29, Mo. Const., section 226.535, RSMo 2000 and 23 USC Section 131(f), the commission adopts a rule as follows:

**7 CSR 10-17.020 Definitions is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 15, 2014 (39 MoReg 2123–2126). No changes have been made in 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: The commission received four (4) comments on the proposed rule.

Since all the comments have the same response, one (1) response for the comments is given after the last comment.

COMMENT #1: Rich Dinkela submitted a comment in regards to a MoDOT bridge which was closed that was located along Historic Route 66 this individual is wishing to try and save.

COMMENT #2: Camille Phillips submitted a request to speak to a member of the commission about a report on the possible efforts to expand I-70.

COMMENT #3: Doug Doll submitted comments and ideas regarding MoDOT's funding issues.

COMMENT #4: Claude Jones submitted comments explaining why he thought MoDOT was wasting money installing Emergency Reference Markers, Curve Warning Signs, Chevrons on curves and Point of Presence signs on construction projects. All, other than the point of presences signing, are safety related signs.

RESPONSE: The four (4) comments were unrelated to the proposed rule; therefore, no changes have been made to the rule as a result of these comments.

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 17—Supplemental Guide Sign Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under article IV, section 29, Mo. Const., section

226.535, RSMo 2000 and 23 USC Section 131(f), the commission adopts a rule as follows:

**7 CSR 10-17.030 Administration is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 15, 2014 (39 MoReg 2126–2127). No changes have been made in 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: The commission received sixteen (16) comments on the proposed rule.

Since all the comments have the same response, one (1) response for the comments is given after the last comment.

COMMENT #1: Donna Vogt requested a copy of the proposed rule for her information.

COMMENT #2: Sueanne Cmehil-Warn submitted a comment stating confusion on what has been publicized in the media and asked if there was a place to receive public information and give feedback.

COMMENT #3: Patricia Kipper submitted a question asking if the news report she read stating all sites would have to have one (1) million visitors per year to get a sign was actually true.

COMMENT #4: Beth McPherson submitted a question asking where she could find information on the proposed rule.

COMMENT #5: T.V. Blaine submitted a comment simply stating “good idea to reduce signs.”

COMMENT #6: James Akins submitted a comment stating “You are instantly bombarded with signs and information overload (when entering into Missouri). All we need is one more sign naming Missouri as the ‘sign state’.” This was taken as neutral or in support of trying to clean up the rules for signing.

COMMENT #7: Sue Briley submitted a comment stating she believed the signs on (state) highways should just be some type of logo and then the towns that take over the signing on their routes install the specific signs as a way of saving taxpayer money. This was taken as neutral or in support of trying to clean up the rules for signing.

COMMENT #8: Mark Clonts submitted a comment in support of requiring one (1) million visitors per year to get a sign (even though this is not what the rule truly required) stating Missouri is overloaded with signs and advertisements.

COMMENT #9: Robert Graham submitted a comment simply stating the “change is OK.”

COMMENT #10: Tom Durham-Alderman, City of Hermann requested more information on the intent in regards to the proposed rule.

COMMENT #11: Kimberly Combs requested more information about the proposed rule due to conflicting information she has been seeing.

COMMENT #12: Stephen Miller requested information on the rule as he is opposed to what is being published in the media.

COMMENT #13: Nicole Brown requested a copy of the proposed rule.

COMMENT #14: Austin Rhodes submitted a comment in support of the rule (specifically relating to college signing) and offered editorial suggestions on phrasing of a term.

COMMENT #15: Nancy Heidrich submitted comments stating she was glad the qualifications for recreational, historical, and public land management by state and federal agencies was not changing (as was incorrectly reported in many news stories).

COMMENT #16: William Bryan, Director, Missouri State Parks, submitted comments approving the inclusion of signing programs for government agency facilities into the proposed rules and that the one (1) million visitor requirement did not pertain to them. He did raise a few concerns that would be resolved by further explanation.

RESPONSE: The sixteen (16) comments were either in support of

the change or asking for more information, therefore, no changes have been made to the rule as a result of these comments.

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 17—Supplemental Guide Sign Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under article IV, section 29, Mo. Const., sections 226.020, 226.130, and 226.525, RSMo 2000, the commission adopts a rule as follows:

**7 CSR 10-17.040 Tourist Oriented Directional Signing  
Requirements is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 15, 2014 (39 MoReg 2127). No changes have been made in 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: The commission received four (4) comments on the proposed rule.

Since all the comments have the same response, one (1) response for the comments is given after the last comment.

COMMENT #1: Debi Boughton, Kirksville Tourism Director, submitted comments in support of the proposed rules, specifically the addition of GAS, FOOD, and LODGING to the Tourist Oriented Directional Sign (TODS) program.

COMMENT #2: Ashley Young, Assistant City Manager, City of Kirksville, submitted a comment in support of the proposed rules and specifically in support of the changes being made to the TODS program adding GAS, FOOD, and LODGING.

COMMENT #3: Sandra Williams, Executive Director, Kirksville Area Chamber of Commerce, submitted a comment in support of the proposed rules and specifically in support of the changes being made to the TODS program adding GAS, FOOD, and LODGING.

COMMENT #4: Carolyn Chrisman, Director of Economic Development, Kirksville Regional Economic Development Inc., submitted a comment in support of the proposed rule and specifically in support of the changes being made to the TODS program adding GAS, FOOD, and LODGING.

RESPONSE: The comments were in support of the change. No changes have been made to the proposed rule as a result of these comments.

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 17—Supplemental Guide Sign Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under article IV, section 29, Mo. Const., section 226.535, RSMo 2000, and 23 USC 131(f), the commission adopts a rule as follows:

**7 CSR 10-17.050 is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 15, 2014 (39 MoReg 2127-2128). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after pub-

lication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received seven (7) comments on the proposed rule.

As all seven (7) comments have the same response, the response is printed after the last comment.

COMMENT #1: Ronald Leone, on behalf of the Missouri Petroleum Marketers & Convenience Store Association, requested the commission look for a way to allow blended logo signs and address the concerns of gas station/convenience store owners and operators.

COMMENT #2: Tracey Hughes, on behalf of Wallis Companies, questioned the need for the changes in the rules and asked for consideration to permit their continued display of a blended logo.

COMMENT #3: Ronald Machman, on behalf of St. Joe Petroleum Co., questioned the need for the changes in the rules and asked for consideration to permit their continued display of a blended logo.

COMMENT #4: Bradford Goette, on behalf of Dirt Cheap, questioned the need for the changes in the rules and asked for consideration to permit their continued display of a blended logo.

COMMENT #5: Bradford Goette, on behalf of Ugas, questioned the need for the changes in the rules and asked for consideration to permit their continued display of a blended logo.

COMMENT #6: Mark Baker, on behalf of the Warrenton Oil Company, questioned the need for the changes in the rules and asked for consideration to permit their continued display of a blended logo.

COMMENT #7: Arthur Robbins, on behalf of R.C. Stores, Inc., questioned the need for the changes in the rules and asked for consideration to permit their continued display of a blended logo.

RESPONSE AND EXPLANATION OF CHANGE: In response to these comments, the rule was changed to permit a blended logo for gas stations/convenience store locations in the final order of rule-making to satisfy the concerns raised in the comments.

**7 CSR 10-17.050 Requirements for Logo Signing**

(8) Logo panels shall be constructed and installed as follows:

(A) Only a qualified entity's name, brand name, trademark, corporate logo, or commercial symbol shall be used. Logo and word messages shall not both be displayed on the Logo unless otherwise permitted in this rule. If a nationally, regionally, or locally recognized commercial symbol, corporate logo, or trademark is available, it should be used in preference to any other form of business identification. The department has the right to review and approve or deny the requested design—

1. The logo panel for a gas station/convenience store may display names, brand names, trademarks, corporate logos, commercial symbols, or other words, signs or symbols representing the brand of motor fuel and the convenience store name so long as the same or substantially similar words, signs or symbols are permanently displayed on the business and are the same or substantially similar to the business name, business entity, or the doing business as "dba" name as registered with the Missouri Secretary of State's office; and

2. The federal regulation on this issue, as interpreted by Federal Highway Administration (FHWA) guidance, suggests that blended logo panels are not allowed; however, the language of the federal regulation appears to allow this compromise so long as both logos are contained in the business name, business entity, or "dba."

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 17—Supplemental Guide Sign Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under section 226.525, RSMo 2000, and 23 USC section 131, the commission adopts a rule as follows:

7 CSR 10-17.060 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 15, 2014 (39 MoReg 2128-2131). Those sections with changes are reprinted here. The public and private costs have been revised and the public fiscal note is published here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received two hundred and seventeen (217) comments on the proposed rule.

As the response to comments #1-#52 and comments #53-#215 is the same the response is listed after the later of the comments.

COMMENTS #1-#52: The fifty-two (52) business representatives (listed below) were in opposition to the elimination of the Major Traffic Generator program, leaving the Super Traffic Generator program as the stand alone generator program. They requested the commission reconsider eliminating the Major Traffic Generator program and require one (1) million annual attendance to get a traffic generator sign stating this action would negatively impact caves in Missouri (Marvel Caverns, Fantastic Caverns, and Bridal Cave) and negatively impact tourism in various areas of the state.

1. Philip Morgan, Lake Oasis Convenience Stores
2. Trish Creach, Camdenton Chamber of Commerce
3. Larry Bennett, City of Camdenton
4. Phyllis Marose, Putt and Stuff Family Fun Center
5. Daniel Holton, Der Essen Platz
6. Noelle Ark, Der Essen Platz
7. Steve Thompson, Bridal Cave/Thunder Mountain Park
8. Doug Campbell, Fantastic Caverns
9. Charles Stilley, Stilley Partners
10. Michael Bloom, Holiday Inn & Suites
11. Scott Warren, Sleep Inn Springfield
12. Rachel Anderson, Holiday Inn & Suites
13. Joe Klimczak, Cave of the Mounds - National Natural Landmark
14. Wendy White, Lake Area Chamber of Commerce
15. Deborah Buscher, Lake of the Ozarks West Chamber of Commerce
16. Jim Divincen, Lake of the Ozarks Tri-County Lodging Association
17. Keith Frederick, State Representative House 121st District
18. Rho Lansden, Lost River Cave
19. Larry Peterson, Chalfant and Tomkins Title Agency, Inc.
20. Deborah Wiles, Bowling Electric Machinery
21. Kevin Niger, Golden Horseshoe Resort
22. Jill Hamm, City of Sunrise Beach
23. Bill Glick, Rock Harbor Resort
24. Patricia Weide, Ozarks RV Parks and Campgrounds
25. Roger Halman, Bear Market Consignments
26. Leslie Rungor, Tunnel Dam Gardens and Campground
27. Bernard Archambault, The Old Oarhouse Inn and Marina
28. Sherry Jackson, Glencove Marina
29. Brenda Acklie, Tooters Saloon and Steakhouse
30. Michael and Penny Berkgigler, Auntie Annies Pretzels
31. D. Dohery, Millstone Harbor LLC
32. Charles McElyea Phillips, McElyea, Carpenter and Welch PC
33. Cathy Bruce, Premier Vacations at Lake of the Ozarks
34. Jerry Hawken, Hawken Car Star Collision and Repair
35. Robert Kaminski, Sugar Creek Miniature Golf
36. L. C. Director of Lodging, Lake Ozark Vacations
37. Theresa Humphrey, Lone Oak Point Resort
38. Cathy Dee, The Villages at Shawnee Bend
39. Dale Holzer, Save-A-Lot Food Store
40. Krista Shackelford, Stover Carpet
41. Steve Thompson, Bridal Cave/Thunder Mountain Park
42. Corey Leuwerke, Lake Aviation Center
43. Dennis Boyer, War Eagle Cavern
44. Linda Coleberd, Mark Twain Cave

45. Jane Martin, Scott's Concrete
46. Sue and Ronald Westenhaver, Inn at Harbour Ridge Bed and Breakfast
47. Eric Evans, Ohio Caverns
48. Steve Rawlings, National Caves Association
49. Les Turilli, Meramec Caverns
50. Mark Kelley, Woody's Inc.
51. Dan Drake, Lakeview Resort
52. Vari Suddarth, Pirates Cove Adventure Golf

COMMENT #53-#215: One hundred and sixty-three (163) private individuals (listed below) submitted comments, the majority of which appeared to be form letters, requested the commission reconsider eliminating the Major Traffic Generator program and require one (1) million annual attendance for eligibility for traffic generator signing stating this action would negatively impact caves in Missouri (Marvel Caverns, Fantastic Caverns, and Bridal Cave) and negatively impact tourism in the various areas of the state.

1. Laura Wright
2. Jim Swafford
3. Collins Spaedy
4. Jamie Rice
5. Chasiti Baker
6. Janie Reid
7. Gary Thompson
8. Lindsey Webster
9. Joyce Thompson
10. Ben Coleman
11. Sheryl Murdock
12. Rusty Murdock
13. Jeffrey Thompson
14. Lindsay Meador
15. Janine Bullock
16. David Burckman
17. Larry and Linda Martin
18. Clara Watters
19. Lindy Thomas
20. Sara Jean, Spa
21. Wynne Jennings
22. Kasey Strahm
23. Lance Strahm
24. Mark Stone
25. Ryan Spaedy
26. Randal Herrington
27. John Dalton
28. Rev. Bob and Martha Ward
29. Robert Dalton
30. Alexis Shradnick
31. Hollie Lubchenco
32. Ren Lubchenco
33. Nina Lubchenco
34. David Lubchenco
35. Cory Bartolomeo
36. Susie Lemons
37. Darwin Martin
38. Nick Willart
39. Amy Linter
40. Jill Halverson
41. Roxy Framel
42. Christy Hull
43. Christina Wilson
44. Wallace Glick
45. John Hall
46. Roxanna Webster
47. Mike Webster
48. David Henry
49. Michael and Paulette Spriggs

50. James Neff
51. Shirley Childress
52. Lora Balmer
53. Kristopher Paschel
54. Jerome Rynski
55. Christian Myers
56. Tamra Jenkins
57. Charles Williams
58. Jack Eidson
59. Leroy Alvis
60. Danny Ealy
61. Tom Polson
62. Ben Palsor
63. Tammera Lee Ealy
64. Jackie Bartley
65. Russell Bolf
66. Bob Burns
67. Christy Pitts
68. Jennie Nelley
69. Amanda Maurine
70. Michele Enderle
71. Kellee Young
72. Carla Milogze
73. Elizabeth Slyman
74. Sandra Lawson
75. Lacey King
76. Pat Herrich
77. Cheryl Taylor
78. Kathy Sohm
79. Marla Israel
80. Melinda Meyers
81. Lillian Belker, J & K Café
82. Sharon Halterman
83. Jack Brown
84. Carolyn Whitfill
85. Lisa Skokowski
86. Vicki Speer
87. Cer Day
88. Lori Hetz
89. Jessica Esteb
90. Carla Pratt
91. Darla Turner
92. David Pratt
93. Dan and Camille Furay
94. Mr. and Mrs. Otis Catron
95. Mr. and Mrs. Gary Butherus
96. Bobbi Lenninger
97. Sharon and John Stephenson
98. Bill and Cherylynn Gronhoff
99. Christina Krenzel
100. William Clark
101. Ann Clark
102. Wade Scarlock
103. Thomas and Bonetta Fischer
104. Mack and Diane Propst
105. Gwen Wiederhoft
106. Laura and John Cline
107. Bob and Mary Cline
108. Bob and Jessica Angello
109. David and Debbie McKinney
110. Chuck and Carol Whelpley
111. Lance Graham
112. Charles and Theresa McVay
113. Jim Turek
114. John and Shelby Conley
115. Jack and Emma Stortzum
116. Frank and Susan Chesen
117. Tina and Eric Nordman
118. Randy and Laura Damschen
119. Lawrence Johnson
120. Robert and Staci Benedick
121. Patricia McNally
122. Sly Johnson
123. Bill Johnson
124. Melissa Wilsman
125. Marc Buis
126. Bill Weslel
127. Virginia Mueller
128. B. Waddaita
129. Malcolm Decker
130. Carolyn Handtke
131. LeeAnn Mitchell
132. Pamela Ratchfal
133. Cecelia and Curt Mooney
134. JoAnne Clark
135. Mark Thompson
136. Krystal Ryan
137. Betty Bouskie
138. Chad Stout
139. Karen Long
140. Clark Stanley
141. Larry Sawyer Knoggins
142. Vicki Sawyer Knoggins
143. James and Joann Trower
144. Neal and Francina Young
145. Ronald and Denise Dennis
146. Judi Stone
147. John and Missi Lobb
148. Mary Van Hotten
149. Jobe Duke
150. Pam Drake
151. David Gunn
152. Nanette Erickson
153. John Roelofs
154. Luke Berchen
155. Ilene and Tom Bock
156. Norman and Charli Allee
157. Shannon and Charles Jacobs II
158. Jason and Bamberly Evernham
159. Eugene Schumacher
160. Kevin and Tammy Helms
161. Jerad Gwillin
162. Brett Tintera
163. Michaele and Michael McDuffey

RESPONSE AND EXPLANATION OF CHANGE: The commission modified the rule to keep the eligibility criteria of the Major Traffic Generator program.

As the response to comment #216 and comment #217 is the same the response is listed after the later of the comments.

COMMENT #216: Michael J Bridges, of Husch Blackwell, representing College of the Ozarks, requested the commission to reconsider the attendance requirements in the proposed rule as the College of the Ozarks is not only an educational institution, but a significant tourist oriented site in the Branson Area.

COMMENT #217: Bill Gamble, on behalf of Independent Colleges and Universities of Missouri, representing twenty-four (24) independent four year, private, nonprofit Colleges and Universities of Missouri, requested the commission to reconsider the enrollment criteria for both the college generator and college emblem signing programs as the schools he represents not only provide high quality education opportunities but also serve the communities with special events and activities.

