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 Supp. 1999, the commission adopts a rule as follows:

10 CSR 10-5.530 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 16, 1999 (24 MoReg 2025–2033). Those sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Air Pollution Control Program received seven comments from two sources: the U. S. Environmental Protection Agency (EPA) and the City of St. Louis, Department of Public Safety, Division of Air Pollution Control.

COMMENT: The EPA commented that paragraph (3)(A)2. should 1) clearly describe what is required for compliance when using the allowed alternate approach, 2) further explain the equations and expand the variable table to include the numerical values that represent the maximum volatile organic compound (VOC) content for various coatings, 3) clarify the purpose of the 0.9 multiplying factor used in equations and add it to the variable table, 4) define a lookback period if it is intended to make sure that the facility makes further reductions beyond what it was doing prior to reasonably available control technology (RACT) and clarify how pre-RACT VOC values are used in the inequality equations, and 5) in the last sentence of this paragraph change the word allowed to allowable.

RESPONSE AND EXPLANATION OF CHANGE: The department has reviewed all parts of this comment and responds as follows. In response to part 1) of this comment, the department has revised the language in the first two sentences of this paragraph to further clarify this approach and requirements. The department believes that this revised language to the lead-in sentence further clarifies the equation into a straightforward concept to address part 2) of this comment and, in addition, a note has been added to the variable table to explain the numerical values used in the variable table. In response to part 3) of this comment, an additional note was added to the variable table to explain that the 0.9 multiplying factor is used because sources using the averaging approach must demonstrate that the emissions are no greater than 90 percent of what they would be if they were using compliant coatings. Considering part 4) of this comment, it should be noted that it is the intent of this rule that sources already using a coating with a VOC content less than what is allowed by this rule should continue to use the lower VOC content coating. In addition, the clarification language added at the end of this paragraph with the example clarifies how the pre-RACT VOC values are used in the inequality equations. Since the pre-RACT data is used, the department agrees that records should be retained and believes that the requirements in paragraph (4)(B)1. accomplishes this. In response to part 5) of this comment, the department has changed the word allowed to allowable.

COMMENT: The EPA commented that paragraph (3)(A)3. should be revised to state that equivalence of the control system must be demonstrated in accordance with subparagraph (3)(C)1.B.

RESPONSE AND EXPLANATION OF CHANGE: The department has revised the language in this paragraph and in paragraph (3)(A)4. to include a reference to the compliance section of the rule.

COMMENT: The EPA commented that paragraph (3)(A)4. should be revised to state the requirements which the combination of methods must meet and how compliance is determined.

RESPONSE AND EXPLANATION OF CHANGE: After consideration of this comment, the department has added new subparagraph (3)(C)1.C. to address compliance requirements where a combination of methods are used to meet the rule requirements.

COMMENT: The EPA commented that the first sentence in subparagraph (3)(C)1.A. should change the word support to demonstrate.

RESPONSE AND EXPLANATION OF CHANGE: The department has revised the last sentence of this subparagraph to use the word demonstrate in place of support.

COMMENT: The EPA commented that, because the averaging approach is complex, it is important to have adequate records to verify that actual emissions are less than the allowable emissions on a plantwide aggregate basis. The rule should make clear what records are to be kept and what procedures the source must follow to document that they are in compliance with the rule.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the department has added new subsection (3)(D) to clarify special requirements for sources using an averaging approach.

COMMENT: The EPA commented that they have recently added three new test methods under 40 CFR Part 60, Appendix A for measuring flow with abnormal properties (e.g. cyclonic); Methods 2F, 2G and 2H. They recommend that these new test methods be included as part of the test methods paragraph (5)(C)3.

RESPONSE AND EXPLANATION OF CHANGE: As recommended, the department has added new subparagraphs (5)(C)3.E., (5)(C)3.F. and (5)(C)3.G. to the test methods section of this rule.

COMMENT: The City of St. Louis, Department of Public Safety, Division of Air Pollution Control commented that the rule is unclear on how to calculate the potential to emit for applicable facilities, especially facilities that apply coatings by hand. They request clarification on how the potential to emit is to be measured for the purposes of the rule.

RESPONSE: The department believes that the term, potential to emit, as defined in the definitions rule 10 CSR 10-6.020 is adequate for the purposes of this rule and does not believe that a unique definition for this rule is necessary because it could create more confusion for rule interpretation. Therefore, no changes have been made to the rule language as a result of this comment.

10 CSR 10-5.530 Control of Volatile Organic Compound Emissions From Wood Furniture Manufacturing Operations

- (3) General Provisions.
 - (A) Restriction of Emissions.
- 1. The owner or operator of an affected source shall limit VOC emissions from finishing operations by complying with one of the following requirements:
- A. Where only topcoat is applied without sealers, the topcoat shall have a VOC content no greater than Table 1; or

Table 1			
	kg VOC/kg solids	lb VOC/lb solids	
	(as applied)	(as applied)	
Topcoat	0.8	0.8	

B. Where topcoat and sealers are applied and-

(I) Where sealer is not acid-cured alkyd amino vinyl or topcoat is not acid-cured alkyd amino conversion varnish, the VOC contents shall be no more than shown in Table 2;

 Table 2

 kg VOC/kg solids (as applied)
 lb VOC/lb solids (as applied)

 Sealer
 1.9
 1.9

 Topcoat
 1.8
 1.8

(II) Where sealer is acid-cured alkyd amino vinyl and topcoat is acid-cured alkyd amino conversion varnish, the VOC contents shall be no more than shown in Table 3:

 Table 3

 kg VOC/kg solids (as applied)
 lb VOC/lb solids (as applied)

 Sealer
 2.3
 2.3

 Topcoat
 2.0
 2.0

(III) Where sealer is not acid-cured alkyd amino vinyl and topcoat is acid-cured alkyd amino conversion varnish, the VOC contents shall be no more than shown in Table 4; or

 Table 4

 kg VOC/kg solids (as applied)
 lb VOC/lb solids (as applied)

 Sealer
 1.9
 1.9

 Topcoat
 2.0
 2.0

(IV) Where sealer is acid-cured alkyd amino vinyl and topcoat is not acid-cured alkyd amino conversion varnish, the VOC contents shall be no more than shown in Table 5.

 Table 5

 kg VOC/kg solids (as applied)
 lb VOC/lb solids (as applied)

 Sealer
 2.3
 2.3

 Topcoat
 1.8
 1.8

2. As an alternate to the finish operation requirements of paragraph (3)(A)1. of this rule, the owner or operator of an affected source may use an averaging approach to verify compliance by using this paragraph. Compliance is demonstrated when actual emissions from the affected source are less than or equal to allowable emissions using one of the following inequalities:

$$\begin{array}{ll} 0.9(0.8(TC_1 + TC_2 + ...)) \geq [(ER_{TC1})(TC_1) + \\ (ER_{TC2})(TC_2) + ...] \end{array} \eqno(1)$$

$$\begin{array}{l} 0.9\{[1.8(TC_1+TC_2+\ldots)]+[1.9(SE_1+SE_2+\ldots)]+\\ [9.0\ (WC_1+WC_2+\ldots)]+[1.2(BC_1+BC_2+\ldots)]+\\ [0.791(ST_1+ST_2+\ldots)]\}\geq [ER_{TC1}(TC_1)+ER_{TC2}(TC_2)+\ldots]+\\ [ER_{SE1}(SE_1)+ER_{SE2}(SE_2)+\ldots]+[ER_{WC1}(WC_1)+\\ ER_{WC2}(WC_2)+\ldots]+\\ [ER_{BC1}(BC_1)+ER_{BC2}(BC_2)+\ldots]+[ER_{ST1}(ST_1)+\\ ER_{ST2}(ST_2)+\ldots] \end{array}$$

where:

TC_i = kilograms of solids of topcoat "i" used;

SE; = kilograms of solids of sealer "i" used;

 \overrightarrow{WC}_i = kilograms of solids of washcoat "i" used;

BC_i = kilograms of solids of basecoat "i" used;

 ST_i = liters of stain "i" used;

ER_{TCi} = VOC content of topcoat "i" in kg VOC/kg solids, as applied;

ER_{SEi} = VOC content of sealer "i" in kg VOC/kg solids, as

applied;

ER_{WCi} = VOC content of washcoat "i" in kg VOC/kg solids, as applied;

ER_{BCi} = VOC content of basecoat "i" in kg VOC/kg solids, as applied; and

ER_{STi} = VOC content of stain "i" in kg VOC/liter (kg/l), as applied.

Note 1: Various numeric values used in inequalities (0.8, 1.8, 1.9, etc.) are maximum allowable VOC contents for various coatings.

Note 2: The 0.9 multiplying factor on the allowable emissions side of the inequality is used to assure that sources using the averaging approach demonstrate that their emissions are no greater than ninety percent (90%) of what they would be if they were using compliant coatings.

