

Volume 43, Number 10  
Pages 973–1116  
May 15, 2018

SALUS POPULI SUPREMA LEX ESTO

*“The welfare of the people shall be the supreme law.”*



JOHN R. ASHCROFT  
SECRETARY OF STATE

MISSOURI  
REGISTER

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The *Missouri Register* is published semi-monthly by

**SECRETARY OF STATE**

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

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

**MISSOURI REGISTER**  
Office of the Secretary of State  
Administrative Rules Division  
PO Box 1767  
Jefferson City, MO 65102

The *Missouri Register* and *Code of State Regulations* (CSR) are available on the Internet. The Register address is [www.sos.mo.gov/adrules/moreg/moreg](http://www.sos.mo.gov/adrules/moreg/moreg) and the CSR is [www.sos.mo.gov/adrules/csr/csr](http://www.sos.mo.gov/adrules/csr/csr). These websites contain rulemakings and regulations as they appear in the paper copies of the Registers and CSR. The Administrative Rules Division may be contacted by email at [rules@sos.mo.gov](mailto:rules@sos.mo.gov).

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January 2, 2018 January 16, 2018	<b>February 1, 2018</b> <b>February 15, 2018</b>	February 28, 2018 February 28, 2018	March 30, 2018 March 30, 2018
February 1, 2018 February 15, 2018	<b>March 1, 2018</b> <b>March 15, 2018</b>	March 31, 2018 March 31, 2018	April 30, 2018 April 30, 2018
March 1, 2018 March 15, 2018	<b>April 2, 2018</b> <b>April 16, 2018</b>	April 30, 2018 April 30, 2018	May 30, 2018 May 30, 2018
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August 1, 2018 August 15, 2018	<b>September 4, 2018</b> <b>September 17, 2018</b>	September 30, 2018 September 30, 2018	October 30, 2018 October 30, 2018
September 4, 2018 September 17, 2018	<b>October 1, 2018</b> <b>October 15, 2018</b>	October 31, 2018 October 31, 2018	November 30, 2018 November 30, 2018

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

## HOW TO CITE RULES AND RSMO

### RULES

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

<b>Title</b>		<b>Division</b>	<b>Chapter</b>	<b>Rule</b>
3	CSR	10-	4	.115
Department	<i>Code of State Regulations</i>	Agency Division	General area regulated	Specific area regulated

and should be cited in this manner: 3 CSR 10-4.115.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraphs 1., subparagraphs A., parts (I), subparts (a), items I. and subitems a.

The rule is properly cited by using the full citation, for example, 3 CSR 10-4.115 NOT Rule 10-4.115.

Citations of RSMo are to the *Missouri Revised Statutes* as of the date indicated.

### ***Code and Register on the Internet***

The *Code of State Regulations* and *Missouri Register* are available on the Internet.

The *Code* address is [www.sos.mo.gov/adrules/csr/csr](http://www.sos.mo.gov/adrules/csr/csr)

The *Register* address is [www.sos.mo.gov/adrules/moreg/moreg](http://www.sos.mo.gov/adrules/moreg/moreg)

These websites contain rulemakings and regulations as they appear in the *Code* and *Registers*.

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

**R**ules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

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

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2150—State Board of Registration for the  
Healing Arts  
Chapter 5—General Rules  
EMERGENCY AMENDMENT**

**20 CSR 2150-5.100 Collaborative Practice.** The board is amending subsection (2)(B).

*PURPOSE:* The proposed amendment changes the mileage limitation.

*EMERGENCY STATEMENT:* The Missouri State Board of Registration for the Healing Arts and the Missouri State Board of Nursing (boards) find that an immediate danger to the public health, safety, or welfare requires emergency action by increasing the mileage restrictions to seventy-five (75) miles. In current regulation, an advanced practice registered nurse cannot be more than thirty (30) miles or fifty (50) miles in a health professional shortage area from the collaborating physician. This rule will expand that limit to seventy-five (75) miles. The mileage restriction directly impacts citizens' access to healthcare providers which can lead to rescheduled or missed appointments, delayed care, and missed or delayed medication use. These consequences lead to poorer management of chronic illness and thus poorer health outcomes.

*Additionally, this emergency amendment is necessary to preserve a compelling governmental interest that requires an early effective date by addressing the public's access to healthcare to improve health outcomes, reduced health disparities, and lower healthcare expenditures. When Missourians have access to primary healthcare services and resources, their health problems are detected and treated earlier. The boards believe that procedures best calculated to assure fairness to all interested persons and parties in that the mileage restrictions have been discussed at several legislative hearings, at the Board of Nursing's March 2, 2018 board meeting, and in the Board of Healing Arts' March 9, 2018 mail ballot which provided adequate public notice for the proposed amendment. This emergency amendment limits its scope to the circumstances creating the emergency and complies with the protections extended by the Missouri and United States Constitutions. The board believes this emergency amendment to be fair to all interested persons and parties under the circumstances. This emergency amendment was filed April 16, 2018, becomes effective April 26, 2018, and expires February 5, 2019.*

(2) Geographic Areas.

(B) The following shall apply in the use of a collaborative practice arrangement by an APRN who provides health care services that include the diagnosis and initiation of treatment for acutely or chronically ill or injured persons:

1. If the APRN is providing services pursuant to section 335.175, RSMo, no mileage limitation shall apply;

2. If the APRN is not providing services pursuant to section 335.175, RSMo, and is practicing in a federally-designated health professional shortage area (HPSA), the practice locations where the collaborating physician, or other physician designated in the collaborative practice arrangement, is no further than fifty (50) miles by road, using the most direct route available, from the collaborating APRN; or]

3. If the APRN is not providing services pursuant to section 335.175, RSMo, [and is practicing in a non-HPSA,] the collaborating physician and collaborating APRN shall practice within [thirty (30)] seventy-five (75) miles by road of one another.

*AUTHORITY:* sections 334.104.3, 334.125, 335.036, and 335.175, [RSMo Supp. 2013, and section 334.125,] RSMo [Supp. 2014] 2016. This rule originally filed as 4 CSR 150-5.100. Original rule filed Jan. 29, 1996, effective Sept. 30, 1996. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed April 16, 2018, effective April 26, 2018, expires Feb. 5, 2019. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2200—State Board of Nursing  
Chapter 4—General Rules  
EMERGENCY AMENDMENT**

**20 CSR 2200-4.200 Collaborative Practice.** The board is amending subsection (2)(B).

*PURPOSE:* The proposed amendment changes the mileage limitation.

*EMERGENCY STATEMENT:* The Missouri State Board of Registration for the Healing Arts and the Missouri State Board of Nursing (boards) find that an immediate danger to the public health, safety, or welfare requires emergency action by increasing the mileage restrictions to

seventy-five (75) miles. In current regulation, an advanced practice registered nurse cannot be more than thirty (30) miles or fifty (50) miles in a health professional shortage area from the collaborating physician. This rule will expand that limit to seventy-five (75) miles. The mileage restriction directly impacts citizens' access to healthcare providers which can lead to rescheduled or missed appointments, delayed care, and missed or delayed medication use. These consequences lead to poorer management of chronic illness and thus poorer health outcomes.

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[3.]2. If the APRN is not providing services pursuant to section 335.175, RSMo, [and is practicing in a non-HPSA,] the collaborating physician and collaborating APRN shall practice within [thirty (30)] **seventy-five (75)** miles by road of one another.

**AUTHORITY:** sections 334.104.3, **334.125**, 335.036, and 335.175, [RSMo Supp. 2013, and section 334.125,] RSMo [Supp. 2014] **2016**. This rule originally filed as 4 CSR 200-4.200. Original rule filed Jan. 29, 1996, effective Sept. 30, 1996. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed April 16, 2018, effective April 26, 2018, expires Feb. 5, 2019. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.

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

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

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

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

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

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

Proposed Amendment Text Reminder:

**Boldface text indicates new matter.**

*[Bracketed text indicates matter being deleted.]*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED RESCISSION**

**4 CSR 240-3.105 Filing Requirements for Electric Utility Applications for Certificates of Convenience and Necessity.** Applications to the commission requested that the commission grant a certificate of convenience and necessity must have met the requirements of this rule. As noted in the rule, additional requirements pertaining to such applications were set forth in 4 CSR 240-2.060(1).

*PURPOSE: This rule is being rescinded in its entirety because it has been revised and moved to 4 CSR 240-20.045.*

*AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug.*

*16, 2002, effective April 30, 2003. Rescinded: Filed April 5, 2018.*

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before June 14, 2018, and should include a reference to Commission Case No. EX-2018-0189. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for June 19, 2018, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.*

**SPECIAL NEEDS:** *Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 20—Electric Utilities**

**PROPOSED RULE**

**4 CSR 240-20.045 Filing Requirements for Electric Utility Applications for Certificates of Convenience and Necessity**

*PURPOSE: This proposed rule outlines the requirements for applications to the commission, pursuant to section 393.170, RSMo, requesting that the commission grant a certificate of convenience and necessity to an electric utility for a service area or to acquire or to construct an electric generating plant, a substation, an electric transmission line, or a gas transmission line that facilitates the operation of an electric generating plant.*

(1) Definitions. As used in this rule, the following terms mean:

(A) Acquire or acquisition means full or partial ownership by purchase or capital lease;

(B) Asset includes electric generating plant, substation, or gas transmission line that facilitates the operation of electric generating plant regardless of whether the item(s) to be acquired/constructed is located inside the electric utility's certificated service area or is located outside the electric utility's certificated service area but will be used to serve Missouri customers and paid for by Missouri retail ratepayers;

(C) Construction includes:

1. Construction of new asset(s);

2. Construction of a new electric transmission line or a rebuild of a transmission line that will result in a significant increase in the capacity of the transmission line, or a change in the route or easements;

3. Construction of a new substation or a rebuild of the substation that will result in a significant increase in the capacity and/or size of the substation;

4. Construction of a new gas transmission line that facilitates the operation of an electric generating plant or a rebuild of a gas transmission line that will result in a significant increase in the capacity of the gas transmission line that facilitates the operation of an electric generating plant, or a change in the route or easements of the gas transmission line; and

5. Improvement or retrofit of an electric generating plant that will result in—

A. A substantial increase in the capacity of an electric generating plant beyond the planned capacity of the plant at the time the commission granted the prior certificate of convenience and necessity for the electric generating plant;

B. A material change in the discharges, emissions, or other environmental by-products of the electric generating plant than those projected at the time the prior certificate of convenience and necessity was granted by the commission for the electric generating plant;

C. An increase in the useful life of an existing electric generating plant; or

D. A ten percent (10%) increase in rate base; and

(D) Construction does not include:

1. Construction of a new electric transmission line or a new gas transmission line that facilitates the operation of electric generating plant if the line to be constructed is in the electric utility's Missouri certificated service area;

2. Periodic, routine, or preventative maintenance or replacement of failed or near term projected failure of equipment or devices with the same or substantially similar items that are intended to restore the electric generating plant or substation to an operational state at or near a recently rated capacity level; or

3. Transmission projects where the only relationship to Missouri ratepayers is through the regional transmission organization/independent system operator cost allocation process.

(2) In addition to the general requirements of 4 CSR 240-2.060(1), the following additional general requirements apply to all applications for a certificate of convenience and necessity, pursuant to section 393.170, RSMo:

(A) The application shall include facts showing that granting the application is necessary or convenient for the public service;

(B) If an asset to be acquired or constructed is outside Missouri, the application shall include plans for allocating costs, other than regional transmission organization/independent system operator cost sharing, to the applicable jurisdiction;

(C) If any of the items required under this rule are unavailable at the time the application is filed, the unavailable items may be filed prior to the granting of authority by the commission, or the commission may grant the certificate subject to the condition that the unavailable items be filed before authority under the certificate is exercised;

(D) The commission may, by its order, impose upon the issuance of a certificate of convenience and necessity such condition or conditions as it may deem reasonable and necessary; and

(E) In determining whether to grant a Certificate of Convenience and Necessity, the commission may, by its order, make a determination on the prudence of the decision to acquire or construct an electric generating plant, a substation, an electric transmission line, or a gas transmission line that facilitates the operation of electric generating plant subject to the commission's post-construction review of the project.

(3) If the application is for authorization to provide electric service to retail customers in a service area for the electric utility, the application shall also include:

(A) A list of those entities providing regulated or nonregulated retail electric service in all or any part of the service area proposed,

including a map that identifies where each entity is providing retail electric service within the area proposed;

(B) If there are ten (10) or more residents or landowners, the name and address of no fewer than ten (10) persons residing in the proposed service area or of no fewer than ten (10) landowners, in the event there are no residences in the area, or, if there are fewer than ten (10) residents or landowners, the name and address of all residents and landowners;

(C) The legal description of the service area to be certificated;

(D) A plat of the proposed service area drawn to a scale of one-half inch (1/2") to the mile on maps comparable to county highway maps issued by the state's Department of Transportation or a plat drawn to a scale of two thousand feet (2,000') to the inch; and

(E) A feasibility study containing plans and specifications for the utility system and estimated cost of the construction of the utility system during the first three (3) years of construction, plans for financing, proposed rates and charges, and an estimate of the number of customers, revenues, and expenses during the first three (3) years of operations.

(4) If the application is for authorization to acquire assets, the application shall also include:

(A) A description of the asset(s) to be acquired;

(B) The value of the asset(s) to be acquired;

(C) The purchase price and plans for financing the acquisition; and

(D) Plans and specifications for the utility system, including as-built drawings.

(5) If the application is for authorization to construct assets, the application shall include:

(A) A description of the proposed route or site of construction;

(B) A list of all electric, gas, and telephone conduit, wires, cables, and lines of regulated and nonregulated utilities, railroad tracks, and each underground facility, as defined in section 319.015, RSMo, which the proposed construction will cross;

(C) A description of the plans, specifications, and estimated costs for the complete scope of the construction project that also clearly identifies what will be the operational features of the electric generating plant, substation, or gas transmission line that facilitates the operation of electric generating plant once it is fully operational and used for service;

(D) The projected beginning of construction date and the anticipated fully operational and used for service date of each electric generating plant, substation, or gas transmission line that facilitates the operation of electric generating plant for which applicant is seeking the certificate of convenience and necessity;

(E) An indication of whether the construction project for which the certificate of convenience and necessity is being sought will include common electric generating plant, or common gas transmission plant that facilitates the operation of electric generating plant, and if so, the nature of the common plant;

(F) Plans for financing the construction of the electric generating plant, substation, or gas transmission line that facilitates the operation of electric generating plant;

(G) For non-incumbent electric providers, an overview of plans for operating and maintaining the electric generating plant, substation, or gas transmission line that facilitates the operation of electric generating plant;

(H) For non-incumbent electric providers, an overview of plans for restoration of safe and adequate service after significant, unplanned/forced outages of the electric generating plant, substation, or gas transmission line that facilitates the operation of electric generating plant;

(I) Evidence that the electric utility utilized a non-discriminatory, fair, and reasonable process to evaluate whether distributed energy resources, energy efficiency, or renewable energy resources would provide a reasonable alternative to the construction proposed;



(J) Evidence that the electric utility utilized a non-discriminatory, fair, and reasonable competitive bidding process to evaluate whether purchased power capacity or suppliers of alternative energy would be a reasonable resource in lieu of the construction proposed; and

(K) Evidence that the electric utility utilized or will utilize a non-discriminatory, fair, and reasonable competitive bidding process for entering into contracts for the design, engineering, procurement, construction management, and construction of the electric generating plant, substation, or gas transmission line that facilitates the operation of electric generating plant.

(6) If the application is for authorization to acquire or construct an electric transmission line, the application shall also include:

(A) A description of the proposed route or site of construction;

(B) A list of all electric, gas, and telephone conduit, wires, cables, and lines of regulated and nonregulated utilities, railroad tracks, and each underground facility, as defined in section 319.015, RSMo, which the proposed construction will cross;

(C) A description of the plans, specifications, and estimated costs for the complete scope of the construction project that also clearly identifies what will be the operational features of the electric transmission line once it is fully operational and used for service;

(D) The projected beginning of construction date and the anticipated fully operational and used for service date of the electric transmission line;

(E) An indication of whether the construction project for which the certificate of convenience and necessity is being sought will include a common electric transmission line(s);

(F) Plans for financing the construction of the electric transmission line;

(G) For non-incumbent electric providers, an overview of plans for operating and maintaining the electric transmission line;

(H) For non-incumbent electric providers, an overview of plans for restoration of safe and adequate service after significant, unplanned/forced outages of the electric transmission line;

(I) Evidence that the electric utility utilized or will utilize a non-discriminatory, fair, and reasonable competitive bidding process for entering into contracts for the design, engineering, procurement, construction management, and construction of the electric transmission line; and

(J) An affidavit or other verified certification of compliance with the following notice requirements to landowners directly affected by electric transmission line routes or substation locations proposed by the application. The proof of compliance shall include a list of all directly affected landowners to whom notice was sent.

1. Applicant shall provide notice of its application to the owners of land, or their designee, as stated in the records of the county assessor's office, on a date not more than sixty (60) days prior to the date the notice is sent, who would be directly affected by the requested certificate, including the preferred route or location, as applicable, and any known alternative route or location of the proposed facilities. For purposes of this notice, land is directly affected if a permanent easement or other permanent property interest would be obtained over all or any portion of the land or if the land contains a habitable structure that would be within three hundred (300) feet of the centerline of an electric transmission line.

2. Any letter sent by applicant shall be on its representative's letterhead or on the letterhead of the utility, and it shall clearly set forth—

A. The identity, address, and telephone number of the utility representative;

B. The identity of the utility attempting to acquire the certificate;

C. The general purpose of the proposed project;

D. The type of facility to be constructed; and

E. The contact information of the Public Service Commission and Office of the Public Counsel.

3. If twenty-five (25) or more persons in a county would be

entitled to receive notice of the application, applicant shall hold at least one (1) public meeting in that county. The meeting shall be held in a building open to the public and sufficient in size to accommodate the number of persons in the county entitled to receive notice of the application. Additionally—

A. All persons entitled to notice of the application shall be afforded a reasonable amount of time to pose questions or to state their concerns;

B. To the extent reasonably practicable, the public meeting shall be held at a time that allows affected landowners an opportunity to attend; and

C. Notice of the public meeting shall be sent to any persons entitled to receive notice of the application.

4. If applicant, after filing proof of compliance, becomes aware of a person entitled to receive notice of the application to whom applicant did not send such notice, applicant shall, within twenty (20) days, provide notice to that person by certified mail, return receipt requested, containing all the required information. Applicant shall also file a supplemental proof of compliance regarding the additional notice.

(7) Provisions of this rule may be waived by the commission for good cause shown.

*AUTHORITY: section 386.250, RSMo 2016. Original rule filed April 5, 2018.*

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

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

*NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before June 14, 2018, and should include a reference to Commission Case No. EX-2018-0189. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rule is scheduled for June 19, 2018, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions.*

*SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**  
**Division 240—Public Service Commission**  
**Chapter 28—[Telec]Communications[, IVoIP, Video Services]**

**PROPOSED AMENDMENT**

**4 CSR 240-28.010 Definitions.** The commission is changing the chapter title, amending sections (2), (5), (6), and (12), adding new sections (4), (7), and (9), deleting sections (5), (6), (8), (10), (11),

(16), (17), and renumbering as necessary.

*PURPOSE: This proposed amendment removes unnecessary definitions, revises certain definitions, and adds definitions.*

(2) [Certification] **Certificate of service authority**—[The granting of a certificate of service authority] **Authorization granted** by the commission or charter by the state of Missouri to provide **basic local telecommunications service, nonswitched local telecommunications service, interexchange telecommunications service, payphone service, or shared tenant service.**

(4) **Commission's website**—[www.psc.mo.gov](http://www.psc.mo.gov).

[(7)](5) **EFIS**—The commission's Electronic Filing and Information System (EFIS). EFIS [is a system allowing the electronic exchange of commission filings. The system also maintains certain information about each company registered or certified by the commission. EFIS may be accessed through the commission's website at [www.psc.mo.gov](http://www.psc.mo.gov)] may be accessed through the commission's website.

[(5) Detariff—To discontinue using a tariff to describe a company's rates, terms, and conditions of service by withdrawing the tariff, in whole or in part, from the commission's electronic filing and information system.

(6) **Information and Referral (I&R) service**—A service used to provide community and referral information. As used in this chapter, this term is associated with an arrangement where-by callers can access an I&R service by dialing "211."

[(7)](6) **Interconnection agreement**—An agreement [that is required to be] filed with a state commission [as contemplated by] pursuant to 47 U.S.C. 252 containing the terms, conditions, and rates associated with interconnection services pursuant to 47 U.S.C. 251.

(7) **Interconnected voice over internet protocol service (IVoIP)**—A communications service as defined by section 386.020, RSMo.

[(8) Interconnection services—Services associated with the duties and obligations placed on telecommunications carriers as contemplated by 47 U.S.C. 251.]

[(9)](8) **Intrastate**—A telecommunications or IVoIP service originating and terminating within Missouri regardless of how the service is routed.

(9) **Missouri jurisdictional revenue—Telecommunications and/or IVoIP revenue associated with intrastate service. This revenue includes both retail and wholesale revenue.**

[(10) Net Jurisdictional Revenue—This term is defined in 4 CSR 240-31.010(17).

(11) **Non-switched local exchange telecommunications service**—Service connecting customer locations within an exchange to other points within the exchange provisioned by facilities dedicated to these locations and points, and which facilities to not switch the service to other locations and points.]

[(12)](10) **Payphone service**—Service providing two- (2-) way voice service for a fee to the general public using a privately owned device.

[(13)](11) **Registration**—The granting of a registration to provide interconnected voice over Internet protocol service or video service

by the commission.

[(14)](12) **Shared tenant service**—[Generally t]The provisioning of a commercially shared telecommunications service provided to residents in a building or a common limited geographic area.

[(15)](13) **Tariff**—A document submitted to the commission identifying the telecommunications services offered by a company and also identifying the rates, terms, and conditions for the use of such services.

[(16) Total Missouri Jurisdictional Operating Revenue—A company's total revenue associated with the provisioning of intrastate telecommunications and IVoIP services. This revenue includes a company's net jurisdictional revenue, wholesale revenues, and any revenue received from the Missouri Universal Service Fund minus wholesale uncollectibles. Total Missouri jurisdictional operating revenue is annually reported and is used for the commission assessment.

(17) **Wholesale service**—Telecommunications or IVoIP services provided to other telecommunications or IVoIP service providers.]

**AUTHORITY:** sections 386.040, 386.250, [and] 386.310, [RSMo 2000, section] 392.450, [RSMo Supp. 2013,] and [section] 392.461, RSMo [Supp. 2014] 2016. Original rule filed April 1, 2015, effective Dec. 30, 2015. Amended: Filed April 12, 2018.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0120. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for July 9, 2018, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 28—Communications**

**PROPOSED RULE**

**4 CSR 240-28.011 Certificate of Service Authority and/or Registration**

*PURPOSE:* This proposed rule identifies information relevant to obtaining a certificate of service authority and/or registration.

(1) A company may request a certificate of service authority or registration by filing an application form to the commission. Authorization is limited to the service area specified by the company's initial application; however, a company's service area can later be altered by filing a change form.

(A) Examples of the initial application form and change forms are available on the commission's website.

(B) An attorney licensed to practice law in Missouri must file the application form or the change form.

(2) Any company with a certificate or registration that changes its name shall provide advance notice to the commission of the name change.

(A) Notice may be in the form of a letter signed by a company official submitted into Electronic Filing and Information System (EFIS) as a new case submission containing the following information:

1. The new name of the company and date the new name takes effect;

2. Documentation that the new name is registered with the Missouri Secretary of State; and

3. A statement the company has reviewed and, if necessary, updated the company's contacts in EFIS.

(B) If the company maintains a tariff, then the letter must be accompanied by either a tariff filing that replaces the existing tariff in its entirety or a one-page adoption notice of the existing tariff.

(3) Cancelling a certificate of service authority or registration may be accomplished by filing a letter signed by a company official into EFIS that identifies when and which specific certificate, registration, and any applicable tariffs should be cancelled.

(4) Transactions involving the sale, merger, or consolidation of a company with an existing certificate of service authority or registration do not require commission approval. Commission notice, as described in sections (2) and (3) above, applies if the transaction results in a name change or cancellation of a company's existing certificate of service authority or registration.

(5) Any company granted a certificate or registration by the commission shall maintain an updated list of company contacts in EFIS.

*AUTHORITY:* sections 386.040, 386.250, 386.310, 392.450, and 392.461, RSMo 2016. Original rule filed April 12, 2018.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0120. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rule is scheduled for July 9, 2018, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition

to this proposed rule, and may be asked to respond to commission questions.

*SPECIAL NEEDS:* Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 28—Communications**

**PROPOSED RULE**

**4 CSR 240-28.012 Annual Reports, Statements of Revenue, and Assessments**

*PURPOSE:* This proposed rule identifies annual report and assessment requirements for companies authorized to provide telecommunications and/or IVoIP services in Missouri.

(1) Annual Reports and Statements of Revenues – The commission's website contains forms, deadlines, and instructions for annual reports, including how to address common revenue reporting issues.

(A) Any company registered to provide IVoIP service or with a certificate of service authority to provide nonswitched local, basic local, or interexchange telecommunications service shall file an annual report. A company's Missouri jurisdictional retail revenue identified in the annual report will be provided to the Missouri Universal Service Fund (USF) administrator.

(B) Statement of revenue report. Any company registered to provide IVoIP service or with a certificate of service authority to provide non-switched local, basic local, or interexchange telecommunications service, payphone service, or shared tenant services is required to file a statement of revenue report identifying a company's Missouri jurisdictional revenue.

(2) Assessments—Information about assessments may be found on the commission's website or as otherwise indicated below.

(A) Commission assessment. Any company required to submit a statement of revenue report is subject to the commission assessment, as provided in section 386.370, RSMo. This assessment is determined by a factor identified on the commission's website that is then applied to a company's Missouri jurisdictional revenue.

(B) Missouri USF assessment. Any company required to submit an annual report to the commission is subject to the Missouri USF assessment. This assessment is based on a factor applied to a company's net jurisdictional revenue as defined and explained in 4 CSR 240-31. Information about the Missouri USF assessment is posted on the Missouri USF administrator's website [www.missouri-usf.com](http://www.missouri-usf.com).

(C) Relay Missouri assessment. Any company registered to provide IVoIP service or with a certificate of service authority to provide basic local telecommunications service is subject to the Relay Missouri assessment. A company is required to bill a designated amount to each access line and label it as the "Relay Missouri Surcharge." A company may retain a portion of the revenue collected. These arrangements along with special considerations for applying this assessment are addressed on the commission's website.

(D) If a company has filed for bankruptcy and wants to avoid assessment obligations during a pending bankruptcy, then a company should notify the commission. Notice can be in form of a letter filed into EFIS as a non-case related submission indicating the date of filing for bankruptcy, bankruptcy court, case number, and chapter number. A letter should be filed under the same tracking number when the company emerges from bankruptcy.

*AUTHORITY: sections 386.040, 386.250, 386.310, 392.450, and 392.461, RSMo 2016. Original rule filed April 12, 2018.*

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

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

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0120. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rule is scheduled for July 9, 2018, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions.*

*SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 28—Communications**

**PROPOSED RULE**

**4 CSR 240-28.013 Tariff Filings and Interconnection Agreements**

*PURPOSE: This proposed rule identifies guidelines for filing tariffs and interconnection agreements.*

(1) Maintaining a tariff with the commission is discretionary for retail telecommunications services, as provided in section 392.461, RSMo. The commission's website contains information about tariff format as well as the process for cancelling and no longer maintaining a tariff.

(2) Interconnection agreements are filed and maintained in Electronic Filing and Information System (EFIS) as identified below. Additional filing instructions may be found on the commission's website.

(A) Interconnection agreement or amendment to an interconnection agreement not previously approved shall be filed in an application signed by an attorney licensed to practice law in Missouri.

(B) An adoption of an approved interconnection agreement and any amendment that has been previously approved by the commission may be requested by filing a letter to the secretary of the commission. Approved interconnection agreements whose original term has expired, but which remain in effect pursuant to term renewal or extension provisions, are subject to adoption for as long as the interconnection agreement remains subject to the renewal or extension provisions.

(C) The incumbent basic local exchange telecommunications company that is a party to any interconnection agreement that is termi-

nated shall notify the secretary of the commission of its termination by filing a letter in a new case.

*AUTHORITY: sections 386.040, 386.250, 386.310, 392.450, and 392.461, RSMo 2016. Original rule filed April 12, 2018.*

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

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

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0120. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rule is scheduled for July 9, 2018, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions.*

*SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 28—Communications**

**PROPOSED RULE**

**4 CSR 240-28.014 Network Configuration**

*PURPOSE: This proposed rule provides network configuration standards as contemplated by section 392.611.3, RSMo.*

(1) Any company certificated or registered with the commission has a duty to ensure calls are being completed. No company shall intentionally frustrate, delay, impede, or prevent the completion of any intrastate call.

(2) Any company providing intrastate telecommunications service shall comply with the safety standards identified in 4 CSR 240-18.010.

*AUTHORITY: sections 386.040, 386.250, 386.310, 392.450, and 392.461, RSMo 2016. Original rule filed April 12, 2018.*

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0120. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rule is scheduled for July 9, 2018, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions.*

**SPECIAL NEEDS:** *Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 28—Communications**

**PROPOSED RULE**

**4 CSR 240-28.015 211 Service**

**PURPOSE:** *This proposed rule identifies requirements for an entity providing Information and Referral Services accessible by dialing "211" in Missouri.*

(1) An entity may only provide information and referral (I&R) service if it is accredited by the Alliance of Information and Referral Systems and is authorized by the commission to provide I&R services accessible by callers dialing "211" in Missouri. Only one (1) I&R provider shall be authorized per area. An application to provide I&R service shall be electronically filed as a new case submission in Electronic Filing and Information System (EFIS). Application instructions may be found on the commission's website.

(2) Authorization granted by the commission will be for a period of three (3) years. If an I&R provider seeks to maintain the 211 dialing arrangement beyond this time period, then the provider may reapply approximately ninety (90) days prior to the expiration of the provider's authorization.

(3) An I&R provider with authorization to receive 211 dialed calls shall file, into EFIS, a public report that provides call performance information by April 15 of each year. Specific instructions may be found on the commission's website.

**AUTHORITY:** *sections 386.040, 386.250, 386.310, 392.450, and 392.461, RSMo 2016. Original rule filed April 12, 2018.*

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COM-**

**MENTS:** *Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0120. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rule is scheduled for July 9, 2018, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions.*

**SPECIAL NEEDS:** *Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 28—Communications**

**PROPOSED RULE**

**4 CSR 240-28.016 Telephone Numbering**

**PURPOSE:** *The commission has certain authority over telephone numbering resources as provided by FCC rules, FCC Order DA 00-1616 released July 20, 2000 and FCC Order 06-14 released February 24, 2006. This proposed rule identifies provisions relating to the commission's oversight of telephone resources within Missouri.*

(1) A carrier that requests the commission overturn a decision of the North American Numbering Plan Administrator (NANPA) or the Thousands-Block Pooling Administrator (PA) to deny a carrier's request for additional numbering resources shall file an application with the commission which includes the following:

(A) A Months-to-Exhaust Worksheet that provides utilization by rate center for the preceding six (6) months and projected monthly utilization for the next twelve (12) months;

(B) The carrier's current numbering resource utilization level, FCC Form U1 of Form 502, for the rate center in which it is seeking growth numbering resources;

(C) A copy of the carrier's original request to NANPA or the PA, a copy of the carrier's Part 1a, a copy of the NANPA or PA response/confirmation Part 3; and

(D) A demonstration that the carrier has a verifiable need for numbering resources and has exhausted all other available remedies designed to conserve numbering resources (examples include, but are not limited to, a copy of the customer request detailing the specific need for telephone numbers and the reason the carrier cannot meet the specific customer request).

(2) Upon request by the commission staff, any carrier that is assigned or has requested numbering resources from the North American Numbering Plan Administrator or the Thousands-Block Pooling Administrator shall provide certain information at the commission's Jefferson City office to ensure compliance with Federal Communications Commission numbering rules and to monitor and verify the validity and accuracy of carrier utilization data. Such information includes, but is not limited to, all number utilization, number utilization forecast, and historical trend documentation and applications.

**AUTHORITY:** sections 386.040, 386.250, 386.310, 392.450, and 392.461, RSMo 2016. Original rule filed April 12, 2018.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0120. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rule is scheduled for July 9, 2018, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 28—Telecommunications, IVoIP, Video Services**

**PROPOSED RESCISSION**

**4 CSR 240-28.020 General Provisions.** This rule described the general requirements applicable to providers of telecommunications, IVoIP, video, payphone, and shared tenant services in Missouri. Additional, specific requirements were identified in other chapters.

**PURPOSE:** This rule is being rescinded in its entirety.

**AUTHORITY:** sections 386.040, 386.250, and 386.310, RSMo 2000, section 392.450, RSMo Supp. 2013, and section 392.461, RSMo Supp. 2014. Original rule filed April 1, 2015, effective Dec. 30, 2015. Rescinded: Filed April 12, 2018.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0120. Comments may also be submit-

ted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rescission is scheduled for July 9, 2018, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 28—Telecommunications, IVoIP, Video Services**

**PROPOSED RESCISSION**

**4 CSR 240-28.030 Certification or Registration Requirements.** This rule identified filing requirements for a certificate of service authority to provide telecommunications services or registration to provide IVoIP service or video service.

**PURPOSE:** This rule is being rescinded in its entirety. Requirements previously contained in this rule will be streamlined into a new rule at 4 CSR 240-28.011.

**AUTHORITY:** sections 386.040, 386.250, and 386.310, RSMo 2000, section 392.450, RSMo Supp. 2013, and section 392.461, RSMo Supp. 2014. Original rule filed April 1, 2015, effective Dec. 30, 2015. Rescinded: Filed April 12, 2018.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0120. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rescission is scheduled for July 9, 2018, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

**Division 240—Public Service Commission**

**Chapter 28—Telecommunications, IVoIP, Video Services**

**PROPOSED RESCISSION**

**4 CSR 240-28.040 Reporting Requirements.** This rule identified reporting requirements for companies authorized to provide telecommunications, IVoIP, video, payphone, or shared tenant services in Missouri.

*PURPOSE:* This rule is being rescinded in its entirety. Requirements previously contained in this rule will be streamlined into a new rule at 4 CSR 240-28.012.

*AUTHORITY:* sections 386.040, 386.250, and 386.310, RSMo 2000, section 392.450, RSMo Supp. 2013, and section 392.461, RSMo Supp. 2014. Original rule filed April 1, 2015, effective Dec. 30, 2015. Rescinded: Filed April 12, 2018.

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

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

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0120. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rescission is scheduled for July 9, 2018, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

*SPECIAL NEEDS:* Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

**Division 240—Public Service Commission**

**Chapter 28—Telecommunications, IVoIP, Video Services**

**PROPOSED RESCISSION**

**4 CSR 240-28.050 Assessment Requirements.** This rule identified assessment requirements for companies offering telecommunications service or IVoIP service in Missouri.

*PURPOSE:* This rule is being rescinded in its entirety. Requirements previously contained in this rule will be streamlined into a new rule at 4 CSR 240-28.012.

*AUTHORITY:* sections 386.040, 386.250, and 386.310, RSMo 2000,

section 392.450, RSMo Supp. 2013, and section 392.461, RSMo Supp. 2014. Original rule filed April 1, 2015, effective Dec. 30, 2015. Rescinded: Filed April 12, 2018.

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

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

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0120. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rescission is scheduled for July 9, 2018, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

*SPECIAL NEEDS:* Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

**Division 240—Public Service Commission**

**Chapter 28—Telecommunications, IVoIP, Video Services**

**PROPOSED RESCISSION**

**4 CSR 240-28.060 Service Requirements.** This rule described service requirements applicable to companies that provided telecommunications or IVoIP services.

*PURPOSE:* This rule is being rescinded in its entirety. Requirements previously contained in this rule will be streamlined into a new rule at 4 CSR 240-28.014.

*AUTHORITY:* sections 386.040, 386.250, and 386.310, RSMo 2000, section 392.450, RSMo Supp. 2013, and section 392.461, RSMo Supp. 2014. Original rule filed April 1, 2015, effective Dec. 30, 2015. Rescinded: Filed April 12, 2018.

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

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

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices



on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0120. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rescission is scheduled for July 9, 2018, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

#### Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

##### Division 240—Public Service Commission Chapter 28—Telecommunications, IVoIP, Video Services

#### PROPOSED RESCISSION

**4 CSR 240-28.070 Tariffs.** This rule identified tariff requirements applicable to telecommunications companies.

**PURPOSE:** This rule is being rescinded in its entirety. Requirements previously contained in this rule will be streamlined into a new rule at 4 CSR 240-28.013.

**AUTHORITY:** sections 386.040, 386.250, and 386.310, RSMo 2000, section 392.450, RSMo Supp. 2013, and section 392.461, RSMo Supp. 2014. Original rule filed April 1, 2015, effective Dec. 30, 2015. Rescinded: Filed April 12, 2018.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0120. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rescission is scheduled for July 9, 2018, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

#### Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 28—Telecommunications, IVoIP, Video Services

#### PROPOSED RESCISSION

**4 CSR 240-28.080 Interconnection Agreements.** This rule identified requirements and procedures for applications for new interconnection agreements, the adoption of previously approved interconnection agreements, and amending interconnection agreements.

**PURPOSE:** This rule is being rescinded in its entirety. Requirements previously contained in this rule will be streamlined into a new rule at 4 CSR 240-28.013.

**AUTHORITY:** sections 386.040, 386.250, and 386.310, RSMo 2000, section 392.450, RSMo Supp. 2013, and section 392.461, RSMo Supp. 2014. Original rule filed April 1, 2015, effective Dec. 30, 2015. Rescinded: Filed April 12, 2018.