RESPONSE AND EXPLANATION OF CHANGE: In response to this comment, the proposed enrollment criteria of two thousand

(2,000) and two hundred (200) will be lowered to five hundred (500) and one hundred (100), respectively, in the final order of rulemaking to satisfy the concerns raised in the comments.

#### **7 CSR 10-17.060 Requirements for Traffic Generators**

(7) Tourist Oriented Traffic Generator. To be considered eligible as a tourist oriented traffic generator a qualified entity must meet the definition of a tourist oriented attraction, meaning the definition in this rule, and must also meet the following criteria:

(A) The qualified entity shall have a minimum annual attendance of two hundred thousand (200,000) in rural areas, two hundred and fifty thousand (250,000) in urban areas and three hundred thousand (300,000) in the St. Louis and Kansas City metropolitan areas;

(8) College Generator. To qualify for college generator signs a qualified school shall meet all the definitions of this rule and must also meet the following criteria:

(K) The qualifying school shall have a minimum of five hundred (500) registered students attending face-to-face classes on campus. The department shall acquire the three- (3-) year average attendance from the Department of Higher Education or the school may provide a notarized letter attesting to their average face-to-face enrollment for the specific site being signed for;

(9) College Emblem Signing. To qualify for college emblem signs a qualified school shall meet all the definitions of this rule and must also meet the following criteria:

(G) The qualifying school shall have a minimum of one hundred (100) registered students attending face-to-face classes on campus. The department shall acquire the three- (3-) year average attendance from the U.S. Department of Higher Education or the school may provide a notarized letter attesting to their average face-to-face enrollment for the specific site being signed for; and

*REVISED PUBLIC COST: The cost to public entities will be one thousand four hundred fifty-two dollars (\$1,452) in FY 2016. For the years after FY 2016, the total annual aggregate cost is four thousand seven hundred nineteen dollars (\$4,719) for the life of the rule versus the less than five hundred dollars (\$500), which was submitted in the original estimate. Note the attached fiscal note for assumptions that apply.*

*REVISED PRIVATE COST: The cost to private entities will be less than five hundred dollars (\$500) versus the sixteen thousand three hundred twenty dollars (\$16,320), which was submitted in the original estimate.*



**REVISED FISCAL NOTE  
PUBLIC COST**

- I. Department Title: Department of Transportation**
- Division Title: Missouri Highways and Transportation Commission**
- Chapter Title: Supplemental Guide Sign Program**

<b>Rule Number and Name:</b>	7 CSR 10-17.060 Requirements for Traffic Generators
<b>Type of Rulemaking:</b>	Proposed Rule

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate for One Year
Platte County Parks and Recreation Department – Site #1	2016 = \$726 (2 signs)
City of Columbia	2016 = \$726 (2 signs)
Platte County Parks and Recreation Department – Site #2	2019 = \$726 (2 signs)
Platte County Parks and Recreation Department – Site #3	2019 = \$726 (2 signs)
City of Independence	2019 = \$726 (2 signs)
City of Doniphan	2023 = \$1089 (3 signs)

**III. WORKSHEET**

Annual fee increase from the Minor Traffic Generator program to the TODS program = \$363 per sign per year.

Annual Fiscal Impact for Fiscal Year 2016

Platte County Parks and Recreation Department - Site #1 = \$726  
 City of Columbia = \$726  
 Total = \$1452  
**Total annual fiscal impact for Fiscal Year 2016 = \$1452**

Annual Fiscal Impact for Fiscal Year 2024 when all applicants participate in the TODS program

Platte County Parks and Recreation Department – Sites #1, #2 & #3 = \$2178/year  
 City of Columbia = \$726/year  
 City of Independence = \$726/year  
 City of Doniphan = \$1089/year  
**Total for annual fees for fiscal year 2024 forward = \$4719/year**

#### IV. ASSUMPTIONS

The fiscal impact to public sites from the proposed rule will be limited to the 6 current participant sites in the minor traffic generator program, listed above. The proposed rule is eliminating the Minor Traffic Generator Program. This is the only change the proposed rule makes which alters the signing of a public site. Sites that are currently in the Minor Traffic Generator Program will have the opportunity to utilize the Tourist Oriented Directional Sign (TODS) program instead. TODS is an existing program which offers the same sized sign and has far less restrictive criteria to participate compared to the Minor Traffic Generator program. The Minor Traffic Generator program requires 25,000 annual visitors per year and a site can only obtain two signs compared to the TODS program, which only requires 2,000 visitors per year and signing is permitted up to 15 miles from the site.

The fiscal impact is calculated based on the difference in annual cost per sign between the Minor Traffic Generator program and the TODS program based on today's fees. The fiscal impact will only begin for a site once the existing contract(s) for their Minor Traffic Generator signs expire. Only two applicants' contracts will expire in fiscal year 2016, with all six contracts being expired in fiscal year 2024. Participation in any signing program is purely optional and the fiscal impact is based on all six applicants choosing to participate in the TODS program.

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 22—Tourist Oriented Directional Signing  
Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under article IV, section 29, Mo. Const., sections 226.020, 226.130, and 226.525, RSMo 2000, the commission rescinds a rule as follows:

**7 CSR 10-22.010** Public Information is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 15, 2014 (39 MoReg 2132). No changes have been made in 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 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 22—Tourist Oriented Directional Signing  
Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under article IV, section 29, Mo. Const., sections 226.020, 226.130, and 226.525, RSMo 2000, the commission rescinds a rule as follows:

**7 CSR 10-22.020** Definitions is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 15, 2014 (39 MoReg 2132). No changes have been made in 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 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 22—Tourist Oriented Directional Signing  
Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under article IV, section 29, Mo. Const., sections 226.020, 226.130, and 226.525, RSMo 2000, the commission rescinds a rule as follows:

**7 CSR 10-22.030** Intersection Leg Eligibility is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 15, 2014 (39 MoReg 2132). No changes have been made in 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*.

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 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 22—Tourist Oriented Directional Signing  
Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under article IV, section 29, Mo. Const., sections 226.020, 226.130, and 226.525, RSMo 2000, the commission rescinds a rule as follows:

**7 CSR 10-22.040** Tourist Oriented Activities Eligibility Requirements is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 15, 2014 (39 MoReg 2132-2133). No changes have been made in 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 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 22—Tourist Oriented Directional Signing  
Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under article IV, section 29, Mo. Const., sections 226.020, 226.130, and 226.525, RSMo 2000, the commission rescinds a rule as follows:

**7 CSR 10-22.050** Sign Requirements is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 15, 2014 (39 MoReg 2133). No changes have been made in 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 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 22—Tourist Oriented Directional Signing  
Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under article IV, section 29, Mo. Const., sections

226.020, 226.130, and 226.525, RSMo 2000, the commission rescinds a rule as follows:

**7 CSR 10-22.060 Administration is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 15, 2014 (39 MoReg 2133). No changes have been made in 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.

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 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and  
Transportation Commission  
Chapter 25—Motor Carrier Operations**

**IN ADDITION**

**7 CSR 10-25.010 Skill Performance Evaluation Certificates for Commercial Drivers**

**PUBLIC NOTICE**

Public Notice and Request for Comments on Applications for Issuance of Skill Performance Evaluation Certificates to Intrastate Commercial Drivers with Diabetes Mellitus or Impaired Vision

**SUMMARY:** This notice publishes MoDOT's receipt of applications for the issuance of Skill Performance Evaluation (SPE) Certificates from individuals who do not meet the physical qualification requirements in the Federal Motor Carrier Safety Regulations for drivers of commercial motor vehicles in Missouri intrastate commerce because of impaired vision or an established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. If granted, the SPE Certificates will authorize these individuals to qualify as drivers of commercial motor vehicles (CMVs), in intrastate commerce only, without meeting the vision standard prescribed in 49 CFR 391.41(b)(10), if applicable, or the diabetes standard prescribed in 49 CFR 391.41(b)(3).

**DATES:** Comments must be received at the address stated below, on or before, June 15, 2015.

**ADDRESSES:** You may submit comments concerning an applicant, identified by the Application Number stated below, by any of the following methods:

- *Email:* kathy.hatfield@modot.mo.gov
- *Mail:* PO Box 270, Jefferson City, MO 65102-0270
- *Hand Delivery:* 830 MoDOT Drive, Jefferson City, MO 65109
- *Instructions:* All comments submitted must include the agency name and Application Number for this public notice. For detailed instructions on submitting comments, see the Public Participation heading of the Supplementary Information section of this notice. All comments received will be open and available for public inspection and MoDOT may publish those comments by any available means.

**COMMENTS RECEIVED  
BECOME MoDOT PUBLIC RECORD**

- By submitting any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.
- *Docket:* For access to the department's file, to read background documents or comments received, 830 MoDOT Drive, Jefferson City, MO 65109, between 7:30 a.m. and 4:00 p.m., CT, Monday through Friday, except state holidays.

**FOR FURTHER INFORMATION CONTACT:** Kathy J. Hatfield, Motor Carrier Investigations Specialist, (573) 526-9926, MoDOT Motor Carrier Services Division, PO Box 270, Jefferson City, MO 65102-0270. Office hours are from 7:30 a.m. to 4:00 p.m., CT, Monday through Friday, except state holidays.

**SUPPLEMENTARY INFORMATION:**

**Public Participation**

If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

**Background**

The individuals listed in this notice have recently filed applications requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10), or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, RSMo, MoDOT may issue an SPE Certificate, for not more than a two- (2-) year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing an SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

**Qualifications of Applicants**

**Application #104**

Renewal Applicant's Name & Age: Andrew M. Hahn, 36

Relevant Physical Condition: Vision impaired.

Mr. Hahn is blind in his right eye, with a prosthetic eye. He has uncorrected visual acuity of 20/20 Snellen in his left eye. Mr. Hahn's right eye was enucleated after an injury and subsequent infection in 1988.

Relevant Driving Experience: Mr. Hahn is currently self-employed. He currently holds a Class A CDL license, and has approximately eighteen (18) years commercial motor vehicle driving experience. He drives personal vehicle(s) daily.

Doctor's Opinion and Date: Following an examination in February 2015, his optometrist certified his condition would not adversely affect his ability to operate a commercial vehicle safely.

Traffic Accidents and Violations: No accidents or violations on record for the previous three (3) years.

**Request for Comments**

The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

Issued on: April 16, 2015

*Scott Marion, Motor Carrier Services Director, Missouri Department of Transportation.*

Updated: 4/2/2015 8:51:33 AM

## Construction Transient

The following is a list of all construction contractors performing work on construction projects in Missouri who are known by the Department of Revenue to be transient employers pursuant to Section 285.230, RSMo. This list is provided as a guideline to assist public bodies with their responsibilities under this section that states, "any county, city, town, village or any other political subdivision which requires a building permit for a person to perform certain construction projects shall require a transient employer to show proof that the employer has been issued a tax clearance and has filed a financial assurance instrument as required by Section 285.230 before such entity issues a building permit to the transient employer."

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
2 POINT CONSTRUCTION CO LLC	8004 REEDER	LENEXA	KS	66214
A & B PROCESS SYSTEMS CORP	201 S WISCONSIN AVE	STRATFORD	WI	54484
A & D CONSTRUCTORS INC	707 SCHRADER DRIVE	EVANSVILLE	IN	47712
A AND M ENGINEERING AND ENVIRONMENTAL SERVICES INC	10010 E 16TH STREET	TULSA	OK	74128
A I INTERNATIONAL INC	414 TERRY BLVD	LOUISVILLE	KY	40229
A ROCK CONSTRUCTION CO INC	316 IONE STREET	GREENWOOD	MS	38930
A&A CONCRETE CONSTRUCTION INC	17839 157TH STREET	BASEHOR	KS	66007
ABAT BUILDERS INC	10700 W HIGGINS RD ST 350	ROSEMONT	IL	60018
ACADEMY ROOFING & SHEET METAL OF THE MIDWEST INC	6361 N E 14TH STREET	DES MOINES	IA	50313
ACC CONSTRUCTION CO INC	635 NW FRONTAGE ROAD	AUGUSTA	GA	30907
ACCEL CONSTRUCTION LLC	4015 N WOODLAWN CT STE 1	BEL AIRE	KS	67220
ACE REFRIGERATION OF IOWA INC	6440 6TH ST SW	CEDAR RAPIDS	IA	52404
ACE/AVANT CONCRETE CONSTRUCTION CO INC	109 SEMINOLE DR	ARCHDALE	NC	27263
ACME ELECTRIC COMPANY OF IOWA	3353 SOUTHGATE COURT SW	CEDAR RAPIDS	IA	52404
ACRONYM MEDIA INC	350 5TH AVE STE 5501	NEW YORK	NY	10118
ACT CONSTRUCTION	350 MCDONNELL STREET	LEWISVILLE	TX	75057
ACTION INSTALLERS INC	1224 CAMPBELL AVE SE	ROANOKE	VA	24013
ADVANCED EROSION SOLUTIONS LLC	5920 NALL AVE SUITE 308	MISSION	KS	66202
ADVANTAGES ASSOCIATED INC	200 E MESQUITE	WEST	TX	76691
AE MFG INC	2505 S 33RD W AVE	TULSA	OK	74157
AHRS CONSTRUCTION INC	533 RAILROAD ST	BERN	KS	66408
AIRCO POWER SERVICES INC	4919 OLD LOUISVILLE ROAD	GARDEN CITY	GA	31408
AIRETECH CORPORATION	7631 NORTHSORE PLACE	N LITTLE ROCK	AR	72118
ALL INDUSTRIAL SERVICES INC	6996 RONJOY PLACE	YOUNGSTOWN	OH	44512
ALL PURPOSE ERECTORS INC	13222 SCHUMACHER RD	BREESE	IL	62230
ALLENTECH INC	3184 AIRPORT ROAD	BETHLEHEM	PA	18017
ALLIANCE GLAZING TECHNOLOGIES, INC.	646 FORESTWOOD DRIVE	ROMEOVILLE	IL	60446
ALLIANCE RESTORATION LLC	911 S 2ND STREET	LEAVENWORTH	KS	66048
ALLSTATE RENOVATIONS INC	7500 W 151ST STREET	OVERLAND PARK	KS	66283
ALTRESS TRUCKING INC	220 W 440 N	WASHINGTON	IN	47501
AM COHRON & SON INC READY MIX CONCRETE	PO BOX 479	ATLANTIC	IA	50022

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
AMCRETE LLC	1320 W FOURTH STREET	MANSFIELD	OH	44906
AMERICAN COATINGS INC	612 W IRIS DR	NASHVILLE	TN	37204
AMERICAN CONCRETE RESTORATIONS INC	11S375 JEANS ROAD	LEMONT	IL	60439
AMERICAN HYDRO	1029 IRS AVE	BALTIMORE	MD	21205
AMERICAN LIFT & SIGN SERVICE COMPANY	6958 NO 97TH PLAZA	OMAHA	NE	68122
AMERICAN PRESERVATION BUILDERS LLC	8111 ROCKSIDE RD STE 101	VALLEY	OH	44125
AMERICAN SEALANTS INC	393 INDIAN ROAD UNIT A	GRAND JUNCTION	CO	81501
AMERICAN SUNCRAFT CO INC	10836 SCHILLER ROAD	MEDWAY	OH	45341
AMES CONSTRUCTION INC	2000 AMES DRIVE	BURNSVILLE	MN	55306
ANCO INC	9362 LITTEKIN LANE	COLUMBIA	IL	62236
ANTIGO CONSTRUCTION INC	2520 N CLERMONT ST	ANTIGO	WI	54409
AOI CORPORATION	8801 S 137TH CIR	OMAHA	NE	68138
AP ALTERNATIVES LLC	20-345 COUNTY ROAD X	RIDGEVILLE CORNERS	OH	43555
AQUATIC EXHIBITS INTERNATIONAL INC	61 07 77 STREET	MIDDLE VILLAGE	NY	11379
ARCHER WESTERN CONTRACTORS LLC	PAYROLL 929 W ADAMS ST	CHICAGO	IL	60607
ARISTEO CONSTRUCTION CO	12811 FARMINGTON RD	LIVONIA	MI	48150
ARISTEO INSTALLATION, LLC	12811 FARMINGTON	LIVONIA	MI	48150
ARMI CONTRACTORS INC	1860 E PUMP STATION ROAD	FAYETTEVILLE	AR	72701
ARNOLDS CUSTOM SEEDING LLC	4626 WCR 65	KEENESBURG	CO	80643
ART A & M JV LLC	10010 E 16TH STREET	TULSA	OK	74128
ASPHALT STONE COMPANY	520 N WEBSTER	JACKSONVILLE	IL	62650
ATWOOD ELECTRIC INC	23124 HIGHWAY 149	SIGOURNEY	IA	52591
AUDIO VISUAL INNOVATIONS INC	6313 BENJAMIN RD #110	TAMPA	FL	33634
AUMAN BROTHERS INC	6540 B PEACHTREE IND BLVD	NORCROSS	GA	30071
B & S STEEL CO., LLC	119 N LOCUST ST	WINFIELD	IA	52659
B D WELCH CONSTRUCTION LLC	120 INDUSTRIAL STATION RD	STEELE	AL	35987
B&R PROJECT MANAGEMENT INC	7192 S PERTH STRET	AURORA	CO	80016
BARRIER TECHNOLOGIES LLC	7700 WEDD STREET	OVERLAND PARK	KS	66204
BARTLET INSULATON SUPPLY INC	3117 N MARSHALL ROAD	APPLETON	WI	54912
BARTON ELECTRIC CONTRACTING INC	247 STATE ROUTE 160	TRENTON	IL	62293
BAZIN SAWING & DRILLING LLC	30790 SWITZER	LOUISBURG	KS	66053
BERBERICH TRAHAN & CO PA PC	3630 SW BURLINGAME ROAD	TOPEKA	KS	66611
BEST PLUMBING & HEATING INC	421 SECTION OD	SCAMMON	KS	66773
BETTIS ASPHALT & CONSTRUCTION INC	2350 NW WATER WORKDS DR	TOPEKA	KS	66606
BIGGE CRANE AND RIGGING CO	10700 BIGGE AVE	SAN LEANDRO	CA	94577
BILFINGER WESTCON INC	7401 YUKON DRIVE	BISMARK	ND	58503
BIRDAIR INC	65 LAWRENCE BELL DR	AMHERST	NY	14221
BLACK CONSTRUCTION CO	18483 US HIGHWAY 54	ROCKPORT	IL	62370
BLAHNIK CONSTRUCTION COMPANY	150 50TH AVE DR SW	CEDAR RAPIDS	IA	52404
BLANKENSHIP CONSTRUCTION CO	1824 IL RT 140	MULBERRY GROVE	IL	62262
BLD SERVICES LLC	2424 TYLER STREET	KENNER	LA	70062
BLUE SKY CONSTRUCTION OF IDAHO LLC	17501 NORTHSIDE BLVD	NAMPA	ID	83687