For Inequalities (1) and (2), the facility must use the actual VOC content of the finishing materials used prior to the effective date of this rule if the VOC content is less than the allowable VOC content. For example, if the affected source was using topcoats with a VOC content of 1.7 kilograms of VOC per kilogram of solids (1.7 pounds of VOC per pound of solids) before being subject to this rule, the affected source must use that value in Inequality (2) rather than 1.8.

- 3. As an alternate to the finish operation requirements of subparagraph (3)(A)1.A. or part (3)(A)1.B.(II) of this rule, the owner or operator of an affected source may use a control system that will achieve an equivalent reduction in emissions as demonstrated using the compliance requirements of subparagraph (3)(C)1.B. of this rule.
- 4. As an alternate to the finish operation requirements of paragraphs (3)(A)1. and (3)(A)2. of this rule, the owner or operator of an affected source may use a combination of the methods presented in paragraphs (3)(A)1., (3)(A)2. and (3)(A)3. of this rule as demonstrated using the compliance requirements of subparagraph (3)(C)1.C. of this rule.
- 5. The owner or operator of an affected source shall limit VOC emissions from cleaning operations when using a strippable booth coating. The VOC contents shall be no more than shown in Table 6.

	Table 6	
	kg VOC/kg solids	lb VOC/lb solids
	(as applied)	(as applied)
Strippable booth		
coating	0.8	0.8

(C) Compliance Procedures and Monitoring Requirements.

- 1. The owner or operator of an affected source subject to the emission standards in subsection (3)(A) of this rule shall demonstrate compliance with those requirements by using one of the following methods:
- A. To demonstrate that each sealer, topcoat and strippable booth coating meets the applicable requirements of paragraphs (3)(A)1. and (3)(A)5. of this rule, the owner or operator shall maintain certified product data sheets for each of these finishing materials. If solvent or other VOC is added to the finishing material before application, the owner or operator shall maintain documentation showing the VOC content of the finishing material as applied, in kg VOC/kg solids (lb VOC/lb solids); or
- B. To demonstrate compliance through the use of a control system per paragraph (3)(A)3. of this rule, the owner or operator shall—
- (I) Determine the overall control efficiency needed to demonstrate compliance using Equation (3) as follows;

$$R = [(C - E)/C] \times 100$$
 (3)

where:

- R = the overall efficiency of the control system, expressed as a percentage;
- C = the VOC content of a coating (C), in kilograms of VOC per kilogram of coating solids (kg VOC/kg solids), as applied.
 Also given in pounds of VOC per pound of coating solids (lb VOC/lb solids), as applied; and
- E = the emission limit achieved by the affected emission point(s), in kg VOC/kg solids;
- (II) Document that the value of C in Equation (3) is obtained from the VOC and solids content of the as-applied finishing material; and
- (III) Calculate the overall efficiency of the control device, using the procedure in subsection (5)(D) of this rule, and demonstrate that the value of the overall efficiency of the control system, expressed as a percentage, is equal to or greater than the value of R calculated by Equation (3).
- C. To demonstrate compliance through the use of a combination of the methods per paragraph (3)(A)4. of this rule, the owner or operator shall meet all individual compliance requirements for the applicable methods being combined.
 - 2. Initial compliance.
- A. The owner or operator of an affected source subject to a requirement of paragraph (3)(A)1. or (3)(A)5. of this rule that is complying through the method established in subparagraph (3)(C)1.A. of this rule, shall submit an initial compliance status report, as required by paragraph (4)(A)2. of this rule, stating that compliant sealers and/or topcoats and strippable booth coatings are being used by the affected source.
- B. The owner or operator of an affected source subject to a requirement of paragraph (3)(A)1. of this rule that is complying through the method established in subparagraph (3)(C)1.A. of this rule and is applying sealers and/or topcoats using continuous coaters shall demonstrate initial compliance by—
- (I) Submitting an initial compliance status report stating that compliant sealers and/or topcoats, as determined by the VOC content of the finishing material in the reservoir and the VOC content as calculated from records, are being used; or
- (II) Submitting an initial compliance status report stating that compliant sealers and/or topcoats, as determined by the VOC content of the finishing material in the reservoir, are being used and the viscosity of the finishing material in the reservoir is being monitored. The affected source shall also provide data that demonstrates the correlation between the viscosity of the finishing material and the VOC content of the finishing material in the reservoir.
- C. The owner or operator of an affected source demonstrating compliance with this rule through the use of a control system (capture device/control device) per paragraph (3)(A)3. and subparagraph (3)(C)1.B. of this rule, shall demonstrate initial compliance by—
- (I) Submitting a monitoring plan that identifies the operating parameter to be monitored for the capture device and discusses why the parameter is appropriate for demonstrating ongoing compliance;
- (II) Conducting an initial performance test using the procedures and test methods listed in subsections (5)(C) and (5)(D) of this rule (test methods in paragraphs (5)(C)3., (5)(C)4. and (5)(C)5. of this rule shall be performed, as applicable, at least twice during each test period);
- (III) Calculating the overall control efficiency using the procedure in subsection (5)(D) of this rule;
- (IV) Determining those operating conditions critical to determining compliance and establishing operating parameters that will ensure compliance with the standard as follows:
- (a) For compliance with a thermal incinerator, minimum combustion temperature shall be the operating parameter;

- (b) For compliance with a catalytic incinerator equipped with a fixed catalyst bed, the minimum gas temperature both upstream and downstream of the catalyst bed shall be the operating parameter;
- (c) For compliance with a catalytic incinerator equipped with a fluidized catalyst bed, the minimum gas temperature upstream of the catalyst bed and the pressure drop across the catalyst bed shall be the operating parameters; and
- (d) For compliance with a carbon adsorber, the operating parameters shall be either the total regeneration mass stream flow for each regeneration cycle and the carbon bed temperature after each regeneration, or the concentration level of organic compounds exiting the adsorber, unless the owner or operator requests and receives approval from the director to establish other operating parameters; and
- (V) The owner or operator of an affected source demonstrating compliance with this rule per subparagraph (3)(C)2.C. of this rule shall calculate the site-specific operating parameter value as the arithmetic average of the maximum or minimum operating parameter values, as appropriate, that demonstrate compliance with the standards, during the three (3) test runs required by paragraph (5)(C)1. of this rule.
- D. The owner or operator of an affected source subject to the work practice standards in subsection (3)(B) of this rule shall submit an initial compliance status report, as required by paragraph (4)(A)3. of this rule, stating that the work practice implementation plan has been developed and procedures have been established for implementing the provisions of the plan.
- (D) Special Requirements for Sources Using An Averaging Approach. The owner or operator of an affected source complying with the emission limitations in subsection (3)(A) of this rule through the procedures established in paragraph (3)(A)2. of this rule shall also meet the following requirements:
- 1. Program goals and rationale. The owner or operator of the affected source shall provide a summary of the reasons why the affected source would like to comply with the emission limitations through the procedures established in paragraph (3)(A)2. of this rule and a summary of how averaging can be used to meet the emission limitations. The affected source shall also document that the additional environmental benefit requirement is being met through the use of the inequalities in paragraph (3)(A)2. of this rule. These inequalities ensure that the affected source is achieving an additional ten percent (10%) reduction in emissions when compared to affected sources using a compliant coatings approach to meet the requirements of the rule.
- 2. Program scope. The owner or operator of the affected source shall describe the types of finishing materials that will be included in the affected source's averaging program. Stains, basecoats, washcoats, sealers and topcoats may all be used in the averaging program. Finishing materials that are applied using continuous coaters may only be used in an averaging program if the affected source can determine the amount of finishing material used each day.
- 3. Program baseline. The baseline for each finishing material included in the averaging program shall be the lower of the actual or allowable emission rate as of the effective date of this rule.
- 4. Quantification procedures. The owner or operator of the affected source shall specify methods and procedures for quantifying emissions. Quantification procedures for VOC content are included in section (5) of this rule. The owner or operator shall specify methods to be used for determining the usage of each finishing material. The quantification methods used shall be accurate enough to ensure that the affected source's actual emissions are less than the allowable emissions, as calculated using Inequality (1) or (2) in paragraph (3)(A)2. of this rule, on a daily basis to a level of certainty comparable to that for traditional control strategies applicable to surface coating sources.

- 5. Monitoring, record keeping and reporting. The owner or operator of an affected source shall provide a summary of the monitoring, record keeping and reporting procedures that will be used to demonstrate daily compliance with the inequalities presented in paragraph (3)(A)2. of the rule. The monitoring, record keeping and reporting procedures shall be structured in such a way that inspectors and facility owners can determine an affected source's compliance status for any day. Furthermore, the procedures must include methods for determining required data when monitoring, record keeping and reporting violations result in missing, inadequate or erroneous monitoring and record keeping. These procedures must ensure that sources have sufficiently strong incentive to properly perform monitoring and record keeping.
- 6. Implementation schedule. The owner or operator of an affected source shall submit an averaging proposal for state and EPA approval by July 31, 2001.
- 7. Administrative procedures. Any affected source may submit an averaging approach proposal to the director for consideration in meeting the compliance requirements of this rule. The director shall take the following actions:
- A. Determine whether or not the proposal submittal is complete and notify the submitter of the completeness status within thirty (30) calendar days of receipt of the proposal; and
- B. Approve or disapprove the proposal within thirty (30) calendar days of determining that a proposal submittal is complete.

