

Volume 45, Number 15  
Pages 1103–1210  
August 3, 2020

SALUS POPULI SUPREMA LEX ESTO

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



JOHN R. ASHCROFT  
SECRETARY OF STATE

MISSOURI  
REGISTER

The *Missouri Register* is an official publication of the state of Missouri, under the authority granted to the secretary of state by sections 536.015 and 536.033, RSMo. Reproduction of rules is allowed; however, no reproduction shall bear the name *Missouri Register* or “official” without the express permission of the secretary of state.

The *Missouri Register* is published semi-monthly by

**SECRETARY OF STATE**

**JOHN R. ASHCROFT**

Administrative Rules Division

James C. Kirkpatrick State Information Center

600 W. Main

Jefferson City, MO 65101

(573) 751-4015

EDITOR-IN-CHIEF

CURTIS W. TREAT

•

MANAGING EDITOR

JOHN C. STEGMANN

•

EDITOR

VONNE KILBOURN

•

ASSOCIATE EDITOR

JENNIFER ALEX MOORE

•

PUBLICATION SPECIALIST

JACQUELINE D. WHITE

•

ADMINISTRATIVE AIDE

TAMMY WINKELMAN

•

READER

THOMAS HUBER

ISSN 0149-2942

The *Missouri Register* and *Code of State Regulations* (CSR) are available on the Internet. The Register address is [sos.mo.gov/adrules/moreg/moreg](http://sos.mo.gov/adrules/moreg/moreg) and the CSR is [sos.mo.gov/adrules/csr/csr](http://sos.mo.gov/adrules/csr/csr). The Administrative Rules Division may be contacted by email at [rules@sos.mo.gov](mailto:rules@sos.mo.gov).

The secretary of state's office makes every effort to provide program accessibility to all citizens without regard to disability. If you desire this publication in alternate form because of a disability, please contact the Division of Administrative Rules, PO Box 1767, Jefferson City, MO 65102, (573) 751-4015. Hearing impaired citizens should contact the director through Missouri relay, (800) 735-2966.



## IN THIS ISSUE:

### EMERGENCY RULES

**Department of Agriculture**  
 Animal Health . . . . .1107

**Department of Commerce and Insurance**  
 State Board of Pharmacy . . . . .1107

### PROPOSED RULES

**Department of Agriculture**  
 Animal Health . . . . .1111

**Department of Public Safety**  
 Peace Officer Standards and Training Program . . . . .1111

**Department of Social Services**  
 Children’s Division . . . . .1112

**Department of Commerce and Insurance**  
 Missouri Dental Board . . . . .1117  
 State Committee for Social Workers . . . . .1117

### ORDERS OF RULEMAKING

**Department of Agriculture**  
 State Milk Board . . . . .1118

**Department of Elementary and Secondary Education**  
 Division of Learning Services . . . . .1118

**Department of Natural Resources**  
 Air Conservation Commission . . . . .1118

**Department of Health and Senior Services**  
 Office of the Director . . . . .1126

**Department of Commerce and Insurance**  
 Missouri State Board of Accountancy . . . . .1127  
 State Board of Embalmers and Funeral Directors . . . . .1127

### IN ADDITIONS

**Department of Higher Education and Workforce Development**  
 Office of Workforce Development . . . . .1130

**Department of Natural Resources**  
 Division of Energy . . . . .1130

**Department of Revenue**  
 State Lottery . . . . .1131

**Department of Health and Senior Services**  
 Missouri Health Facilities Review Committee . . . . .1131

### CONSTRUCTION TRANSIENT LIST . . . . .1132

### DISSOLUTIONS . . . . .1192

### SOURCE GUIDES

**RULE CHANGES SINCE UPDATE . . . . .1194**  
**EMERGENCY RULES IN EFFECT . . . . .1199**  
**EXECUTIVE ORDERS . . . . .1201**  
**REGISTER INDEX . . . . .1203**

Register Filing Deadlines	Register Publication Date	Code Publication Date	Code Effective Date
April 1, 2020 April 15, 2020	<b>May 1, 2020</b> <b>May 15, 2020</b>	May 31, 2020 May 31, 2020	June 30, 2020 June 30, 2020
May 1, 2020 May 15, 2020	<b>June 1, 2020</b> <b>June 15, 2020</b>	June 30, 2020 June 30, 2020	July 30, 2020 July 30, 2020
June 1, 2020 June 15, 2020	<b>July 1, 2020</b> <b>July 15, 2020</b>	July 31, 2020 July 31, 2020	August 30, 2020 August 30, 2020
July 1, 2020 July 15, 2020	<b>August 3, 2020</b> <b>August 17, 2020</b>	August 31, 2020 August 31, 2020	September 30, 2020 September 30, 2020
August 3, 2020 August 17, 2020	<b>September 1, 2020</b> <b>September 15, 2020</b>	September 30, 2020 September 30, 2020	October 30, 2020 October 30, 2020
September 1, 2020 September 15, 2020	<b>October 1, 2020</b> <b>October 15, 2020</b>	October 31, 2020 October 31, 2020	November 30, 2020 November 30, 2020
October 1, 2020 October 15, 2020	<b>November 2, 2020</b> <b>November 16, 2020</b>	November 30, 2020 November 30, 2020	December 30, 2020 December 30, 2020
November 2, 2020 November 16, 2020	<b>December 1, 2020</b> <b>December 15, 2020</b>	December 31, 2020 December 31, 2020	January 30, 2021 January 30, 2021

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 [sos.mo.gov/adrules/pubsched](http://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 [sos.mo.gov/adrules/csr/csr](http://sos.mo.gov/adrules/csr/csr)

The *Register* address is [sos.mo.gov/adrules/moreg/moreg](http://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. 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) business 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 2—DEPARTMENT OF AGRICULTURE  
Division 30—Animal Health  
Chapter 2—Health Requirements for Movement of  
Livestock, Poultry, and Exotic Animals**

**EMERGENCY RULE**

**2 CSR 30-2.016 Rabbit Hemorrhagic Disease Import Restrictions on Rabbits and Hares Entering Missouri**

*PURPOSE:* This rule is necessary to restrict the movement of rabbits and hares into Missouri due to the recent diagnosis of Rabbit Hemorrhagic Disease in the United States.

*EMERGENCY STATEMENT:* This emergency rule informs the public about new procedures for rabbits or hares entering Missouri from states or countries where Rabbit Hemorrhagic Disease (RHD) has been diagnosed. The Animal Health Division wishes to prevent the spread of RHD in Missouri due to the high mortality of the disease and the potential negative impacts on the domestic and wild rabbit and hare populations. RHD was first reported in the United States in March 2020. As a result, the Animal Health Division finds a compelling governmental interest to protect domestic and wild animal rabbit and hare populations, which requires this emergency action to be implemented. A proposed rule covering this same material is published in this issue of the *Missouri Register*. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United*

*States Constitutions*. The Animal Health Division believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed July 1, 2020, becomes effective July 16, 2020, and expires January 11, 2021.

(1) No rabbits or hares may enter Missouri if the animals have originated from a state or country where Rabbit Hemorrhagic Disease (RHD) has been diagnosed in the prior twelve (12) months unless they meet the following requirements:

(A) Must obtain an entry permit; and

(B) Must have a Certificate of Veterinary Inspection from an accredited veterinarian that states:

1. All rabbits and hares in the shipment have been examined within seventy-two (72) hours of shipment for and found free of communicable diseases and have originated from a single premises that has no signs of a communicable disease;

2. There has been no movement of rabbits and hares onto the originating premises within thirty (30) days prior to shipment; and

3. No rabbits or hares in the shipment have had contact with wild rabbits or hares within thirty (30) days prior to shipment.

*AUTHORITY:* section 267.645, RSMo 2016. Emergency rule filed July 1, 2020, effective July 16, 2020, expires Jan. 11, 2021. A proposed rule covering this same material is published in this issue of the *Missouri Register*.

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

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

**Title 20—DEPARTMENT OF COMMERCE AND  
INSURANCE  
Division 2220—State Board of Pharmacy  
Chapter 4—Fees Charged by the Board of Pharmacy  
EMERGENCY AMENDMENT**

**20 CSR 2220-4.010 General Fees.** The Board of Pharmacy is proposing to amend subsections (1)(D) and (Q).

*PURPOSE:* This emergency amendment decreases 2020 pharmacist and intern pharmacist renewal fees to ensure compliance with section 338.070, RSMo.

*EMERGENCY STATEMENT:* The Board of Pharmacy is statutorily obligated to set all fees, by regulation, necessary to administer the provisions of Chapter 338, RSMo. Pursuant to section 338.070, RSMo, the board shall set the appropriate amount of fees by rule, so that the revenue produced shall not substantially exceed the cost and expense of administering the provisions of Chapter 338, RSMo. Therefore, the board is proposing to decrease 2020 renewal fees for Missouri pharmacists from two hundred dollars (\$200) to one hundred dollars (\$100) and for intern pharmacists from eighty dollars (\$80) to forty dollars (\$40). Renewal notices will be mailed on August 1, 2020 and November 1, 2020, respectively. Without this emergency amendment, the decreased fees will not be effective prior to mailing and the board will collect more revenue than it is statutorily authorized to collect. The scope of the emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. In developing this emergency amendment, the board has determined

that the fee decreases are necessary for the 2020 renewal period to prevent funds from exceeding the maximum fund balance thereby resulting in a transfer from the fund to general revenue as set forth in section 338.070.3, RSMo. Pursuant to section 324.001.10, RSMo, a compelling governmental interest is deemed to exist for the purposes of section 536.025, RSMo, for licensure fees to be reduced by emergency rule, if the projected fund balance of any agency assigned to the Division of Professional Registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue. The board believes this emergency amendment to be fair to all interested person and parties under the circumstances. This emergency amendment was filed July 1, 2020, becomes effective July 16, 2020, and expires January 11, 2021.

(1) The following fees are established by the State Board of Pharmacy:

(D) Pharmacist License Renewal Fee	\$ 200
1. Effective from August 1, [2018] <b>2020</b> through October 31, [2018] <b>2020</b>	\$ 100
(Q) Intern Pharmacist License Renewal	\$ 80
<b>1. Effective from November 1, 2020</b> <b>through December 31, 2020</b>	\$ 40

**AUTHORITY:** sections 338.020, 338.035, 338.040, 338.060, 338.070, [338.140,] 338.185, 338.220, 338.230, 338.270, 338.280, 338.335, and 338.350, RSMo 2016, and section 338.140, RSMo Supp. 2019. This rule originally filed as 4 CSR 220-4.010. Emergency rule filed July 15, 1981, effective Aug. 3, 1981, expired Nov. 11, 1981. Original rule filed Aug. 10, 1981, effective Nov. 12, 1981. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed July 1, 2020, effective July 16, 2020, expires Jan. 11, 2021.

**PUBLIC COST:** This emergency amendment will cost state agencies or political subdivisions approximately one million two hundred thirty-eight thousand, seven hundred twenty dollars (\$1,238,720) in the time the emergency is effective.

**PRIVATE COST:** This emergency amendment will save private entities approximately one million two hundred thirty-eight thousand, seven hundred twenty dollars (\$1,238,720) in the time the emergency is effective.

**FISCAL NOTE  
PUBLIC COST**

- I. Department Title:** Department of Commerce and Insurance
- Division Title:** State Board of Pharmacy
- Chapter Title:** Fees Charged By the Board of Pharmacy
- Rule Number and Name:** 20 CSR 2220-4.010- Fees Charged By the Board of Pharmacy
- Type of Rulemaking:** Emergency Amendment

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Fiscal Impact
State Board of Pharmacy	-\$ 1,238,720 (FY 2021 Revenue Decrease)

**III. WORKSHEET**

Estimated # of Applicants/Licensees	Affected Agency	Description of Costs	Calculation of Estimates	TOTAL REVENUE DECREASE
11,648	Board of Pharmacy	Pharmacist Renewal Fee	\$2,329,600 - \$1,164,800 <i>(anticipated FY 21 revenue based on current \$200 renewal fee – decreased revenue based on \$100 renewal fee)</i>	\$ 1,164,800
1,848	Board of Pharmacy	Intern Renewal Fee	\$147,840 - \$73,920 <i>(anticipated FY 21 revenue based on current \$80 renewal fee – decreased revenue based on \$40 renewal fee)</i>	\$73,920
<b>TOTAL ESTIMATED COSTS IN THE TIME THE EMERGENCY IS EFFECTIVE</b>				<b>-\$ 1,238,720</b> <i>(Projected FY21 revenue decrease)</i>

**IV. ASSUMPTIONS**

1. The estimated licensing counts were based on FY 2019 actual licensee/registrant counts and actual renewal totals.
2. Actual revenue decreases may vary based on renewal applications received.
3. The projected revenue decrease will result in a net savings to the Board’s pharmacist and intern pharmacist licensees.