<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
BOB BERGKAMP CONSTRUCTION CO INC	3709 S WEST STREET	WICHITA	KS	67217
BOB FLORENCE CONTRACTOR INC	1934 S KANSAS AVE	TOPEKA	KS	66612
BODINE ELECTRIC OF DECATUR	1845 NORTH 22ND ST	DECATUR	IL	62526
BOUMA CONSTRUCTION INC	5000 17TH ST	KANSAS CITY	MO	64127
BRADFORD BUILDING COMPANY INC	2151 OLD ROCKY RIDGE RD	BIRMINGHAM	AL	35216
BRADSHAW CONSTRUCTION CORPORATION MARYLAND	175 WEST LIBERTY ROAD	ELDERSBURG	MD	21784
BRANCH BUILDING GROUP LLC	813 B COLUMBIA AVENUE	FRANKLIN	TN	37064
BRETT FRITZEL BUILDERS INC	2201 MAILARD CIRCLE	EUDORA	KS	66025
BREWSTER COMPANIES INC	6321 EAST MAIN STREET	MARYVILLE	IL	62062
BRISTOL ERECTORS INC	4416 NORTH STATE ROAD	DAVISON	MI	48423
BRITT AASEBY CONSTRUCTION INC	3025 HARBOR LANE N 410	PLYMOUTH	MN	55447
BROCK SERVICES LLC	10343 SAM HOUSTON PK 200	HOUSTON	TX	77064
BROOKS DIRECTIONAL DRILLING LLC	24531 102ND DRIVE	BURDEN	KS	67019
BROOKS ELECTRICAL	1107 N 1712 ROAD	LAWRENCE	KS	66049
BROWNELL ENTERPRISES INC	1001 OLD LEBANON DIRT RD	MOUNT JULIET	TN	37122
BRUCE CONCRETE CONSTRUCTION INCORPORATED	4401 HWY 162	GRANITE CITY	IL	62040
BRUNNERS QUALITY DECKS	540 N OAK	GARDNER	KS	66030
BRYAN-OHLMEIER CONST INC	911 NORTH PEARL	PAOLA	KS	66071
BTE MANAGEMENT GROUP LLC	1717 S BOULDER STE 300	TULSA	OK	74119
BUILDING CRAFTS INC	2 ROSEWOOD DRIVE	WILDER	KY	41076
BULLDOG DRILLING INC	411 TRANSPORT DR STE A	DUPO	IL	62239
BUSH TURF INC	6800 78TH AVE WEST	MILAN	IL	61264
BYRD ENTERPRISES UNLIMITED INC	828 MAIN STREET STE 1101	LYNCHBURG	VA	24504
BYUS CONSTRUCTION INC	16602 S CRAWFORD AVENUE	MARKHAM	IL	60428
CABLE CONTRACTORS LLC	2740 E LINCOLN ROAD	HELENA	MT	59602
CALHOUN CONSTRUCTION MANAGEMENT INC	6600 W MAIN ST REAR W	BELLEVILLE	IL	62223
CAM OF ILLINOIS LLC	300 DANIEL BOONE TRAIL	SOUTH ROXANA	IL	62087
CANYON PLUMBING INC	80 COLLEGE DRIVE	ASH FLAT	AR	72513
CAPITAL INSULATION INC	3210 NE MERIDEN RD	TOPEKA	KS	66617
CARPORT STRUCTURES CORPORATION	1825 METAMORA ROAD	OXFORD	MI	48371
CAS CONSTRUCTORS LLC	501 NE BURGESS	TOPEKA	KS	66608
CASE FOUNDATION COMPANY	1325 W LAKE ST	ROSELLE	IL	60172
CBS CONSTRUCTORS	204 E 1ST	MCCOOK	NE	69001
CCC GROUP INC	5797 DIETRICH RD	SAN ANTONIO	TX	78219
CENTRAL BUILDING & PRESEVATION LP	1071 W FRY STREET	CHICAGO	IL	60642
CHALLENGER CONSTRUCTION CORPORATION	111 E NANCY STREET	CLEARWATER	KS	67026
CHAMBERLAIN DALLAS LLC	2346 GLENDA LANE	DALLAS	TX	75229
CHAPMAN METERING, L.L.C.	1911 N LAVISTA HTS RD	AVOCA	IA	51521
CHARLES F EVANS CO INC	800 CANAL ST	ELMIRA	NY	14901
CHROMA PAINTING INC	218 SOUTH STREET	COLLINSVILLE	IL	62234
CIRCLE C PAVING AND CONSTRUCTION LLC	2513 CASEY DRIVE	GODDARD	KS	67052

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
CITADEL CONTRACTORS, INC.	3405 APEX PEAKWAY	APEX	NC	27502
CITADEL STEEL ERECTORS INC	3405 APEX PEAKWAY DRIVE	APEX	NC	27502
CIVIC DISASTER RECOVERY LLC	11325 RANDOM HILLS RD 360	FAIRFAX	VA	22030
CJ DRILLING INC	19N041 GALLIGAN ROAD	DUNDEE	IL	60118
CJ ERWIN CONSTRUCTION COMPANY	12115 NE 99TH ST STE 1800	VANCOUVER	WA	98682
CLEANWRAP INC	1560 W 500 N	SALT LAKE CTY	UT	84116
CLEAVERS FARM SUPPLY INC	2103 S SANTA FE	CHANUTE	KS	66720
CLOVER TOOL COMPANY INC	6903 FM 359 S	FULSHEAR	TX	77441
COASTAL ENVIRONMENTAL GROUP INC	250 EXECUTIVE DR STE K	EDGEWOOD	NY	11717
COASTAL RECONSTRUCTION, INC.	5570 FLORIDA MINING B 304	JACKSONVILLE	FL	32257
COLUMBIA CONSTRUCTION INC	19965 W 162ND STREET	OLATHE	KS	66062
COMMERCE CONSTRUCTION INC	695 N 40TH STREET	SPRINGDALE	AR	72762
COMMUNICATION DATA LINK LLC	1305 SW 37TH STREET	GRIMES	IA	50111
COMPLETE LAUNDRY EQUIPMENT, LLC	3756 SALEM ROAD STE C	BENTON	AR	72019
CONCORD TANK CORPORATION	51 D CARPENTER COURT NW	CONCORD	NC	28027
CONLON CONSTRUCTION CO	1100 ROCKDALE RD	DUBUQUE	IA	52003
CONNECTED TECHNOLOGIES LLC	1550 TIMOTHY RD STE 105	ATHENS	GA	30606
CONSTRUCTION SERVICES BRYANT INC	232 NEW YORK ST	WICHITA	KS	67214
CONTEGRA SERVICES LLC	22 GTWAY COMM CTR W 110	EDWARDSVILLE	IL	62025
CONTINENTAL POOLS INC	32330 W 213TH ST	SPRING HILL	KS	66083
CONTRACTORS ALLIANCE GROUP LLC	4192 HWY 44 E	SHEPHERDSVILLE	KY	40165
COOPER RAIL SERVICE INC	1700 N VAN BUREN ST	EVANSVILLE	IN	47542
COOPERS STEEL FABRICATORS	PO BOX 149	SHELBYVILLE	TN	37162
CORNERSTONE FCE SERVICES LLC	811 DENTWOOD TRAIL	PROSPER	TX	75078
CORNERSTONE TOWER SERVICE INC	410 S WEBB RD STE 6A	GRAND ISLAND	NE	68802
CORVAL CONSTRUCTORS INC	1633 EUSTIS ST	ST PAUL	MN	55108
COST OF WISCONSIN INC	4201 HWY P	JACKSON	WI	53037
CRAIGS RESTORATION & REPAIR LLC	1029 VAIL AVENUE	DURANT	IA	52747
CREEK ELECTRIC INCORPORATED	2811 W PAWNEE ST	WICHITA	KS	67213
CRITERION CORPORATION	1653 ENGMAN LAKE RD	SKANDIA	MI	49885
CROMWELL DEVELOPMENT CO INC	11300 DECIMAL DRIVE	LOUISVILLE	KY	40299
CROOKHAM CONSTRUCTION LLC	19336 182ND STREET	TONGANOXIE	KS	66086
CROSS COUNTY CONSTRUCTION INC	RR 2 VANCIL RD HWY 24	RUSHVILLE	IL	62681
CROWN CORR INC	7100 W 21ST AVE	GARY	IN	46406
CUNNINGHAM INC	112 6TH AVENUE W	OSKALOOSA	IA	52577
CWPMO INC	1682 LANGLEY AVE	IRVINE	CA	92614
D & D INDUSTRIAL CONTRACTING INC	101 MULLEN DR	WALTON	KY	41094
DALTON HARTMAN GROUP INC	1775 EXPO LANE	INDIANAPOLIS	IN	46214
DAMATO BUILDERS + ADVISORS LLC	40 CONNECTICUT AVE	NORWICH	CT	06360
DAN R DALTON INC	912 W CALISPELL ROAD	USK	WA	99180
DANNY'S CONSTRUCTION CO INCORPORATED	1066 WEST THIRD AVENUE	SHAKOPEE	MN	55379
DATA CLEAN CORPORATION	1033 GRACELAND AVENUE	DES PLAINES	IL	60016

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
DAVIS CONSTRUCTION	2143 NE HWY 7	COLUMBUS	KS	66725
DCG PETERSON BROTHERS COMPANY	5005 S HWY 71	SIOUX RAPIDS	IA	50585
DEEGIT INC	850 E HIGGINS RD STE 125X	SCHAUMBURG	IL	60173
DEGRAFF CONSTRUCTION LLC	519 E 23RD TER	GALENA	KS	66739
DEJAGER CONSTRUCTION INC	75 60TH ST SW	WYOMING	MI	49508
DELAUTER DEVELOPMENT INC	824 S MAIN ST STE 206	CRYSTAL LAKE	IL	60014
DELTA CONCRETE AND INDUSTRIAL CONTRACTING INC	51825 GRATIOT AVE	CHESTERFIELD	MI	48051
DENHAM BLYTHE COMPANY INC	100 TRADE ST	LEXINGTON	KY	40511
DENISON DRYWALL CONTRACTING INC	2307 HWY 30 EAST	DENISON	IA	51442
DENTON CONSTRUCTION COMPANY	26400 SHERWOOD	WARREN	MI	48091
DESCO SYSTEMS OF ARKANSAS INC	19890 W 156TH	OLATHE	KS	66062
DESIGN DRYWALL INC	6111 Z NW OF KS & INDIANA	FORT LEONARD WOOD	MO	65473
DETROIT PIPING GROUP MECHANICAL CONTRACTORS INC	38291 SCHOOLCRAFT	LIVONIA	MI	48150
DF CHASE INC	3001 ARMORY DR	NASHVILLE	TN	37204
DIAMOND CONSTRUCTION COMPANY	2000 N 18TH ST	QUINCY	IL	62301
DIAMOND SURFACE INC	21025 COMMERCE BLVD #900	ROGERS	MN	55374
DIG AMERICA UTILITY CONTRACTING INC	606 25TH AVE SO STE 202	ST CLOUD	MN	56301
DIVERSIFIED COMMERCIAL BUILDERS INC	829 PICKENS IND DR 13	MARIETTA	GA	30062
DIVERSIFIED FOUNDATIONS LLC	10530 STATE HWY 29 NORTH	ALEXANDRIA	MN	56308
DLP CONSTRUCTION COMPANY INC	5935 SHILOH RD E STE 200	ALPHARETTA	GA	30005
DOME CORPORATION OF NORTH AMERICA	5450 EAST ST	SAGINAW	MI	48601
DOMERMUTH ENVIRONMENTAL SERVICES	2908 TAZEWELL PIKE STE E	KNOXVILLE	TN	37918
DONCO ELECTRICAL CONSTRUCTION LLC	1506 US HWY 45 NORTH	ELDORADO	IL	62930
DOSTER CONSTRUCTION CO INC	2100 INTERNATIONAL PARK D	BIRMINGHAM	AL	35243
DOUBLE C CANVAS & REPAIR INC	4551 OLD HWY 67 NORTH	MIDLOTHIAN	TX	76065
DOWNSTATE STEEL ERECTORS, INC.	112 WESTWOOD CIRCLE	CATLIN	IL	61817
DS ELECTRIC LLC	5336 KNOX	MERRIAM	KS	66203
DTLS INCORPORATED	P O BOX 1615	BERNALILLO	NM	87004
DUALTEMP INSTALLATIONS INC DBA DUALTEMP WISCONSIN	3695 J N 126TH STREET	BROOKFIELD	WI	53005
DUANE HOUKOM INC	7 WINDSONG LANE	FRIENDSWOOD	TX	77546
DUERSON INC	601 1ST AVE N	ALTOONA	IA	50009
DUNK FIRE & SECURITY INC	3446 WAGON WHEEL RD	SPRINGDALE	AR	72762
DURR SYSTEMS INC	40600 PLYMOUTH RD	PLYMOUTH	MI	48170
DYER ELECTRIC INC	8171 TOP FLITE CIRCLE	ROGERS	AR	72756
E80 PLUS CONSTRUCTORS LLC	600 BASSETT ST	DEFOREST	WI	53532
EJM PIPE SERVICE INC	7807 LAKE DR	CIRCLE PINES	MN	55014
ELECTRICO INC	7706 WAGNER ROAD	MILLSTADT	IL	62260
ELLINGER WINFIELD LLC	ONE 157 CENTER	EDWARDSVILLE	IL	62025
ELLIOTT ELECTRICAL INC	P O BOX 1039	BENTON	AR	72015
EMCO CHEMICAL DISTRIBUTORS INC	2100 COMMONWEALTH AVE	NORTH CHICAGO	IL	60064

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
EMPLOYEE RESOURCE ADMINISTRATION LP	12400 COIT RD #1030	DALLAS	TX	75251
ENGINEERED STRUCTURES INC	3330 E LOUISE DR STE 300	MERIDIAN	ID	83642
ENGINEERING AMERICA INC	647 HALE AVENUE N	OAKDALE	MN	55128
ENGINEERING SERVICES NETWORK INC	2450 CRYSTAL DR STE 1015	ARLINGTON	VA	22202
ENGLEWOOD CONSTRUCTION INC	9747 W FOSTER AVENUE	SCHILLER PARK	IL	60176
ENVIRONMENTAL FABRICS INC	85 PASCON CT	GASTON	SC	29053
ENVISION TECHNOLOGY GROUP LLC	11227 STRANG LINE RD	LENEXA	KS	66215
ERV SMITH SERVICES INC	1225 TRAUX BLVD	EAU CLAIRE	WI	54703
EUGENIO PAINTING COMPANY	19807 MACK AVENUE	GROSSE POINTE WOODS	MI	48236
EVANS MASON INC	1021 SOUTH GRAND AVENUE	SPRINGFIELD	IL	62703
EVERGREEN CONSULTING GROUP LLC	12184 SW MORNING HILL DR	TIGARD	OR	97223
F & M CONTRACTORS INC	10915 NEW HALLS FERRY RD	ST LOUIS	MO	63136
F L CRANE & SONS INC	508 S SPRING	FULTON	MS	38843
FALLS CONSTRUCTION COMPANY INC	1100 INDIANA AVE STE 100	WICHITA FALLS	TX	76301
FARABEE MECHANICAL INC	P O BOX 1748	HICKMAN	NE	68372
FAUGHN ELECTRIC INC	5980 OLD MAYFIELD ROAD	PADUCAH	KY	42003
FEDERAL FIRE PROTECTION INC	805 SECRETARY DR STE A	ARLINGTON	TX	76015
FEDERAL STEEL & ERECTION CO	200 E ALTON AVE	EAST ALTON	IL	62024
FIRELAKE CONSTRUCTION INC	7932 NIEMAN ROAD STE A	LENEXA	KS	66214
FIRELINE SPRINKLER CORPORATION	5036 CLAIREMONT DR	APPLETON	WI	54913
FLINTCO LLC	1624 W 21ST STREET	TULSA	OK	74107
FLORIDA INSTITUTE OF TECHNOLOGY INC	150 W UNIVERSITY BLVD	MELBOURNE	FL	32901
FOUNDATION SPECIALIST INC	328 SOUTH 40TH STREET	SPRINGDALE	AR	72762
FOUR STAR CONSTRUCTION INC	7500 TOWER AVENUE	SUPERIOR	WI	54880
FRAZEE INC	560 LIONS CLUB DR SW	MABLETON	GA	30126
FREEDOM CONCRETE LLC	32565 LEINGTON AVE	DESOTO	KS	66018
FRENZELIT NORTH AMERICA INC	18050 TRANQUILITY ROAD	PURCELLVILLE	VA	20132
FRONTIER MECHANICAL	1234 W SOUTH JORDAN PKWY	SOUTH JORDAN	UT	84096
FULSOM BROTHERS INC	PO BOX 547	CEDAR VALE	KS	67024
G TEC SERVICES LLC	1126 FOREST VIEW DRIVE	HIAWASSEE	GA	30546
GAMMA CONSTRUCTION COMPANY	2808 JOANEL	HOUSTON	TX	77027
GATOR SIGN COMPANY INC	1027 KAREY ANDREWS ROAD	MCCOMB	MS	39648
GBA SYSTEMS INTEGRATORS LLC	9801 RENNER BLVD	LENEXA	KS	66219
GCG CONSTRUCTION	4100 OXFORD ROAD	PRAIRIE VILLAGE	KS	66208
GEA HEAT EXCHANGERS INC	143 UNION BLVD STE 400	LAKESWOOD	CO	80228
GENERAL EXCAVATING COMPANY	6701 CORNHUSKER HWY	LINCOLN	NE	68507
GENESEE FENCE & SUPPLY CO	53861 GRATIOT	CHESTERFIELD	MI	48051
GEOTECH SERVICES INC	350 GOLDEN OAK PARKWAY	OAKWOOD VILLAGE	OH	44146
GIBRALTAR CONSTRUCTION COMPANY INC	42 HUDSON ST STE A207	ANNAPOLIS	MD	21401
GLASS DESIGN INC	BOX 568	SAPULPA	OK	74067
GLOBAL CONSTRUCTION STRATEGIES INC	5454 LENA ROAD UNIT 106	BRADENTON	FL	34211
GLOBAL EFFICIENCIES INC	2205 W DIVISION ST STE H4	ARLINGTON	TX	76012