(5) Test Methods.

- (C) Owners or operators using a control system shall demonstrate initial compliance using the procedures in paragraphs (5)(C) 1. through (5)(C)5. of this rule.
- 1. The VOC concentration of gaseous air streams shall be determined with a test consisting of three (3) separate runs, each lasting a minimum of thirty (30) minutes using one (1) of the following methods as specified by 40 CFR 60, Appendix A—Reference Methods:
- A. Method 18—Measurement of Gaseous Organic Compound Emissions by Gas Chromatography;
- B. 10 CSR 10-6.030(14)(A), Reference Method 25—Determination of Total Gaseous Nonmethane Organic Emissions as Carbon; or
- C. Method 25A—Determination of Total Gaseous Organic Concentration Using Flame Ionization Analyzer.
- 2. Sample and velocity traverses shall be determined by using one (1) of the following methods as specified by 40 CFR 60, Appendix A—Reference Methods:
- A. 10 CSR 10-6.030(1), Reference Method 1—Sample and Velocity Traverses for Stationary Sources; or
- B. Method 1A—Sample and Velocity Traverses for Stationary Sources with Small Stacks or Ducts.
- 3. Velocity and volumetric flow rates shall be determined by using one (1) of the following methods as specified by 40 CFR 60, Appendix A—Reference Methods:
- A. 10 CSR 10-6.030(2), Reference Method 2— Determination of Stack Gas Velocity and Volumetric Flow Rate (Type S Pitot Tube); or
- B. Method 2A—Direct Measurement of Gas Volume Through Pipes and Small Ducts;
- C. Method 2C—Determination of Stack Gas Velocity and Volumetric Flow Rate in Small Stacks or Ducts (Standard Pitot Tube);
- D. Method 2D—Measurement of Gas Volumetric Flow Rates in Small Pipes and Ducts:
- E. Method 2F—Determination of Stack Gas Velocity and Volumetric Flow Rate With Three-Dimensional Probes;
- F. Method 2G—Determination of Stack Gas Velocity and Volumetric Flow Rate With Two-Dimensional Probes; or
- G. Method 2H—Determination of Stack Gas Velocity Taking Into Account Velocity Decay Near the Stack Wall.

- 4. To analyze the exhaust gases, use 10 CSR 10-6.030(3), Reference Method 3—Gas Analysis for Carbon Dioxide, Oxygen, Excess Air and Dry Molecular Weight.
- 5. To measure the moisture in the stack gas, use 10 CSR 10-6.030(4), Reference Method 4—Determination of Moisture Content in Stack Gases.

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SUMMARY OF COMMENTS: The department received the following comments. The department's response follows each comment. Most of the comments received generally supported the proposed rule, but stressed the need for clarification of various applicability and technical issues.

COMMENT: U.S. Environmental Protection Agency (EPA) commented the averaging time (for example daily, monthly or annual) should be included in subsections (3)(A) and (3)(B) with respect to the overall efficiency requirements for reducing uncontrolled VOC emissions.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees. Subsections (3)(A) and (3)(B) have been changed to include an annual averaging time with respect to the overall efficiency requirements. The annual averaging time was selected because the number of batches of many products produced by batch process operations, in practice, are limited to one or two batches each year.

COMMENT: EPA commented subsection (3)(C) should define what happens when control equipment installed prior to December 15, 1999, does not meet 81 percent control efficiency. EPA recommended sources be required to install controls prior to the December 31, 2003 deadline. The Regulatory Environmental Group for Missouri (REGFORM) commented the proposed rule lacks a compliance date and recommended the rule be amended to establish a compliance date of May 1, 2002, as in the proposed NO_x RACT rule.

RESPONSE AND EXPLANATION OF CHANGE: The department maintains the rule includes compliance dates. As suggested, the compliance dates have been changed to May 1, 2002. In addition, subsection (3)(C) has been revised to include a compliance date for control equipment installed prior to December 15, 1999, that does not meet 81 percent control efficiency.

COMMENT: EPA commented subsection (3)(C) should include performance criteria language to define the indicators to be used to demonstrate compliance. Alternatively, subsection (3)(B) should reference performance criteria in another subsection(s).

RESPONSE AND EXPLANATION OF CHANGE: Subsection (3)(B) has been revised to reference performance criteria included in the revised subsection (3)(D), which includes control equipment specifications referenced in federal New Source Performance Standards requirements for synthetic organic chemical manufacturing industry reactor processes.

COMMENT: EPA commented subsection (3)(E) could be misinterpreted to be a permanent exemption (from flare specification requirements) based on a one-time emergency discharge. EPA commented the rule language should be clarified to ensure this is a temporary exemption for only the period of time during the emergency venting discharge.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees. Subsection (3)(E) was relettered as subsection (3)(D) and has been changed accordingly.

COMMENT: EPA commented subsection (4)(G) should reference the control requirements of section (3), not of subsection (1)(D).

RESPONSE AND EXPLANATION OF CHANGE: The department agrees this reference should be corrected and subsection (4)(G) has been changed accordingly.

COMMENT: EPA commented that records should be kept on-site for a period of at least five years for consistency with other reasonably available control technology (RACT) rules and with current maximum achievable control technology (MACT) standards requirements.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees consistency is a primary objective. Subsection (4)(H) has been changed accordingly.

COMMENT: EPA commented three new (recently added) test methods for measuring flow with abnormal properties should be included in section (5)(F)2. The new methods are included under 40 CFR Part 60, Appendix A as methods 2F, 2G, and 2H.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees. Paragraph (5)(F)2. has been changed to include these three new optional test methods.

COMMENT: EPA commented some of the language in paragraph (5)(F)3. is not consistent with the test methods as defined in 40 CFR Part 60, Appendix A and suggested some rule language changes to correct the inconsistencies.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees the suggested rule language is appropriate. Subparagraph (5)(F)3.A. has been changed accordingly.

COMMENT: EPA commented the proposed rule language in subparagraphs (5)(F)3.B., (5)(F)3.C. and (5)(F)3.D. for calculating mass emission rate in, mass emission rate out, and the total overall control device efficiency should be revised by suggesting new rule language.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees the suggested rule language is appropriate. Subparagraphs (5)(F)3.B., (5)(F)3.C. and (5)(F)3.D have been changed accordingly.

COMMENT: EPA commented the purpose of subsection (5)(I) is unclear and expressed concerns regarding enforceability of this subsection. EPA recommended a revision to either clarify the purpose of this subsection or to remove the subsection from the rule.

RESPONSE: The department believes subsection (5)(I) is enforceable and should remain as proposed. Therefore, no changes were made to the rule language.

COMMENT: Anheuser-Busch Companies and Solutia Incorporated commented that the applicability language should be changed such that the rule applies only to batch operations that have the potential to emit equal to or greater than one hundred tons per year of volatile organic compounds at sources identified by any one of the seven standard industrial classification codes already listed. Similarly, REGFORM commented the rule should be amended so that the whole rule applies to any facility if the batch operation is a major source, as in subsection (1)(B), and it is on the SIC code list, as in subsection (1)(C).

RESPONSE AND EXPLANATION OF CHANGE: The department agrees subsections (1)(B) and (1)(C) should be clarified. The department maintains the intent of the Clean Air Act requirements is to, at a minimum, impose RACT on all major volatile organic compound (VOC) stationary sources in moderate ozone nonattainment areas. The department also maintains that since the referenced guidance documents for batch process operations were never finalized by U.S. EPA, the state is not explicitly obligated to omit every regulatory provision not included in the draft guidance. To provide clarity, subsections (1)(B) and (1)(C) have been combined as suggested in the majority of comments received.

COMMENT: Solutia Incorporated, the City of St. Louis—Division of Air Pollution Control, and REGFORM commented the terms batch process operations and batch operations are not defined in either the proposed rule or in 10 CSR 10-6.020. The commenters recommended the department include these definitions in the rule. The City of St. Louis requested clarification of the definition for batch process train to specify how this unit should be measured and how many units can be included in one train. REGFORM commented the terms flow rate and annual mass emissions are not defined in the rule and recommended these definitions be added to the rule.

RESPONSE AND EXPLANATION OF CHANGE: The department has added a definition for batch process operations in section (2). All references to batch operations have been changed to batch process operations, since they reference the same operations. The definition for batch process train in section (2) has been revised to provide further detail. Definitions for flow rate and annual mass emissions have not been added to the rule since they are self-explanatory and flow rate is defined by the equations in subsection (1)(F).

