

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-(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 2—DEPARTMENT OF AGRICULTURE
Division 30—Animal Health
Chapter 10—Food Safety and Meat Inspection**

ORDER OF RULEMAKING

By the authority vested in the Director of Agriculture under section 265.020, RSMo 2000, the director amends a rule as follows:

2 CSR 30-10.010 Inspection of Meat and Poultry **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2014 (39 MoReg 68). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

By the authority vested in Weights and Measures Division under section 414.142, RSMo 2000, the director amends a rule as follows:

2 CSR 90-30.040 Quality Standards for Motor Fuels **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2013 (38 MoReg 1099). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) day after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received nineteen (19) comments in support of the proposed amendment and nine (9) comments in opposition. No changes to the rule have been made as a result of these comments.

COMMENTS #1-19: The department received nineteen (19) letters from individuals in support of the proposed amendment. These commenters include Wayne and Mary Burster of New Cabria, Missouri; Mary Barbieri; Ryland Utlaug, President and General Manager of Mid Missouri Energy, Malta Bend, Missouri; Richard Hanson, General Manager of Show Me Ethanol, LLC, Carrollton, Missouri; Glenn and Luquetta Ewigman of Brookfield, Missouri; Kent Dye of Paris, Missouri; Diane Eggleston of Memphis, Missouri; Kristen Moore, Vice President of Technical Services of the Renewable Fuels Association; John Eggleston, President of Poet Biorefining, Macon, Missouri; Wayne and Dixie Blum of Kahoka, Missouri; Michelle Curry of Memphis, Missouri; Stephen Murphy, General Manager of Poet Biorefining, Laddonia and Macon, Missouri; Matt Gerhold, Commodity Manager of Poet Biorefining, Macon, Missouri; Pamela Sampson of Macon, Missouri; Heather Baker of Macon, Missouri; Glenn Peterman of Macon, Missouri; Scott Warren of Macon, Missouri; Ed Kacmar; and Robb Korff, President of the Missouri Corn Growers Association. The commenters indicated this proposal will continue to create jobs in our rural communities, provide more choices for retailers and consumers, lower fuel costs, reduce greenhouse gas emissions, and allow a fuel tested in multiple vehicles and approved by the U.S. EPA to be sold. Commenters also stated ethanol reduces dependency on foreign fossil fuels, has created six (6) ethanol plants in Missouri and twelve hundred (1,200) Missouri jobs, is a domestic fuel, and added that Missouri's corn and ethanol industries provided \$12 billion to the state's economy, along with ethanol co-products which provide highly nutritious animal feed.

RESPONSE: No changes to the rule have been made as a result of these comments.

COMMENT #20: Michael J. Right, Vice President, Public Affairs of AAA opposed the amendment for the following reasons: 1) Consumers should be informed and protected. 2) E15 should not be used in vehicles in which it is not approved. 3) Retailers will incur increased costs associated with selling E15. 4) There are a limited number of vehicles on the road that can use E15.

RESPONSE: 1) The department will require dispensers used for the sale of E15 to conspicuously label the name of the product (E15) and display the EPA approved and required E15 decal, and will monitor and address any dispensers that do not display this decal on any dispenser used for the sale of E15. 2) The department agrees with your comment that E15 should not be used in vehicles in which it is not approved, and is offering the proposed amendment to allow the sale of a legal fuel to consumers who wish to use it only in vehicles designed for its use. As with any fuel, the department advises consumers to check their owner's manuals to determine if their vehicle is approved to use E15. 3) Since this proposed amendment permits the sale of E15 but does not mandate it, costs to small business owners can only be incurred if a station chooses to install equipment and sell E15. 4) All flex fuel vehicles are capable of using E15, Ford has introduced E15 capability across their entire lineup of vehicles for 2013, and Chevrolet is currently manufacturing vehicles capable of using E15 fuel as well. The number of vehicles capable of using E15 will continue to increase as new vehicles are manufactured. No

changes to the rule have been made as a result of this comment.

COMMENT #21: Ray McCarty, President/CEO of Associated Industries of Missouri, opposed the amendment because of increased costs to employers using gasoline, concerns regarding a sufficient warning for consumers, and misfueling that could potentially occur at fueling stations.

RESPONSE: This proposed amendment permits the sale of E15, but does not require it. Any potential impact from E15 could only be realized by employers that choose to purchase E15 for their vehicles. Regular unleaded fuel will still be available in Missouri. The department will continue to ensure all retail dispensing devices conspicuously identify the name of the product, the particular grade of the product as designated, and when applicable the minimum octane. The U.S. EPA's conditional waiver for E15 addresses misfueling concerns and requires proper labeling at the dispensers. The department will monitor and address any dispensers that do not conform to the federal requirements. No changes to the rule have been made as a result of this comment.

COMMENT #22: Jewell Patek of the Auto Alliance opposed the amendment citing concerns that E15 may be used in vehicles not designed for the fuel, and the limited number of vehicles that can currently use the fuel. He suggested that a label be added to dispensers referring consumers to their owner's manual.

RESPONSE: To prevent misfueling beyond those of the U. S. EPA, the Missouri Department Agriculture's Petroleum Device/Safety Program is the only consumer protection division in the United States that conducts two (2) or more inspections per year at every dispensing facility on every device with a compliance rate greater than ninety-eight percent (98%). In addition, the department's Fuel Quality Program inspects stations at a frequency of about every eighteen (18) months. Both program's inspections insure products are properly labeled during each inspection. These programs will monitor and address any dispensers that do not conspicuously label the name of the product (E15), and conform to the federal requirements. The proposed amendment allows the sale of a legal fuel to consumers who wish to use it only in vehicles designed for its use. The suggestion of a check owner's manual decal was considered, but like you, the department feels the usefulness of such a label is limited. Additionally, fuels such as E85 do not require any such label in Missouri. As with any fuel, consumers must always consult their owner's manuals to select the appropriate fuel for their vehicle. No changes to the rule have been made as a result of this comment.

COMMENT #23: Anthony T. Reinhart, Regional Director of Ford Motor Company wrote in support of the increased use of renewable fuels, but suggested that pump labels state "Consult your Owner Guide for vehicle compatibility." Additionally, he referred to the limited number of vehicles on the road that can use E15, and that adequate pump labeling appear in a conspicuous place to prevent misfueling.

RESPONSE: The suggestion of a check owner's manual decal was considered, but the department feels the usefulness of such a label is limited. Additionally, fuels such as E85 do not require any such label in Missouri. The department will require all dispensers used for the sale of E15 to conspicuously label the name of the product (E15) and clearly display the EPA E15 label. The Missouri Department of Agriculture's Petroleum Device/Safety program has the best compliance rate in the nation with a compliance rate greater than ninety-eight percent (98%). In addition, the department's Fuel Quality Program inspects stations at a frequency of about every eighteen (18) months. Both programs insure products are properly labeled during each inspection. These programs will monitor and address any dispensers that do not conspicuously label the name of the product (E15), and conform to the federal requirements. While most cars cannot use E15, all flex fuel vehicles are capable of using E15, and as Mr. Reinhart stated, Ford has introduced E15 capability across

their entire lineup of vehicles for 2013. Chevrolet is currently manufacturing vehicles capable of using E15 fuel as well. The number of vehicles capable of using E15 will continue to increase as new vehicles are manufactured. No changes to the rule have been made as a result of this comment.

COMMENT #24: John M. Cabaniss, Jr. of the Association of Global Automakers, Inc. opposed the proposed amendment stating that additional testing must be completed on the fuel, appropriate measures to prevent misfueling must be put in place, and E15 should be increased prospectively because most vehicles cannot use it.

RESPONSE: The department is offering the proposed amendment to allow the sale of a legal fuel to consumers who wish to use it only in vehicles designed for its use. The department's Petroleum Device/Safety Program has the best compliance rate in the nation with a compliance rate greater than ninety-eight percent (98%). In addition, the department's Fuel Quality Program inspects stations at a frequency of about every eighteen (18) months. Both program's inspections insure products are properly labeled during each inspection. These programs will monitor and address any dispensers that do not conspicuously label the name of the product (E15) and conform to the federal requirements. While most cars cannot use E15, all flex fuel vehicles are capable of using E15, Ford has introduced E15 capability across their entire lineup of vehicles for 2013, and Chevrolet is currently manufacturing vehicles capable of using E15 fuel as well. The number of vehicles capable of using E15 will continue to increase as new vehicles are manufactured. No changes to the rule have been made as a result of this comment.

COMMENT #25: Jo Manhart, Director of the Missouri Egg Council opposed the proposed amendment stating that anything that promotes more ethanol will ultimately increase feed costs to livestock and push up the price of the nation's food supply.

RESPONSE: While prices for commodities like corn are based largely on supply and demand, they are not solely linked to ethanol consumption. Even with US ethanol consumption at historic levels, an August 8, 2013 Bloomberg report states: "U.S. farmers are poised to reap their biggest-ever corn crop, expanding global stockpiles to the most in 13 years and spurring hedge funds and other speculators to make record bets that prices will keep slumping." It further states: "R.J. O'Brien & Associates in Chicago, the U.S. grain-trading hub, says futures may drop as much as 24 percent to \$3.50 a bushel this year." Additional ethanol consumption will be required to meet the federal Renewable Fuel Standard (RFS2) which requires increasing amounts of renewable fuels to be blended into the US fuel supply; from nine (9) billion gallons in 2008 to thirty-six (36) billion in 2022. This proposed amendment will help meet these requirements and allow the sale of a legal fuel to consumers who wish to use it in vehicles designed for its use. No changes to the rule have been made as a result of this comment.

COMMENT #26: Ryan C. Rowden, Executive Director of the Missouri Petroleum Council opposed the proposed amendment based on misfueling concerns for pre and post-2001 vehicles, increased costs to small business owners, and the National Conference on Weights and Measures (NCWM) allowance of this fuel prior to CRC testing.

RESPONSE: Since this proposed amendment permits the sale of E15 but does not mandate it, costs to small business owners can only be incurred if a station chooses to install equipment and sell E15. The department will require dispensers used for the sale of E15 to conspicuously label the name of the product (E15) and display the EPA E15 decal. This decal states: "Use only in 2001 and newer passenger vehicles and/or flex fuel vehicles. Don't use in other vehicles, boats, or gasoline powered equipment. It may cause damage and is prohibited by Federal Law." The department's Fuel Quality and Device/Safety Programs will monitor and address any dispensers that do not display this decal on any dispenser used for the sale of E15.

Equipment currently exists that is approved for E15. Any business owner choosing to use existing equipment is responsible for ensuring all materials used are approved for the type of fuel the system is used for, whether it is for E15, gasoline, diesel, jet fuel, or other fuels. Finally, the NCWM modified its regulations to guide states in the sale of fuel that was legal at the time the regulations were modified. Modifications to the American Society for Testing and Materials (ASTM) specifications or information from Coordinating Research Council programs must be reviewed by the NCWM before changes to regulations take place. No changes to the rule have been made as a result of this comment.