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

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

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**SPECIAL NEEDS:** Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

#### Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 28—Telecommunications, IVoIP, Video Services

#### PROPOSED RESCISSION

**4 CSR 240-28.090 211 Service.** This rule identified requirements for an entity providing Information and Referral Services accessible by dialing "211" in Missouri.

**PURPOSE:** This rule is being rescinded in its entirety. Requirements previously contained in this rule will be streamlined into a new rule at 4 CSR 240-28.015.

**AUTHORITY:** sections 386.040, 386.250, and 386.310, RSMo 2000,



section 392.450, RSMo Supp. 2013, and section 392.461, RSMo Supp. 2014. Original rule filed April 1, 2015, effective Dec. 30, 2015. Rescinded: Filed April 12, 2018.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0120. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rescission is scheduled for July 9, 2018, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 29—Enhanced Record Exchange Rules**

**PROPOSED RESCISSION**

**4 CSR 240-29.010 The LEC-to-LEC Network.** This rule described the LEC-to-LEC network and adopts restrictions for use of that network.

**PURPOSE:** This rule is being rescinded in its entirety because it is no longer necessary.

**AUTHORITY:** sections 386.040 and 386.250, RSMo 2000. Original rule filed Nov. 30, 2004, effective July 30, 2005. Rescinded: Filed April 12, 2018.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0188. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for July 10, 2018 at 10:00 a.m., in Room 310 of the

Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 29—Enhanced Record Exchange Rules**

**PROPOSED RESCISSION**

**4 CSR 240-29.020 Definitions.** This rule defined various terms that are used in this chapter.

**PURPOSE:** This rule is being rescinded in its entirety because it is no longer necessary.

**AUTHORITY:** sections 386.040 and 386.250, RSMo 2000. Original rule filed Nov. 30, 2004, effective July 30, 2005. Rescinded: Filed April 12, 2018.

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

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

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**SPECIAL NEEDS:** Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 29—Enhanced Record Exchange Rules**

**PROPOSED RESCISSION**

**4 CSR 240-29.030 General Provisions.** This rule described, in general terms, the provisions of this chapter.

*PURPOSE:* This rule is being rescinded in its entirety because it is no longer necessary.

*AUTHORITY:* sections 386.040 and 386.250, RSMo 2000. Original rule filed Nov. 30, 2004, effective July 30, 2005. Rescinded: Filed April 12, 2018.

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

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*SPECIAL NEEDS:* Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 29—Enhanced Record Exchange Rules**

**PROPOSED RESCISSION**

**4 CSR 240-29.040 Identification of Originating Carrier for Traffic Transmitted over the LEC-to-LEC Network.** This rule established a proper means of identifying to transiting and terminating carriers all carriers who originated traffic that is transmitted over the LEC-to-LEC network.

*PURPOSE:* This rule is being rescinded in its entirety because it is no longer necessary.

*AUTHORITY:* sections 386.040 and 386.250, RSMo 2000. Original rule filed Nov. 30, 2004, effective July 30, 2005. Rescinded: Filed April 12, 2018.

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

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Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0188. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for July 10, 2018 at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

*SPECIAL NEEDS:* Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 29—Enhanced Record Exchange Rules**

**PROPOSED RESCISSION**

**4 CSR 240-29.050 Option to Establish Separate Trunk Groups for LEC-to-LEC Telecommunications Traffic.** This rule enabled terminating carriers to establish trunking arrangements for LEC-to-LEC traffic separate and distinct from trunking arrangements used for IXC traffic.

*PURPOSE:* This rule is being rescinded in its entirety because it is no longer necessary.

*AUTHORITY:* sections 386.040 and 386.250, RSMo 2000. Original rule filed Nov. 30, 2004, effective July 30, 2005. Rescinded: Filed April 12, 2018.

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

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

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*SPECIAL NEEDS:* Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing

at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**  
**Division 240—Public Service Commission**  
**Chapter 29—Enhanced Record Exchange Rules**

**PROPOSED RESCISSION**

**4 CSR 240-29.060 Special Privacy Provisions for End Users Who Block Their Originating Telephone Number.** This rule ensured end user privacy of blocked numbers, and ensured that blocked numbers were available to terminating carriers for record creation purposes, without disclosure to the called party.

*PURPOSE:* This rule is being rescinded in its entirety because it is no longer necessary.

*AUTHORITY:* sections 386.040 and 386.250, RSMo 2000. Original rule filed Nov. 30, 2004, effective July 30, 2005. Rescinded: Filed April 12, 2018.

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

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**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**  
**Division 240—Public Service Commission**  
**Chapter 29—Enhanced Record Exchange Rules**

**PROPOSED RESCISSION**

**4 CSR 240-29.080 Use of Terminating Record Creation for LEC-to-LEC Telecommunications Traffic.** This rule established a system of terminating record creation between carriers for Local Exchange Carrier-to-Local Exchange Carrier (LEC-to-LEC) traffic.

*PURPOSE:* This rule is being rescinded in its entirety because it is

no longer necessary.

*AUTHORITY:* sections 386.040 and 386.250, RSMo 2000. Original rule filed Nov. 30, 2004, effective July 30, 2005. Rescinded: Filed April 12, 2018.

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

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**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**  
**Division 240—Public Service Commission**  
**Chapter 29—Enhanced Record Exchange Rules**

**PROPOSED RESCISSION**

**4 CSR 240-29.090 Time Frame for the Exchange of Records, Invoices, and Payments for LEC-to-LEC Network Traffic.** This rule established minimum standards for submission of billing records, invoices, and payments between carriers who originated, transit, and/or terminated LEC-to-LEC traffic.

*PURPOSE:* This rule is being rescinded in its entirety because it is no longer necessary.

*AUTHORITY:* sections 386.040 and 386.250, RSMo 2000. Original rule filed Nov. 30, 2004, effective July 30, 2005. Rescinded: Filed April 12, 2018.

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

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

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Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0188. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for July 10, 2018 at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

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**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 29—Enhanced Record Exchange Rules**

**PROPOSED RESCISSION**

**4 CSR 240-29.100 Objections to Payment Invoices.** This rule established a procedure for objecting to payment of invoices received for terminating LEC-to-LEC network telecommunications traffic.

**PURPOSE:** This rule is being rescinded in its entirety because it is no longer necessary.

**AUTHORITY:** sections 386.040 and 386.250, RSMo 2000. Original rule filed Nov. 30, 2004, effective July 30, 2005. Rescinded: Filed April 12, 2018.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0188. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for July 10, 2018 at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 29—Enhanced Record Exchange Rules**

**PROPOSED RESCISSION**

**4 CSR 240-29.120 Blocking Traffic of Originating Carriers and/or Traffic Aggregators by Transiting Carriers.** This rule established parameters and procedures enabling transiting carriers to block traffic of originating carriers and/or traffic aggregators who failed to comply with rules pertaining to LEC-to-LEC traffic.

**PURPOSE:** This rule is being rescinded in its entirety because it is no longer necessary.

**AUTHORITY:** sections 386.040 and 386.250, RSMo 2000. Original rule filed Nov. 30, 2004, effective July 30, 2005. Rescinded: Filed April 12, 2018.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0188. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for July 10, 2018 at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 29—Enhanced Record Exchange Rules**

**PROPOSED RESCISSION**

**4 CSR 240-29.130 Requests of Terminating Carriers for Originating Tandem Carriers to Block Traffic of Originating Carriers and/or Traffic Aggregators.** This rule established parameters and procedures for terminating carriers to request that originating tandem carriers block traffic of originating carriers and/or traffic aggregators who failed to comply with rules pertaining to traffic traversing the LEC-to-LEC network.

**PURPOSE:** This rule is being rescinded in its entirety because it is no longer necessary.

*AUTHORITY: sections 386.040 and 386.250, RSMo 2000. Original rule filed Nov. 30, 2004, effective July 30, 2005. Rescinded: Filed April 12, 2018.*

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

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

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0188. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for July 10, 2018 at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.*

*SPECIAL NEEDS: Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 29—Enhanced Record Exchange Rules**

**PROPOSED RESCISSION**

**4 CSR 240-29.140 Blocking Traffic of Transiting Carriers by Terminating Carriers.** This rule established parameters and procedures for blocking traffic by terminating carriers if transiting carriers failed to comply with rules pertaining to traffic traversing the LEC-to-LEC network.

*PURPOSE: This rule is being rescinded in its entirety because it is no longer necessary.*

*AUTHORITY: sections 386.040 and 386.250, RSMo 2000. Original rule filed Nov. 30, 2004, effective July 30, 2005. Rescinded: Filed April 12, 2018.*

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

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

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices*

*on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0188. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for July 10, 2018 at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.*

*SPECIAL NEEDS: Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 29—Enhanced Record Exchange Rules**

**PROPOSED RESCISSION**

**4 CSR 240-29.150 Confidentiality.** This rule ensured the confidentiality of customer proprietary network information.

*PURPOSE: This rule is being rescinded in its entirety because it is no longer necessary.*

*AUTHORITY: sections 386.040 and 386.250, RSMo 2000. Original rule filed Nov. 30, 2004, effective July 30, 2005. Rescinded: Filed April 12, 2018.*

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

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

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0188. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for July 10, 2018 at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.*

*SPECIAL NEEDS: Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 29—Enhanced Record Exchange Rules**

**PROPOSED RESCISSION**

**4 CSR 240-29.160 Audit Provisions.** This rule established parameters and procedures for the audit of certain intercompany billing records.

*PURPOSE:* This rule is being rescinded in its entirety because it is no longer necessary.

*AUTHORITY:* sections 386.040 and 386.250, RSMo 2000. Original rule filed Nov. 30, 2004, effective July 30, 2005. Rescinded: Filed April 12, 2018.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0188. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for July 10, 2018 at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 31—Universal Service**

**PROPOSED AMENDMENT**

**4 CSR 240-31.010 Definitions.** The commission is deleting sections (1), (8), (9), (10), (11), (13), (14), (15), (18), (19), (20), (21), and (22), adding new sections (8), (11), and (12), and renumbering as necessary.

*PURPOSE:* This proposed amendment removes unnecessary definitions, revises certain definitions, and adds definitions.

**[(1) Assessable carrier—**All registered Interconnected Voice over Internet Protocol (IVoIP) providers and certificated telecommunications companies except: pay telephone providers, shared tenant services (STS) providers, and those

*companies with annual net jurisdictional revenue below a de minimis level of twenty-four thousand dollars (\$24,000).]*

**[(2)](1) Board—***[Refers to the Missouri Universal Service Board established by section 392.248.1, RSMo 2000 and comprised] The Missouri Universal Service Board. The board consists of members of the Missouri Public Service [c/]Commission and the public counsel[, which shall supervise the management of the MoUSF].*

**[(3)](2) Commission—***[The] Missouri Public Service Commission.*

**[(4)](3) Disabled Program—***[The] A Missouri program [that offers] offering discounted [voice telephony] essential local telecommunications service to [Missourians with certain disabilities as defined by 4 CSR 240-31.120(1)(C)] qualifying disabled consumers.*

**[(5)](4) ETC—Refers to** *[E]ligible telecommunications carrier. [(ETC)—Is a carrier designated as such by the Missouri Public Service Commission pursuant to] ETC designation allows a company to receive federal universal service funding as contemplated under 47 U.S.C. 214(e) and 47 CFR Part 54 Subpart C. [ETC designation allows a carrier to receive FUSF support from the high-cost and/or Lifeline programs and Missouri-approved telecommunications carriers to receive MoUSF support from the high-cost, Lifeline, or Disabled programs.]*

**[(6)](5) Essential local telecommunications service[s]—***[This phrase is synonymous with "voice telephony service" as defined by 4 CSR 240-31.010(18).] Voice telephone service which provides voice grade access to the public switched network including access to 911-related emergency services to the extent implemented by a local government and/or retail broadband service.*

**[(7)](6) FCC—Refers to** *Federal Communications Commission [(FCC)—The federal agency charged with oversight of the Federal Universal Service Fund and which places certain responsibilities on the commission, through the promulgation of federal rules pursuant to federal statutes, in filling that oversight obligation] who oversees the federal USF.*

**[(8) Federal Universal Service Fund (FUSF)—***The federal fund that provides funding to companies for the high-cost program and the Lifeline program.*

**[(9) Federal Universal Service Fund Administrator (FUSFA)—***An independent, not-for-profit corporation created to administer the federal universal service programs under the oversight of the FCC.*

**[(10) Household—**Defined by 47 CFR Part 54.400(h) as any individual or group of individuals who are living together at the same address as one (1) economic unit. A household may include related and unrelated persons. An "economic unit" consists of all adult individuals contributing to and sharing in the income and expenses of a household. An adult is any person eighteen (18) years or older. If an adult has no or minimal income, and lives with someone who provides financial support to him/her, both people shall be considered part of the same household. Children under the age of eighteen (18) living with their parents or guardians are considered to be part of the same household as their parents or guardians.

**[(11) Income—**Defined by 47 CFR Part 54.400(f) as all income actually received by all members of a household.

*This includes salary before deductions for taxes, public assistance benefits, Social Security payments, pensions, unemployment compensation, veteran's benefits, inheritances, alimony, child support payments, worker's compensation benefits, gifts, lottery winnings, and the like. The only exceptions are student financial aid, military housing and cost-of-living allowances, irregular income from occasional small jobs such as baby-sitting or lawn mowing, and the like.]*

**[(12)](7) IVoIP—Refers to** Interconnected Voice over Internet Protocol **[(IVoIP)—Is a service that enables real-time, two- (2-) way voice communications, requires a broadband connection from the user's location, requires Internet protocol-compatible customer premises equipment, and permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network] as defined in section 386.020, RSMo.**

**[(13) Lifeline Service—Means a non-transferable retail service offering for which qualifying low-income consumers pay reduced charges as a result of application of the Lifeline support amount described in 47 CFR 54.403; and that provides qualifying low-income consumers with voice telephony service as specified in 47 CFR 54.101(a). Toll limitation service does not distinguish between toll and non-toll calls in the pricing of the service. If an eligible telecommunications carrier charges Lifeline subscribers a fee for toll calls that is in addition to the per month or per billing cycle price of the subscribers' Lifeline service, the carrier must offer toll limitation service at no charge to its subscribers as part of its Lifeline service offering.**

**(14) MoUSF—Refers to the Missouri Universal Service Fund, which was established by section 392.248, RSMo 2000 to be used for the following purposes:**

**(A) To ensure the provision of reasonably comparable essential local telecommunications service, as defined in this rule, throughout the state, including high cost areas, at just, reasonable, and affordable rates;**

**(B) To assist low-income customers and disabled customers in obtaining affordable essential telecommunications services; and**

**(C) To pay the reasonable, audited costs of administering the MoUSF.**

**(15) Missouri Universal Service Fund Administrator (MoUSFA)—The agency, individual, firm, partnership, or corporation selected by the board to act as the independent neutral administrator of the MoUSF.]**

**(8) Lifeline Program—A federal/state program offering discounted essential local telecommunications service to qualifying low-income consumers.**

**[(16)](9) [MoUSF website—The MoUSF website is [www.missouriusf.com](http://www.missouriusf.com) or [www.mousf.com](http://www.mousf.com). The website contains various forms and information as directed by the board regarding the administration of the MoUSF.] Missouri USF website—[www.missouriusf.com](http://www.missouriusf.com).**

**[(17)](10) Net jurisdictional revenue—[Net jurisdictional revenue means all retail revenues received from end-user customers resulting from the provision of intrastate regulated and IVoIP services, but shall not include] Refers to a company's Missouri retail revenue received from end-user customers from the provision of intrastate regulated telecommunications and IVoIP ser-**

**vices excluding revenue received from payphone [operations,] and shared tenant services, taxes, and uncollectibles.**

**(11) Retail broadband service—Refers to the capability of transmitting data to and receiving data from all or substantially all Internet endpoints and meeting the minimum service standards identified in 47 CFR Part 54.408.**

**(12) USF—Refers to Universal Service Fund.**

**[(18)Toll blocking—Toll blocking is a service provided by carriers that lets customers elect not to allow the completion of outgoing toll calls from their telecommunications channel.**

**(19) Toll control—Toll control is a service provided by carriers that allows customers to specify a certain amount of toll usage that may be incurred on their telecommunications channel per month or per billing cycle.**

**(20) Toll limitation—"Toll limitation service" denotes either toll blocking service or toll control service for eligible telecommunications carriers that are incapable of providing both services. For eligible telecommunications carriers that are capable of providing both services, "toll limitation" service denotes both toll blocking service and toll control service.**

**(21) Voice telephony service—refers to voice grade access to the public switched network or its functional equivalent; minutes of use for local service provided at no additional charge to end users; access to the emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911, to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems; and toll limitation services to qualifying Lifeline consumers. Toll limitation service does not need to be offered for any Lifeline service that does not distinguish between toll and non-toll calls in the pricing of the service.**

**(22) Wireless service—refers to commercial mobile radio service as identified in 47 CFR Parts 20 and 24.]**

**AUTHORITY:** sections 392.200.2, [RSMo Supp. 2013, and sections] 392.248, and 392.470.1, RSMo [2000] 2016. Original rule filed Aug. 15, 1997, effective April 30, 1998. For intervening history, please consult the **Code of State Regulations**. Amended: Filed April 12, 2018.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0120. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for July 9, 2018, at 10:00 a.m., in Room 310 of the Governor Office Building, 200



Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

*SPECIAL NEEDS:* Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 31—Universal Service**

**PROPOSED RULE**

**4 CSR 240-31.011 Missouri USF Administration**

*PURPOSE:* This proposed rule explains how the Missouri USF is supervised and maintained.

(1) The board supervises the management of the Missouri Universal Service Fund (USF). Notice of board meetings will be provided in accordance with section 610.020, RSMo. The commission's website contains board bylaws, prior board meeting minutes, and a sign-up procedure for obtaining advance electronic notification of board meetings.

(2) The Missouri USF administrator is responsible for the day-to-day operations of the Missouri USF. Any action taken or decision issued by the Missouri USF administrator may be reviewed by the board if made in writing to the Missouri USF administrator within thirty (30) days of the date of action. Decisions regarding an appeal will be made by the board or as delegated by the board to its staff.

*AUTHORITY:* sections 392.200.2, 392.248, and 392.470.1, RSMo 2016. Original rule filed April 12, 2018.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0120. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rule is scheduled for July 9, 2018, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions.

*SPECIAL NEEDS:* Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing

at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC  
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Division 240—Public Service Commission  
Chapter 31—Universal Service**

**PROPOSED RULE**

**4 CSR 240-31.012 Missouri USF Assessment**

*PURPOSE:* This rule establishes Missouri USF assessment procedures.

(1) The Missouri Universal Service Fund (USF) assessment is applied to the net jurisdictional revenue of all registered Interconnected Voice over Internet Protocol (VoIP) providers and certificated telecommunications companies except: pay telephone providers, shared tenant services (STS) providers, and those companies with annual net jurisdictional revenue below a *de minimis* level as identified on the Missouri USF website. This website also identifies the current Missouri USF assessment factor, payment deadlines, late payment fees, and other details associated with the assessment process.

(2) Companies will receive at least sixty (60) days advance notice of a commission approved Missouri USF assessment change.

(3) Remittances may be submitted to the Missouri USF administrator using either of the following two (2) methods:

(A) A carrier may remit an amount based solely on applying the percentage assessment to the carrier's Missouri net jurisdictional revenue. If this method is used, no refunds will be given if a carrier subsequently finds it remitted more than collected; or

(B) A carrier may remit all funds received as a result of the application of a surcharge through a line item on a retail end-user customers' bill. This method satisfies the carrier's annual percentage assessment if-

1. The surcharge equals the percentage assessment ordered by the commission;

2. The surcharge is identified as "Missouri Universal Service Fund"; and

3. The surcharge percentage is applied to each customer's total charges associated with the carrier's net jurisdictional revenues.

*AUTHORITY:* sections 392.200, 392.248, and 392.470.1, RSMo 2016. Original rule filed April 12, 2018.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0120. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rule is scheduled for July 9, 2018, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City,



Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions.

*SPECIAL NEEDS:* Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC  
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Division 240—Public Service Commission  
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**PROPOSED RULE**

**4 CSR 240-31.013 Missouri USF High Cost Support**

*PURPOSE:* This proposed rule provides requirements for receiving Missouri USF high cost support to fulfill a customer service request to a location lacking facilities or to deploy facilities to provide retail broadband service to locations in Missouri that are unserved.

(1) Applications for customer-specific service requests for Missouri Universal Service Fund (USF) high cost support.

(A) A company may apply for Missouri USF high cost support to fulfill a customer service request to a location lacking facilities if—

1. The company is certificated to provide basic local telecommunications service or registered to provide Interconnected Voice over Internet Protocol (VoIP) service;

2. The company is current on its Missouri USF assessment obligations;

3. The company has received a customer request for essential local telecommunications service to a location lacking landline facilities from any company to provide the requested service; and

4. Applying the board-approved formula identified and explained on the Missouri USF website indicates the location qualifies for Missouri USF high cost support.

(B) Missouri USF high cost support is provided to the company after the company submits to the Missouri USF administrator a completed Missouri USF High Cost Application for Support Eligibility form available on the Missouri USF website. The company has the discretion to require the customer to pay construction charges, advance payments, and/or meet other requirements as a condition for service if the customer specifically agrees to comply in writing prior to the company submitting an application for support.

(C) Service should be provided within ninety (90) days of receiving Missouri USF high cost support or as otherwise agreed to by the company and customer.

(D) The board may establish an annual budget for Missouri USF high cost support.

(2) Applications to deploy facilities to provide retail broadband service to unserved areas.

(A) A company may submit an application to the commission requesting Missouri USF high cost support to deploy facilities to provide retail broadband service.

(B) The commission may consider such requests on a case-by-case basis.

*AUTHORITY:* sections 392.200.2, 392.248, and 392.470.1, RSMo 2016. Original rule filed April 12, 2018.

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

aggregate.

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

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0120. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rule is scheduled for July 9, 2018, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions.

*SPECIAL NEEDS:* Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC  
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Division 240—Public Service Commission  
Chapter 31—Universal Service**

**PROPOSED RULE**

**4 CSR 240-31.014 Lifeline and Disabled Programs**

*PURPOSE:* This proposed rule identifies enrollment, funding, and service requirements for the Lifeline and/or Disabled programs.

(1) Missouri Universal Service Fund (USF) support for the Lifeline and Disabled programs is limited to companies that are current on Missouri USF assessment obligations and have a certificate of service authority to provide basic local telecommunications service or a registration to provide Interconnected Voice over Internet Protocol (VoIP) service from the commission. Eligible Telecommunications Carrier (ETC) designation pursuant to 47 CFR Part 54 Subpart C is a requirement for participation in the Lifeline program but not the Disabled program.

(2) The Lifeline Program is subject to the federal requirements identified in FCC rules.

(3) The Disabled Program.

(A) Eligibility criteria is satisfied by participation in any of the following programs—

1. Veteran Administration Disability Benefits;
2. State Blind Pension;
3. State Aid to Blind Persons;
4. State Supplemental Disability Assistance; or
5. Federal Social Security Disability.

(B) If a consumer qualifies for the Disabled Program but is not listed as the subscriber then the company must track such instances and annually verify the disabled customer remains within the household.

(4) A household or subscriber may not simultaneously participate in

the Disabled Program and the Lifeline Program.

(5) The enrollment form for the Lifeline Program should comply with federal requirements. The enrollment form for the Disabled Program may be the same form but with the addition of the Disabled Program qualifying criteria.

(6) All Missouri USF support received by a company for the Lifeline or Disabled Programs shall flow through to participating customers in the form of discounted essential local telecommunications service.

(7) The Missouri USF support amount for the Lifeline and Disabled Programs is identified on the Missouri USF website. Missouri USF Lifeline support, when combined with federal USF Lifeline support, shall not exceed the sum of an ETC's rate for essential local telecommunications service and subscriber line charge.

(8) In order to receive a Missouri USF disbursement a company must complete an Application for Support Eligibility form within three (3) months of provisioning the service pertaining to the disbursement request. Failure to submit this form within this time period will limit support to the amount requested or to a designated amount approved by the board and posted on the Missouri USF website (whichever is less).

*AUTHORITY: sections 392.200.2, 392.248, and 392.470.1, RSMo 2016. Original rule filed April 12, 2018.*

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0120. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rule is scheduled for July 9, 2018, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions.*

**SPECIAL NEEDS:** *Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 31—Universal Service**

**PROPOSED RULE**

**4 CSR 240-31.015 ETC Requirements**

*PURPOSE: This proposed rule reflects Missouri-specific requirements applicable to ETCs.*

(1) Any Eligible Telecommunications Carrier (ETC) receiving ETC designation from the commission will—

(A) Solely conduct business using the name or “DBA” under which the commission granted ETC designation. Use of other or additional names such as brand or service names is prohibited;

(B) Maintain a current list of company-designated contacts within Electronic Filing Information System (EFIS);

(C) Provide a copy, to the manager of the commission's Telecommunications Department, of any finding by a state or federal authority that the company has violated universal service fund program requirements;

(D) An ETC will cooperate and comply with periodic audits and/or requests for information by the commission staff to monitor compliance with this chapter; and

(E) An ETC will not self-certify to the federal USF administrator for receipt of federal Universal Service Fund (USF) unless the Federal Communications Commission (FCC) has preempted such state commission authority.

(2) Notice requirement for ETC name changes. At least ten (10) days prior to the use of a new name, an ETC should file a written notice in EFIS that includes—

(A) A statement clearly setting out both the old name and the new name;

(B) Evidence of registration of the new name with the Missouri Secretary of State;

(C) A statement that the company will continue to comply with all applicable laws and rules relating to ETC designation;

(D) A statement that the company's contacts in EFIS have been reviewed and are correct; and

(E) A copy of the notice informing customers of the name change.

(3) Annual filing requirement. In concurrence with the Form 481 deadline, an ETC shall annually submit into EFIS—

(A) A copy of the company's Form 481 report;

(B) A copy of the company's Lifeline application enrollment form;

(C) Certification from an officer of the company attesting under penalty of perjury to the following information:

1. The company has policies and procedures in place to ensure Lifeline subscribers are eligible to receive Lifeline service;

2. The company is in compliance with all federal Lifeline certification procedures;

3. The company complies with the minimum service levels set forth in FCC rule section 54.408; and

4. The company's Missouri operations solely use the name of the company as recognized by the commission for ETC designation in all marketing and USF-related materials;

(D) The website address containing information about the company's Lifeline service or alternatively state the company does not maintain such a website; and

(E) If the ETC has received or will receive high cost support then the company's officer certification should include the following additional attestations and information—

1. All federal high-cost support provided to the company within Missouri was used in the preceding calendar year and will be used in the coming calendar year only for the provision, maintenance, and upgrading of facilities and services for which the support is intended;

2. The applicable study area code(s) of the company's high-cost service area; and

3. For wireless ETCs, the company complies with the latest edition of Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service.

(4) The relinquishment of ETC status is accomplished by providing a letter signed by an authorized company official or representative at

least sixty (60) days prior to relinquishing ETC status demonstrating compliance with 47 U.S.C. section 214(e)(4).

*AUTHORITY: sections 392.200.2, 392.248, and 392.470.1, RSMo 2016. Original rule filed April 12, 2018.*

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

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

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0120. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rule is scheduled for July 9, 2018, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions.*

*SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 31—Universal Service**

**PROPOSED RULE**

**4 CSR 240-31.016 ETC Application Requirements**

*PURPOSE: This proposed rule identifies application requirements for companies seeking ETC status for the purpose of receiving federal USF support.*

(1) Any company seeking Eligible Telecommunications Carrier (ETC) status for the purpose of participating in the federal Universal Service Fund (USF) high cost programs and/or Lifeline program in Missouri shall apply for ETC designation with the commission unless otherwise preempted by the Federal Communications Commission (FCC).

(2) ETC application requirements—

(A) All ETC applications shall comply with the application requirements identified in 4 CSR 240-2.060 and be verified by oath as to the truthfulness therein by an officer or director of the applicant; and

(B) In addition to the requirements of 4 CSR 240-2.060 and 47 C.F.R. section 54.201 and section 54.202, all ETC applications should—

1. Identify any individual or entity having a ten percent (10%) or more ownership interest in the applicant;

2. Identify all managers, officers, and directors, or any person exerting managerial control over the applicant's day-to-day opera-

tions, policies, service offerings, and rates;

3. Identify any company sharing common ownership or management with the applicant that has ever received funds from the federal USF or any state universal service fund;

4. Provide the details of any matter brought in the last ten (10) years by any state or federal regulatory or law enforcement agency against any of the individuals, entities, managers, officers, directors of other companies sharing common ownership or management with the applicant involving fraud, deceit, perjury, stealing, or the omission or misstatement of material fact in connection with a commercial transaction;

5. Identify the website containing information about the applicant's service and rates. If such information will be maintained in a tariff maintained with the commission then either provide a tariff filing or cite the existing tariff;

6. Provide statements addressing each of the following:

A. The applicant will comply with the ETC requirements identified in 4 CSR 240-31.015;

B. Whether the applicant intends to seek support from the Missouri USF. If so, the applicant should also state whether it intends to participate in the Disabled Program;

C. A commitment to notify the commission of any changes to company contact information;

D. If the applicant is certificated or registered by the commission, a statement that the company is compliant with all reporting and assessment obligations; and

E. A statement that the applicant is compliant with contribution obligations to the federal USF;

7. A copy of the Lifeline and/or Disabled enrollment form to be used by the applicant; and

8. A copy of the FCC's decision if an applicant has sought and obtained a waiver of any ETC requirement from the FCC.

(3) ETC status, if granted, will be issued by commission order. The company is responsible for providing a copy of the order to the federal Universal Service Fund administrator.

*AUTHORITY: sections 392.200.2, 392.248, and 392.470.1, RSMo 2016. Original rule filed April 12, 2018.*

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

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

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0120. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rule is scheduled for July 9, 2018, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions.*

*SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 31—Universal Service**

**PROPOSED RESCISSION**

**4 CSR 240-31.020 Organization, Powers, and Meetings of the Board.** This rule established the organization and meetings of the board and other related responsibilities.

*PURPOSE:* This rule is being rescinded in its entirety. Requirements previously contained in this rule will be streamlined into a new rule at 4 CSR 240-31.011.

*AUTHORITY:* section 392.200.2, RSMo Supp. 2013, and sections 392.248 and 392.470.1, RSMo 2000. Original rule filed Aug. 15, 1997, effective April 30, 1998. Amended: Filed Aug. 7, 2013, effective April 30, 2014. Rescinded: Filed April 12, 2018.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0120. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rescission is scheduled for July 9, 2018, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 31—Universal Service**

**PROPOSED RESCISSION**

**4 CSR 240-31.030 The MoUSFA.** This rule established the qualifications for and the responsibilities of the Fund Administrator.

*PURPOSE:* This rule is being rescinded in its entirety. Requirements previously contained in this rule will be streamlined into a new rule at 4 CSR 240-31.011.

*AUTHORITY:* section 392.200.2, RSMo Supp. 2013, and sections 392.248 and 392.470.1, RSMo 2000. Original rule filed Aug. 15, 1997, effective April 30, 1998. Amended: Filed June 30, 2005, effective Feb. 28, 2006. Amended: Filed Aug. 7, 2013, effective April 30, 2014. Rescinded: Filed April 12, 2018.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0120. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rescission is scheduled for July 9, 2018, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 31—Universal Service**

**PROPOSED RESCISSION**

**4 CSR 240-31.040 Eligibility for Funding—High Cost Areas.** This rule provided requirements for determining the eligibility of telecommunications companies for universal service funds for high cost areas.

*PURPOSE:* This rule is being rescinded in its entirety. Requirements previously contained in this rule will be streamlined into a new rule at 4 CSR 240-31.013.

*AUTHORITY:* sections 392.200.2 and 392.248, RSMo Supp. 1997 and 392.470.1, RSMo 1994. Original rule filed Aug. 15, 1997, effective April 30, 1998. Rescinded: Filed April 12, 2018.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to

Commission Case No. TX-2018-0120. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rescission is scheduled for July 9, 2018, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 31—Universal Service**

**PROPOSED RESCISSION**

**4 CSR 240-31.060 The MoUSF Assessment.** This rule established and determined the methods of assessment for MoUSF funding.

**PURPOSE:** This rule is being rescinded in its entirety. Requirements previously contained in this rule will be streamlined into a new rule at 4 CSR 240-31.012.

**AUTHORITY:** section 392.200, RSMo Supp. 2013, and sections 392.248 and 392.470.1, RSMo 2000. Original rule filed Aug. 15, 1997, effective April 30, 1998. For intervening history, please consult the **Code of State Regulations**. Rescinded: Filed April 12, 2018.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0120. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rescission is scheduled for July 9, 2018, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 31—Universal Service**

**PROPOSED RESCISSION**

**4 CSR 240-31.090 Disbursements of MoUSF Funds.** This rule established the procedures for disbursements from the MoUSF to fund recipients and the Fund Administrator.

**PURPOSE:** This rule is being rescinded in its entirety.

**AUTHORITY:** section 392.200.2, RSMo Supp. 2013, and sections 392.248 and 392.470.1, RSMo 2000. Original rule filed Aug. 15, 1997, effective April 30, 1998. Amended: Filed Aug. 7, 2013, effective April 30, 2014. Rescinded: Filed April 12, 2018.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0120. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rescission is scheduled for July 9, 2018, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 31—Universal Service**

**PROPOSED RESCISSION**

**4 CSR 240-31.100 Review Procedures for Support Payments.** This rule established the procedures for the periodic review of the commission's definition of essential local telecommunications service, the qualification for assistance by a high cost area and the level of support payments to a fund recipient.

**PURPOSE:** This rule is being rescinded in its entirety.

**AUTHORITY:** sections 392.200.2 and 392.248, RSMo Supp. 1997 and 392.470.1, RSMo (1994). Original rule filed Aug. 15, 1997, effective April 30, 1998. Rescinded: Filed April 12, 2018.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0120. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rescission is scheduled for July 9, 2018, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 31—Universal Service**

**PROPOSED RESCISSION**

**4 CSR 240-31.110 Review of Board and MoUSFA Activities.** This rule established the procedures for reviewing any actions taken or decisions issued by the Fund Administrator or the board.

**PURPOSE:** This rule is being rescinded in its entirety. Requirements previously contained in this rule will be streamlined into a new rule at 4 CSR 240-31.011.

**AUTHORITY:** section 392.200.2, RSMo Supp. 2013, and sections 392.248 and 392.470.1, RSMo 2000. Original rule filed Aug. 15, 1997, effective April 30, 1998. Amended: Filed Aug. 7, 2013, effective April 30, 2014. Rescinded: Filed April 12, 2018.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0120. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing

regarding this proposed rescission is scheduled for July 9, 2018, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 31—Universal Service**

**PROPOSED RESCISSION**

**4 CSR 240-31.120 Lifeline Program and Disabled Program.** This rule identified requirements for participating in the Lifeline and/or Disabled programs. Any ETC that participated in the Lifeline program must have complied with these rules, including an ETC solely receiving federal Lifeline support.

**PURPOSE:** This rule is being rescinded in its entirety. Requirements previously contained in this rule will be streamlined into a new rule at 4 CSR 240-31.014.

**AUTHORITY:** section 392.200.2, RSMo Supp. 2013, and sections 392.248 and 392.470.1, RSMo 2000. Original rule filed Aug. 7, 2013, effective April 30, 2014. Rescinded: Filed April 12, 2018.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0120. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rescission is scheduled for July 9, 2018, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 31—Universal Service**

**PROPOSED RESCISSION**

**4 CSR 240-31.130 Eligible Telecommunications Carrier Requirements.** This rule established application requirements for any carrier seeking ETC designation and on-going requirements for any carrier designated as an eligible telecommunications carrier.

*PURPOSE:* This rule is being rescinded in its entirety. Requirements previously contained in this rule will be streamlined into a new rule at 4 CSR 240-31.015 and 31.016.

*AUTHORITY:* section 392.200.2, RSMo Supp. 2013, and sections 392.248 and 392.470.1, RSMo 2000. Original rule filed Aug. 7, 2013, effective April 30, 2014. Rescinded: Filed April 12, 2018.

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

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

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0120. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rescission is scheduled for July 9, 2018, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

*SPECIAL NEEDS:* Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 34—Emergency Telephone Service Standards**

**PROPOSED RESCISSION**

**4 CSR 240-34.010 General Provisions.** This rule described in general terms the provisions of this chapter.

*PURPOSE:* This rule is being rescinded in its entirety because it is no longer necessary.

*AUTHORITY:* sections 386.040, RSMo 1994, and 386.250 and 392.200, RSMo Supp. 1998. Original rule filed Feb. 16, 1999, effective Sept. 30, 1999. Rescinded: Filed April 12, 2018.

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

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

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0188. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for July 10, 2018 at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

*SPECIAL NEEDS:* Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 34—Emergency Telephone Service Standards**

**PROPOSED RESCISSION**

**4 CSR 240-34.020 Definitions.** This rule defined various terms used in the rules comprising this chapter.

*PURPOSE:* This rule is being rescinded in its entirety because it is no longer necessary.

*AUTHORITY:* sections 386.040, RSMo 1994 and 386.250 and 392.200, RSMo Supp. 1998. Original rule filed Feb. 16, 1999, effective Sept. 30, 1999. Rescinded: Filed April 12, 2018.

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

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

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0188. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for July 10, 2018 at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional



comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 34—Emergency Telephone Service Standards**

**PROPOSED RESCISSION**

**4 CSR 240-34.030 Requirements for E-911 Service Providers.** This rule prescribed the general requirements to be employed by E-911 service providers.

**PURPOSE:** This rule is being rescinded in its entirety because it is no longer necessary.

**AUTHORITY:** sections 386.040, RSMo 1994 and 386.250 and 392.200, RSMo Supp. 1998. Original rule filed Feb. 16, 1999, effective Sept. 30, 1999. Rescinded: Filed April 12, 2018.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0188. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for July 10, 2018 at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 34—Emergency Telephone Service Standards**

**PROPOSED RESCISSION**

**4 CSR 240-34.040 ETS Subscriber Record Information Requirements of Resellers.** This rule prescribed the procedures to be

employed where the provision of ETS subscriber record information involved the resale of basic local exchange telecommunications service.