**FISCAL NOTE  
PRIVATE COST**

- I. Department Title:** Department of Commerce and Insurance  
**Division Title:** State Board of Pharmacy  
**Chapter Title:** Fees Charged By the Board of Pharmacy  
**Rule Number and Name:** 20 CSR 2220-4.010- Fees Charged By the Board of Pharmacy  
**Type of Rulemaking:** Emergency Amendment

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Fiscal Impact
Pharmacists and Intern Pharmacist	\$ 1,238,720

**III. WORKSHEET**

Estimated # of Applicants/ Licensees	Affected Agency	Description of Costs	Calculation of Estimates	TOTAL SAVINGS
11,648	Board of Pharmacy	Pharmacist Renewal Fee	\$2,329,600 - \$1,164,800 <i>(anticipated FY 21 revenue based on current \$200 renewal fee – decreased revenue based on \$100 renewal fee)</i>	\$ 1,164,800
1,848	Board of Pharmacy	Intern Renewal Fee	\$147,840 - \$73,920 <i>(anticipated FY 21 revenue based on current \$80 renewal fee – decreased revenue based on \$40 renewal fee)</i>	\$73,920
<b>TOTAL ESTIMATED SAVINGS IN THE TIME THE EMERGENCY IS EFFECTIVE</b>				<b>-\$ 1,238,720</b>

**IV. ASSUMPTIONS**

- The estimated licensing counts were based on FY 2019 actual licensee/registrant counts and actual renewal totals.



**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 2—DEPARTMENT OF AGRICULTURE Division 30—Animal Health Chapter 2—Health Requirements for Movement of Livestock, Poultry, and Exotic Animals

### PROPOSED RULE

#### 2 CSR 30-2.016 Rabbit Hemorrhagic Disease Import Restrictions on Rabbits and Hares Entering Missouri

*PURPOSE: This rule is necessary to restrict the movement of rabbits and hares into Missouri due to the recent diagnosis of Rabbit Hemorrhagic Disease in the United States.*

(1) No rabbits or hares may enter Missouri if the animals have originated from a state or country where Rabbit Hemorrhagic Disease (RHD) has been diagnosed in the prior twelve (12) months unless they meet the following requirements:

(A) Must obtain an entry permit; and  
(B) Must have a Certificate of Veterinary Inspection from an accredited veterinarian that states:

1. All rabbits and hares in the shipment have been examined within seventy-two (72) hours of shipment for and found free of communicable diseases and have originated from a single premises that has no signs of a communicable disease;

2. There has been no movement of rabbits and hares onto the originating premises within thirty (30) days prior to shipment; and

3. No rabbits or hares in the shipment have had contact with wild rabbits or hares within thirty (30) days prior to shipment.

*AUTHORITY: section 267.645, RSMo 2016. Emergency rule filed July 1, 2020, effective July 16, 2020, expires Jan. 11, 2021. Original rule filed July 1, 2020.*

*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: Anyone may file a statement in support of or in opposition to this proposed rule by website: <https://agriculture.mo.gov/proposed-rules/> or by mail: Missouri Department of Agriculture, attn: Dr. Jean Schmidt, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days of publication of this notice in the Missouri Register. No public hearing is scheduled.*

## Title 11—DEPARTMENT OF PUBLIC SAFETY Division 75—Peace Officer Standards and Training Program Chapter 13—Peace Officer Licenses

### PROPOSED AMENDMENT

**11 CSR 75-13.050 Missouri Peace Officer License Exam.** The director is amending sections (2)(A) and (B), to allow certain persons to take the Missouri Peace Officer License at twenty (20) years of age.

*PURPOSE: This amendment will allow persons to take the Missouri Peace Officer License Exam if they are otherwise eligible, who are at least twenty (20) years of age, and have provided written verification of being hired as a non-commissioned employee of a law enforcement agency.*

(2) No person shall take the MPOLE unless the person:

(A) *Is* eligible to apply for, and has applied for, a peace officer license[.]; or

(B) **The applicant is twenty (20) years of age, has provided written verification of current employment as a non-commissioned employee of a law enforcement agency, and is otherwise eligible to apply for a peace officer license pursuant to 11 CSR 75-13.020.** An applicant for a class R and a class D license shall not take the MPOLE.

*AUTHORITY: sections 590.030 and 590.190, RSMo [Supp. 2007] 2016. Original rule filed May 1, 2002, effective Oct. 30, 2002. Amended: Filed July 1, 2008, effective Dec. 30, 2008. Amended: Filed June 30, 2020.*

*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 Public Safety, POST Program, PO Box 749, Jefferson City, Missouri 65109. 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 11—DEPARTMENT OF PUBLIC SAFETY  
Division 75—Peace Officer Standards and Training  
Program  
Chapter 14—Basic Training Centers**

**PROPOSED AMENDMENT**

**11 CSR 75-14.050 Minimum Standards for a Certified Basic Training Course.** The director is amending subsections (6)(B)-(D), (7)(C) and adding new subsections (6)(G) and (H)

*PURPOSE:* This amendment will allow for a minimum passing score that is greater than seventy percent (70%), which is required for certain programs of study within basic training. This amendment will ensure that the determination to allow for the retake of a failed examination is made by the training center before the start of basic training and the eligibility to retake an examination applies equally to all basic training students. The amendment will ensure that basic training students are informed when they are taking or retaking an examination.

(6) Trainees shall be graded as follows:

(B) A trainee who achieves less than seventy percent (70%) on any written examination may, at the discretion of the training center director, retake the examination one (1) time. The highest score that may be awarded on a retake examination is seventy percent (70%)*[/I]*, or if the minimum passing score of the program of study being used is greater than seventy percent (70%), that minimum passing score may be awarded.

(C) A trainee who achieves a failing score on an objective graded on a pass/fail basis may, at the discretion of the training center director, reattempt the objective one (1) time.

(D) A trainee who achieves less than seventy percent (70%) on the firearms practical examination may, at the discretion of the training center director, retake the practical examination one (1) time. The highest score that may be awarded on a retake examination is seventy percent (70%)*[/I]*, or if the minimum passing score of the program of study being used is greater than seventy percent (70%), that minimum passing score may be awarded.

(G) The determination to allow a trainee to retake a written or a practical examination, or the reattempt of an objective graded on a pass/fail basis, shall be made before the start of the training course and the same standard shall apply to all trainees.

(H) A trainee who fails any written examination, or who fails to achieve a passing grade on an objective graded on a pass/fail basis, or who fails to achieve a passing score on the firearms practical examination, may be afforded an opportunity to complete remedial training prior to retaking any written or practical examination. The training center director shall inform the trainee prior to commencing any examination or reexamination and it shall be clear to the trainee that all remedial training, if offered, has concluded.

(7) To be eligible for graduation from a basic training course, a

trainee shall, at a minimum:

(C) Achieve:

1. A score of no less than seventy percent (70%) on each written exam, **unless a greater passing percentage is required by the program of study being used;**

2. A final, overall score of no less than seventy percent (70%) for all written exams, **unless a greater passing percentage is required by the program of study being used;**

3. A passing score on each objective graded pass or fail; and

4. An overall firearms score of no less than seventy percent (70%)*[/I]*, **unless a greater passing percentage is required by the program of study being used;**

*AUTHORITY:* sections 590.030, 590.040, and 590.190, RSMo [Supp. 2007] 2016. Original rule filed May 1, 2002, effective Oct. 30, 2002. Amended: Filed Nov. 15, 2002, effective April 30, 2003. Amended: Filed July 1, 2008, effective Dec. 30, 2008. Amended: Filed June 30, 2020.

*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 Public Safety, POST Program, PO Box 749, Jefferson City, Missouri 65109. 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 13—DEPARTMENT OF SOCIAL SERVICES  
Division 35—Children’s Division  
Chapter 60—Licensing of Foster Family Homes**

**PROPOSED AMENDMENT**

**13 CSR 35-60.020 Capacity of Foster Homes.** The division is amending sections (1), (4), (5), and (6).

*PURPOSE:* This proposed amendment revises the number of children who may be placed in a foster home. It also lists the exceptions to the maximum number of children who may be placed in a foster home.

(1) The maximum number of children in a foster home shall not exceed *[five (5)]* **six (6)**. Each foster child shall be counted as one (1) placement. The children of the foster parent are counted within the maximum **number of children in the foster home** until they reach the age of eighteen (18) years. The Children’s Division may waive the maximum number of children who may be placed in the same foster home to permit the placement of foster children sibling groups and placement of a minor parent and his/her child(ren).

(4) *[Any foster home exceeding the regulated total numbers at the time these regulations are adopted shall continue to qualify for license if all other requirements are met. Additional foster children shall not be placed in these homes until such time as they can comply with this rule.]* **The number of children placed in a foster family home may, at the discretion of the division, exceed the numerical limitation in section (1) of this rule for the following reasons:**

(A) To allow a child in foster care who is also the parent of a child to remain together in a foster family home;

(B) To allow siblings to remain together;

(C) To allow a child with an established meaningful relationship with the family to remain with the family; or

(D) To allow a family with special training or skills, as determined by the division, to provide care to a child who has a severe disability. Severe disability shall mean the same as a youth with elevated medical needs, as defined in 13 CSR 35-60.100 Foster Care Services for Youth with Elevated Medical Needs.

(5) Foster parents shall notify the division of all contracts for the care of children held at the time of application for an initial license [or gained]. Foster parents shall notify the division of all contracts for the care of children entered into, terminated, or suspended after licensure.

(6) If a licensed foster parent is [dually] also licensed or registered as an in-home child care provider, no foster child under the age of seven (7) may be placed in [that] the foster parent's home unless necessary to accommodate a sibling group on a temporary basis. The number of foster children placed at the foster parent's home shall not cause the [dually] licensed or registered child care provider to exceed [child care licensed capacity] the number of children for which the provider is licensed or registered.

*AUTHORITY: sections 207.020, [RSMo Supp. 2014, and section 210.506, RSMo 2000] 210.506, and 660.017, RSMo 2016. Original rule filed July 18, 2006, effective Jan. 30, 2007. Amended: Filed Sept. 15, 2015, effective March 30, 2016. Amended: Filed July 1, 2020.*

*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 Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.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 13—DEPARTMENT OF SOCIAL SERVICES

### Division 35—Children's Division

#### Chapter 60—Licensing of Foster Family Homes

#### PROPOSED AMENDMENT

**13 CSR 35-60.040 Physical and Environmental Standards [for Foster Homes].** The division is amending the purpose and sections (1)–(4).

*PURPOSE: This rule explains what [is required in a physical structure] physical and environmental conditions are required for licensing. It further describes sleeping arrangements and fire and safety requirements.*

*PURPOSE: This proposed amendment changes the title of the rule and explains what is required in a physical structure. The amendment also addresses the use of legal and illegal substances, including drugs and alcohol, by the foster family. It further describes sleeping arrangements and fire and safety requirements, and clarifies firearms and ammunition safety requirements.*

(1) General Requirements.

(B) The home shall be so constructed, arranged, and maintained as to provide adequately for the health and safety of all occupants. It shall be of size and space and shall have furnishings and equipment to accommodate comfortably both the foster family and foster children in their care.

(D) All flammable liquids, matches, cleaning supplies, poisonous materials, [medicines,] medication, marijuana (as defined in 19 CSR 30-95.010(20)) or marijuana-infused products (as defined in 19 CSR 30-95.010(21)) for medical use (as defined in 19 CSR 30-95.010(27)), alcohol, or other hazardous items shall be stored so as to be inaccessible to the children, taking into consideration the age and mental capacities of the children.

(E) Private water supply shall be safe for human consumption and testing may be required at the time of licensing. The cost of testing will be covered by the applicant. If the private water supply is found to be unsafe for human consumption, an alternative source for drinking water shall be made available. The home's water heater shall be set in accordance with the manufacturer's recommendations regarding temperature.