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GOOLSBY INC	3002 WEST MAIN STRET	BLYTHEVILLE	AR	72315
GORDON ENERGY AND DRAINAGE COMPANY	15735 S MAHAFFIE	OLATHE	KS	66062
GR2, LLC	5724 SUMMER TREES DRIVE	MEMPHIS	TN	38134
GRAND CONSTRUCTION COMPANY LLC	1699 VILLAGE WEST PARKWAY	KANSAS CITY	KS	66111
GRAYCLIFF ENTERPRISES INC	3300 BATTLEGROUND #100	GREENSBORO	NC	27410
GRE CONSTRUCTION	628 PALESTINE RD	CHESTER	IL	62233
GREAT LAKES CONCRETE PRODUCTS LLC	4555 134TH AVE	HAMILTON	MI	49419
GREER & KIRBY CO INC	14714 INDUSTRY CIRCLE	LA MIRADA	CA	90638
GRIFFIN DEWATERING MIDWEST LLC	5306 CLINTON DRIVE	HOUSTON	TX	77020
GSL COMMUNICATIONS INC	17382 CASPERS CIRCLE	HUNTINGTON BEACH	CA	92647
GUS CONST CO INC	606 ANTIQUE COUNTRY DR	CASEY	IA	50048
GYPSUM FLOORS OF AR/OK INC	PO BOX 1707	MULDROW	OK	74948
H & D UNDERGROUND INC	24434 240TH STREET	SLEEPY EYE	MN	56085
H & H SYSTEMS AND DESIGN, INC	135 WEST MARKET ST	NEW ALBANY	IN	47150
H & M INDUSTRIAL SERVICES INC	121 EDWARDS DR	JACKSON	TN	38302
H AND M CONSTRUCTION CO INC	50 SECURITY DR	JACKSON	TN	38305
H&H DRYWALL SPECIALTIES INC	3727 E 31ST STR	TULSA	OK	74135
HALL BROTHERS INC	1196 PONY EXPRESS HWY	MARYSVILLE	KS	66508
HANNA DESIGN GROUP INC	21925 FIELD PKWY STE 250	DEER PARK	IL	60010
HARDCASTLE CONSTRUCTION INCORPORATED	HWY 74	WASHINGTON	OK	73093
HARDING ENTERPRISES LLC	1016 3RD ST	PRENTISS	MS	39474
HAREN & LAUGHLIN RESTORATION COMPANY INC	8035 NIEMAN RD	LENEXA	KS	66214
HARRIS DAVIS REBAR LLC	318 ARVIN AVE	STONEY CREEK L8E2M2	ON	99999
HASTCO INC	813 GRAHAM	EMPORIA	KS	66801
HAWK INC	301 HAWK PLACE	MONTGOMERY	AL	36117
HAWKINS CONSTRUCTION COMPANY	2516 DEER PARK BLVD	OMAHA	NE	68105
HEAFNER CONTRACTING INC	27457 HEAFNER DRIVE	GODFREY	IL	62035
HEALY CONSTRUCTION SERVICES INC	14000 S KEELER AVE	CRESTWOOD	IL	60445
HEARTLAND RETAIL CONSTRUCTION INC	4956 MEMCO LN STE A	RACINE	WI	53404
HEINEN CUSTOM OPERATIONS INC	HWY 4	VALLEY FALLS	KS	66088
HICKEY CONTRACTING COMPANY	1318 G ST	KEOKUK	IA	52632
HIGH CONCRETE GROUP LLC	4990 CHILDRENS PL	ST LOUIS	MO	63110
HIGH COUNTRY LINE CONSTRUCTION INC	602 S FERGUSON STE 1	BOZEMAN	MT	59718
HODESS CONSTRUCTION CORPORATION	100 JOHN L DIETSCH SQUARE	NORTH ATTLEBORO	MA	02763
HOFFMANN SILO CORPORATION	6001 49TH ST S	MUSCATINE	IA	52761
HOHL INDUSTRIAL SERVICES INC	770 RIVERVIEW BLVD	TONAWANDA	NY	14150
HOLLIS ROOFING INC	P O BOX 2229	COLUMBUS	MS	39704
HOME CENTER CONSTRUCTION INC	302 OAK STREET	FRONTENAC	KS	66763
HOOVER CONSTRUCTION COMPANY	302 S HOOVER RD	VIRGINIA	MN	55792
HORIZON GENERAL CONTRACTORS INC	7315 W ELIZABETH LN	FT WORTH	TX	76116
HORIZON RETAIL CONSTRUCTION INC	1458 HORIZON BLVD	RACINE	WI	53406
HORIZONTAL BORING & TUNNELING CO	505 S RIVER AVE	EXETER	NE	68351

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HORIZONTAL WELL DRILLERS LLC	2915 STATE HWY 74 SOUTH	PURCELL	OK	73080
HORN MATERIAL HANDLING SYSTEMS INTERNATIONAL INC	9001 S CIMARRON RD	MUSTANG	OK	73064
HPI LLC	15503 WEST HARDY STREET	HOUSTON	TX	77060
HUSTON CONTRACTING INC	25640 W 143RD ST	OLATHE	KS	66061
HUTTON CONTRACTING CO INC	HWY 50	LINN	MO	65051
HYPERION BIOTECHNOLOGY INC	13302 LANGTRY STREET	SAN ANTONIO	TX	78248
ILLINOIS MECHANICAL SERVICE & DESIGN INC	907 N STANLEY	CHILLICOTHE	IL	61523
IMPACT INSTALLATIONS INC	10091 STREETER RD STE 2	AUBURN	CA	95602
IMPERIAL ROOF SYSTEMS CO	203 ARMOUR ST	WEST UNION	IA	52175
INCorp INC	3020 DIEGO DRIVE	EVANSVILLE	IN	47715
INDUSTRIAL MAINTENANCE CONTRACTORS INC	2301 GARDEN CITY HWY	MIDLAND	TX	79701
INDUSTRIAL ROOFING & CONSTRUCTION LLC	1128 HWY 2	STERLINGTON	LA	71280
INDUSTRIAL SERVICES INCORPORATED WASHTENAW	20901 BOWENS ROAD	MANCHESTER	MI	48158
INGRAM CONSTRUCTION COMPANY INC OF	173 HOY RD	MADISON	MS	39110
INK CONSTRUCTION LLC	8241 E KELLOGG DR STE 3	WICHITA	KS	67207
INNOVATIONONE, LLC	2600 JOHN SAXON BLVD	NORMAN	OK	73071
INNOVATIVE COMBUSTION TECHNOLOGIES INC	2367 LAKESIDE DR STE A-1	BIRMINGHAM	AL	35244
INNOVATIVE MASONRY RESTORATION LLC	16624 LAKESIDE AVE SE	PRIOR LAKE	MN	55372
INSULATING SERVICES INC	10709 H GRANITE STREET	CHARLOTTE	NC	28273
INSULATORS INC	N2713 SLEEPY HOLLOW RD	KEWAUNEE	WI	54216
INTEC SERVICES INC	4001 AUTOMATION WAY	FT COLLINS	CO	80525
INTERMOUNTAIN SLURRY SEAL INC	585 W BEACH STREET	WATSONVILLE	CA	95077
INTERNATIONAL INDUSTRIAL CONTRACTING CORPORATION	35900 MMOUND RD	STERLING HEIGHTS	KS	48310
INTERSTATE RESTORATION MISSOURI LLC	3401 QUORUM DRIVE STE 300	FORT WORTH	TX	76137
IOWA PLAINS SIGNING INC	1110 W 6TH AVENUE	SLATER	IA	50244
IRS ENVIRONMENTAL OF WA INC	12415 E TRENT	SPOKANE VALLEY	WA	99216
ISIS CONSULTANTS LLC	327 TOWNEPARK CIR 300B	LOUISVILLE	KY	40228
J & D CONSTRUCTION INC	4495 HWY 212	MONTEVIDEO	MN	56241
J & S CONSTRUCTION COMPANY INC	1843 FOREMAN DRIVE	COOKEVILLE	TN	38501
J CURRYCONSTRUCTION INC	1209 N ROUTE 45	MATTOON	IL	61938
JACKOVIC CONSTRUCTION COMPANY LLC	300 MT LEBANON BLVD 211A	PITTSBURGH	PA	15234
JACKSON DEAN CONSTRUCTION INC	3414 S 116TH ST	SEATTLE	WA	98168
JACOBS LADDER INC	2325 COBDEN SCHOOL ROAD	COBDEN	IL	62920
JAKES ELECTRIC LLC	207 ALLEN STREET	CLINTON	WI	53525
JAMES AGRESTA CARPENTRY, INC.	150 ENGLISH STREET	HACKENSACK	NJ	07601
JAMES N GRAY CONSTRUCTION CO	250 W MAIN ST	LEXINGTON	KY	40507
JAY MCCONNELL CONSTRUCTION INC	8242 MARSHALL DR	LENEXA	KS	66214
JD FRANKS INC	1602 S BELTINE ROAD	DALLAS	TX	75253
JEFF FINET	5630 N BUR OAK DR	GREENFIELD	IN	46140
JEN MECHANICAL INC	803 HOPP HOLLOW DR	ALTON	IL	62002

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JESCO INC	2020 MCCULLOUGH BLVD	TUPELO	MS	38801
JF BRENNAN CO INC	820 BAINBRIDGE ST	LA CROSSE	WI	54603
JM CABLE CORP.	130 CESSNA DRIVE	ERIE	CO	80516
JOHN A PAPALAS & CO INC	1187 EMPIRE	LINCOLN PARK	MI	48146
JOHN E. GREEN COMPANY	220 VICTOR AVE	HIGHLAND PARK	MI	48203
JOHNSONS BUILDERS	1455 HODGES FERRY ROAD	DOYLE	TN	38559
JOLLEY CONSTRUCTION COMPANY	2034 HAMILTON PL BLVD 200	CHATTANOOGA	TN	37421
JONES HYDROBLAST INC	P O BOX 309	ROYALTON	IL	62983
JOSEPH BATES	501 S 9TH ST STE 16	NOBLESVILLE	IN	46060
JURASSIC QUEST INC	6046 FM 2920 #516	SPRING	TX	77379
KADILEX CONSTRUCTION INC.	563 N FIRST STREET	WOOD RIVER	IL	62095
KAISER ELECTRICAL CONTRACTORS INC	310A ERIE AVENUE	MORTON	IL	61550
KANSAS DUSTROL INC	GEN DEL	EL DORADO	KS	67042
KARR TUCKPOINTING LLC	1801 WEST D STREET	VINTON	IA	52349
KASPARIE CONSTRUCTION COMPANY	1500 MAAS RD	QUINCY	IL	62305
KBS CONSTRUCTORS INC	1701 SW 41ST	TOPEKA	KS	66609
KC DOORS INC	120 SOUTH CENTRAL AVE 400	CLAYTON	MO	63105
KC SPRAY FOAM & COATINGS LLC	19942 W 162ND ST STE A	OLATHE	KS	66062
KEELEY & SONS INC	5 LOISEL VILLAGE SHOP CTR	EAST ST LOUIS	IL	62203
KENDALL CONSTRUCTION INC	4327 NW 43RD STREET	TOPEKA	KS	66618
KENT ANDERSON CONCRETE LP	830 E VALLEY RIDGE BLVD	LEWISVILLE	TX	75057
KES CONSTRUCTION LLC	11184 ANTIOCH 354	OVERLAND PARK	KS	66210
KEVIN KENT CONST LLC	15157 US HIGHWAY 34	LUCAS	IA	50151
KEY INDUSTRIAL SPECIALISTS INC	2437 BAY AREA BLVD #112	HOUSTON	TX	77058
KING OF TEXAS ROOFING COMPANY LP	307 GILBERT CIRCLE	GRAND PRAIRIE	TX	75050
KINLEY CONSTRUCTION COMPANY	201 N UNION ST BNK RM 502	OLEAN	NY	14760
KINLEY CONSTRUCTION GROUP LP	4025 WOODLAND PK BLVD 410	ARLINGTON	TX	76013
KLONDYKE CONSTRUCTION LLC	2640 W LONE CACTUS DRIVE	PHOENIX	AZ	85308
KORTE & LUITJOHANCONTRACTORS INC	12052 HIGHLAND ROAD	HIGHLAND	IL	62249
KRESCO LLC	7220 N LINDBERGH BLVD 370	HAZELWOOD (T1)	MO	63042
KUHLMAN REFRIGERATION INC	N56W16865 RIDGEWOOD 100	MENOMONEE FALLS	WI	53051
L G ELECTRIC INC	701 E 15TH ST	CHEYENNE	WY	82001
LAFORGE & BUDD CONST COMPANY INC	2020 N 21ST ST	PARSON	KS	67357
LAKEVIEW CONSTRUCTION OF WISCONSIN	10505 CORPORATE DR #200	PLEASANT PRAIRI	WI	53158
LAMAR MOORE CONSTRUCTION INC	4401 STATE ROUTE 162	GRANITE CITY	IL	62040
LAND ART LANDSCAPING INC	12429 HOWE DRIVE	LEAWOOD	KS	66209
LAYTON CONSTRUCTION CO INC	9090 S SANDY PKWY	SANDY	UT	84070
LEANTRAK INC	1645 INDIAN WOOD CR #101	MAUMEE	OH	43537
LEICK CONSTRUCTION INC	22027 221ST STREET	GLENWOOD	IA	51534
LITTEKEN CONSTRUCTION COMPANY	10208 HOLY CROSS LANE	BREESE	IL	62230
LOELLKE PLUMBING INC	22974 E COUNTY ROAD	JERSEYVILLE	IL	62052
LONE STAR RAILROAD CONTRACTORS INC	1101 TURTLE CREEK DR	O'FALLON	MO	63366

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LONGS DRILLING SERVICE INC	6768 LYNX LANE	HARRISON	AR	72601
LOUK AG SERVICES LLC	104 BEECH STREET	ROXHOLM	IA	50040
LOYD BUILDERS INC	2126 SOUTH ELM	OTTAWA	KS	66067
LSX CONSTRUCTION LLC	913 N PEARL ST STE 5	PAOLA	KS	66071
LUSE THERMAL TECHNOLOGIES LLC	3990 ENTERPRISE COURT	AURORA	IL	60504
LYNN ELECTRIC & COMMUNICATIONS, INC.	2415 PONDEROSA DR	LAWRENCE	KS	66046
M & A JONES CONSTRUCTION CO INC	P O BOX 3944	BATESVILLE	AR	72503
M & W CONTRACTORS INC	400 S STEWART ST	E PEORIA	IL	61611
M CHEMICAL COMPANY INC	825 COLORADO BLVD STE 214	LOS ANGELES	CA	90041
M&J ELECTRIC OF WICHITA LLC	1444 S ST CLAIR BLDG D	WICHITA	KS	67213
MAAS CONSTRUCTION	3615 SAINT ANTHONY ROAD	QUINCY	IL	62305
MAJOR DRILLING ENVIRONMENTAL LLC	2200 S 4000 W	SALT LAKE CITY	UT	84120
MAJOR REFRIGERATION CO INC	314 NORTHWESTERN AVENUE	NORFOLK	NE	68701
MANAGEMENT RESOURCE SYSTEMS INC	1907 BAKER RD	HIGH POINT	NC	27263
MANTA INDUSTRIAL INC	414 N ORLEANS STE 202	CHICAGO	IL	60610
MAPP CONSTRUCTION LLC	344 THIRD STREET	BATON ROUGE	LA	70801
MARINO ENGINEERING ASSOCIATES	1101 E COLORADO AVE	URBANA	IL	61801
MARKETING ASSOCIATES INC	131 ST JAMES WAY	MOUNT AIRY	NC	27030
MARKIM ERECTION COMPANY	521 BOONE STATION DR 106	BURLINGTON	NC	27215
MARRS ELECTRIC INC OF ARKANSAS	701 KAWNEER DR	SPRINGDALE	AR	72764
MARSHALL CONTRACTING INC	9219 WEST 263RD ST	LOUISBURG	KY	66053
MASCOT CONSTRUCTION INC	1782 W MCDERMOTT DRIVE	ALLEN	TX	75013
MASCOTT EQUIPMENT COMPANY INC	435 NE HANCOCK ST	PORTLAND	OR	97212
MATHEWZ CONSTRUCTION LLC	512 ARCH VIEW CT	COLUMBIA	IL	62236
MATTCON GENERAL CONTRACTORS INC	5460 W 84TH STREET	ZIONSVILLE	IN	46268
MAYER POLLOCK STEEL CORPORATION	850 INDUSTRIAL HIGHWAY	POTTSTOWN	PA	19464
MCCLAIN & CO INC	19152 GERMANNA HWY	CULPEPER	VA	22701
MCPHERSON CONTRACTORS INC	3715 W 29TH ST	TOPEKA	KS	66614
MCS OF TAMPA INC	3926 W SOUTH AVENUE	TAMPA	FL	33614
MCSHANE CONSTRUCTION COMPANY LLC	9550 W HIGGINS RD STE 200	ROSEMONT	IL	60028
MECHANICAL CONSTRUCTION SERVICES IN	1711 MELROSE DR	BENTON	AR	72015
MESSERSMITH MANUFACTURING INC	2612 F ROAD	BARK RIVER	MI	49807
MEYER CONTRACTING INC	11000 93RD AVENUE N	MAPLE GROVE	MN	55369
MEYERS PLUMBING	4117 MAIN STREET RD	KEOKUK	IA	52632
MICHIGAN COMMERCIAL CONTRACTORS INC	16745 COMSTOCK STREET	GRANDHAVEN	MI	49417
MID STATES ELECTRIC CO INC	P O BOX 156	S SIOUX CITY	NE	68776
MIDLAND INDUSTRIAL SERVICE LLC	2953 HONEYSUCKLE LANE	ROGERS	AR	72758
MIDSOUTH SPECIALTY CONSTRUCTION LLC	5731 OSBOURNE RD	ST JOE	AR	72675
MIDWEST COOLING TOWERS INC	1156 HIGHWAY 19	CHICKASHA	OK	73018
MIDWEST CUSTOM POOLS LLC	600 LINCOLN	LAWRENCE	KS	66044
MIDWEST ENVIRONMENTAL CONTROL INC	4708 ANGOLA ROAD	TOLEDO	OH	43615
MIDWEST MOLE INC	2460 N GRAHAM AVE	INDIANAPOLIS	IN	46218