**PURPOSE:** This rule is being rescinded in its entirety because it is no longer necessary.

**AUTHORITY:** sections 386.040, RSMo 1994 and 386.250 and 392.200, RSMo Supp. 1998. Original rule filed Feb. 16, 1999, effective Sept. 30, 1999. Rescinded: Filed April 12, 2018.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0188. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for July 10, 2018 at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 34—Emergency Telephone Service Standards**

**PROPOSED RESCISSION**

**4 CSR 240-34.050 Subscriber Record Information and Service Order Standards for Facilities Based Companies.** This rule prescribed the procedures to be employed where subscriber record information and service order standards involve facilities based companies.

**PURPOSE:** This rule is being rescinded in its entirety because it is no longer necessary.

**AUTHORITY:** sections 386.040, RSMo 1994 and 386.250 and 392.200, RSMo Supp. 1998. Original rule filed Feb. 16, 1999, effective Sept. 30, 1999. Rescinded: Filed April 12, 2018.

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

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



**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0188. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for July 10, 2018 at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 34—Emergency Telephone Service Standards**

**PROPOSED RESCISSION**

**4 CSR 240-34.060 Telecommunications Facilities Standards.** This rule set forth the general telecommunications facilities standards for ETS.

**PURPOSE:** This rule is being rescinded in its entirety because it is no longer necessary.

**AUTHORITY:** sections 386.040, RSMo 1994 and 386.250 and 392.200, RSMo Supp. 1998. Original rule filed Feb. 16, 1999, effective Sept. 30, 1999. Rescinded: Filed April 12, 2018.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0188. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for July 10, 2018 at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri

Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 34—Emergency Telephone Service Standards**

**PROPOSED RESCISSION**

**4 CSR 240-34.070 Repair of Telecommunications Facilities.** This rule prescribed the procedures to be employed in the repair of telecommunications facilities providing ETS.

**PURPOSE:** This rule is being rescinded in its entirety because it is no longer necessary.

**AUTHORITY:** sections 386.040, RSMo 1994 and 386.250 and 392.200, RSMo Supp. 1998. Original rule filed Feb. 16, 1999, effective Sept. 30, 1999. Rescinded: Filed April 12, 2018.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0188. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for July 10, 2018 at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 34—Emergency Telephone Service Standards**

**PROPOSED RESCISSION**

**4 CSR 240-34.080 Selective Routing Standards.** This rule set forth the requirements to be employed where telecommunications facilities were engaged in selective routing.

**PURPOSE:** This rule is being rescinded in its entirety because it is no longer necessary.

**AUTHORITY:** sections 386.040, RSMo 1994 and 386.250 and 392.200, RSMo Supp. 1998. Original rule filed Feb. 16, 1999, effective Sept. 30, 1999. Rescinded: Filed April 12, 2018.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0188. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for July 10, 2018 at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

##### **Division 240—Public Service Commission Chapter 34—Emergency Telephone Service Standards**

#### **PROPOSED RESCISSION**

**4 CSR 240-34.090 Database Accuracy Standards.** This rule set forth the database accuracy standards required for all basic local exchange telecommunications companies whether provided facilities based or resold basic local exchange telecommunications service.

**PURPOSE:** This rule is being rescinded in its entirety because it is no longer necessary.

**AUTHORITY:** sections 386.040, RSMo 1994 and 386.250 and 392.200, RSMo Supp. 1998. Original rule filed Feb. 16, 1999, effective Sept. 30, 1999. Rescinded: Filed April 12, 2018.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to

Commission Case No. TX-2018-0188. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for July 10, 2018 at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

##### **Division 240—Public Service Commission Chapter 36—Alternative Dispute Resolution Procedural Rules Governing Filings Made Pursuant to the Telecommunications Act of 1996**

#### **PROPOSED RESCISSION**

**4 CSR 240-36.010 Definitions.** This rule defined terms used in the rules comprising Chapter 36. The terms defined in the Telecommunications Act of 1996 are generally applicable to these rules.

**PURPOSE:** This rule is being rescinded in its entirety because it is no longer necessary.

**AUTHORITY:** section 386.410, RSMo 2000. Original rule filed Dec. 30, 2003, effective Aug. 30, 2004. Rescinded: Filed April 12, 2018.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0188. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for July 10, 2018 at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 36—Alternative Dispute Resolution Procedural  
Rules Governing Filings Made Pursuant to the  
Telecommunications Act of 1996**

**PROPOSED RESCISSION**

**4 CSR 240-36.020 Filing Procedures.** This rule generally provided for the practice and procedure used in filings made under this chapter.

*PURPOSE:* This rule is being rescinded in its entirety because it is no longer necessary.

*AUTHORITY:* section 386.410, RSMo 2000. Original rule filed Dec. 30, 2003, effective Aug. 30, 2004. Rescinded: Filed April 12, 2018.

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

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

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0188. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for July 10, 2018 at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

*SPECIAL NEEDS:* Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 36—Alternative Dispute Resolution Procedural  
Rules Governing Filings Made Pursuant to the  
Telecommunications Act of 1996**

**PROPOSED RESCISSION**

**4 CSR 240-36.030 Mediation.** This rule provided the procedures for requesting and conducting mediations.

*PURPOSE:* This rule is being rescinded in its entirety because it is no longer necessary.

*AUTHORITY:* section 386.410, RSMo 2000. Original rule filed Dec. 30, 2003, effective Aug. 30, 2004. Rescinded: Filed April 12, 2018.

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

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

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0188. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for July 10, 2018 at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

*SPECIAL NEEDS:* Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 36—Alternative Dispute Resolution Procedural  
Rules Governing Filings Made Pursuant to the  
Telecommunications Act of 1996**

**PROPOSED RESCISSION**

**4 CSR 240-36.040 Arbitration.** This rule provided the procedure for requesting and conducting arbitrations.

*PURPOSE:* This rule is being rescinded in its entirety because it is no longer necessary.

*AUTHORITY:* section 386.410, RSMo 2000. Original rule filed Dec. 30, 2003, effective Aug. 30, 2004. Rescinded: Filed April 12, 2018.

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

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

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0188. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for July 10, 2018 at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri.

*Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.*

*SPECIAL NEEDS: Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 36—Alternative Dispute Resolution Procedural  
Rules Governing Filings Made Pursuant to the  
Telecommunications Act of 1996**

**PROPOSED RESCISSION**

**4 CSR 240-36.050 Commission Approval of Agreements Reached by Arbitration.** This rule provided the procedure for commission approval of agreements reached by arbitration.

*PURPOSE: This rule is being rescinded in its entirety because it is no longer necessary.*

*AUTHORITY: section 386.410, RSMo 2000. Original rule filed Dec. 30, 2003, effective Aug. 30, 2004. Rescinded: Filed April 12, 2018.*

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

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

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0188. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for July 10, 2018 at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.*

*SPECIAL NEEDS: Any persons with special needs, as addressed by the Americans with Disabilities Act, should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 37—Number Pooling and Number  
Conservation Efforts**

**PROPOSED RESCISSION**

**4 CSR 240-37.010 General Provisions.** This rule governed the implementation and monitoring of thousands-block and other number conservation efforts pursuant to federal authority.

*PURPOSE: This rule is being rescinded in its entirety.*

*AUTHORITY: sections 386.210.2, RSMo Supp. 2006 and 386.250(2), RSMo 2000. Original rule filed Sept. 26, 2006, effective March 30, 2007. Rescinded: Filed April 12, 2018.*

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

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

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0120. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rescission is scheduled for July 9, 2018, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.*

*SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 37—Number Pooling and Number  
Conservation Efforts**

**PROPOSED RESCISSION**

**4 CSR 240-37.020 Definitions.** This rule defined terms used in the rules comprising Chapter 37.

*PURPOSE: This rule is being rescinded in its entirety.*

*AUTHORITY: sections 386.210.2, RSMo Supp. 2006 and 386.250(2), RSMo 2000. Original rule filed Sept. 26, 2006, effective March 30, 2007. Rescinded: Filed April 12, 2018.*

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

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

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service*

Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0120. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rescission is scheduled for July 9, 2018, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 37—Number Pooling and Number Conservation Efforts**

**PROPOSED RESCISSION**

**4 CSR 240-37.030 Thousands-Block Number Pooling.** This rule outlined time frames and guidelines for implementing thousands-block number pooling throughout Missouri pursuant to federal authority.

**PURPOSE:** This rule is being rescinded in its entirety. Requirements previously contained in this rule will be streamlined into a new rule at 4 CSR 240-28.016.

**AUTHORITY:** sections 386.210.2, RSMo Supp. 2006 and 386.250(2), RSMo 2000. Original rule filed Sept. 26, 2006, effective March 30, 2007. Rescinded: Filed April 12, 2018.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0120. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rescission is scheduled for July 9, 2018, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-

800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 37—Number Pooling and Number Conservation Efforts**

**PROPOSED RESCISSION**

**4 CSR 240-37.040 Requests for Review of the Decisions of the North American Numbering Plan Administrator or the Thousands-Block Pooling Administrator.** The commission has the authority to hear claims that growth numbering resource requirements should not be applied when the North American Numbering Plan Administrator or the Pooling Administrator denies a specific request for numbering resources. This rule was the process by which a carrier requests the commission overturn the decision of the North American Numbering Plan Administrator or the Thousands-Block Pooling Administrator.

**PURPOSE:** This rule is being rescinded in its entirety. Requirements previously contained in this rule will be streamlined into a new rule at 4 CSR 240-28.016.

**AUTHORITY:** sections 386.210.2, RSMo Supp. 2006 and 386.250(2), RSMo 2000. Original rule filed Sept. 26, 2006, effective March 30, 2007. Rescinded: Filed April 12, 2018.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0120. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rescission is scheduled for July 9, 2018, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 37—Number Pooling and Number Conservation Efforts**

**PROPOSED RESCISSION**

**4 CSR 240-37.050 Reclamation.** Consistent with federal guidelines, this rule established guidelines as to when carriers shall return or the

commission shall reclaim unused telephone numbers.

*PURPOSE: This rule is being rescinded in its entirety.*

*AUTHORITY: sections 386.210.2, RSMo Supp. 2006 and 386.250(2), RSMo 2000. Original rule filed Sept. 26, 2006, effective March 30, 2007. Rescinded: Filed April 12, 2018.*

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

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

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0120. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rescission is scheduled for July 9, 2018, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.*

*SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**  
**Division 240—Public Service Commission**  
**Chapter 37—Number Pooling and Number Conservation Efforts**

**PROPOSED RESCISSION**

**4 CSR 240-37.060 Reporting Requirements.** This rule included standards for providing documentation to assist the commission in effectuating its delegated audit authority.

*PURPOSE: This rule is being rescinded in its entirety. Requirements previously contained in this rule will be streamlined into a new rule at 4 CSR 240-28.016.*

*AUTHORITY: sections 386.210.2, RSMo Supp. 2006 and 386.250(2), RSMo 2000. Original rule filed Sept. 26, 2006, effective March 30, 2007. Rescinded: Filed April 12, 2018.*

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

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

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition*

*to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0120. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rescission is scheduled for July 9, 2018, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.*

*SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**  
**Division 240—Public Service Commission**  
**Chapter 120—New Manufactured Homes**

**PROPOSED RESCISSION**

**4 CSR 240-120.070 Manufacturers and Dealers Reports.** This rule provided that manufacturers and dealers shall file reports with the secretary of Housing and Urban Development as may be required under Section 614 of the Act, 42 U.S.C. 5413.

*PURPOSE: This rule is being rescinded in its entirety because section (1) restates a federal requirement and section (2) has been moved to 4 CSR 240-120.065.*

*AUTHORITY: section 700.040, RSMo 2016. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Amended: Filed Oct. 12, 1982, effective Jan. 13, 1983. Amended: Filed July 6, 2017, effective March 30, 2018. Rescinded: Filed April 5, 2018.*

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

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

*NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before June 14, 2018, and should include a reference to Commission Case No. MX-2018-0187. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rescission is scheduled for June 19, 2018, at 9:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.*

*SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 120—New Manufactured Homes**

**PROPOSED RESCISSION**

**4 CSR 240-120.080 Commission Reports.** This rule provided that the manager shall make reports to the secretary of Housing and Urban Development as required by the Housing and Urban Development regulations.

*PURPOSE: This rule is being rescinded in its entirety because it restates a federal requirement.*

*AUTHORITY: section 700.040, RSMo 2016. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 22, 1976, effective Feb. 11, 1977. Amended: Filed July 6, 2017, effective March 30, 2018. Rescinded: Filed April 5, 2018.*

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

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

*NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before June 14, 2018, and should include a reference to Commission Case No. MX-2018-0187. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rescission is scheduled for June 19, 2018, at 9:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.*

*SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 121—Pre-Owned Manufactured Homes**

**PROPOSED RESCISSION**

**4 CSR 240-121.010 Definitions.** This rule defined the terms used in this chapter.

*PURPOSE: This rule is being rescinded in its entirety because it is no longer necessary.*

*AUTHORITY: section 700.040, RSMo Supp. 1989. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Amended: Filed April 26, 2001, effective Dec. 30, 2001. Rescinded: Filed April 5, 2018.*

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

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

*NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before June 14, 2018, and should include a reference to Commission Case No. MX-2018-0187. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rescission is scheduled for June 19, 2018, at 9:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.*

*SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 121—Pre-Owned Manufactured Homes**

**PROPOSED RESCISSION**

**4 CSR 240-121.020 Administration and Enforcement.** This rule delegated the responsibility for administering and enforcing the code, this chapter and Chapter 700, RSMo as it related to preowned mobile homes.

*PURPOSE: This rule is being rescinded in its entirety because it is no longer necessary.*

*AUTHORITY: section 700.040, RSMo 2000. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Amended: Filed April 26, 2001, effective Dec. 30, 2001. Rescinded: Filed April 5, 2018.*

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

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



**NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING:** Anyone may file comments in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before June 14, 2018, and should include a reference to Commission Case No. MX-2018-0187. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rescission is scheduled for June 19, 2018, at 9:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 121—Pre-Owned Manufactured Homes**

**PROPOSED RESCISSION**

**4 CSR 240-121.030 Seals.** This rule described the preowned mobile homes to which seals or approved insignia were affixed and the standards and procedures which related to the issuance of seals and the removal of seals and approved insignia.

**PURPOSE:** This rule is being rescinded in its entirety because it is no longer necessary.

**AUTHORITY:** section 700.040, RSMo Supp. 1989. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Rescinded: Filed April 5, 2018.

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

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

**NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING:** Anyone may file comments in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before June 14, 2018, and should include a reference to Commission Case No. MX-2018-0187. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rescission is scheduled for June 19, 2018, at 9:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs as addressed by

the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 121—Pre-Owned Manufactured Homes**

**PROPOSED RESCISSION**

**4 CSR 240-121.040 Inspection of Dealer Books, Records, Inventory and Premises.** This rule set forth the extent to which dealer books, records, inventory and premises were subject to inspection by the director.

**PURPOSE:** This rule is being rescinded in its entirety because it is no longer necessary.

**AUTHORITY:** section 700.040, RSMo 2000. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Amended: Filed April 26, 2001, effective Dec. 30, 2001. Rescinded: Filed April 5, 2018.

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

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

**NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING:** Anyone may file comments in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before June 14, 2018, and should include a reference to Commission Case No. MX-2018-0187. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rescission is scheduled for June 19, 2018, at 9:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 121—Pre-Owned Manufactured Homes**

**PROPOSED RESCISSION**

**4 CSR 240-121.050 Inspection of Preowned Manufactured Homes Rented, Leased or Sold or Offered for Rent, Lease or Sale by Persons Other Than Dealers.** This rule set forth the extent to which preowned manufactured homes rented, leased, sold or



offered for rent, lease or sale by persons other than dealers were subject to inspection by the director.

*PURPOSE:* This rule is being rescinded in its entirety because it is no longer necessary.

*AUTHORITY:* section 700.040, RSMo Supp. 1989. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Rescinded: Filed April 5, 2018.

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

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

**NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING:** Anyone may file comments in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before June 14, 2018, and should include a reference to Commission Case No. MX-2018-0187. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rescission is scheduled for June 19, 2018, at 9:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

*SPECIAL NEEDS:* Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 121—Pre-Owned Manufactured Homes**

**PROPOSED RESCISSION**

**4 CSR 240-121.060 Complaints and Review of Director Action.** This rule provided for the manner in which complaints were filed and the procedure by which commission review of the decisions, directives and interpretations of the director were obtained.

*PURPOSE:* This rule is being rescinded in its entirety because it is no longer necessary.

*AUTHORITY:* section 700.040, RSMo Supp. 1989. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Rescinded: Filed April 5, 2018.

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

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

**NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING:** Anyone may file comments in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before June 14, 2018, and should include a reference to Commission Case No. MX-2018-0187. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rescission is scheduled for June 19, 2018, at 9:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

*SPECIAL NEEDS:* Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 121—Pre-Owned Manufactured Homes**

**PROPOSED RESCISSION**

**4 CSR 240-121.170 Criteria for Good Moral Character for Registration of Manufactured Home Dealers.** The Missouri Public Service Commission was charged with the responsibility of determining that applicants for registration as manufactured home dealers are of good moral character. This rule established the criteria for evaluating applicants for dealer registration as to their good moral character.

*PURPOSE:* This rule is being rescinded in its entirety because it is no longer necessary.

*AUTHORITY:* section 700.455, RSMo Supp. 1987. Original rule filed Nov. 8, 1985, effective Feb. 24, 1986. Rescinded: Filed April 5, 2018.

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

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

**NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING:** Anyone may file comments in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before June 14, 2018, and should include a reference to Commission Case No. MX-2018-0187. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rescission is scheduled for June 19, 2018, at 9:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.

questions.

*SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 121—Pre-Owned Manufactured Homes**

**PROPOSED RESCISSION**

**4 CSR 240-121.180 Monthly Report Requirement for Registered Manufactured Home Dealers.** This rule outlined the information that registered manufactured home dealers filed with the Missouri Public Service Commission and the form and manner of this filing.

*PURPOSE: This rule is being rescinded in its entirety because it is no longer necessary.*

*AUTHORITY: section 700.460, RSMo 1994. Emergency rule filed Nov. 8, 1985, effective Nov. 18, 1985, expired March 18, 1986. Original rule filed Nov. 8, 1985, effective Feb. 24, 1986. Amended: Filed Sept. 5, 2000, effective April 30, 2001. Rescinded: Filed April 5, 2018.*

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

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

*NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before June 14, 2018, and should include a reference to Commission Case No. MX-2018-0187. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rescission is scheduled for June 19, 2018, at 9:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.*

*SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 124—Manufactured Home Tie-Down Systems**

**PROPOSED RESCISSION**

**4 CSR 240-124.045 Anchoring Standards.** This rule applied to the anchoring of any manufactured home purchased or relocated on or after the effective date of this rule. This rule was not be applicable to any manufactured home which have previously been anchored at its existing location and which have not been relocated subsequent to the effective date of this rule.

*PURPOSE: This rule is being rescinded in its entirety because it is duplicative of existing rules.*

*AUTHORITY: section 700.076, RSMo 2000. Original rule filed June 12, 2001, effective Jan. 30, 2002. Rescinded: Filed April 5, 2018.*

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

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

*NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before June 14, 2018, and should include a reference to Commission Case No. MX-2018-0187. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rescission is scheduled for June 19, 2018, at 9:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions.*

*SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

**Title 7—MISSOURI DEPARTMENT OF  
TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 20—Financial Assistance**

**PROPOSED AMENDMENT**

**7 CSR 10-20.010 State Transportation Assistance Revolving Fund.** The Missouri Highways and Transportation Commission is amending sections (4) and (6), and subsections (2)(A) through (2)(C), (4)(A) through (4)(E), (5)(A), and (5)(B); and adding new subsections (5)(C) through (5)(F).

*PURPOSE: This proposed amendment removes unnecessary restrictive wording and clarifies the department and commission review and approval process.*

(2) Eligibility.

(A) Applicability. This rule applies to any political subdivision of Missouri or to any public or private not-for-profit organization or entity involved in transportation projects serving a public purpose other than highways as described in subsection [(1)](2)(B) of this rule.

(B) Projects. The funds in the State Transportation Assistance Revolving (STAR) Fund are to be allocated for the following:

1. Facilities for transportation by air, water, rail, or mass transit;
2. Vehicles for the transportation of elderly or handicapped persons; or
3. Rolling stock for transit purposes.

(C) Costs.

1. Eligible costs. Applicants can request monetary assistance in the planning, acquisition, development, and construction of the projects described in subsection [(1)](2)(B) of this rule.
2. Ineligible costs. No funds provided by this section shall be used for the payment of the operating expenses of such transportation facilities or for the construction or maintenance of state highways.

(4) Application [Requirements] for Financial Assistance.

(A) An applicant [shall] submits its completed application/s] on a form/s] provided by the commission, [including] which includes the [required] application fee, to the department's Financial Services Director. The application, dated March 1, 2018, is incorporated herein by reference and made a part of this rule as published by the department, PO Box 270, Jefferson City, MO 65102. This rule does not incorporate any subsequent amendments or additions to the application. A copy of the [A/application/s] can be acquired from the Missouri Department of Transportation, P[.]/O[.] Box 270, Jefferson City, MO 65102 or online at <http://www.modot.org/partnershipdevelopment/application.htm>.

[(B) Selection of projects for financial assistance requires both a pre-application and a final application.

1. The pre-application will serve as a working document that permits department staff and the applicant to review and negotiate project scope and details prior to submission of a final application.]

[(B)] The [final] application will [request] provide precise project details and funding information that will be incorporated into the loan agreement.

[(C) Pre-Application Cycle.

1. Pre-applications can be submitted at any time, but must be initiated on a schedule that will permit the review process to be completed and a formal application submitted by the application closing date appropriate for the project time line.

2. There is no fee for submission of a pre-application.

3. Acceptance, rejection, positive or negative comments on a pre-application do not constitute formal rejection or approval of a final application by the commission.

[(D) Final Application Cycle. Final applications shall be provided by the deadline established by the department to be eligible for evaluation and funding during the period to which the deadline applies.]

[(E)](C) Unfunded Applications.

1. Refunds of application fees. Application fees charged on applications that are not approved for funding will be retained by the commission. There are no refunds of application fees.

2. Resubmittal of unfunded applications.

A. Applicants may resubmit an application or a revised application [during any subsequent application cycle].

B. There will be no fee for resubmission of an unrevised application.

C. Adjustments for inflation in project costs/financing is not considered a revision.

(5) Application Review and Evaluation.

(A) The department [shall] evaluates each proposal that [is determined to be eligible and complete, using a department-established evaluation method. The department shall submit the applications in rank order to the Missouri Highways and

Transportation Commission, up to the amount of funds available to finance applications] requests a loan from the STAR Fund to determine eligibility and completeness under section 226.191, RSMo and this rule.

(B) The evaluation criteria [shall] includes the following criteria:

1. Public benefit;
2. Transportation need;
3. Economic benefit;
4. Financial feasibility;
5. Noncommission financial contribution; and
6. Timeliness of repayment.

(C) If the application is complete and the department determines the project is eligible for a loan, the department then evaluates and determines whether the applicant sponsoring the project has the ability to repay a loan issued under this rule.

(D) If more than one (1) project has been submitted, the department then ranks the applications in order of each application's evaluation score.

(E) The department then presents the application, or applications, to the department's cost share committee. The cost share committee reviews and then either approves, denies, or requests additional information for each STAR loan application.

(F) If the cost share committee approves the loan, the loan is then presented to the commission for final approval or disapproval to issue the loan. If there is more than one (1) application, the applications to be submitted to the commission will not exceed the amount of funds available to finance the applications.

(6) Loan Awards. All applicants will be notified of the outcome of the review process. Funded applications [shall] receive a letter of loan commitment, followed by a loan agreement upon loan closing. [The loan agreement must be approved by the commission.] The loan conditions and repayment terms are dependent on the credit worthiness of the applicant and will be set out in the loan agreement.

*AUTHORITY: section 226.191, RSMo [(Cum. Supp. 1996)] 2016. Emergency rule filed July 14, 1997, effective July 24, 1997, expired Feb. 26, 1998. Original rule filed July 14, 1997, effective Jan. 30, 1998. Amended: Filed April 6, 2018.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pamela J. Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102 or Pamela.Harlan@modot.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 10—Air Conservation Commission  
Chapter 2—Air Quality Standards and Air Pollution  
Control Rules Specific to the Kansas City Metropolitan  
Area**

**PROPOSED RESCISSION**

**10 CSR 10-2.215 Control of Emissions From Solvent Cleanup Operations.** This rule reduced volatile organic compound (VOC) emissions from solvent cleanup operations. If the commission adopts

this rule action, the Department intends to submit this rule rescission to the U.S. Environmental Protection Agency for removal from the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Proposed Rules website [www.dnr.mo.gov/proposed-rules](http://www.dnr.mo.gov/proposed-rules).

**PURPOSE:** *This rule will reduce volatile organic compound (VOC) emissions from solvent cleanup operations. This rule is proposed for rescission because there are no subject sources making the rule obsolete. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is Executive Order 17-03 Red Tape Reduction Review.*

**AUTHORITY:** *section 643.050, RSMo Supp. 1999. Original rule filed Aug. 30, 2000, effective May 30, 2001. Rescinded: Filed April 10, 2018.*

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *A public hearing on this proposed rescission will begin at 9:00 a.m., July 26, 2018. The public hearing will be held at the St. Louis Regional Office, 7545 South Lindbergh, Suite 220, DESE Conference Room, St. Louis, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a statement of their views until 5:00 p.m., August 2, 2018. Send online comments via the proposed rules web page [www.dnr.mo.gov/proposed-rules](http://www.dnr.mo.gov/proposed-rules), email comments to [apcprulespn@dnr.mo.gov](mailto:apcprulespn@dnr.mo.gov), or written comments to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.*

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 10—Air Conservation Commission**  
**Chapter 2—Air Quality Standards and Air Pollution**  
**Control Rules Specific to the Kansas City Metropolitan**  
**Area**

**PROPOSED AMENDMENT**

**10 CSR 10-2.320 Control of Emissions From Production of Pesticides and Herbicides.** The commission proposes to amend subsections (1)(A), (1)(B), renumber and amend sections (3)–(6), delete section (7) and add new section (5). If the commission adopts this rule action, the department intends to submit this rule amendment to the U.S. Environmental Protection Agency to replace the current rule that is in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Proposed Rules website [www.dnr.mo.gov/proposed-rules](http://www.dnr.mo.gov/proposed-rules).

**PURPOSE:** *This regulation restricts emissions of volatile organic compounds from the production of pesticides and herbicides. This*

*amendment removes the unnecessary use of restrictive words, deletes unnecessary compliance dates, and reorganizes the rule into the standard rule organization format. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is Executive Order 17-03 Red Tape Reduction Review.*

(1) Applicability.

(A) This regulation *[shall apply]* **applies** throughout Clay, Jackson, and Platte Counties.

(B) This regulation *[shall apply]* **applies** to any pesticide or herbicide manufacturing installation with an uncontrolled potential to emit equal to or greater than two hundred fifty kilograms per day (250 kg/day) or one hundred (100) tons per year of volatile organic compounds (VOC). This regulation also *[shall apply]* **applies** to any installation which does not have an allowable VOC emission limit established under 10 CSR 10-6.060 or legally enforceable state implementation plan revision and which has uncontrolled potential emissions greater than or equal to two hundred fifty kilograms per day (250 kg/day) or one hundred (100) tons per year of VOC. The uncontrolled potential to emit is the potential emissions (as defined) plus the emissions removed by control devices.

(3) General Provisions. All source operations in installations affected by this regulation that are venting emissions to VOC emission control devices as of November 23, 1987 shall be required to continue venting emissions to these control devices and these emissions shall be controlled to the extent required in section (4) of this regulation.

*[(4)](A)* Emission Limitations. Any pesticide or herbicide manufacturing installation VOC emissions control devices subject to this regulation must achieve an instantaneous VOC destruction or removal efficiency greater than or equal to ninety-nine percent (99%).

**(B) Compliance Method.**

**1. For any control technology employed to comply with this regulation, VOC compliance is to be determined by test method 25 as specified in 10 CSR 10-6.030(22).**

**2. For thermal oxidizers, compliance is to be determined by the combustion chamber temperature and residence time after adequate test results, as determined by the director, are provided by the owners or operators. These test results are subject to periodic confirmation at the discretion of the director. Combustion chamber gas temperature is to be monitored with an accuracy of the greater of  $\pm 0.75\%$  of the temperature being measured expressed in degrees Celsius or 2.5 degrees Celsius.**

*[(5)](4)* Reporting and Record/keeping.

(A) Owners or operators utilizing thermal oxidizers as control technology must maintain adequate records of the combustion chamber temperature and residence time to determine the VOC control compliance. Also, the owners or operators must maintain records of routine or unscheduled maintenance and repairs of the thermal oxidizers. The director may require any other records of operating parameters as may be necessary to determine compliance.

(B) Owners or operators using other control technology shall maintain records of all operating parameters and routine or unscheduled maintenance and repairs of air pollution control equipment as may be required by the director to determine compliance.

(C) Records of all information required in subsections (4)(A) and (B) shall be kept for a period of not less than two (2) years and all these records shall be made available to the director upon his/her request.

*[(6) Compliance Method.*

*(A) For any control technology employed to comply with this regulation, compliance shall be determined by the test methods referenced in 10 CSR 10-6.030(14)(A) for VOC.*

*(B) For thermal oxidizers, compliance shall be determined by the combustion chamber temperature and residence time*

after adequate test results, as determined by the director, are provided by the owners or operators. These test results shall be subject to periodic confirmation at the discretion of the director. Combustion chamber gas temperature shall be monitored with an accuracy of the greater of  $\pm 0.75\%$  of the temperature being measured expressed in degrees Celsius or 2.5 degrees Celsius.

(7) **Compliance Date.** Compliance with this regulation by any installation subject to this regulation shall occur no later than November 23, 1987.]

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

**AUTHORITY:** section 643.050, RSMo [1986] 2016. Original rule filed July 1, 1987, effective Nov. 23, 1987. Amended: Filed April 13, 2018.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing on this proposed amendment will begin at 9:00 a.m., July 26, 2018. The public hearing will be held at the St. Louis Regional Office, 7545 South Lindbergh, Suite 220, DESE Conference Room, St. Louis, Missouri. Opportunity to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a statement of their views until 5:00 p.m., August 2, 2018. Send online comments via the proposed rules web page [www.dnr.mo.gov/proposed-rules](http://www.dnr.mo.gov/proposed-rules), email comments to [apcprulespn@dnr.mo.gov](mailto:apcprulespn@dnr.mo.gov), or written comments to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 10—Air Conservation Commission  
Chapter 2—Air Quality Standards and Air Pollution  
Control Rules Specific to the Kansas City Metropolitan  
Area**

**PROPOSED AMENDMENT**

**10 CSR 10-2.340 Control of Emissions From Lithographic and Letterpress Printing [Installations] Operations.** The commission proposes to amend the rule title of this rule, amend the purpose, and amend subsections (1)(A)–(1)(C), (2)(A)–(2)(H), (3)(B) and (3)(D), (4)(A) and (5)(A). If the commission adopts this rule action, the department intends to submit this rule amendment to the U.S. Environmental Protection Agency to replace the current rule that is in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Proposed Rules website [www.dnr.mo.gov/proposed-rules](http://www.dnr.mo.gov/proposed-rules).

**PURPOSE:** The purpose of this proposed rulemaking is to remove the unnecessary use of restrictive words, update incorporation by reference information, add definitions specific to this rule, and make administrative updates. It also replaces the word installations with operations in the title for consistency with its St. Louis area counter-

part rule. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is 536.175 RSMo; and Executive Order 17-03 Red Tape Reduction Review and related comments.

**PURPOSE:** This regulation restricts volatile organic compound emissions from lithographic printing [facilities] operations.

(1) **Applicability.**

(A) This regulation [shall apply] **applies** throughout Clay, Jackson, and Platte Counties.

(B) This regulation shall apply to installations that have calculated actual volatile organic compound (VOC) emissions for a known number of crewed hours, increased by the amount by weight of VOCs whose emission into the atmosphere is prevented by the use of air pollution control devices and extrapolated to eight thousand seven hundred sixty (8,760) hours per year equal to or greater than one hundred (100) tons per year from offset lithographic printing presses after December 9, 1991. The following factors shall be taken into consideration unless an alternative method is approved by the director:

1. [The installation shall a]Assume fifty percent (50%) of the solvent used for cleanup is retained in the rag(s) when the used solvent-laden rag(s) are cleaned or disposed of. The installation must demonstrate to the director that the solvents are not evaporated into the air when the waste rags are properly cleaned and disposed of;

2. [The installation shall a]Assume forty percent (40%) of the heatset ink oils stay in the paper web;

3. [The installation shall a]Assume no VOCs are emitted from the inks used in sheet-fed presses and nonheatset web presses; and

4. [The installation may a]Assume that fifty percent (50%) of the alcohol from the fountain solution is emitted from the dryer.

(C) This regulation [shall] **does not** apply to—

1. Printing on fabric, metal, or plastic;

2. Sheet-fed lithographic presses with cylinder widths of twenty-six inches (26") or less; or

3. Web lithographic presses with cylinder widths of eighteen inches (18") or less.

(2) **Definitions.**

(A) **Alcohol**—Refers to isopropanol [or], isopropyl alcohol, normal propyl alcohol, or ethanol;

(B) **Coating**—[In the graphic arts industry, a layer of material that dries or cures by evaporation and is applied to a substrate over ink in a relatively unbroken film;] **A protective, decorative, or functional material applied in a thin layer to a surface. Such materials include, but are not limited to, paints, topcoats, varnishes, sealers, stains, washcoats, basecoats, inks, and temporary protective coatings;**

(C) **Fountain solution**—The solution which is applied to the image plate to maintain the hydrophilic properties of the nonimage areas. It is primarily water containing an etchant, gum arabic, and a dampening aid (**commonly containing alcohol and alcohol substitutes**);

(D) **Heatset**—A class of web-offset [lithography which requires a heated dryer to evaporate the ink oils and solvents from the printing inks;] **lithographic and letterpress printing in which the setting of the printing inks requires a heated dryer to evaporate the ink oils. The setting or curing of inks using only radiation (e.g., infrared, ultraviolet light, or electron beam) is not heatset and is classified as nonheatset;**

(E) **Lithographic printing**—[A printing process where a planographic plate is used with the image area oleophilic and the nonimage area hydrophilic;] **A planographic printing process where the image and nonimage areas are chemically differentiated; the image area is oil receptive and the nonimage area is water receptive. This method differs from other printing methods, where the image is typically printed from a raised or recessed surface. Offset lithographic printing is the only common type of**

**lithographic printing used for commercial printing;**

(F) *[Offset—The process that transfers an image from a plate to a rubber blanket cylinder before transfer to the substrate surface to be printed;]* **Offset lithographic printing—A printing process that transfers the ink film from the lithographic plate to an intermediary surface (rubber-covered blanket cylinder), which, in turn, transfers the ink film to the substrate;**

(G) *Sheet-fed—[Printing presses that are fed from a stack of paper sheets instead of a web. Sheet-fed presses generally use coldset inks]* **A printing press where individual sheets of substrate are fed into the press sequentially; and**

(H) *Web—[The substrate printed in a continuous roll-fed printing process]* **A printing process where a continuous roll of substrate is fed into the press.**

**(3) General Provisions.**

(B) No owner or operator shall use or permit the use of any offset lithographic printing press that uses cleanup solvents containing VOCs unless—

1. The cleanup solvents are kept in tightly covered tanks or containers during transport and storage;

2. The cleaning cloths used with the cleanup solvents are placed in tightly closed containers when not in use and while awaiting off-site transportation. The cleaning cloths should be properly cleaned and disposed of. *The cloths, when properly cleaned or disposed of, are processed in a way that as much of the solvent, as practicable, is recovered for further use or destroyed. Cleaning and disposal methods shall be approved by the director;* and

3. An owner or operator may use an alternate method for reducing cleanup solvent VOC emissions, including the use of low VOC cleanup solvents, if the owner or operator shows the emission reduction is equal to or greater than those in paragraphs (3)(B)1. and 2. This alternate method *[must be]* approved by the director.

(D) Use of emission control equipment *[shall]* requires that continuous monitors be installed, calibrated, operated and maintained. The monitors continuously shall measure—

1. The exhaust gas temperature of all VOC destruction devices and the gas temperature immediately upstream and downstream of any catalytic bed with an accuracy of plus or minus 0.75% measured in degrees Celsius, or 2.5 degrees Celsius;

2. The cumulative amount of VOC recovered during a calendar month for all VOC recovery equipment attached to a dryer with an accuracy of plus or minus two percent ( $\pm 2\%$ ); and

3. Any other parameters considered necessary by the director to verify proper operation of emission control equipment.

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

(A) All persons subject to this regulation shall maintain records *[as required by this section sufficient to determine continuous compliance with this regulation. These records shall be kept for at least two (2) years. These records shall be available immediately upon request for review by Department of Natural Resources personnel and other air pollution control agencies with proper authority.]* **that are—**

**1. Sufficient to determine continuous compliance with this regulation;**

**2. Retained for at least two (2) years; and**

**3. Made available immediately upon request for review by Department of Natural Resources personnel and other air pollution control agencies with proper authority.**

**(5) Test Methods.**

(A) Testing and compliance demonstrations for subsection (3)(C) of this rule shall follow the procedures contained in *[Environmental Protection Agency Reference]* **40 CFR Part 60, Appendix A, Methods 25 or 25A [found in 40 CFR Part 60, Appendix A] as specified in 10 CSR 10-6.030(22).**

*AUTHORITY: section 643.050, RSMo [2000] 2016. Original rule filed June 4, 1991, effective Dec. 9, 1991. Amended: Filed Jan. 13, 2003, effective Aug. 30, 2003. Amended: Filed April 13, 2018.*

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *A public hearing on this proposed amendment will begin at 9:00 a.m., July 26, 2018. The public hearing will be held at the St. Louis Regional Office, 7545 South Lindbergh, Suite 220, DESE Conference Room, St. Louis, Missouri. Opportunity to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a statement of their views until 5:00 p.m., August 2, 2018. Send online comments via the proposed rules web page [www.dnr.mo.gov/proposed-rules](http://www.dnr.mo.gov/proposed-rules), email comments to [apcprulespn@dnr.mo.gov](mailto:apcprulespn@dnr.mo.gov), or written comments to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.*

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 10—Air Conservation Commission  
Chapter 2—Air Quality Standards and Air Pollution  
Control Rules Specific to the Kansas City Metropolitan  
Area**

**PROPOSED RESCISSION**

**10 CSR 10-2.390 Kansas City Area Transportation Conformity Requirements.** This rule set forth policy, criteria, and procedures for demonstrating and assuring compliance with federal conformity requirements for the Kansas City maintenance area for the 1997 one (1)-hour ozone standard. If the commission adopts this rule action, the department intends to submit this rule rescission to the U.S. Environmental Protection Agency for removal from the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Proposed Rules website [www.dnr.mo.gov/proposed-rules](http://www.dnr.mo.gov/proposed-rules).