COMMENT #27: Ronald J. Leone, Esq., Executive Director of the Missouri Petroleum Marketers & Convenience Store Association (MPCA) opposed the proposed amendment for the following reasons: 1) Will create chaos in the marketplace. 2) Car manufacturers oppose E15. 3) AAA opposes E15. 4) Motorcycles, boats and small engines all have issues with E15? 5) Fiscal note is dead wrong for small businesses. 6) Fiscal note is dead wrong for consumers. 7) Gas station equipment is not compatible. 8) Is E15 compatible with Stage I & II vapor recovery equipment? 9) Product & environmental liability. 10) Misfueling: automobile warranties & liability. 11) Misfueling: signage, consumer notice & confusion. 12) Competition. 13) Tank insurance.

RESPONSE: 1) The department's Fuel Quality and Device/Safety Programs will continue to ensure all retail dispensing devices conspicuously identify the name of the product, the particular grade of the product as designated and when applicable the minimum octane. U.S. EPA's conditional waiver for E15 addresses misfueling concerns and requires proper labeling at the dispensers. The Fuel Quality and Device/Safety Programs will monitor and address any dispensers that do not conform to the federal requirements. The department suggests that vehicle owners consult their owner's manuals to select the appropriate fuel for their vehicle. 2) Chevrolet and Ford are now producing vehicles capable of using E15. Additionally, all flexible fuel vehicles are capable of using E15. Consumers must check their owner's manuals to determine if E15 is right for their vehicle. 3) The department's intent is to allow the sale of a legal fuel to consumers who wish to purchase it for vehicles that are approved to use it. Not all of the two hundred forty (240) million cars, trucks, and SUVs mentioned by AAA are under warranty. As with any fuel, the department recommends following your owner's manual for fuel selection. 4) The department will require dispensers to display the EPA E15 decal. This decal states: "Use only in 2001 and newer passenger vehicles and/or flex fuel vehicles. Don't use in other vehicles, boats, or gasoline powered equipment. It may cause damage and is prohibited by Federal Law." The department's Fuel Quality and Device/Safety Programs will monitor and address any dispensers that do not display this decal on any dispenser used for the sale of E15. 5) This proposed amendment permits the sale of E15, but does not mandate it. Costs can only be incurred if a station chooses to install equipment and sell E15. The cost is estimated from zero for an existing system (E85) to one hundred thousand dollars (\$100,000) for a complete system. Equipment currently exists that is approved for E15. Anyone choosing to use existing equipment is responsible for ensuring all materials used are approved for the type of fuel the system is used for, whether it is for E15, gasoline, diesel, jet fuel, or other fuels. 6) U.S. EPA's conditional waiver for E15 addresses misfueling concerns and requires proper labeling at the dispensers. Missouri Department of Agriculture's (MDA's) Fuel Quality and Device/Safety Programs will monitor and address any dispensers that do not conform to the federal requirements. Additionally, Missouri will allow only dispensers with dedicated pump nozzles. These extra steps will help minimize any accidental misfueling.

7) Stations that choose to market E15 must contact the manufacturer of any equipment for its sale to determine compatibility and warranty information. Since this proposed amendment permits the sale of E15 but does not mandate it, costs can only be incurred by businesses

who choose to sell E15. 8) Station owners in Stage I and Stage II areas that wish to install E15 dispensing systems will need to confirm the compatibility of their equipment with the manufacturer. 9) Originally, federal RFG was required to have a certain amount of oxygen but RFG was never required to use any specific oxygenate. It was the choice of the refiner or marketer to use MTBE, ETBE, TAME, ethanol, or other oxygenates. Any release to the environment of E15 would be similar to E10 or E85. 10) The department's Fuel Quality and Device/Safety Programs will monitor and address any dispensers that do not conform to the federal requirements to prevent misfueling. As with any fuel, engine oil, transmission fluid, etc., the department recommends customers follow the recommendations in their vehicles' owner's manual. The department does not require or provide liability language for posting at retail and feels the EPA requirements are very comprehensive. 11) Dispensers utilized for the sale of E15 must follow EPA's and Missouri's labeling requirements. The department will require E15 to be disclosed on street side signage if it is the lower cost product. 12) The department does not interfere with competitive issues other than ensuring a level playing field for the marketers. Product identity is essential for fair competition and consumer protection. 13) Eligibility is the same as for any other fuel. Equipment must be compatible with the product and installation must meet Missouri rules, NFPA 30A, etc. No changes to the rule have been made as a result of this comment.

COMMENT #28: John Bryan, Executive Director of the Poultry Federation of Missouri opposed the proposed amendment for the following reasons: 1) Corn based ethanol drives up food costs. 2) An E15 standard could increase corn-based ethanol use in Missouri by fifty percent (50%). 3) Ethanol is an inefficient fuel source that will not promote responsible energy policy. 4) Misfueling is likely to occur. 5) There are a limited number of vehicles on the road that can use E15.

RESPONSE: 1) While prices for commodities like corn are based largely on supply and demand, they are not solely linked to ethanol consumption. Even with US ethanol consumption at historic levels, an August 8, 2013 Bloomberg report states: "U.S. farmers are poised to reap their biggest-ever corn crop, expanding global stockpiles to the most in 13 years and spurring hedge funds and other speculators to make record bets that prices will keep slumping." It further states: "R.J. O'Brien & Associates in Chicago, the U.S. grain-trading hub, says futures may drop as much as 24 percent to \$3.50 a bushel this year." 2) This proposed amendment does not mandate the sale of E15, but merely allows businesses who choose to sell the fuel to do so. These businesses must ensure equipment used for the sale of E15 is compatible with the fuel. 3) Additional ethanol consumption will be required to meet the federal Renewable Fuel Standard (RFS2) which requires increasing amounts of renewable fuels to be blended into the US fuel supply; from nine (9) billion gallons in 2008 to thirty-six (36) billion in 2022. This proposed amendment will help meet these requirements and allow the sale of a legal fuel to consumers who wish to use it in vehicles designed for its use. No changes to the rule have been made as a result of this comment. 4) The department's Fuel Quality and Device/Safety Programs will continue to ensure all retail dispensing devices conspicuously identify the name of the product, the particular grade of the product as designated and when applicable the minimum octane. The U.S. EPA's conditional waiver for E15 addresses misfueling concerns and requires proper labeling at the dispensers. The department's Fuel Quality and Device/Safety Programs will monitor and address any dispensers that do not conform to the federal requirements. 5) All flex fuel vehicles are capable of using E15, Ford has introduced E15 capability across their entire lineup of vehicles for 2013, and Chevrolet is currently manufacturing vehicles capable of using E15 fuel as well. The number of vehicles capable of using E15 will continue to increase as new vehicles are manufactured. This proposed amendment gives consumers with these vehicles another choice at the pump. No changes to the rule have been made as a result of this comment.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities

ORDER OF RULEMAKING

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

3 CSR 10-12.140 is amended.

This rule establishes daily limits for fish on four (4) lakes managed by the Department of Conservation and is exempted by section 536.021, RSMo, from the requirements for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-12.140 by establishing daily limits on four (4) lakes managed by the department.

3 CSR 10-12.140 Fishing, Daily and Possession Limits

(6) The daily limit for white bass, striped bass, and their hybrids in the aggregate is four (4) on the following lakes:

- (A) Cameron (Reservoir No. 3);
- (B) Hamilton (Hamilton City Lake);
- (C) Maysville (Willow Brook Lake);
- (D) St. Louis County (Sunfish Lake); and
- (E) Watkins Mill State Park (Williams Creek Lake).

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 March 7, 2014, becomes effective **March 17, 2014**.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities

ORDER OF RULEMAKING

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

3 CSR 10-12.145 is amended.

This rule establishes daily limits for fish on five (5) lakes managed by the Department of Conservation and is exempted by section 536.021, RSMo, from the requirements for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-12.145 by establishing daily limits on five (5) lakes managed by the department.

3 CSR 10-12.145 Fishing, Length Limits

(3) White bass, striped bass, and their hybrids less than twenty inches (20") total length must be returned to the water unharmed immediately after being caught on the following lakes:

- (A) Cameron (Reservoir No. 3);
- (B) Hamilton (Hamilton City Lake);

- (C) Maysville (Willow Brook Lake);
- (D) St. Louis County (Sunfish Lake); and
- (E) Watkins Mill State Park (Williams Creek Lake)

(6) Flathead catfish less than twenty-four inches (24") total length must be returned to the water unharmed immediately after being caught on Concordia (Edwin A. Pape Lake), Higginsville (Higginsville City Lake, Upper Higginsville City Lake), Maysville (Willow Brook Lake), and St. Louis County (Bee Tree Park Lake, Sunfish Lake).

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 March 7, 2014, becomes effective **March 17, 2014**.

Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission

Chapter 6—Outdoor Advertising

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.500–226.600, RSMo 2000 and Supp. 2013, the commission amends a rule as follows:

7 CSR 10-6.010 Public Information is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2013 (38 MoReg 1860–1861). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission

Chapter 6—Outdoor Advertising

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 226.150, RSMo 2000, and sections 226.500–226.600, RSMo 2000 and Supp. 2013, the commission amends a rule as follows:

7 CSR 10-6.015 Definitions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2013 (38 MoReg 1861–1862). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 6—Outdoor Advertising**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 226.150, RSMo 2000, and sections 226.500–226.600, RSMo 2000 and Supp. 2013, the commission amends a rule as follows:

7 CSR 10-6.020 Directional and Other Official Signs is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2013 (38 MoReg 1862–1863). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 6—Outdoor Advertising**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.500–226.600, RSMo 2000 and Supp. 2013, the commission amends a rule as follows:

7 CSR 10-6.030 On-Premises Signs is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2013 (38 MoReg 1863–1864). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 6—Outdoor Advertising**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 226.150, RSMo 2000, and sections 226.500–226.600, RSMo 2000 and Supp. 2013, the commission amends a rule as follows:

**7 CSR 10-6.040 Outdoor Advertising in Zoned and Unzoned
Commercial and Industrial Areas is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2013 (38 MoReg 1864–1869). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Highways and Transportation Commission received seven (7) comments on the proposed amendment from Bill May, General Counsel, Missouri Outdoor Advertising Association; Bob Fessler, Vice President/Missouri Territory Manager, Lamar Advertising; Tim Ketchum, Vice President/General Manager, Lamar Advertising; Charles Huffman, Jackson County Resident; David Odegard, Kansas City Resident; and Tony Mariani, Vice President, Drury Displays, Inc. d/b/a DDI Media.

COMMENTS #1–6: Bill May, Bob Fessler, Tim Ketchum, Charles Huffman, David Odegard, and Tony Mariani each submitted a comment requesting that the minimum ad copy duration remain at eight (8) seconds, rather than change to ten (10) seconds.

RESPONSE: Based on the desire to minimize driver distraction for the safety of the traveling public, guidance provided by the Federal Highway Administration, and information gathered from other states, a minimum ad copy duration of ten (10) seconds is in the best interest of Missouri’s traveling public. No changes have been made to the rule as a result of these comments.

COMMENT #7: Tony Mariani submitted a comment requesting that the maximum brightness level be consistent with the standards established by the Illuminating Engineering Society of America and adopted by the Outdoor Advertising Association of America.