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MIDWEST MOWING INC	2450 OWENS LANE	BRIGHTON	IL	62012
MIKE PETERSON CONSTRUCTION	1941 RAMROD AVENUE STE A	HENDERSON	NV	89014
MILESTONE CONSTRUCTION COMPANY LLC	2002 SOUTH 48TH STREET	SPRINGDALE	AR	72762
MILLER INSULATION CO INC	US HWY 65 & MO HWY 127	MALTA BEND	MO	65339
MILLS ELECTRICAL CONTRACTORS	2535 WALNUT HILL LN	DALLAS	TX	75229
MINNESOTA LIMITED LLC	18640 200TH STREET	BIG LAKE	MN	55309
MIXER SYSTEMS INC	190 SIMMONS AVENUE	PEWAUKEE	WI	53072
MJ HARRIS INC	2620 N WESTWOOD BLVD	POPLAR BLUFF	MO	63901
MLA GEOTHERMAL DRILLING LLC	205 HACKBERRY DRIVE	GREтна	NE	68028
MMR CONSTRUCTORS INC	15961 AIRLINE HWY	BATON ROUGE	LA	70817
MOLIN CONCRETE PRODUCTS CO INC	415 LILAC STREET	LINO LAKES	MN	55014
MOORE ASPHALT INC	1 COMMERCIAL STREET	MILLSTADT	IL	62260
MORRIS BECK CONSTRUCTION SERVICES INC	8100 COLONEL GLENN RD	LITTLE ROCK	AR	72204
MORRIS SHEA BRIDGE CO INC	1820 1ST AVENUE SOUTH	IRONDALE	AL	35210
MORRISSEY CONTRACTING COMPANY INC	705 SOUTHMOOR PL	GODFREY	IL	62035
MOUNTAIN STATES ROOFING INCORPORATED	413 E 41ST STREET	GARDEN CITY	ID	83714
MOUNTAIN TOP ENTERPRISES LLC	209 NW 132ND ST	OKLAHOMA CITY	OK	73114
MPS GEOTHERMAL LLC	7607 W INDUSTRIAL AVENUE	MIDLAND	TX	79706
MULANAX ELECTRIC INC	404 W DORCUS ST	ROLAND	OK	74954
MULTIPLE CONCRETE ENTERPRISES INC	1680 W 1000 N	LAYTON	UT	84041
MV RESIDENTIAL CONSTRUCTION INC	9349 WATERSTONE BLVD	CINCINNATI	OH	45249
MYLES LORENTZ INC	48822 OLD RIVER BLUFF RD	ST PETER	MN	56082
NAK CONSTRUCTION SERVICES LLC	1622 GIBBS DRIVE	GAINESVILLE	GA	30507
NATGUN CORP	11 TEAL RD	WAKEFIELD	MA	01880
NATIONAL COATINGS, INC.	3520 RENNIE SCHOOL ROAD	TRAVERSE CITY	MI	49685
NATIONAL ERECTORS & BUILDERS INC	13739 KAYSER RD	HIGHLAND	IL	62249
NATIONAL ROOFING & SHEET METAL COMPANY INC	G4130 FLINT ASPHALT DRIVE	BURTON	MI	48529
NEESE INC	303 DIVISION PO BOX 392	GRAND JUNCTION	IA	50107
NELSON INDUSTRIAL SERVICES INC	6021 MELROSE LN	OKLAHOMA CITY	OK	73127
NEW TEAM LLC	110 E BROWARD BLVD 2450	FT LAUDERDALE	FL	33301
NEW TECH CONSTRUCTION INC	PO BOX 39	NEBRASKA CITY	NE	68410
NIEWOHNER CONSTRUCTION INC	801 IOWA AVE	ONAWA	IA	51040
NORTH AMERICAN ROOFING SYSTEMS INC	3 WINNER CIRCLE	ARDEN	NC	28704
NORTH MISSISSIPPI CONVEYOR COMPANY INC	HWY 7S LAFAYETTE CO RD370	OXFORD	MS	38655
NORTHERN CLEARING INC	1805 W MAIN ST	ASHLAND	WI	54806
NORTHERN ELECTRIC INC	1275 W 124TH AVENUE	WESTMINSTER	CO	80234
NORTHERN VENTURES INCORPORATED	11050 QUIVIRA	OVERLAND PARK	KS	66210
NOVINIUM INC	1221 29TH ST NW STE D	AUBURN	WA	98001
NOVISYS LIMITED LIABILITY COMPANY	1460 US RT 9 N STE 203	WOODBIDGE	NJ	07095
NRGC	21270 COUNTRY PLACE LN	BUCYRUS	KS	66013
NU TEC ROOFING CONTRACTORS LLC	5025 EMCO DRIVE	INDIANAPOLIS	IN	46220
NUTRIJECT SYSTEMS INC	515 5TH ST	HUDSON	IA	50643

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NWA GARAGE SOLUTIONS, INC.	5108 N CHEYENNE TRAIL	ROGERS	AR	72756
NYMAN CONSTRUCTION CO	23209 MILES RD 2ND FLOOR	CLEVELAND	OH	44128
OLGOONIK SPECIALTY CONTRACTORS LLC	360 W BENSON BLVD STE 302	ANCHORAGE	AK	99503
ON AIR SOLUTIONS INC	10020 FAIRBANKS N HOUSTON	HOUSTON	TX	77064
ONE BROTHER CONSTRUCTION, LLC	1667 HIGHWAY 1	WASHINGTON	IA	52353
ORASURE TECHNOLOGIES INC	220 EAST FIRST STREET	BETHLEHEM	PA	18015
OUTDOOR SYSTEMS INC	660 STATE ROUTE 158	COLUMBIA	IL	62236
P.C.F. CONST., INC	1311 CART LANE	BELLEVILLE	IL	62221
PARK CONSTRUCTION MIDWEST INC	7900 BEECH ST NE	MINNEAPOLIS	MN	55432
PAUL DAVIS NATIONAL	2010 S 4TH ST	MILWAUKEE	WI	53204
PELIKAN ENTERPRISES INC	906 VANDALIA	COLLINSVILLE	IL	62234
PEOPLNOW	9000 SUNSET BLVD STE 900	WEST HOLLYWOOD	CA	90069
PETTUS PLUMBING & PIPING INC	P O BOX 3237	MUSCLE SHOALS	AL	35662
PIASA COMMERCIAL INTERIORS INC	1001 S MORRISON AVE	COLLINSVILLE	IL	62234
PINNACLE CONSTRUCTION OF IOWA INC	203 N CHESTNUT ST	GLENWOOD	IA	51534
PINNACLE MECHANICAL	240 OLD HORTON RD	ALBERTVILLE	AL	35950
PIPING CONTRACTORS OF KANSAS INC	115 SW JACKSON	TOPEKA	KS	66603
PISHNY REAL ESTATE SERVICES LLC	12202 W 88TH STREET	LENEXA	KS	66215
PITRE CONSTRUCTION INC	6835 TOWN HALL ROAD	BELLEVILLE	IL	62223
PK CONTRACTORS LLC	10816 TOWN CENTER BLVD	DUNKIRK	MD	20754
PLASTINATION COMPANY DBA BODY WORLDS	5050 OAKLAND AVE	ST LOUIS	MO	63101
PLYLERS AT YOUR SERVICE INC	10 CREEK STREET	BROOKVILLE	PA	15825
P-N-G CONTRACTING INC	917 CARLA DR	TROY	IL	62294
POLIVKA INTERNATIONAL COMPANY INC	13700 PROVIDENCE RD	WEDDINGTON	NC	28104
POWER HOME TECHNOLOGIES, LLC	4521 PRESLYN DRIVE	RALEIGH	NC	27616
PRAIRIE CONTRACTORS INC	9318 GULFSTREAM RD STE C	FRANKFORT	IL	60423
PRECAST ERECTORS INC	3500 VALLEY VISTA DR	HURST	TX	76053
PRECISION CONCRETE CUTTING MIDWEST	9044 PARKHILL ROAD	LENEXA	KS	66215
PREDICTIVE TECHNOLOGIES INC	18827 570TH AVENUE	AUSTIN	MN	55912
PREFERRED CONCRETE CONSTRUCTION INC	16136 149TH STREET SE	BIG LAKE	MN	55309
PREFERRED GLOBAL INC	1360 SOUTH 10TH STREET	NOBLESVILLE	IN	46060
PRO TEK INDUSTRIAL COATINGS LLC	2123 WINDWALKER GROVE	COLORADO SPRINGS	CO	80904
PRO TEMP OF ILLINOIS	101 STIRRUP LANE	BURR RIDGE	IL	60527
PROCESS EQUIPMENT INC	2770 WELBORN STREET	PELHAM	AL	35124
PROFESSIONAL HVAC R SERVICES INC	2861 CENTER RD	AVON	OH	44011
PROSSER WILBERT CONSTRUCTION INC	13730 W 108TH ST	LENEXA	KS	66215
PROTEAM SOLUTIONS INC	2740 AIRPORT DR STE 120	COLUMBUS	OH	43219
PSF MECHANICAL INC	9322 14TH AVE SOUTH	SEATTLE	WA	98108
PURDUM INC	11620 S WALNUT ST	OLATHE	KS	66061
PWI CONSTRUCTION INC	155 W MAIN ST	MESA	AZ	85201
PYRO INDUSTRIAL SERVICES INC	6610 SHEPHERD AVENUE	PORTAGE	IN	46368
Q AND D CONSTRUCTION INC	1050 S 21ST STREET	SPARKS	NV	89431

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
Q3 CONTRACTING INC	3066 SPRUCE ST	LITTLE CANADA	MN	55117
QCI THERMAL SYSTEMS INC	405 DRY CREEK AVENUE	WEST BURLINGTON	IA	52655
QUALITY ELECTRIC OF DOUGLAS COUNTY INC	1011 E 31ST STREET	LAWRENCE	KS	66046
QUALITY STRIPING INC	1704 E EUCLID AVE	DES MOINES	IA	50313
R CLEVELAND CORP	95 CENTER DRIVE	GILBERTS	IL	60136
R L BONDY INSULATION LLC	6600 15 MILE ROAD	STERLING HTS	MI	48312
R.T.L. CONSTRUCTION MN, INC.	4000 VALLEY IND BLVD S	SHAKOPEE	MN	55379
RAGO CONCRETE LTD	5610 FM 2218	RICHMOND	TX	77469
RAM CONSTRUCTION SERVICES OF MINNESOTA LLC	13800 ECKLES RD	LIVONIA	MI	48150
RAMON J GARCIA CONSTRUCTION	3315 N 115TH STREET	KANSAS CITY	KS	66109
RAMSEY WELDING INC	5360 E 900TH AVENUE	ALTAMONT	IL	62411
RANGER PLANT CONSTRUCTIONAL CO INC	5851 E INTERSTATE 20	ABILENE	TX	79601
RAWLINGS INDUSTRIAL INC	12402 N DIVISION ST #246	SPOKANE	WA	99218
RE CONSTRUCT	7400 W 110TH STREET #600	OVERLAND PARK	KS	66210
REDNOUR STEEL ERECTORS INC	HWY 150	CUTLER	IL	62238
REDWOOD GLOBAL PARTNERS LLC	13 W 36TH 4TH FLOOR	NEW YORK	NY	10018
REED DILLON & ASSOCIATES LLC	1213 E 24TH STREET	LAWRENCE	KS	66046
REFTECH INTERNATIONAL CORP	1700 50TH AVENUE	LACHINE H8T 2V5	PQ	99999
RELIA TECH INC	2280 SIBLEY COURT	EAGAN	MN	55122
RENIER CONSTRUCTION CORPORATION	2164 CITY GATE DRIVE	COLUMBUS	OH	43219
RESTAURANT SPECIALTIES INC	999 POLARIS PKWY STE 111	COLUMBUS	OH	43240
RETAIL CONSTRUCTION SERVICES INC	11343 39TH ST N	ST PAUL	MN	55042
RETAIL STOREFRONT GROUP INC	419 MIAMI AVE	LEEDS	AL	35094
RFB CONSTRUCTION CO INC	565 E 520TH AVE	PITTSBURGH	KS	66762
RFW CONSTRUCTION GROUP LLC	1315 N CHOUTEAU TRAFFICWA	KANSAS CITY	MO	64120
RIEKE GRADING INC	8200 HEDGE LANE TERRACE	SHAWNEE	KS	66227
RIGHT WAY FACILITY SERVICES OF TEXAS LLC	3017 WAITS AVENUE	TARRANT	TX	76109
RJ MECHANICAL INC	3153 BELLWOOD DRIVE	BIRMINGHAM	AL	35243
ROCK REMOVAL RESOURCES LLC	1125 N MILITARY AVENUE	GREEN BAY	WI	54303
ROCKY MOUNTAIN LINE SYSTEMS	1375 EVERLOOK DRIVE	CASPER	WY	82601
ROEHL REFRIGERATED TRANSPORT LLC	1916 E 29TH STREET	MARSHFIELD	WI	54449
ROLLING PLAINS CONSTRUCTION INC	12331 N PEORIA ST	HENDERSON	CO	80640
RON WEERS CONSTRUCTION INC	20765 S FOSTER COURT	BUCYRUS	KS	66013
ROY ANDERSON CORP	11400 REICHOLD ROAD	GULFPORT	MS	39503
ROYAL ROOFING COMPANY INC	2445 BROWN ROAD	ORION	MI	48359
ROYAL SEAL CONSTRUCTION INC	124 MCMAKIN RD	BARTONVILLE	TX	76226
ROYALTY COMPANIES OF INDIANA INC	1000 D AVENUE	SEYMOUR	IN	47274
RP COATINGS INC	710A S MAIN STREET	TROY	IL	62294
RUDEBUSCH DEVELOPMENT & CONSTRUCTION INC	4605 DOVETAIL DRIVE	MADISON	WI	53704
RUSSELL CONSTRUCTION COMPANY	1414 MISSISSIPPI BLVD	BETTENDORF	IA	52722
S & A INDUSTRIES INC	275 SATELLITE BLVD NW	SUWANEE	GA	30024
S & S POWERLIFT DOORS INC	6926 E SUMMERSIDE CT	BEL AIRE	KS	67226