*PURPOSE: This rule sets forth policy, criteria, and procedures for demonstrating and assuring conformity, of transportation plans, programs, and projects which are developed, funded, or approved by the United States Department of Transportation (DOT), and by metropolitan planning organizations (MPOs) or other recipients of funds under Title 23 U.S.C. or 49 U.S.C. Chapter 53, to the applicable implementation plan, developed pursuant to section 110 and Part D of the CAA. This rule is unnecessary because the one (1)-hour ozone standard, which applied to the Kansas City metropolitan area, was revoked. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is Executive Order 17-03, a federal register notice (71 FR 36210) dated June 26, 2006, and the public hearing testimony for this rulemaking.*

*AUTHORITY: section 643.050, RSMo 2000. Original rule filed Oct. 4, 1994, effective May 28, 1995. For intervening history, please consult the Code of State Regulations. Rescinded: Filed April 10, 2018.*

*PUBLIC COST: This proposed rescission will not cost state agencies*

or political subdivisions more than five hundred dollars (\$500) in the aggregate.

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing on this proposed rescission will begin at 9:00 a.m., July 26, 2018. The public hearing will be held at the St. Louis Regional Office, 7545 South Lindbergh, Suite 220, DESE Conference Room, St. Louis, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a statement of their views until 5:00 p.m., August 2, 2018. Send online comments via the proposed rules web page [www.dnr.mo.gov/proposed-rules](http://www.dnr.mo.gov/proposed-rules), email comments to [apcprulespn@dnr.mo.gov](mailto:apcprulespn@dnr.mo.gov), or written comments to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.

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**PROPOSED RESCISSION**

**10 CSR 10-5.360 Control of Emissions From Polyethylene Bag Sealing Operations.** This rule reduced volatile organic compound emissions from polyethylene bag sealing operations in the St. Louis metropolitan area. If the commission adopts this rule action, the department intends to submit this rule rescission to the U.S. Environmental Protection Agency for removal from the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Proposed Rules website [www.dnr.mo.gov/proposed-rules](http://www.dnr.mo.gov/proposed-rules).

*PURPOSE:* This rule reduces volatile organic compound emissions in the St. Louis metropolitan area as part of the Missouri State Implementation Plan for Ozone. This rule is proposed for rescission because the two (2) sources originally subject to the rule are no longer in business. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is the periodic rule requirement, 536.175, RSMo, and Executive Order 17-03 Red Tape Reduction Review.

*AUTHORITY:* section 643.050, RSMo 1994. Original rule filed June 14, 1982, effective Nov. 11, 1982. Amended: Filed Oct. 4, 1988, effective March 11, 1989. Rescinded: Filed April 13, 2018.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing on this proposed rescission will begin at 9:00 a.m., July 26, 2018. The public hearing will be held at the St. Louis Regional Office, 7545 South Lindbergh, Suite 220, DESE Conference Room, St. Louis, Missouri. Opportunity to be heard at

the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a statement of their views until 5:00 p.m., August 2, 2018. Send online comments via the proposed rules web page [www.dnr.mo.gov/proposed-rules](http://www.dnr.mo.gov/proposed-rules), email comments to [apcprulespn@dnr.mo.gov](mailto:apcprulespn@dnr.mo.gov), or written comments to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.

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**PROPOSED RESCISSION**

**10 CSR 10-5.370 Control of Emissions From the Application of Deadeners and Adhesives.** This rule restricted emissions of volatile organic compounds emissions from the application of deadeners and adhesives. If the commission adopts this rule action, the department intends to submit this rule rescission to the U.S. Environmental Protection Agency for removal from the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Proposed Rules website [www.dnr.mo.gov/proposed-rules](http://www.dnr.mo.gov/proposed-rules).

*PURPOSE:* This rule restricts emissions of volatile organic compounds emissions from the application of deadeners and adhesives. This rule is proposed for rescission because there are no subject sources making the rule obsolete. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is the periodic review requirement, 536.175, RSMo, and Executive Order 17-03 Red Tape Reduction Review.

*AUTHORITY:* section 643.050, RSMo 1994. Original rule filed Aug. 15, 1983, effective Jan. 13, 1984. Amended: Filed June 4, 1985, effective Oct. 26, 1985. Amended: Filed Oct. 4, 1988, effective March 11, 1989. Rescinded: Filed April 10, 2018.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing on this proposed rescission will begin at 9:00 a.m., July 26, 2018. The public hearing will be held at the St. Louis Regional Office, 7545 South Lindbergh, Suite 220, DESE Conference Room, St. Louis, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a statement of their views until 5:00 p.m., August 2, 2018. Send online comments via the proposed rules web page [www.dnr.mo.gov/proposed-rules](http://www.dnr.mo.gov/proposed-rules), email comments to [apcprulespn@dnr.mo.gov](mailto:apcprulespn@dnr.mo.gov), or written comments to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.



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**PROPOSED RESCISSION**

**10 CSR 10-5.410 Control of Emissions From Manufacture of Polystyrene Resin.** This rule restricted emissions of volatile organic compounds from the manufacture of polystyrene resin. If the commission adopts this rule action, the department intends to submit this rule rescission to the U.S. Environmental Protection Agency for removal from the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Proposed Rules website [www.dnr.mo.gov/proposed-rules](http://www.dnr.mo.gov/proposed-rules).

*PURPOSE:* This rule restricts emissions of volatile organic compounds from the manufacture of polystyrene resin. This rule is proposed for rescission because there are no subject sources making the rule obsolete. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is the periodic review requirement, 536.175, RSMo, and Executive Order 17-03 Red Tape Reduction Review.

*AUTHORITY:* section 643.050, RSMo 1994. Original rule filed Dec. 11, 1984, effective May 11, 1985. Amended: Filed June 5, 1986, effective Sept. 26, 1986. Amended: Filed Oct. 4, 1988, effective March 11, 1989. Rescinded: Filed April 10, 2018.

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

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

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:* A public hearing on this proposed rescission will begin at 9:00 a.m., July 26, 2018. The public hearing will be held at the St. Louis Regional Office, 7545 South Lindbergh, Suite 220, DESE Conference Room, St. Louis, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a statement of their views until 5:00 p.m., August 2, 2018. Send online comments via the proposed rules web page [www.dnr.mo.gov/proposed-rules](http://www.dnr.mo.gov/proposed-rules), email comments to [apcprulespn@dnr.mo.gov](mailto:apcprulespn@dnr.mo.gov), or written comments to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.

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**PROPOSED RESCISSION**

**10 CSR 10-5.440 Control of Emissions From Bakery Ovens.** This rule restricted the emission of volatile organic compounds from bakery ovens at large commercial bakeries. If the commission adopts

this rule action, the department intends to submit this rule rescission to the U.S. Environmental Protection Agency for removal from the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Proposed Rules website [www.dnr.mo.gov/proposed-rules](http://www.dnr.mo.gov/proposed-rules).

*PURPOSE:* This rule restricts the emission of volatile organic compounds from bakery ovens at large commercial bakeries. This rule is proposed for rescission because there are no subject sources making the rule obsolete. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is the periodic review requirement, 536.175, RSMo, and Executive Order 17-03 Red Tape Reduction Review.

*AUTHORITY:* section 643.050, RSMo Supp. 1995. Original rule filed Oct. 7, 1994, effective May 28, 1995. Amended: Filed May 15, 1996, effective Dec. 30, 1996. Rescinded: Filed April 10, 2018.

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

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

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:* A public hearing on this proposed rescission will begin at 9:00 a.m., July 26, 2018. The public hearing will be held at the St. Louis Regional Office, 7545 South Lindbergh, Suite 220, DESE Conference Room, St. Louis, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a statement of their views until 5:00 p.m., August 2, 2018. Send online comments via the proposed rules web page [www.dnr.mo.gov/proposed-rules](http://www.dnr.mo.gov/proposed-rules), email comments to [apcprulespn@dnr.mo.gov](mailto:apcprulespn@dnr.mo.gov), or written comments to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.

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**PROPOSED RESCISSION**

**10 CSR 10-5.455 Control of Emissions From Industrial Solvent Cleaning Operations.** This rule reduced volatile organic compounds emissions from industrial cleaning operations that use organic solvents. If the commission adopts this rule action, the department intends to submit this rule rescission to the U.S. Environmental Protection Agency for removal from the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Proposed Rules website [www.dnr.mo.gov/proposed-rules](http://www.dnr.mo.gov/proposed-rules).

*PURPOSE:* This rule will reduce the volatile organic compounds emissions from industrial cleaning operations that use organic solvents. This rule is proposed for rescission because there are no subject



sources making the rule obsolete. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is Executive Order 17-03 Red Tape Reduction Review.

**AUTHORITY:** section 643.050, RSMo Supp. 2011. Original rule filed Oct. 7, 1994, effective May 28, 1995. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed April 10, 2018.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing on this proposed rescission will begin at 9:00 a.m., July 26, 2018. The public hearing will be held at the St. Louis Regional Office, 7545 South Lindbergh, Suite 220, DESE Conference Room, St. Louis, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a statement of their views until 5:00 p.m., August 2, 2018. Send online comments via the proposed rules web page [www.dnr.mo.gov/proposed-rules](http://www.dnr.mo.gov/proposed-rules), email comments to [apcprulespn@dnr.mo.gov](mailto:apcprulespn@dnr.mo.gov), or written comments to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.

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**PROPOSED RESCISSION**

**10 CSR 10-5.520 Control of Volatile Organic Compound Emissions From Existing Major Sources.** This rulemaking will rescind an unnecessary regulation. This rule provided the requirements to help bring the St. Louis ozone nonattainment area into compliance by reducing volatile organic compounds (VOCs) from sources that were not affected by other rulemakings. If the commission adopts this rule action, the department intends to submit this rule rescission to the U.S. Environmental Protection Agency for removal from the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Proposed Rules website [www.dnr.mo.gov/proposed-rules](http://www.dnr.mo.gov/proposed-rules).

**PURPOSE:** This rule was created to help bring the St. Louis ozone nonattainment area into compliance by reducing volatile organic compounds (VOCs) from sources that were not affected by other rulemakings. This proposed rulemaking will rescind an unnecessary regulation because no sources are subject to this rule. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is 536.175 RSMo; and Executive Order 17-03 Red Tape Reduction Review and related comments.

**AUTHORITY:** section 643.050, RSMo 2000. Original rule filed July 15, 1999, effective Feb. 29, 2000. Rescinded: Filed April 10, 2018.

**PUBLIC COST:** This proposed rescission will not cost state agencies

or political subdivisions more than five hundred dollars (\$500) in the aggregate.

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing on this proposed rescission will begin at 9:00 a.m., July 26, 2018. The public hearing will be held at the St. Louis Regional Office, 7545 South Lindbergh, Suite 220, DESE Conference Room, St. Louis, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a statement of their views until 5:00 p.m., August 2, 2018. Send online comments via the proposed rules web page [www.dnr.mo.gov/proposed-rules](http://www.dnr.mo.gov/proposed-rules), email comments to [apcprulespn@dnr.mo.gov](mailto:apcprulespn@dnr.mo.gov), or written comments to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.

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**PROPOSED AMENDMENT**

**10 CSR 10-5.570 Control of Sulfur Emissions From Stationary Boilers.** The commission proposes to amend the purpose, section (1), subsection (1)(C), section (2), subsections (3)(B) and (3)(D), (4)(A), (4)(B), and (5)(D). If the commission adopts this rule action, the department intends to submit this rule amendment to the U.S. Environmental Protection Agency to replace the current rule that is in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Proposed Rules website [www.dnr.mo.gov/proposed-rules](http://www.dnr.mo.gov/proposed-rules).

**PURPOSE:** This rule limits sulfur dioxide (SO<sub>2</sub>) emissions from industrial boilers in the St. Louis Nonattainment Area. By reducing SO<sub>2</sub> emissions released into the atmosphere, emissions of fine particles (PM<sub>2.5</sub>) will be reduced. The purpose of this proposed rulemaking is to remove the unnecessary use of restrictive words, update incorporation by reference information, add definitions specific to this rule, and make administrative updates. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is Executive Order 17-03 Red Tape Reduction Review and related comments.

**PURPOSE:** This rule limits sulfur dioxide (SO<sub>2</sub>) emissions from industrial boilers in the St. Louis Nonattainment Area. By reducing SO<sub>2</sub> emissions released into the atmosphere, emissions of fine particles (PM<sub>2.5</sub>) will be reduced. This rule is intended to curb emission in the St. Louis Nonattainment Area in compliance with the federal Clean Air Fine Particle Implementation Rule to reduce the risk of PM<sub>2.5</sub> violations, which may prompt redesignation and/or sanctions from the U.S. Environmental Protection Agency. [The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is the federally approved 2007 Clean Air Fine Particle Implementation Rule.]

(1) Applicability. This rule [shall apply] applies to all applicable installations located in the counties of Franklin, Jefferson, St.

Charles, St. Louis, and the City of St. Louis.

(C) The types of boilers and process heaters listed in paragraphs (1)(C)1. through 5. of this rule are not subject to this rule.

1. Any unit subject to and in compliance with the Phase II Acid Rain program (40 CFR 96 subpart AAA).

2. A boiler or process heater that is used specifically for research and development. This does not include units that only provide heat or steam commercially to a process at a research and development installation.

3. Temporary boilers as defined in section (2) of this rule.

4. Any unit under subsection (1)(A) of this rule which demonstrates, using the emission estimation methods outlined in section (5) of this rule, that the unit's mass SO<sub>2</sub> emissions are twenty-five (25) tons or less during the calendar year. To the extent such demonstration relies on pollution control equipment or operational controls, such controls must be enforceable.

5. Boilers that exclusively burn natural gas, liquefied petroleum (LP) gas, and/or fuel oil number two (2) with less than five-tenths percent (0.5%) sulfur, at the option of the installation.

6. Loss of exemption. If the exemption limit in paragraph (1)(C)4. of this rule is *[subsequently]* exceeded, the exemption *[shall]* no longer *[apply]* applies and the owner or operator must notify the staff director or designee within thirty (30) days of such event. If the owner or operator can demonstrate to the staff director or designee that the exemption limit was exceeded due to emergency operations or uncontrolled circumstances, the exemption in paragraph (1)(C)4. of this rule *[shall be]* is reinstated. Emergency events include the use of boilers to produce power for critical networks or equipment when electric power from the local utility or the normal power source, if the installation runs on its own power production, is interrupted, or the use of boilers to pump water in the case of fire or flood, etc. The use of boilers to reduce electricity drawn from a power utility during utility designated peak time periods, to supply power to an electric grid, or to supply power as part of a financial arrangement with another entity is not considered an emergency event.

7. Compliance with this rule *[shall]* does not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the Air Conservation Law or any other requirements under local, state, or federal law. Specifically, compliance with this rule shall not violate the permit conditions previously established under 10 CSR 10-6.060 or 10 CSR 10-6.065.

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

(A) **Boiler**—An enclosed fossil or other fuel-fired combustion device used to produce heat and to transfer heat to recirculating water, steam, or other medium.

(B) **Commercial/Institutional boiler**—A boiler used in commercial establishments or institutional establishments such as medical centers, institutions of higher education, hotels, and laundries to provide electricity, steam, and/or hot water.

(C) **Gaseous fuel**—A combustible gas that includes, but is not limited to, natural gas, landfill gas, coal-derived gas, refinery gas, and biogas. Blast furnace gas and process gases that are regulated under 40 CFR 60, 40 CFR 61, or 40 CFR 65 are exempted from this definition. 40 CFR 60, 40 CFR 61, and 40 CFR 65 promulgated as of July 1, 2018 and are hereby incorporated by reference as published by the Office of the Federal Register. Copies can be obtained from the U.S. Publishing Office Bookstore, 710 N. Capitol Street NW, Washington DC 20401. This rule does not incorporate any subsequent amendments or additions.

(D) **Industrial boiler**—A boiler used in manufacturing, processing, mining, and refining, or any other industry to provide steam, hot water, and/or electricity.

(E) **Liquid fuel**—A combustible liquid that includes, but is not limited to, distillate oil, residual oil, waste oil, and process liquids.

(F) **Process heater**—Any enclosed device using controlled flame, that is not a boiler, and the unit's primary purpose is to transfer heat indirectly to a process material (liquid, gas, or solid) or to heat transfer material for use in a process unit, instead of generating steam. Process heaters are devices in which the combustion gases do not directly come into contact with process materials. Process heaters do not include units used for comfort heat or space heat, food preparation for on-site consumption, or autoclaves.

(G) **Solid fuel**—A solid material used as a fuel that includes, but is not limited to, coal, wood, biomass, tires, plastics, and other nonfossil solid materials.

(H) **Temporary boiler**—Any gaseous or liquid fuel boiler that is designed to be, and is capable of being, carried or moved from one (1) location to another. A temporary boiler that remains at a location for more than one hundred eighty (180) days during any three hundred sixty-five (365)-day period is no longer considered to be a temporary boiler. Any temporary boiler that replaces a temporary boiler at a location and is intended to perform the same or similar function will be included in calculating the consecutive time period.

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

(3) General Provisions.

(B) Measurements for Single Units. Measurements shall be one (1) of the following:

1. Measurements of SO<sub>2</sub> emissions from stationary sources *[shall be]* are made according to an applicable method *[specified]* in 40 CFR 60, Appendix A, Method 6, 6A, 6B, or 6C *[promulgated as of December 23, 1971, and incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N. Capitol Street NW, Washington, DC 20401]* as specified in 10 CSR 10-6.030(22) or by measurement procedures established pursuant to 40 CFR 60.8(b) *[promulgated as of May 16, 2007, and incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N. Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions]* as specified in 10 CSR 10-6.030(22); or

2. Monthly analysis method. Installations subject to this rule shall demonstrate compliance or non-compliance by an analysis of calendar monthly composites of daily fuel samples using American Society for Testing and Materials (ASTM) procedures, or by vendor certification, at the option of the installation. Installations opting to use vendor certification shall provide monthly individual verification from all vendors using the ASTM procedures prescribed in this paragraph of consumed solid fuels including different vendor supplied batches of coal. The specific ASTM procedures, D2234 *[(published in May 1, 2007)]*, D2013 *[(published in June 10, 2007)]*, D3177 *[(published in May 1, 2007)]*, D3180 *[(published in July 15, 2007)]*, D4239 *[(published in February 1, 2008)]*, D5865 *[(published in November 1, 2007)]*, D240 *[(published in May 1, 2007)]*, D2622 *[(published in March 1, 2008)]*, D5504 *[(published in June 1, 2006)]*, and D6228 *[(published in May 10, 2003) shall be]* are used for fossil fuel or gaseous fuel sampling, sulfur, and, if needed, heating value determinations *[and are incorporated by reference in this rule, as published by ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959. This rule does not incorporate any subsequent amendments or additions]* as specified in 10 CSR 10-6.040.

(D) Monitoring Requirements. Any owner or operator of an industrial, commercial, or institutional boiler; or process heater subject to this rule equipped with flue gas desulfurization or sorbent inject controls shall use a continuous emission monitoring system (CEMS) to monitor compliance. Owners or operators subject to this rule without control equipment shall comply with one (1) of the following requirements:

1. A CEMS that:

A. Meets the applicable requirements of 40 CFR part 60, subpart A, Appendix B, *[promulgated as of September 28, 2007, and incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N. Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions]* as specified in 10 CSR 10-6.030(22); and

B. Complies with the quality assurance procedures regardless of whether the installation is subject to new source performance standards (NSPS) specified in 40 CFR part 60, Appendix F, *[promulgated as of June 13, 2007, and incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N. Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions]* as specified in 10 CSR 10-6.030(22);

2. An alternate monitoring procedure or monitoring plan approved by the director and the U.S. Environmental Protection Agency (EPA).

(4) Reporting and Record Keeping.

(A) Reporting Requirements. The owner or operator subject to this rule shall—

1. Submit the calculation and record keeping procedure by February 15 of each year based upon correlations with ASTM and 40 CFR part 60, Appendix A reference method results, *[promulgated as of December 23, 1971, and incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N. Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions]* as specified in 10 CSR 10-6.030(22);

2. Submit an annual report to the director by February 15 following the end of the initial compliance period and by February 15 for each year thereafter unless the affected unit is subject to an NSPS. The annual report shall document for each affected unit, the average of the tons of SO<sub>2</sub> emitted during the previous twelve (12)-month period or the twelve (12)-month rolling total starting the first full year after the compliance period;

3. By February 15 of every year following the initial compliance period, submit monthly reports for the previous calendar year unless the affected unit is subject to an NSPS. The monthly reports shall document the following information for each affected unit:

A. For units equipped with a CEMS, both the total heat input in mmBtu and the SO<sub>2</sub> emission rate in lbs per mmBtu for the unit; and

B. For units without a CEMS, the total number of tons of each solid fuel burned including different vendor supplied batches of coal, volume of each gaseous fuel, and/or volume each liquid fuel; average percent sulfur content of each solid fuel including different vendor supplied batches of coal, each liquid fuel and/or each gaseous fuel; and each solid fuel including different vendor supplied batches of coal, each liquid fuel, and/or each gaseous fuel average heat content in Btu per lb; and

4. Excess emissions.

A. Units maintaining a CEMS, shall submit an excess emissions monitoring system performance report by February 15 following the end of the initial compliance period and by February 15 for each year thereafter unless the affected unit is subject to an NSPS, in accordance with—

(I) 40 CFR 60.7(c), *[promulgated as of February 12, 1999, and incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N. Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions.]* as specified in 10 CSR 10-6.030(22); and

(II) 40 CFR 60.13, *[promulgated as of June 13, 2007, and incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N.*

*Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions]* as specified in 10 CSR 10-6.030(22).

B. Units not maintaining a CEMS, shall submit a written report of excess emissions according to 10 CSR 10-6.260, subsection (4)(A) regardless of whether 10 CSR 10-6.260 applies, unless the affected unit is subject to an NSPS.

(B) Record Keeping Requirements. The owner or operator subject to this rule shall maintain all records necessary to demonstrate compliance with this rule for a period of five (5) years at the plant at which the unit is located. Daily records, along with the twelve (12)-month rolling tonnage or twelve (12)-month rolling average, shall be made available no later than one (1) month following any calendar month. The records shall be made available to the director upon request. The owner or operator shall maintain records of the following information for each month the unit is operated:

1. The identification number of each unit and the name and address of the plant where the unit is located for each unit subject to this rule;

2. The calendar date of record;

3. The number of hours the unit is operated each day including start-ups, shutdowns, malfunctions, and the type and duration of maintenance and repair;

4. The date and results of each emissions inspection;

5. A summary of any emissions corrective maintenance taken;

6. The results of all compliance tests;

7. If a unit is equipped with a CEMS—

A. The identification of time periods during which SO<sub>2</sub> standards are exceeded, the reason for exceedance, and action taken to correct the exceedance and prevent similar future exceedances; and

B. The identification of the time periods for which operating conditions and pollutant data were not obtained, including reasons for not obtaining sufficient data, and a description of corrective actions taken;

8. The total heat input for each fuel used per emissions unit on a monthly basis;

9. The amount of each fuel consumed per emissions unit on a monthly basis;

10. The average heat content for each fuel used per emissions unit on a monthly basis;

11. The average percent sulfur for each fuel used per emissions unit on a monthly basis;

12. The emission rate in lbs per mmBtu for each unit on a monthly basis for those units complying with the limit in paragraph (3)(A)1. of this rule. The twelve (12)-month rolling averages *[must be]* made available upon request for the inspector to review no later than one (1) month following any calendar month;

13. The monthly emission rate in tons SO<sub>2</sub> for those units complying with the limit in paragraph (3)(A)2. of this rule. The twelve (12)-month rolling tonnages *[must be]* made available upon request for inspector review no later than one (1) month following any calendar month; and

14. Any other reports deemed necessary by the director.

(5) Test Methods. The following hierarchy of methods shall be used to determine if a unit qualifies for the low-emitter exemption in paragraph (1)(C)4. of this rule. If data is not available for an emission estimation method or an emission estimation method is impractical for a source, then the subsequent emission estimation method shall be used in its place:

(D) AP-42 (EPA *Compilation of Air Pollution Emission Factors*) or FIRE (Factor Information and Retrieval System) (as updated) as published by EPA January 1995 and August 1995 and hereby incorporated by reference in this rule. Copies can be obtained from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield VA 22161. This rule does not incorporate any subsequent amendments or additions;

**AUTHORITY:** section 643.050, RSMo [Supp. 2012] 2016. Original rule filed Dec. 16, 2008, effective Sept. 30, 2009. Amended: Filed March 13, 2013, effective Oct. 30, 2013. Amended: Filed April 13, 2018.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing on this proposed amendment will begin at 9:00 a.m., July 26, 2018. The public hearing will be held at the St. Louis Regional Office, 7545 South Lindbergh, Suite 220, DESE Conference Room, St. Louis, Missouri. Opportunity to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a statement of their views until 5:00 p.m., August 2, 2018. Send online comments via the proposed rules web page [www.dnr.mo.gov/proposed-rules](http://www.dnr.mo.gov/proposed-rules), email comments to [apcprulespn@dnr.mo.gov](mailto:apcprulespn@dnr.mo.gov), or written comments to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.

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

**PROPOSED AMENDMENT**

**10 CSR 10-6.030 Sampling Methods for Air Pollution Sources.**

The commission proposes to amend the purpose, sections (1)–(17) and section (20); and add sections (21)–(23). If the commission adopts this rule action, the department intends to submit this rule amendment to the U.S. Environmental Protection Agency to replace the current rule that is in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Proposed Rules website [www.dnr.mo.gov/proposed-rules](http://www.dnr.mo.gov/proposed-rules).

**PURPOSE:** The purpose of this rulemaking is to comply with Executive Order 17-03 criteria and amend this rule to update incorporations by reference. This rule amendment will provide a more efficient way to incorporate by reference methods for stack testing as found in 40 CFR part 51, 40 CFR part 60, and 40 CFR part 61. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is Executive Order 17-03 Red Tape Reduction Review and related comments.

**PURPOSE:** This rule defines methods for performing emissions sampling on air pollution sources throughout Missouri, only as specified by] when required in the Air Conservation Commission emission rules.

**PUBLISHER'S NOTE:** The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be

made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Samples and velocity traverses for source sampling shall be conducted **using Method 1** as specified by 40 CFR part 60, Appendix A [Test Methods, Method 1—Sample and Velocity Traverses for Stationary Sources] in section (22) of this rule.

(2) The velocity of stack gases [is to] shall be determined by measuring velocity head using a Type "S" (Stauscheibe or reverse type) pitot tube **using Method 2** as specified by 40 CFR part 60, Appendix A[—Test Methods, Method 2—Determination of Stack Gas Velocity and Volumetric Flow Rate (Type S Pitot Tube)] in section (22) of this rule.

(3) The carbon dioxide, oxygen, excess air, and dry molecular weight contained in stack gases shall be determined **using Method 3** as specified by 40 CFR part 60, Appendix A[—Test Methods, Method 3—Gas Analysis for Carbon Dioxide, Oxygen, Excess Air and Dry Molecular Weight] in section (22) of this rule.

(4) The moisture content in stack gases shall be determined **using Method 4** as specified by 40 CFR part 60, Appendix A[—Test Methods, Method 4—Determination of Moisture Content in Stack Gases] in section (22) of this rule.

(5) Particulate Matter Emissions.

(A) The concentration of particulate matter emissions in stack gases shall be determined **using Method 5** as specified by 40 CFR part 60, Appendix A[—Test Methods, Method 5—Determination of Particulate Emissions from Stationary Sources] in section (22) of this rule.

(B) The quantity of particulate matter emissions from certain industrial processes as determined by the director shall be determined **using Method 17** as specified by 40 CFR part 60, Appendix A[—Test Methods, Method 17—Determination of Particulate Emissions from Stationary Sources (In-Stack Filtration Method)] in section (22) of this rule.

(C) The concentration of particulates of PM<sub>10</sub> shall be determined **using Method 201** as specified by 40 CFR part 51, Appendix M[—Test Methods, Method 201—Determination of PM<sub>10</sub> Emissions (Exhaust Gas Recycle Procedure)] in section (21) of this rule. When water droplets are known to exist in emissions, use Method 5 as defined in subsection (5)(A) of this rule and consider the particulate catch to be PM<sub>10</sub> emissions.

(D) The concentration of particulates of PM<sub>10</sub> shall be determined **using Method 201A** as specified by 40 CFR part 51, Appendix M[—Test Methods, Method 201A—Determination of PM<sub>10</sub> Emissions (Constant Sampling Rate Procedure)] in section (21) of this rule. When water droplets are known to exist in emissions, use Method 5 as defined in subsection (5)(A) of this rule and consider the particulate catch to be PM<sub>10</sub> emissions.

(E) The concentration of [condensable] condensable particulate matter (CPM) emissions in stack gases shall be determined **using Method 202 and Conditional Test Method 039** as specified by 40 CFR part 51, Appendix M[—Test Methods, Method 202—Determination of Condensable Particulate Emissions from Stationary Sources. EPA Conditional Test Method 039—Measurement of PM<sub>2.5</sub> and PM<sub>10</sub> Emissions By Dilution Sampling (Constant Sampling Rate Procedures—July 2004)] in section (21) of this rule may be used to determine the total PM<sub>10</sub> and PM<sub>2.5</sub> fraction of filterable particulate matter including [condensibles] condensables.

(F) The concentration of PM<sub>2.5</sub> emissions in stack gases shall be determined **using Method 202 and Conditional Test Method 040** as specified by 40 CFR part 51, Appendix M[—Test Methods,

*Method 202—Determination of Condensable Particulate Emissions from Stationary Sources and EPA Conditional Test Method 040—Method For The Determination Of PM<sub>10</sub> and PM<sub>2.5</sub> Emissions (Constant Sampling Rate Procedures—December 3, 2002)] in section (21) of this rule.* EPA [*Conditional Test Method 039—Measurement of PM<sub>2.5</sub> and PM<sub>10</sub> Emissions By Dilution Sampling (Constant Sampling Rate Procedures—July 2004)] Conditional Test Method 039 as specified in 40 CFR part 51, Appendix M in section (21) of this rule may be used to determine the total PM<sub>10</sub> and PM<sub>2.5</sub> fraction of filterable particulate matter including [condensibles] condensables.*

(6) The sulfur dioxide emissions from air pollution sources shall be determined **using Method 6** as specified by 40 CFR part 60, Appendix A [*Test Methods, Method 6—Determination of Sulfur Dioxide Emissions from Stationary Sources*] in section (22) of this rule.

(7) The nitrogen oxide emissions from air pollution sources shall be determined **using Method 7** as specified by 40 CFR part 60, Appendix A [*Test Methods, Method 7—Determination of Nitrogen Oxide Emissions from Stationary Sources*] in section 22 of this rule.

(8) The sulfuric acid mist and sulfur dioxide emissions from air pollution sources shall be determined **using Method 8** as specified by 40 CFR part 60, Appendix A [*Test Methods, Method 8—Determination of Sulfuric Acid Mist and Sulfur Dioxide Emissions from Stationary Sources*] in section (22) of this rule.

(9) Visible Emissions.

(A) The visible emissions from air pollution sources shall be evaluated **using Method 9** as specified by 40 CFR part 60, Appendix A [*Test Methods, Method 9—Visual Determination of the Opacity of Emissions from Stationary Sources*] in section (22) of this rule.

(B) Visible fugitive emissions shall be evaluated **using Method 22** as specified by 40 CFR part 60, Appendix A [*Test Methods, Method 22—Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares*] in section (22) of this rule.

(10) The carbon monoxide emissions from air pollution sources shall be determined **using Method 10** as specified by 40 CFR part 60, Appendix A [*Test Methods, Method 10—Determination of Carbon Monoxide Emissions from Stationary Sources*] in section (22) of this rule.

(11) The hydrogen sulfide emissions from air pollution sources shall be determined **using Method 11** as specified by 40 CFR part 60, Appendix A [*Test Methods, Method 11—Determination of Hydrogen Sulfide Content of Fuel Gas Streams in Petroleum Refineries*] in section (22) of this rule.

(12) The lead emissions from air pollution sources shall be determined **using Method 12** as specified by 40 CFR part 60, Appendix A [*Test Methods, Method 12—Determination of Inorganic Lead Emissions from Stationary Sources*] in section (22) of this rule.

(13) The total fluoride emissions and the associated moisture content from air pollution sources shall be determined **using Method 13A and 13B** as specified by 40 CFR part 60, Appendix A [*Test Methods, Method 13A—Determination of Total Fluoride Emissions from Stationary Sources—SPADNS Zirconium Lake Method or Method 13B—Determination of Total Fluoride Emissions from Stationary Sources—Specific Ion*

*Electrode Method*] in section (22) of this rule. For Method 13A or 13B, the sampling time for each run shall be at least sixty (60) minutes and the minimum sample volume shall be at least 0.85 standard dry cubic meter (thirty (30) standard dry cubic foot) except that shorter sampling times or smaller volumes, when necessitated by process variables or other factors, may be approved by the director.

(14) Volatile organic compound emissions from air pollution sources shall be determined—

(A) **Using Method 25** [A] as specified by 40 CFR part 60, Appendix A [*Test Methods, Method 25—Determination of Total Gaseous Nonmethane Organic Emissions as Carbon*] in section (22) of this rule;

(B) **Using Method 27** [A] as specified by 40 CFR part 60, Appendix A [*Test Methods, Method 27—Determination of Vapor Tightness of Gasoline Delivery Tanks Using Pressure-Vacuum Test*] in section (22) of this rule;

(C) **Using Method 24** [A] as specified by 40 CFR part 60, Appendix A [*Test Methods, Method 24—Determination of Volatile Matter Content, Water Content, Density, Volume, Solids and Weight Solids of Surface Coatings*] in section (22) of this rule;

(D) **Using Method 24A** [A] as specified by 40 CFR part 60, Appendix A [*Test Methods, Method 24A—Determination of Volatile Matter Content and Density of Printing Inks and Related Coatings*] in section (22) of this rule; or

(E) **Using Method 21** [A] as specified by 40 CFR part 60, Appendix A [*Test Methods, Method 21—Determination of Volatile Organic Compound Leaks*] in section (22) of this rule.

(15) The hydrogen chloride emissions from air pollution sources shall be determined **using Method 26** as specified by 40 CFR part 60, Appendix A [*Test Methods, Method 26—Determination of Hydrogen Chloride Emissions from Stationary Sources*] in section (22) of this rule.

(16) Dioxin and furan emissions from air pollution sources shall be determined **using Method 23** as specified by 40 CFR part 60, Appendix A [*Test Methods, Method 23—Determination of Polychlorinated Dibenzo-p-Dioxins and Polychlorinated Dibenzofurans from Stationary Sources*] in section (22) of this rule.

(17) The mercury emissions, both particulate and gaseous, from air pollution sources shall be determined **using Method 101A** as specified by 40 CFR part 61, Appendix B [*Test Methods, Method 101A—Determination of Particulate and Gaseous Mercury Emissions from Stationary Sources*] in section (23) of this rule.

(20) The capture efficiency of air pollution control devices shall be determined as specified by the U.S. Environmental Protection Agency's (EPA's) February 7, 1995 memorandum entitled, "Revised Capture Efficiency Guidance for Control of Volatile Organic Compound Emission" (GD 36) and the U.S. EPA's January 9, 1994 technical document entitled, "Guidelines for Determining Capture Efficiency." (GD 35) as published by EPA and hereby incorporated by reference in this rule. Copies can be obtained from the Office of Air Quality Planning and Standards, Leader, Measurement Technology Group, (Mail Code E143-02), Research Triangle Park, NC 27711. This rule does not incorporate any subsequent amendments or additions. For automobile and light-duty truck topcoat operations, the capture efficiency of air pollution control devices shall be determined as specified in U.S. EPA's document entitled, "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations" [(USEPA-450/3/88-018)] (US EPA-453/R-08-002), [as amended by Enclosure 1, dated March 8, 1996, and entitled, "23—Determining Spraybooth VOC Capture Efficiency."] as published by EPA September 2008 and hereby incorporated by reference in this rule. Copies can be obtained from the National

Technical Information Service (NTIS), 5285 Port Royal Road, Springfield VA 22161. This rule does not incorporate any subsequent amendments or additions.

(21) 40 CFR 51 promulgated as of June 30, 2018 is hereby incorporated by reference in this rule, as published by the Office of the Federal Register. Copies can be obtained from the U.S. Publishing Office Bookstore, 710 N. Capitol Street NW, Washington DC 20401. This rule does not incorporate any subsequent amendments or additions.