COMMENT: REGFORM commented the definition of air pollution control devices is confusing. REGFORM commented this definition can be read two different ways and should be clarified.

RESPONSE AND EXPLANATION OF CHANGE: The department maintains the definition is consistent with federal guidance. In the interest of clarity, the definition of control devices in section (2) has been revised.

COMMENT: U.S. Polymers commented the applicability provisions of the rule are confusing and conflicting and requested that two main applicability provisions be clarified. The first question is whether the rule applies to batch process operations that have a potential to emit less than 100 tons of VOC emissions. The second question is whether a unit operation with uncontrolled emissions greater than 500 pounds that is part of a de minimis batch process train is subject to the control requirements of the rule.

The P.D. George Company also commented it is not clear whether a batch operation must meet the criteria of both paragraphs (1)(D)1. and (1)(D)2. of the proposed rule before the batch operation is considered de minimis.

U.S. Polymers further commented that a review of the Alternative Control Technologies Information Document supports the position that controls should not be imposed on individual unit operations that are part of a de minimis batch process train. U.S. Polymers requested that the rule should be clarified to address these issues.

RESPONSE: When the fiscal note for the proposed rule was prepared, the department did not include potential sources unless they were defined as a major source. In addition, subsection (1)(B) states the rule is applicable to batch process operations that have the potential to emit equal to or greater than 100 tons per year of VOC emissions.

U.S. EPA guidance documents indicate a batch operation must meet the criteria of both paragraphs (1)(D)1. and (1)(D)2. before the batch operation is considered de minimis. In the case where any single unit operation has uncontrolled total annual mass emissions (UTAME) of greater than 500 lb/yr of VOC, the next step to determine rule applicability is to calculate the flow rate per subsection (1)(F). The department expects that in many cases, the UTAME will be low enough to exempt such single unit operation does not meet the de minimis requirements. Therefore, no changes were made to the rule language.

COMMENT: The City of St. Louis—Division of Air Pollution Control commented there is no explanation whether this RACT rule will take precedence over other RACT rules and suggests that a statement such as that found in proposed rule 10 CSR 10-5.550 (1)(C) be included in this rule.

The City of St. Louis further commented it applauds the efforts of the department to track and require control technology for smaller emission units, such as the single unit operations included in this rule.

Similarly, the P.D. George Company and REGFORM commented the applicability section of the rule should be amended to exempt sources that are subject to another RACT rule. P.D. George Company and REGFORM commented the rule should also exempt facilities whose batch process operations are subject to other more stringent state or federal regulations.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the City of St. Louis' comments. The department does not agree with the concept of a blanket exemption for sources that are subject to another RACT rule because applicability alone does not necessarily mean emissions controls are required. The department does agree that facilities whose batch process operations are subject to other more stringent state regulations should not also be subject to the requirements of 10 CSR 10-5.540. Thus, a new subsection (1)(F) has been added to the rule to clarify which requirement takes precedence when other rules are applicable to an emission source.

COMMENT: Commissioner Foresman asked that when referencing other APCP rules applicable to the same VOC emission source that the source be subject to only the more stringent rule, and not the more stringent requirement of each rule. This would lessen the burden to industry and likely result in better compliance.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees that facilities whose batch process operations are subject to other more stringent state regulations should not also be subject to the requirements of 10 CSR 10-5.540. Thus, the language of subsection (1)(F), which was added in response to another comment, is written to state the more stringent rule in Title 10 Division 10 shall apply.

COMMENT: Mallinckrodt Incorporated commented pharmaceutical production is currently subject to the provisions of 10 CSR 10-5.350 Control of Emissions from Manufacture of Synthesized Pharmaceutical Products. Mallinckrodt commented it is unreasonable to subject an emission source to multiple RACT rules. Mallinckrodt further commented the St. Louis plant will be in compliance with the provisions of the final pharmaceutical MACT rule by September 2001. Mallinckrodt estimates the St. Louis plant will spend between 10 million and 15 million dollars on capital expenditures to meet the provisions of the pharmaceutical MACT and the pharmaceutical effluent guidelines.

Mallinckrodt suggested the SIC codes 2833 and 2834 be removed from the applicability section of the rule because 10 CSR 10-5.350 already covers those SIC codes. In addition, Mallinckrodt suggested an exemption for sources who are already subject to a more stringent control requirement, such as New Source Performance Standards (NSPS), Maximum Achievable Control Technology, and National Emission Standards for Hazardous Air Pollutants (NESHAP).

RESPONSE: The department assumes NSPS, MACT, and NESHAP requirements are typically more stringent than RACT requirements. In addition, the department agrees facilities subject to more stringent requirements should not also be subject to the requirements of 10 CSR 10-5.540.

The department does not agree SIC codes 2833 and 2834 should be removed from the applicability section because EPA guidance targets, at a minimum, all seven of the SIC codes listed in subsection (1)(C). Subsection (1)(F) addresses the situation when more stringent control requirements are applicable to a batch process operation facility. Therefore, no changes were made to the rule language.

COMMENT: The P.D. George Company commented the type of process equipment included in the batch process train should be clarified, and specifically inquired if thinning tanks are included in train equipment. P.D. George Company commented the proposed rule should apply only to those process units that are identified by the seven SIC codes listed in subsection (1)(C) and not to those process units associated with those SIC codes, such as thinning tanks.

RESPONSE: The department maintains the revised definition for batch process train clarifies which types of process equipment are included in train equipment and clarifies where the train ends. The department does not agree that the rule should automatically exclude process units that are identified by other SIC codes if such process units are included as part of a batch process train. Therefore, no changes were made to the rule language.

COMMENT: REGFORM and the P.D. George Company commented low actual emissions sources should be exempt from the rule, below which a batch process train is exempt from the applicability determination, record keeping and/or reporting. REG-FORM commented that some facilities have many small batch process trains and single unit operations and that record keeping requirements for de minimis units/trains is impractical, expensive and disproportionate to the small potential VOC emission reductions that could be realized. REGFORM and the P.D. George Company commented batch process trains that are not likely to exceed 30,000 lbs/yr of actual VOC emissions should be exempt. RESPONSE: The department agrees low actual emissions sources offer the potential for minimal VOC emission reductions. The department continues to investigate the possibility of setting a low actual emission threshold below which a batch process train would be exempt from portions of the proposed batch process operations rule. However, the department has not yet determined an appropriate level for the low actual emission threshold. Therefore, no changes were made to the rule language.

COMMENT: REGFORM and the P.D. George Company commented batch process train should be defined as one or more single unit operations, and all references to single unit operations should be deleted to avoid confusion and to add practicality to the rule.

RESPONSE: The department disagrees that all references to single unit operations should be deleted from the rule. Removal of references to single unit operations would not be consistent with the EPA's draft control techniques guideline documents for the control of VOC emissions from batch processes. Therefore, no changes were made to the rule language.

COMMENT: REGFORM and the P.D. George Company commented there is a potential to obtain negative numbers from the applicability equations in section (1)(F) and suggested these equations be reviewed to determine their appropriateness. REGFORM repeated its comment that references to single unit operations should be deleted.

RESPONSE: The department recognizes the flow rate equations will result in negative numbers if the UTAME do not meet minimum values (which vary depending on which of the three flow rate equations is used). The department does not intend to address situations where a negative flow rate is obtained from the flow rate equations in subsection (1)(F) when making applicability determinations. The department maintains the applicability equations in section (1)(F) are appropriate. The department disagrees that all references to single unit operations should be deleted from the rule. Therefore, no changes were made to the rule language.

COMMENT: REGFORM commented that some batch process trains consist of single unit operations that do not have discrete vents, making flow measurement difficult. Where process areas are vented together, the flow rate in the room may be several times higher than is needed according to emissions standards. However, for safety reasons, this flow rate is within recommended values.

REGFORM commented the rule should be amended to provide for alternate methods of flow measurement in sections (3)(F)1. and (3)(F)2., subject to department approval. REGFORM also commented the rule should make provisions for alternate methods of control and/or operating practices to account for unit operations that have no practical way to attach a control device.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees flow measurement for single unit operations is difficult in some cases. Subsection (3)(F) was relettered as subsection (3)(E) and a new paragraph (3)(E)4. has been added to allow for alternate methods of flow measurement, subject to department approval, where such measurement is difficult. Alternate methods of control and/or operating practices will be handled on a case-bycase basis through the permitting process for unit operations that have no practical way of attaching an adequate control device.

COMMENT: REGFORM commented that sections (2) and (1)(D)2. appear to be in conflict since section (2) defines trains based on the product produced, while section (1)(D)2. indicates the trains can produce more than one product.