RESPONSE: Based on research and recommendations from a nationwide report and the status of existing digital billboards in Missouri, as well as considering the safety of the traveling public and MoDOT employees, establishing a maximum brightness level of three hundred (300) candelas per square meter in full white mode is in the best interest of Missouri’s traveling public. No changes have been made to the rule as a result of this comment.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 6—Outdoor Advertising**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.500–226.600, RSMo 2000 and Supp. 2013, the commission amends a rule as follows:

**7 CSR 10-6.050 Outdoor Advertising Beyond Six Hundred Sixty
Feet (660') of the Right-of-Way is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2013 (38 MoReg 1870). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 6—Outdoor Advertising**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 226.150, RSMo 2000, and sections 226.500–226.600, RSMo 2000 and Supp. 2013, the commission amends a rule as follows:

7 CSR 10-6.060 Nonconforming Signs is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2013 (38 MoReg 1870–1871). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 6—Outdoor Advertising**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.150 and 226.530, RSMo 2000, the commission amends a rule as follows:

7 CSR 10-6.070 Permits for Outdoor Advertising is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2013 (38 MoReg 1871–1873). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 6—Outdoor Advertising**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 226.150, RSMo 2000, and sections 226.500–226.600, RSMo 2000 and Supp. 2013, the commission amends a rule as follows:

7 CSR 10-6.080 Removal of Outdoor Advertising Without Compensation is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2013 (38 MoReg 1873–1874). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 6—Outdoor Advertising**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 226.150, RSMo 2000, and sections

226.500–226.600, RSMo 2000 and Supp. 2013, the commission amends a rule as follows:

7 CSR 10-6.085 Cutting and Trimming of Vegetation on Right-of-Way is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2013 (38 MoReg 1874–1876). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 6—Outdoor Advertising**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 226.150, RSMo 2000, and sections 226.500–226.600, RSMo 2000 and Supp. 2013, the commission amends a rule as follows:

7 CSR 10-6.090 Administrative Review of Notices to Remove Outdoor Advertising and to Terminate Nonconforming Signs is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2013 (38 MoReg 1876). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 50—Division of Workers' Compensation
Chapter 2—Procedure**

ORDER OF RULEMAKING

By the authority vested in the Division of Workers' Compensation under sections 287.140.4 and 287.650, RSMo Supp. 2013, the division amends a rule as follows:

8 CSR 50-2.030 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 16, 2013 (38 MoReg 2087–2089). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division of Workers' Compensation received one (1) comment.

COMMENT: A comment was received stating that the five- (5-) day assumption for when notices are deemed received has been misplaced in the rule. The comment states that the five- (5-) day period in the statute refers to the assumption that the period to file the application for additional reimbursement starts no later than five (5) days

after the employer/insurer discounts the provider's original bill and offers or tenders the reduced amount. The comment reiterates that the provider is deemed to have received notice of the employer's/insurer's action within five (5) days after it was sent by certified mail, for starting the one- (1-) year statute of limitations. The comment suggests that the five- (5-) day assumption should be removed from subsection (1)(A) and moved to follow the new sentence in paragraph (1)(B)5. requiring the date of the first notice of dispute to be entered in the provider's application for additional reimbursement.

RESPONSE AND EXPLANATION OF CHANGE: Section 287.140.4, RSMo, is the controlling statutory provision that sets forth the statute of limitation period for a health care provider to file an application for additional reimbursement with the division. Section 287.140.4, RSMo, also contains a provision as to when notice is presumed to occur which is no later than five (5) business days after transmission by certified United States mail. Section 287.140.4, RSMo, does not specifically refer to any discounts made to the original bill. The interpretation of the statutory period of limitation in the context of a reasonableness medical fee dispute will be done by the reviewing courts. The division thanks the Missouri Insurance Coalition for its comment and adopts its recommendation. Accordingly, the sentence will be moved from subsection (1)(A) to paragraph (1)(B)5.

8 CSR 50-2.030 Resolution of Medical Fee Disputes

(1) Procedures Pertaining to Applications for Payment of Additional Reimbursement of Medical Fees (Reasonableness Disputes).

(A) If an employer or insurer disputes the reasonableness of a medical fee or charge, the employer or insurer shall notify the health care provider in writing that the medical charge is being disputed and shall explain the basis for the dispute. The employer or insurer may tender partial payment and the health care provider may accept payment of the amount tendered without prejudice to the filing of an application for payment of additional reimbursement of medical fees. Upon receiving the written notice of the dispute, the health care provider may contact the insurer or employer to attempt to resolve the dispute.

(B) In order to initiate a reasonableness dispute case, the health care provider must first submit a Request for Case Status Information on a division-approved form to the division prior to the filing of an application for payment of additional reimbursement of medical fees. The health care provider shall file with the division an original application for payment of additional reimbursement of medical fees. The application shall contain all the following information:

1. The name, address, and telephone number of the health care provider;
2. Name, address, and telephone number of the employer and insurer against whom the application is being filed;
3. Name, address, and Social Security number of the employee for whom health care services were rendered, together with the date of injury and date the services were provided, for all disputes;
4. The amount in dispute;
5. The date the first notice of the dispute of the medical charge was received by the health care provider. Per section 287.140.4(2), RSMo, such notice shall be presumed to occur no later than five (5) business days after transmission by certified United States mail; and
6. Any additional information the division deems necessary to resolve the dispute.

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

ORDER OF RULEMAKING

By the authority vested in the Clean Water Commission, section

644.026, RSMo Supp. 2013, the Clean Water Commission amends a rule as follows:

10 CSR 20-6.011 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2013 (38 MoReg 1534–1548). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*. The new fee structure within the rule, if not disapproved by the General Assembly, will become effective January 1, 2015.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held November 6, 2013, and the public comment period ended November 13, 2013. At the public hearing, the Clean Water Commission staff explained the proposed amendment. Two (2) comments were made at the public hearing by Kevin Perry of REGFORM and Phil Walsack of Missouri Public Utilities Alliance (MPUA). Two (2) written comments were received from Robert Brundage with Newman, Comley & Ruth, PC and Lesley Oswald with the Boone County Regional Sewer District.

COMMENT #1: Kevin Perry, REGFORM, and Phil Walsack, MPUA expressed support for the adoption of the proposed fee structure.

RESPONSE: The Department of Natural Resources (department) appreciates and acknowledges the support. No changes in the proposed revisions were made in response to these comments.

COMMENT #2: Kevin Perry, REGFORM, stated an interest in working toward the elimination of the additional one-half (1/2) percent administration fee for State Revolving Fund (SRF) loans.

RESPONSE: The Department of Natural Resources (department) acknowledges the interest in reducing the fee, and this can be part of the discussion as the clean water fees deliberation recommences in 2014. The SRF administration fee is part of the picture of support for the state's clean water efforts, but is outside of the scope of this rule-making. No changes in the proposed revisions were made in response to these comments.

COMMENT #3: Robert Brundage, Newman, Comley & Ruth, PC, commented that the fee for a Class 1A concentrated animal feeding operation specifies the fee is for a national pollutant discharge elimination permit, but does not specify the fee for a Missouri state operating permit.

RESPONSE AND EXPLANATION OF CHANGE: The same fee would be applicable for either permit. Rule language is changed to include the Missouri state operating permit in this fee category. Other language was also added to specify that portions of the rule apply to class 1A concentrated animal feeding operations and the state permit is a Missouri state operating permit.

COMMENT #4: The Boone County Regional Sewer District (BCRS) stated it is supportive of the increases in the clean water fee structure if this increase is accompanied by a decrease in the state revolving fund administrative fee.

RESPONSE AND EXPLANATION OF CHANGE: The SRF administrative fee has been part of the stakeholder discussion of clean water fees throughout the process. It is part of the funding mix that supports the state meeting our clean water responsibilities, although it is not part of this rule. At this point the proposed clean water fee structure increases funding available for program activities, although there would remain a funding shortfall of about one (1) million dollars per year. The department will readily take up all topics related to conduct and support of clean water work, including the SRF administrative fee, when the discussion with stakeholders recommences in 2014. No changes in the proposed revisions were made in response to these comments.

In addition, staff noted that fees in the proposed rule for permit modifications for facilities with service connections differs from those prescribed by current law. While the Clean Water Commission has the latitude to change these fees, such changes were not subject to discussion and therefore the proposed rule is changed to make this part of the fee structure consistent with existing law. There are small edits to the fiscal note reflecting this change. This section may be reviewed in future fee discussions and changed if appropriate. Rule language is changed to reflect the current law.

10 CSR 20-6.011 Fees

(2) Fees—Amounts.

(C) Persons who produce industrial process wastewater which requires treatment and who apply for or possess a site-specific permit shall annually pay—

1. Five thousand dollars (\$5,000) if the industry is a class IA concentrated animal feeding operation as defined by the commission; or

2. For facilities issued operating permits based upon categorical standards pursuant to the Federal Clean Water Act and regulations implementing such act:

A. Four thousand two hundred dollars (\$4,200) if the design flow is less than one (1) million gallons per day; or

B. Five thousand dollars (\$5,000) if the design flow is equal to or greater than one (1) million gallons per day.

(F) Persons who apply for or possess a general permit or permit by rule shall pay—

1. For the discharge of storm water from a land disturbance site—

A. Five hundred dollars (\$500) if the site is at least one (1) acre and less than five (5) acres;

B. Six hundred dollars (\$600) if the site is equal to or greater than five (5) acres but less than ten (10) acres;

C. Seven hundred fifty dollars (\$750) if the site is equal to or greater than ten (10) acres but less than twenty-five (25) acres;

D. One thousand five hundred dollars (\$1,500) if the site is equal to or greater than twenty-five (25) acres but less than one hundred (100) acres;

E. Three thousand dollars (\$3,000) if the site is equal to or greater than one hundred (100) acres but less than five hundred (500) acres; or

F. Five thousand dollars (\$5,000) if the site is equal to or greater than five hundred (500) acres; and

G. Any permit issued to a public agency or private party for multiple sites shall pay a single fee based upon the estimated acreage of all the sites as follows:

(I) One thousand five hundred dollars (\$1,500) if the sites are less than one hundred (100) acres;

(II) Three thousand dollars (\$3,000) if the sites are equal to or greater than one hundred (100) acres but less than five hundred (500) acres; or

(III) Five thousand dollars (\$5,000) if the sites are equal to or greater than five hundred (500) acres;

2. One hundred dollars (\$100) annually for the operation of a chemical fertilizer or pesticide facility;

3. For the operation of an animal feeding operation or a concentrated animal feeding operation—

A. Five thousand dollars (\$5,000) per year for a national pollutant discharge elimination system permit or a Missouri state operating permit for a class IA concentrated animal feeding operation as defined by the commission;

B. Four hundred fifty dollars (\$450) per year for a national pollutant discharge elimination system permit for a class IB concentrated animal feeding operation as defined by the commission;

C. Three hundred fifty dollars (\$350) per year for a national pollutant discharge elimination system permit for a class IC or class II concentrated animal feeding operation as defined by the commission;

D. Three hundred dollars (\$300) per year for a Missouri state operating permit for a class IB concentrated animal feeding operation as defined by the commission; or

E. One hundred fifty dollars (\$150) per year for a Missouri state operating permit for a class IC or class II concentrated animal feeding operation as defined by the commission;

4. Two hundred fifty dollars (\$250) annually for the discharge of storm water from a municipal separate storm sewer system (MS4);

5. Three hundred dollars (\$300) annually for the operation of an aquaculture facility;

6. For discharging publicly owned treatment works which treats only human sewage shall annually pay the fee in subsection (G) based upon the number of service connections to the facility;

7. One hundred fifty dollars (\$150) annually for a permit by rule and for a pesticide applicator permit.

8. Two hundred dollars (\$200) annually for a permit for the discharge of process water or storm water, potentially contaminated by activities not included in paragraphs 1. to 7. of this subsection.