(22) 40 CFR 60 promulgated as of June 30, 2018 is hereby incorporated by reference in this rule, as published by the Office of the Federal Register. Copies can be obtained from the U.S. Publishing Office Bookstore, 710 N. Capitol Street NW, Washington DC 20401. This rule does not incorporate any subsequent amendments or additions.

(23) 40 CFR 61 promulgated as of June 30, 2018 is hereby incorporated by reference in this rule, as published by the Office of the Federal Register. Copies can be obtained from the U.S. Publishing Office Bookstore, 710 N. Capitol Street NW, Washington DC 20401. This rule does not incorporate any subsequent amendments or additions.

*AUTHORITY:* sections 643.050[,] and 643.055, RSMo [2000] 2016. Original rule filed Aug. 16, 1977, effective Feb. 11, 1978. For intervening history, please consult the *Code of State Regulations*. Amended: Filed April 13, 2018.

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

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

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:* A public hearing on this proposed amendment will begin at 9:00 a.m., July 26, 2018. The public hearing will be held at the St. Louis Regional Office, 7545 South Lindbergh, Suite 220, DESE Conference Room, St. Louis, Missouri. Opportunity to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a statement of their views until 5:00 p.m., August 2, 2018. Send online comments via the proposed rules web page [www.dnr.mo.gov/proposed-rules](http://www.dnr.mo.gov/proposed-rules), email comments to [apcprulespn@dnr.mo.gov](mailto:apcprulespn@dnr.mo.gov), or written comments to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.

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

**PROPOSED AMENDMENT**

**10 CSR 10-6.040 Reference Methods.** The commission proposes to amend the purpose and sections (1) through (8); and add new sections (9) through (36). If the commission adopts this rule action, it will be the department's intention to submit this rule amendment to the U. S. Environmental Protection Agency to replace the current rule that is in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air

Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Proposed Rules website [www.dnr.mo.gov/proposed-rules](http://www.dnr.mo.gov/proposed-rules).

*PURPOSE:* The purpose of this rulemaking is to amend the rule purpose and update the incorporation by reference date to include the latest **Federal Register** Notices that promulgated new equivalency methods for monitoring ambient air concentrations of carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), ozone (O<sub>3</sub>), lead (Pb), particulate matter less than 2.5 microns (PM<sub>2.5</sub>), particulate matter less than 10 microns (PM<sub>10</sub>), and particulate matter between 10 and 2.5 microns in diameter (PM<sub>10-2.5</sub>); and new reference methods for CO, PM<sub>2.5</sub>, PM<sub>10</sub>, PM<sub>10-2.5</sub>, O<sub>3</sub>, and sulfur dioxide (SO<sub>2</sub>). This rulemaking will also update incorporations by reference, remove the unnecessary use of restrictive words, add American Society for Testing and Materials (ASTM) methods referenced in other 10 CSR 10 rules, and consolidate incorporation by reference rule text to eliminate redundant rule text in numerous places. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is **Federal Register** Notice dated November 12, 2013 (79 FR 67360) adding one (1) new equivalency method each for NO<sub>2</sub>, PM<sub>10</sub>, and PM<sub>10-2.5</sub>; and two (2) for PM<sub>2.5</sub>; **Federal Register** Notice dated June 18, 2014 (79 FR 34734) adding one (1) new equivalency method each for NO<sub>2</sub> and Pb, and two (2) for O<sub>3</sub>; **Federal Register** Notice dated August 20, 2014 (79 FR 49307) adding a new reference method for PM<sub>10</sub>; **Federal Register** Notice dated November 4, 2014 (79 FR 65392) adding one (1) new reference method each for PM<sub>2.5</sub> and PM<sub>10</sub> and one (1) new equivalency method each for CO and O<sub>3</sub>; **Federal Register** Notice dated August 26, 2015 (80 FR 51802) adding one (1) new equivalency method each for PM<sub>2.5</sub> and O<sub>3</sub>; **Federal Register** Notice dated November 19, 2015 (80 FR 72432) adding one (1) new reference method for CO and one (1) new equivalency method for O<sub>3</sub>; **Federal Register** Notice dated January 26, 2016 (81 FR 4294) adding one (1) new reference method for PM<sub>10</sub>; **Federal Register** Notice dated April 28, 2016 (81 FR 25397) adding one (1) new reference method each for PM<sub>2.5</sub>, PM<sub>10</sub>, and O<sub>3</sub> and three (3) new equivalency methods for PM<sub>2.5</sub>; **Federal Register** Notice dated July 13, 2016 (81 FR 45284) adding one (1) new reference method for SO<sub>2</sub> and one (1) new equivalency method each for PM<sub>10</sub> and PM<sub>2.5-10</sub> and two (2) new equivalency methods for PM<sub>2.5</sub>; **Federal Register** Notice dated November 28, 2016 (81 FR 85561) adding one (1) new equivalency method for NO<sub>2</sub>; **Federal Register** Notice dated May 11, 2017 (82 FR 21995) adding one (1) new equivalency method for NO<sub>2</sub>; **Federal Register** Notice dated June 19, 2017 (82 FR 27816) adding one (1) new reference method for CO and one (1) new equivalency method for NO<sub>2</sub>; **Federal Register** Notice dated September 25, 2017 (82 FR 44612) adding one (1) new reference method each for PM<sub>2.5</sub>, PM<sub>10</sub>, and PM<sub>10-2.5</sub>; **Federal Register** Notice dated October 2, 2017 (82 FR 45842) adding one (1) new reference method for CO; and Executive Order 17-03 Red Tape Reduction Review and related comments.

*PURPOSE:* This rule provides reference methods for determining ambient air/atmosphere data and information necessary for the enforcement of air pollution control regulations throughout Missouri.

(1) The percent sulfur in solid fuels shall be determined as specified by American Society of Testing and Materials (ASTM) D4239 - [12] 17 Standard Test Method for Sulfur in the Analysis Sample of Coal and Coke Using High-Temperature Tube Furnace Combustion, as approved and published [February 1, 2012. This standard is incorporated by reference in this rule, as published by American Society for Testing and Materials (ASTM) International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959. This rule does not incorporate any subsequent amendments or additions.] in 2017, as specified in section (36) of this rule.



(2) The heat content or higher heating value (HHV) of solid fuels shall be determined by use of the Adiabatic Bomb Calorimeter as specified by ASTM D5865 - [12] 13 *Standard Test Method for Gross Calorific Value of Coal and Coke*, as approved and published [December 1, 2012. *This standard is incorporated by reference in this rule, as published by American Society for Testing and Materials (ASTM) International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959. This rule does not incorporate any subsequent amendments or additions.*] in 2013, as specified in section (36) of this rule.

(3) The heat content or HHV of liquid hydrocarbons shall be determined as specified by ASTM D240 - [09] 17 *Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter*, as approved and published [July 1, 2009. *This standard is incorporated by reference in this rule, as published by American Society for Testing and Materials (ASTM) International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959. This rule does not incorporate any subsequent amendments or additions.*] in 2017, as specified in section (36) of this rule.

(4) The methods for determining the concentrations of the following air contaminants shall be as specified in 40 CFR 50, Appendices A–R or equivalent methods as specified in 40 CFR 53. The provisions of 40 CFR 50, Appendices A–R, and 40 CFR 53, both promulgated as of July 1, [2013] 2018, [and Federal Register Notice 78 FR 40000–40011, promulgated July 3, 2013, shall] apply and are hereby incorporated by reference in this rule, as published by the Office of the Federal Register[, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, DC 20408]. Copies can be obtained from the U.S. Publishing Office Bookstore, 710 N. Capitol Street NW, Washington DC 20401. This rule does not incorporate any subsequent amendments or additions.

(A) The concentration of sulfur dioxide shall be determined as specified in 40 CFR 50, Appendix A—*Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method)* or an equivalent method as approved by 40 CFR 53, as incorporated by reference in section (4) of this rule.

(B) The concentration of total suspended particulate shall be determined as specified in 40 CFR 50, Appendix B—*Reference Method for the Determination of Suspended Particulate Matter in the Atmosphere (High-Volume Method)*, as incorporated by reference in section (4) of this rule.

(C) The concentration of carbon monoxide shall be determined as specified in 40 CFR 50, Appendix C—*Measurement Principle and Calibration Procedure for the Measurement of Carbon Monoxide in the Atmosphere (Non-Dispersive Infrared Photometry)* or equivalent methods as approved by 40 CFR 53, as incorporated by reference in section (4) of this rule.

(D) The concentration of ozone shall be determined as specified in 40 CFR 50, Appendix D—*Measurement Principle and Calibration Procedure for the Measurement of Ozone in the Atmosphere* or equivalent methods as approved by 40 CFR 53, as incorporated by reference in section (4) of this rule.

(E) *Reserved.*

(F) The concentration of nitrogen dioxide shall be determined as specified in 40 CFR 50, Appendix F—*Measurement Principle and Calibration Procedure for the Measurement of Nitrogen Dioxide in the Atmosphere (Gas Phase Chemiluminescence)* or equivalent methods as approved by 40 CFR 53, as incorporated by reference in section (4) of this rule.

(G) The concentration of lead shall be determined as specified in 40 CFR 50, Appendix G—*Reference Method for the Determination of Lead in Suspended Particulate Matter Collected From Ambient Air* or in 40 CFR 50, Appendix Q—*Reference Method for the Determination of Lead in Particulate Matter as PM<sub>10</sub> Collected From*

*Ambient Air* or equivalent methods as approved by 40 CFR 53, as incorporated by reference in section (4) of this rule.

(H) Compliance with the one (1) hour ozone standard shall be determined as specified in 40 CFR 50, Appendix H—*Interpretation of the 1-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone*, as incorporated by reference in section (4) of this rule.

(I) Compliance with the eight (8) hour ozone standards shall be determined as specified in 40 CFR 50, Appendix I—*Interpretation of the 8-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone*, as incorporated by reference in section (4) of this rule.

(J) The concentration of particulate matter 10 micron (PM<sub>10</sub>) shall be determined as specified in 40 CFR 50, Appendix J—*Reference Method for the Determination of Particulate Matter as PM<sub>10</sub> in the Atmosphere*, or an equivalent method as approved in 40 CFR 53, as incorporated by reference in section (4) of this rule.

(K) Compliance with particulate matter 10 PM<sub>10</sub> standards shall be determined as specified in 40 CFR 50, Appendix K—*Interpretation of the National Ambient Air Quality Standards for Particulate Matter*, as incorporated by reference in section (4) of this rule.

(L) The concentration of particulate matter 2.5 micron (PM<sub>2.5</sub>) shall be determined as specified in 40 CFR 50, Appendix L—*Reference Method for the Determination of Fine Particulate Matter as PM<sub>2.5</sub> in the Atmosphere*, or an equivalent method as approved in 40 CFR 53, as incorporated by reference in section (4) of this rule.

(M) Compliance with particulate matter 2.5 (PM<sub>2.5</sub>) standards shall be determined as specified in 40 CFR 50, Appendix N—*Interpretation of the National Ambient Air Quality Standards for PM<sub>2.5</sub>*, as incorporated by reference in section (4) of this rule.

(N) Compliance with the eight (8)-hour ozone standards shall be determined as specified in 40 CFR 50, Appendix P—*Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Ozone*, as incorporated by reference in section (4) of this rule.

(O) Compliance with the lead standards shall be determined as specified in 40 CFR 50, Appendix R—*Interpretation of the National Ambient Air Quality Standards for Lead*, as incorporated by reference in section (4) of this rule.

(5) The concentration of hydrogen sulfide (H<sub>2</sub>S) shall be determined by scrubbing all sulfur dioxide (SO<sub>2</sub>) present in the sample and then converting each molecule of H<sub>2</sub>S to SO<sub>2</sub> with a thermal converter so that the resulting SO<sub>2</sub> is detected by an analyzer as specified in 40 CFR 50, Appendix A—*Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method)* or an equivalent method approved by 40 CFR 53, as incorporated by reference in section (4) of this rule, in which case the calibration gas used must be National Institute of Standards and Technology traceable H<sub>2</sub>S gas.

(6) The concentration of sulfuric acid mist shall be determined as specified in the *Compendium Method [10-4-2] IO-4.2, Determination of Reactive Acidic and Basic Gases and Strong Acidity of Atmospheric Fine-Particles (<2.5 μm)*, [Center for Environmental Research Information, Office of Research and Development, U.S. Environmental Protection Agency, Cincinnati, OH 45268, EPA/625/R-96/010a.] EPA/625/R-96/010a, as published by EPA June 1999 and hereby incorporated by reference in this rule. Copies can be obtained from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield VA 22161. This rule does not incorporate any subsequent amendments or additions.

(7) The percent sulfur in liquid hydrocarbons shall be determined as specified by ASTM D2622 - [10] 16 *Standard Test Method for*

*Sulfur in Petroleum Products by Wavelength Dispersive X-ray Fluorescence Spectrometry*, as approved and published [February 15, 2010. This standard is incorporated by reference in this rule, as published by American Society for Testing and Materials (ASTM) International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959. This rule does not incorporate any subsequent amendments or additions.] in 2016, as specified in section (36) of this rule.

(8) The amount of solvent present in earth filters and distillation wastes shall be determined as specified by ASTM D322 – 97[(2012)](2016) *Standard Test Method for Gasoline Diluent in Used Gasoline Engine Oils by Distillation*, as approved and published [November 1, 2012. This standard is incorporated by reference in this rule, as published by American Society for Testing and Materials (ASTM) International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959. This rule does not incorporate any subsequent amendments or additions.] in 2016, as specified in section (36) of this rule.

(9) The atmospheric distillation of petroleum products and liquid fuels shall be determined as specified by ASTM D86-17 *Standard Test Method for Distillation of Petroleum Products and Liquid Fuels at Atmospheric Pressure*, as approved and published in 2017, as specified in section (36) of this rule.

(10) The pour point of petroleum specimens shall be determined as specified by ASTM D97-17a *Standard Test Method for Pour Point of Petroleum Products*, as approved and published in 2017, as specified in section (36) of this rule.

(11) The vapor pressure of petroleum products shall be determined as specified by ASTM D323-15a *Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method)*, as approved and published in 2015, as specified in section (36) of this rule.

(12) The specification for fuel oil shall be determined as specified by ASTM D396-17 *Standard Specification for Fuel Oils*, as approved and published in 2017, as specified in section (36) of this rule.

(13) The gloss measurement rating shall be determined as specified by ASTM D523-14 *Standard Test Method for Specular Gloss*, as approved and published in 2014, as specified in section (36) of this rule.

(14) The specification for diesel fuel oils shall be determined as specified by ASTM D975-17 *Standard Specification for Diesel Fuel Oils*, as approved and published in 2017, as specified in section (36) of this rule.

(15) The specification for emulsified asphalt shall be determined as specified by ASTM D977-17 *Standard Specification for Emulsified Asphalt*, as approved and published in 2017, as specified in section (36) of this rule.

(16) The chemical composition reformed and similar gases shall be determined as specified by ASTM D1946-90(2015)e1 *Standard Practice for Analysis of Reformed Gas by Gas Chromatography*, as approved and published in 2015, as specified in section (36) of this rule.

(17) The practice for the reduction and division of gross or divided samples and the preparation of composite samples shall be determined as specified by ASTM D2013/D2013M-12 *Standard Practice for Preparing Coal Samples for Analysis*, as approved and published in 2012, as specified in section (36) of this rule.

(18) The procedure for collection of samples shall be determined as specified by ASTM D2234/D2234M-16 *Standard Practice for Collection of a Gross Sample of Coal*, as approved and published in 2016, as specified in section (36) of this rule.

(19) The specification of grades of cationic emulsified asphalt shall be determined as specified by ASTM D2397/D2397M-17 *Standard Specification for Cationic Emulsified Asphalt*, as approved and published in 2017, as specified in section (36) of this rule.

(20) The properties of fuels shall be determined as specified by ASTM D2880-15 *Standard Specification for Gas Turbine Fuel Oils*, as approved and published in 2015, as specified in section (36) of this rule.

(21) The formulas that allow analytical data to be expressed in various bases shall be determined as specified by ASTM D3180-15 *Standard Practice for Calculating Coal and Coke Analyses from As-Determined to Different Bases*, as approved and published in 2015, as specified in section (36) of this rule.

(22) The procedures and equipment for manually obtaining samples of liquid petroleum and petroleum products shall be determined as specified by ASTM D4057-12 *Practice for Manual Sampling of Petroleum and Petroleum Products*, as approved and published in 2012, as specified in section (36) of this rule.

(23) The determination of H<sub>2</sub>S in gaseous fuels shall be determined as specified by ASTM D4084-07(2012) *Standard Test Method for Analysis of Hydrogen Sulfide in Gaseous Fuels (Lead Acetate Reaction Rate Method)*, as approved and published in 2012, as specified in section (36) of this rule.

(24) The determination of sulfur in samples of coal or coke shall be determined as specified by ASTM D4239-17 *Standard Test Method for Sulfur in the Analysis Sample of Coal and Coke Using High-Temperature Tube Furnace Combustion*, as approved and published in 2017, as specified in section (36) of this rule.

(25) The determination of the heat of combustion of hydrocarbon fuels shall be determined as specified by ASTM D4809-13 *Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter (Precision Method)*, as approved and published in 2013, as specified in section (36) of this rule.

(26) The determination of gasoline and gasoline-oxygenate blends shall be determined as specified by ASTM D4953-15 *Standard Test Method for Vapor Pressure of Gasoline and Gasoline-Oxygenate Blends (Dry Method)*, as approved and published in 2015, as specified in section (36) of this rule.

(27) The use of automated vapor pressure instruments to determine the total vapor pressure shall be determined as specified by ASTM D5191-15 *Standard Test Method for Vapor Pressure of Petroleum Products (Mini Method)*, as approved and published in 2015, as specified in section (36) of this rule.

(28) The determination of speciated volatile sulfur-containing compounds in high methane content gaseous fuels shall be determined as specified by ASTM D5504-12 *Standard Test Method for Determination of Sulfur Compounds in Natural Gas and Gaseous Fuels by Gas Chromatography and Chemiluminescence*, as approved and published in 2012, as specified in section (36) of this rule.

(29) The determination of the gross calorific value of coal and



coke shall be determined as specified by ASTM D5865-13 Standard Test Method for Gross Calorific Value of Coal and Coke, as approved and published in 2013, as specified in section (36) of this rule.

(30) The determination of total mercury in natural gas shall be determined as specified by ASTM D5954-98(2014)e1 Standard Test Method for Mercury Sampling and Measurement in Natural Gas by Atomic Absorption Spectroscopy, as approved and published in 2014, as specified in section (36) of this rule.

(31) The determination of individual volatile sulfur-containing compounds in gaseous fuels shall be determined as specified by ASTM D6228-10 Standard Practice for Determination of Sulfur Compounds in Natural Gas and Gaseous Fuels by Gas Chromatographs and Flame Photometric Detection, as approved and published in 2010, as specified in section (36) of this rule.

(32) This test method shall be used to determine the total mercury concentration of a natural gas stream as specified by ASTM D6350-14 Standard Test Method for Mercury Sampling and Analysis in Natural Gas by Atomic Fluorescence Spectroscopy, as approved and published in 2010, as specified in section (36) of this rule.

(33) The use of automated vapor pressure instruments to determine the vapor pressure exerted in vacuum by volatile, liquid petroleum products, hydrocarbons, and hydrocarbon-oxygenate mixtures shall be determined as specified by ASTM D6378-10(2016) Standard Test Method for Determination of Vapor Pressure (VPX) of Petroleum Products, Hydrocarbons, and Hydrocarbon-Oxygenate Mixtures (Triple Expansion Method), as approved and published in 2016, as specified in section (36) of this rule.

(34) The determination of elemental, oxidized, particle-bound, and total mercury emissions from coal-fired stationary sources shall be determined as specified by ASTM D6784-16 Standard Test Method for Elemental, Oxidized, Particle-Bound and Total Mercury in Flue Gas Generated from Coal-Fired Stationary Sources (Ontario Hydro Method), as approved and published in 2016, as specified in section (36) of this rule.

(35) The determination of the vapor pressure of pure liquids, the vapor pressure exerted by mixtures in a closed vessel at  $40 \pm 5\%$  ullage, and the initial thermal decomposition temperature of pure and mixed liquids shall be determined as specified by ASTM D2879-10 Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope, as approved and published in 2010, as specified in section (36) of this rule.

(36) All of the documents in sections (1) through (3) and (7) through (35) of this rule are published by the American Society for Testing and Materials (ASTM) and incorporated by reference in this rule. Copies can be obtained from ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959. This rule does not incorporate any subsequent amendments or additions.

*AUTHORITY:* section 643.050, RSMo [Supp. 2013] 2016. Original rule filed Aug. 16, 1977, effective Feb. 11, 1978. For intervening history, please consult the Code of State Regulations. Amended: Filed April 13, 2018.

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

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

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:* A public hearing on this proposed amendment will begin at 9:00 a.m., July 26, 2018. The public hearing will be held at the St. Louis Regional Office, 7545 South Lindbergh, Suite 220, DESE Conference Room, St. Louis, Missouri. Opportunity to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a statement of their views until 5:00 p.m., August 2, 2018. Send online comments via the proposed rules web page [www.dnr.mo.gov/proposed-rules](http://www.dnr.mo.gov/proposed-rules), email comments to [apcprulespn@dnr.mo.gov](mailto:apcprulespn@dnr.mo.gov), or written comments to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.

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

**PROPOSED AMENDMENT**

**10 CSR 10-6.110 Reporting Emission Data, Emission Fees, and Process Information.** The commission proposes to amend section (2), and amend subsections (3)(A)–(3)(C), and subsection (4)(C). If the commission adopts this rule action, the department intends to submit this rule amendment to the U.S. Environmental Protection Agency to replace the current rule that is in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Proposed Rules website [www.dnr.mo.gov/proposed-rules](http://www.dnr.mo.gov/proposed-rules).

*PURPOSE:* This rule provides procedures for reporting emission related information and establishing emission fees for the purpose of state air resource planning. The purpose of this rulemaking is to update the applicable year(s) for the emission fee. There will be no change to the fees at this time. This rulemaking will also comply with Executive Order 17-03 criteria and related comments by removing any unnecessary use of restrictive words, and add definitions specific to this rule and make administrative updates. In addition, the requirement to provide a 45-day comment period for revisions to the department-supplied permit application form is being removed as the program has better mechanisms to communicate with the regulated community than a department-supplied form. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is 643.079 RSMo, and Executive Order 17-03 Red Tape Reduction Review and related comments.

*PUBLISHER'S NOTE:* The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(2) Definitions.

(A) Missouri Emissions Inventory System (MoEIS)—Online interface of the state of Missouri's air emissions inventory database.

**(B) Point source—Large, stationary (nonmobile), identifiable source of emissions that releases pollutants into the atmosphere. A point source is an installation that is either—**

**1. A major source under 40 CFR part 70 for the pollutants for which reporting is required; or**

**2. A holder of an intermediate operating permit.**

*((A))/(C)* Reportable pollutants—The regulated air pollutants at the process level required for emission inventory reporting as summarized in Table 1 of this rule.

*((B))/(D)* Reporting threshold—Minimum amount of reportable emissions at the emission unit level that requires reporting as summarized in Table 1 of this rule. Emissions below this amount may be designated as insignificant on the Full Emissions Report.

**(E) Reporting year—Twelve (12)-month calendar year ending December 31. The reporting requirement for installations with three (3)-year reporting cycles begins with the 2011 reporting year. The subsequent reporting years will be every three (3) years following 2011 (i.e., 2014, 2017, 2020, etc.).**

**(F) Small source—An installation subject to this rule but not a point source as defined in this section of the rule.**

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

**TABLE 1. Reportable Pollutants with Reporting Thresholds**

Process Level Reportable Pollutants		Emission Unit Level Reporting Threshold	
Point Sources	Small Sources	Tons	Pounds
PM <sub>10</sub> fil	PM <sub>10</sub> pri	0.438	876
PMcon			
PM <sub>2.5</sub> fil	PM <sub>2.5</sub> pri	0.438	876
PMcon			
SO <sub>2</sub>		1	2000
NO <sub>x</sub>		1	2000
VOC		0.438	876
CO		1	2000
Category One (1) HAP <sup>a</sup>		0.01 <sup>a</sup>	20 <sup>a</sup>
Category Two (2) HAP <sup>b</sup>		0.1 <sup>b</sup>	200 <sup>b</sup>
NH <sub>3</sub>		0.438	876
Lead <sup>a</sup>		0.01 <sup>a</sup>	20 <sup>a</sup>

<sup>a</sup> Category One (1) Hazardous Air Pollutant (HAP) chemicals include Polycyclic Organic Matter, Arsenic Compounds, Lead Compounds, Chromium Compounds, Mercury Compounds (Alkyl and Aryl), Mercury Compounds (Inorganic), Nickel Compounds, Chlordane, Benzene, Methoxychlor, Vinyl Chloride, Heptachlor, Benzidine, Butadiene (1,3-), Chloromethyl Methyl Ether, Hexachlorobenzene, Bis(chloromethyl)ether, Asbestos, Polychlorinated Biphenyls, Trifluralin, Tetrachlorodibenzo-P-Dioxin (2,3,7,8-), Toxaphene, and Coke Oven Emissions.

<sup>b</sup> Category Two (2) HAP chemicals are those defined in 10 CSR 10-6.020 that are not included in the list of Category One (1) HAP chemicals.

(3) General Provisions.

(A) Emission Fees.

1. Any installation subject to this rule, except sources that produce charcoal from wood, shall pay an annual emission fee per ton of applicable pollutant emissions identified in Table 2 of this rule based on previous calendar year emissions and in accordance with paragraphs (3)(A)2. through (3)(A)7. of this rule. The emission fee shall be forty dollars and no cents (\$40.00) per ton until January 1, 2016, after which the fee shall be forty-eight dollars and no cents (\$48.00) per ton **effective January 1, 2019.**

2. For Full Emissions Reports, the fee is based on the information provided in the installation's emissions report. For sources which qualify for and use the Reduced Reporting Form, the fee shall be based on the last Full Emissions Report.

3. The fee shall apply to the first four thousand (4,000) tons of each air pollutant subject to fees as identified in Table 2 of this rule. No installation shall be required to pay fees on total emissions in excess of twelve thousand (12,000) tons for any reporting year. An installation subject to this rule which emitted less than one (1) ton of all pollutants subject to fees shall pay a fee for one (1) ton.

4. An installation which pays emission fees to a holder of a certificate of authority issued pursuant to section 643.140, RSMo, may deduct those fees from the emission fee due under this section.

5. The fee imposed in paragraph (3)(A)1. of this rule shall not apply to NH<sub>3</sub>, CO, PM<sub>2.5</sub>, or HAPs reported as PM<sub>10</sub> or VOC, as summarized in Table 2 of this rule.

6. Emission fees for the reporting year are due June 1 after each reporting year. The fees shall be payable to the Missouri Department of Natural Resources.

7. To determine emission fees, an installation shall be considered one (1) source as defined in section 643.078.2, RSMo, except that an installation with multiple operating permits shall pay emission fees separately for air pollutants emitted under each individual permit.

**TABLE 2. Pollutant Fee Applicability**

<b>Pollutants Subject to Fees</b>	<b>Pollutants Not Subject to Fees</b>
PM <sub>10</sub> pri	PM <sub>2.5</sub> pri
SO <sub>2</sub>	CO
NO <sub>x</sub>	NH <sub>3</sub>
VOC	HAPs reported as PM <sub>10</sub> or VOC
HAP	
Lead	

(B) Emission Estimation Calculation and Verification.

1. The method of determining an emission factor, capture efficiency, or control efficiency for use in the emissions report shall be consistent with the installation's applicable permit. Variance from this method shall be based on the hierarchy described below. If data is not available for an emission estimation method or an emission estimation method is impractical for a source, then the subsequent emission estimation method shall be used in its place—

A. Continuous Emission Monitoring System (CEMS) as specified in subparagraph (3)(B)2.A. of this rule;

B. Stack tests as specified in subparagraph (3)(B)2.B. of this rule;

C. Material/mass balance;

D. AP-42 (Environmental Protection Agency (EPA) *Compilation of Air Pollution Emission Factors*) or FIRE (Factor

Information and Retrieval System) (as updated) as published by EPA **January and August 1995 and hereby incorporated by reference in this rule. Copies can be obtained from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield VA 22161. This rule does not incorporate any subsequent amendments or additions;**

E. Other EPA documents as specified in subparagraph (3)(B)2.C. of this rule;

F. Sound engineering or technical calculations; or

G. Facilities shall obtain department approval of emission estimation methods other than those listed in subparagraphs (3)(B)1.A.–F. of this rule before using any such method to estimate emissions in the submission of an emissions report.

2. The director reserves the authority to review and approve all emission estimation methods used to calculate emissions for the purpose of filing an emissions report for accuracy, reliability, and appropriateness. Inappropriate usage of an emission factor or method shall include, but is not limited to: varying from the method used in permit without prior approval, using emission factors not representative of a process, using equipment in a manner other than that for which it was designed for in calculating emissions, or using a less accurate emission estimation method for a process when a facility has more accurate emission data available. Additional requirements for the use of a specific emission estimation method include:

A. Continuous Emission Monitoring System (CEMS).

(I) CEMS must be shown to have met applicable performance specifications during the period for which data is being presented.

(II) CEMS data must be presented in the units which the system was designed to measure. Additional data sets used to extrapolate CEMS data must have equal or better reliability for such extrapolation to be acceptable.

(III) When using CEMS data to estimate emissions, the data must include all parameters (i.e., emission rate, gas flow rate, etc.) necessary to accurately determine the emissions. CEMS data which does not include all the necessary parameters must be reviewed and approved by the director or local air pollution control authority before it may be used to estimate emissions;

B. Stack tests.

(I) Stack tests must be conducted on the specific equipment for which the stack test results are used to estimate emissions.

(II) Stack tests must be conducted according to the methods cited in 10 CSR 10-6.030, unless an alternative method has been approved in advance by the director or local air pollution control authority.

(III) Stack tests will not be accepted unless the choice of test sites and a detailed test plan have been approved in advance by the director or local air pollution control authority.

(IV) Stack tests will not be accepted unless the director or local air pollution control authority has been notified of test dates at least thirty (30) days in advance and thus provided the opportunity to observe the testing. This thirty (30)-day notification may be reduced or waived on a case-by-case basis by the director or local air pollution control authority.

(V) Stack test results which do not meet all the criteria of parts (3)(B)2.B.(I)–(IV) of this rule may be acceptable for estimating emissions but must be submitted for review and approval by the director or local air pollution control authority on a case-by-case basis; and

C. Other EPA documents may be used to estimate emissions if the emission factors are more appropriate or source specific than AP-42 or FIRE. Newly developed EPA emission factors must be published by December 31 of the year for which the facility is submitting an emissions report.

(C) Emission Data and Fee Auditing and Adjustment.

1. The department may conduct detailed audits of emissions reports and supporting documentation as the director deems necessary. A minimum seven (7)-day notice must be provided to the installation

to prepare documentation if this audit is done on-site.

2. The department may make emission fee adjustments when any of the following applies—

A. Clerical or arithmetic errors have been made;  
B. Submitted documentation is not supported by inspections or audits;

C. Emissions estimates are modified as a result of emission verification or audits;

D. Credit has been incorrectly applied for an emissions fee paid to a local air pollution control agency; or

E. Emission estimation calculation varies from the methods described in subsection (3)(B) of this rule.

3. The department is not limited by subparagraphs (3)(C)2.A.–E. of this rule in making emission fee adjustments.

4. Adjustments to data and fees will be subject to a three (3)-year statute of limitations unless it is—

A. Due to a willful failure to report emissions or fraudulent representation for which there shall be no statute of limitations; or

B. Adjustment of emissions is based on a permitting action under 40 CFR 52.21 for which an adjustment of fees is required to all years of emission data changed up to a maximum of ten (10) years. **40 CFR 52.21 was promulgated as of July 1, 2017 and is hereby incorporated by reference as published by the Office of the Federal Register. Copies can be obtained from the U.S. Publishing Office Bookstore, 710 N. Capitol Street NW, Washington DC 20401. This rule does not incorporate any subsequent amendments or additions.** If approved, fees in effect at the time will be due, but no credit will be applied at the emission unit level.

(4) Reporting and Record Keeping. All data collected and recorded in accordance with the provisions of this rule shall be retained by the owner or operator for not less than five (5) years after the end of the calendar year in which the data was collected, and all these records shall be made available upon the director's request.

(C) Submittal Requirements.

1. The Full Emissions Report shall be submitted either electronically via MoEIS, which requires Form 1.0 signed by an authorized company representative, or on Emissions Inventory Questionnaire (EIQ) paper forms on the frequency specified in Table 4 of this rule. Alternate methods of reporting the emissions, such as a spreadsheet file, can be submitted for approval by the director.

2. An installation *[not required to]* that does not submit a Full Emissions Report is required to submit a Reduced Reporting Form, which is due April 1 after each reporting year.

3. The Full Emissions Report is due April 1 after each reporting year. If the Full Emissions Report is filed electronically via MoEIS, this due date is extended to May 1.

4. The installation owner or operator of record on December 31 of the reporting year is responsible for the emissions report and associated fees for the entire reporting year.

5. If there is no production from an installation in a reporting year, no emission fees are due for that year but notice of such status must be provided to the director in writing by the emissions report due date of April 1.

6. If an installation is out of business, the final emissions report required will be for the full or partial year the installation went out of business. Notice of such status must be provided to the director in writing by the emissions report due date of April 1.

*[7. After the effective date of this rule, any revision to the department-supplied EIQ forms will be presented to the regulated community for a forty-five (45)-day comment period.]*

**AUTHORITY:** section 643.050, RSMo [Supp. 2014] 2016. Original rule filed June 13, 1984, effective Nov. 12, 1984. For intervening history, please consult the *Code of State Regulations*. Amended: Filed April 13, 2018.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing on this proposed amendment will begin at 9:00 a.m., July 26, 2018. The public hearing will be held at the St. Louis Regional Office, 7545 South Lindbergh, Suite 220, DESE Conference Room, St. Louis, Missouri. Opportunity to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a statement of their views until 5:00 p.m., August 2, 2018. Send online comments via the proposed rules web page [www.dnr.mo.gov/proposed-rules](http://www.dnr.mo.gov/proposed-rules), email comments to [apcprulespn@dnr.mo.gov](mailto:apcprulespn@dnr.mo.gov), or written comments to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.

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

**PROPOSED AMENDMENT**

**10 CSR 10-6.200 Hospital, Medical, Infectious Waste Incinerators.**

The commission proposes to amend subsections (1)(A)–(1)(C) and (1)(I); and amend sections (2) thru (5). If the commission adopts this rule action, the department intends to submit this rule amendment to the U.S. Environmental Protection Agency to replace the current rule that is in the Missouri State Plan for Designated Facilities and Pollutants pursuant to section 111(d) of the Clean Air Act for Hospital, Medical, and Infectious Waste Incinerators. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Proposed Rules website [www.dnr.mo.gov/proposed-rules](http://www.dnr.mo.gov/proposed-rules).

**PURPOSE:** This rule establishes emission limits for existing hospital, medical, and infectious waste incinerators. The pollutants regulated include metals, particulate matter, acid gases, organic compounds, carbon monoxide, and opacity. This rule includes requirements for operator training and qualification, waste management, compliance and performance testing, monitoring, and reporting/record keeping. This amendment incorporates by reference the federal regulatory requirements for existing hospital, medical, and infectious waste incinerators. This rulemaking will also remove the unnecessary use of restrictive words and update/add incorporations by reference as applicable. This rulemaking will assure that state rule requirements remain consistent with the latest federal rule requirements to avoid confusion. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is the periodic rule requirement, 536.175, RSMo, and Executive Order 17-03 Red Tape Reduction Review and related comments.

(1) Applicability.

(A) Except as provided in subsection (1)(B) through (H) of this rule, this rule applies to each individual hospital or medical/infectious waste incinerator (HMIWI)—

1. For which construction was commenced *[after]* on or before June 20, 1996, *[but no later than December 1, 2008]* or for

which modification was commenced on or before March 16, 1998; or

2. For which construction was commenced after June 20, 1996 but no later than December 1, 2008, or for which modification is commenced after March 16, 1998[,] but no later than April 6, 2010.

(B) A combustor is not subject to this rule during periods when only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste is burned, provided the owner or operator of the combustor—

1. Notifies the director of an exemption claim; and

2. Keeps records on a calendar[-] quarter basis of the periods of time when only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste is burned.

(C) Any co-fired combustor is not subject to this rule if the owner or operator of the co-fired combustor—

1. Notifies the director of an exemption claim;

2. Provides an estimate of the relative weight of hospital waste, medical/infectious waste, and other fuels and/or wastes to be combusted; and

3. Keeps records on a calendar[-] quarter basis of the weight of hospital waste and medical/infectious waste combusted, and the weight of all other fuels and wastes combusted at the co-fired combustor.

(I) Facilities subject to this rule *[shall]* **have to** operate pursuant to a permit issued under the permitting authorities operating permit program.

(2) Definitions.

(A) *[Definitions of certain terms specified in this rule may be found in 40 CFR 60.21 and 40 CFR 60.51c, promulgated as of July 1, 2012, and are hereby incorporated by reference in this rule, as published by the Office of Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, DC 20408. This rule does not incorporate any subsequent amendments or additions.]* **The definitions of 40 CFR 60.31e apply as specified in 10 CSR 10-6.030(22).**

(B) Definitions of certain terms specified in this rule, other than those defined in **subsection (2)(A)** of this rule *[section]*, may be found in 10 CSR 10-6.020.