(J) Household swimming pools shall include the following safety requirements:

1. A barrier on all sides;
2. Access to the pool must have their methods of access through the barrier equipped with a safety device, such as a bolt lock;
3. Swimming pools must be equipped with a life saving device, such as a ring buoy;
4. If the swimming pool cannot be emptied after each use, the pool must have a working pump and filtering system; and
5. Hot tubs and spas must have safety covers that are locked when not in use.

[(J)](K) Mobile Homes.

1. There shall be an exit(s) at each end(s) of the home.
2. The mobile home shall be skirted with latticed or solid skirting and securely anchored by cable to the ground.

(L) The home shall have an operating kitchen facility.

(M) The home shall have at least one (1) toilet, sink, and tub or shower in operating condition.

(N) For the purposes of this regulation, the terms "marijuana," "marijuana-infused products," and "medical use," shall mean the terms as they are defined in 19 CSR 30-95.010.

(O) All foster parents, household members, and guests shall not use or possess illegal substances, marijuana, marijuana-infused products, or use tobacco products, such as cigarettes, cigars, pipes, or electronic smoking devices that include, but are not limited to, e-cigarettes, vape pens, or vaporizers in:

1. The foster home when a child in division custody is placed in the home;
2. A vehicle when transporting a child in division custody; or
3. The presence of a child in division custody.

(P) Foster parents shall not use illegal substances. Foster parents shall not use alcohol, prescription and non-prescription medication, marijuana or marijuana-infused products to the extent that it would leave the individual in an impaired physical or mental state and prevent the individual from parenting the child.

(Q) Foster parents and household members who seek to use or cultivate marijuana for medical use must follow all rules and procedures as set forth by the Department of Health and Senior Services in 19 CSR 30-95.010 through 19 CSR 30-95.110.

(R) Foster parents and household members shall not use marijuana or marijuana-infused products, or other legal substances (including alcohol or prescription or non-prescription drugs) if it creates an unsafe environment for the child, as determined by the division.

(S) Foster parents and household members who are qualifying patients, as defined in 19 CSR 30-95.010(36), for medical

marijuana use must obtain a new physician certification annually and obtain identification cards from the Department of Health and Senior Services in accordance with 19 CSR 30-95.030 in order to use and/or cultivate marijuana for medical use. All foster parents and household members shall, upon request, provide the division with a copy of the physician certification and identification card(s) as defined in 19 CSR 30-95.010(17), as applicable.

(T) All cultivation by the qualifying patient shall take place in an enclosed, locked facility as defined in 19 CSR 30-95.010(12) with the plant specifications set forth in 19 CSR 30-95.030(4).

(U) Children in the division's custody shall not have access to the enclosed, locked facility, or otherwise be exposed to hazardous environmental conditions due to the use, cultivation, or storage of marijuana or marijuana-infused products.

(2) Sleeping Arrangements.

(A) Foster children shall not be permitted to sleep in any building, apartment, or other structure which is separate from the foster family home; nor shall any foster child be permitted to sleep in an unfinished attic, in an unfinished basement, or in a hall or any other room which is normally used for a purpose other than sleeping arrangements.

(G) Foster children *[should]*, including infants, shall never *[sleep in a bed]* co-sleep or bed-share with foster parents.

*[(G)](H)* Each bed or crib shall be of a size as to insure comfort of the foster child, shall have a firm mattress or an orthopedic supportive surface, in good, clean condition with waterproof covering, if needed, and suitable covers adequate to the season. **All sleeping environments and practices for infants shall be consistent with safe sleep practices as determined by the division.**

*[(H)](I)* Each foster child under age two (2) shall have a separate bed. Each foster child over age two (2) shall have bed space equivalent to one-half (1/2) of a full-size bed. The abuse and neglect history of each child should be taken into consideration before allowing *[them]* a child to share a bed with another child.

*[(I)](J)* Separate and accessible drawer space for personal belongings and closet space for clothing shall be available for each foster child.

(K) There shall be no surveillance cameras in areas of the home that violate the privacy of the foster youth, including, but not limited to, bathrooms and dressing areas.

(3) Fire and Safety Requirements.

(F) In apartment buildings where the foster family residence is on the second floor or above there shall be an exit stairway.

(L) The foster family shall maintain first aid supplies.

(4) *[Weapons]* Firearms Requirements.

(A) Any and all firearms and ammunition **not being carried on one's person** shall be stored in **locked areas or cabinets using keys or other locking mechanisms** so as to be inaccessible to children. *[Foster parents shall store ammunition separately from any weapons. Firearms and ammunition shall be store in locked areas or cabinets with keys secured so as to be inaccessible to children.]*

(B) **Firearms and ammunition on one's person in the presence of a foster child shall be held in a secured holster and not accessible to children subject to the following:**

*[(B)]1.* No firearms shall be *[kept]* present in any vehicle transporting *[(unless weapons are inaccessible to the foster child—i.e.,)]* foster children unless the firearms are—

A. *[i]*In a locked glove box *[or other]*;

B. In a locked container *[or in the trunk of a vehicle]* or on any person providing care or supervision to foster children. *(An exception will be made for any person transporting a foster child who must carry a weapon as part of their job responsibilities—i.e., law enforcement officers.)* No firearms

*possessed in violation of a state or federal law or a local government ordinance shall be present at any time in the home, on any household member, or in any vehicle in which the children are riding.];* or

C. In a secure holster inaccessible to children, when carried or concealed on a person possessing a concealed carry permit.

2. An exception to paragraphs (4)(B)1.A. through C. of this rule will be made for any governmental law enforcement employee transporting a foster child who must carry firearms and ammunition as part of their job responsibilities.

(C) No firearms possessed in violation of a state or federal law or a local government ordinance shall be present at any time in the home, on any household member, or in any vehicle in which the children are riding.

*[(C)](D)* *[Weapons]* Firearms and ammunition storage shall be made available for external viewing by Children's Division staff *[in order]* to assure *[weapons]* firearms and ammunition are inaccessible to children. **External viewing by Children's Division shall occur upon reasonable notice during reasonable hours for the purpose of foster home licensure, re-licensure, and quarterly visits. This rule shall not prohibit or hinder the Children's Division's ability to assure the safety and wellbeing of children and children's living conditions. Firearms and ammunition storage shall be available for external viewing without prior notice as part of the periodic visits to the foster child's home by the foster child's legal custodian or if:**

1. There is a reasonable basis to believe there is a violation of subsections (4)(A) through (C) of this rule; or

2. There are allegations of child abuse or neglect.

*AUTHORITY:* sections 207.020, *[RSMo Supp. 2014, and section 210.506, RSMo 2000]* 210.506, and 660.017, *RSMo 2016. Original rule filed July 18, 2006, effective Jan. 30, 2007. Amended: Filed Sept. 15, 2015, effective March 30, 2016. Amended: Filed June 22, 2020.*

*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 cost private entities approximately one million, six hundred forty-four thousand, eight hundred seventeen dollars (\$1,644,817) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to [Rules.Comment@dss.mo.gov](mailto:Rules.Comment@dss.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.

**FISCAL NOTE  
PRIVATE COST**

- I. Department Title:** Title-13 Social Services  
**Division Title:** Division-35 Children’s Division  
**Chapter Title:** Chapter-60 Licensing of Foster Family Homes

<b>Rule Number and Title:</b>	13 CSR 35-60.040 Physical Standards for Foster Homes
<b>Type of Rulemaking:</b>	Amendment

**II. SUMMARY OF FISCAL IMPACT**

<b>Estimate of the number of entities by class which would likely be affected by the adoption of the rule:</b>	<b>Classification by types of the business entities which would likely be affected:</b>	<b>Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:</b>
4392	N/A	Cost will be dependent on need to be in compliance. See calculations below; however, the maximum cost could be \$1,644,817

**III. WORKSHEET**

Potential costs associated with these amendments could include:

<b>Item Description</b>	<b>Estimated Annual Number of Providers</b>	<b>Percent of Providers Requiring Compliance</b>	<b>Quantity</b>	<b>Estimated Amount</b>	<b>Range of Estimated Total</b>
Bolt Lock-Pool	4392	3.5%	1	\$28.50	\$0-\$4,381
Holster	4392	30%	1	\$60.00	\$0-\$79,080
First Aid Kit	4392	100%	1	\$4.25	\$0-\$18,666
Pool Fence	4392	3.5%	1	\$5,750.00	\$0-\$883,890
Crib	4392	25%	1	\$150.00	\$0-\$164,700
Twin bed	4392	75%	1	\$150.00	\$0-\$494,100

The range provided above is calculated based on the number of new homes developed every year. We cannot estimate the number of families who will require any or all of the required equipment described above; however, we are assuming that a percentage will need to comply with regulations. We do not track individual resource home expenses i.e. purchase of new door locks and doing so is not feasible as our resource homes are

personal dwellings equipped to accommodate individual families with a reasonable expectation of safety.

#### IV. ASSUMPTIONS

The Children's Division's regulations have been revised, in part, to comply with the federal guidelines as described in the National Model Foster Family Home Licensing Standards.

Adherence to these changes in standards may have a private fiscal increase because they involve clarifying the standards of individual family homes and the foster environment. Children's Division assumes that up to 4,392 foster homes may have to incur costs to become a compliant foster home. Children's Division assumes that all new foster homes will be required to purchase a first aid kit costing \$18,666 annually; however, there may be some that are in compliance already. Approximately 25% of children in care are under the age of 3 and would require a crib. Assuming the same percentage results in an annual cost of \$164,700. The remaining population would require at least a twin bed to sleep in costing \$494,100.

According to the Association of Pool & Spa Professionals, approximately 10.4 million, or 7%, households have pools. Assuming 7% of our foster homes own pools, it is assumed approximately 50% ( $50\% * 7\% = 3.5\%$ ) will have a cost of putting up a fence and installing a lock resulting in an annual cost of \$883,890 and \$4,381, respectively.

In an August 2019 survey conducted by the Gallup Poll, approximately 30% of the individuals surveyed owned guns. Assuming the same percentage applies to foster homes needing to purchase a holster to secure a gun, the Children's Division estimates annual costs to be \$79,080.

The amendment includes language that marijuana or marijuana-infused products, as defined in 19 CSR 30-95.010, shall be stored inaccessible to children. The Department of Health and Senior Services (DHSS) rules require approved, qualified applicants who want to cultivate marijuana to have their own grow containment that must be enclosed, locked, and accessible only to the approved person. The Children's Division expects this to affect less than 1% of the foster homes, therefore, for the purposes of this fiscal note, Children's Division assumes there would be minimal cost borne to the foster home.

The Division assumes that foster home applicants already have an operable kitchen, toilet, sink, and shower and/or bathtub.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 35—Children’s Division  
Chapter 60—Licensing of Foster Family Homes**

**PROPOSED AMENDMENT**

**13 CSR 35-60.080 Licensing Standard Waivers for Relative Resource Providers.** The division is amending section (2).

*PURPOSE:* This proposed amendment revises the citations regarding the waiver of certain non-safety foster home licensing standards to be granted on a case-by-case basis for relatives to become licensed as relative resource providers.

(2) Only the following licensing non-safety standards may be waived to license a relative resource provider under this regulation:

(A) The requirements of 13 CSR 35-60.020(1), (2), and (3);

(B) The requirements of 13 CSR 35-60.030(1), (4)(A), ~~[(4)(B),]~~ and (5)(B); and/or

(C) The requirements of 13 CSR 35-60.040~~[(1)(A), (1)(B), (2)(D) through (F), and (2)(I)](J).~~

*AUTHORITY:* [section 207.020, RSMo Supp. 2014, section 210.565, RSMo Supp. 2013, and section 210.506, RSMo 2000] sections 207.020, 210.506, and 660.017, RSMo 2016, and section 210.565, RSMo Supp. 2019. Original rule filed Sept. 15, 2015, effective March 30, 2016. Amended: Filed June 22, 2020.

*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 Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.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 COMMERCE AND  
INSURANCE  
Division 2110—Missouri Dental Board  
Chapter 1—Organization and Description of Board**

**PROPOSED AMENDMENT**

**20 CSR 2110-1.010 General Organization.** The board is deleting section (9).

*PURPOSE:* The amendment removes an outdated membership requirement.

[(9) The board is a member of the Central Regional Dental Testing Service, Inc. (CRDTS), which is a multi-state testing group. CRDTS was established to provide a written and clinical test of competence for dental and dental hygiene applicants, to replace similar examinations previously administered by the member states individually. Information and dates for these examinations may be obtained by writing the administrative secretary of CRDTS.]