(H) For the purpose of permit modification fees, non-substantive changes are those listed as minor modifications in 40 CFR section 122.63. Persons requesting modifications to state operating permits that charge a service connection fee shall pay two hundred dollars (\$200). Persons requesting a modification to an operating permit shall pay:

1. One hundred dollars (\$100) for name changes, address changes or other non-substantive changes, or for a modification of a general permit; or

2. A fee equal to twenty-five percent (25%) of the annual operating fee assessed for the facility for other changes;

FISCAL NOTE
PUBLIC COST

- I. Department Title: Department of Natural Resources
Division Title: Division of Environmental Quality
Chapter Title: Permits

Rule Number and Name:	10 CSR 20-6.011
Type of Rulemaking:	Rule Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
<i>No direct costs to DNR to implement rule.</i>	Estimated Additional Cost of Compliance in the Aggregate:
<p><i>The Dept. of Natural Resources permits both public and private entities –</i></p> <p><u>Construction Permits</u> – 80 avg. # permit applicants per year</p> <p><u>Site Specific</u> – 55 avg. # permit applicants per year</p>	<p><u>Lost Revenue Per Year</u></p> <p><i>Projected Additional Revenue Loss: \$41,500</i></p> <p><i>Projected Additional Revenue Loss: \$55,000</i></p> <p><i>Total Revenue Loss: \$96,500</i></p>
<p><i>Other State Agencies & Other Political Subdivisions; City Government, Municipal Districts or other public entities</i></p> <p><u>Construction Permits</u> - 133 avg. # permit applicants per year</p> <p><u>General Permits</u> - 111 avg. # permit applicants per year</p> <p><u>Other Fees</u> – 64 avg. # permit applicants per year</p>	<p><u>Estimated Cost of Compliance</u></p> <p><i>Projected Additional Costs: \$26,034</i></p> <p><i>Projected Additional Costs: \$ 86,382</i></p> <p><i>Projected Additional Costs: \$14,250</i></p> <p><i>Total Additional Costs: \$126,666</i></p>
<i>Dept. Natural Resources and Other State Agencies & Political Subdivisions</i>	<p>FY 2017 Additional Cost of Compliance in the Aggregate: \$96,500 (Dept. revenue loss) & \$126,666 (the other public costs) expected to recur Note: FY2016 Additional Cost of Compliance in the Aggregate for the partial fiscal year, is ½ of FY2017 revenue loss for the Dept. and the Cost of Compliance for Other Public State Agencies</p>

III. WORKSHEET***Department of Natural Resources***

<u>Permits</u>	<u>Projected Additional Revenue Loss</u>
Construction	\$41,500
Site-Specific	\$55,000
Other Fees	\$0
<u>Total</u>	<u>\$96,500</u>

Other State Agencies & Political Subdivisions

<u>Permits</u>	<u>Projected Additional Costs</u>
Construction	\$26,034
General	\$86,382
Other/Fees	\$14,250
<u>Total</u>	<u>\$126,666</u>

***Projected Additional Public Savings: \$783**

***Although there are some projected savings for the Other State agencies & Political Subdivisions, there is an overall increase in costs of \$126,666.**

For detailed information displayed in the Water Protection Program's Rules In Development web page see the electronic spreadsheet at <http://www.dnr.mo.gov/env/wpp/rules/wpp-rule-dev.htm> for the "Projected Fee Revenues for the Water Protection Program for 2013 for 10 CSR 20-6.011 Fees Rule Amendment" The electronic spreadsheet displays the overall current fee structure, the proposed fee structure as recommended, permit type, and the average number of permits per year. The number of applicants is stated as a public or private percentage of the total number of permit applicants for any one type of permit. All projected revenues to the Department are calculated by multiplying the proposed permit fee amounts by the average number of applicants per year.

Revenues to the Department are costs to the public and private sectors. A savings to the public or private sector, are loss revenues (costs) to the Department.

IV. ASSUMPTIONS

This proposed amendment and fiscal notes, if not disapproved by the General Assembly, become effective May 30, 2014. The proposed fee structure within the amendment, if not disapproved, is implemented January 1, 2015 under statute.

This public fiscal note assumes that the proposed fees to be paid by the public entities to the Department are essentially the *costs of the projected revenues* as displayed in the electronic spreadsheet.

The projected additional revenue lost to the Department, \$96,500, is a projected additional savings to public and private permittees. The projected additional cost to the public agencies and political subdivisions, \$126,666, is projected additional revenue to the Department.

The projected additional revenue to the Department each year is \$1,997,645, while the total projected revenue to the Department, \$6,780,486, per year, the revenue affect. For those interested, total projected revenue details may be viewed in the electronic spreadsheet.

Summary –

Generally, a 20% overall increase was part of the on-going discussions in the development of the department's recommended fee structure. The fees have not been revised since expiring in 2007, but have received a number of extensions from the legislature.

The Department met several times with stakeholders over the past two years presenting information on clean water activities, expenditures and funding sources. Clean water fee recommendations are the basis for this public fiscal note. The recommendations include changes to fees and changes to construction permits.

The fee setting process through Commission rulemaking is a cyclical process that may be revisited for adjustment.

Missouri has responsibility for implementation of federal clean water requirements. The most visible aspects of these duties are permitting, inspection and enforcement, as these involve direct interactions between the department and the regulated community. The Department's responsibilities also include water quality monitoring and analysis, technical assistance and education.

Over time, changes to the federal clean water law lead to more responsibilities, the most significant of which is stormwater management, permitting and, the nonpoint source management effort. Also, the Department's staffing costs have increased considerably over time as well.

Although EPA has previously allowed flexibility in spending funds allocated to other sections within the Clean Water Act, continued flexibility is limited.

In this public fiscal note the revenue loss of \$96,500 to the Department accounts for only a small fraction of the projected shortfall, of \$2,944,036, the additional amount needed to fully fund Clean Water permitting. While the revenues from the recommended fee

structure serve to mitigate the shortfall, it is not eliminated. The Department has based this shortfall calculation on average annual revenues from all sources over a four year period.

The projected additional costs to other state agencies and political subdivisions or, \$126,666 (revenue paid to the Department) is the result of the recommended fee structure as proposed for construction, general, and other fee types. Antidegradation is included with the construction permits because of the overlap between the construction permits and those undergoing anti-degradation review.

Department's Loss of Revenues –

Construction Permits – Sewer Extensions – There are projected additional cost for some of the public construction permits, due to fee increases.

Other Sewer Extensions – Construction sewer extensions other – the same fee is proposed and, therefore. No additional projected revenue.

Ag-Chemical and CAFOs – Construction permits for Ag-Chemical and CAFOs (Concentrated Animal Feeding Operations) are no longer required. These private entities are *not* exempt from inspections.

Site-Specific – Domestic Sewage Non-POTWs (Non-Publicly Owned Treatment Works) – Permit fee loss revenue to the Department is due to the consolidation in fees and a sliding scale for those fees.

Other Fees – POTW major and minor permit fees are based on the statute.

Other State Agencies and Other Political Subdivisions; City Government, Municipal Districts or other public entity costs –

Construction Permits – Wastewater Treatment – Permits fees have been increased, a cost to the public entities.

Antidegradation Reviews – Reviews for construction permits are an additional cost to the public sector.

General Permits – Public Land Disturbance – Public land disturbance fees have increased based on estimated total acreage.

The General Permit for Pesticide applicator permits remain the same.

Other Fees – Water Quality Certifications 401-404 Major Modification and MS4s fees, for general stormwater permits are increased, a cost to the public.

The cost to the public and, or private sectors to comply with the new fees is the *costs of the projected revenue*, or, the revenue affect. The Department's projected revenues (costs to the public or private entities) may be viewed in detail in the electronic spreadsheet at <http://www.dnr.mo.gov/env/wpp/rules/wpp-rule-dev.htm> .

FISCAL NOTE
PRIVATE COST

Department Title: Department of Natural Resources
Division Title: Division of Environmental Quality
Chapter Title: Permits

Rule Number and Title:	10 CSR 20-6.011 Fees
Type of Rulemaking:	Rule Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the 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:
<u>Estimated Private Entities</u> Total 383	<u>Construction Permits</u> Sewer Extensions or Other Extensions Wastewater Treatment < 500,000 or ≥ 500,000 Ag Chemical & CAFO Antidegradation Water Quality Reviews	<u>Estimate in the Aggregate</u> Projected Additional Cost of Compliance: \$28,566
<u>Estimated Private Entities</u> Total 1,654,581	<u>Private Service Connections</u> Residential Industrial/Commercial	<u>Estimate in the Aggregate</u> Projected Additional Cost of Compliance: \$174,676
<u>Estimated Private Entities</u> 5,367	<u>General Permits</u> Land Disturbance Land Disturbance - Multiple Sites Domestic Wastewater Pesticide Applicators Other - Car Washes, Limestone Quarries, Petro Storage, Metal Fabrication, etc.	<u>Estimate in the Aggregate</u> Projected Additional Cost of Compliance: \$1,172,962

	CAFO NPDES & MSOP Stormwater-excludes MS4 communities	
<u>Estimated Private Entities</u> 2,420	<u>Site-Specific</u> Industrial Process Flows Industrial Stormwater Only Domestic Sewage	<u>Estimate in the Aggregate</u> Projected Additional Cost of Compliance: \$443,900
<u>Estimated Private Entities</u> 606	<u>Other Fees</u> 401/404 Cert Fees Minor Permit by Rule - Hydro- static Testing Permit Modifications CAFO NPDES Class 1A Other Site-Specific, Major Mods & Minor Mods Permit Variance	<u>Estimate in the Aggregate</u> Projected Additional Cost of Compliance: \$ 50,875
<u>Estimated Total # All Fees & Permits</u> 1,663,357	<u>Private Permitted Entities</u>	FY2017 Total Projected Additional Costs of Compliance expected to recur: \$ 1,870,979
		Note: FY2016 Total Partial Projected Additional Costs of Compliance, equal to ½ yr. \$ 935,490

I. WORKSHEET Permit Private Entities

<u>Permit Types</u>	<u>Projected Additional Costs</u>
Construction	\$28,566
*Savings	(\$40,717)
Service	\$174,676
General	\$1,172,962
Site-Specific	\$443,900
*Savings	(\$55,000)
Other	\$50,875

	<u>Total Projected Additional Costs</u>
All Private, Fees & Permits	\$1,870,979

Projected Additional Savings to Private Entities:

\$95,717

Information on the Projected Fee Revenues for the “Water Protection Program for 2013 for 10 CSR 20-6.011 Fees Rules Amendment” may be viewed as an electronic spreadsheet on the Water Protection Program’s Rules In Development web page at <http://www.dnr.mo.gov/env/wpp/rules/wpp-rule-dev.htm> . The Water Protection Program’s electronic spreadsheet displays the proposed fee structure as recommended, including the overall current fees for permit type, average number of permits per year, and proposed fees, and projected additional revenues. The Department’s additional projected revenues from the private sector are the additional projected costs to the private entities.