REGFORM and the P.D. George Company commented it is not clear whether the batch process train emissions are considered independently or in the aggregate when determining applicability to the proposed rule. Some companies manufacture hundreds of different products using the same batch process train. Vice versa, a particular product may not always be produced using the same batch process train. REGFORM and the P.D. George Company commented the proposed rule should be clarified to indicate that emissions from a particular product determines applicability and not the particular equipment in which the product is manufactured. RESPONSE: The department maintains the batch process train emissions are considered independently, not in the aggregate, when determining applicability. The department also agrees that potential emissions from a batch train are tied to the product rather than the manufacturing equipment. However, the potential emissions are based on a number of other factors. When determining rule applicability, all the batch trains are considered independently to determine those with the highest potential VOC emissions. Other factors that need to be considered include how much time it takes to produce one batch of the product, how many batches could be produced in a year, and whether the number of batches produced in one year is limited by permit conditions. The department maintains that section (2) and paragraph (1)(D)2. are consistent with federal guidance. Therefore, no changes were made to the rule language.

COMMENT: REGFORM and the P.D. George Company commented some facilities use condensers operating under reflux conditions as control devices (for example, as part of synthetic resin production processes) to control greater than 95% of VOC emissions from certain processes. REGFORM and the P.D. George Company commented requiring additional controls would put a great financial burden on industry and would achieve only minimal VOC emissions reductions. REGFORM commented condensers which are part of production processes and which meet a certain percent control efficiency should not be required to add on additional control devices. REGFORM recommended the rule should be clarified by changing the definition of control devices.

RESPONSE: The department does not agree the definition of control devices should be changed to include condensers operating under reflux conditions because this revision conflicts with federal guidance on batch process operations. Therefore, no changes were made to the rule language.

COMMENT: The P.D. George Company commented the monitoring requirements of section (4)(I) should be deleted or used as an alternative means of compliance determination.

RESPONSE: The department believes subsection (4)(I) should remain as proposed. The subsection identifies parameters that should be tracked to ensure control equipment is operating correctly. Therefore, no changes were made to the rule language.

10 CSR 10-5.540 Control of Emissions From Batch Process Operations

(1) Applicability.

- (B) This rule is applicable to all batch process operations that have the potential to emit equal to or greater than one hundred (100) tons per year of volatile organic compounds (VOC) at sources identified by any of the following four (4)-digit standard industrial classification (SIC) codes, as defined in the 1987 edition of the *Federal Standard Industrial Classification Manual*: SIC 2821, 2833, 2834, 2861, 2865, 2869, and 2879.
- (C) The following single unit operations and batch process trains are subject to this rule but are considered to be *de minimis* and are, therefore, exempt from the control requirements of section (3) of this rule. However, the record keeping and reporting requirements in section (4) of this rule shall apply to such *de minimis* single unit operations and batch process trains:
- 1. Within a batch process operation, any single unit operation with uncontrolled total annual mass emissions of less than or equal to five hundred (500) pounds per year (lb/yr) of VOC. Such single unit operations are also excluded from the calculation of the total annual mass emissions for a batch process train. If the uncontrolled total annual mass emissions from such exempt single unit operation exceed five hundred (500) lb/yr of VOC in any subsequent year, the source shall calculate applicability in accordance with subsection (1)(E) of this rule for both the individual single unit operation and the batch process train containing the single unit operation; and
- 2. Any batch process train containing process vents that have, in the aggregate, uncontrolled total annual mass emissions, as determined in accordance with paragraph (3)(E)1. of this rule, of less than thirty thousand (30,000) lb/yr of VOC for all products manufactured in such batch process train.
- (D) The applicability equations in subsection (1)(E) of this rule, which require the calculation of uncontrolled total annual mass emissions and flow rate value, shall be used to determine whether a single unit operation or a batch process train is subject to the control requirements in section (3) of this rule. The applicability equation shall be applied to the following:
- 1. Any single unit operation with uncontrolled total annual mass emissions that exceed five hundred (500) lb/yr and with a VOC concentration greater than five hundred (500) parts per million by

volume (ppmv). In this individual determination, no applicability analysis shall be performed for any single unit operation with a VOC concentration of less than or equal to five hundred (500) ppmv; and

- 2. Any batch process train containing process vents which, in the aggregate, have uncontrolled total annual mass emissions of thirty thousand (30,000) lb/yr or more of VOC from all products manufactured in the batch process train. Any single unit operation with uncontrolled total annual mass emissions exceeding five hundred (500) lb/yr, regardless of VOC concentration, shall be included in the aggregate applicability analysis.
- (E) Applicability Equations. The applicability equations in this rule subsection are specific to volatility.
- 1. Weighted average volatility (WAV) shall be calculated as follows:

$$WAV = \frac{\sum_{i=1}^{n} \frac{[(VP_i) \times (MVOC_i)]}{[(MWVOC_i)]}}{\sum_{i=1}^{n} \frac{[(MVOC_i)]}{[(MWVOC_i)]}}$$

where:

WAV = weighted average volatility; MVOC; = mass of VOC component i;

 $MWVOC_i$ = molecular weight of VOC component i; and

VP_i = vapor pressure of VOC component i.

2. For purposes of determining applicability, flow rate values shall be calculated as follows:

A. Low WAV has a vapor pressure less than or equal to seventy-five (75) millimeters of Mercury (mmHg) at twenty degrees Celsius (20°C), and shall use the following equation:

$$FR = [0.07 (UTAME)] - 1,821$$

Where:

FR = Vent stream flow rate, expressed as standard cubic feet per minute (scfm);

UTAME =Uncontrolled total annual mass emissions of VOC, expressed as lb/yr;

B. Moderate WAV has a vapor pressure greater than seventy-five (75) mmHg but less than or equal to one hundred fifty (150) mmHg at twenty degrees Celsius (20°C), and shall use the following equation:

$$FR = [0.031 (UTAME)] - 494$$

C. High WAV has a vapor pressure greater than one hundred fifty (150) mmHg at twenty degrees Celsius (20°C), and shall use the following equation:

$$FR = [0.013 (UTAME)] - 301$$

- 3. To determine the vapor pressure of VOC, the applicable methods and procedures in section (5) of this rule shall apply.
- (F) In the event that other rules in Title 10 Division 10 of the *Code of State Regulations* are also applicable to batch process operations, the more stringent rule shall apply.
- (2) Definitions.

- (C) Batch process operation—A discontinuous operation in which a discrete quantity or batch of feed is charged into a chemical manufacturing process unit and distilled or reacted, or otherwise used at one time, and may include, but is not limited to, reactors, filters, dryers, distillation columns, extractors, crystallizers, blend tanks, neutralizer tanks, digesters, surge tanks and product separators. After each batch process operation, the equipment is generally emptied before a fresh batch is started.
- (D) Batch process train—The collection of equipment (e.g., reactors, filters, dryers, distillation columns, extractors, crystallizers, blend tanks, neutralizer tanks, digesters, surge tanks and product separators) configured to produce a product or intermediate by a batch process operation. A batch process train terminates at the point of storage of the product or intermediate being produced in the batch process train. Irrespective of the product being produced, a batch process train which is independent of other processes shall be considered a single batch process train for purposes of this rule.
- (E) Control devices—Air pollution abatement devices. For purposes of this rule, condensers operating under reflux conditions are not considered control devices.
- (F) Emission events—Discrete venting episodes that may be associated with a single unit of operation.
- (G) Processes—Any equipment within a contiguous area that are connected together during the course of a year where connected is defined as a link between equipment, whether it is physical, such as a pipe, or whether it is next in a series of steps from which material is transferred from one unit operation to another.
- (H) Unit operations—Discrete processing steps that occur within distinct equipment that are used to prepare reactants, facilitate reactions, separate and purify products, and recycle materials.
- (I) Vent—A point of emission from a unit operation. Typical process vents from batch processes include condenser vents, vacuum pumps, steam ejectors, and atmospheric vents from reactors and other process vessels. Vents also include relief valve discharges. Equipment exhaust systems that discharge from unit operations also would be considered process vents.
- (J) Volatility—For purposes of this rule, low volatility materials are defined as those which have a vapor pressure less than or equal to seventy-five (75) mmHg at twenty degrees Celsius (20°C), moderate volatility materials have a vapor pressure greater than seventy-five (75) and less than or equal to one hundred fifty (150) mmHg at twenty degrees Celsius (20°C), and high volatility materials have a vapor pressure greater than one hundred fifty (150) mmHg at twenty degrees Celsius (20°C). To evaluate VOC volatility for single unit operations that service numerous VOCs or for processes handling multiple VOCs, the weighted average volatility can be calculated from knowing the total amount of each VOC used in a year, and the individual component vapor pressure, per the equation in paragraph (1)(E)1. of this rule.
- (K) Definitions of certain terms, other than those specified in this rule, may be found in 10 CSR 10-6.020.

(3) General Provisions.