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
S & W CONSTRUCTION LLC OF IOWA	109 MOODY DR	HAMBURG	IA	51640
S T COTTER TURBINE SERVICES INC	2167 196TH STREET EAST	CLEARWATER	MN	55320
SA SMITH ELECTRIC INC	525 JERSEY ST	QUINCY	IL	62301
SAAB NORTH AMERICA INC	21300 RIDGETOP CIRCLE	STERLING	VA	20166
SAMRON MIDWEST CONTRACTING INC	1510 N 7TH STREET	MURPHYSBORO	IL	62966
SARENS	5000 EXECUTIVE PKWY #230	SAN RAMON	CA	94583
SATELLITE SERVICES INC	120 SUPERIOR RD	ST ROBERT	MO	65583
SCHECK TECHNICAL SERVICES	500 E PLAINFIELD RD	COUNTRYSIDE	IL	60525
SCHEINER COMMERCIAL GROUP INC	18965 BASE CAMP RD STE A1	MONUMENT	CO	80132
SCHLEIS FLOOR COVERING INC	2744 MANITAWOC ROAD	GREEM BAY	WI	54311
SCHUMACHER ELEVATOR COMPANY	ONE SCHUMAKER WAY	DENVER	IA	50622
SCHUPPS LINE CONSTRUCTION INC	10 PETRA LANE	ALBANY	NY	12205
SCHWEITZER ENGINEERING LABORATORIES, INC.	2350 NE HOPKINS CT	PULLMAN	WA	99163
SCHWOB BUILDING COMPANY LTD	2349 GLENDA LANE	DALLAS	TX	75229
SEK HEAT & AIR INC	422 W ATKINSON	PITTSBURG	KS	66762
SEMINOLE EQUIPMENT INC	204 TARPON INDUSTRIAL DR	TARPON SPGS	FL	34688
SG CONSTRUCTION SERVICES LLC	801 S SAGINAW	FLINT	MI	48502
SHAFFER ENTERPRISES D & T LLC	301 LEONA LANE	URSA	IL	62376
SHAWNEE MISSION TREE SERVICE INC	8250 COLE PKWY	SHAWNEE MSN	KS	66227
SHIELDS TELECOMM, INC.	7 CIRCLE DR	MOUNT VERNON	IL	62864
SHORTRIDGE CONSTRUCTION COMPANY, INC.	3908 N 24TH ST	QUINCY	IL	62301
SIERRA BRAVO CONTRACTORS LLC	7038 HWY 154	SESSER	IL	62884
SIGN ME UP OF WISCONSIN LLC	311 FOREST AVENUE	SHEBOYGAN FALLS	WI	53085
SIMBECK & ASSOCIATES INC	38256 HWY 160	MANCOS	CO	81328
SIMON ROOFING AND SHEET METAL CORP.	70 KARAGO AVE	YOUNGSTOWN	OH	44512
SIMON SEZ POWERHOUSE INC	1401 EBONY AVENUE	WAVERLY	IA	50677
SKYLINE TECHNOLOGY SOLUTIONS	6956-F AVIATION BLVD	GLEN BURNIE	MD	21061
SKYTOP TOWERS INC	13503 W US HWY 34	MALCOLM	NE	68402
SLEETH ELECTRIC INC	48W605 HINCKLEY ROAD	BIG ROCK	IL	60511
SLEETH TOWER & COMMUNICATIONS, LLC	48W605 HINCKLEY ROAD	BIG ROCK	IL	60511
SMARTLINK, LLC	1449 WHITEHALL ROAD	ANNAPOLIS	MD	21409
SNI COMPANIES	4500 WESTOWN PKWY STE 120	WEST DES MOINES	IA	50266
SOILFREEZE INC	1165 EASTLAKE AVE E #400	SEATTLE	WA	98109
SOLAR ERECTORS US INC	10501 NW 121ST WAY	MEDLEY	FL	33178
SOLARIS ROOFING SOLUTIONS INC	4800 JACOBS OLD COAL RD	SHREWSBURY	MO	63119
SOLID PLATFORMS INC	6610 MELTON RD	PORTAGE	IN	46368
SOUTH INDUSTRIES INC	910 TWIN BUTTE RD	MENAN	ID	83434
SOUTHEAST DIRECTIONAL DRILLING LLC	3117 N CESSDA AVE	CASA GRANDE	AZ	85222
SOUTHERN CONCRETE PRODUCTS INC	266 E CHRUCH STREET	LEXINGTON TN	TN	38351
SOUTHERN MARINE CONSTRUCTION CO	100 HAMM ROAD	CHATTANOOGA	TN	37405
SOUTHFORK CONSTRUCTION INC	144 GREENLAWN DRIVE	SAN ANTONIO	TX	78201
SOUTHWEST FIXTURE INSTALLERS INC	242 W VAUGHN	TEMPE	AZ	85283

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
SOUTHWEST GREENS COMPANY	101 AIRPORT ROAD	ALTO	NM	88312
SOUTHWINDS INSPECTION CORP	RT 2 BOX 88A	KINGFISHER	OK	73750
SPORTS METALS INC	P O BOX 1338	PHENIX CITY	AL	36868
SRB ELECTRIC LLC	907 HIGH RIDGE DR	COLUMBIA	IL	62236
STARR HOMES LLC	7229 W 161ST ST	OVERLAND PARK	KS	66085
STAYBRIGHT ELECTRIC OF COLORADO INC	4468 BARNES DRIVE	COLORADO SPRINGS	CO	80917
STEPHENS & SMITH CONSTRUCTION CO INC	1542 S 1ST ST	LINCOLN	NE	68502
STEVE HOEGGER & ASSOCIATES INC	2630 N HIGHWAY 78	WYLIE	TX	75098
STILL CONSTRUCTION INC	PO BOX 70	LEAD HILL	AR	72644
STILL CONTRACTORS LLC	15740 S MAHAFFIE ST	OLATHE	KS	66062
STRATA SOLAR LLC	50101 GOVERNORS DR 280	CHAPEL HILL	NC	27517
STREICHER EXCAVATING INC	1718 EAST BREMER AVE	WAVERLY	IA	50677
STRINGER CONSTRUCTION COMPANY INC	6141 LUCILE AVE	SHAWNEE	KS	66203
STRUKEL ELECTRIC INC	375 W WALNUT ST	GIRARD	KS	66743
STUEVE CONSTRUCTION COMPANY	2201 E OAK ST	ALGONA	IA	50511
STURZENBECKER CONSTRUCTION COMPANY, INC	1113 44TH AVE N STE 300	MYRTLE BEACH	SC	29577
SUNCON INC	#2 TERMINAL DR STE 17A	EAST ALTON	IL	62002
SUNLAND CONSTRUCTION INC	HWY 13 SOUTH	EUNICE	LA	70535
SUPER SKY PRODUCTS ENTERPRISES LLC	10301 N ENTERPRISE DRIVE	MEQUON	WI	53092
SUPERIOR OPERATING SYSTEMS INC	1721 S 42ND STREET	ROGERS	AR	72758
SUPREME ELECTRIC CO	213 S 10TH	QUINCY	IL	62306
SURF PREP INC	19305 HAYDEN COURT	BOOKFIELD	WI	53045
SURFACE PREPARATION TECHNOLOGIES LLC	81 TEXACO ROAD	MECHANICSBURG	PA	17050
SWALVE ENTERPRISES LLC	1755 S WHITE CIRCLE	DEWEY	AZ	86327
SWANSTON EQUIPMENT COMPANY	3404 MAIN AVE	FARGO	ND	58103
SWIFT ROOFING INC	INDUSTRIAL RD	MURRAY	KY	42071
T V JOHN & SON INC	5201 N 124TH STREET	BUTLER	WI	53007
T WINN CONSTRUCTION COMPANY	15018A CIRCLE	OMAHA	NE	68144
TANCO ENGINEERING INCORPORATED	1400 TAURUS COURT	LOVELAND	CO	80537
TANK BUILDERS INC	13400 TRINITY BLVD	EULESS	TX	76039
TCI ARCHITECTS ENGINEERS CONTRACTOR INC	1718 STATE ROAD 16	LA CROSSE	WI	54601
TDR CONTRACTORS INC	1523 W TYLER ST	GILMER	TX	75644
TEAM WEST CONTRACTING CORPORATION	1611 JENKS DRIVE	CORONA	CA	92880
TEKRAN INSTRUMENTS CORPORATION	330 NANTUCKET BLVD TORONT	ONT CAN M1P2P4	ON	99999
TENCON INC	530 JONES ST	VERONA	PA	15147
TENNESSEE ELECTRIC COMPANY INC	1700 N JOHN B DENNIS HWY	KINGSPORT	TN	37664
TENOCH CONSTRUCTION INC	6216 MISSION RD	FAIRWAY	KS	66205
TERRAZZO USA AND ASSOCIATES INC	404 E FRANKLIN AVENUE	SHAWNEE	OK	74804
TERWISSCHA CONSTRUCTION INC	1107 HAZELTINE BLVD MD 68	CHASKA	MN	55318
TEXOMA INDUSTRIAL INSULATION ASSOCIATION	1202 N HWY 91	DENISON	TX	75021
TGK ENTERPRISES INC	9211 CASTLEGATE DRIVE	INDIANAPOLIS	IN	46256
THE DRILLER LLC	5125 E UNIVERSITY AVE	PLEASANT HILL	IA	50327

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
THE FAVERGRAY COMPANY	415 PABLO AVE STE 200	JACKSONVILLEBEACH	FL	32250
THE FISHEL COMPANY	1810 ARLINGATE LN	COLUMBUS	OH	43228
THE FORREST GROUP LTD	2108 N 129TH E AVENUE	TULSA	OK	74116
THE FRED CHRISTEN & SONS COMPANY	714 GEORGE ST	TOLEDO	OH	43608
THE KILIAN CORPORATION	608 S INDEPENDENCE	MASCOUTAH	IL	62258
THE MAXIS GROUP INC	8167 E DEL CAMINO DRIVE	SCOTTSDALE	AZ	85258
THE REDMOND COMPANY	W228 N745 WESTMOUND DR	WAUKESHA	WI	53186
THOMAS GRACE CONSTRUCTION INC	5605 MEMORIAL AVENUE N	STILLWATER	MN	55082
THOMPSON ELECTRIC CO	721 14TH ST	SIOUX CITY	IA	51105
TINDALL CONTRACTOR INC	4300 HORSESHOE LAKE RD	PONTOON BEACH	IL	62040
TITAN CONTRACTING & LEASING CO INC	2205 RAGU DRIVE	OWENSBORO	KY	42302
TOMS TUCKPOINTING LLC	410 W ELM	CORNING	AR	72422
TOTAL ELECTRIC CONTRACTORS INC	PO BOX 13247	EDWARDSVILLE	KS	66113
TOURNEAR ROOFING CO	2605 SPRING LAKE RD	QUINCY	IL	62305
TOWN AND COUNTRY PLUMBING INC	1201 N 2ND STREET	ROGERS	AR	72756
TRAC WORK INC	303 W KNOX	ENNIS	TX	75119
TRACY ELECTRIC INC	8025 S BROADWAY STREET	HAYSVILLE	KS	67060
TRADEMARK RESTORATION INCORPORATED	6260 E RIVERSIDE BLVD 163	LOVES PARK	IL	61111
TRAFFIC & LIGHTING SYSTEMS LLC	13305 N SANTA FE AVENUE	OKLAHOMA CITY	OK	73114
TRAFFIC CONTROL SERVICES LLC	1411 STONERIDGE DRIVE	MIDDLETOWN	PA	17057
TRC DISASTER SOLUTIONS COMPANY	712 S WHEELING AVE	TULSA	OK	74104
TRI NORTH BUILDERS INC	2625 RESEARCH PARK DR	FITCHBURG	WI	53711
TRI STAR CONTRACTORS LLC	1910 WAUKESHA ROAD	SILAM SPRINGS	AR	72761
TRI STATE EXTERIOR SOLUTIONS LLC	80 LODGE POLE LN STE B	BOZEMAN	MT	59718
TRIAD ASSOCIATES INC	361 RANDY RD STE 101	CAROL STREAM	IL	60188
TRIAGE CONSULTING GROUP	221 MAIN STREET STE 1100	SAN FRANCISCO	CA	94105
TRUCK CRANE SERVICE COMPANY	2875 HIGHWAY 55	EAGAN	MN	55121
TUFF WRAP INSTALLATIONS INC	2080 DETWILER ROAD STE 2	HARLEYSVILLE	PA	19438
TURNER CERAMIC TILE INC	11535 KAW DR	KANSAS CITY	KS	66111
TWEET GAROT MECHANICAL INC	2545 LARSEN RD	GREEN BAY	WI	54303
U S BUILDERS LP	8811 GAYLORD	HOUSTON	TX	77024
U S ELECTRICAL CONSTRUCTION CO INC	160 HARRISONVILLE LAKE RD	WOODSTOWN	NJ	08098
UCI INC	659 N MAIN	WICHITA	KS	67214
ULTIMATE THERMAL INC	P O BOX 34818	OMAHA	NE	68134
UNITED PIPING INC	4510 AIRPORT ROAD	DULUTH	MN	55811
UNIVERSAL WALL SYSTEMS INC	6119 28TH ST SE STE B	GRAND RAPIDS	MI	49546
UPTON MASONRY	68800 E 20 RD	QUAPAW	OK	74363
URETEK ICR HEARTLAND	1200 SW BROOKSIDE CIR 15	GRIMES	IA	50111
US LAWN OZARKS	1010 ROBIN ST	NIXA	MO	65714
UTILITY SOLUTIONS LLC	17835 185TH STREET	TONGANOXIE	KS	66086
VALIANT INTERNATIONAL INC	1511 EAST 14 MILE RD	TROY	MI	48083
VAN ERT ELECTRIC COMPANY INC	7019 WEST STEWART AVENUE	WAUSAU	WI	54401

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
VANCE CONSTRUCTION SOLUTIONS LLC	925 EAST PARKER ROAD	JONESBORO	AR	72404
VC INTERNATIIONAL INC	27 MCDONALD AVENUE	DARTMOUTH	NS	99999
VECTOR CONSTRUCTION INC	3814 3RD AVE NW	FARGO	ND	58102
VETERANS RANGE SOLUTIONS LLC	24308 OAK MEADOW LANE	FREDERICKSBURG	VA	22407
VFC	90 CUTLER DRIVE	NORTH SALT LAKE	UT	84054
VFP FIRE SYSTEMS INC	301 YORK AVE	ST PAUL	MN	55130
VIACON INC	70 BANKS RD	STOCKBRIDGE	GA	30281
VICTORY CONSTRUCTION & REFRIGERATION INC	4771 FOX STREET	DENVER	CO	80216
VISIONSOFT INTERNATIONAL INC	1842 OLD NORCROSS RD 100	LAWRENCEVILLE	GA	30044
VISU SEWER CLEAN & SEAL INC	W230 N4855 BETKER RD	PEWAUKEE	WI	53072
VON ALST OPERATING LLC	2416 SMELTING WORKS ROAD	SWANSEA	IL	62226
W.H.M CONTRACTING., INC.	255 MCCORMICK DRIVE	BOHEMIA	NY	11716
WADES REFRIGERATION INC	P O BOX 2164	BATESVILLE	AR	72503
WALSH ALBERICI JOINT VENTURE	929 W ADAMS STREET	CHICAGO	IL	60607
WALSH CONSTRUCTON COMPANY II LLC	929 W ADAMS STREET	CHICAGO	IL	60607
WALTERS MORGAN CONSTRUCTION INC	2616 TUTTLE CREEK BLVD	MANHATTAN	KS	66502
WATSON ELECTRIC INC	318 N 8TH ST	SALINA	KS	67401
WEATHERCRAFT COMPANY OF GRAND ISLAND	PO BOX 80459	LINCOLN	NE	68501
WEATHERCRAFT COMPANY OF LINCOLN	5410 NW 44TH ST STE A	LINCOLN	NE	68524
WEIDMANN DIAGNOSTIC SOLUTIONS INC	230 GORDON MILLS WAY	ST JOHNSBURY	VT	05819
WELDMATION INC	31720 STEPHENSON HIGHWAY	MADISON HEIGHTS	MI	48071
WESTIN CONSTRUCTION COMPANY	10828 NESBITT AVE SO	BLOOMINGTON	MN	55437
WH BASS INC	5664 D PEACHTREE PKWY	NORCROSS	GA	30092
WHITE STAR CONSTRUCTION, INC.	6175 MIZE ROAD	SHAWNEE	KS	66226
WILKERSON CRANE RENTAL INC	205 SOUTH 102ND STREET	EDWARDSVILLE	KS	66111
WORLDWIDE TURBINES LLC	1001 YAMATO RD	BOCA RATON	FL	33431
WR NEWMAN & ASSOCIATES INC	2854 LOGAN ST	NASHVILLE	TN	37211
WYOMING EFFICIENCY CONTRACTORS INC	530 E COSTILLA STREET	COLORADO SPRINGS	CO	80903
YOKOGAWA CORPORATION OF AMERICA	2 DART RD	NEWNAN	GA	30265
ZAPATA ENGINEERING PA	6302 FAIRVIEW RD STE 600	CHARLOTTE	NC	28210
ZERNCO INC	14033 SW TAWAKONI RD	AUGUSTA	KS	67010
ZIMMERMAN CONSTRUCTION COMPANY INC	12509 HEMLOCK ST	OVERLAND PARK	KS	66213
ZOLFO COOPER	101 EISENHOWER PKY 3RD FL	ROSELAND	NJ	07068

**T**he 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 by email to [dissolutions@sos.mo.gov](mailto:dissolutions@sos.mo.gov).

## NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST J & G MOTORSPORTS LLC

On April 7, 2015, J & G Motorsports LLC, a Missouri limited liability company, doing business as Tergin Motorsports Sales, filed a Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State. You are hereby notified that if you believe you have a claim against J & G Motorsports LLC, you must submit a summary in writing of the circumstances surrounding your claim to: Jonathan C. Browning, Marica, Sigmund, & Browning, LLC, 305 E. McCarty Street, Suite 300, Jefferson City MO 65101. The summary of your claim must include the following information: (1) the name, address and telephone number of the claimant; (2) the amount of the claim; (3) the date the event on which the claim is based occurred; and (4) a brief description of the nature of the debt or the basis for the claim. All claims against J & G Motorsports LLC will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

## NOTICE OF WINDING UP TO ALL CREDITORS AGAINST BAY HORSE RANCH, INC.

Notice of Dissolution to all creditors of and claimants against **BAY HORSE RANCH, INC.**, a Missouri Corporation, filed its Notice of Winding Up with the Missouri Secretary of State. Bay Horse Ranch, Inc. requests that all persons and organizations who have claims against it present them immediately by letter to Bay Horse Ranch, Inc., c/o Law Office of Camron Hoorfar, P.C., 202 SW Market Street, Lee's Summit, MO 64063.

All claims must include the following information: (a) name and address of the claimant, (b) the amount claimed, (c) date on which the claim arose, (d) basis for the claim and documentation thereof, and (e) whether or not the claimed was secured and, if so, the collateral used as security.

All claims against Bay Horse Ranch, Inc. will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the date of publication of this notice.