*AUTHORITY:* section 332.031, RSMo 2016, and section 332.041, RSMo Supp. [2018] 2019. This rule originally filed as 4 CSR 110-

1.010. Original rule filed Dec. 12, 1975, effective Jan. 12, 1976. For intervening history, please consult the Code of State Regulations. Amended: Filed June 18, 2020.

*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 Dental Board, PO Box 1367, Jefferson City, MO 65102, by facsimile at 573-751-8216, or via email at dental@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 COMMERCE AND  
INSURANCE  
Division 2263—State Committee for Social Workers  
Chapter 2—Licensure Requirements**

**PROPOSED AMENDMENT**

**20 CSR 2263-2.032 Registration of Supervised Social Work Experience.**The committee is amending sections (3) and (5).

*PURPOSE:* This amendment removes language regarding supervision registration and change of supervision.

(3) The applicant for registration of supervision shall—

(C) Pay the ~~one- (1-) time~~ registration of supervision fee as prescribed by the committee.

(5) Whenever a supervisee changes a supervisor or adds a supervisor or new setting, a change of status form, provided by the committee, shall be submitted to the committee by the supervisee. There is no fee for updating a change of supervision and/or setting, but **with the registration fee and** must be submitted in writing within fourteen (14) days. Failure to submit a change will result in supervision hours not calculated towards the three thousand (3,000) hours of supervised licensed social work experience.

*AUTHORITY:* section 337.600, RSMo 2016, and sections 337.612, 337.615, 337.627, and 337.665, RSMo Supp. 2019. This rule originally filed as 4 CSR 263-2.032. Original rule filed Sept. 18, 1990, effective Feb. 14, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed June 29, 2020.

*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 Committee for Social Workers, Tom Reichard, Executive Director, PO Box 1335, Jefferson City, MO 65102, by fax at (573) 526-3489, or via email at lcsww@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.

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

**T**he agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-(90-) day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 80—State Milk Board  
Chapter 5—Inspections**

**ORDER OF RULEMAKING**

By the authority vested in the State Milk Board under section 196.939, RSMo 2016, the board amends a rule as follows:

**2 CSR 80-5.010 Inspection Fees is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 16, 2020 (45 MoReg 418). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 20—Division of Learning Services  
Chapter 400—Office of Educator Quality**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education (board) under sections 161.092, 161.097, 161.099, and 168.400, RSMo 2016, and section 168.021, RSMo Supp. 2019, the board amends a rule as follows:

**5 CSR 20-400.330 Clinical Experience Requirements for  
Candidates in Professional Education Programs is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 18, 2020 (45 MoReg 311). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after the publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**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**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2016, the commission rescinds a rule as follows:

**10 CSR 10-2.330 Control of Gasoline Reid Vapor Pressure  
is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 18, 2020 (45 MoReg 312). No changes were made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received three (3) comments from three (3) sources: Missouri Corn Growers Association (MCGA), Mid-America Regional Council (MARC) Air Quality Forum, and the U.S. Environmental Protection Agency (EPA).

COMMENT #1: The MCGA supports the rescission of 10 CSR 10-2.330 Control of Gasoline Reid Vapor Pressure as proposed and provided the following comment: This existing rule places unnecessary and burdensome restrictions and requirements on many businesses in the Kansas City area, specifically impacting those that supply, sell, or transport motor vehicle fuel for use in the Kansas City area. The regulation at 10 CSR 10-2.330 currently limits the volatility of motor vehicle gasoline, as measured by Reid Vapor Pressure, in the former Kansas City maintenance area during the summertime. However, modeling demonstrates that these burdensome restrictions are unnecessary. Even with the rule rescission, the area will stay below the 2017 actual emission levels and will not interfere with continued attainment of the 2015 ozone standard.

The Red Tape Reduction effort was intended to reduce burdensome regulations and time-consuming paperwork when they provide minimal enhancements to our natural resources and public health protection. Unnecessary restrictions impact business growth and interfere with improving our economy. Therefore, failure to rescind the rule would perpetuate an overly burdensome and unnecessary compliance provision in Missouri's regulations. Given the Missouri Air Conservation Commission's analysis and conclusion that there will be no significant economic or environmental costs due to the proposed rule rescission, the Missouri Corn Growers Association believes rescinding the rule is essential and would demonstrate a responsible governmental action.



RESPONSE: The department thanks the MCGA for providing comments for this rule and appreciates the support to rescind the rule. The department made no changes to the proposed rescission language as a result of this comment.

COMMENT #2: The MARC Air Quality Forum supports the development and implementation of air quality policy in the bi-state Kansas City region and provided the following comments: MARC's Air Quality Program appreciates the periodic review of SIP air quality control measures in order to ensure relevance, applicability, and effectiveness. We recognize that these analyses must show that proposed changes to SIP control measures will not interfere with our regions ability to maintain the 2015 ozone NAAQS. MARC acknowledges that the model results show 1) a decrease of NO<sub>x</sub> and VOC emissions from 2017 to 2020 associated with fleet turnover and improved emissions technology, and 2) that the low RVP rule provides only a slight reduction to both NO<sub>x</sub> and VOC emissions. However, while MDNR believes that the effect of the rule rescission is not significant enough to interfere with attainment or maintenance of the 2015 ozone NAAQS, the MARC Air Quality Forum has concerns that the state is removing a tool that does provide some air quality benefit to our region.

The Kansas City region has struggled to meet the EPAs National Ambient Air Quality Standards (NAAQS) for ozone pollution for many years. Over the last five ozone seasons 2015-2019, our region has benefited from an abnormally long period of weather patterns producing above average rainfall depressing ground level ozone formation. Thus, while the region is currently designated in attainment for the 2015 standard and monitored values reflect a 2019 design value of 68 ppb, the 2018 design value of 70 ppb suggests that we continue to barely attain this standard and must work to reduce ozone precursor emissions from all sources to remain in compliance. While our air quality is regulated based on the NAAQS for ozone, the scope of MARC's Air Quality Program extends beyond the NAAQS and reflects the third main purpose associated with producing a SIP to prevent air quality deterioration for areas that are in attainment with the NAAQS. This purpose encourages us to continue pursuing clean air levels above and beyond the NAAQS to ensure the health and vitality of our residents and decrease the risk of violating the NAAQS due to factors out of our control. Thus, any increase in criteria pollutants due to the rescission of this control measure is a continued concern.

We are also concerned that there are not currently any strategies ready to replace low RVP in the event that the region was to fall out of compliance with the NAAQS. The diminished utility of the Low RVP rule due to vehicle and fuel advancements, coupled with the Kansas City region's year-to-year design values that continue to skirt the 2015 ozone NAAQS, necessitates that the states of Missouri and Kansas, in partnership with EPA and the MARC Air Quality Forum, coordinate and prioritize finding a new path forward that includes a new generation of pollution control strategies to ensure the Kansas City region stays in compliance of the NAAQS. Falling out of compliance could necessitate more costly control measures. When reviewing the costs and benefits of this action, we encourage carefully weighing the financial costs which would be incurred should the region fall back into nonattainment against the cost to continue compliance provisions. The risk associated with taking this action could result in significant and widespread financial consequences not acknowledged in the RIR.

RESPONSE: The department understands and appreciates the MARC Air Quality Program's role in proactively addressing Kansas City's air quality beyond NAAQS requirements. The department's analysis of the proposed rescission demonstrates that the requirements included in the rule no longer are necessary to maintain compliance with any previous ozone standard, even without any replacement emission reductions. In addition, pursuant to section 643.055.1, RSMo, the department cannot establish rules that are stricter than those required by the federal Clean Air Act, as amended,

unless necessary to bring a nonattainment area into compliance and to maintain compliance with a standard. Because the Kansas City area is in compliance with the 2015, and previous, ozone standards the area is not a nonattainment area for any ozone standard.

The department notes that multiple emission reductions from stationary sources have occurred since 2017, including power-plant closures and emission-improving fuel changes at various industrial sources within and near the Kansas City area. These additional emission reductions provide an additional margin of safety beyond what is seen in the provided mobile-source modeling analysis. This gives even greater assurance the area will remain in compliance with the 2015 ozone standard after the rescission of the rule.

In the event of a recorded violation of the 2015 ozone standard, the department would evaluate the meteorology and emissions activity leading to the elevated ozone levels to determine whether and what type of action and/or emission control might be necessary to ensure compliance with the standard is maintained in the area. The department made no changes to the proposed rescission language as a result of this comment.

COMMENT #3: EPA commented that they had reviewed the draft rule text and rulemaking report for this rule and had no comments.

RESPONSE: The department appreciates EPA's review of the proposed rescission and rulemaking report. The department made no changes to the proposed rescission language as a result of this comment.

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

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2016, the commission amends a rule as follows:

10 CSR 10-5.390 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2020 (45 MoReg 25-27). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program (Air Program) received five (5) comments on this proposed rulemaking: one (1) comment from Air Program staff and four (4) comments from the U.S. Environmental Protection Agency (EPA).

COMMENT #1: Air Program staff commented that the title of Method 25A in subsection (5)(C) should not include the words "as Carbon" so that the title reads, "Determination of Total Gaseous Organic Concentration Using a Flame Ionization Analyzer."

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the department is revising the amendment language in subsection (5)(C).

COMMENT #2: EPA commented that: The rulemaking report for each rule indicates that the state is removing the use of unnecessarily restrictive words. However, the reports do not clarify how the state determined that the words were unnecessarily restrictive, which of the deleted words are being removed because they are unnecessarily restrictive, or how any rule changes made to eliminate the unnecessary restrictive words impact the stringency of the SIP approved language.

The state should provide additional information supporting the rule language revisions.

RESPONSE: As indicated in the rulemaking report, this rulemaking does not change any requirements. It has no impact on the stringency of the rule. This rule amendment includes the removal of the word “shall” in three (3) instances. “Shall” is considered a restrictive term. In the places where this term was removed, it was not necessary to the meaning of the rule.

Department staff carefully considered each change to regulatory language with the intent of maintaining the meaning of the language approved in the State Implementation Plan (SIP). This comment prompted additional review of each instance to again confirm there is no impact on the stringency of the SIP. The department made no changes to the proposed amendment language as a result of this comment.

COMMENT #3: EPA commented that: The MoDNR has proposed removing the following language from section (3) of the rule (shown in ~~strikeout~~ text): (3) General Provisions. No owner or operator of a manufacturing installation subject to this rule and producing the products listed in section (1) shall cause or allow the manufacture of these products unless the operating equipment meets the requirements contained in this rule and without adhering to operating procedures specified in this rule and operating procedures recommended by the equipment manufacturer and approved by the director.

The current SIP approved language not only prohibits a subject installation from manufacturing if the equipment doesn't meet the operating limits and operating procedure of the rule, but it also prohibits a subject installation from manufacturing if it doesn't meet operating procedures recommended by the manufacturer or otherwise approved by the director. By removing the proposed language above, the rule could be read as less stringent. This change in the SIP's stringency would require a 110(l) demonstration. A SIP revision submission without the required demonstration could be considered incomplete. Additionally, the Code of Federal Regulations at 40 CFR Part 51, appendix V, requires that the SIP revision submission, including the technical demonstration, be provided to the public and a hearing made available. The EPA recommends that the state provide the necessary 110(l) demonstration to the public for its review prior to submitting the rule revision to the EPA as a SIP revision if necessary, in accordance with the state's public notice procedures.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the department is revising the amendment language in section (3) to include the SIP-approved language.

COMMENT #4: EPA commented that: By removing the words “on a daily basis” from “remove 85% on a daily basis” in paragraph (3)(A)4., the state is changing the stringency of the SIP approved language. That is, without the words “on a daily basis,” the state may now be allowing for a removal efficiency of eighty-five percent (85%) on an annual basis. If the removal efficiency calculation is being changed from a daily basis to an annual basis, the state would be allowing higher emissions daily than what is currently approved into the SIP. Daily emissions such as volatile organic compounds can be an important factor for summertime ozone formation and emission rates can be highly temperature dependent. This change in the SIP's stringency would require a 110(l) demonstration. A SIP revision submission without the required demonstration could be considered incomplete. Additionally, the *Code of Federal Regulations* at 40 CFR Part 51, appendix V, requires that the SIP revision submission, including the technical demonstration, be provided to the public and a hearing made available. The EPA recommends that the state provide the necessary 110(l) demonstration to the public for its review prior to submitting the rule revision to the EPA as a SIP revision if necessary, in accordance with the state's public notice procedures.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the department is revising the amendment language in paragraph (3)(A)4. to retain the words “on a daily basis.”