- (A) Every owner or operator of a single unit operation with an average flow rate, as determined in accordance with paragraph (3)(E)2. of this rule, below the flow rate value calculated by the applicability equations contained in subsection (1)(E) of this rule, shall reduce uncontrolled VOC emissions from such single unit operation by an overall efficiency, on an annual average, of at least ninety percent (90%), or twenty (20) ppmv, per batch cycle.
- (B) Every owner or operator of a batch process train with an average flow rate, as determined in accordance with subparagraph (3)(E)2.B. of this rule, below the flow rate value calculated by the applicability equations contained in subsection (1)(E) of this rule, shall reduce uncontrolled VOC emissions from such batch process train by an overall efficiency, on an annual average, of at least nine-ty percent (90%), or twenty (20) ppmv, per batch cycle. For purposes of demonstrating compliance with the emission limitations in

this rule section, any control device meeting the criteria in subsection (3)(D) of this rule shall be deemed to achieve a control efficiency of ninety percent (90%), or twenty (20) ppmv, per batch cycle, as applicable.

- (C) Notwithstanding subsection (3)(A) or (3)(B) of this rule, any source that has installed on or before December 15, 1999, any control device which is demonstrated to the department's satisfaction to be unable to meet the applicable control requirements of this rule section, a scrubber, or shell and tube condenser using a non-refrigerated cooling media, and such device achieves at least eighty-one percent (81%) control efficiency of VOC emissions, is required to meet the ninety percent (90%) emission limitation or twenty (20) ppmv VOC concentration in subsection (3)(A) or (3)(B) of this rule, as applicable, upon the earlier to occur of the date the device is replaced for any reason, including, but not limited to, normal maintenance, malfunction, accident, and obsolescence, or May 1, 2002. Control devices installed on or before December 15, 1999, that do not achieve at least eighty-one percent (81%) control efficiency of VOC emissions shall comply with the control requirements of subsection (3)(A) or (3)(B) on or before May 1, 2001. A scrubber, shell and tube condenser using a nonrefrigerated cooling media, or other control device meeting the criteria of this rule subsection, is considered replaced when-
 - 1. The entire device is replaced; or
- 2. When either the cost to repair the device or the cost to replace part of the device exceeds fifty percent (50%) of the cost of replacing the entire device with a control device that complies with the ninety percent (90%) emission limitation or twenty (20) ppmv VOC concentration level in subsection (3)(A) of this rule, as applicable.
 - (D) Control Equipment Specifications.
- 1. If a boiler or process heater is used to comply with this rule section, the vent stream shall be introduced into the flame zone of the boiler or process heater. The boiler or process heater shall meet the control device requirements for boilers and process heaters included in 40 CFR 60.703, 60.704, and 60.705.
- 2. If a flare is used to comply with this rule section, it shall comply with the requirements of 40 CFR 60.18, which are hereby incorporated by reference. The flare operation requirements of 40 CFR 60.18 do not apply if a process, not subject to this rule, vents an emergency relief discharge into a common flare header and causes the flare servicing the process subject to this rule to not comply with one or more of the provisions of 40 CFR 60.18. This exemption from flare specification requirements is a temporary exemption lasting only for the period of time during the emergency relief venting discharge.
- 3. If an afterburner, scrubber, absorber, condenser or adsorber is used to comply with this rule section, such equipment shall meet the control device requirements for this equipment included in 40 CFR 60.703, 60.704, and 60.705.
- 4. If an incinerator is used to comply with this rule section, the incinerator shall meet the control device requirements for incinerators included in 40 CFR 60.703, 60.704, and 60.705.
- (E) Determination of uncontrolled total annual mass emissions and actual weighted average flow rate values for batch process operations.
- 1. Uncontrolled total annual mass emissions shall be determined by the following methods:
- A. Direct process vent emissions measurements taken prior to any release to the atmosphere, following any recovery device and prior to any control device, provided such measurements conform with the requirements of measuring the mass flow rate of VOC incoming to the control device as in paragraph (5)(F)2. and subparagraphs (5)(F)3.A. and (5)(F)3.B. of this rule; or
- B. Engineering estimates of the uncontrolled VOC emissions from a process vent or process vents, in the aggregate, within a batch process train, using either the potential or permitted number of batch cycles per year or total production as represented in the source's operating permit.

- (I) Engineering estimates of the uncontrolled VOC emissions shall be based upon accepted chemical engineering principles, measurable process parameters, or physical or chemical laws and their properties. Examples of methods include, but are not limited to, the following:
- (a) Use of material balances based on process stoichiometry to estimate maximum VOC concentrations;
- (b) Estimation of maximum flow rate based on physical equipment design such as pump or blower capacities; and
- (c) Estimation of VOC concentrations based on saturation conditions.
- (II) All data, assumptions and procedures used in any engineering estimate shall be documented.
- 2. Average flow rate shall be determined by any of the following methods:
- A. Direct process vent flow rate measurements taken prior to any release to the atmosphere, following any recovery device and prior to any control device, provided such measurements conform with the requirements of measuring incoming volumetric flow rate in paragraph (5)(F)2. of this rule;
- B. Average flow rate for a single unit operation having multiple emission events or batch process trains shall be the weighted average flow rate, calculated as follows:

$$WAF = \frac{\sum_{i=1}^{n} (AFR_i \times ADE_i)}{\sum_{i=1}^{n} (ADE_i)}$$

where:

WAF = Actual weighted average flow rate for a single unit operation or batch process train;

AFR_i = Average flow rate per emission event; ADE_i = Annual duration of emission event; and

n = Number of emission events.

For purposes of this formula, the term "emission event" shall be defined as a discrete period of venting that is associated with a single unit operation. For example, a displacement of vapor resulting from the charging of a single unit operation with VOC will result in a discrete emission event that will last through the duration of the charge and will have an average flow rate equal to the rate of the charge. The expulsion of expanded vapor space when the single unit operation is heated is also an emission event. Both of these examples of emission events and others may occur in the same single unit operation during the course of the batch cycle. If the flow rate measurement for any emission event is zero, according to paragraph (5)(F)2. of this rule, then such event is not an emission event for purposes of this rule section; or

- C. Engineering estimates calculated in accordance with the requirements in subparagraph (3)(E)1.B. of this rule.
- 3. For purposes of determining the average flow rate for steam vacuuming systems, the steam flow shall be included in the average flow rate calculation.
- 4. In cases where two (2) or more single unit operations share a process vent and where flow measurement for such single unit operations is difficult, alternate methods of flow measurement may be used only when approved by the department.

(4) Reporting and Record Keeping.

(A) Every owner or operator of a *de minimis* single unit operation or batch process train exempt under paragraph (1)(C)1. or (1)(C)2. of this rule shall keep records of the uncontrolled total

annual mass emissions for any *de minimis* single unit operation or batch process train, as applicable, and documentation verifying these values or measurements. The documentation shall include the engineering calculations, any measurements made in accordance with section (5) of this rule, and the potential or permitted number of batch cycles per year, or, in the alternative, total production as represented in the source's operating permit.

- (B) Every owner or operator of a single unit operation exempt under subsection (1)(D) of this rule shall keep the following records:
- 1. The uncontrolled total annual mass emissions and documentation verifying these values or measurements. The documentation shall include any engineering calculations, any measurements made in accordance with section (5) of this rule, and the potential or permitted number of batch cycles per year or, in the alternative, total production as represented in the source's operating permit; and
- 2. The average flow rate in standard cubic feet per minute (scfm) and documentation verifying this value.
- (C) Every owner or operator of a batch process operation subject to the control requirements of section (3) of this rule shall keep records of the following parameters required to be monitored under subsection (4)(I) of this rule:
- 1. If using a thermal or catalytic afterburner to comply with section (3) of this rule, records indicating the average combustion chamber temperature of the afterburner or the average temperature upstream and downstream of the catalyst bed for a catalytic afterburner, measured continuously and averaged over the same time period as the performance test;
- 2. If using a flare to comply with section (3) of this rule, continuous records of the flare pilot flame monitoring and records of all periods of operations during which the pilot flame is absent; or
- 3. If using any of the following as a control device, the following records:
- A. Where a scrubber is used, the exit specific gravity or alternative parameter which is a measure of the degree of absorbing liquid saturation, if approved by the department, and the average exit temperature of the absorbing liquid, measured continuously and averaged over the same time period as the performance test both measured while the vent stream is routed normally;
- B. Where a condenser is used, the average exit or product side temperature measured continuously and averaged over the same time period as the performance test while the vent stream is routed normally;
- C. Where a carbon adsorber is used, the total steam mass flow measured continuously and averaged over the same time period as the performance test full carbon bed cycle, temperature of the carbon bed after regeneration and within fifteen (15) minutes after completion of any cooling cycle(s), and duration of the carbon bed steaming cycle all measured while the vent stream is routed normally; or
- D. As an alternative to subparagraphs (4)(C)3.A., (4)(C)3.B. or (4)(C)3.C. of this rule, at a minimum, records indicating the concentration level or reading indicated by the VOC monitoring device at the outlet of the scrubber, condenser or carbon adsorber, measured continuously and averaged over the same time period as the performance test while the vent stream is routed normally.
- (E) An owner or operator of a batch process operation subject to the control requirements of section (3) of this rule may maintain alternative records other than those listed in subsection (4)(C) of this rule. Any alternative record keeping shall be approved by the department and shall be contained in the source's operating permit as federally enforceable permit conditions.
- (F) Notwithstanding subsections (4)(A) through (4)(E) of this rule, any owner or operator of a batch process operation which uses either a scrubber, shell and tube condenser using nonrefrigerated cooling media, or other control device meeting the criteria