## Rule Changes Since Update to Code of State Regulations

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—39 (2014) and 40 (2015). 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, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
1 CSR 10	<b>OFFICE OF ADMINISTRATION</b> State Officials' Salary Compensation Schedule				37 MoReg 1859 38 MoReg 2053 39 MoReg 2074
1 CSR 10-10.010	Commissioner of Administration		40 MoReg 174		
1 CSR 50-3.010	Missouri Ethics Commission		40 MoReg 388		
<b>DEPARTMENT OF AGRICULTURE</b>					
2 CSR 30-2.010	Animal Health		39 MoReg 1925	40 MoReg 483	
2 CSR 30-2.020	Animal Health		39 MoReg 1927	40 MoReg 483	
2 CSR 30-6.020	Animal Health		39 MoReg 1930	40 MoReg 483	
2 CSR 70-14.005	Plant Industries	39 MoReg 1638	39 MoReg 1735	40 MoReg 399	
2 CSR 70-14.010	Plant Industries	39 MoReg 1639	39 MoReg 1735	40 MoReg 400	
2 CSR 70-14.020	Plant Industries	39 MoReg 1640	39 MoReg 1736	40 MoReg 400	
2 CSR 70-14.030	Plant Industries	39 MoReg 1641	39 MoReg 1739	40 MoReg 401	
2 CSR 70-14.040	Plant Industries	39 MoReg 1642	39 MoReg 1742	40 MoReg 402	
2 CSR 70-14.050	Plant Industries	39 MoReg 1643	39 MoReg 1744	40 MoReg 403W	
2 CSR 70-14.060	Plant Industries	39 MoReg 1643	39 MoReg 1744	40 MoReg 404	
2 CSR 70-14.070	Plant Industries	39 MoReg 1644	39 MoReg 1744	40 MoReg 404	
2 CSR 70-14.080	Plant Industries	39 MoReg 1644	39 MoReg 1744	40 MoReg 405	
2 CSR 70-14.090	Plant Industries	39 MoReg 1645	39 MoReg 1745	40 MoReg 406	
2 CSR 70-14.100	Plant Industries	39 MoReg 1646	39 MoReg 1748	40 MoReg 406	
2 CSR 70-14.110	Plant Industries	39 MoReg 1648	39 MoReg 1751	40 MoReg 408	
2 CSR 70-14.120	Plant Industries	39 MoReg 1648	39 MoReg 1753	40 MoReg 409	
2 CSR 70-14.130	Plant Industries	39 MoReg 1649	39 MoReg 1755	40 MoReg 410	
2 CSR 70-14.140	Plant Industries	39 MoReg 1650	39 MoReg 1757	40 MoReg 410	
2 CSR 70-14.150	Plant Industries	39 MoReg 1651	39 MoReg 1759	40 MoReg 411	
2 CSR 70-14.160	Plant Industries	39 MoReg 1651	39 MoReg 1761	40 MoReg 412	
2 CSR 70-14.170	Plant Industries	39 MoReg 1652	39 MoReg 1764	40 MoReg 412	
2 CSR 70-14.180	Plant Industries	39 MoReg 1653	39 MoReg 1766	40 MoReg 413	
2 CSR 70-14.190	Plant Industries	39 MoReg 1653	39 MoReg 1769	40 MoReg 414	
2 CSR 80-5.010	State Milk Board		40 MoReg 516		
2 CSR 80-6.041	State Milk Board		40 MoReg 518		
2 CSR 90-10	Weights and Measures				38 MoReg 1241 39 MoReg 1399
<b>DEPARTMENT OF CONSERVATION</b>					
3 CSR 10-4.110	Conservation Commission		40 MoReg 389		
3 CSR 10-5.205	Conservation Commission		40 MoReg 389		
3 CSR 10-5.210	Conservation Commission		40 MoReg 389		
3 CSR 10-7.405	Conservation Commission		40 MoReg 390		
3 CSR 10-7.431	Conservation Commission		40 MoReg 390		
3 CSR 10-7.432	Conservation Commission		40 MoReg 391		
3 CSR 10-7.433	Conservation Commission		N.A.	This Issue	
3 CSR 10-7.455	Conservation Commission		40 MoReg 391		
3 CSR 10-8.510	Conservation Commission		40 MoReg 392		
3 CSR 10-9.220	Conservation Commission		40 MoReg 392		
3 CSR 10-9.353	Conservation Commission		40 MoReg 392		
3 CSR 10-9.359	Conservation Commission		40 MoReg 392		
3 CSR 10-9.560	Conservation Commission		40 MoReg 393		
3 CSR 10-9.565	Conservation Commission		40 MoReg 393		
3 CSR 10-9.566	Conservation Commission		40 MoReg 394		
<b>DEPARTMENT OF ECONOMIC DEVELOPMENT</b>					
4 CSR 85-8.010	Division of Business and Community Services	38 MoReg 1925 39 MoReg 489T			
4 CSR 85-8.020	Division of Business and Community Services	38 MoReg 1934 39 MoReg 489T			
4 CSR 85-8.030	Division of Business and Community Services	38 MoReg 1934 39 MoReg 489T			
4 CSR 85-9.010	Division of Business and Community Services	38 MoReg 1935 39 MoReg 489T			
4 CSR 85-9.020	Division of Business and Community Services	38 MoReg 1936 39 MoReg 489T			
4 CSR 85-9.030	Division of Business and Community Services	38 MoReg 1937 39 MoReg 490T			
4 CSR 85-9.040	Division of Business and Community Services	38 MoReg 1947 39 MoReg 490T			

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4 CSR 85-9.050	Division of Business and Community Services	38 MoReg 1954 39 MoReg 490T			
4 CSR 240-2.061	Public Service Commission		40 MoReg 520R		
4 CSR 240-2.062	Public Service Commission		40 MoReg 520R		
4 CSR 240-3.500	Public Service Commission		40 MoReg 520R		
4 CSR 240-3.505	Public Service Commission		40 MoReg 521R		
4 CSR 240-3.510	Public Service Commission		40 MoReg 521R		
4 CSR 240-3.513	Public Service Commission		40 MoReg 521R		
4 CSR 240-3.515	Public Service Commission		40 MoReg 522R		
4 CSR 240-3.520	Public Service Commission		40 MoReg 522R		
4 CSR 240-3.525	Public Service Commission		40 MoReg 523R		
4 CSR 240-3.530	Public Service Commission		40 MoReg 523R		
4 CSR 240-3.535	Public Service Commission		40 MoReg 523R		
4 CSR 240-3.540	Public Service Commission		40 MoReg 524R		
4 CSR 240-3.545	Public Service Commission		40 MoReg 524R		
4 CSR 240-3.550	Public Service Commission		40 MoReg 524R		
4 CSR 240-3.555	Public Service Commission		40 MoReg 525R		
4 CSR 240-3.560	Public Service Commission		40 MoReg 525R		
4 CSR 240-3.565	Public Service Commission		40 MoReg 526R		
4 CSR 240-20.065	Public Service Commission		40 MoReg 526		
4 CSR 240-20.100	Public Service Commission		40 MoReg 538		
4 CSR 240-28.010	Public Service Commission		40 MoReg 555		
4 CSR 240-28.020	Public Service Commission		40 MoReg 555		
4 CSR 240-28.030	Public Service Commission		40 MoReg 556		
4 CSR 240-28.040	Public Service Commission		40 MoReg 558		
4 CSR 240-28.050	Public Service Commission		40 MoReg 559		
4 CSR 240-28.060	Public Service Commission		40 MoReg 560		
4 CSR 240-28.070	Public Service Commission		40 MoReg 561		
4 CSR 240-28.080	Public Service Commission		40 MoReg 562		
4 CSR 240-28.090	Public Service Commission		40 MoReg 563		
4 CSR 240-30.020	Public Service Commission		40 MoReg 564R		
4 CSR 240-30.040	Public Service Commission		40 MoReg 564R		
4 CSR 240-32.010	Public Service Commission		40 MoReg 564R		
4 CSR 240-32.020	Public Service Commission		40 MoReg 565R		
4 CSR 240-32.040	Public Service Commission		40 MoReg 565R		
4 CSR 240-32.050	Public Service Commission		40 MoReg 566R		
4 CSR 240-32.060	Public Service Commission		40 MoReg 566R		
4 CSR 240-32.070	Public Service Commission		40 MoReg 566R		
4 CSR 240-32.080	Public Service Commission		40 MoReg 567R		
4 CSR 240-32.090	Public Service Commission		40 MoReg 567R		
4 CSR 240-32.100	Public Service Commission		40 MoReg 567R		
4 CSR 240-32.120	Public Service Commission		40 MoReg 568R		
4 CSR 240-32.130	Public Service Commission		40 MoReg 568R		
4 CSR 240-32.140	Public Service Commission		40 MoReg 569R		
4 CSR 240-32.150	Public Service Commission		40 MoReg 569R		
4 CSR 240-32.160	Public Service Commission		40 MoReg 569R		
4 CSR 240-32.170	Public Service Commission		40 MoReg 570R		
4 CSR 240-32.180	Public Service Commission		40 MoReg 570R		
4 CSR 240-32.190	Public Service Commission		40 MoReg 570R		
4 CSR 240-32.200	Public Service Commission		40 MoReg 571R		
4 CSR 240-33.010	Public Service Commission		40 MoReg 571R		
4 CSR 240-33.020	Public Service Commission		40 MoReg 572R		
4 CSR 240-33.040	Public Service Commission		40 MoReg 572R		
4 CSR 240-33.045	Public Service Commission		40 MoReg 572R		
4 CSR 240-33.050	Public Service Commission		40 MoReg 573R		
4 CSR 240-33.060	Public Service Commission		40 MoReg 573R		
4 CSR 240-33.070	Public Service Commission		40 MoReg 574R		
4 CSR 240-33.080	Public Service Commission		40 MoReg 574R		
4 CSR 240-33.090	Public Service Commission		40 MoReg 574R		
4 CSR 240-33.100	Public Service Commission		40 MoReg 575R		
4 CSR 240-33.110	Public Service Commission		40 MoReg 575R		
4 CSR 240-33.120	Public Service Commission		40 MoReg 575R		
4 CSR 240-33.130	Public Service Commission		40 MoReg 576R		
4 CSR 240-33.140	Public Service Commission		40 MoReg 576R		
4 CSR 240-33.150	Public Service Commission		40 MoReg 577R		
4 CSR 240-33.160	Public Service Commission		40 MoReg 577R		
4 CSR 240-33.170	Public Service Commission		40 MoReg 577R		
4 CSR 340-2.010	Division of Energy		39 MoReg 2118	40 MoReg 484	
4 CSR 340-2.020	Division of Energy		39 MoReg 2120	40 MoReg 484	
<b>DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION</b>					
5 CSR 10-2.010	Commissioner of Education		39 MoReg 1932	40 MoReg 414	
5 CSR 10-2.020	Commissioner of Education		39 MoReg 1932	40 MoReg 414	
5 CSR 10-2.030	Commissioner of Education		39 MoReg 1932	40 MoReg 415	
5 CSR 20-200.260	Division of Learning Services		40 MoReg 225		
5 CSR 20-600.120	Division of Learning Services		40 MoReg 227		
5 CSR 20-600.140	Division of Learning Services		40 MoReg 394		
5 CSR 20-700.100	Division of Learning Services		40 MoReg 227		
5 CSR 30-640.200	Division of Financial and Administrative Services		40 MoReg 228		
5 CSR 30-660.080	Division of Financial and Administrative Services		40 MoReg 55		
5 CSR 100-200.130	Missouri Commission for the Deaf and Hard of Hearing		40 MoReg 395		
<b>DEPARTMENT OF HIGHER EDUCATION</b>					
6 CSR 10-12.010	Commissioner of Higher Education		39 MoReg 1116 40 MoReg 7	40 MoReg 587	
<b>DEPARTMENT OF TRANSPORTATION</b>					
7 CSR 10-9.010	Missouri Highways and Transportation Commission		39 MoReg 2121R	This IssueR	
7 CSR 10-9.020	Missouri Highways and Transportation Commission		39 MoReg 2121R	This IssueR	

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7 CSR 10-9.030	Missouri Highways and Transportation Commission		39 MoReg 2122R	This IssueR	
7 CSR 10-9.040	Missouri Highways and Transportation Commission		39 MoReg 2122R	This IssueR	
7 CSR 10-9.050	Missouri Highways and Transportation Commission		39 MoReg 2122R	This IssueR	
7 CSR 10-9.060	Missouri Highways and Transportation Commission		39 MoReg 2123R	This IssueR	
7 CSR 10-17.010	Missouri Highways and Transportation Commission		39 MoReg 2123R	This IssueR	
7 CSR 10-17.020	Missouri Highways and Transportation Commission		39 MoReg 2123	This Issue	
7 CSR 10-17.030	Missouri Highways and Transportation Commission		39 MoReg 2126	This Issue	
7 CSR 10-17.040	Missouri Highways and Transportation Commission		39 MoReg 2127	This Issue	
7 CSR 10-17.050	Missouri Highways and Transportation Commission		39 MoReg 2127	This Issue	
7 CSR 10-17.060	Missouri Highways and Transportation Commission		39 MoReg 2128	This Issue	
7 CSR 10-22.010	Missouri Highways and Transportation Commission		39 MoReg 2132R	This IssueR	
7 CSR 10-22.020	Missouri Highways and Transportation Commission		39 MoReg 2132R	This IssueR	
7 CSR 10-22.030	Missouri Highways and Transportation Commission		39 MoReg 2132R	This IssueR	
7 CSR 10-22.040	Missouri Highways and Transportation Commission		39 MoReg 2132R	This IssueR	
7 CSR 10-22.050	Missouri Highways and Transportation Commission		39 MoReg 2133R	This IssueR	
7 CSR 10-22.060	Missouri Highways and Transportation Commission		39 MoReg 2133R	This IssueR	
7 CSR 10-25.010	Missouri Highways and Transportation Commission				40 MoReg 456 40 MoReg 457 40 MoReg 486 40 MoReg 487 40 MoReg 593 40 MoReg 594 40 MoReg 594 40 MoReg 595 This Issue
7 CSR 10-25.020	Missouri Highways and Transportation Commission		40 MoReg 55		
<b>DEPARTMENT OF NATURAL RESOURCES</b>					
10 CSR 10-6.110	Air Conservation Commission		39 MoReg 1509	40 MoReg 138	
10 CSR 10-6.260	Air Conservation Commission		This IssueR		
10 CSR 10-6.261	Air Conservation Commission		This Issue		
10 CSR 25-3.260	Hazardous Waste Management Commission		This Issue		
10 CSR 25-4.261	Hazardous Waste Management Commission		This Issue		
10 CSR 25-5.262	Hazardous Waste Management Commission		This Issue		
10 CSR 25-6.263	Hazardous Waste Management Commission		This Issue		
10 CSR 25-7.264	Hazardous Waste Management Commission		This Issue		
10 CSR 25-7.265	Hazardous Waste Management Commission		This Issue		
10 CSR 25-7.266	Hazardous Waste Management Commission		This Issue		
10 CSR 25-7.268	Hazardous Waste Management Commission		This Issue		
10 CSR 25-7.270	Hazardous Waste Management Commission		This Issue		
10 CSR 25-8.124	Hazardous Waste Management Commission		This Issue		
10 CSR 25-9.020	Hazardous Waste Management Commission		This Issue		
10 CSR 25-11.279	Hazardous Waste Management Commission		This Issue		
10 CSR 25-13.010	Hazardous Waste Management Commission		This Issue		
10 CSR 25-16.273	Hazardous Waste Management Commission		This Issue		
<b>DEPARTMENT OF PUBLIC SAFETY</b>					
11 CSR 10-2.010	Adjutant General		40 MoReg 12	40 MoReg 587	
11 CSR 10-3.015	Adjutant General		40 MoReg 12	40 MoReg 587	
11 CSR 30-12.010	Office of the Director		40 MoReg 231		
11 CSR 40-5.165	Division of Fire Safety		39 MoReg 2135	40 MoReg 587	
11 CSR 40-5.170	Division of Fire Safety		39 MoReg 2135	40 MoReg 588	
11 CSR 40-5.175	Division of Fire Safety		39 MoReg 2136	40 MoReg 588	
11 CSR 40-5.180	Division of Fire Safety		39 MoReg 2137	40 MoReg 588	
11 CSR 40-5.190	Division of Fire Safety		39 MoReg 2137	40 MoReg 589	
11 CSR 40-5.195	Division of Fire Safety		39 MoReg 2138	40 MoReg 589	
11 CSR 50-2.010	Missouri State Highway Patrol		40 MoReg 13		
11 CSR 50-2.100	Missouri State Highway Patrol		40 MoReg 13		
11 CSR 50-2.230	Missouri State Highway Patrol		40 MoReg 14		
11 CSR 50-2.240	Missouri State Highway Patrol		40 MoReg 14		
11 CSR 50-2.270	Missouri State Highway Patrol		40 MoReg 15		
11 CSR 50-2.290	Missouri State Highway Patrol		40 MoReg 15		
11 CSR 50-2.321	Missouri State Highway Patrol		40 MoReg 15		
11 CSR 75-18.010	Peace Officer Standards and Training Program		40 MoReg 232		
11 CSR 75-18.020	Peace Officer Standards and Training Program		40 MoReg 233		
11 CSR 75-18.030	Peace Officer Standards and Training Program		40 MoReg 234		
11 CSR 75-18.040	Peace Officer Standards and Training Program		40 MoReg 234		
11 CSR 75-18.050	Peace Officer Standards and Training Program		40 MoReg 235		
11 CSR 75-18.060	Peace Officer Standards and Training Program		40 MoReg 235		
11 CSR 75-18.070	Peace Officer Standards and Training Program		40 MoReg 236		
<b>DEPARTMENT OF REVENUE</b>					
12 CSR 10-24.060	Director of Revenue		40 MoReg 307		
12 CSR 10-24.200	Director of Revenue		40 MoReg 307		
12 CSR 10-24.305	Director of Revenue		40 MoReg 310		
12 CSR 10-24.326	Director of Revenue		40 MoReg 310		
12 CSR 10-24.330	Director of Revenue		40 MoReg 315		
12 CSR 10-24.335	Director of Revenue		40 MoReg 317		
12 CSR 10-24.385	Director of Revenue		40 MoReg 317R		
12 CSR 10-24.390	Director of Revenue		40 MoReg 317		
12 CSR 10-24.395	Director of Revenue		40 MoReg 319		
12 CSR 10-24.442	Director of Revenue		40 MoReg 319R		
<b>DEPARTMENT OF SOCIAL SERVICES</b>					
13 CSR 40-13.020	Family Support Division		40 MoReg 175		
13 CSR 40-13.030	Family Support Division		40 MoReg 236R		
13 CSR 40-13.040	Family Support Division		39 MoReg 1812	40 MoReg 484	
13 CSR 70-15.220	MO HealthNet Division		40 MoReg 176		