(3) General Provisions. **Owners and operators of HMIWI subject to this rule must comply with the provisions listed below. The following references to 40 CFR 60.33e through 60.37e and 40 CFR 60 Subpart Ce Tables 1A through 2B apply as specified in 10 CSR 10-6.030(22).**

*[(A) Emission Limits.*

1. *No owner or operator of an HMIWI subject to this rule shall cause to be discharged into the atmosphere any gases that contain stack emissions in excess of the limits presented in Table 1 of this subsection, except as provided for in paragraph (3)(A)2. of this rule.*

Table 1—Emissions Limits for Small, Medium, and Large HMIWI

Pollutant	Units (7 percent oxygen, dry basis)	Emissions limits			Averaging time <sup>1</sup>	Method for demonstrating compliance <sup>2</sup>
		HMIWI size				
		Small	Medium	Large		
Particulate matter	Milligrams per dry standard cubic meter (mg/dscm) (grains per dry standard cubic foot (gr/dscf))	66 (0.029)	46 (0.020) or 34 (.015) <sup>3</sup>	25 (0.011)	3-run average (1-hour minimum sample time per run)	EPA Reference Method 5 of 40 CFR 60, Appendix A-3 or EPA Reference Method 26A or 29 of 40 CFR 60, Appendix A-8.
Carbon monoxide	Parts per million by volume (ppmv)	20	5.5	11	3-run average (1-hour minimum sample time per run)	EPA Reference Method 10 or 10B of 40 CFR 60, Appendix A-4.
Dioxins/furans	Nanograms per dry standard cubic meter total dioxins/furans (ng/dscm) (grains per billion dry standard cubic feet (gr/10 <sup>9</sup> dscf)) or ng/dscm TEQ (gr/10 <sup>9</sup> dscf)	16 (7.0) or 0.013 (0.0057)	0.85 (0.37) or 0.020 (0.0087)	9.3 (4.1) or 0.054 (0.024)	3-run average (4-hour minimum sample time per run)	EPA Reference Method 23 of 40 CFR 60, Appendix A-7.
Hydrogen chloride	ppmv	44 or 15 or 99% <sup>3</sup>	7.7	6.6	3-run average (1-hour minimum sample time per run)	EPA Reference Method 26 or 26A of 40 CFR 60, Appendix A-8.
Sulfur dioxide	ppmv	4.2	4.2	9.0	3-run average (1-hour minimum sample time per run)	EPA Reference Method 6 or 6C of 40 CFR 60, Appendix A-4.

Nitrogen oxides	ppmv	190	190	140	3-run average (1-hour minimum sample time per run)	EPA Reference Method 7 or 7E of 40 CFR 60, Appendix A-4.
Lead	mg/dscm (grains per thousand dry standard cubic feet (gr/10 <sup>3</sup> dscf))	0.31 (0.14)	0.018 (0.0079)	0.036 (0.016)	3-run average (1-hour minimum sample time per run)	EPA Reference Method 29 of 40 CFR 60, Appendix A-8.
Cadmium	mg/dscm (gr/10 <sup>3</sup> dscf)	0.017 (0.0074)	0.013 (0.0057)	0.0092 (0.0040)	3-run average (1-hour minimum sample time per run)	EPA Reference Method 29 of 40 CFR 60, Appendix A-8.
Mercury	mg/dscm (gr/10 <sup>3</sup> dscf)	0.014 (0.0061)	0.025 (0.011)	0.018 (0.0079)	3-run average (1-hour minimum sample time per run)	EPA Reference Method 29 of 40 CFR 60, Appendix A-8.

<sup>1</sup> Except as allowed under section 60.56c(c) for HMIWI equipped with Continuous Emission Monitoring System (CEMS).

<sup>2</sup> Does not include CEMS and approved alternative non-EPA test methods allowed under section 60.56c(b).

<sup>3</sup> HMIWI constructed after June 20, 1996, but no later than December 1, 2008, or for which modification is commenced after March 16, 1998, but no later than April 6, 2010.

2. No owner or operator of a small HMIWI constructed on or before June 20, 1996, which is located more than fifty (50) miles from the boundary of the nearest Standard Metropolitan Statistical Area and which burns less than two thousand (2,000) pounds per week of hospital waste and medical/infectious waste shall cause to be discharged into the atmosphere any gases that contain stack emissions in excess of the limits presented in Table 2 of this paragraph. The two thousand (2,000) pounds per week limitation does not apply during performance tests.

Table 2—Emissions Limits for Small HMIWI Which Meet the Criteria Under Paragraph (3)(A)2. of this Rule

Pollutant	Units (7 percent oxygen, dry basis)	HMIWI Emissions limits	Averaging time <sup>1</sup>	Method for demonstrating compliance <sup>2</sup>
Particulate matter	mg/dscm (gr/dscf)	87 (0.038)	3-run average (1-hour minimum sample time per run)	EPA Reference Method 5 of 40 CFR 60, Appendix A-3 or EPA Reference Method 26A or 29 of 40 CFR 60, Appendix A-8.
Carbon monoxide	ppmv	20	3-run average (1-hour minimum sample time per run)	EPA Reference Method 10 or 10B of 40 CFR 60, Appendix A-4.
Dioxins/furans	ng/dscm total dioxins/furans (gr/10 <sup>9</sup> dscf) or ng/dscm TEQ (gr/10 <sup>9</sup> dscf)	240 (100) or 5.1 (2.2)	3-run average (4-hour minimum sample time per run)	EPA Reference Method 23 of 40 CFR 60, Appendix A-7.
Hydrogen chloride	ppmv	810	3-run average (1-hour minimum sample time per run)	EPA Reference Method 26 or 26A of 40 CFR 60, Appendix A-8.
Sulfur dioxide	ppmv	55	3-run average (1-hour minimum sample time per run)	EPA Reference Method 6 or 6C of 40 CFR 60, Appendix A-4.
Nitrogen oxides	ppmv	130	3-run average (1-hour minimum sample time per run)	EPA Reference Method 7 or 7E of 40 CFR 60, Appendix A-4.
Lead	mg/dscm (gr/10 <sup>3</sup> dscf)	0.50 (0.22)	3-run average (1-hour minimum sample time per run)	EPA Reference Method 29 of 40 CFR 60, Appendix A-8.
Cadmium	mg/dscm (gr/10 <sup>3</sup> dscf)	0.11 (0.048)	3-run average (1-hour minimum sample time per run)	EPA Reference Method 29 of 40 CFR 60, Appendix A-8.
Mercury	mg/dscm (gr/10 <sup>3</sup> dscf)	0.0051 (0.0022)	3-run average (1-hour minimum sample time per run)	EPA Reference Method 29 of 40 CFR 60, Appendix A-8.

<sup>1</sup> Except as allowed under section 60.56c(c) for HMIWI equipped with CEMS.

<sup>2</sup> Does not include CEMS and approved alternative non-EPA test methods allowed under section 60.56c(b).



3. No owner or operator of an HMIWI subject to this rule shall cause to be discharged into the atmosphere from the stack of that HMIWI any gases that exhibit greater than six percent (6%) opacity (six (6)-minute block average).

*(B) Operator Training and Qualification Requirements.*

1. No owner or operator of an HMIWI subject to this rule shall allow the HMIWI to operate at any time unless a fully trained and qualified HMIWI operator is accessible, either at the facility or available within one (1) hour. The trained and qualified HMIWI operator may operate the HMIWI directly or be the direct supervisor of one (1) or more HMIWI operators.

2. Operator training and qualification shall be obtained by completing the requirements included in paragraphs (3)(B)3. through 7. of this rule.

3. Training shall be obtained by completing an HMIWI operator training course that includes, at a minimum, the following provisions:

A. Twenty-four (24) hours of training on the following subjects:

(I) Environmental concerns, including pathogen destruction and types of emissions;

(II) Basic combustion principles, including products of combustion;

(III) Operation of the type of incinerator to be used by the operator, including proper start-up, waste charging, and shutdown procedures;

(IV) Combustion controls and monitoring;

(V) Operation of air pollution control equipment and factors affecting performance (if applicable);

(VI) Methods to monitor pollutants and equipment calibration procedures (where applicable);

(VII) Inspection and maintenance of the HMIWI, air pollution control devices, and continuous emission monitoring systems;

(VIII) Actions to correct malfunctions or conditions that may lead to malfunction;

(IX) Bottom and fly ash characteristics and handling procedures;

(X) Applicable federal, state, and local regulations;

(XI) Work safety procedures;

(XII) Inspections prior to start-up; and

(XIII) Record-keeping requirements;

B. An examination designed and administered by the instructor; and

C. Reference material distributed to the attendees covering the course topics.

4. Qualifications shall be obtained by—

A. Completion of a training course that satisfies the criteria under paragraph (3)(B)3. of this rule; and

B. Either six (6) months experience as an HMIWI operator, six (6) months experience as a direct supervisor of an HMIWI operator, or completion of at least two (2) burn cycles under the observation of two (2) qualified HMIWI operators.

5. Qualification is valid from the date on which the examination is passed or the completion of the required experience, whichever is later.

6. To maintain qualification, the trained and qualified HMIWI operator shall complete and pass an annual review or refresher course of at least four (4) hours covering, at a minimum, the following:

A. Update of regulations;

B. Incinerator operation, including start-up and shutdown procedures;

C. Inspection and maintenance;

D. Responses to malfunctions or conditions that may lead to malfunction; and

E. Discussion of operating problems encountered by

attendees.

7. A lapsed qualification shall be renewed by one (1) of the following methods:

A. For a lapse of less than three (3) years, the HMIWI operator shall complete and pass a standard annual refresher course described in paragraph (3)(B)6. of this rule; or

B. For a lapse of three (3) years or more, the HMIWI operator shall complete and pass a training course with the minimum criteria described in paragraph (3)(B)3. of this rule.

8. The owner or operator of an HMIWI shall maintain documentation at the facility that addresses the following:

A. Summary of the applicable standards under this subpart;

B. Description of basic combustion theory applicable to an HMIWI;

C. Procedures for receiving, handling, and charging waste;

D. HMIWI start-up, shutdown, and malfunction procedures;

E. Procedures for maintaining proper combustion air supply levels;

F. Procedures for operating the HMIWI and associated air pollution control systems within the standards established under this subpart;

G. Procedures for responding to periodic malfunction or conditions that may lead to malfunction;

H. Procedures for monitoring HMIWI emissions;

I. Reporting and record-keeping procedures; and

J. Procedures for handling ash.

9. The owner or operator of an HMIWI shall establish a program for reviewing the information listed in paragraph (3)(B)8. of this rule annually with each HMIWI operator.

A. The initial review of the information listed in paragraph (3)(B)8. of this rule shall be conducted prior to assumption of responsibilities affecting HMIWI operation.

B. Subsequent reviews of the information listed in paragraph (3)(B)8. of this rule shall be conducted annually.

10. The information listed in paragraph (3)(B)8. of this rule shall be kept in a readily-accessible location for all HMIWI operators. This information, along with records of training, shall be available for inspection by the department or its delegated enforcement agent upon request.

(C) Waste Management Plan. The owner or operator of an HMIWI shall prepare a waste management plan. The waste management plan shall identify both the feasibility and the approach to separate certain components of solid waste from the health care waste stream in order to reduce the amount of toxic emissions from incinerated waste. A waste management plan may include, but is not limited to, elements such as segregation and recycling of paper, cardboard, plastics, glass, batteries, food waste, and metals (e.g., aluminum cans, metals-containing devices); segregation of non-recyclable wastes (e.g., polychlorinated biphenyl-containing waste, pharmaceutical waste, and mercury-containing waste, such as dental waste); and purchasing recycled or recyclable products. A waste management plan may include different goals or approaches for different areas or departments of the facility and need not include new waste management goals for every waste stream. It should identify, where possible, reasonably available additional waste management measures, taking into account the effectiveness of waste management measures already in place, the costs of additional measures, the emission reductions expected to be achieved, and any other environmental or energy impacts they might have. The development of the waste management plan shall consider the publication entitled *An Ounce of Prevention: Waste Reduction Strategies for Health Care Facilities* (Catalog No. 057007), copyright year

1993, and hereby incorporated by reference in this rule, as published by the American Hospital Association Services, Inc., PO Box 92683, Chicago, IL 60675-2683. This rule does not incorporate any subsequent amendments or additions to this publication. The owner or operator of each commercial HMIWI company shall conduct training and education programs in waste segregation for each of the company's waste generator clients and ensure that each client prepares its own waste management plan that includes, but is not limited to, the provisions listed previously in this subsection.

(D) Inspection Guidelines.

1. Each HMIWI subject to the emission limits under paragraph (3)(A)1. of this rule and each small HMIWI subject to the emission limits under paragraph (3)(A)2. of this rule shall undergo an initial equipment inspection that is at least as protective as the following:

A. At a minimum, an inspection shall include the following:

(I) Inspect all burners, pilot assemblies, and pilot sensing devices for proper operation, and clean pilot flame sensor, as necessary;

(II) Ensure proper adjustment of primary and secondary chamber combustion air, and adjust as necessary;

(III) Inspect hinges and door latches and lube as necessary;

(IV) Inspect dampers, fans, and blowers for proper operation;

(V) Inspect HMIWI door and door gaskets for proper sealing;

(VI) Inspect motors for proper operation;

(VII) Inspect primary chamber refractory lining and clean and repair/replace as necessary;

(VIII) Inspect incinerator shell for corrosion and/or hot spots;

(IX) Inspect secondary/tertiary chamber and stack; clean as necessary;

(X) Inspect mechanical loader, including limit switches, for proper operation, if applicable;

(XI) Visually inspect waste bed (grates) and repair/seal, as necessary;

(XII) For the burn cycle that follows the inspection, document that the incinerator is operating properly and make any necessary adjustments;

(XIII) Inspect air pollution control devices for proper operation, if applicable;

(XIV) Inspect waste heat boiler systems to ensure proper operation, if applicable;

(XV) Inspect bypass stack components;

(XVI) Ensure proper calibration of thermocouples, sorbent feed systems, and any other monitoring equipment; and

(XVII) Generally observe that the equipment is maintained in good operating condition; and

B. Within ten (10) operating days following an equipment inspection all necessary repairs shall be completed unless the owner or operator obtains written approval from the department or local air pollution control authority establishing a date whereby all necessary repairs of the designated facility shall be completed.

2. Each HMIWI subject to the emissions limits under paragraph (3)(A)1. of this rule and each small HMIWI subject to the emission limits under paragraph (3)(A)2. of this rule shall undergo an equipment inspection annually (no more than twelve (12) months following the previous annual equipment inspection), as outlined in paragraph (3)(D)1. of this rule.

3. Each HMIWI subject to the emissions limits under

paragraph (3)(A)1. of this rule and each small HMIWI subject to the emissions limits under paragraph (3)(A)2. of this rule shall undergo an initial air pollution control device inspection, as applicable, that is at least as protective as the following:

A. At a minimum, an inspection shall include the following:

(I) Inspect air pollution control device(s) for proper operation, if applicable;

(II) Ensure proper calibration of thermocouples, sorbent feed systems, and any other monitoring equipment; and

(III) Generally observe that the equipment is maintained in good operating condition; and

B. Within ten (10) operating days following an air pollution control device inspection, all necessary repairs shall be completed unless the owner or operator obtains written approval from the Missouri Department of Natural Resources' Air Pollution Control Program establishing a date whereby all necessary repairs of the designated facility shall be completed.

4. Each HMIWI subject to the emissions limits under paragraph (3)(A)1. of this rule and each small HMIWI subject to the emissions limits under paragraph (3)(A)2. of this rule shall undergo an air pollution control device inspection, as applicable, annually (no more than twelve (12) months following the previous annual air pollution control device inspection), as outlined in paragraph (3)(D)3. of this rule.

(E) Compliance and Performance Testing.

1. The emission limits under this rule apply at all times.

2. Except as provided in paragraph (3)(E)12. of this rule, the owner or operator of an HMIWI subject to this rule shall conduct an initial performance test to determine compliance with the emission limits using the procedures and test methods listed in subparagraphs (3)(E)2.A. through L. of this rule. The use of the bypass stack during a performance test shall invalidate the performance test. For small HMIWIs as defined in paragraph (3)(A)2. of this rule, the two-thousand (2,000)-pound-per-week limitation does not apply during performance tests.

A. All performance tests shall consist of a minimum of three (3) test runs conducted under representative operating conditions.

B. The minimum sample time shall be one (1) hour per test run unless otherwise indicated.

C. The sampling location and number of traverse points shall be determined using EPA Reference Method 1 of 40 CFR 60, Appendix A-1.

D. Gas composition shall be analyzed and include a measurement of oxygen concentration using EPA Reference Method 3, 3A, or 3B of 40 CFR 60, Appendix A-2. EPA Reference Method 3, 3A, or 3B shall be used simultaneously with each of the other EPA reference methods. As an alternative to EPA Reference Method 3B, ASME PTC-19-10-1981-Part 10 may be used.

E. The pollutant concentrations shall be adjusted to seven percent (7%) oxygen using the following equation:

$$C_{adj} = C_{meas} (20.9 - 7) / (20.9 - \% O_2)$$

where:

$C_{adj}$  = pollutant concentration adjusted to 7 percent oxygen

$C_{meas}$  = pollutant concentration measured on a dry basis

$(20.9 - 7)$  = 20.9 percent oxygen - 7 percent oxygen (defined oxygen correction basis)

20.9 = oxygen concentration in air, percent

$\% O_2$  = oxygen concentration measured on a dry basis, percent

*F. Particulate Matter (PM) emissions shall be measured using EPA Reference Method 5 of 40 CFR 60, Appendix A-3. An acceptable alternate method for measuring PM emissions is EPA Reference Method 26A or Method 29 of 40 CFR 60, Appendix A-8. As an alternative, PM Continuous Emission Monitoring System (CEMS) may also be used as specified in subparagraph (3)(E)3.C. of this rule.*

*G. Stack opacity shall be measured using EPA Reference Method 9 of 40 CFR 60, Appendix A-4. As an alternative, demonstration of compliance with the PM standards using bag leak detection systems as specified in paragraph (3)(E)11. of this rule or PM CEMS as specified in subparagraph (3)(E)3.C. of this rule is considered demonstrative of compliance with the opacity requirements.*

*H. Carbon monoxide (CO) emissions shall be measured using EPA Reference Method 10 or 10B of 40 CFR 60, Appendix A-4. As an alternative, CO CEMS may be used as specified in subparagraph (3)(E)3.C. of this rule.*

*I. Total dioxin/furan emissions shall be measured using EPA Reference Method 23 of 40 CFR 60, Appendix A-7. As an alternative, an owner or operator may elect to sample dioxins/furans by installing, calibrating, maintaining, and operating a continuous automated sampling system for monitoring dioxin/furan emissions. Sampling shall be done using EPA Reference Method 23 of 40 CFR 60, Appendix A-7. The minimum sample time shall be four (4) hours per test run. If the affected facility has selected the toxic equivalency standards for dioxin/furans the following procedures shall be used to determine compliance:*

*(I) Measure the concentration of each dioxin/furan tetra- through octa-congener emitted using EPA Reference Method 23 of 40 CFR 60, Appendix A-7;*

*(II) For each dioxin/furan congener measured in accordance with part (3)(E)2.I.(I) of this rule, multiply the congener concentration by its corresponding toxic equivalency factor specified in Table 3 of this part; and*

Table 3—Toxic Equivalency Factors

<i>Dioxin/furan congener</i>	<i>Toxic equivalency factor</i>
<i>2,3,7,8-tetrachlorinated dibenzo-p-dioxin</i>	<i>1</i>
<i>1,2,3,7,8-pentachlorinated dibenzo-p-dioxin</i>	<i>0.5</i>
<i>1,2,3,4,7,8-hexachlorinated dibenzo-p-dioxin</i>	<i>0.1</i>
<i>1,2,3,7,8,9-hexachlorinated dibenzo-p-dioxin</i>	<i>0.1</i>
<i>1,2,3,6,7,8-hexachlorinated dibenzo-p-dioxin</i>	<i>0.1</i>
<i>1,2,3,4,6,7,8-heptachlorinated dibenzo-p-dioxin</i>	<i>0.01</i>
<i>octachlorinated dibenzo-p-dioxin</i>	<i>0.001</i>
<i>2,3,7,8-tetrachlorinated dibenzofuran</i>	<i>0.1</i>
<i>2,3,4,7,8-pentachlorinated dibenzofuran</i>	<i>0.5</i>
<i>1,2,3,7,8-pentachlorinated dibenzofuran</i>	<i>0.05</i>
<i>1,2,3,4,7,8-hexachlorinated dibenzofuran</i>	<i>0.1</i>
<i>1,2,3,6,7,8-hexachlorinated dibenzofuran</i>	<i>0.1</i>
<i>1,2,3,7,8,9-hexachlorinated dibenzofuran</i>	<i>0.1</i>
<i>2,3,4,6,7,8-hexachlorinated dibenzofuran</i>	<i>0.1</i>
<i>1,2,3,4,6,7,8-heptachlorinated dibenzofuran</i>	<i>0.01</i>
<i>1,2,3,4,7,8,9-heptachlorinated dibenzofuran</i>	<i>0.01</i>
<i>octachlorinated dibenzofuran</i>	<i>0.001</i>

(III) Sum the products calculated in accordance with part (3)(E)2.i.(II) of this rule to obtain the total concentration of dioxins/furans emitted in terms of toxic equivalency.

J. Hydrogen chloride (HCl) shall be measured using EPA Reference Method 26 or 26A of 40 CFR 60, Appendix A–8. As an alternative, HCl CEMS may be used as specified in subparagraph (3)(E)3.C. of this rule.

K. Lead (Pb), cadmium (Cd), and mercury (Hg) emissions shall be measured using EPA Reference Method 29 of 40 CFR 60, Appendix A–8. As an alternative, Hg emissions may be measured using ASTM D6784–02(2008). As an alternative for Pb, Cd, and Hg, multi-metals CEMS or Hg CEMS, may be used as specified in subparagraph (3)(E)3.C. of this rule. As an alternative, an owner or operator may elect to sample Hg by installing, calibrating, maintaining, and operating a continuous automated sampling system for monitoring Hg emissions.

L. Compliance for fugitive ash emissions shall be determined using EPA Reference Method 22 of 40 CFR 60, Appendix A–7. The minimum observation time shall be a series of three (3) one (1)-hour observations.

3. Following the date on which the initial performance test is completed, the owner or operator of an affected facility shall—

A. Determine compliance with the opacity limit by conducting an annual performance test (no more than twelve (12) months following the previous performance test) using the applicable procedures and test methods listed in paragraph (3)(E)2. of this rule;

B. Determine compliance with the PM, CO, and HCl emission limits by conducting an annual performance test (no more than twelve (12) months following the previous performance test) using the applicable procedures and test methods listed in paragraph (3)(E)2. of this rule. If all three (3) performance tests over a three (3)-year period indicate compliance with the emission limit for a pollutant (PM, CO, or HCl), the owner or operator may forego a performance test for that pollutant for the subsequent two (2) years. At a minimum, a performance test for PM, CO, and HCl shall be conducted every third year (no more than thirty-six (36) months following the previous performance test). If a performance test conducted every third year indicates compliance with the emission limit for a pollutant (PM, CO, or HCl), the owner or operator may forego a performance test for that pollutant for an additional two (2) years. If any performance test indicates noncompliance with the respective emission limit, a performance test for that pollutant shall be conducted annually until all annual performance tests over a three (3)-year period indicate compliance with the emission limit.

*The use of the bypass stack during a performance test shall invalidate the performance test; and*

*C. Facilities using a Continuous Emission Monitoring System (CEMS) to demonstrate compliance with any of the emission limits under section (3) of this rule shall determine compliance with the appropriate emission limit(s) using a twelve (12)-hour rolling average, calculated each hour as the average of the previous twelve (12) operating hours.*

*4. The owner or operator of an affected facility equipped with a dry scrubber followed by a fabric filter, a wet scrubber, or a dry scrubber followed by a fabric filter and wet scrubber shall—*

*A. Establish the appropriate maximum and minimum operating parameters, indicated in Table 4 of this subparagraph for each control system, as site-specific operating parameters during the initial performance test to determine compliance with the emission limits; and*

*Table 4—Operating Parameters to be Monitored and Minimum Measurement and Recording Frequencies*

<i>Operating parameters to be monitored</i>	<i>Minimum frequency</i>		<i>Control system</i>		
	<i>Data measurement</i>	<i>Data recording</i>	<i>Dry scrubber followed by fabric filter</i>	<i>Wet scrubber</i>	<i>Dry scrubber followed by fabric filter and wet scrubber</i>
<i>MAXIMUM OPERATING PARAMETERS</i>					
<i>Maximum charge rate</i>	<i>Continuous</i>	<i>1 per hour</i>	✓	✓	✓
<i>Maximum fabric filter inlet temperature</i>	<i>Continuous</i>	<i>1 per minute</i>	✓		✓
<i>Maximum flue gas temperature</i>	<i>Continuous</i>	<i>1 per minute</i>		✓	✓
<i>MINIMUM OPERATING PARAMETERS</i>					
<i>Minimum secondary chamber temperature</i>	<i>continuous</i>	<i>1 per minute</i>	✓	✓	✓
<i>Minimum dioxin/furan sorbent flow rate</i>	<i>hourly</i>	<i>1 per hour</i>	✓		✓
<i>Minimum hydrogen chloride (HCl) sorbent flow rate</i>	<i>hourly</i>	<i>1 per hour</i>	✓		✓
<i>Minimum mercury (Hg) sorbent flow rate</i>	<i>hourly</i>	<i>1 per hour</i>	✓		✓
<i>Minimum pressure drop across the wet scrubber or minimum horsepower or amperage to wet scrubber</i>	<i>continuous</i>	<i>1 per minute</i>		✓	✓
<i>Minimum scrubber liquor flow rate</i>	<i>continuous</i>	<i>1 per minute</i>		✓	✓
<i>Minimum scrubber liquor pH</i>	<i>continuous</i>	<i>1 per minute</i>		✓	✓

*B. Following the date on which the initial performance test is completed, ensure that the affected facility does not operate above any of the applicable maximum operating parameters or below any of the applicable minimum operating parameters listed in Table 4 and measured as three (3)-hour rolling averages (calculated each hour as the average of the previous three (3) operating hours) at all times. Operating parameter limits do not apply during performance tests. Operation above the established maximum or below the established minimum operating parameter(s) shall constitute a violation of established operating parameter(s).*

*5. Except as provided in paragraph (3)(E)8. of this rule, for affected facilities equipped with a dry scrubber followed by a fabric filter—*

*A. Operation of the affected facility above the maximum charge rate and below the minimum secondary chamber temperature (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the CO emission limit;*

*B. Operation of the affected facility above the maximum fabric filter inlet temperature, above the maximum charge rate, and below the minimum dioxin/furan sorbent flow rate (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the dioxin/furan emission limit;*

*C. Operation of the affected facility above the maximum charge rate and below the minimum HCl sorbent flow rate (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the HCl emission limit;*

*D. Operation of the affected facility above the maximum charge rate and below the minimum Hg sorbent flow rate (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the Hg emission limit; or*

*E. Use of the bypass stack shall constitute a violation of the PM, dioxin/furan, HCl, Pb, Cd, and Hg emission limits.*

*6. Except as provided in paragraph (3)(E)8. of this rule, for affected facilities equipped with a wet scrubber—*

*A. Operation of the affected facility above the maximum charge rate and below the minimum pressure drop across the wet scrubber or below the minimum horsepower or amperage to the system (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the PM emission limit;*

*B. Operation of the affected facility above the maximum charge rate and below the minimum secondary chamber temperature (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the CO emission limit;*

*C. Operation of the affected facility above the maximum charge rate, below the minimum secondary temperature, and below the minimum scrubber liquor flow rate (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the dioxin/furan emission limit;*

*D. Operation of the affected facility above the maximum charge rate and below the minimum scrubber liquor pH (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the HCl emission limit;*

*E. Operation of the affected facility above the maximum flue gas temperature and above the maximum charge rate (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the Hg emission limit; or*

*F. Use of the bypass stack shall constitute a violation of the PM, dioxin/furan, HCl, Pb, Cd, and Hg emission limits.*

*7. Except as provided in paragraph (3)(E)8. of this rule, for affected facilities equipped with a dry scrubber followed*

*by a fabric filter and a wet scrubber—*

*A. Operation of the affected facility above the maximum charge rate and below the minimum secondary chamber temperature (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the CO emission limit;*

*B. Operation of the affected facility above the maximum fabric filter inlet temperature, above the maximum charge rate, and below the minimum dioxin/furan sorbent flow rate (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the dioxin/furan emission limit;*

*C. Operation of the affected facility above the maximum charge rate and below the minimum scrubber liquor pH (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the HCl emission limit;*

*D. Operation of the affected facility above the maximum charge rate and below the minimum Hg sorbent flow rate (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the Hg emission limit; or*

*E. Use of the bypass stack shall constitute a violation of the PM, dioxin/furan, HCl, Pb, Cd, and Hg emission limits.*

*8. The owner or operator of an affected facility may conduct a repeat performance test within thirty (30) days of violation of applicable operating parameter(s) to demonstrate that the affected facility is not in violation of the applicable emission limit(s). Repeat performance tests conducted pursuant to this paragraph shall be conducted using the identical operating parameters that indicated a violation under paragraphs (3)(E)5., 6., or 7. of this rule.*

*9. The owner or operator of an affected facility using an air pollution control device other than a dry scrubber followed by a fabric filter, a wet scrubber, or a dry scrubber followed by a fabric filter and a wet scrubber, or selective non-catalytic reduction technology, to comply with the emission limits under section (3) of this rule shall petition the administrator for other site-specific operating parameters to be established during the initial performance test and continuously monitored thereafter. The owner or operator shall not conduct the initial performance test until after the petition has been approved by the administrator.*

*10. The owner or operator of an affected facility may conduct a repeat performance test at any time to establish new values for the operating parameters. The department may request a repeat performance test at any time.*

*11. The owner or operator of an affected facility that uses an air pollution control device that includes a fabric filter and is not demonstrating compliance using PM CEMS, determines compliance with the PM emissions limit using a bag leak detection system, and meets the requirements in subparagraphs (3)(E)11.A. through L. of this rule for each bag leak detection system.*

*A. Each triboelectric bag leak detection system may be installed, calibrated, operated, and maintained according to the "Fabric Filter Bag Leak Detection Guidance" (EPA-454/R-98-015, September 1997). This document is available from the U.S. Environmental Protection Agency (U.S. EPA), Office of Air Quality Planning and Standards, Sector Policies and Programs Division, Measurement Policy Group (D-243-02), Research Triangle Park, NC 27711. This document is also available on the Technology Transfer Network (TTN) under Emissions Measurement Center Continuous Emissions Monitoring. Other types of bag leak detection systems shall be installed, operated, calibrated, and maintained in a manner consistent with the manufacturer's written specifications and recommendations.*

*B. The bag leak detection system shall be certified by*

the manufacturer to be capable of detecting PM emissions at concentrations of ten (10) milligrams per actual cubic meter (0.0044 grains per actual cubic foot) or less.

C. The bag leak detection system sensor shall provide an output of relative PM loadings.

D. The bag leak detection system shall be equipped with a device to continuously record the output signal from the sensor.

E. The bag leak detection system shall be equipped with an audible alarm system that will sound automatically when an increase in relative PM emissions over a preset level is detected. The alarm shall be located where it is easily heard by plant operating personnel.

F. For positive pressure fabric filter systems, a bag leak detector shall be installed in each baghouse compartment or cell.

G. For negative pressure or induced air fabric filters, the bag leak detector shall be installed downstream of the fabric filter.

H. Where multiple detectors are required, the system's instrumentation and alarm may be shared among detectors.

I. The baseline output shall be established by adjusting the range and the averaging period of the device and establishing the alarm set points and the alarm delay time according to section 5.0 of the "Fabric Filter Bag Leak Detection Guidance."

J. Following initial adjustment of the system, the sensitivity or range, averaging period, alarm set points, or alarm delay time may not be adjusted. In no case may the sensitivity be increased by more than one hundred percent (100%) or decreased more than fifty percent (50%) over a three-hundred-sixty-five (365)-day period unless such adjustment follows a complete fabric filter inspection that demonstrates that the fabric filter is in good operating condition. Each adjustment shall be recorded.

K. Record the results of each inspection, calibration, and validation check.

L. Initiate corrective action within one (1) hour of a bag leak detection system alarm; operate and maintain the fabric filter such that the alarm is not engaged for more than five percent (5%) of the total operating time in a six (6)-month block reporting period. If inspection of the fabric filter demonstrates that no corrective action is required, no alarm time is counted. If corrective action is required, each alarm is counted as a minimum of one (1) hour. If it takes longer than one (1) hour to initiate corrective action, the alarm time is counted as the actual amount of time taken to initiate corrective action.

12. Small HMIWI subject to the emissions limits under paragraph (3)(A)2. of this rule that is not equipped with an air pollution control device shall meet the following compliance and performance testing requirements:

A. Establish maximum charge rate and minimum secondary chamber temperature as site-specific operating parameters during the initial performance test to determine compliance with applicable emission limits;

B. Following the date on which the initial performance test is completed, ensure that the designated facility does not operate above the maximum charge rate or below the minimum secondary chamber temperature measured as three (3)-hour rolling averages (calculated as the average of the previous three (3) operating hours) at all times. Operating parameter limits do not apply during performance tests. Operation above the maximum charge rate or below the minimum secondary chamber temperature shall constitute a violation of the established operating parameter(s);

C. Except as provided in subparagraph (3)(E)12.D. of

this rule, operation of the designated facility above the maximum charge rate and below the minimum secondary chamber temperature (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the PM, CO, and dioxin/furan emission limits; and

D. The owner or operator of a designated facility may conduct a repeat performance test within thirty (30) days of the violation of applicable operating parameter(s) to demonstrate that the designated facility is not in violation of the applicable emission limit(s). Repeat performance tests conducted pursuant to this paragraph must be conducted using the identical operating parameters that indicated a violation under subparagraph (3)(E)12.C. of this rule.

13. The owner or operator of a designated facility subject to this rule may use the results of previous emissions tests to demonstrate compliance with the emissions limits, provided that the following conditions are met:

A. The designated facility's previous emissions tests must have been conducted using the applicable procedures and test methods listed in subparagraphs (3)(E)2.A.-L. of this rule. Previous emissions test results obtained using EPA-accepted voluntary consensus standards are also acceptable;

B. The HMIWI at the designated facility shall currently be operated in a manner (e.g., with charge rate, secondary chamber temperature, etc.) that would be expected to result in the same or lower emissions than observed during the previous emissions test(s), and the HMIWI may not have been modified such that emissions would be expected to exceed (notwithstanding normal test-to-test variability) the results from previous emissions test(s); and

C. The previous emissions test(s) must have been conducted in 1996 or later.

(F) Monitoring Requirements.

1. Except as provided for under paragraph (3)(F)5. of this rule, the owner or operator of an HMIWI subject to this rule shall install, calibrate (to manufacturers' specification), maintain, and operate devices (or establish methods) for monitoring the applicable maximum and minimum operating parameters listed in Table 4 of this rule (unless CEMS are used as a substitute for certain parameters as specified) such that these devices (or methods) measure and record values for these operating parameters at the frequency indicated in Table 4 of this rule at all times.

2. The owner or operator of an HMIWI shall install, calibrate (to manufacturers' specifications), maintain, and operate a device or method for measuring the use of the bypass stack including date, time, and duration.

3. The owner or operator of an HMIWI using something other than a dry scrubber followed by a fabric filter, a wet scrubber, or a dry scrubber followed by a fabric filter and a wet scrubber to comply with the emission limits under section (3) of this rule shall install, calibrate (to manufacturers' specifications), maintain, and operate the equipment necessary to monitor the site-specific operating parameters developed pursuant to paragraph (3)(E)9. of this rule.

4. The owner or operator of an HMIWI shall obtain monitoring data at all times during HMIWI operation except during periods of monitoring equipment malfunction, calibration, or repair. At a minimum, valid monitoring data shall be obtained for seventy-five percent (75%) of the operating hours per day for ninety percent (90%) of the operating days per calendar quarter that the HMIWI is combusting hospital waste and/or medical/infectious waste.

5. Small HMIWI subject to the emission limits under paragraph (3)(A)2. of this rule not equipped with an air pollution control device shall meet the following monitoring requirements:



A. Install, calibrate (to manufacturers' specification), maintain, and operate a device for measuring and recording the temperature of the secondary chamber on a continuous basis, the output of which shall be recorded, at a minimum, once every minute throughout operation;

B. Install, calibrate (to manufacturers' specification), maintain, and operate a device that automatically measures and records the date, time, and weight of each charge fed into the HMIWI; and

C. The owner or operator of a designated facility shall obtain monitoring data at all times during HMIWI operation except during periods of monitoring equipment malfunction, calibration, or repair. At a minimum, valid monitoring data shall be obtained for seventy-five percent (75%) of the operating hours per day for ninety percent (90%) of the operating days per calendar quarter that the designated facility is combusting hospital waste and/or medical/infectious waste.]

(A) Emission limits—40 CFR 60.33e;

(B) Operator training and qualification requirements—40 CFR 60.34e;

(C) Waste management plan—40 CFR 60.35e;

(D) Inspection—40 CFR 60.36e; and

(E) Compliance, performance testing, and monitoring—40 CFR 60.37e.

(4) Reporting and Record Keeping. Owners and operators of HMIWI subject to this rule must comply with the following reporting and record keeping provisions. The provisions of 40 CFR 60.38e apply as specified in 10 CSR 10-6.030(22).