*A savings to the private sector is a revenue loss to the Department.

IV. ASSUMPTIONS

This proposed amendment and fiscal notes, if not disapproved by the General Assembly, become effective May 30, 2014. The proposed fee structure within the amendment, if not disapproved, is implemented January 1, 2015 under statute.

This private fiscal note assumes that the proposed fees to be paid by the private entities to the Department are essentially the *costs of the projected revenues* as displayed in electronic spreadsheet.

All proposed fees and, the average number of private permit applicants per year are displayed in the excel spreadsheet. The costs to the private entities are calculated by multiplying the proposed fee amounts by the number of private permit applicants per year. The projected additional revenues to the Department from the private sector are the projected additional costs to the private sector. Projected additional costs to the private sector are the Estimated Costs in the Aggregate. The footnotes in the electronic spreadsheet provide additional details.

Summary –

Generally, a 20% overall increase was part of the on-going discussions in the development of the department's recommended fee structure. Fees have not been revised since expiring in 2007, but have received a number of extensions by the legislature.

The fee setting process through Commission rulemaking is a cyclical process that may be revisited for adjustment.

There are two types of permits issued by the department, construction and operating. Construction permits involve review and approval of engineering plans and specifications to assure that wastewater facilities are properly designed and, operating permit reviews involve site-specific and general permits that establish effluent limitations for particular discharges.

To maintain a viable program that meets the expectations of Missouri's delegation agreement with the U.S. EPA, the department must have a program that is robust enough to ensure permitted entities comply with the law. In this proposed fee structure as recommended, some permit applicants are assuming the responsibility to build and design their facilities in conformance with state and federal requirements.

Stakeholder interest in expedited permits centers on construction permits and initial operating permits because these permits are necessary for private parties to build and operate and execute their business plans. With this exemption private entities will assume full responsibility in meeting effluent limits. The electronic spreadsheet on the Department's Rules in Development web site identifies future construction permit classes exempt from fees, namely, the private industrial facilities.

The Department has granted exemptions for certain construction permits in order to help businesses meet their construction and operating budgets, shifting responsibility and risks to business owners to make sure that their facilities will effectively treat wastewater. At the same time the Department must have the revenues to monitor, inspect and enforce permitting law.

Private Cost or Savings in the Department's recommended fee structure. –

Construction Permits – Cost savings accrue to some public sewer construction and to some businesses, who no longer are required to apply for a construction permit.

Wastewater Treatment – Wastewater treatment plants, in line with their design flows have fee increases. This excludes Concentrated Animal Feeding Operations.

Antidegradation Reviews – These reviews are charged on a sliding scale and are new costs to the permit applicant who may request anti-degradation review.

Industrial /Commercial Connections – Fees for connections, depending on the length of the service line, have remained the same, or, have increased.

General Permits –

Land Disturbance – Fees are now paid on a sliding scale, the more acres disturbed the higher the cost incurred.

Multiple-site Permits – Fee costs for a permit issued to a private entity for multiple sites, is paid based upon the estimated acreage of all of the sites, on a graduated fee scale. No private total projected additional revenue for general permits for private parties is projected currently, although fees are proposed.

Domestic Wastewater – The general permit for small Domestic Wastewater is not addressed.

The fee for the Pesticide Applicators remains the same.

General Permits Other – Fees

Fees for car washes, limestone quarries, petroleum storage and metal fabrication, etc. have increased.

NPDES CAFO – Nation Pollution Discharge Elimination System, CAFO (Concentrated Feeding Operations) permit fees for CAFO 1A remains the same, while NPDES CAFO 1B, 1C /II, and MSOP 1B, and MSOP 1C/11, fees are proposed on a sliding scale.

General Stormwater –Permitting fee has been increased, excluding MS4s communities

Site-Specific Permits --

Industrial Process Flows – Fees for the Categoricals and Non-Categoricals have increased, with the exception of the larger categorical where the fee is capped at \$5,000 by statute.

Industrial Stormwater – Fees for the industrial stormwater permits have increased.

Domestic Sewage Sludge Non-POTWs – Fees have increased, with the exception of one Non-POTW permit, where the fee has decreased, (a savings to this permit applicant) due to consolidation of the Non-POTW fees along a sliding scale.

Other Fees –

401/404 Certification Fees both minor and major have increased due to the level of service required. The CAFO General Permit Major modification no longer requires a construction permit. Some site-specific major modifications remain the same while other site-specific minor modifications are now charged a flat fee. The Permit by Rule fee has been increased.

The Permit Variance fee remains the same. No additional projected revenue is expected.

Cost Savings provided through technological improvement in the Department's operations_–

Expedited permitting will, in many cases, help the Department to issue permits within the regulated deadlines. For instance e-permitting, recently available for land disturbance permits, will be a cost savings to the permit applicant. This is reflected in the consolidation of the permitting fees, mitigating fees overall for the land disturbance permit.

Centralization as opposed to regional permitting will, and has, sped up the issuance of the site-specific permit. Newly implemented and future efficiencies and expedited permit processes are expected to help the department sustain and improve permit timeliness.

The Department and regulated entities have found that the current pre-review and exchange of information processes have been instrumental in working out potential issues and in avoiding unnecessary appeals, saving costs and time in permitting and, are a good use of fee revenues by the Department.

The Department must respond to any operation alleged to be causing pollution. Preventing pollution and, pollution control is the most important reason why a good fee structure is necessary.

Many stakeholder meetings supported open discussions between stakeholders and department staff. Meetings were open to the public and streamed live over the internet over a period of more than two years.

The fiscal focus is on the costs to conduct permitting, inspection and enforcement activities for both private (and public) permittees. The proposed fees structure helps to make up for the shortfall in clean water funding. Funding from other sources has been used to meet immediate needs. While EPA has previously allowed flexibility in spending funds allocated to other sections within the Clean Water Act, continued flexibility is limited.

The private projected additional costs to comply, \$ 1,870,979, will be paid by private entities. This provides most of the total \$1,997,645 projected additional revenues to the Department to help fund the permitting and inspection and enforcement programs. Projected Additional Savings to private entities are \$95,717. The private total projected cost to comply is \$6,561,591. The private total projected additional cost to comply provides most of the total projected revenue to the Department, \$6,780,486.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2210—State Board of Optometry
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Optometry under sections 336.080 and 336.160.1, RSMo Supp. 2013, the board amends a rule as follows:

20 CSR 2210-2.030 License Renewal is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2014 (39 MoReg 73). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

STATUTORY LIST OF CONTRACTORS BARRED FROM PUBLIC WORKS PROJECTS

The following is a list of contractor(s) who have been prosecuted and convicted of violating the Missouri Prevailing Wage Law, and whose Notice of Conviction has been filed with the Secretary of State pursuant to Section 290.330, RSMo. Under this statute, no public body shall award a contract for public works to any contractor or subcontractor, or simulation thereof, during the time that such contractor or subcontractor's name appears on this state debarment list maintained by the Secretary of State. In addition, this list includes contractor(s) that have agreed to entry of an injunction permanently prohibiting them and any persons and entities related to them from engaging in, or having any involvement in, any business in Missouri.

Contractors Convicted of Violations of the Missouri Prevailing Wage Law

<u>Name of Contractor</u>	<u>Name of Officers</u>	<u>Address</u>	<u>Date of Conviction</u>	<u>Debarment Period</u>
Urban Metropolitan Development, LLC Case No. 12AO-CR01752 (Jasper County Cir. Ct.)		1101 Juniper St., Ste. 925 Atlanta, Georgia 30309	08/08/2013	08/08/2013 to 08/08/2014

Contractors Agreeing to Permanent Prohibition from Engaging In, or Having Any Involvement In, Any Business in Missouri

<u>Name of Contractor</u>	<u>Name of Officers</u>	<u>Address</u>	<u>Date of Injunction</u>	<u>Debarment Period</u>
Urban Metropolitan Development, LLC		1101 Juniper St., Ste. 925 Atlanta, Georgia 30309	09/27/2013	Permanent
Troy Langley		1101 Juniper St., Ste. 925 Atlanta, Georgia 30309	09/27/2013	Permanent

Dated this 17th day of March 2014.


John E. Lindsey, Division Director

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

Notice of LLC Dissolution to all Creditors of and Claimants Against Miramar Investments, LLC

Miramar Investments, LLC, a Missouri Limited Liability Company, filed its Notice of Winding Up for Limited Liability Company on February 13, 2014, and was thereafter terminated on February 27, 2014.

Miramar Investments, LLC requests that all persons and organizations who have claims against it present them immediately by letter to Susan P. Layton, Layton & Southard, LLC, 1650 North Kingshighway, Suite 302, P.O. Box 1238, Cape Girardeau, MO 63702-1238.

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.

All claims against Miramar Investments, LLC will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the date of publication of this notice.

NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY

To: All creditors of and claimants against FOOD DISTRIBUTION ASSOCIATES, L.L.C., a Missouri limited liability company ("Company").

On February 28, 2014, FOOD DISTRIBUTION ASSOCIATES, L.L.C., Charter Number **LC0522015**, filed its notice of winding up with the Missouri Secretary of State.

Said limited liability company requests that all persons and organizations who have claims against it present them immediately by letter to the company c/o CHINNEREY EVANS & NAIL, P.C., 800 NE Vanderbilt Lane, Lee's Summit, Missouri 64064.

All claims must include the following information:

1. Name and current address of the claimant.
2. The amount claimed.
3. The clear and concise statement of the facts supporting the claim.
4. The date the claim was incurred.

NOTICE: Because of the winding up of FOOD DISTRIBUTION ASSOCIATES, L.L.C., any claims against it will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of the two notices authorized by statute, whichever is published last.

NOTE: CLAIMS AGAINST FOOD DISTRIBUTION ASSOCIATES, L.L.C., WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN THREE YEARS AFTER THE PUBLICATION OF THIS NOTICE.

**NOTICE OF WINDING UP AND DISSOLUTION TO ALL UNKNOWN CREDITORS
OF AND CLAIMANTS AGAINST
JW HAULING LLC**

JW Hauling LLC is sending this notice to you pursuant to Missouri Revised Statutes Section 347.141.

On February 10, 2014, JW Hauling LLC, a Missouri limited liability company was administratively dissolved by the Missouri Secretary of State. Said company requests that all persons and organizations who have claims against it present them immediately by letter to the company c/o Smith Lewis, LLP, P.O. Box 918, Columbia, MO 65205-0918. All claims must include the name and address of the claimant, the amount claimed, the basis for the claim, the date(s) or dates on which the service(s) were provided or the event(s) occurred that form the basis for the claim, and supporting documentation for the claim, if any.

A claim against said company will be barred unless a proceeding to enforce the claim is commenced within three years after the publication date of this Notice.