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<b>ELECTED OFFICIALS</b>					
15 CSR 30-54.210	Secretary of State	40 MoReg 223	40 MoReg 236		
15 CSR 50-4.020	Treasurer	40 MoReg 224	40 MoReg 239		
<b>RETIREMENT SYSTEMS</b>					
16 CSR 10-3.010	The Public School Retirement System of Missouri		40 MoReg 319		
16 CSR 10-5.010	The Public School Retirement System of Missouri		40 MoReg 56	40 MoReg 589	
16 CSR 10-6.020	The Public School Retirement System of Missouri		40 MoReg 320		
16 CSR 10-6.060	The Public School Retirement System of Missouri		40 MoReg 57	40 MoReg 589	
<b>PUBLIC DEFENDER COMMISSION</b>					
18 CSR 10-4.010	Office of State Public Defender		39 MoReg 1816R 39 MoReg 1816	40 MoReg 484R 40 MoReg 485	
18 CSR 10-5.010	Office of State Public Defender		39 MoReg 1275		
<b>DEPARTMENT OF HEALTH AND SENIOR SERVICES</b>					
19 CSR 10-33.010	Office of the Director		40 MoReg 239R 40 MoReg 239		
19 CSR 15-8.410	Division of Senior and Disability Services		40 MoReg 131		
19 CSR 20-28.010	Division of Community and Public Health		40 MoReg 578		
19 CSR 20-28.040	Division of Community and Public Health		40 MoReg 585		
19 CSR 25-36.010	State Public Health Laboratory		40 MoReg 261		
19 CSR 30-1.048	Division of Regulation and Licensure		40 MoReg 267		
19 CSR 30-1.062	Division of Regulation and Licensure		40 MoReg 267		
19 CSR 30-1.064	Division of Regulation and Licensure		40 MoReg 268		
19 CSR 60-50	Missouri Health Facilities Review Committee				40 MoReg 457
<b>DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION</b>					
20 CSR	Applied Behavior Analysis Maximum Benefit				40 MoReg 280
20 CSR	Construction Claims Binding Arbitration Cap				39 MoReg 2149
20 CSR	Sovereign Immunity Limits				39 MoReg 2149
20 CSR	State Legal Expense Fund Cap				39 MoReg 2149
20 CSR 200-12.020	Insurance Solvency and Company Regulation		39 MoReg 2140	40 MoReg 415	
20 CSR 400-1.130	Life, Annuities and Health		40 MoReg 186		
20 CSR 2015-1.030	Acupuncturist Advisory Committee	40 MoReg 479	40 MoReg 480		
20 CSR 2095-1.020	Committee for Professional Counselors	40 MoReg 387	40 MoReg 395		
20 CSR 2110-2.210	Missouri Dental Board		40 MoReg 268		
20 CSR 2150-5.100	State Board of Registration for the Healing Arts		39 MoReg 2140	40 MoReg 590	
20 CSR 2200-4.200	State Board of Nursing		39 MoReg 2141	40 MoReg 591	
20 CSR 2220-5.020	State Board of Pharmacy		39 MoReg 1964	40 MoReg 415	
<b>MISSOURI CONSOLIDATED HEALTH CARE PLAN</b>					
22 CSR 10-2.010	Health Care Plan	39 MoReg 1844	39 MoReg 1967	40 MoReg 415	
22 CSR 10-2.020	Health Care Plan	39 MoReg 1847 40 MoReg 513T	39 MoReg 1970	40 MoReg 415	
22 CSR 10-2.030	Health Care Plan	39 MoReg 1857 40 MoReg 513T	39 MoReg 1981	40 MoReg 418	
22 CSR 10-2.045	Health Care Plan	39 MoReg 1860 40 MoReg 513T	39 MoReg 1983	40 MoReg 418	
22 CSR 10-2.051	Health Care Plan	39 MoReg 1862	39 MoReg 1984	40 MoReg 419	
22 CSR 10-2.052	Health Care Plan	39 MoReg 1863	39 MoReg 1985	40 MoReg 420	
22 CSR 10-2.053	Health Care Plan	39 MoReg 1864	39 MoReg 1986	40 MoReg 420	
22 CSR 10-2.055	Health Care Plan	39 MoReg 1866 40 MoReg 513T	39 MoReg 1988	40 MoReg 420	
22 CSR 10-2.060	Health Care Plan		39 MoReg 1998	40 MoReg 430	
22 CSR 10-2.070	Health Care Plan		39 MoReg 1999	40 MoReg 431	
22 CSR 10-2.075	Health Care Plan	39 MoReg 1876 40 MoReg 514T	39 MoReg 2000	40 MoReg 431	
22 CSR 10-2.080	Health Care Plan		39 MoReg 2003	40 MoReg 433	
22 CSR 10-2.089	Health Care Plan	39 MoReg 1880 40 MoReg 514T	39 MoReg 2004	40 MoReg 433	
22 CSR 10-2.090	Health Care Plan	39 MoReg 1881 40 MoReg 514T	39 MoReg 2005	40 MoReg 433	
22 CSR 10-2.095	Health Care Plan	39 MoReg 1884	39 MoReg 2008	40 MoReg 434	
22 CSR 10-2.110	Health Care Plan	39 MoReg 1885 40 MoReg 514T	39 MoReg 2008	40 MoReg 435	
22 CSR 10-2.140	Health Care Plan		39 MoReg 2012	40 MoReg 436	
22 CSR 10-2.150	Health Care Plan	39 MoReg 1889 40 MoReg 514T	39 MoReg 2013	40 MoReg 436	
22 CSR 10-2.160	Health Care Plan		39 MoReg 2014	40 MoReg 436	
22 CSR 10-3.010	Health Care Plan	39 MoReg 1891	39 MoReg 2015	40 MoReg 436	
22 CSR 10-3.020	Health Care Plan	39 MoReg 1894 40 MoReg 514T	39 MoReg 2018	40 MoReg 437	
22 CSR 10-3.045	Health Care Plan	39 MoReg 1901 40 MoReg 514T	39 MoReg 2024	40 MoReg 439	
22 CSR 10-3.053	Health Care Plan	39 MoReg 1902	39 MoReg 2025	40 MoReg 440	
22 CSR 10-3.055	Health Care Plan	39 MoReg 1903	39 MoReg 2026	40 MoReg 440	
22 CSR 10-3.056	Health Care Plan	39 MoReg 1904	39 MoReg 2027	40 MoReg 440	
22 CSR 10-3.057	Health Care Plan	39 MoReg 1905 40 MoReg 515T	39 MoReg 2028	40 MoReg 440	
22 CSR 10-3.060	Health Care Plan		39 MoReg 2038	40 MoReg 451	
22 CSR 10-3.070	Health Care Plan		39 MoReg 2039	40 MoReg 451	

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22 CSR 10-3.075	Health Care Plan	39 MoReg 1916 40 MoReg 515T	39 MoReg 2039	40 MoReg 451	
22 CSR 10-3.080	Health Care Plan		39 MoReg 2043	40 MoReg 453	
22 CSR 10-3.090	Health Care Plan	39 MoReg 1920 40 MoReg 515T	39 MoReg 2043	40 MoReg 453	
22 CSR 10-3.150	Health Care Plan	39 MoReg 1923 40 MoReg 515T	39 MoReg 2046	40 MoReg 454	
22 CSR 10-3.160	Health Care Plan		39 MoReg 2047	40 MoReg 455	

Agency	Publication	Effective	Expiration
<b>Office of Administration</b>			
<b>Commissioner of Administration</b>			
1 CSR 10-4.010	Vendor Payroll Deductions . . . . .	.39 MoReg 1637 . . . . .	Jan. 1, 2015 . . . . . June 29, 2015
1 CSR 10-15.010	Cafeteria Plan . . . . .	.39 MoReg 1637 . . . . .	Jan. 1, 2015 . . . . . June 29, 2015
<b>Department of Labor and Industrial Relations</b>			
<b>Division of Labor Standards</b>			
8 CSR 30-3.060	Occupational Titles of Work Descriptions . . . . .	.39 MoReg 2111 . . . . .	Nov. 17, 2014 . . . . . May 15, 2015
<b>Department of Revenue</b>			
<b>Director of Revenue</b>			
12 CSR 10-40.010	Annual Adjusted Rate of Interest . . . . .	.39 MoReg 1843 . . . . .	Jan. 1, 2015 . . . . . June 29, 2015
<b>Elected Officials</b>			
<b>Secretary of State</b>			
15 CSR 30-54.210	Notice Filings for Transactions under Regulation D, Rules 505 and 506 . . . . .	.40 MoReg 223 . . . . .	Jan. 31, 2015 . . . . . July 29, 2015
<b>Treasurer</b>			
15 CSR 50-4.020	Missouri Higher Education Savings Program . . . . .	.40 MoReg 224 . . . . .	Feb. 1, 2015 . . . . . July 30, 2015
<b>Department of Insurance, Financial Institutions and Professional Registration</b>			
<b>Acupuncturist Advisory Committee</b>			
20 CSR 2015-1.030	Fees . . . . .	.40 MoReg 479 . . . . .	March 26, 2015 . . . . . Sept. 21, 2015
<b>Committee for Professional Counselors</b>			
20 CSR 2095-1.020	Fees . . . . .	.40 MoReg 387 . . . . .	March 16, 2015 . . . . . Sept. 11, 2015
<b>Missouri Consolidated Health Care Plan</b>			
<b>Health Care Plan</b>			
22 CSR 10-2.010	Definitions . . . . .	.39 MoReg 1844 . . . . .	Jan. 1, 2015 . . . . . June 29, 2015
22 CSR 10-2.020	General Membership Provisions . . . . .	.39 MoReg 1847 . . . . .	Jan. 1, 2015 . term. May 30, 2015
22 CSR 10-2.030	Contributions . . . . .	.39 MoReg 1857 . . . . .	Jan. 1, 2015 . term. May 30, 2015
22 CSR 10-2.045	Plan Utilization Review Policy . . . . .	.39 MoReg 1860 . . . . .	Jan. 1, 2015 . term. May 30, 2015
22 CSR 10-2.051	PPO 300 Plan Benefit Provisions and Covered Charges . . . . .	.39 MoReg 1862 . . . . .	Jan. 1, 2015 . . . . . June 29, 2015
22 CSR 10-2.052	PPO 600 Plan Benefit Provisions and Covered Charges . . . . .	.39 MoReg 1863 . . . . .	Jan. 1, 2015 . . . . . June 29, 2015
22 CSR 10-2.053	Health Savings Account Plan Benefit Provisions and Covered Charges . . . . .	.39 MoReg 1864 . . . . .	Jan. 1, 2015 . . . . . June 29, 2015
22 CSR 10-2.055	Medical Plan Benefit Provisions and Covered Charges . . . . .	.39 MoReg 1866 . . . . .	Jan. 1, 2015 . term. May 30, 2015
22 CSR 10-2.075	Review and Appeals Procedure . . . . .	.39 MoReg 1876 . . . . .	Jan. 1, 2015 . term. May 30, 2015
22 CSR 10-2.089	Pharmacy Employer Group Waiver Plan for Medicare Primary Members . . . . .	.39 MoReg 1880 . . . . .	Jan. 1, 2015 . term. May 30, 2015
22 CSR 10-2.090	Pharmacy Benefit Summary . . . . .	.39 MoReg 1881 . . . . .	Jan. 1, 2015 . term. May 30, 2015
22 CSR 10-2.095	TRICARE Supplement Plan . . . . .	.39 MoReg 1884 . . . . .	Jan. 1, 2015 . . . . . June 29, 2015
22 CSR 10-2.110	General Foster Parent Membership Provisions . . . . .	.39 MoReg 1885 . . . . .	Jan. 1, 2015 . term. May 30, 2015
22 CSR 10-2.150	Disease Management Services Provisions and Limitations . . . . .	.39 MoReg 1889 . . . . .	Jan. 1, 2015 . term. May 30, 2015
22 CSR 10-3.010	Definitions . . . . .	.39 MoReg 1891 . . . . .	Jan. 1, 2015 . . . . . June 29, 2015
22 CSR 10-3.020	General Membership Provisions . . . . .	.39 MoReg 1894 . . . . .	Jan. 1, 2015 . term. May 30, 2015
22 CSR 10-3.045	Plan Utilization Review Policy . . . . .	.39 MoReg 1901 . . . . .	Jan. 1, 2015 . term. May 30, 2015
22 CSR 10-3.053	PPO 1000 Plan Benefit Provisions and Covered Charges . . . . .	.39 MoReg 1902 . . . . .	Jan. 1, 2015 . . . . . June 29, 2015
22 CSR 10-3.055	Health Savings Account Plan Benefit Provisions and Covered Charges . . . . .	.39 MoReg 1903 . . . . .	Jan. 1, 2015 . . . . . June 29, 2015
22 CSR 10-3.056	PPO 600 Plan Benefit Provisions and Covered Charges . . . . .	.39 MoReg 1904 . . . . .	Jan. 1, 2015 . . . . . June 29, 2015
22 CSR 10-3.057	Medical Plan Benefit Provisions and Covered Charges . . . . .	.39 MoReg 1905 . . . . .	Jan. 1, 2015 . term. May 30, 2015
22 CSR 10-3.075	Review and Appeals Procedure . . . . .	.39 MoReg 1916 . . . . .	Jan. 1, 2015 . term. May 30, 2015
22 CSR 10-3.090	Pharmacy Benefit Summary . . . . .	.39 MoReg 1920 . . . . .	Jan. 1, 2015 . term. May 30, 2015
22 CSR 10-3.150	Disease Management Services Provisions and Limitations . . . . .	.39 MoReg 1923 . . . . .	Jan. 1, 2015 . term. May 30, 2015

Executive Orders	Subject Matter	Filed Date	Publication
<b>2015</b>			
15-01	Appoints Byron M. Watson to the Ferguson Commission to fill the vacancy created by the resignation of Bethany A. Johnson-Javois.	Jan. 2, 2015	40 MoReg 173
<b>2014</b>			
14-16	Extends Executive Order 14-07 and further orders that the Disparity Study Oversight Review Committee present its report to the governor and commissioner of administration by January 31, 2015.	Dec. 24, 2014	40 MoReg 129
14-15	Establishes the "Ferguson Commission" which shall study and recommend ways to make the St. Louis region a stronger, fairer place for everyone to live by studying the following subjects: 1) citizen-law enforcement interactions and relations; 2) racial and ethnic relations; 3) municipal government organization and the municipal court system; and 4) disparities in substantive areas.	Nov. 18, 2014	40 MoReg 5
14-14	Declares a state of emergency exists in the state of Missouri and directs the Missouri State Highway Patrol with the St. Louis County Police Department and the St. Louis Metropolitan Police Department to operate as a Unified command and ensure public safety in the City of Ferguson and the St. Louis Region and further orders the Adjutant General to call and order into service such portions of the organized militia as he deems necessary.	Nov. 17, 2014	39 MoReg 2116
14-13	Closes state offices Nov. 28, 2014.	Oct. 31, 2014	39 MoReg 1811
14-12	Declares a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Activation Plan be activated.	Oct. 22, 2014	39 MoReg 1809
14-11	Establishes the Office of Community Engagement.	Sept. 18, 2014	39 MoReg 1656
14-10	Terminates Executive Orders 14-08 and 14-09.	Sept. 3, 2014	39 MoReg 1613
14-09	Activates the state militia in response to civil unrest in the City of Ferguson and authorizes the superintendent of the Missouri State Highway Patrol to maintain peace and order.	Aug. 18, 2014	39 MoReg 1566
14-08	Declares a state of emergency exists in the state of Missouri and directs the Missouri State Highway Patrol to command all operations necessary in the city of Ferguson, further orders other law enforcement to assist the patrol when requested, and imposes a curfew.	Aug. 16, 2014	39 MoReg 1564
14-07	Establishes the Disparity Study Oversight Review Committee.	July 2, 2014	39 MoReg 1345
14-06	Orders that the Division of Energy develop a comprehensive State Energy Plan to chart a course toward a sustainable and prosperous energy future that will create jobs and improve Missourians' quality of life.	June 18, 2014	39 MoReg 1262
14-05	Declares a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Operations Plan be activated.	May 11, 2014	39 MoReg 1114
14-04	Declares a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Operations Plan be activated.	April 3, 2014	39 MoReg 1027
14-03	Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies.	March 20, 2014	39 MoReg 958
14-02	Orders the Honor and Remember Flag be flown at the State Capitol each Armed Forces Day, held on the third Saturday of each May.	March 20, 2014	39 MoReg 956
14-01	Creates the Missouri Military Partnership to protect, retain, and enhance the Department of Defense activities in the state of Missouri.	Jan. 10, 2014	39 MoReg 491

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