(A) The owner or operator of an HMIWI subject to this rule shall maintain the following information (as applicable) for a period of at least five (5) years:

1. Calendar date of each record;

2. Records of the following data:

A. Concentrations of any pollutant listed in section (3) of this rule or measurements of opacity as determined by the continuous emission monitoring system (if applicable);

B. Results of fugitive emissions (by EPA Reference Method 22) tests, if applicable;

C. HMIWI charge dates, times, and weights and hourly charge rates;

D. Fabric filter inlet temperatures during each minute of operation, as applicable;

E. Amount and type of dioxin/furan sorbent used during each hour of operation, as applicable;

F. Amount and type of Hg sorbent used during each hour of operation, as applicable;

G. Amount and type of HCl sorbent used during each hour of operation, as applicable;

H. Amount and type of nitrogen oxides (NO<sub>x</sub>) reagent used during each hour of operation, as applicable;

I. Secondary chamber temperatures recorded during each minute of operation;

J. Liquor flow rate to the wet scrubber inlet during each minute of operation, as applicable;

K. Horsepower or amperage to the wet scrubber during each minute of operation, as applicable;

L. Pressure drop across the wet scrubber system during each minute of operation, as applicable;

M. Temperature at the outlet from the wet scrubber during each minute of operation, as applicable;

N. pH of the scrubber liquor at the inlet to the wet scrubber during each minute of operation, as applicable;

O. Records indicating use of the bypass stack, including dates, times, and durations;

P. For HMIWI complying with paragraph (3)(E)9. and paragraph (3)(F)3. of this rule, the owner or operator shall maintain all operating parameter data collected; and

Q. For affected facilities as defined in this rule, records of the annual equipment inspections, annual air pollution control device inspections, any required maintenance, and any repairs not completed within ten (10) days of an inspection or the time frame established by the director;

3. Identification of calendar days for which data on emission rates or operating parameters specified under paragraph (4)(A)2. of this rule have not been obtained, with an identification of the emission rates or operating parameters not measured, reasons for not obtaining the data, and a description of corrective actions taken;

4. Identification of calendar days, times, and durations of malfunctions, a description of the malfunction, and the corrective action taken;

5. Identification of calendar days for which data on emission rates or operating parameters specified under paragraph (4)(A)2. of this rule exceeded the applicable limits, with a description of the exceedances, reasons for such exceedances, and a description of corrective actions taken;

6. The results of the initial, annual, and any subsequent performance tests conducted to determine compliance with the emission limits and/or to establish operating parameters, as applicable, and a description, including sample calculations, of how the operating parameters were established or re-established, if applicable;

7. Records showing the names of HMIWI operators who have completed review of the information in paragraph (3)(B)8. of this rule as required by paragraph (3)(B)9. of this rule, including the date of the initial review and all subsequent annual reviews;

8. Records showing the names of the HMIWI operators who have completed the operator training requirements, including documentation of training and the dates of the training;

9. Records showing the names of the HMIWI operators who have met the criteria for qualification under subsection (3)(B) of this rule and the dates of their qualification; and

10. Records of calibration of any monitoring devices as required under paragraphs (3)(F)1. through 5. of this rule.

(B) The owner or operator of an HMIWI shall submit to the department the information specified in paragraphs (4)(B)1. through 3. of this rule no later than sixty (60) days following the initial performance test. All reports shall be signed by the facilities manager.

1. The initial performance test data as recorded under subparagraphs (3)(E)2.A. through L. of this rule, as applicable.

2. The values for the site-specific operating parameters established pursuant to paragraph (3)(E)4. or 9. of this rule, as applicable, and a description, including sample calculations, of how the operating parameters were established during the initial performance test.

3. The waste management plan as specified in subsection (3)(C) of this rule.

(C) An annual report shall be submitted to the department one (1) year following the submission of the information in subsection (4)(B) of this rule and subsequent reports shall be submitted no more than twelve (12) months following the previous report (once the unit is subject to permitting requirements under Title V of the Clean Air Act, the owner or operator of an affected facility must submit these reports semiannually). The annual report shall include the information specified in paragraphs (4)(C)1. through 8. of this rule. All reports shall be signed by the facilities manager.

1. The values for the site-specific operating parameters established pursuant to paragraph (3)(E)4., 8., or 9. of this rule, as applicable.

2. The highest maximum operating parameter and the

lowest minimum operating parameter, as applicable, for each operating parameter recorded for the calendar year being reported, pursuant to paragraph (3)(E)4., 8., or 9. of this rule, as applicable.

3. The highest maximum operating parameter and the lowest minimum operating parameter, as applicable for each operating parameter recorded pursuant to paragraph (3)(E)4., 8., or 9. of this rule for the calendar year preceding the year being reported, in order to provide the department with a summary of the performance of the affected facility over a two (2)-year period.

4. Any information recorded under paragraphs (4)(A)3. through 5. of this rule for the calendar year being reported.

5. Any information recorded under paragraphs (4)(A)3. through 5. of this rule for the calendar year preceding the year being reported, in order to provide the department with a summary of the performance of the affected facility over a two (2)-year period.

6. If a performance test was conducted during the reporting period, the results of that test.

7. If no exceedances or malfunctions were reported under paragraphs (4)(A)3. through 5. of this rule for the calendar year being reported, a statement that no exceedances occurred during the reporting period.

8. Any use of the bypass stack, the duration, reason for malfunction, and corrective action taken.

(D) The owner or operator of an HMIWI shall submit to the department semiannual reports containing any information recorded under paragraphs (4)(A)3. through 5. of this rule no later than sixty (60) days following the reporting period. The first semiannual reporting period ends six (6) months following the submission of information in subsection (4)(B) of this rule. Subsequent reports shall be submitted to the department no later than six (6) calendar months following the previous report. All reports shall be signed by the facilities manager.

(E) All records specified under subsection (4)(A) of this rule shall be maintained on-site in either paper copy or computer-readable format, unless an alternative format is approved by the department.

(F) The owner or operator of an HMIWI shall submit an annual report to the department containing information recorded under subparagraph (4)(A)2.Q. of this rule no later than sixty (60) days following the year in which data were collected. Subsequent reports shall be sent no later than twelve (12) calendar months following the previous report (once the unit is subject to permitting requirements under Title V of the Clean Air Act, the owner or operator must submit these reports semiannually). The report shall be signed by the facilities manager.]

(5) Test Methods. Test methods can be found in [subparagraphs (3)(E)2.A. through L.] section (3) of this rule.

**AUTHORITY:** section 643.050, RSMo [Supp. 2013] 2016. Original rule filed Dec. 1, 1998, effective July 30, 1999. For intervening history, please consult the *Code of State Regulations*. Amended: Filed April 13, 2018.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing on this proposed amendment will begin at

9:00 a.m., July 26, 2018. The public hearing will be held at the St. Louis Regional Office, 7545 South Lindbergh, Suite 220, DESE Conference Room, St. Louis, Missouri. Opportunity to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a statement of their views until 5:00 p.m., August 2, 2018. Send online comments via the proposed rules web page [www.dnr.mo.gov/proposed-rules](http://www.dnr.mo.gov/proposed-rules), email comments to [apcprulespn@dnr.mo.gov](mailto:apcprulespn@dnr.mo.gov), or written comments to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.

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

**PROPOSED RESCISSION**

**10 CSR 10-6.362 Clean Air Interstate Rule Annual NO<sub>x</sub> Trading Program.** This rule provided the requirements of the U.S. Environmental Protection Agency's Clean Air Interstate Rule establishing an annual statewide emissions cap for nitrogen oxides and an emissions banking and trading program. If the commission adopts this rule action, the Department intends to submit this rule rescission to the U.S. Environmental Protection Agency for removal from the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Proposed Rules website [www.dnr.mo.gov/proposed-rules](http://www.dnr.mo.gov/proposed-rules).

**PURPOSE:** This rule adopts the U.S. Environmental Protection Agency's (EPA) regional trading program for nitrogen oxides, which was developed to meet the requirements of the Clean Air Interstate Rule. This rule is proposed for rescission because it is no longer necessary and has been superseded by the Cross-State Air Pollution Rule (CSAPR) Trading Program. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is 536.175, RSMo, and Executive Order 17-03 and related comments.

**AUTHORITY:** section 643.050, RSMo 2000. Original rule filed Oct. 2, 2006, effective May 30, 2007. Amended: Filed June 25, 2009, effective Feb. 28, 2010. Rescinded: Filed April 10, 2018.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing on this proposed rescission will begin at 9:00 a.m., July 26, 2018. The public hearing will be held at the St. Louis Regional Office, 7545 South Lindbergh, Suite 220, DESE Conference Room, St. Louis, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a statement of their views until 5:00 p.m., August 2, 2018. Send online comments via the proposed rules web page [www.dnr.mo.gov/proposed-rules](http://www.dnr.mo.gov/proposed-rules), email comments to [apcprulespn@dnr.mo.gov](mailto:apcprulespn@dnr.mo.gov), or written comments to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.

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

**PROPOSED RESCISSION**

**10 CSR 10-6.364 Clean Air Interstate Rule Seasonal NO<sub>x</sub> Trading Program.** This rule provided the requirements of the U.S. Environmental Protection Agency's Clean Air Interstate Rule establishing an ozone season statewide emissions cap for nitrogen oxides and an emissions banking and trading program. If the commission adopts this rule action, the department intends to submit this rule rescission to the U.S. Environmental Protection Agency for removal from the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Proposed Rules website [www.dnr.mo.gov/proposed-rules](http://www.dnr.mo.gov/proposed-rules).

*PURPOSE:* This rule adopts the U.S. Environmental Protection Agency's (EPA) regional trading program for nitrogen oxides, which was developed to meet the requirements of the Clean Air Interstate Rule. This rule is proposed for rescission because it is no longer necessary and has been superseded by the Cross-State Air Pollution Rule (CSAPR) Trading Program. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is 536.175, RSMo, and Executive Order 17-03 and related comments.

*AUTHORITY:* section 643.050, RSMo 2000. Original rule filed Oct. 2, 2006, effective May 30, 2007. Amended: Filed June 25, 2009, effective Feb. 28, 2010. Rescinded: Filed April 10, 2018.

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

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

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:* A public hearing on this proposed rescission will begin at 9:00 a.m., July 26, 2018. The public hearing will be held at the St. Louis Regional Office, 7545 South Lindbergh, Suite 220, DESE Conference Room, St. Louis, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a statement of their views until 5:00 p.m., August 2, 2018. Send online comments via the proposed rules web page [www.dnr.mo.gov/proposed-rules](http://www.dnr.mo.gov/proposed-rules), email comments to [apcprulespn@dnr.mo.gov](mailto:apcprulespn@dnr.mo.gov), or written comments to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.

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

**PROPOSED RESCISSION**

**10 CSR 10-6.366 Clean Air Interstate Rule SO<sub>2</sub> Trading Program.** This rule provided the requirements of the U.S. Environmental

Protection Agency's Clean Air Interstate Rule establishing an annual statewide emissions cap for sulfur dioxide and an emissions banking and trading program. If the commission adopts this rule action, the department intends to submit this rule rescission to the U.S. Environmental Protection Agency for removal from the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Proposed Rules website [www.dnr.mo.gov/proposed-rules](http://www.dnr.mo.gov/proposed-rules).

*PURPOSE:* This rule adopts the U.S. Environmental Protection Agency's (EPA) regional trading program for sulfur dioxide, which was developed to meet the requirements of the Clean Air Interstate Rule. This rule is proposed for rescission because it is no longer necessary and has been superseded by the Cross-State Air Pollution Rule (CSAPR) Trading Program. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is 536.175, RSMo, and Executive Order 17-03 and related comments.

*AUTHORITY:* section 643.050, RSMo 2000. Original rule filed Oct. 2, 2006, effective May 30, 2007. Amended: Filed June 25, 2009, effective Feb. 28, 2010. Rescinded: Filed April 10, 2018.

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

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

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:* A public hearing on this proposed rescission will begin at 9:00 a.m., July 26, 2018. The public hearing will be held at the St. Louis Regional Office, 7545 South Lindbergh, Suite 220, DESE Conference Room, St. Louis, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a statement of their views until 5:00 p.m., August 2, 2018. Send online comments via the proposed rules web page [www.dnr.mo.gov/proposed-rules](http://www.dnr.mo.gov/proposed-rules), email comments to [apcprulespn@dnr.mo.gov](mailto:apcprulespn@dnr.mo.gov), or written comments to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Safe Drinking Water Commission  
Chapter 2—Definitions**

**PROPOSED AMENDMENT**

**10 CSR 60-2.015 Definitions.** The department is amending paragraphs (2)(C)8., 13., and 14.; adding a word to paragraph (2)(S)7.; incorporating documents by reference in paragraphs (2)(M)8. and (2)(S)10. and renumbering this section; and adding a definition in paragraph (2)(W)1. and renumbering this section.

*PURPOSE:* The amendment removes outdated language and citations from several definitions, incorporates documents by reference, and adds the definition of the term water distribution main.

*PUBLISHER'S NOTE:* The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule

shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(2) Definitions.

(C) Terms beginning with the letter C.

1. Cartridge filters. Pressure-driven separation devices that remove particulate matter larger than one (1) micrometer using an engineered porous filtration media. They are typically constructed as rigid or semi-rigid, self-supporting filter elements housed in pressure vessels in which flow is from the outside of the cartridge to the inside.

2. Certificate. The certificate of competency issued by the department stating that a person has met the requirements for the specified operator classification of the certification program under the provisions of 10 CSR 60-14.020.

3. Certificate of examination. A certificate issued to a person who passes a written examination but does not meet the experience requirements for the classification of examination taken.

4. Chief operator. The person designated by the owner of a public water system to have direct, on-site responsibility for the operation of a water treatment plant or water distribution system, or both.

5. Chloramines. All amino or imino groups in which the hydrogen has been replaced totally or in part by chlorine.

6. Class I backflow hazard. See backflow hazard.

7. Class II backflow hazard. See backflow hazard.

8. Clean compliance history [is,]. [f]For the purposes of 10 CSR 60-4.022, a record of no *E.coli* Maximum Contaminant Level [(MCL) or monitoring] violations [under 10 CSR 60-4.020;], no monitoring violations[;], and no coliform treatment technique trigger exceedances or treatment technique violations [under 10 CSR 60-4.022] for a minimum of the previous twelve (12) consecutive months.

9. Coagulation. A process using coagulant chemicals and mixing by which colloidal and suspended materials are destabilized and agglomerated into flocs.

10. Combined chlorine residual. That portion of the total chlorine residual which is not free available chlorine.

11. Combined distribution system. The interconnected distribution system consisting of the distribution systems of wholesale systems and of the consecutive systems that receive finished water.

12. Community water system. A public water system which serves at least fifteen (15) service connections and is operated on a year-round basis or regularly serves at least twenty-five (25) residents on a year-round basis.

13. Compliance cycle. [The] A nine- (9-) year calendar year cycle during which public water systems must monitor. Each compliance cycle consists of three (3), three- (3-) year compliance periods. The first calendar year cycle begins January 1, 1993 and ends December 31, 2001; the second begins January 1, 2002 and ends December 31, 2010; and the third begins January 1, 2011 and ends December 31, 2019] and continues in nine (9) year cycles thereafter.

14. Compliance period. A three- (3-) year calendar year period within a compliance cycle. Each compliance cycle has three (3), three- (3-) year compliance periods. [Within the first compliance cycle, the first compliance period runs from January 1, 1993 to December 31, 1995; the second from January 1, 1996 to December 31, 1998; and the third from January 1, 1999 to December 31, 2001.] The first compliance period begins at the start of a compliance cycle.

15. Confluent growth. A continuous bacterial growth covering the entire filtration area of a membrane filter, or a portion of the area, in which bacterial colonies are not discrete.

16. Consecutive system. A public water system that receives some or all of its finished water from one (1) or more wholesale systems. Delivery may be through a direct connection or through the

distribution system of one (1) or more consecutive systems.

17. Consolidated formations. Earth material which has been created by geological processes, cemented, or compacted into a coherent or firm mass.

18. Containment. Protection of the public water system by installation of a department-approved backflow prevention assembly or air-gap separation at the user connection from the main service line(s).

19. Contaminant. Any physical, chemical, biological, or radiological substance or matter in water including, but not limited to, those substances for which maximum contaminant levels are established by the department.

20. Conventional filtration treatment. A series of treatment processes including coagulation, flocculation, sedimentation, and filtration resulting in substantial particulate removal.

A. Required treatment for ground water systems under the direct influence of surface water. One (1) stage of treatment must be provided as follows: rapid mix, flocculation, and sedimentation followed by filtration. Disinfection also shall be provided. Raw water quality characteristics may require additional treatment.

B. Required treatment for surface water systems. Two (2) stages of treatment must be provided as follows: primary rapid mix, flocculation, and sedimentation followed by secondary rapid mix, flocculation, and sedimentation, operated in series, followed by filtration and disinfection contact storage. Raw water quality characteristics may require additional treatment.

21. Corrosion inhibitor. A substance capable of reducing the corrosivity of water toward metal plumbing materials, especially lead and copper, by forming a protective film on the interior surface of those materials.

22. Cross-connection. Any actual or potential connection or structural arrangement between a public water system and any other source or system through which it is possible to introduce into any part of the public water system any used water, industrial fluid, gas, or substance other than the intended potable water with which the system is supplied. By-pass arrangements, jumper connections, removable sections, swivel or change-over devices, and other temporary or permanent devices through which or because of which, backflow can or may occur are considered to be cross-connections.

23. CT. The product of the residual disinfectant concentration (C) in milligrams per Liter (mg/L) determined before or at the first customer and the corresponding disinfectant contact time (T) in minutes (that is, C multiplied by T (C × T)). (See also residual disinfectant concentration and disinfectant contact time.)

24. Customer. Any person who receives water from a public water system.

25. Customer service line. The pipeline from the public water system to the first tap, fixture, receptacle, or other point of customer water use or to the first auxiliary water system or pipeline branch in a building.

26. Customer water system. All piping, fixtures, and appurtenances, including auxiliary water systems, used by a customer to convey water on his/her premises.

(M) Terms beginning with the letter M.

1. Man-made beta particle and photon emitters. All radionuclides emitting beta particles, photons, or both, except the daughter products of thorium 232, uranium 235, and uranium 238, listed in the EPA Implementation Guidance for Radionuclides, Appendix J.

2. Maximum contaminant level (MCL). The maximum permissible level, as established in 10 CSR 60-4, of a contaminant in any water which is delivered to any user of a public water system.

3. Maximum contaminant level goal (MCLG). A level of a contaminant in drinking water at which no known or anticipated adverse effect on the health of persons would occur and which allows an adequate margin of safety. MCLGs are nonenforceable health goals.

4. Maximum residual disinfectant level (MRDL). A level of a disinfectant that may not be exceeded at the consumer's tap without an unacceptable possibility of adverse health effects.

5. Maximum residual disinfectant level goal (MRDLG). The maximum level of a disinfectant added for water treatment at which no known or anticipated adverse effect on the health of persons would occur, and which allows an adequate margin of safety. MRDLGs are nonenforceable health goals and do not reflect the benefit of the addition of the chemical for control of waterborne microbial contaminants.

6. Maximum total trihalomethane potential (MTTHMP). The maximum concentration of total trihalomethanes produced in a given water containing a disinfectant residual after seven (7) days at a temperature of twenty-five degrees Celsius (25 °C) or above.

7. Membrane filtration. Pressure or vacuum driven separation process in which particulate matter larger than one (1) micrometer is rejected by an engineered barrier, primarily through a size-exclusion mechanism, and which has a measurable removal efficiency of a target organism that can be verified through the application of a direct integrity test. This definition includes the common membrane technologies of microfiltration, ultrafiltration, nanofiltration, and reverse osmosis.

8. **Missouri Guidance Manual for Surface Water System Treatment Requirements, 1992.** This document is published by the Missouri Department of Natural Resources, PO Box 176, Jefferson City, MO 65102-0176, dated 1992, which is hereby incorporated by reference without any later amendments or modifications.

[8.]9. Missouri Safe Drinking Water Law. The *Revised Statutes of Missouri*, sections 640.100 through 640.140.

(S) Terms beginning with the letter S.

1. Sanitary defect is a defect that could provide a pathway of entry for microbial contamination into the distribution system or that is indicative of a failure or imminent failure in a barrier that is already in place.

2. Sanitary survey. An on-site engineering inspection and review of a public water system—its supply source(s), treatment of supply source(s), treatment facilities, and distribution system(s), for the purpose of evaluating their adequacy, reliability, and safety for producing and distributing drinking water.

3. Seasonal system is a non-community water system that is not operated as a public water system on a year-round basis and starts up and shuts down at the beginning and end of each operating season.

4. Secondary contaminant levels. Those contaminant levels established by the department for contaminants which may affect the taste, odor, color, staining, and scale-forming tendencies of water.

5. Secondary public water system. A public water system which obtains all its water from an approved public water system(s), consists of a water distribution system, and resells the water or is a carrier which conveys passengers in interstate commerce. Parts of a primary public water system may be classified as being a secondary public water system if they meet this definition and are physically separated from those parts served by the source for the primary public water system.

6. Sedimentation. A process for removal of solids before filtration by gravity separation.

7. Service connection. Any water line or pipe connected to a water distribution main or pipe for the purpose of conveying water to a single point of use.

8. Service line sample. A one (1) liter sample of water, collected in accordance with the lead and copper provisions of these rules only, that has been standing for at least six (6) hours in a service line.

9. Single family structure. For the purpose of the lead and copper provisions of these rules only, a building constructed as a single family residence that is currently used as either a residence or a place of business.

10. **Standard Methods for the Examination of Water and Wastewater, 18th Edition.** This refers to the document published by the American Public Health Association, American Water Works Association, and the Water Environmental Federation in 1992 which is hereby incorporated by reference without any later amendments or modifications. To obtain a copy, contact the

**American Public Health Association at 1015 Fifteenth Street NW, Washington D.C., 20005.**

[10.]11. Subdivision. Any land which is divided or proposed to be divided into fifteen (15) or more lots or tracts, whether contiguous or not, for the purpose of sale, lease, rental, or construction of permanent structures on lots or tracts as part of a common plan; or where subdivided land is offered for sale or lease, or where structures are constructed by a single developer or a group of developers acting in concert and where the lots or land or structures are contiguous or known, designated, or advertised as a common unit or by a common name. The lots or land tracts and structures shall be presumed, without regard to the number of lots or dwellings covered by each individual offering, as being offered for sale or lease as part of a common plan.

[11.]12. Supplier of water. Any person who owns, controls, or operates a public water system.

[12.]13. Surface water. All water which is open to the atmosphere and subject to surface runoff; this includes all tributary streams and drainage basins, natural lakes, and artificial reservoirs above the point of the water supply intake.

[13.]14. System with a single service connection. A system which supplies drinking water to consumers via a single service line. (W) Terms beginning with the letter W.

1. **Water distribution main. A pipe within the water distribution system that delivers finished drinking water from a water supply source, treatment plant, or storage tank to a service connection, hydrant, or to a customer service line.**

[1.]2. Water distribution system. All piping, conduits, valves, hydrants, storage facilities, pumps, and other appurtenances, excluding service connections, which serve to deliver water from a water treatment plant or water supply source to the public.

[2.]3. Water system. All sources from which water is derived for drinking or domestic use by the public, also all structures, conduits, and appurtenances by means of which water for use is treated, stored, or delivered to consumers, except service connections from water distribution systems to buildings and plumbing within or in connection with buildings served.

[3.]4. Water supply source. All sources of water supply including wells, infiltration galleries, springs, reservoirs, lakes, streams, or rivers from which water is derived for public water systems, including the structures, conduits, pumps, and appurtenances used to withdraw water from the source or to store or transport water to the water treatment facility or water distribution system.

[4.]5. Water treatment facility. A facility which uses specific processes such as sedimentation, coagulation, filtration, disinfection, aeration, oxidation, ion exchange, fluoridation, or other processes which serve to add components or to alter or remove contaminants from a water supply source.

[5.]6. Waterborne disease outbreak. The significant occurrence of acute infectious illness associated with the ingestion of water as declared by the Department of Health and Senior Services.

[6.]7. Wholesale system. A public water system that treats source water as necessary to produce finished water and then delivers some or all of that finished water to another public water system. Delivery may be through a direct connection or through the distribution system of one (1) or more consecutive systems.

*AUTHORITY: section 640.100, RSMo [Supp. 2014] 2016. Original rule filed May 4, 1979, effective Sept. 14, 1979. For intervening history, please consult the Code of State Regulations. Amended: Filed April 13, 2018.*

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Sheri Fry, Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65101 or to [sheri.fry@dnr.mo.gov](mailto:sheri.fry@dnr.mo.gov). To be considered, comments must be received by the close of the public comment period on June 25, 2018, at 5:00 p.m. A public hearing is scheduled for 10:00 a.m. on June 18, 2018, at the Department of Natural Resources, LaCharrette Conference Room, 1101 Riverside Drive, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Safe Drinking Water Commission  
Chapter 6—Enforcement**

**PROPOSED RESCISSION**

**10 CSR 60-6.050 Procedures and Requirements for Abatement Orders.** This rule established procedures for issuing and requirements for complying with Abatement Orders.

**PURPOSE:** This rule is being rescinded as the procedures and requirements for complying with this rule are set forth in section 640.130, RSMo.

**AUTHORITY:** section 640.130, RSMo 2000. Original rule filed July 12, 1991, effective Feb. 6, 1992. Amended: Filed March 17, 2003, effective Nov. 30, 2003. Rescinded: Filed April 13, 2018.

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

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

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**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Safe Drinking Water Commission  
Chapter 10—Plans and Specifications; Siting  
Requirements; Recreational Use of Impoundments**

**PROPOSED AMENDMENT**

**10 CSR 60-10.010 Plans and Specifications.** The department is removing the publisher's note that is no longer needed, amending sections (1) and (2), and relettering/renumbering subsections, parts, and subparts as necessary.

**PURPOSE:** The amendment will allow the submittal of engineering reports at the same time as plans and specifications under certain circumstances and allow Owner Supervised Programs to include all waterlines with a pipe diameter smaller than four (4) inches.

**[PUBLISHER'S NOTE:** The secretary of state has determined that the publication of the entire text of the material which

is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.]

(1) Report Required. When plans are being made by a supplier of water to a community water system **or subdivision** for constructing expansions, modifications, and improvements of the water supply source, water treatment facility or for the development of a new community water system **or subdivision**, the supplier of water shall submit an engineer-prepared report to the department for review and approval. Upon receipt of an engineering report, the department will evaluate the report and either approve the report in writing or outline the requirements for further investigation.

(A) Written approval of the engineering report shall be obtained before construction plans and specifications are finalized, **unless otherwise approved by the department.**

(2) Plans and Specifications Required.

(A) **[Water Treatment Facility] Construction Permit Authorization.**

1. Every supplier of water to a community water supply **or a water system serving a subdivision** must submit to the department, plans and specifications prepared by an engineer for review and issuance of a written approval to construct prior to initiating construction of—

A. A new water treatment facility(ies), **new water supply source(s), and/or a new distribution system;** and

B. Expansions or modifications of existing water treatment facilities which would significantly change or alter plant capacity or treatment processes, **modification of an existing water supply source which might reasonably result in significant change in the quality or quantity of water originally approved for the source, or expansion or modification of water distribution systems unless a supervised program of design, construction, and construction supervision is maintained by the supplier of water.**

2. The department **[shall] will** review **[or advise]** plans and specifications and **[may approve] advise** the supplier of water and his/her engineer of the review findings and, **[if required,]** outline additional information or changes necessary for approval.

3. The department may approve the plans and specifications by issuance of a written approval to construct **[and shall] which will** describe the facilities to be constructed along with any comments or conditions of approval.

**[(B) Water Supply Source.** Every supplier of water to a community water supply must submit to the department plans and specifications prepared by an engineer for review and issuance of a written approval to construct prior to initiating—

1. Construction of a new water supply source(s); or

2. Modification of an existing water supply source which might reasonably result in significant change in the quality or quantity of water originally approved for the source.

**(C) Water Distribution System.**

1. Every supplier of water to a community water system must submit to the department plans and specifications prepared by an engineer for review and issuance of a written approval to construct prior to initiating construction of—

A. A complete new water distribution system(s); and

B. Expansion or modification of water distribution systems unless a supervised program of design, construction

and construction supervision is maintained by the supplier of water.]

**(B) Owner Supervised Program.**

[2.1] A supplier of water to a community water supply that desires to conduct a supervised program for construction of water distribution systems, in lieu of submitting plans for approval, must submit to the department a written request for approval.

[A.2] Approval of supervised programs may be granted for a period of up to five (5) years [with automatic renewal]. Supervised programs will be periodically reviewed by the department and may be revoked should the supplier of water fail to conduct the program in accordance with the approved plan.

[B.3] Upon revocation of a supervised program, engineering plans and specifications must be submitted to the department for review and issuance of a written approval to construct.

[C.4] A modification(s) to an approved supervised program may be made by written request to the department.

[D.5] A supervised program shall provide the following minimum elements:

[(I)]A. Sizing water mains and appurtenances with minimum four-inch (4") diameters so that a minimum pressure of twenty pounds per square inch (20 psi) is maintained under normal flow conditions. Requests for approval to install lesser diameter water mains [serving cul-de-sacs] may be granted by the department upon submission of standard design data including a hydraulic analysis;

[(II)]B. Maintenance of permanent records and drawings for review by the department, of the entire water distribution network including all appurtenances to the network, such as valves, hydrants, and cleanouts, along with plans and specifications of projects under construction [for review by the department];

[(III)] Selection of construction materials manufactured in conformity with the latest standard specifications issued by the American Water Works Association (AWWA) or other approved specifications;

[(IV)] Disinfection of the distribution system in conformity with the latest standard specifications issued by the AWWA or other approved methods prior to placement in service; and]

[(V)]C. Protection of water mains during construction from sources of contamination by—

[(a)](I) Maintaining at least a ten-foot (10') horizontal separation of water mains from any existing or proposed sanitary sewer, force main, or storm sewer. The distance must be measured edge-to-edge. Installation of the water main closer to a sanitary sewer is acceptable where the water main is laid in a separate trench or on an undisturbed earth shelf located on one (1) side of the sanitary sewer at an elevation so the bottom of the water main is at least eighteen inches (18") above the top of the sanitary sewer;

[(b)](II) Providing a minimum vertical distance of eighteen inches (18") between the outside of the water main and the outside of the sanitary sewer, force main, or storm sewer where water mains cross sanitary sewer mains, force mains, or storm sewers. This shall be the case where the water main is either above or below the sanitary sewer, force main, or storm sewer. At crossings, one (1) full length of water pipe must be located so both joints will be as far from the sanitary sewer, force main, or storm sewer line as possible. Special structural support for the water and sanitary sewer, force main, or storm sewer pipes may be required;

[(c)] Providing at least a ten-foot (10') horizontal separation between water mains and sanitary sewer force mains. There shall be an eighteen-inch (18") vertical separation at crossings; ]

[(d)](III) Locating water mains so that they do not pass through or come in contact with any sanitary sewer manhole; and

[(e)](IV) Consulting with the department as to the precautions necessary where the conditions in [sub]parts [(2)](C)2.D.(V)(a)–(d)] (2)(B)5.E.(I)–(IV) cannot be met.

*AUTHORITY: section 640.100, RSMo [Supp. 1989] 2016. Original rule filed May 4, 1979, effective Sept. 14, 1979. Amended: Filed April 14, 1981, effective Oct. 11, 1981. Amended: Filed April 13, 2018.*

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

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

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Sheri Fry, Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65101 or to sheri.fry@dnr.mo.gov. To be considered, comments must be received by the close of the public comment period on June 25, 2018 at 5:00 p.m. A public hearing is scheduled for 10:00 a.m. on June 18, 2018, at the Department of Natural Resources, LaCharrette Conference Room, 1101 Riverside Drive, Jefferson City, MO 65101.*

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Safe Drinking Water Commission  
Chapter 16—Drinking Water Fees**

**PROPOSED AMENDMENT**

**10 CSR 60-16.010 Levy and Collection of the Missouri Primacy Fee.** The department is amending the purpose statement, deleting section (2), amending and renumbering thereafter, and deleting the form following the rule.

*PURPOSE: This proposed amendment was identified during the Red Tape Reduction Initiative and will relieve some burden on the regulated community and also provide clarification of the Statute.*

*PURPOSE: This rule levies and sets the amount of the annual Missouri primacy fee and describes the method for [billing,] collection and delinquent payment of the fee.*

[(2)] This rule does not apply to customers receiving water for resale.]

[(3)](2) This rule levies and imposes the Missouri primacy fee authorized by 640.100[.6](5)(2), RSMo. **Nothing in this rule in any way affects the obligation of a customer to pay the Missouri Primacy Fee.**

(A) The annual Missouri primacy fee per customer service connection for unmetered customers and customers with meters not greater than one inch (1") in size shall be based upon the number of service connections in the water system serving that customer as of September 1 of each annual fee period[, and shall be—] as follows:

1—1000 connections	[\$2.00]	<b>\$3.24</b>
1001—4000 connections	[\$1.84]	<b>\$3.00</b>
4001—7000 connections	[\$1.67]	<b>\$2.76</b>
7001—10,000 connections	[\$1.50]	<b>\$2.40</b>
10,001—20,000 connections	[\$1.34]	<b>\$2.16</b>
20,001—35,000 connections	[\$1.17]	<b>\$1.92</b>
35,001—50,000 connections	[\$1.00]	<b>\$1.56</b>
50,001—100,000 connections	[\$.84]	<b>\$1.32</b>
More than 100,000 connections	[\$.66]	<b>\$1.08</b>

(B) The annual primacy fee for customers having meters greater than one inch (>1"), but less than or equal to two inches (≤2") in size, shall be [five] seven dollars [(\$5)] and forty-four cents



(\$7.44); for customers with meters greater than two inches (>2"), but less than or equal to four inches (≤4") in size, shall be *[twenty-five] forty-one* dollars *[((\$25);] and sixteen cents (\$41.16)* and for customers with meters greater than four inches (>4") in size shall be *[fifty] eighty-two* dollars *[((\$50)] forty-four cents (\$82.44)*.

(C) Customers served by multiple connections shall pay an annual primacy fee based on the rates listed in subsection *[(3)](2)(B)* for each connection, except that no single facility served by multiple connections shall pay a total of more than five hundred dollars (\$500) per year.

*[(4)](3)* Fee Period and *[Election as to Frequency of] Collection*.

(A) *[Beginning in calendar year 1992 and each year after that, t]*The annual fee period is September 1 through August 31 of *[the succeeding] each* calendar year, **unless an alternate schedule was approved by the department.**

(B) *[On a form provided by the department, a community water system shall declare whether the fees will be collected monthly, quarterly or yearly. Any changes in the collection frequency shall be declared before the beginning of each annual fee period.]* **If a service connection has no customer of record for all of the annual fee period, no fee will be collected with respect to that service connection. If the service connection has a customer of record for any part of the annual fee period, or alternate schedule approved by the department, the fee will be pro-rated to reflect time of service.**

*[(C) Where a service connection has no customer of record for all or a part of the annual fee period, then no fee shall be collected with respect to that service connection until the billing period during which a customer becomes a customer of record with respect to that service connection. The fee assessed for that billing period shall be one-twelfth (1/12), one-fourth (1/4) or all of the annual fee, depending upon the billing frequency elected by the water supply serving that service connection.]*

*[(5) Primacy Fee Separately Enumerated—How Accomplished.*

(A) *Where water bills are sent, the fee may be listed separately from all other charges on each bill or may be included in the base minimum so long as—*

1. *A notation of the fee's inclusion in the minimum amount is placed on the bill;*
2. *An insert is sent with the bill notifying the customer of the presence of the primacy fee in the minimum; or*
3. *A notice is posted at the water supplier's customary place of business informing the public of the presence of the primacy fee in the minimum charge for the various meter sizes; and*

4. *The primacy fee is shown as a separate and distinct element of the minimum charges for various meter sizes in the water supplier's published rate schedule.*

(B) *Where self-billing procedures are used, the community water system may wait until the next routine billing cycle to notify its customers and may use the same methods to separately enumerate the fee detailed in this rule when bills are sent.*

(C) *Where all transactions are oral, the primacy fee shall be explained by a flyer mailed to each customer or by a notice posted at water supplier's customary place of business.*

(D) *Where water charges are a part of a comprehensive bill for any number of services, a notation of the primacy fee's inclusion in the amount billed shall appear on the bill, or on an insert mailed with the bill or upon a notice posted at the water supplier's customary place of business.*

(E) *Nothing in this section in any way affects the obligation of a customer to pay the Missouri Primacy Fee.]*

*[(6)](4)* Remitting Fees to the State.

*[(A)]* A community water system shall be responsible for *[reporting] remitting to the department* the amount collected from its customers. *The fees collected shall be enumerated on a form provided by the Department of Natural Resources.] no later than sixty (60) days following the end of the fee period.*

*[(B) The fees collected shall be remitted to the Department of Natural Resources within sixty (60) days following the end of each calendar quarter. The calendar quarters end September 30, December 31, March 31 and June 30. No remittance or report is required if the water system did not collect any fees during that calendar quarter.*

(C) *A community water system shall keep two percent (2%) of the fees being remitted for the purpose of reimbursing its expenses for billing and collection of these fees.]*

*[(7)](5)* Failure of the Public Water System to Collect or Remit the Fees to the State.

(A) If the fees collected are not remitted as required in section *[(6)](4)*, interest shall accrue on the entire amount from the original date payment was due, at a rate of twelve percent (12%) per annum until payment is remitted.

(B) The department may grant an extension of time not to exceed two (2) months, to remit the fees, or may waive interest on fees collected.

(C) In addition to the interest assessed, the department may take action in accordance with section 640.130, RSMo for failure to collect or remit the fees in a timely manner.

*[(8)](6)* Regular Rate Collection Practices Authorized. A water supply shall use all customary and regular rate collection practices when a customer fails to pay the primacy fee by the due date of the bill upon which the fee appears.

*[(9)](7)* Record/s Required to Be Kept/ Retention.