COMMENT #5: EPA commented that: The state has retained the requirement for daily records at subsection (4)(A). Due to the rule language revisions described below, it is unclear if these daily records are necessary for determining compliance with the rule or for determining applicability of the rule to a source. The state should review the use of the word “daily” throughout the rule to ensure that any proposed deletions would not impact the stringency of the SIP and ensure clarity of the rule for the regulated community and the public.

RESPONSE: The department reviewed the two (2) uses of the word “daily” throughout the rule. The department addressed the first use in paragraph (3)(A)4. in the response to Comment #4. The second use appears in subsection (4)(A). To improve user friendliness, clarity, and consistency with all air rules, the department reorganized the entire rule into the Air Program's standard rule format. The department copied the exact language from former section (6)(C) and added it to the new standard section (4), Reporting and Record Keeping. Reporting and record keeping requirements are for the purpose of complying with the rule, which is consistent in meaning with the former section (6), Compliance Methods and Recordkeeping. Therefore, this change to rule format does not impact the stringency of the rule. The department made no changes to the proposed amendment language as a result of this comment.

#### **10 CSR 10-5.390 Control of Emissions From the Manufacturing of Paints, Varnishes, Lacquers, Enamels, and Other Allied Surface Coating Products**

(3) General Provisions. No owner or operator of a manufacturing installation subject to this rule and producing the products listed in section (1) shall cause or allow the manufacture of these products unless the operating equipment meets the requirements contained in this rule and without adhering to operating procedures specified in this rule and operating procedures recommended by the equipment manufacturer and approved by the director.

(A) Operating Equipment and Operating Procedure Requirements.

1. Tanks storing VOCs with a vapor pressure greater than or equal to ten kilopascals (10 kPa) or one and one-half pounds per square inch (1.5 psi) at twenty degrees Celsius (20 °C), shall be equipped with pressure/vacuum conservation vents set at plus or minus two-tenths kilopascals ( $\pm 0.2$  kPa) or twenty-nine-thousandths pounds per square inch ( $\pm 0.029$  psi), except where more effective air pollution control is used and has been approved by the director. Stationary VOC storage containers with a capacity greater than two hundred fifty (250) gallons shall be equipped with a submerged-fill pipe or bottom fill, except where more effective air pollution control is used and has been approved by the director.

2. Covers shall be installed on all open-top tanks used for the production of non-water-based coating products and remain closed except when production, sampling, maintenance, or inspection procedures require operator access.

3. Covers shall be installed on all tanks containing VOCs used for cleaning equipment and remain closed except when operator access is required.

4. All vapors from varnish cooking operations shall be collected and passed through a control device which removes at least eighty-five percent (85%) on a daily basis of the VOCs from these vapors before they are discharged to the atmosphere.

5. All grinding mills shall be operated and maintained in accordance with manufacturers' specifications. The manufacturers' specifications shall be kept on file and made available to the director upon request.

6. The polymerization of synthetic varnish or resin shall be done in a completely enclosed operation with the VOC emissions controlled by the use of surface condensers or equivalent controls.

A. If surface condensers are used, they must be maintained to ensure a ninety-five percent (95%) overall removal efficiency for total VOC emissions when condensing total VOC of a vapor pressure

greater than twenty-six millimeters of Mercury (26 mmHg) (as measured at twenty degrees Celsius (20 °C)).

B. If equivalent controls are used, the VOC emissions must be reduced by an amount equivalent to the reduction which would be achieved under subparagraph (3)(A)6.A. of this rule. Any owner or operator desiring to use equivalent controls to comply with this subsection shall submit proof of equivalency as part of the control plan required under paragraph (3)(B)1. of this rule. Equivalent controls may not be used until proof of equivalency has been submitted to the department and approved by the director.

(5) Test Methods. The following test methods may be used to demonstrate compliance with this rule as appropriate, based on gas stream composition:

(C) Method 25A—Determination of Total Gaseous Organic Concentration Using a Flame Ionization Analyzer of 40 CFR 60, Appendix A-7, as specified in 10 CSR 10-6.030(22); or

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 10—Air Conservation Commission**  
**Chapter 6—Air Quality Standards, Definitions, Sampling**  
**and Reference Methods and Air Pollution Control**  
**Regulations for the Entire State of Missouri**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2016, the commission amends a rule as follows:

10 CSR 10-6.061 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2020 (45 MoReg 27-32). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Missouri Department of Natural Resources' Air Pollution Control Program (Air Program) received six (6) comments from three (3) sources: the U.S. Environmental Protection Agency (EPA), the Regulatory Environmental Group for Missouri (REGFORM), and Newman, Comley and Ruth P.C.

**COMMENT #1:** EPA commented that: The Rulemaking Report for each rule indicates that the state is removing the use of unnecessarily restrictive words. However, the reports do not clarify how the state determined that the words were unnecessarily restrictive, which of the deleted words are being removed because they are unnecessarily restrictive, or how any rule changes made to eliminate the unnecessary restrictive words impact the stringency of the SIP approved language. The state should provide additional information supporting the rule language revisions.

**RESPONSE:** As indicated in the Rulemaking Report, this rulemaking does not change any requirements. It has no impact on the stringency of the rule. This rule amendment includes the removal of the word "shall" in ten (10) instances and "required" in two (2) instances. "Shall" and "required" are considered restrictive terms. In the places where these terms were removed, they were not necessary to the meaning of the rule.

Department staff carefully considered each change to regulatory language with the intent of maintaining the meaning of the language approved in the State Implementation Plan (SIP). This comment prompted additional review of each instance to again confirm there is no impact on the stringency of the SIP. The department made no changes to the proposed rule language as a result of this comment.

**COMMENT #2:** EPA commented that: The EPA would like to be clear that subparagraph (3)(A)2.D. is not SIP approved and should not be submitted for inclusion into the SIP, as previously discussed. Additionally, the state's rule language at (3)(A)2.E.(II) is different than the SIP approved rule language. The state withdrew its request to approve its changes to (3)(A)2.E.(II) into the SIP in a May 11, 2011, letter to Region 7's then Regional Administrator, Karl Brooks, because of approvability concerns. As this language has not been revised to address those approvability concerns, the EPA requests that this portion of the rule not be submitted as a SIP revision also. Approvability concerns included but were not limited to what is meant by "temporary", record keeping requirements, lack of a demonstration of the protection of air quality, and enforceability provisions.

**RESPONSE:** The department acknowledges this reminder. The department made no changes to the proposed amendment language as a result of this comment.

**COMMENT #3:** EPA commented that: The EPA recommends that instead of deleting the good housekeeping requirements under (3)(A)2.V.(I) and adding it under (3)(A)2.V.(IV), the good housekeeping requirements should be added under (3)(A)2.V. so that it applies to each of the four types of operations. If the state continues to remove the good housekeeping requirements from (3)(A)2.V.(I), then the state must explain why that type of operation no longer needs to use good housekeeping requirements in a 110(I) demonstration. A SIP revision submission without the required demonstration could be considered incomplete. Additionally, the *Code of Federal Regulations* at 40 CFR Part 51, appendix V, requires that the SIP revision submission, including the technical demonstration, be provided to the public and a hearing made available. The EPA recommends that the state provide the necessary 110(I) demonstration to the public for its review prior to submitting the rule revision to the EPA as a SIP revision if necessary, in accordance with the state's public notice procedures.

**RESPONSE AND EXPLANATION OF CHANGE:** The department intended for the good-housekeeping requirements to be listed under part (3)(A)2.V.(I) as they were previously SIP-approved under the same part and apply to only the batch mixing of inks, coatings, or paints. As a result of this comment the provisions have been moved to the proper location under part (3)(A)2.V.(I).

Due to similar concerns expressed in the following three (3) comments, the department is providing one response below.

**COMMENT #4:** EPA commented that: The rule text at section (2) includes the insertion of several definitions. However, one of the new definitions (facility) is different than what is provided in the state's 10 CSR 10-6.020, *Definitions and Common Reference Tables*. For clarity, the EPA recommends that these definitions match. If definitions are purposefully different, then the MoDNR should explain which definition supersedes and why. Additionally, at section (2), the MoDNR has added definitions of "Liquefied petroleum gas" and "natural gas," but it is not clear what the MoDNR is basing the definitions on. For example, the definition of "natural gas," which is not already defined at 10 CSR 10-6.020, is close to the definition of "natural gas" in the *Code of Federal Regulations* at 40 CFR Part 63, subpart LLL, but isn't an exact match. The EPA recommends that the state utilize already promulgated definitions that suit the purpose of the state's rule, where it can. Where it can't, the state should provide reasoning why the definition is appropriate for use in the state's rule and meets the requirements of the CAA.

**COMMENT #5:** REGFORM commented that: REGFORM understands that the Air Pollution Control Program (APCP) is moving the definition of "actual emissions" from the definitions section (10 CSR 10-6.020) to the Construction Permit Exemption section (10 CSR 10-6.061). Although the APCP is not proposing to change the definition of "actual emissions," the move caught our attention since the DNR

definition of “actual emissions” contains language that is at odds with the federal definition of “baseline actual emissions” which our member facilities rely on when evaluating air construction projects.

The federal definition of “baseline actual emissions” in our view reflects the actual current practice of MDNR when calculating a permittee’s baseline actual emissions. The DNR definition of “actual emissions” lacks the detail found in the federal PSD definition and does not conform to the current PSD definition for actual emissions post-WEPCO which allows a five- (5-) year look back for EGUs and a 10-year look back for non-EGUs without Director approval. The federal definition of “baseline actual emissions” is found in 40 CFR section 52.21(b)(48) and has been incorporated by reference in the Construction Permit Rule (10 CSR 10-6.060).

Our concern is that by incorporating the definition of “actual emissions” into 10 CSR 10-6.061 (Construction Permit Exemptions) with “look back” language that contradicts the federal CFR definition of “baseline actual emissions”) the APCP could be creating a problem for our members who rely on the federal definition since the federal rule is incorporated by reference into 10 CSR 10-6.060 (Construction Permit rule) rather than 10 CSR 10-6.061 (Construction Permit Exemptions).

We respectfully ask that the APCP provide clarification by comment and guidance that moving the definition of “actual emissions” to the Construction Permit Exemptions rule will not impact facility reliance on the federal PSD definition of “baseline actual emissions” for purposes of determining the appropriate look back period and review.

COMMENT #6: Newman, Comley and Ruth P.C. commented that the reference to the federal definitions for “Animal Feeding Operation” (AFO) and “Concentrated Animal Feeding Operation” (CAFO) were being deleted from the livestock exemption, and suggested the department consider referencing the AFO and CAFO definitions adopted by the Missouri Clean Water Commission.

RESPONSE AND EXPLANATION OF CHANGE: The Air Program maintained a single definitions rule, 10 CSR 10-6.020, Definitions and Common Reference Tables, from 1974 through 1993. The 1990 Clean Air Act Amendment resulted in several new state rules, many of which had numerous and very specific definitions. The Air Program changed to the method of including definitions within the new rules while leaving the definitions for the older rules in the definitions rule. This led to a great deal of confusion until 2010 when the Air Program returned to the original method of having all definitions in one general definitions rule, 10 CSR 10-6.020. The consolidation of all definitions became effective in August 2011. Unfortunately, this too failed as a method of clarifying which definitions apply to various uses of terms throughout the air rules. The Red Tape Reduction review and subsequent amendment of the majority of state air rules offered an opportunity to efficiently move the SIP-approved definitions from the general definitions rule into the specific rule for which each term was defined originally. This rule, 10 CSR 10-6.061, originated in 2003 and included no specific definitions within the rule text, but the rule language referred to the 10 CSR 10-6.020 definitions, all of which are SIP-approved.

This rule, 10 CSR 10-6.061, Construction Permit Exemptions, is directly tied to 10 CSR 10-6.060, Construction Permits Required, which contains relevant and SIP-approved definitions including the incorporation by reference of applicable federal definitions. Therefore, with additional consideration and review in response to these comments, the Air Program is removing the proposed definitions from 10 CSR 10-6.061 and instead referring to the SIP approved definitions in 10 CSR 10-6.060 inclusive of the federal definitions incorporated by reference. In regard to the comment on the definitions of Animal Feeding Operation and Concentrated Animal Feeding Operation, the department will re-establish the reference to the federal definitions in subparagraph (3)(A)2.D. and appropriately incorporate them by reference.