JW Hauling LLC

**NOTICE OF DISSOLUTION OF CORPORATION
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
INSURANCE PROVIDERS OF MISSOURI, INC.**

On March 6, 2014, Insurance Providers of Missouri, Inc., filed Articles of Dissolution by Voluntary Action with the Missouri Secretary of State. The dissolution was effective March 6, 2014. Any claims against Insurance Providers of Missouri, Inc., must be submitted to Rick J. Muenks, Attorney at Law, 3041 S. Kimbrough Avenue, Ste. 106, Springfield, Missouri 65807. Each claim must include claimants name, address of claimant and telephone number of claimant; amount of claim; the date on which the event of which the claim is based occurred; and a brief description of the nature of the debt or the basis for the claim. By law, proceedings are barred unless commenced against the Corporation within two years after the publication of this notice.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
D&D ADVISORS, LLC**

1. The name of the Limited Liability Company is D&D Advisors, LLC.
2. The Articles of Organization for the limited liability company were filed on the following date: 02/08/2002.
3. Persons with claims against the limited liability company should present them in accordance with the following procedure:
 - a. In order to file a claim against the limited liability company, you must furnish the following:
 - i. Amount of claim;
 - ii. Basis of the claim;
 - iii. Documentation of the Claim.
 - b. Claims must be mailed to:

David A. Vorbeck, Registered Agent, c/o Vorbeck Associates, LLC, 684 SE Bayberry Lane, Suite 101, Lee's Summit, Mo. 64063
4. A claim against the limited liability company will be barred unless a proceeding to enforce the claim is commenced within three years after publication of the notice.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
ELITE LANDSCAPES, LLC**

On March 6, 2014, Elite Landscapes, LLC, a Missouri limited liability company ("Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date.

All persons and organizations must submit to Company, c/o Richard T. Ashe, Carnahan, Evans, Cantwell & Brown, P.C., 2805 S. Ingram Mill, Springfield, Missouri 65804, a written summary of any claims against Company, including: 1) claimant's name, address and telephone number; 2) amount of claim; 3) date(s) claim accrued (or will accrue); 4) brief description of the nature of the debt or the basis for the claim; and 5) if the claim is secured, and if so, the collateral used as security.

Because of the dissolution, any claims against Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the last of filing or 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—37 (2012) and 38 (2013). 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	OFFICE OF ADMINISTRATION State Officials' Salary Compensation Schedule				37 MoReg 1859 38 MoReg 2053
DEPARTMENT OF AGRICULTURE					
2 CSR 30-10.010	Animal Health		39 MoReg 68	This Issue	
2 CSR 80-2.050	State Milk Board		38 MoReg 1363	39 MoReg 253	
2 CSR 80-5.010	State Milk Board		38 MoReg 1363	39 MoReg 253	
2 CSR 90-10	Weights and Measures				38 MoReg 1241
2 CSR 90-30.040	Weights and Measures		38 MoReg 1099	This Issue	
DEPARTMENT OF CONSERVATION					
3 CSR 10-3.010	Conservation Commission		38 MoReg 1742	39 MoReg 253	
3 CSR 10-4.111	Conservation Commission		This Issue		
3 CSR 10-4.130	Conservation Commission		38 MoReg 1742	39 MoReg 253	
3 CSR 10-5.430	Conservation Commission		38 MoReg 1742	39 MoReg 253	
3 CSR 10-6.510	Conservation Commission		38 MoReg 1742	39 MoReg 254	
3 CSR 10-6.545	Conservation Commission		38 MoReg 1743	39 MoReg 255	
3 CSR 10-6.550	Conservation Commission		38 MoReg 1743	39 MoReg 255	
3 CSR 10-7.410	Conservation Commission		This Issue		
3 CSR 10-7.431	Conservation Commission		38 MoReg 1744	39 MoReg 255	
3 CSR 10-7.433	Conservation Commission		38 MoReg 1744	39 MoReg 255	
3 CSR 10-7.440	Conservation Commission		38 MoReg 1744	39 MoReg 255	
3 CSR 10-7.440	Conservation Commission		38 MoReg 1745	39 MoReg 255	
3 CSR 10-7.455	Conservation Commission				39 MoReg 403
3 CSR 10-9.105	Conservation Commission		38 MoReg 1745	39 MoReg 256	
3 CSR 10-9.110	Conservation Commission		38 MoReg 1747	39 MoReg 256	
3 CSR 10-9.442	Conservation Commission		38 MoReg 1750	39 MoReg 256	
3 CSR 10-10.705	Conservation Commission		38 MoReg 1750	39 MoReg 256	
3 CSR 10-10.735	Conservation Commission		This Issue		
3 CSR 10-10.744	Conservation Commission		38 MoReg 1752	39 MoReg 256	
3 CSR 10-11.115	Conservation Commission		This Issue		
3 CSR 10-11.130	Conservation Commission		38 MoReg 1752	39 MoReg 256	
3 CSR 10-11.180	Conservation Commission		38 MoReg 1752	39 MoReg 257	
3 CSR 10-11.184	Conservation Commission		38 MoReg 1753	39 MoReg 257	
3 CSR 10-11.185	Conservation Commission		38 MoReg 1753	39 MoReg 257	
3 CSR 10-11.205	Conservation Commission		38 MoReg 1754	39 MoReg 257	
3 CSR 10-11.210	Conservation Commission		This Issue		
3 CSR 10-11.215	Conservation Commission		This Issue		
3 CSR 10-12.110	Conservation Commission		38 MoReg 1754	39 MoReg 257	
3 CSR 10-12.115	Conservation Commission		This Issue		
3 CSR 10-12.115	Conservation Commission		38 MoReg 1755	39 MoReg 257	
3 CSR 10-12.125	Conservation Commission		38 MoReg 1756	39 MoReg 258	
3 CSR 10-12.135	Conservation Commission		38 MoReg 1756	39 MoReg 258	
3 CSR 10-12.140	Conservation Commission		38 MoReg 1757	39 MoReg 258	
3 CSR 10-12.145	Conservation Commission		N.A.	This Issue	
3 CSR 10-12.145	Conservation Commission		This Issue		
3 CSR 10-12.145	Conservation Commission		38 MoReg 1757	39 MoReg 258	
3 CSR 10-12.145	Conservation Commission		N.A.	This Issue	
3 CSR 10-12.145	Conservation Commission		This Issue		
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 85-8.010	Division of Business and Community Services	38 MoReg 1925 39 MoReg 489T			
4 CSR 85-8.011	Division of Business and Community Services			39 MoReg 591	
4 CSR 85-8.020	Division of Business and Community Services	38 MoReg 1934 39 MoReg 489T			
4 CSR 85-8.021	Division of Business and Community Services			39 MoReg 600	
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 85-9.011	Division of Business and Community Services			39 MoReg 600	
4 CSR 85-9.020	Division of Business and Community Services	38 MoReg 1936 39 MoReg 489T			

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 85-9.021	Division of Business and Community Services		39 MoReg 602		
4 CSR 85-9.030	Division of Business and Community Services	38 MoReg 1937 39 MoReg 490T			
4 CSR 85-9.031	Division of Business and Community Services		39 MoReg 603		
4 CSR 85-9.035	Division of Business and Community Services		39 MoReg 613		
4 CSR 85-9.040	Division of Business and Community Services	38 MoReg 1947 39 MoReg 490T			
4 CSR 85-9.041	Division of Business and Community Services		39 MoReg 617		
4 CSR 85-9.050	Division of Business and Community Services	38 MoReg 1954 39 MoReg 490T			
4 CSR 85-9.051	Division of Business and Community Services		39 MoReg 621		
4 CSR 85-10.010	Division of Business and Community Services		39 MoReg 721		
4 CSR 85-10.020	Division of Business and Community Services		39 MoReg 723		
4 CSR 85-10.030	Division of Business and Community Services		39 MoReg 724		
4 CSR 85-10.040	Division of Business and Community Services		39 MoReg 725		
4 CSR 85-10.050	Division of Business and Community Services		39 MoReg 726		
4 CSR 85-10.060	Division of Business and Community Services		39 MoReg 728		
4 CSR 240-2.090	Public Service Commission		39 MoReg 630		
4 CSR 240-3.570	Public Service Commission		38 MoReg 1461R	39 MoReg 660R	
4 CSR 240-31.010	Public Service Commission		38 MoReg 1461	39 MoReg 661	
4 CSR 240-31.020	Public Service Commission		38 MoReg 1463	39 MoReg 664	
4 CSR 240-31.030	Public Service Commission		38 MoReg 1464	39 MoReg 666	
4 CSR 240-31.040	Public Service Commission		38 MoReg 1465R	39 MoReg 667W	
4 CSR 240-31.050	Public Service Commission		38 MoReg 1465R	39 MoReg 669R	
4 CSR 240-31.060	Public Service Commission		38 MoReg 1466	39 MoReg 670	
4 CSR 240-31.065	Public Service Commission		38 MoReg 1467R	39 MoReg 672R	
4 CSR 240-31.070	Public Service Commission		38 MoReg 1468R	39 MoReg 673R	
4 CSR 240-31.080	Public Service Commission		38 MoReg 1468R	39 MoReg 674R	
4 CSR 240-31.090	Public Service Commission		38 MoReg 1468	39 MoReg 676	
4 CSR 240-31.100	Public Service Commission		38 MoReg 1469R	39 MoReg 677W	
4 CSR 240-31.110	Public Service Commission		38 MoReg 1469	39 MoReg 678	
4 CSR 240-31.120	Public Service Commission		38 MoReg 1470	39 MoReg 680	
4 CSR 240-31.130	Public Service Commission		38 MoReg 1472	39 MoReg 683	

DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

5 CSR 10-2.010	Commissioner of Education		38 MoReg 1966	39 MoReg 785	
5 CSR 10-2.020	Commissioner of Education		38 MoReg 1971	39 MoReg 785	
5 CSR 10-2.030	Commissioner of Education		38 MoReg 1971	39 MoReg 786	
5 CSR 20-100.170	Division of Learning Services		38 MoReg 1972R		
5 CSR 20-100.255	Division of Learning Services		37 MoReg 1571	38 MoReg 520F	
5 CSR 20-100.265	Division of Learning Services		38 MoReg 1758	39 MoReg 786	
5 CSR 20-200.290	Division of Learning Services		38 MoReg 1762	39 MoReg 787	
5 CSR 20-200.300	Division of Learning Services		38 MoReg 1762	39 MoReg 788	
5 CSR 20-400.120	Division of Learning Services		39 MoReg 191R		
5 CSR 20-400.130	Division of Learning Services		39 MoReg 191R		
5 CSR 20-400.140	Division of Learning Services		39 MoReg 192R		
5 CSR 20-400.375	Division of Learning Services		38 MoReg 1972	39 MoReg 737	
5 CSR 20-400.500	Division of Learning Services		38 MoReg 1976	39 MoReg 792	
5 CSR 20-400.510	Division of Learning Services		38 MoReg 1977	39 MoReg 793	
5 CSR 20-400.520	Division of Learning Services		38 MoReg 1978	39 MoReg 795	
5 CSR 20-400.530	Division of Learning Services		38 MoReg 1979	39 MoReg 797	
5 CSR 20-400.540	Division of Learning Services		38 MoReg 1981	39 MoReg 798	
5 CSR 20-400.550	Division of Learning Services		38 MoReg 1985	39 MoReg 800	
5 CSR 20-400.560	Division of Learning Services		38 MoReg 1987	39 MoReg 803	
5 CSR 20-400.570	Division of Learning Services		38 MoReg 1992	39 MoReg 809	
5 CSR 20-400.580	Division of Learning Services		38 MoReg 1992	39 MoReg 809	
5 CSR 20-400.590	Division of Learning Services		38 MoReg 1993	39 MoReg 810	
5 CSR 20-400.600	Division of Learning Services		38 MoReg 1994	39 MoReg 810	
5 CSR 20-400.610	Division of Learning Services		38 MoReg 1994	39 MoReg 811	
5 CSR 20-400.620	Division of Learning Services		38 MoReg 1998	39 MoReg 814	
5 CSR 20-400.630	Division of Learning Services		38 MoReg 1998	39 MoReg 815	
5 CSR 20-400.640	Division of Learning Services		38 MoReg 1999	39 MoReg 815	
5 CSR 20-400.650	Division of Learning Services		38 MoReg 2002	39 MoReg 818	
5 CSR 20-400.660	Division of Learning Services		38 MoReg 2003	39 MoReg 819	
5 CSR 20-400.670	Division of Learning Services		38 MoReg 2005	39 MoReg 821	
5 CSR 20-400.680	Division of Learning Services		38 MoReg 2006	39 MoReg 823	
5 CSR 20-400.690	Division of Learning Services		38 MoReg 2007	39 MoReg 823	
5 CSR 20-400.700	Division of Learning Services		38 MoReg 2008	39 MoReg 824	
5 CSR 20-500.120	Division of Learning Services		38 MoReg 1764	39 MoReg 824	
5 CSR 20-500.130	Division of Learning Services		39 MoReg 630		
5 CSR 20-500.140	Division of Learning Services		39 MoReg 631		
5 CSR 20-500.150	Division of Learning Services		39 MoReg 632		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
5 CSR 20-500.160	Division of Learning Services		39 MoReg 633		
5 CSR 20-500.170	Division of Learning Services		39 MoReg 633		
5 CSR 20-500.180	Division of Learning Services		39 MoReg 634		
5 CSR 20-500.190	Division of Learning Services		39 MoReg 634		
5 CSR 20-500.200	Division of Learning Services		39 MoReg 635		
5 CSR 100-200.010	Missouri Commission for the Deaf and Hard of Hearing		39 MoReg 636		
5 CSR 100-200.030	Missouri Commission for the Deaf and Hard of Hearing		39 MoReg 636R		
5 CSR 100-200.035	Missouri Commission for the Deaf and Hard of Hearing		39 MoReg 637		
5 CSR 100-200.040	Missouri Commission for the Deaf and Hard of Hearing		39 MoReg 639		
5 CSR 100-200.045	Missouri Commission for the Deaf and Hard of Hearing		39 MoReg 639		
5 CSR 100-200.050	Missouri Commission for the Deaf and Hard of Hearing		39 MoReg 640		
5 CSR 100-200.060	Missouri Commission for the Deaf and Hard of Hearing		39 MoReg 642		
5 CSR 100-200.070	Missouri Commission for the Deaf and Hard of Hearing		39 MoReg 642		
5 CSR 100-200.075	Missouri Commission for the Deaf and Hard of Hearing		39 MoReg 643R		
5 CSR 100-200.130	Missouri Commission for the Deaf and Hard of Hearing		39 MoReg 643		
5 CSR 100-200.150	Missouri Commission for the Deaf and Hard of Hearing		39 MoReg 645		
5 CSR 100-200.170	Missouri Commission for the Deaf and Hard of Hearing		39 MoReg 648		
5 CSR 100-200.210	Missouri Commission for the Deaf and Hard of Hearing		39 MoReg 651		
DEPARTMENT OF TRANSPORTATION					
7 CSR 10-1.010	Missouri Highways and Transportation Commission		39 MoReg 729R 39 MoReg 729		
7 CSR 10-6.010	Missouri Highways and Transportation Commission		38 MoReg 1860	This Issue	
7 CSR 10-6.015	Missouri Highways and Transportation Commission		38 MoReg 1861	This Issue	
7 CSR 10-6.020	Missouri Highways and Transportation Commission		38 MoReg 1862	This Issue	
7 CSR 10-6.030	Missouri Highways and Transportation Commission		38 MoReg 1863	This Issue	
7 CSR 10-6.040	Missouri Highways and Transportation Commission		38 MoReg 1864	This Issue	
7 CSR 10-6.050	Missouri Highways and Transportation Commission		38 MoReg 1870	This Issue	
7 CSR 10-6.060	Missouri Highways and Transportation Commission		38 MoReg 1870	This Issue	
7 CSR 10-6.070	Missouri Highways and Transportation Commission		38 MoReg 1871	This Issue	
7 CSR 10-6.080	Missouri Highways and Transportation Commission		38 MoReg 1873	This Issue	
7 CSR 10-6.085	Missouri Highways and Transportation Commission		38 MoReg 1874	This Issue	
7 CSR 10-6.090	Missouri Highways and Transportation Commission		38 MoReg 1876	This Issue	
7 CSR 10-12.010	Missouri Highways and Transportation Commission		39 MoReg 493		
7 CSR 10-12.020	Missouri Highways and Transportation Commission		39 MoReg 493		
7 CSR 10-12.030	Missouri Highways and Transportation Commission		39 MoReg 494		
7 CSR 10-25.010	Missouri Highways and Transportation Commission				39 MoReg 691 39 MoReg 692
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS					
8 CSR 10-3.085	Division of Employment Security		38 MoReg 1876	39 MoReg 689	
8 CSR 10-3.150	Division of Employment Security	38 MoReg 1515	38 MoReg 1532	39 MoReg 258	
8 CSR 10-4.020	Division of Employment Security		38 MoReg 1533	39 MoReg 258	
8 CSR 10-4.210	Division of Employment Security	38 MoReg 1516	38 MoReg 1533	39 MoReg 259	
8 CSR 50-2.030	Division of Workers' Compensation		38 MoReg 2087	This Issue	
DEPARTMENT OF MENTAL HEALTH					
9 CSR 30-2.010	Certification Standards		39 MoReg 438		
DEPARTMENT OF NATURAL RESOURCES					
10 CSR 10-3.010	Air Conservation Commission		38 MoReg 1100R	38 MoReg 2045R	
10 CSR 10-5.220	Air Conservation Commission		39 MoReg 769		
10 CSR 10-5.240	Air Conservation Commission		38 MoReg 1877R		
10 CSR 10-6.010	Air Conservation Commission		38 MoReg 2089		
10 CSR 10-6.040	Air Conservation Commission		This Issue		
10 CSR 10-6.165	Air Conservation Commission		39 MoReg 732		
10 CSR 10-6.200	Air Conservation Commission		38 MoReg 1382 38 MoReg 2008		
10 CSR 20-6.011	Clean Water Commission		38 MoReg 1534	This Issue	
10 CSR 20-7.015	Clean Water Commission		38 MoReg 913	39 MoReg 259	
10 CSR 20-7.031	Clean Water Commission		38 MoReg 939	39 MoReg 291	
10 CSR 25	Hazardous Waste Management Commission				39 MoReg 461RUC
10 CSR 40-6.030	Land Reclamation Commission		38 MoReg 1298	38 MoReg 2045	
10 CSR 40-6.070	Land Reclamation Commission		38 MoReg 1299	38 MoReg 2045	
10 CSR 40-6.100	Land Reclamation Commission		38 MoReg 1300	38 MoReg 2045	
10 CSR 40-8.030	Land Reclamation Commission		38 MoReg 1301	38 MoReg 2046	
10 CSR 40-8.040	Land Reclamation Commission		38 MoReg 1301	38 MoReg 2046	
10 CSR 140-2	Division of Energy				38 MoReg 432 38 MoReg 1431
DEPARTMENT OF PUBLIC SAFETY					
11 CSR 45-1.090	Missouri Gaming Commission		39 MoReg 651		
11 CSR 45-4.010	Missouri Gaming Commission		39 MoReg 192		
11 CSR 45-4.020	Missouri Gaming Commission		39 MoReg 192		
11 CSR 45-4.030	Missouri Gaming Commission		39 MoReg 196		
11 CSR 45-4.055	Missouri Gaming Commission		39 MoReg 196		
11 CSR 45-4.190	Missouri Gaming Commission		39 MoReg 196		
11 CSR 45-4.200	Missouri Gaming Commission		39 MoReg 197		
11 CSR 45-4.205	Missouri Gaming Commission		39 MoReg 198R		
11 CSR 45-4.230	Missouri Gaming Commission		39 MoReg 652		
11 CSR 45-4.260	Missouri Gaming Commission		39 MoReg 198		
11 CSR 45-4.380	Missouri Gaming Commission		39 MoReg 201		
11 CSR 45-4.390	Missouri Gaming Commission		39 MoReg 201		
11 CSR 45-4.400	Missouri Gaming Commission		39 MoReg 203		
11 CSR 45-4.410	Missouri Gaming Commission		39 MoReg 203		
11 CSR 45-4.420	Missouri Gaming Commission		39 MoReg 204		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
11 CSR 45-5.190	Missouri Gaming Commission		39 MoReg 657		
11 CSR 45-5.225	Missouri Gaming Commission		39 MoReg 658		
11 CSR 45-5.237	Missouri Gaming Commission		38 MoReg 2019		
11 CSR 45-7.170	Missouri Gaming Commission		39 MoReg 204		
11 CSR 45-9.111	Missouri Gaming Commission		38 MoReg 2020		
11 CSR 45-9.113	Missouri Gaming Commission		39 MoReg 204		
11 CSR 45-9.118	Missouri Gaming Commission		39 MoReg 205		
11 CSR 45-9.119	Missouri Gaming Commission		38 MoReg 2022		
11 CSR 45-10.020	Missouri Gaming Commission		39 MoReg 205		
11 CSR 45-13.030	Missouri Gaming Commission		39 MoReg 205		

DEPARTMENT OF REVENUE

12 CSR 10-23.500	Director of Revenue	38 MoReg 1520	38 MoReg 1550	39 MoReg 164	
12 CSR 10-41.010	Director of Revenue	38 MoReg 1965	38 MoReg 2022	39 MoReg 689	
12 CSR 10-109.050	Director of Revenue		39 MoReg 495		
12 CSR 30-4.010	State Tax Commission		39 MoReg 438		