*[(A) These books and r]*Records documenting the collection of *[the] fees from [the] customers shall be preserved by the water system for a period of at least three (3) years unless otherwise authorized by the department[, in writing, to destroy and dispose of the books and records] and be made available for inspection by the appropriate authority at all times during business hours.*

*[(B) These books and records documenting the collection of the fees from the customer shall be subject to inspection by the appropriate authority at all times during business hours of the day.*

*[(C) The Department of Natural Resources shall keep forms filed for the payment of the fees in accordance with sections 109.200—109.310, RSMo.]*

*AUTHORITY: section 640.100, RSMo [Supp. 1992] 2016. Emergency rule filed Dec. 14, 1992, effective Dec. 24, 1992, expired April 22, 1993. Original rule filed Dec. 14, 1992, effective Aug. 9, 1993. Amended: Filed April 13, 2018.*

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

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

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Sheri Fry, Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65101 or to sheri.fry@dnr.mo.gov. To be considered, comments must be received by the close of the public comment period on June 25, 2018 at 5:00 p.m. A public hearing is scheduled*



for 10:00 a.m. on June 18, 2018, at the Department of Natural Resources, LaCharrette Conference Room, 1101 Riverside Drive, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Safe Drinking Water Commission  
Chapter 16—Drinking Water Fees**

**PROPOSED AMENDMENT**

**10 CSR 60-16.020 Laboratory Certification Fee.** The department is amending section (1) by removing incorrect citations and adding clarifying language. Removing subsections (1)(A), (B), and (C) and adding language for easier reading.

*PURPOSE: This proposed amendment was identified during the Red Tape Reduction Initiative and will provide clarification regarding the laboratory services fee structure.*

(1) The following laboratory certification fees shall be paid before a certification will be issued for chemical testing of drinking water under 10 CSR 60-5.020[(2), (3), (4) or (5)]. **Fees are listed below.**

*[(A) The fee for certification to analyze organic chemicals in drinking water shall be two thousand seven hundred dollars (\$2700) for each three (3)-year certification period.*

*[(B) The fee for certification to analyze inorganic chemicals in drinking water shall be one thousand five hundred dollars (\$1500) for each three (3)-year certification period.*

*[(C) The fee for a laboratory audit shall be two thousand five hundred dollars (\$2500).]*

<b>Laboratory Audit</b>	<b>\$2,500</b>
<b>Three- (3-) year Certification Fee</b>	
<b>Organic Chemicals</b>	<b>\$2,700</b>
<b>Inorganic Chemicals</b>	<b>\$1,500</b>

*AUTHORITY: section 640.100, RSMo [Supp 1993] 2016. Original rule filed Dec. 14, 1992 effective Aug. 9, 1993. Amended: Filed April 13, 2018.*

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

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

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Sheri Fry, Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65101 or to sheri.fry@dnr.mo.gov. To be considered, comments must be received by the close of the public comment period on June 25, 2018 at 5:00 p.m. A public hearing is scheduled for 10:00 a.m. on June 18, 2018, at the Department of Natural Resources, LaCharrette Conference Room, 1101 Riverside Drive, Jefferson City, MO 65101.*

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Safe Drinking Water Commission  
Chapter 16—Drinking Water Fees**

**PROPOSED AMENDMENT**

**10 CSR 60-16.030 Laboratory Services and Program Administration Fees.** The department is amending section (2) to correct the statute citation and the name of the Department of Health and Senior

Services. Adding language to section (3) for clarification and removing and adding language to subsection (4)(B) and paragraph (4)(B)1. to correct the name of the Department of Health and Senior Services and changing “shall” to “may” regarding the requirement that the department terminate laboratory services for non-payment of fees.

*PURPOSE: This proposed amendment was identified during the Red Tape Reduction Initiative. Amendment will correct statute citation and properly identify the Department of Health and Senior Services.*

(2) This rule establishes the laboratory services and program administration fees authorized by section 640.100.[4.]3., RSMo. The fees cover the reasonable costs of laboratory services, both within the Department of Natural Resources and the Department of Health and Senior Services, and program administration, not to exceed the statutory limits of two hundred dollars (\$200) for a supplier servicing less than four thousand one hundred (4100) service connections, three hundred dollars (\$300) for a supplier serving less than seven thousand six hundred (7600) service connections, five hundred dollars (\$500) for a supplier serving seven thousand six hundred (7600) or more service connections, and five hundred dollars (\$500) for a supplier that uses surface water.

(3) The laboratory services and program administration fees are established at the following amounts. The fees are based on the estimated annual costs for laboratory services and program administration incurred by the state per public water system not to exceed the statutory limits shown in section (2) of this rule.

*(A) [The a]Annual fees for a transient noncommunity water system [shall be]—*

<b>Number of Service Connections</b>	<b>Laboratory Services and Program Administration Fees</b>
(any)	\$100

*(B) [The a]Annual fees for all secondary public water systems and for public water systems, except transient noncommunity water systems, that use groundwater, including groundwater under the direct influence of surface water[, shall be]—*

<b>Number of Service Connections</b>	<b>Laboratory Services and Program Administration Fees</b>
less than 4100	\$200
4100 to 7599	\$300
7600 or more	\$500

*(C) [The a]Annual fees for public water systems, except transient noncommunity water systems, that use surface water, including systems using both surface water and groundwater[, shall be]—*

<b>Number of Service Connections</b>	<b>Laboratory Services and Program Administration Fees</b>
(any)	\$500

(4) Remission of Fees to the State.

(B) Failure to remit the fees [as required] will result in the following actions by the department:

1. Department of Natural Resources and Department of Health and Senior Services laboratory services [shall] may be terminated for that water system for that calendar year;

2. Interest shall accrue on the entire amount from the original date payment was due at a rate of twelve percent (12%) per annum until payment is remitted;

3. The department may take action in accordance with section 640.130, RSMo and may revoke the system's permit to dispense water to the public; and

4. The department may grant an extension of time, not to exceed two (2) months, to remit the fees or may waive interest on fees.

*AUTHORITY: section 640.100, RSMo [Supp. 1993] 2016. Original rule filed April 14, 1994, effective Nov. 30, 1994. Amended: Filed April 13, 2018.*

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

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

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Sheri Fry, Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65101 or to sheri.fry@dnr.mo.gov. To be considered, comments must be received by the close of the public comment period on June 25, 2018 at 5:00 p.m. A public hearing is scheduled for 10:00 a.m. on June 18, 2018, at the Department of Natural Resources, LaCharrette Conference Room, 1101 Riverside Drive, Jefferson City, MO 65101.*

## Title 10—DEPARTMENT OF NATURAL RESOURCES Division 80—Solid Waste Management Chapter 9—Solid Waste Management Fund

### PROPOSED AMENDMENT

**10 CSR 80-9.030 Scrap Tire Grants.** The department is amending sections (2), (4), (6), and (7).

*PURPOSE: This rule describes the implementation of the scrap tire grant program authorized in sections 260.273.5 and 260.273.6, RSMo. This rule is necessary to clarify the department's oversight of the scrap tire clean-up program as well as components of the processes and criteria required to ensure adequate grant performance and accountability. This rule is being amended to remove requirements and reflect current practices. This rule complies with section 260.276, RSMo. This rule amendment is a part of Executive Order 17-03 Red Tape Reduction Initiative.*

(2) Grant Types. The department may provide grants not to exceed **forty-five percent (45%)** of the moneys received under section 260.273, RSMo, for the following grant types subject to financial resources, appropriations, eligibility requirements, and application priorities:

(A) Demonstration grants may be available to pay testing costs required to demonstrate the technical and economic feasibility of utilizing scrap tire materials in the manufacture of a product, *[or]* as tire-derived fuel, or as a fuel supplement. Grants may also be available for end use as shock absorbing scrap tire playground, *[or]* running track material~~;~~, **or other eligible end uses as approved by the department; and**

*[1. Grant amount. The department will award grants in an amount determined by the department on an annual basis.*

*2. Matching share. The grantee's matching share of the total cost of the activity shall be at least fifty percent (50%) of the grant award and shall be a cash contribution toward the project. A match may be required up to fifty percent (50%) for grants utilizing shock absorbing scrap tire play-*

*ground or running track material; and]*

(B) Capital expenditure grants may be available for equipment to convert/modify existing facilities for the purpose of using scrap tires as a fuel or fuel supplement; or for equipment to convert or modify existing facilities to manufacture products made from scrap tires.

*[1. Grant amount. The department will award grants in an amount determined by the department on an annual basis.*

*2. Matching share. The grantee's matching share of the total cost of the activity shall be up to fifty percent (50%) of the grant award and shall be a cash contribution toward the project.]*

(4) Application Requirements for Grants. **An application shall—**

(A) *[An applicant shall submit a]* **Be completed [application]** on forms provided by the department~~.~~ *[The application must]* **and** include all required documentation *[to be complete.];*

(B) *[Applications must b]***Be received by the deadline established by the department to be eligible for funding[.]; and**

(C) *[Applicants shall prove]* **Include documentation** to the department's satisfaction that the use being proposed is an eligible use as described in sections **(2) and (3) [and (4)]** of this rule.

(6) Grant Awards.

(A) Prior to award of funding, the recipient shall~~:/~~—

1. Provide verification to the department that all applicable federal, state and local permits, approvals, licenses, or waivers required by law to implement the activity have been obtained or applied for; and

2. Enter into a *[grant award]* **financial assistance** agreement issued by the department.

(B) Funds awarded by the department must be disbursed in accordance with the **financial assistance agreement**, the department's general terms and conditions, special terms and conditions (if applicable), *[grant award]* and **applicable** contracts.

(7) Costs and Record Keeping.

*[(A) Eligible costs for demonstration grants are:*

- 1. Air emissions test costs;*
- 2. Salaries and fringe benefit costs of personnel directly engaged in the activity;*
- 3. Drafting, printing and distributing of final reports;*
- 4. Supplies needed and used during the project;*
- 5. Eligibility costs for utilization of playground or running track material are limited to the material itself and any associated delivery costs; and*
- 6. Consultant costs.*

*(B) Eligible costs for capital expenditure grants are the cost of equipment, cost to convert equipment or modify existing facilities for the purpose of using scrap tires as a fuel supplement or the cost of equipment to convert or modify existing facilities to manufacture products made from scrap tires.*

*(C) Ineligible Costs. Demonstration and capital expenditure grants shall not include the following costs:*

- 1. Costs for which payment has been or will be received under another federal, state or local financial assistance program;*
- 2. Project costs incurred prior to or after the grant period;*
- 3. Fines and penalties due to violations or failure to comply with federal, state or local laws or regulations;*
- 4. Ordinary operating expenses of local, county and elected government, such as salaries and expenses that are not directly related to the activity;*
- 5. Acquisition or leasing of real property; and*
- 6. Taxes, vehicle registration, legal and contingency costs.*

*(D) Grant Payment.*

1. *Initial payment.* After the grant has been approved by the department, reimbursement payments will be made on a quarterly basis, for up to seventy-five percent (75%) of the total amount of the award upon submission of complete payment requests and corresponding quarterly reports.

2. *Final payment.* The final twenty-five percent (25%) of the grant shall be paid to the recipient only upon approval of the final report and the final accounting of the activity's expenditures. The recipient shall submit the final payment request within sixty (60) days after project completion or at the end of the grant period. The department cannot guarantee funding of an approved activity after the close of the fiscal year in which the activity was approved.

*(E) Grant Interim and Final Reports.* The reporting requirements shall be provided in the department's approved written grant agreement.

*(F) Accountability.*

1. *The recipient shall maintain an accounting system that accurately reflects all fiscal transactions, incorporates appropriate controls and safeguards, and provides a clear reference, particularly to source or original documents.*

2. *Financial schedules and statements filed with grant applications and payment requests shall be based on records which meet the following minimum requirements:*

A. *Grant accounts shall separate receipts and eligible expenditures from those allocable to other programs and activities;*

B. *Receipts and expenditures shall be listed in sufficient detail to provide a basis for accurate and complete program reporting;*

C. *All activity receipts shall be identified in sufficient detail to reflect their source and purpose;*

D. *Supporting records for all activity expenditures shall be itemized in detail to indicate the nature and appropriateness of each. As proof of payment, cancelled checks or receipts from vendors shall be maintained;*

E. *All contractual services shall be verified by a formal written contract or agreement specifying financial terms, contract duration and services to be rendered;*

F. *The recipient shall retain all records relating to the grant activity and make them available to the department for inspection from the date of submission until three (3) years after the grant period ends;*

G. *If any litigation, claim, negotiation, audit or other action involving the records relating to the grant activity has been started before the expiration of the three (3)-year period, the records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the initial three (3)-year period, whichever is later;*

*[H.](A)* All general and special terms and conditions of the department applicable to the activity will be applicable to recipients of awards made available by this chapter; and

*[I.](B)* Persons eligible to receive grants through this rule shall comply with the department's reporting requirements, *[grant award]* financial assistance agreements and contracts, general and special terms and conditions, as well as any applicable federal, state and local laws, permits, approvals, licenses, or waivers necessary to implement the activity.

*AUTHORITY:* sections 260.225, *[RSMo 2000 and]* 260.273, and 260.276, RSMo *[Supp. 2006]* 2016. Emergency rule filed Oct. 5, 1992, effective Nov. 4, 1992, expired March 3, 1993. Original rule filed Oct. 5, 1992, effective June 7, 1993. Amended: Filed April 16, 1997, effective Dec. 30, 1997. Amended Filed Jan. 2, 2007, effective Sept. 30, 2007. Amended: Filed April 13, 2018.

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

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

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Natural Resources, 1101 Riverside Drive, Jefferson City, Missouri. To be considered, comments will be received until August 28, 2018. A public hearing is scheduled for 1:00 pm. August 21, 2018, at the LaCharrette Conference Room, 1101 Riverside Drive, Jefferson City, Missouri.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 80—Solid Waste Management  
Chapter 9—Solid Waste Management Fund**

**PROPOSED AMENDMENT**

**10 CSR 80-9.035 Scrap Tire Clean/-U/Up Contracts.** The department is amending the rule title, purpose, and subsections (1)(D), (1)(E), (2)(A), and (4)(A), deleting subsections (3)(B), (3)(C), and (4)(B), and renumbering as needed.

*PURPOSE:* This rule is necessary to set forth the rules for scrap tire cleanup contracts. In this amendment, there is an overall reduction in wording to streamline the rule. This rule is being amended to remove requirements and reflect current practices.

*PURPOSE:* This rule complies with section 260.276, RSMo which allows for any person, firm, corporation, state agency, charitable, fraternal, or other nonprofit organization to bid on a contract for resource recovery or nuisance abatement activities authorized under this section.

(1) General. This rule applies to any person involved in the activities set forth in this rule. The department shall fully or partially bid, in accordance with the terms and conditions of the state of Missouri Office of Administration's bid process, contracts for removing and properly disposing of scrap tires that are stored in violation of the Solid Waste Management Law and implementing rules and/or to those that pose a public nuisance or a threat to the health or welfare of the public.

(D) Clean/-Up Contract Payment and Records. Contractors shall be paid and records *[shall be]* kept in accordance with the state of Missouri Office of Administration's bid document terms and conditions.

(E) All clean/-Up contracts are subject to the department's funding availability and appropriation.

(2) Eligibility. Any person, firm, corporation, state agency, charitable, fraternal, or other nonprofit organization may bid on a contract for each resource recovery or nuisance abatement activity.

(A) Vender Preference. In letting contracts for the performance of any job or service for the removal or cleanup of scrap tires under this chapter, the Department of Natural Resources shall, *in addition to the requirements of* follow sections 34.073, *[and]* 34.076, **and 260.279**, RSMo, *and any other points awarded during the evaluation process, give to any vendor that meets one (1) or more of the following factors a five percent (5%) preference and ten (10) bonus points for each factor met:.*

*[1. The bid is submitted by a vendor that has resided or maintained its headquarters or principal place of business in Missouri continuously for the two (2) years immediately preceding the date on which the bid is submitted;*

2. The bid is submitted by a nonresident corporation vendor that has an affiliate or subsidiary that employs at least twenty (20) state residents and has maintained its headquarters or principal place of business in Missouri continuously for the two (2) years immediately preceding the date on which the bid is submitted;

3. The bid is submitted by a vendor that resides or maintains its headquarters or principal place of business in Missouri and, for the purposes of completing the bid project and continuously over the entire term of the project, an average of at least seventy-five percent (75%) of such vendor's employees are Missouri residents who have resided in the state continuously for at least two (2) years immediately preceding the date on which the bid is submitted. Such vendor must certify the residency requirements of this subdivision and submit a written claim for preference at the time the bid is submitted;

4. The bid is submitted by a nonresident vendor that has an affiliate or subsidiary that employs at least twenty (20) state residents and has maintained its headquarters or principal place of business in Missouri and, for the purposes of completing the bid project and continuously over the entire term of the project, an average of at least seventy-five percent (75%) of such vendor's employees are Missouri residents who have resided in the state continuously for at least two (2) years immediately preceding the date on which the bid is submitted. Such vendor must certify the residency requirements of this section and submit a written claim for preference at the time the bid is submitted;

5. The bid is submitted by any vendor that provides written certification that the end use of the tires collected during the project will be for fuel purposes or for the manufacture of a useable good or product. For the purposes of this section, the landfilling of scrap tires, scrap tire chips, or scrap tire shreds in any manner, including landfill cover, shall not permit the vendor a preference.]

(3) Nuisance Abatement and Resource Recovery Activities.

[(B) Any person who purchases property containing scrap tires in violation of sections 260.270 through 260.278, RSMo after the effective date of this rule shall not qualify for cleanup under subsection (3)(A).

(C) The department shall use the following list of criteria to rank sites for contract cleanups:

1. Presence of mosquitoes and/or other disease-carrying vectors;
2. Risk of fire at the site;
3. Proximity of the scrap tire site to populated areas, businesses, public use areas or highways;
4. Number of complaints received concerning the site;
5. Number of scrap tires present and age of the site;
6. Location of the site in relation to a flood plain, sink-hole, or losing stream;
7. Ability of a person to pay for cleanup of the site;
8. Willingness of a person/local authorities to expedite cleanup of the site;
9. Status of enforcement against any responsible parties;
10. The existence of local programs to prevent illegal dumping or the willingness of local authorities to prosecute persons responsible for illegal dumping; and
11. Any other criteria necessary to protect the public health, safety or welfare and the environment.]

[(D)](B) The department shall conduct resource recovery or nuisance abatement activities designed to reduce the volume of scrap tires or alleviate any nuisance condition at any site if the owner or operator of such a site fails to comply with the regulations under sections 260.270 through 260.278, RSMo, or if the site remains in violation of such statutes and rules. The department reserves all rights

to recover all or a portion of the costs of cleanup from the property owner and any other parties responsible for creation of the scrap tire site except where the property owner presents evidence that such persons were not responsible for the creation of the nuisance conditions or any violations of sections 260.270 through 260.278, RSMo at the site.

(4) Any charitable, fraternal, or other nonprofit organization that voluntarily cleans up land or water resources may be reimbursed for properly disposing of scrap tires collected in the course of such cleanup. Funds will be allocated each year for these types of activities. The amount of funds allocated will depend on funding availability and amount of appropriations.

(A) A portion of the funds allocated will be available to any charitable, fraternal, or other nonprofit organization that wishes to clean up small, illegal scrap tire sites in their area. These funds will be awarded under the following conditions:

1. On a first-come-first-served basis;
2. The organization(s) shall receive written approval from the department prior to conducting the cleanup[. The organization(s) shall], state where they will dispose of the tires, and [shall] estimate the number of tires and the associated disposal costs for which the organization plans to seek reimbursement from the department; and
3. Reimbursement shall be for disposal costs only.

[(C)](5) The department reserves the right to deny funding under section (4) to any charitable, fraternal, or other nonprofit organization if adequate funds are not available or if the requirements of this section are not met.

[(D)](6) The charitable, fraternal or other not-for-profit organization shall submit documentation (on forms provided by the department) of the number of tires picked up and disposed of before reimbursement will be approved or made.

*AUTHORITY: sections 260.225, [RSMo 2000 and] 260.273, and 260.276, RSMo [Supp. 2006] 2016. Original rule filed April 16, 1997, effective Dec. 30, 1997. Amended: Filed Jan. 2, 2007, effective Sept. 30, 2007. Amended: Filed April 13, 2018.*

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

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

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Natural Resources, 1101 Riverside Drive, Jefferson City, Missouri. To be considered, comments will be received until August 28, 2018. A public hearing is scheduled for 1:00 pm. August 21, 2018, at the LaCharrette Conference Room, 1101 Riverside Drive, Jefferson City, Missouri.*

**Title 15—ELECTED OFFICIALS**  
**Division 30—Secretary of State**  
**Chapter 51—Broker-Dealers, Agents, Investment**  
**Advisers, and Investment Adviser Representatives**

**PROPOSED AMENDMENT**

**15 CSR 30-51.030 Examination Requirement.** The secretary is amending section (2).

*PURPOSE: This amendment updates the examination requirements of applicants for registration as agents and investment adviser representatives.*

(2) The following examinations are required for the following applicants:

(A) Broker-Dealer Agent Application. General agents of securities broker-dealers are required to take and pass:/—

**1. The Securities Industry Essentials examination;**

[1.]2. The Series 7 examination; and

[2.]3. Either Series 63 or the Series 66 examination.

(B) Specialized Agent of a Broker-Dealer or Issuer Agent Application. Specialized agents of broker-dealers or issuers are required to take and pass:/—

**1. The Securities Industry Essentials examination;**

[1.]2. The applicable FINRA examination; and

[2.]3. Either the Series 63 or the Series 66 examination.

(C) Investment Adviser Representatives Application. Investment adviser representatives are required to take and pass:/—

1. The Securities Industry Essentials and the Series 65 examinations; or

2. [Both] The Securities Industry Essentials, the Series 66, and the Series 7 examinations.

*AUTHORITY: sections 409.4-412(a) and 409.6-605, RSMo [Supp. 2010] 2016. Original rule filed June 25, 1968, effective Aug. 1, 1968. For intervening history, please consult the Code of State Regulations. Amended: Filed April 12, 2018.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Secretary of State, Commissioner of Securities, PO Box 1276, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State**

**Chapter 54—Exemptions and Federal Covered Securities**

**PROPOSED AMENDMENT**

**15 CSR 30-54.100 Manual Exemption.** The secretary is amending section (1).

*PURPOSE: This amendment updates recognized securities manuals and policies applicable to nonissuer distributions of securities of issuers reported in the manuals.*

(1) For the purpose of the manual exemption (section 409.2-202(2)(D) of the Missouri Securities Act of 2003 (the Act)), [the following securities manual(s) or portions of the manual(s) is recognized] “**nationally recognized securities manual or its electronic equivalent**” shall mean: Fitch [Rating Register] Investors Service, Mergent’s Investor Service, and OTC Markets Group Inc. with respect to securities included on the OTCQX or OTCQB markets.

*AUTHORITY: sections 409.2-202(2)(D) and 409.6-605, RSMo [Supp. 2003] 2016. Original rule filed June 25, 1968, effective Aug. 1, 1968. For intervening history, please consult the Code of State Regulations. Amended: Filed April 12, 2018.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Secretary of State, Commissioner of Securities, PO Box 1276, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State**

**Chapter 54—Exemptions and Federal Covered Securities**

**PROPOSED AMENDMENT**

**15 CSR 30-54.210 Notice Filings for Transactions under Regulation D, Rule/s 505 and/ 506.** The secretary is amending the rule title, deleting section (1), and renumbering thereafter.

*PURPOSE: This amendment reflects the repeal of Rule 505 (17 CFR 230.505).*

*[(1) Rule 505.*

*(A) Pursuant to section 409.2-203 of the Missouri Securities Act of 2003 (the Act), transactions that are exempt securities under 17 CFR 230.505 are exempt from section 409.3-301, RSMo. As a condition of this exemption, the issuer shall comply with the requirements in sections (3) and (4) below.*

*(B) Disqualification. The exemption under subsection (1)(A) is not available to an issuer if the issuer, any of the issuer’s predecessors, any affiliated issuer, any of the issuer’s directors, officers, general partners, beneficial owners of ten percent (10%) or more of any class of its equity securities, any of the issuer’s promoters presently connected with the issuer in any capacity, any underwriter of the securities to be offered, or any partner, director, or officer of such underwriter—*

*1. Within the last five (5) years, has filed a registration statement which is the subject of a currently effective registration stop order entered by any state securities administrator or the U.S. Securities and Exchange Commission (SEC);*

*2. Within the last five (5) years, has been convicted of any criminal offense in connection with the offer, purchase, or sale of any security, or involving fraud or deceit;*

*3. Is currently subject to any state or federal administrative enforcement order or judgment, entered within the last five (5) years, finding fraud or deceit in connection with the purchase or sale of any security; or*

*4. Is currently subject to any order, judgment, or decree of any court of competent jurisdiction, entered within the last five (5) years, temporarily, preliminary, or permanently restraining or enjoining such party from engaging in or continuing to engage in any conduct or practice involving fraud or deceit in connection with the purchase or sale of any security.*

*(C) Subsection (1)(B) shall not apply if:*

*1. The party subject to the disqualification is licensed or registered to conduct securities related business in the state in which the order, judgment, or decree creating the disqualification was entered against such party;*

*2. Before the first offer under this exemption, the state securities administrator, or the court or regulatory authority that entered the order, judgment, or decree, waives the disqualification; or*

3. *The issuer establishes that it did not know and in the exercise of reasonable care, based on a factual inquiry, could not have known that a disqualification existed under this subsection.]*

[(2)](1) Rule 506. The issuer shall file a notice under section 409.3-302(c), RSMo, as stated in sections [(3)] (2) and [(4)] (3) below.

[(3)](2) Notice Filings for Rule/s 505 and/ 506. The notice filing required for transactions in Missouri under [17 CFR 230.505 and/ 17 CFR 230.506, unless the securities or transactions would qualify for an exemption under sections 409.2-201, 409.2-202, or 409.2-203 of the Act, shall meet the requirements of subsection (A) or (B).

(A) Paper Filing. A paper filing shall be made with the commissioner and shall consist of—

1. One (1) paper copy of the electronic Form D filed with the SEC;

2. The filing fee of one hundred dollars (\$100) as described in 15 CSR 30-50.030; and

3. A cover letter stating the date on which the first sale of securities had occurred in Missouri or whether no sales have yet occurred in Missouri.

(B) Electronic Filing. A notice filing and related fees as described in 15 CSR 30-50.030 shall be transmitted to the Electronic Filing Depository, operated by the North American Securities Administrators Association, pursuant to 15 CSR 30-50.020(2).

[(4)](3) Each notice filing made pursuant to section [(3)] (2) shall be filed no later than fifteen (15) calendar days after the first sale of the securities in Missouri, unless the due date falls on a Saturday, Sunday, or holiday, in which case the due date is the first business day following.

[(5)](4) Amendments. During the period of the offering, the issuer shall take steps necessary to insure that all material information contained in the notice filing remains current and accurate.

*AUTHORITY: sections 409.2-203, 409.3-302, and 409.6-605, RSMo [Supp. 2013] 2016. Emergency rule filed Aug. 12, 1982, effective Aug. 22, 1982, expired Dec. 10, 1982. Original rule filed Aug. 11, 1982, effective Dec. 11, 1982. For intervening history, please consult the Code of State Regulations. Amended: Filed April 12, 2018.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Secretary of State, Commissioner of Securities, PO Box 1276, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 54—Exemptions and Federal Covered Securities**

**PROPOSED AMENDMENT**

**15 CSR 30-54.260 Foreign Issuer Exemption.** The secretary is amending paragraph (1)(A)4.

*PURPOSE: This amendment updates the foreign issuer exemption by*

*adding securities included on the OTCQX or OTCQB markets, OTC Markets Group Inc.*

(1) The commissioner, pursuant to the provisions of section 409.2-203, RSMo of the Missouri Securities Act of 2003 (the Act), exempts the following transactions from the requirements of sections 409.3-301 and 409.5-504 of the Act:

(A) Any nonissuer transaction by a registered broker-dealer in a security traded on a foreign stock exchange, foreign automated quotation system, or an American Depository Receipt; provided:—

1. The security is sold at a price reasonably related to the current market price of that security at the time of the transaction;

2. The security does not constitute the whole or part of an unsold allotment to, or subscription or participation by, the broker-dealer as an underwriter of that security; and either

3. The securities qualify for inclusion on the list of foreign margin stocks compiled by the United States Federal Reserve Board and meet the requirements of section 220.11(c)1–5 of Regulation T under the Securities Exchange Act of 1934; or

4. At the time of the transaction, Moody's Investor Service, *Moody's International Manual*, or, with respect to securities included on the OTCQX or OTCQB markets, *OTC Markets Group Inc.* contains a description of the issuer's business or operations, the names of the issuer's officers and directors or their corporate equivalents in the issuer's country of domicile, an audited balance sheet of the issuer as of a date within eighteen (18) months, and audited profit and loss statements for each of the issuer's two (2) fiscal years immediately preceding that date; or

5. The security is senior in rank to the common stock of the issuer, both as to interest or dividends and upon liquidation, and the security has been outstanding in the hands of the public for at least five (5) years and the issuer has not defaulted during the current fiscal year or within the five (5) preceding years of the payment of principal, interest, or dividend on the security;

*AUTHORITY: sections 409.2-202(23), [and] 409.2-203, [RSMo Supp. 2013, and section] 409.6-605, RSMo [Supp. 2015] 2016. Original rule filed March 27, 1989, effective June 12, 1989. For intervening history, please consult the Code of State Regulations. Amended: Filed April 12, 2018.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Secretary of State, Commissioner of Securities, PO Box 1276, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2150—State Board of Registration for the  
Healing Arts  
Chapter 5—General Rules**

**PROPOSED AMENDMENT**

**20 CSR 2150-5.100 Collaborative Practice.** The board is amending subsection (2)(B).

*PURPOSE: The proposed amendment changes the mileage limitation.*

(2) Geographic Areas.

(B) The following shall apply in the use of a collaborative practice arrangement by an APRN who provides health care services that include the diagnosis and initiation of treatment for acutely or chronically ill or injured persons:

1. If the APRN is providing services pursuant to section 335.175, RSMo, no mileage limitation shall apply;

[2. If the APRN is not providing services pursuant to section 335.175, RSMo, and is practicing in a federally-designated health professional shortage area (HPSA), the practice locations where the collaborating physician, or other physician designated in the collaborative practice arrangement, is no further than fifty (50) miles by road, using the most direct route available, from the collaborating APRN; or]

[3.]2. If the APRN is not providing services pursuant to section 335.175, RSMo, [and is practicing in a non-HPSA,] the collaborating physician and collaborating APRN shall practice within [thirty (30)] **seventy-five (75)** miles by road of one another.

*AUTHORITY: sections 334.104.3, 334.125, 335.036, and 335.175, [RSMo Supp. 2013, and section 334.125,] RSMo [Supp. 2014] 2016. This rule originally filed as 4 CSR 150-5.100. Original rule filed Jan. 29, 1996, effective Sept. 30, 1996. For intervening history, please consult the Code of State Regulations. Emergency amendment filed April 16, 2018, effective April 26, 2018, expires Feb. 5, 2019. Amended: Filed April 16, 2018.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Registration for the Healing Arts, PO Box 4, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 751-3166, or via email at healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2200—State Board of Nursing  
Chapter 4—General Rules**

**PROPOSED AMENDMENT**

**20 CSR 2200-4.200 Collaborative Practice.** The board is amending subsection (2)(B).

*PURPOSE: The proposed amendment changes the mileage limitation.*

(2) Geographic Areas.

(B) The following shall apply in the use of a collaborative practice arrangement by an APRN who provides health care services that include the diagnosis and initiation of treatment for acutely or chronically ill or injured persons:

1. If the APRN is providing services pursuant to section 335.175, RSMo, no mileage limitation shall apply;

[2. If the APRN is not providing services pursuant to

section 335.175, RSMo, and is practicing in a federally-designated health professional shortage area (HPSA), the practice locations where the collaborating physician, or other physician designated in the collaborative practice arrangement, is no further than fifty (50) miles by road, using the most direct route available, from the collaborating APRN; or]

[3.]2. If the APRN is not providing services pursuant to section 335.175, RSMo, [and is practicing in a non-HPSA,] the collaborating physician and collaborating APRN shall practice within [thirty (30)] **seventy-five (75)** miles by road of one another.

*AUTHORITY: sections 334.104.3, 334.125, 335.036, and 335.175, [RSMo Supp. 2013, and section 334.125,] RSMo [Supp. 2014] 2016. This rule originally filed as 4 CSR 200-4.200. Original rule filed Jan. 29, 1996, effective Sept. 30, 1996. For intervening history, please consult the Code of State Regulations. Emergency amendment filed April 16, 2018, effective April 26, 2018, expires Feb. 5, 2019. Amended: Filed April 16, 2018.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075, or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2245—Real Estate Appraisers  
Chapter 1—Organization and Description of Commission**

**PROPOSED AMENDMENT**

**20 CSR 2245-1.010 General Organization.** The commission is deleting sections (1), (2), (3), (4), and (6) and renumbering as necessary.

*PURPOSE: This amendment removes language that exists in statute.*

*PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

*[(1) The Missouri Real Estate Appraisers Commission, an agency of the Division of Professional Registration of the Department of Insurance, Financial Institutions and Professional Registration, is responsible for the examination, licensing, and regulation of persons who engage in real estate appraisal business and appraisal management companies as set out in sections 339.500–339.549, RSMo.*

*(2)The commission consists of seven (7) members who, except one (1) voting public member, shall have had at least*



five (5) years of experience as a real estate appraiser. The members are appointed by the governor with the advice and consent of the senate. Each member is appointed to a term of three (3) years and one (1) of the members acts as chair-man as appointed by the governor.

(3) The commission may do all things necessary to carry into effect the provisions of sections 339.500–339.549, RSMo, and from time-to-time may promulgate necessary regulations compatible with the provisions of those sections.

(4) The commission shall hold regular meetings as determined by the commission to consider and act upon applications for certification and licensure, complaints regarding licensees and to transact the business as may come properly before it. The commission shall meet at least once each calendar quarter to conduct its business.]

[(5)](1) Requests for general information, applications for examination and for certificates or licenses, complaint forms, or copies of regulations may be directed to the Missouri Real Estate Appraisers Commission, PO Box 1335, Jefferson City, MO 65102, telephone (573) 751-0038.

[(6) The Missouri Real Estate Appraisers Commission shall not discriminate against an applicant for the state-certified general, state-certified residential, or state license by virtue of membership or lack of membership of the applicant in any particular real estate appraisal organization.]

[(7)](2) The commission shall transmit to the Appraisal Subcommittee, at least monthly, a roster listing individuals who have received a state certificate or license and are eligible to perform appraisals in federally-related transactions and a listing of licensed appraisal management companies. The commission shall transmit to the Federal Financial Institutions Examination Council (FFIEC) a monthly registry fee as determined by the Appraisal Subcommittee for those individuals and licensed appraisal management companies who are listed on the roster provided to the Appraisal Subcommittee. The registry fee is included in the fees in sections 20 CSR 2245-5.020(1) and (2).

[(8)](3) In accordance with the exception established in the Jurisdictional Exception Rule of the *Uniform Standards of Professional Appraisal Practice* (USPAP), the requirements of USPAP shall not apply to the commission or its employees when reviewing or preparing an investigation, complaint, or report for enforcement, licensure, certification, or disciplinary action pursuant to the statutory authority vested in the commission by Chapter 339, RSMo. This provision includes, but is not limited to, USPAP Standard Rule 3.

[(9)](4) For purposes of this section, the *Uniform Standards of Professional Appraisal Practice* (USPAP), 2016 Edition, is incorporated herein by reference and can be obtained from The Appraisal Foundation, 1155 15th Street NW, Suite 1111, Washington, DC 20005, by calling (202) 347-7722, or at [www.appraisalfoundation.org](http://www.appraisalfoundation.org). This rule does not incorporate any subsequent amendments to USPAP.

**AUTHORITY:** sections 339.507, [RSMo Supp. 2014, section] 339.509, [RSMo Supp. 2013,] and [section] 339.544, RSMo [2000] 2016. This rule originally filed as 4 CSR 245-1.010. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. For intervening history, please consult the *Code of State Regulations*. Amended: Filed April 6, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agen-

cies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

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

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Real Estate Appraisers Commission, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489, or via email at [reacom@pr.mo.gov](mailto:reacom@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2245—Real Estate Appraisers  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**20 CSR 2245-2.010 Definitions.** The commission is deleting section (2) and renumbering as necessary.

**PURPOSE:** This amendment deletes the definition of singular number and gender.

[(2) The singular number shall include the plural, the plural, the singular and the use of any gender shall be applicable to all genders.]

[(3)](2) In accordance with Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, all real estate-related transactions will be protected by requiring that real estate appraisals utilized in connection with federally-related transactions are performed in writing, in accordance with uniform standards, by state-certified or state-licensed real estate appraisers. Federally-related transactions means any real property-related financial transaction in which a federal financial institution engages in, contracts for, or regulates. The financial institution regulatory agencies include the Federal Deposit Insurance Corporation (FDIC); the Federal Reserve System (FED); the National Credit Union Administration (NCUA); the Office of the Comptroller of the Currency (OCC); and the Department of the Treasury, Office of Thrift Supervision (OTS).

**AUTHORITY:** sections 339.503, [and] 339.509, [RSMo Supp. 2012,] and [section] 339.544, RSMo [2000] 2016. This rule originally filed as 4 CSR 245-2.010. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. For intervening history, please consult the *Code of State Regulations*. Amended: Filed April 6, 2018.

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

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

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Real Estate Appraisers Commission, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489, or via email at [reacom@pr.mo.gov](mailto:reacom@pr.mo.gov). To be considered, comments must be received



*within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2245—Real Estate Appraisers  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**20 CSR 2245-2.030 Records.** The commission is amending section (2).

*PURPOSE: This rule is being amended to reduce unnecessary regulatory restrictions.*

(2) The commission establishes the executive director of the commission as the custodian of its records *[as required by]* **pursuant to** section 610.023, RSMo. The executive director is ultimately responsible for the maintenance of the commission's records and for responses to requests for access to public records.

*AUTHORITY: section 339.509, RSMo [Supp. 1990] 2016. This rule originally filed as 4 CSR 245-2.030. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. Moved to 20 CSR 2245-2.030, effective Aug. 28, 2006. Amended: Filed April 6, 2018.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Real Estate Appraisers Commission, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489, or via email at reacom@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*