### 10 CSR 10-6.061 Construction Permit Exemptions

(2) Definitions. Definitions for certain terms used in this rule are found in 10 CSR 10-6.060, Construction Permits Required.

(3) General Provisions. The following construction or modifications are exempt from the requirement to obtain a permit under 10 CSR 10-6.060:

(A) Sources of Emissions.

1. The following combustion equipment that emits only combustion products and produces less than one hundred fifty (150) pounds per day of any air contaminant:

A. Combustion equipment using exclusively natural gas, liquefied petroleum gas, or any combination of these with a heat input capacity of less than ten (10) million British thermal units (Btus) per hour;

B. Combustion equipment with a heat input capacity of less than one (1) million Btus per hour;

C. Drying or heat treating ovens with less than ten (10) million Btus per hour heat input capacity provided the oven does not emit pollutants other than the combustion products and the oven is fired exclusively by natural gas, liquefied petroleum gas, or any combination thereof; and

D. Oven with a total production of yeast-leavened bakery products of less than ten thousand (10,000) pounds per operating day heated either electrically or exclusively by natural gas firing with a maximum heat input capacity of less than ten (10) million Btus per hour.

2. The following establishments, systems, equipment, and operations:

A. Office and commercial buildings, where emissions result solely from space heating by natural or liquefied petroleum gas with a heat input capacity of less than twenty (20) million Btus per hour. Incinerators operated in conjunction with these sources are not exempt unless the incinerator operations are exempt under another section of this rule;

B. Comfort air conditioning or comfort ventilating systems not designed or used to control air pollutant emissions;

C. Equipment used for any mode of transportation;

D. Livestock markets and livestock operations, including animal feeding operations and concentrated animal feeding operations as those terms are defined under 40 CFR 122.23 promulgated as of July 1, 2017, and 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. In addition, all manure storage and application systems associated with livestock markets or livestock operations, that were constructed on or before November 30, 2003. This exemption includes any change, installation, construction, or reconstruction of a process, process equipment, emission unit, or air cleaning device after November 30, 2003, unless such change, installation, construction, or reconstruction involves an increase in the operation’s capacity to house or grow animals;

E. Grain handling, storage, and drying facility which—

(I) Is in noncommercial use only (used only to handle, dry, or store grain produced by the owner) if—

(a) The total storage capacity does not exceed seven hundred fifty thousand (750,000) bushels;

(b) The grain handling capacity does not exceed four thousand (4,000) bushels per hour; and

(c) The facility is located at least five hundred feet (500’) from any recreational area, residence, or business not occupied or used solely by the owner;

(II) Is in commercial or noncommercial use and—

(a) The total storage capacity of the new and any existing facility(ies) does not exceed one hundred ninety thousand (190,000) bushels;

(b) Has an installation of additional grain storage capacity in which there is no increase in hourly grain handling capacity

and that utilizes existing grain receiving and loadout equipment; or

(c) Is a temporary installation used for temporary storage as a result of exceptional events (e.g., natural disasters or abundant harvests exceeding available storage capacity) that meets the following criteria:

I. Outside storage structures shall have a crushed lime or concrete floor with retaining walls of either constructed metal or concrete block. These structures may be either oval or round and must be covered with tarps while storing grain. These structures may be filled by portable conveyor or by spouts added from existing equipment;

II. Existing buildings may be filled by portable conveyors directly or by overhead fill conveyors that are already in the buildings;

III. The potential to emit from the storage structures is less than one hundred (100) tons of each pollutant;

IV. The attainment or maintenance of ambient air quality standards is not threatened; and

V. There is no significant impact on any Class I area;

F. Restaurants and other retail establishments for the purpose of preparing food for employee and guest consumption;

G. Wet sand and gravel production facility that meets the following criteria:

(I) Processed materials are obtained from subterranean and subaqueous beds where the deposits of sand and gravel are consolidated granular materials resulting from natural disintegration of rock and stone;

(II) Maximum production rate is less than five hundred (500) tons per hour;

(III) All permanent roads within the facility are paved and cleaned, or watered, or properly treated with dust-suppressant chemicals as necessary to achieve good engineering control of dust emissions; and

(IV) Only natural gas is used as a fuel when drying;

H. Equipment solely installed for the purpose of controlling fugitive dust;

I. Equipment or control equipment which eliminates all emissions to the ambient air;

J. Equipment, including air pollution control equipment, but not including an anaerobic lagoon, that emits odors but no regulated air pollutants;

K. Residential wood heaters, cookstoves, or fireplaces;

L. Laboratory equipment used exclusively for chemical and physical analysis or experimentation, except equipment used for controlling radioactive air contaminants;

M. Recreational fireplaces;

N. Stacks or vents to prevent the escape of sewer gases through plumbing traps for systems handling domestic sewage only. Systems which include any industrial waste do not qualify for this exemption;

O. Noncommercial incineration of dead animals, the on-site incineration of resident animals for which no consideration is received or commercial profit is realized as authorized in section 269.020.6, RSMo;

P. The following miscellaneous activities:

(I) Use of office equipment and products, not including printing establishments or businesses primarily involved in photographic reproduction. This exemption is solely for office equipment that is not part of the manufacturing or production process at the installation;

(II) Tobacco smoking rooms and areas;

(III) Hand-held applicator equipment for hot melt adhesives with no volatile organic compound (VOC) in the adhesive formula;

(IV) Paper trimmers and binders;

(V) Blacksmith forges, drop hammers, and hydraulic presses;

(VI) Hydraulic and hydrostatic testing equipment; and

(VII) Environmental chambers, shock chambers, humidity chambers, and solar simulators provided no hazardous air pollutants are emitted by the process;

Q. The following internal combustion engines:

(I) Portable electrical generators that can be moved by hand without the assistance of any motorized or non-motorized vehicle, conveyance, or device;

(II) Spark ignition or diesel fired internal combustion engines used in conjunction with pumps, compressors, pile drivers, welding, cranes, and wood chippers or internal combustion engines or gas turbines of less than two hundred fifty (250) horsepower rating; and

(III) Laboratory engines used in research, testing, or teaching;

R. The following quarries, mineral processing, and biomass facilities:

(I) Drilling or blasting activities;

(II) Concrete or aggregate product mixers or pug mills with a maximum rated capacity of less than fifteen (15) cubic yards per hour;

(III) Riprap production processes consisting only of a grizzly feeder, conveyors, and storage, not including additional hauling activities associated with riprap production;

(IV) Sources at biomass recycling, composting, landfill, publicly owned treatment works (POTW), or related facilities specializing in the operation of, but not limited to, tub grinders powered by a motor with a maximum output rating of ten (10) horsepower; hoppers, shredders, and similar equipment powered by a motor with a maximum output rating of twenty-five (25) horsepower; and other sources at such facilities with a total throughput less than five hundred (500) tons per year; and

(V) Land farming of soils contaminated only with petroleum fuel products where the farming beds are located a minimum of three hundred feet (300') from the property boundary;

S. The following kilns and ovens:

(I) Kilns with a firing capacity of less than ten (10) million Btus per hour used for firing ceramic ware, heated exclusively by natural gas, liquefied petroleum gas, electricity, or any combination thereof; and

(II) Electric ovens or kilns used exclusively for curing or heat-treating provided no hazardous air pollutants (HAPs) or VOCs are emitted;

T. The following food and agricultural equipment:

(I) Equipment used in agricultural operations to grow crops;

(II) Equipment used exclusively to slaughter animals. This exemption does not apply to other slaughterhouse equipment such as rendering cookers, boilers, heating plants, incinerators, and electrical power generating equipment;

(III) Commercial smokehouses or barbecue units in which the maximum horizontal inside cross-sectional area does not exceed twenty (20) square feet;

(IV) Equipment used exclusively to grind, blend, package, or store tea, cocoa, spices, or coffee;

(V) Equipment with the potential to dry, mill, blend, grind, or package less than one thousand (1,000) pounds per year of dry food products such as seeds, grains, corn, meal, flour, sugar, and starch;

(VI) Equipment with the potential to convey, transfer, clean, or separate less than one thousand (1,000) tons per year of dry food products or waste from food production operations;

(VII) Storage equipment or facilities containing dry food products that are not vented to the outside atmosphere or which have the potential to handle less than one thousand (1,000) tons per year;

(VIII) Coffee, cocoa, and nut roasters with a roasting capacity of less than fifteen (15) pounds of beans or nuts per hour, and stoners or coolers operated with these roasters;

(IX) Containers, reservoirs, tanks, or loading equipment

used exclusively for the storage or loading of beer, wine, or other alcoholic beverages produced for human consumption;

(X) Brewing operations at facilities with the potential to produce less than three (3) million gallons of beer per year; and

(XI) Fruit sulfuring operations at facilities with the potential to produce less than ten (10) tons per year of sulfured fruits and vegetables;

U. Batch solvent recycling equipment provided the recovered solvent is used primarily on-site, the maximum heat input is less than one (1) million Btus per hour, the batch capacity is less than one hundred fifty (150) gallons, and there are no solvent vapor leaks from the equipment which exceed five hundred (500) parts per million;

V. The following surface coating and printing operations:

(I) Batch mixing of inks, coatings, or paints provided—

(a) The operations do not occur at an ink, coatings, or paint manufacturing facility;

(b) Good housekeeping is practiced, spills are cleaned up as soon as possible, equipment is maintained according to manufacturer's instruction, and property is kept clean;

(c) All waste inks, coating, and paints are disposed of properly; and

(d) Prior to disposal, all liquid waste is stored in covered containers;

(II) Any powder coating operation, or radiation cured coating operation where ultraviolet or electron beam energy is used to initiate a reaction to form a polymer network;

(III) Any surface-coating source that employs solely nonre-fillable hand-held aerosol cans; and

(IV) Surface coating operations utilizing powder coating materials with the powder applied by an electrostatic powder spray gun or an electrostatic fluidized bed;

W. The following metal working and handling equipment:

(I) Carbon dioxide (CO<sub>2</sub>) lasers, used only on metals and other materials that do not emit a HAP or VOC in the process;

(II) Laser trimmers equipped with dust collection attachments;

(III) Equipment used for pressing or storing sawdust, wood chips, or wood shavings;

(IV) Equipment used exclusively to mill or grind coatings and molding compounds in a paste form provided the solution contains less than one percent (1%) VOC by weight;

(V) Tumblers used for cleaning or deburring metal products without abrasive blasting;

(VI) Batch mixers with a rated capacity of fifty-five (55) gallons or less provided the process will not emit hazardous air pollutants;

(VII) Equipment used exclusively for the mixing and blending of materials at ambient temperature to make water-based adhesives provided the process will not emit hazardous air pollutants;

(VIII) Equipment used exclusively for the packaging of lubricants or greases;

(IX) Platen presses used for laminating provided the process will not emit hazardous air pollutants;

(X) Roll mills or calendars for rubber or plastics provided the process will not emit hazardous air pollutants;

(XI) Equipment used exclusively for the melting and applying of wax containing less than one percent (1%) VOC by weight;

(XII) Equipment used exclusively for the conveying and storing of plastic pellets; and

(XIII) Solid waste transfer stations that receive or load out less than fifty (50) tons per day of nonhazardous solid waste;

X. The following liquid storage and loading equipment:

(I) Storage tanks and vessels having a capacity of less than five hundred (500) gallons; and

(II) Tanks, vessels, and pumping equipment used exclusively for the storage and dispensing of any aqueous solution which contains less than one percent (1%) by weight of organic compounds. Tanks and vessels storing the following materials are not exempt:

(a) Sulfuric or phosphoric acid with an acid strength of

more than ninety-nine percent (99.0%) by weight;

(b) Nitric acid with an acid strength of more than seventy percent (70.0%) by weight;

(c) Hydrochloric or hydrofluoric acid with an acid strength of more than thirty percent (30.0%) by weight; or

(d) More than one (1) liquid phase, where the top phase contains more than one percent (1%) VOC by weight;

Y. The following chemical processing equipment or operations:

(I) Storage tanks, reservoirs, pumping, and handling equipment, and mixing and packaging equipment containing or processing soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions, provided appropriate lids and covers are utilized; and