- of subsection (3)(D) of this rule, is required to monitor compliance with the requirements on and after the earlier to occur of the date such device is replaced for any reason or May 1, 2002.
- (G) The owner or operator of a *de minimis* single unit operation or batch process train exempt from the control requirements of section (3) of this rule shall notify the department in writing if the uncontrolled total annual mass emissions from such *de minimis* single unit operation or batch process train exceed the threshold in paragraph (1)(C)1. or (1)(C)2. of this rule, respectively, within sixty (60) days after the event occurs. Such notification shall include a copy of all records of such event.
- (H) Every owner or operator of a batch process operation required to keep records under this rule section shall maintain such records on-site for at least five (5) years and shall make all such records available to the department immediately upon request.
 - (I) Monitoring Requirements.
- 1. Every owner or operator using an afterburner to comply with section (3) of this rule shall install, calibrate, maintain and operate, according to manufacturer's specifications, temperature monitoring devices with an accuracy of plus or minus one percent (\pm 1%) of the temperature being measured expressed in degrees Celsius, equipped with continuous recorders.
- A. Where a catalytic afterburner is used, temperature monitoring devices shall be installed in the gas stream immediately before and after the catalyst bed.
- B. Where an afterburner other than a catalytic afterburner is used, a temperature monitoring device shall be installed in the combustion chamber.
- 2. Every owner or operator using a flare to comply with section (3) of this rule, shall install, calibrate, maintain and operate, according to manufacturer's specifications, a heat sensing device, such as an ultraviolet beam sensor or thermocouple, at the pilot light to indicate continuous presence of a flame.
- 3. Every owner or operator using a scrubber to comply with section (3) of this rule shall install, calibrate, maintain, and operate, according to manufacturer's specifications, the following:
- A. A temperature monitoring device for scrubbant liquid having an accuracy of plus or minus one percent $(\pm\ 1\%)$ of the temperature being monitored expressed in degrees Celsius and a specific gravity device for scrubbant liquid, each equipped with a continuous recorder; or
- B. A VOC monitoring device used to indicate the concentration of VOC exiting the control device based on a detection principle such as infrared, photoionization or thermal conductivity, each equipped with a continuous recorder.
- 4. Every owner or operator using a condenser to comply with section (3) of this rule shall install, calibrate, maintain, and operate, according to manufacturer's specifications, the following:
- A. A condenser exit temperature monitoring device equipped with a continuous recorder and having an accuracy of one percent (\pm 1%) of the temperature being monitored expressed in degrees Celsius; or
- B. A VOC monitoring device used to indicate the concentration of VOC such as infrared, photoionization or thermal conductivity, each equipped with a continuous recorder.
- 5. Every owner or operator using a carbon adsorber to comply with this rule shall install, calibrate, maintain, and operate, according to the manufacturer's specifications, the following equipment:
- A. An integrating regeneration stream flow monitoring device having an accuracy of plus or minus ten percent (\pm 10%), and a carbon bed temperature monitoring device having an accuracy of plus or minus one percent (\pm 1%) of the temperature being monitored expressed in degrees Celsius, both equipped with a continuous recorder; or

- B. A VOC monitoring device used to indicate the concentration level of VOC exiting such device based on a detection principle such as infrared, photoionization or thermal conductivity, each equipped with a continuous recorder.
- 6. Every owner or operator using a boiler or process heater with a design heat input capacity less than forty-four (44) megawatts to comply with section (3) of this rule shall install, calibrate, maintain, and operate, according to the manufacturer's specifications, a temperature monitoring device in the firebox with an accuracy of plus or minus one percent (\pm 1%) of the temperature being measured expressed in degrees Celsius, equipped with a continuous recorder. Any boiler or process heater in which all process vent streams are introduced with primary fuel is exempt from this requirement.
- 7. The owner or operator of a process vent shall be permitted to monitor by an alternative method or may monitor parameters other than those listed in paragraphs (4)(I)1. through (4)(I)6. of this rule, if approved by the department. Such alternative method or parameters shall be contained in the source's operating permit as federally enforceable permit conditions.
- 8. Notwithstanding paragraphs (4)(I)1. through (4)(I)7. of this rule, sources using a scrubber, shell and tube condenser using a nonrefrigerated cooling media, or other control device meeting the criteria of subsection (3)(D) of this rule, are required to monitor compliance with the requirements of this rule on and after the earlier to occur of the date such device is replaced for any reason or May 1, 2002.

(5) Test Methods.

- (A) Upon the department's request, the owner or operator of a batch process operation shall conduct testing to demonstrate compliance with section (3) of this rule. The owner or operator shall, at its own expense, conduct such tests in accordance with the applicable test methods and procedures specified in subsections (5)(D), (5)(E), and (5)(F) of this rule.
- (D) The owner or operator of a batch process operation that is exempt from the control requirements of section (3) of this rule shall demonstrate, upon the department's request, the absence of oversized gas moving equipment in any manifold. Gas moving equipment shall be considered oversized if it exceeds the maximum requirements of the exhaust flow rate by more than thirty percent (30%).
- (E) For the purpose of demonstrating compliance with the control requirements in section (3) of this rule, the batch process operation shall be run at representative operating conditions and flow rates during any performance test.
- (F) The following methods in 40 CFR 60, Appendix A, which are hereby incorporated by reference, shall be used to demonstrate compliance with the reduction efficiency requirement in section (3) of this rule:
- 1. Method 1 or 1A, as appropriate, for selection of the sampling sites if the flow measuring device is not a rotameter. The control device inlet sampling site for determination of vent stream VOC composition reduction efficiency shall be prior to the control device and after the control device;
- 2. Method 2, 2A, 2C, 2D, 2F, 2G or 2H as appropriate, for determination of gas stream volumetric flow rate flow measurements, which shall be taken continuously. No traverse is necessary when the flow measuring device is an ultrasonic probe; and
- 3. Method 25A or Method 18, if applicable, to determine the concentration of VOC in the control device inlet and outlet, where—
 - A. The sampling time for each run shall be as follows:
- (I) For batch cycles less than eight (8) hours in length, appropriate operating parameters shall be recorded at a minimum of fifteen (15)-minute intervals during the batched period;
- (II) For batch cycles of eight (8) hours and greater in length, the owner or operator may either test in accordance with the test procedures defined in part (5)(F)3.A.(I) of this rule or the owner or operator may elect to perform tests, pursuant to either Method 25A or Method 18, only during those portions of each

emission event which profiles a representative sample occurring within the batch cycle. For each emission event of less than four (4) hours in duration, the owner or operator shall test continuously over the entire emission event as in part (5)(F)3.A.(I) of this rule. For each emission event of greater than four (4) hours in duration, the owner or operator shall elect either to perform a minimum of three (3) one-hour test runs during the emission event or shall test continuously over the entire emission event within each single unit operation in the batch process train. The owner or operator shall define the total batch process by all its intrinsic emission events. To demonstrate that the portion of the emission event to be tested profiles a representative sample occurring within the batch cycle, the owner or operator electing to rely on this option shall develop an emission profile for each entire emission event. Such emission profile shall be based upon either process knowledge or test data collected. Examples of information that could constitute process knowledge include, but are not limited to, calculations based on material balances, duration, emission levels, constituents, reactants, byproducts and process stoichiometry. Previous test results may be used provided such results are still relevant to the current process vent stream conditions; or

(III) For purposes of paragraph (5)(F)3. of this rule, the term "emission event" shall be defined as a discrete period of venting that is associated with a single unit operation. For example, a displacement of vapor resulting from the charging of a single unit operation with VOC will result in a discrete emission event that will last through the duration of the charge and will have an average flow rate equal to the rate of the charge. The expulsion of expanded single unit operation vapor space when the vessel is heated is also an emission event. Both of these examples of emission events and others may occur in the same single unit operation during the course of the batch cycle. If the flow rate measurement for any emission event is zero (0), in accordance with paragraph (5)(F)2. of this rule, then such event is not an emission event for purposes of this rule section;

B. Calculate the mass emission rate (MER_i) into the control device as follows:

$$MER_i = C_iQ_i$$

where:

C_i = concentration into the control device;

and

 Q_i = flow rate into the control device;

C. Calculate the mass emission rate (MER $_{\rm o}$) out of the control device as follows:

$$MER_0 = C_0Q_0$$

where:

 C_0 = concentration out of the control device;

and

 Q_0 = flow rate out of the control device; and

D. Calculate the total overall control device efficiency $(\boldsymbol{\eta})$ as follows:

$$\eta = (MER_i - MER_o)/MER_i$$

- (G) Upon request by the department to conduct testing, an owner or operator of a batch process operation which has installed a scrubber, a shell and tube condenser using a nonrefrigerated cooling media, or any other control device which meets the criteria of subsection (3)(D) of this rule, shall demonstrate that such device achieves the control efficiency applicable within section (3) of this rule upon the earlier to occur of the date the device is replaced or May 1, 2002.
- (H) The owner or operator of a batch process operation may propose an alternative test method or procedures to demonstrate compliance with the control requirements in section (3) of this rule. Such method or procedures shall be approved by the department.