DEPARTMENT OF SOCIAL SERVICES

13 CSR 35-36.010	Children's Division		38 MoReg 2025	39 MoReg 738	
13 CSR 35-71.010	Children's Division		39 MoReg 206		
13 CSR 35-71.020	Children's Division		39 MoReg 207		
13 CSR 35-71.025	Children's Division		39 MoReg 209		
13 CSR 35-71.030	Children's Division		39 MoReg 210		
13 CSR 35-71.035	Children's Division		39 MoReg 213		
13 CSR 35-71.040	Children's Division		39 MoReg 213		
13 CSR 35-71.045	Children's Division		39 MoReg 214		
13 CSR 35-71.050	Children's Division		39 MoReg 216		
13 CSR 35-71.060	Children's Division		39 MoReg 218		
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13 CSR 65-2.010	Missouri Medicaid Audit and Compliance		39 MoReg 235		
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20 CSR 2063-6.005	Behavior Analyst Advisory Board		38 MoReg 1631	39 MoReg 690	
20 CSR 2085-8.070	Board of Cosmetology and Barber Examiners		39 MoReg 68		
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20 CSR 2231-2.010	Division of Professional Registration		38 MoReg 1643	39 MoReg 402	
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20 CSR 2235-1.025	State Committee of Psychologists		38 MoReg 1179	38 MoReg 2050	
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20 CSR 2245-6.040	Real Estate Appraisers		38 MoReg 1305	38 MoReg 2052	
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4 CSR 85-8.021	Program Administration	Next Issue April 11, 2014	July 30, 2014
4 CSR 85-9.011	Definitions	Next Issue April 11, 2014	July 30, 2014
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12 CSR 10-41.010	Annual Adjusted Rate of Interest38 MoReg 1965	Jan. 1, 2014 June 29, 2014
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13 CSR 70-10.016	Global Per Diem Adjustments to Nursing Facility and HIV Nursing Facility Reimbursement Rates39 MoReg 765	March 1, 2014 May 31, 2014
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16 CSR 20-2.060	Correction of Errors39 MoReg 436	Jan. 2, 2014 June 30, 2014
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20 CSR 200-2.100	Credit for Reinsurance38 MoReg 1695	Jan. 1, 2014 June 29, 2014
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22 CSR 10-2.010	Definitions39 MoReg 5	Jan. 1, 2014 June 29, 2014
22 CSR 10-2.020	General Membership Provisions39 MoReg 6	Jan. 1, 2014 June 29, 2014
22 CSR 10-2.030	Contributions39 MoReg 13	Jan. 1, 2014 June 29, 2014
22 CSR 10-2.045	Plan Utilization Review Policy39 MoReg 15	Jan. 1, 2014 June 29, 2014
22 CSR 10-2.051	PPO 300 Plan Benefit Provisions and Covered Charges39 MoReg 16	Jan. 1, 2014 June 29, 2014
22 CSR 10-2.052	PPO 600 Plan Benefit Provisions and Covered Charges39 MoReg 17	Jan. 1, 2014 June 29, 2014
22 CSR 10-2.053	High Deductible Health Plan Benefit Provisions and Covered Charges39 MoReg 18	Jan. 1, 2014 June 29, 2014
22 CSR 10-2.054	Medicare Supplement Plan Benefit Provisions and Covered Charges39 MoReg 20	Jan. 1, 2014 June 29, 2014
22 CSR 10-2.055	Medical Plan Benefit Provisions and Covered Charges39 MoReg 20	Jan. 1, 2014 June 29, 2014
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22 CSR 10-2.060	PPO 300 Plan, PPO 600 Plan, and HDHP Limitations39 MoReg 31	Jan. 1, 2014 June 29, 2014
22 CSR 10-2.070	Coordination of Benefits39 MoReg 33	Jan. 1, 2014 June 29, 2014
22 CSR 10-2.075	Review and Appeals Procedure39 MoReg 34	Jan. 1, 2014 June 29, 2014
22 CSR 10-2.089	Pharmacy Employer Group Waiver Plan for Medicare Primary Members39 MoReg 36	Jan. 1, 2014 June 29, 2014
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22 CSR 10-2.094	Tobacco-Free Incentive Provisions and Limitations39 MoReg 767	May 1, 2014 Oct. 27, 2014
22 CSR 10-2.140	Wellness Center Provisions, Charges, and Services39 MoReg 41	Jan. 1, 2014 June 29, 2014
22 CSR 10-3.010	Definitions39 MoReg 42	Jan. 1, 2014 June 29, 2014
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22 CSR 10-3.045	Plan Utilization Review Policy39 MoReg 44	Jan. 1, 2014 June 29, 2014
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22 CSR 10-3.054	PPO 2000 Plan Benefit Provisions and Covered Charges39 MoReg 46	Jan. 1, 2014 June 29, 2014
22 CSR 10-3.055	High Deductible Health Plan Provisions and Covered Charges39 MoReg 46	Jan. 1, 2014 June 29, 2014
22 CSR 10-3.056	PPO 600 Plan Benefit Provisions and Covered Charges39 MoReg 48	Jan. 1, 2014 June 29, 2014

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22 CSR 10-3.057	Medical Plan Benefit Provisions and Covered Charges39 MoReg 49	Jan. 1, 2014	June 29, 2014
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**Executive
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14-03	Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies.	March 20, 2014	Next Issue
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	Next Issue
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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13-14	Orders the Missouri Department of Revenue to follow sections 143.031.1 and 143.091, RSMo, and require all taxpayers who properly file a joint federal income tax return to file a combined state income tax return.	Nov. 14, 2013	38 MoReg 2085
13-13	Advises that state offices will be closed on Friday November 29, 2013.	Nov. 1, 2013	38 MoReg 1859
13-12	Activates the state militia in response to the heavy rains, flooding, and flash flooding that began on Aug. 2, 2013.	Aug. 7, 2013	38 MoReg 1459
13-11	Declares a state of emergency and activates the Missouri State Operation Plan due to heavy rains, flooding, and flash flooding.	Aug. 6, 2013	38 MoReg 1457
13-10	Declares a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Operations Plan be activated.	May 31, 2013	38 MoReg 1097
13-09	Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies.	May 3, 2013	38 MoReg 879
13-08	Activates the state militia in response to severe weather that began on April 16, 2013.	April 19, 2013	38 MoReg 823
13-07	Declares a state of emergency and directs that the Missouri State Emergency Operations Plan be activated due to severe weather that began on April 16, 2013.	April 19, 2013	38 MoReg 821
13-06	Declares a state of emergency and activates the Missouri State Emergency Operations Plan in response to severe weather that began on April 10, 2013.	April 10, 2013	38 MoReg 753
13-05	Declares a state of emergency and directs that the Missouri State Emergency Operations Plan be activated due to severe weather that began on Feb. 20, 2013.	Feb. 21, 2013	38 MoReg 505
13-04	Expresses the commitment of the state of Missouri to the establishment of Western Governors University (WGU) as a non-profit institution of higher education located in Missouri that will provide enhanced access for Missourians to enroll in and complete on-line, competency-based higher education programs. Contemporaneously with this Executive Order, the state of Missouri is entering into a Memorandum of Understanding (MOU) with WGU to further memorialize and establish the partnership between the state of Missouri and WGU.	Feb. 15, 2013	38 MoReg 467
13-03	Orders the transfer of the Division of Energy from the Missouri Department of Natural Resources to the Missouri Department of Economic Development.	Feb. 4, 2013	38 MoReg 465
13-02	Orders the transfer of the post-issuance compliance functions for tax credit and job incentive programs from the Missouri Department of Economic Development to the Missouri Department of Revenue.	Feb. 4, 2013	38 MoReg 463
13-01	Orders the transfer of the Center for Emergency Response and Terrorism from the Department of Health and Senior Services to the Department of Public Safety.	Feb. 4, 2013	38 MoReg 461

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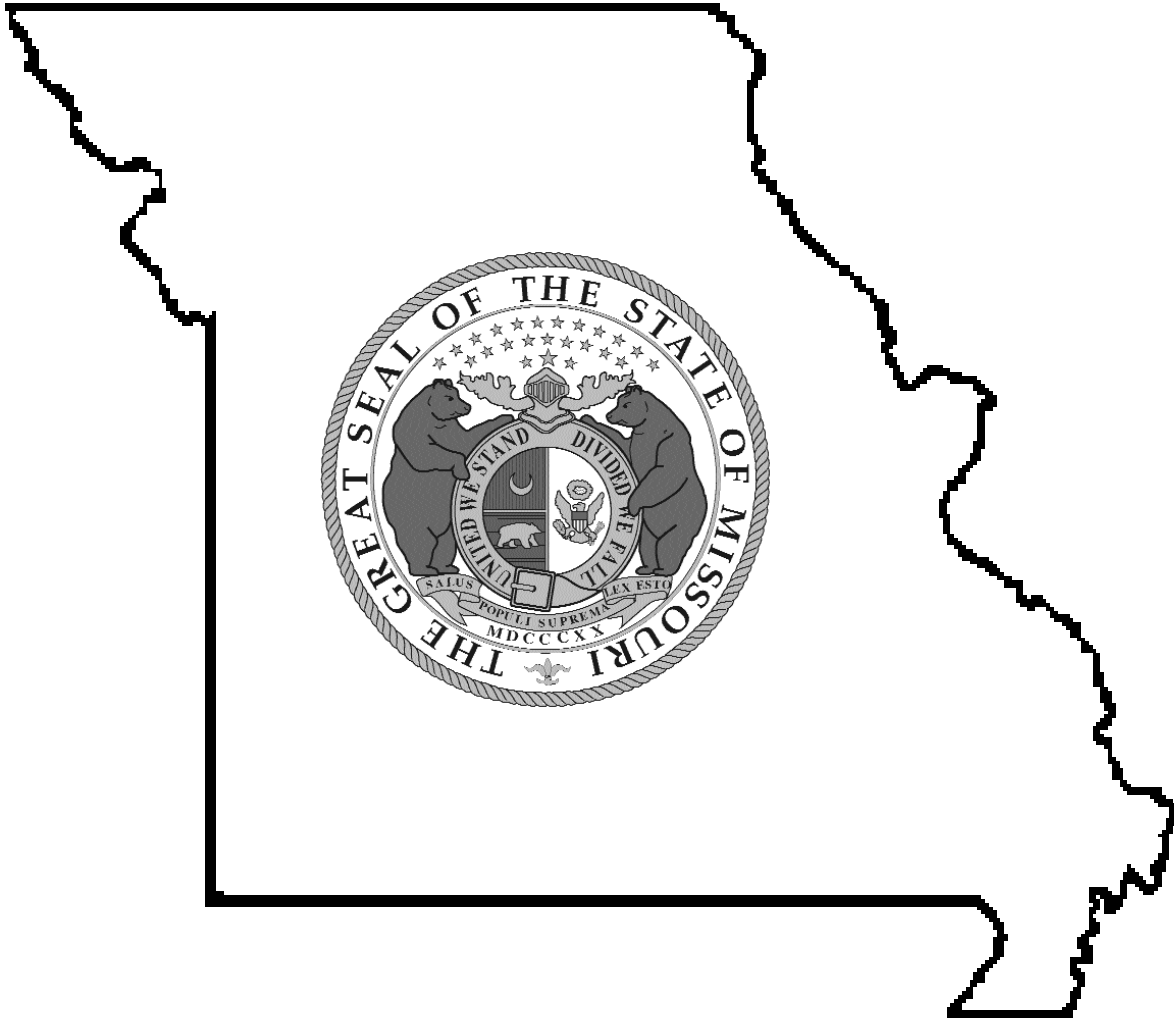
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