(II) Batch loading and unloading of solid phase catalysts;

Z. Body repair and refinishing of motorcycles, passenger cars, vans, light trucks, heavy trucks, and other vehicle body parts, bodies, and cabs, provided—

(I) Good housekeeping is practiced; spills are cleaned up as soon as possible, equipment is maintained according to manufacturers' instructions, and property is kept clean. All waste coatings, solvents, and spent automotive fluids including, but not limited to, fuels, engine oil, gear oil, transmission fluid, brake fluid, antifreeze, fresh or waste fuels, and spray booth filters or water wash sludge are disposed of properly. Prior to disposal, all liquid waste shall be stored in covered containers. In addition, all solvents and cleaning materials shall be stored in closed containers;

(II) All spray coating operations shall be performed in a totally enclosed filtered spray booth or totally enclosed filtered spray area with an air intake area of less than one hundred (100) square feet. All spray areas shall be equipped with a running fan during spraying, and the exhaust air shall either be vented through a stack to the atmosphere or recirculated back into the shop through a carbon adsorption system. All carbon adsorption systems shall be properly maintained according to the manufacturer's operating instructions, and the carbon shall be replaced at the manufacturer's recommended intervals to minimize solvent emissions; and

(III) Spray booth, spray area, and preparation area stacks shall be located at least eighty feet (80') away from any residence, recreation area, church, school, child care facility, or medical or dental facility;

AA. Sawmills processing no more than twenty-five (25) million board feet, green lumber tally of wood per year, in which no mechanical drying of lumber is performed, in which fine particle emissions are controlled through the use of properly engineered baghouses or cyclones, and which meet all of the following provisions:

(I) The mill shall be located at least five hundred feet (500') from any recreational area, school, residence, or other structure not occupied or used solely by the owner of the facility or the owner of the property upon which the installation is located;

(II) All sawmill residues (sawdust, shavings, chips, bark) from debarking, planing, saw areas, etc., shall be removed or contained to minimize fugitive particulate emissions. Spillage of wood residues shall be cleaned up as soon as possible and contained such that dust emissions from wind erosion and/or vehicle traffic are minimized. Disposal of collected sawmill residues must be accomplished in a manner that minimizes residues becoming airborne. Disposal by means of burning is prohibited unless it is conducted in a permitted incinerator; and

(III) All open-bodied vehicles transporting sawmill residues (sawdust, shavings, chips, bark) shall be covered with a tarp to achieve maximum control of particulate emissions;

BB. Internal combustion engines and gas turbine driven compressors, electric generator sets, and water pumps, used only for portable or emergency services, provided that the maximum annual operating hours shall not exceed five hundred (500) hours. Emergency generators are exempt only if their sole function is to provide backup power when electric power from the local utility is interrupted. This exemption only applies if the emergency generators are equipped with a non-resettable meter, and operated only during

emergency situations and for short periods of time to perform maintenance and operational readiness testing;

CC. Commercial dry cleaners; and

DD. Carving, cutting, routing, turning, drilling, machining, sawing, sanding, planing, buffing, or polishing solid materials, other than materials containing any asbestos, beryllium, or lead greater than one percent (1%) by weight as determined by Material Safety Data Sheets (MSDS), vendor material specifications and/or purchase order specifications, where equipment—

(I) Directs a stream of liquid at the point where material is processed;

(II) Is used only for maintenance or support activity not conducted as part of the installation's primary business activity;

(III) Is exhausted inside a building; or

(IV) Is ventilated externally to an operating cyclonic inertial separator (cyclone), baghouse, or dry media filter. Other particulate control devices such as electrostatic precipitators or scrubbers are subject to construction permitting or a permit-by-rule, unless otherwise exempted.

3. Construction or modifications that meet the requirements of subparagraph (3)(A)3.B. of this rule for each hazardous air pollutant and the requirements of subparagraph (3)(A)3.A., (3)(A)3.C., or (3)(A)3.D. of this rule for each criteria pollutant. The director may require review of construction or modifications otherwise exempt under paragraph (3)(A)3. of this rule if the emissions of the proposed construction or modification will appreciably affect air quality or the air quality standards are appreciably exceeded or complaints involving air pollution have been filed in the vicinity of the proposed construction or modification.

A. At maximum design capacity the proposed construction or modification shall emit each pollutant at a rate of no more than the amount specified in Table 1.

**TABLE 1. Insignificant Emission Exemption Levels**

Pollutant	Insignificance Level (lbs per hr)
Particulate Matter 10 Micron (PM <sub>10</sub> ) (Emitted solely by equipment)	1.0
Sulfur Oxides (SO <sub>x</sub> )	2.75
Nitrogen Oxides (NO <sub>x</sub> )	2.75
Volatile Organic Compounds (VOCs)	2.75
Carbon Monoxide (CO)	6.88

B. At maximum design capacity, the proposed construction or modification will emit a hazardous air pollutant at a rate of no more than one-half (0.5) pound per hour, or the hazardous emission threshold as established in subsection (12)(J) of 10 CSR 10-6.060, whichever is less.

C. Actual emissions of each criteria pollutant, except lead, will be no more than eight hundred seventy-six (876) pounds per year.

D. Actual emissions of volatile organic compounds that do not contain hazardous air pollutants will be no more than four (4) tons per year.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 10—Air Conservation Commission  
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control  
Regulations for the Entire State of Missouri**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Air Conservation Commission

under section 643.050, RSMo 2016, the commission amends a rule as follows:

**10 CSR 10-6.070 New Source Performance Regulations is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2020 (45 MoReg 32-33). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received no comments on the proposed amendment.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 10—Air Conservation Commission  
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control  
Regulations for the Entire State of Missouri**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2016, the commission amends a rule as follows:

**10 CSR 10-6.075 Maximum Achievable Control Technology Regulations is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2020 (45 MoReg 33). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received no comments on the proposed amendment.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 10—Air Conservation Commission  
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control  
Regulations for the Entire State of Missouri**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2016, the commission amends a rule as follows:

**10 CSR 10-6.080 Emission Standards for Hazardous Air Pollutants is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2020 (45 MoReg 33-34). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural

Resources' Air Pollution Control Program received no comments on the proposed amendment.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 10—Air Conservation Commission  
Chapter 6—Air Quality Standards, Definitions, Sampling  
and Reference Methods and Air Pollution Control  
Regulations for the Entire State of Missouri**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2016, the commission amends a rule as follows:

**10 CSR 10-6.270 Acid Rain Source Permits Required is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2020 (45 MoReg 34-35). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Missouri Department of Natural Resources' Air Pollution Control Program (Air Program) received one (1) comment from the U.S. Environmental Protection Agency (EPA).

**COMMENT #1:** EPA commented that they had reviewed the draft rule text and rulemaking report for this rule and had no comments. **RESPONSE:** The department appreciates EPA's review of the proposed amendment text and rulemaking report. The department made no changes to the proposed amendment language as a result of this comment.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 10—Air Conservation Commission  
Chapter 6—Air Quality Standards, Definitions, Sampling  
and Reference Methods and Air Pollution Control  
Regulations for the Entire State of Missouri**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2016, the commission amends a rule as follows:

10 CSR 10-6.405 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2020 (45 MoReg 35-36). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Missouri Department of Natural Resources' Air Pollution Control Program (Air Program) received two (2) comments from the U.S. Environmental Protection Agency (EPA).

**COMMENT #1:** The EPA commented that: The Rulemaking Report for each rule indicates that the state is removing the use of unnecessarily restrictive words. However, the reports do not clarify how the state determined that the words were unnecessarily restrictive, which of the deleted words are being removed because they are unnecessar-

ily restrictive, or how any rule changes made to eliminate the unnecessary restrictive words impact the stringency of the SIP approved language. The state should provide additional information supporting the rule language revisions.

**RESPONSE:** As indicated in the Rulemaking Report, this rulemaking does not change any requirements. It has no impact on the stringency of the rule. This rule amendment includes the removal of the word "shall" in seven instances. "Shall" is considered a restrictive term. In the places where this term was removed, it was not necessary to the meaning of the rule.

Department staff carefully considered each change to regulatory language with the intent of maintaining the meaning of the language approved in the State Implementation Plan (SIP). This comment prompted additional review of each instance to again confirm there is no impact on the stringency of the SIP. The department made no changes to the proposed amendment language as a result of this comment.

**COMMENT #2:** The EPA commented that: The state has revised the rule language at subsection (2)(A) from "If any source subsequently is altered, repaired, or rebuilt at a cost of thirty percent (30%) or more of its replacement cost, exclusive of routine maintenance, it shall no longer be existing but shall be considered as new" to "If any source is subsequently altered, repaired, or rebuilt at a cost of thirty percent (30%) or more of its replacement cost, exclusive of routine maintenance, it is no longer existing and considered as new." The EPA recommends that the state revise its proposed changes to increase clarity, such as "If any source is subsequently altered, repaired, or rebuilt at a cost of thirty percent (30%) or more of its replacement cost, exclusive of routine maintenance, it is no longer considered an existing source but will be considered a new source."

**RESPONSE AND EXPLANATION OF CHANGE:** As a result of this comment, the department is revising the proposed rule language in subsection (2)(A) to reflect EPA's suggestion.

**10 CSR 10-6.405 Restriction of Particulate Matter Emissions from Fuel Burning Equipment Used for Indirect Heating**

(2) Definitions.

(A) Existing—Any source which was in being, installed, or under construction on the date provided in the following table:

Area of State	Construction date began on or before
Kansas City Metropolitan Area	February 15, 1979*
St. Louis Metropolitan Area	February 15, 1979*
Springfield-Greene County Area	September 24, 1971
Outstate Area	February 24, 1971

\*Exception: If any source subsequently is altered, repaired, or rebuilt at a cost of thirty percent (30%) or more of its replacement cost, exclusive of routine maintenance, it no longer is considered an existing source but will be considered a new source.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES  
Division 10—Office of the Director  
Chapter 15—Abortions**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Health and Senior Services under sections 188.055 and 192.006, RSMo 2016, and



section 188.052, RSMo Supp. 2019, the department amends a rule as follows:

**19 CSR 10-15.020** Complication Report for Post-Abortion Care is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2020 (45 MoReg 478). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF COMMERCE AND INSURANCE**  
**Division 2010—Missouri State Board of Accountancy**  
**Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri State Board of Accountancy under section 326.271, RSMo 2016, the board amends a rule as follows:

**20 CSR 2010-2.065** Requirements for Licensure through Reciprocity is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2020 (45 MoReg 532). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF COMMERCE AND INSURANCE**  
**Division 2010—Missouri State Board of Accountancy**  
**Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri State Board of Accountancy under section 326.271, RSMo 2016, the board amends a rule as follows:

**20 CSR 2010-2.075** Reinstatement of License to Practice is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2020 (45 MoReg 532-533). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF COMMERCE AND INSURANCE**  
**Division 2010—Missouri State Board of Accountancy**  
**Chapter 4—Continuing Education Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri State Board of Accountancy

under section 326.271, RSMo 2016, the board amends a rule as follows:

**20 CSR 2010-4.020** Qualifying Programs is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2020 (45 MoReg 533). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF COMMERCE AND INSURANCE**  
**Division 2120—State Board of Embalmers and Funeral Directors**  
**Chapter 1—Organization and Description of Board**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Embalmers and Funeral Directors under section 333.111, RSMo 2016, the board amends a rule as follows:

**20 CSR 2120-1.040** Definitions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2020 (45 MoReg 533-535). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF COMMERCE AND INSURANCE**  
**Division 2120—State Board of Embalmers and Funeral Directors**  
**Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Embalmers and Funeral Directors under section 333.111, RSMo 2016, the board rescinds a rule as follows:

**20 CSR 2120-2.030** Registration of Licensees with Local Registrars of Vital Statistics is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 15, 2020 (45 MoReg 535). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF COMMERCE AND INSURANCE**  
**Division 2120—State Board of Embalmers and Funeral Directors**  
**Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Embalmers and Funeral

Directors under section 333.111, RSMo 2016, the board adopts a rule as follows:

**20 CSR 2120-2.031 Death Certificate Filings is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 15, 2020 (45 MoReg 535-536). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF COMMERCE AND INSURANCE  
Division 2120—State Board of Embalmers and Funeral Directors  
Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Embalmers and Funeral Directors under section 333.111, RSMo 2016, the board amends a rule as follows:

**20 CSR 2120-2.071 Funeral Establishments Containing a Crematory Area is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2020 (45 MoReg 536-538). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF COMMERCE AND INSURANCE  
Division 2120—State Board of Embalmers and Funeral Directors  
Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Embalmers and Funeral Directors under section 333.111, RSMo 2016, the board adopts a rule as follows:

**20 CSR 2120-2.200 Military Training to Meet Requirements for Licensure is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 15, 2020 (45 MoReg 538-539). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF COMMERCE AND INSURANCE  
Division 2120—State Board of Embalmers and Funeral Directors  
Chapter 3—Preneed**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Embalmers and Funeral

Directors under section 333.111, RSMo 2016, the board rescinds a rule as follows:

**20 CSR 2120-3.010 Preneed Seller Registration is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 15, 2020 (45 MoReg 539). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF COMMERCE AND INSURANCE  
Division 2120—State Board of Embalmers and Funeral Directors  
Chapter 3—Preneed**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Embalmers and Funeral Directors under section 333.111, RSMo 2016, the board adopts a rule as follows:

**20 CSR 2120-3.010 Preneed Sellers is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 15, 2020 (45 MoReg 539-542). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF COMMERCE AND INSURANCE  
Division 2120—State Board of Embalmers and Funeral Directors  
Chapter 3—Preneed**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Embalmers and Funeral Directors under section 333.111, RSMo 2016, the board rescinds a rule as follows:

**20 CSR 2120-3.020 Preneed Provider Registration is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 15, 2020 (45 MoReg 543). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF COMMERCE AND INSURANCE  
Division 2120—State Board of Embalmers and Funeral Directors  
Chapter 3—Preneed**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Embalmers and Funeral

Directors under section 333.111, RSMo 2016, the board adopts a rule as follows:

**20 CSR 2120-3.020 Preneed Providers is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 15, 2020 (45 MoReg 543-546). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF COMMERCE AND  
INSURANCE  
Division 2120—State Board of Embalmers and Funeral  
Directors  
Chapter 3—Preneed**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Embalmers and Funeral Directors under section 333.111, RSMo 2016, the board rescinds a rule as follows:

**20 CSR 2120-3.200 Seller Obligations is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 15, 2020 (45 MoReg 547). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF COMMERCE AND  
INSURANCE  
Division 2120—State Board of Embalmers and Funeral  
Directors  
Chapter 3—Preneed**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Embalmers and Funeral Directors under section 333.111, RSMo 2016, the board rescinds a rule as follows:

**20 CSR 2120-3.300 Provider Includes Funeral Establishment  
is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 15, 2020 (45 MoReg 547). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF COMMERCE AND  
INSURANCE  
Division 2120—State Board of Embalmers and Funeral  
Directors  
Chapter 3—Preneed**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Embalmers and Funeral

Directors under section 333.111, RSMo 2016, the board rescinds a rule as follows:

**20 CSR 2120-3.310 Change in Seller Affiliation is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 15, 2020 (45 MoReg 547). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF COMMERCE AND  
INSURANCE  
Division 2120—State Board of Embalmers and Funeral  
Directors  
Chapter 3—Preneed**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Embalmers and Funeral Directors under section 333.111, RSMo 2016, the board amends a rule as follows:

**20 CSR 2120-3.525 Independent Financial Advisor is Agent of  
Trustee and Authorized External Investment Advisor is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2020 (45 MoReg 547-548). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs, and other items required to be published in the *Missouri Register* by law.

*[Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT*

*Division 195—Division of Workforce Development]*

**Title 6—DEPARTMENT OF HIGHER EDUCATION AND WORKFORCE DEVELOPMENT**

**Division 300—Office of Workforce Development**

**IN ADDITION**

As a result of Executive Order 19-03, the Division of Workforce Development is transferring from the Department of Economic Development to the Department of Higher Education and Workforce Development. Effective August 28, 2019, the following rules are transferred to the Department of Higher Education and Workforce Development:

**Chapter 1—Organization**

*[4 CSR 195-1.010] 6 CSR 300-1.010* General Organization

**Chapter 6—Show Me Heroes**

*[4 CSR 195-6.010] 6 CSR 300-6.010* Purpose; Definitions

*[4 CSR 195-6.020] 6 CSR 300-6.020* Eligibility Requirements

*[4 CSR 195-6.030] 6 CSR 300-6.030* Training Agreements

*[4 CSR 195-6.040] 6 CSR 300-6.040* Training Plans

*[4 CSR 195-6.050] 6 CSR 300-6.050* Invoicing, Monitoring, and Reporting

**Title 10—DEPARTMENT OF NATURAL RESOURCES**

**Division 140—Division of Energy**

**Chapter 2—Energy Set-Aside Fund**

**IN ADDITION**

**Notification:** Applications accepted between August 3, 2020 and October 30, 2020 for Energy Efficiency and Renewable Energy Loan Cycle.

The Missouri Department of Natural Resources' (department) Division of Energy is making available approximately four and one-half (4.5) million dollars in loan financing for qualified energy efficiency and renewable energy projects. Energy-saving investments may include projects such as insulation, lighting systems, heating and cooling systems, combined heat and power, pumps, motors, aerators, renewable energy systems, and other measures that reduce energy use and cost. Recipients repay loans with money saved on energy costs.

**Eligible Energy-Using Sectors:** Loan funds will be allocated to eligible energy-using sectors as follows:

- Public Schools (K-12): twenty-five percent (25%) of available funds;
- Public Higher Education Institutions: twenty-five percent (25%) of available funds;
- Public and Private not-for-profit Hospitals: twenty-five percent (25%) of available funds; and

- Local Governments: twenty-five percent (25%) of available funds. Local governments include a county, city, or village (which may include water treatment plants or waste water facilities), local government/public owned airport facilities (municipal, county, regional, and international); or any hospital district as defined in section 206.010, RSMo; or any sewer district as defined in section 249.010, RSMo; or any water supply districts as defined in section 247.010, RSMo; or any ambulance district as defined in section 190.010, RSMo; or any sub-district of a zoological park and museum district as defined in section 184.352, RSMo.

**Application Procedures:** An application for loan funds may be submitted to the department for the purpose of financing all or a portion of the cost of implementing an energy-saving project.

Each applicant may apply for a loan not to exceed one (1) million dollars. Loan applications will not be considered for less than ten thousand dollars (\$10,000) or with a payback score of less than six (6) months.

If funds remain after review and priority ranking of applications, the department will consider awarding loans in excess of one (1) million dollars.

Requests for loan financing must be made using the Division of Energy's Energy Loan Program Application Authorization Form, Fuel Use Summary Form, and Energy Conservation Measure Summary Form. Application forms and instructions are available on the department's website: <https://energyloan.mo.gov>.

The Application Authorization Form must be signed and dated by an authorized official. An authorized official is an individual with authority to obligate an eligible applicant to the terms of loan agreement and promissory note to repay loan proceeds.

A paper or electronic copy of the signed original Application Authorization Form and required documents may be submitted to the department's address below.

Applications received after October 30, 2020 will not be considered for a loan award for this FY2021 cycle but may be held for consideration during subsequent application cycles.

The department may request additional information as needed to determine the feasibility of a project, the project's estimated annual energy savings, and financial risks of a loan transaction. Applicants should be aware that an energy conservation measure has the potential of affecting other areas within the facility or system, and the department's project feasibility analysis does not extend beyond the scope of the application. Applicants must have no outstanding actions for violations of applicable federal, state, or local laws, ordinances, and rules.

**Interest Rates:** Loan principal plus one and three-quarters percent (1.75%) interest is to be repaid to the department in semi-annual payments not to exceed a ten- (10-) year repayment period. An administrative fee of one percent (1%) of loan principal will be added to the repayment amount.

**Selection Criteria:** Recipients of loan financing will be determined on a competitive basis. Applications will be ranked based on the project's payback score, which is determined by dividing the cost to implement a project by the estimated yearly energy cost savings. Projects with the lowest payback score in each sector allocation will be funded until all available funds are allocated. If all funds are not

allocated in any one (1) sector after ranking payback scores, the department may allocate funds to other sectors. **\*\*Note\*\*** Applicants with an open Energy Loan Program loan (under construction or in repayment) may be deemed ineligible if demand exceeds offering. Loan applications will be approved or disapproved by January 28, 2021.

**For More Information Contact:**  
Missouri Department of Natural Resources  
Division of Energy  
PO Box 176  
1101 Riverside Drive  
Jefferson City, MO 65102

Phone: 1.855.522.2796  
Email: [energy@dnr.mo.gov](mailto:energy@dnr.mo.gov)  
Website: <https://energyloan.mo.gov/>

**Title 12—DEPARTMENT OF REVENUE  
Division 40—State Lottery  
Chapter 50—Tickets and Prizes**

**IN ADDITION**

**NOTICE OF SUSPENSION OF RULE**

**12 CSR 40-50.050 Claim Period**

*ACTION TAKEN: This NOTICE OF SUSPENSION OF RULE temporarily suspends the portion of 12 CSR 40-50.050 to the extent that it requires State Lottery players to redeem tickets within 180 days of the either the game expiration date or game draw date as applicable.*

*EMERGENCY STATEMENT: Pursuant to Executive Order (EO) 20-04 dated March 18, 2020, and Executive Order (EO)20-12 dated June 11, 2020, the rule is suspended effective June 17, 2020 until December 30, 2020.*

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES  
Division 60—Missouri Health Facilities Review Committee  
Chapter 50—Certificate of Need Program**

**NOTIFICATION OF REVIEW:  
APPLICATION REVIEW SCHEDULE**

The Missouri Health Facilities Review Committee has initiated review of the CON applications listed below. A decision is tentatively scheduled for September 14, 2020. These applications are available for public inspection at the address shown below.

**Date Filed**

**Project Number:** Project Name  
City (County)  
Cost, Description

**6/30/2020**

**#5797 RS:** St. Charles Senior Living Community  
St. Charles (St. Charles County)  
\$16,870,389, Establish 68-bed ALF

**07/01/2020**

**#5765 HS:** Freeman Health System  
Joplin (Newton County)  
\$2,083,000, Acquire robotic surgery system

**#5796 RS:** St. Anthony's-A Catholic Retirement Community  
Kansas City (Jackson County)  
\$50,000, Add 19 ALF beds

**#5795 HS:** Kennett Hospital  
Kennett (Dunklin County)  
\$25,000,000, Establish 49-bed hospital

**#5798 RS:** Country Bluff Executive Senior Living  
Branson (Taney County)  
\$4,000,000, Establish 70-bed RCF

**07/02/2020**

**#5788 HS:** Southeast Hospital  
Cape Girardeau (Cape Girardeau County)  
\$1,102,685, Add an additional MRI

**#5800 RS:** St. Peters Senior Community  
St. Peters (Saint Charles County)  
\$12,965,653, Establish 74-bed ALF

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by August 6, 2020. All written requests and comments should be sent to—

Chairman  
Missouri Health Facilities Review Committee  
c/o Certificate of Need Program  
3418 Knipp Drive, Suite F  
PO Box 570  
Jefferson City, MO 65102  
For additional information contact Alison Dorge at [alison.dorge@health.mo.gov](mailto:alison.dorge@health.mo.gov).

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES  
Division 60—Missouri Health Facilities Review Committee  
Chapter 50—Certificate of Need Program**

**NOTIFICATION OF REVIEW:  
APPLICATION REVIEW SCHEDULE**

The Missouri Health Facilities Review Committee has initiated review of the CON application listed below. A decision is tentatively scheduled for August 21, 2020. This application is available for public inspection at the address shown below.

**Date Filed**

**Project Number:** Project Name  
City (County)  
Cost, Description

**7/5/2020**

**#5802 HT:** Poplar Bluff Regional Medical Center  
Poplar Bluff (Butler County)  
\$1,354,517, Replace interventional radiology lab

Any person wishing to request a public hearing for the purpose of commenting on this application must submit a written request to this effect, which must be received by August 13, 2020. All written requests and comments should be sent to—

Chairman  
Missouri Health Facilities Review Committee  
c/o Certificate of Need Program  
3418 Knipp Drive, Suite F  
PO Box 570  
Jefferson City, MO 65102  
For additional information contact Alison Dorge at [alison.dorge@health.mo.gov](mailto:alison.dorge@health.mo.gov).