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 Supp. 1999, the commission adopts a rule as follows:

10 CSR 10-5.550 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 16, 1999 (24 MoReg 2041–2048). Those sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: The department received seven (7) comments from three (3) entities concerning the proposed rule. Key comments were on applicability and reporting and record keeping. The comments and the department's associated response are presented below.

COMMENT: The U.S. Environmental Protection Agency (EPA) commented that as written, section (1), Applicability, states that any vent from a process unit in which a reactor or distillation operation is located, is included in this rule. This could potentially include facilities such as dry cleaners or vapor degreasers, which utilize distillation operations. The applicability should be more specific by identifying in the exemption section the type of sources to which this rule will not apply.

RESPONSE: Terms used in subsection (1)(A) and their definitions, found in section (2), are adequate to define what sources are subject to this rule. Specifically, the terms process unit and product clearly describe what chemicals are of interest and what is done with those chemicals. Facilities that utilize distillation operations would not be subject to this rule unless they also sold the product or used the product as an intermediary in the production of other chemicals or compounds also for sale. No change was made to the rule as a result of this comment.

COMMENT: The EPA commented that in Subsection (1)(C), accurate should be changed to representative.

RESPONSE: The department agrees to make this wording change, however subsection (1)(C) is being amended in response to another comment and the text will change. No change was made to the rule as a result of this comment.

COMMENT: The EPA commented section (4) does not define how long the records should be kept. Current maximum achievable control technology (MACT) standards require that records be kept for at least five years. We recommend for consistency that all of the reasonably available control technology (RACT) rules read similar to the 5.520 rule, in that all reports and records must be kept on-site for at least five (5) years and made available to the department upon request.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees that it should define how long the records should be kept. To maintain consistency with other RACT rules this rule will require reports and records to be kept for five (5) years. A new subsection (4)(E) has been added to define the length of record keeping. A change was made to the rule as a result of this comment.

COMMENT: The EPA commented subsection (4)(B) references the exceedance reporting requirements in a document which is

apparently the U.S. Environmental Protection Agency's (EPA) draft Enhanced Monitoring Guideline. The EPA has no current plans to finalize the document. Therefore, Missouri may wish to take the referenced reporting requirements from the draft and insert them in the rule. The requirements could be modified by subsequent rule revisions, if necessary.

RESPONSE AND EXPLANATION OF CHANGE: Based on EPA's comment that the Enhance Monitoring Guideline will not be finalized the department has decided to remove subsection (4)(B) from the proposed rule. A change was made to the rule as a result of this comment.

COMMENT: The City of St. Louis, Division of Air Pollution Control requested clarification on how the results of the Total Resource Effectiveness (TRE) index should be measured and checked by the agencies. We feel that the engineering variables used to generate this index can be extremely subjective, dependent on who will perform the calculations.

RESPONSE: The variables in the TRE index equation are the stream characteristics: flow rate, heat content, and volatile organic compound (VOC) emission rate. When engineering assessment is used in calculating the TRE value, as described in (3)(B)1.C., there shall be documentation of all data, assumptions, and procedures. Therefore, no changes were made to the rule language.

COMMENT: It was indicated that the Department of Natural Resources considered that this proposed rule would potentially apply to the P. D. George Company. The company is exempt from the proposed rule, however, because its reactor processes are designed and operated in a batch mode to manufacture polymers. Even though this proposed rule does not apply to the company's processes, it is suggested that the applicability section of this rule be modified to state that the rule applies to installations that have the potential to emit 100 tons per year or more of VOCs.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees to amend the fiscal note accordingly to reflect one less potential source being affected by this rule. A change was made to the rule as a result of this comment.

COMMENT: Commissioner Foresman asked that when referencing other APCP rules applicable to the same VOC emission source that the source be subject only to the more stringent rule, and not the more stringent requirement of each rule. This would lessen the burden to industry and likely result in better compliance.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees to change subsection (1)(C) that contains rule text on multiple rule applicability. A change was made to the rule as a result of this comment.

10 CSR 10-5.550 Control of Volatile Organic Compound Emissions From Reactor Processes and Distillation Operations Processes in the Synthetic Organic Chemical Manufacturing Industry

(1) Applicability.

- (B) Exemptions from the provisions of this rule are as follows:
- 1. Any reactor process or distillation operation that is designed and operated in a batch mode is not subject to the provisions of this rule;
- 2. Any reactor process or distillation operation that is part of a polymer manufacturing operation is not subject to the provisions of this rule;
- 3. Any reactor process or distillation operation operating in a process unit with a total design capacity of less than one (1) gigagram (1,100 tons) per year for all chemicals produced within that unit is not subject to the provisions of this rule except for the reporting and record keeping requirements listed in subsection (4)(D) of this rule; and

- 4. Any vent stream for a reactor process or distillation operation with a flow rate less than 0.0085 standard cubic meter per minute or a total volatile organic compound (VOC) concentration less than five hundred (500) parts per million by volume is not subject to the provisions of this rule except for the performance testing requirement listed in subparagraph (3)(B)3.B., paragraph (3)(B)9. and the reporting and record keeping requirements listed in subsection (4)(C) of this rule.
- (C) In the event that other rules in Title 10 Division 10 of the *Code of State Regulations* are also applicable to reactor processes and distillation operation processes in the chemical manufacturing industry, the more stringent rule shall apply.

(2) Definitions.

(R) Total organic compounds or "TOC"—Those compounds measured according to the procedures of Method 18 of 40 CFR part 60, Appendix A. For the purposes of measuring molar compositions as required in subparagraph (3)(B)3.D.; hourly emissions rate as required in subparagraph (3)(B)5.D. and paragraph (3)(B)2.; and TOC concentration as required in paragraph (4)(A)4. The definition of TOC excluded those compounds that the administrator designates as having negligible photochemical reactivity. The administrator has designated the following organic compounds negligibly reactive: methane; ethane; 1,1,1-trichloroethane; methylene chloride; trichlorofluoromethane; dichlorodifluoromethane; chlorodifluoromethane; trifluoromethane; trichlorotrifluoroethane; dichlorotetrafluoroethane; and chloropentafluoroethane.

(4) Reporting and Record Keeping.

- (B) Each reactor process or distillation operation seeking to comply with paragraph (3)(A)2. of this rule shall also keep records of the following information:
- 1. Any changes in production capacity, feedstock type, or catalyst type, or of any replacement, removal, and addition of recovery equipment or reactors and distillation units; and
- 2. Any recalculation of the flow rate, TOC concentration, or TRE value performed according to paragraph (3)(B)7. of this rule.
- (C) Each reactor process or distillation operation seeking to comply with the flow rate or concentration exemption level in paragraph (1)(B)4. of this rule shall keep records to indicate that the stream flow rate is less than 0.0085 standard cubic meters per minute or the concentration is less than five hundred (500) parts per million by volume.
- (D) Each reactor process or distillation operation seeking to comply with the production capacity exemption level of one (1) gigagram per year shall keep records of the design production capacity and changes in equipment or process operation that may affect design production capacity to the affected process unity.
- (E) All records must be kept on-site for a period of five (5) years and made available to the department upon request.

REVISED PRIVATE COST: This proposed rule will have a private cost of \$1,368,315 in the aggregate. Note attached fiscal note for assumptions that apply.

REVISED FISCAL NOTE PRIVATE ENTITY COST

I. RULE NUMBER

Title: 10	0 - 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
Type of R	Rulemaking: Proposed Rule
Rule Nun	nber and Name: 10 CSR 10-5.550 Control of Volatile Organic Compound Emissions From Reactor Processes and Distillation Operations Processes in the Synthetic Organic Chemical Manufacturing Industry

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the Proposed Rule ¹ :	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities ^{2,3,4,5} :
2 synthetic organic chemical manufacturing industries	reactor and distillation operation processes	\$1,368,315 [*]

^{*}The estimated cost of compliance in the aggregate is calculated for a period of ten (10) years, which is the expected life of the rule.

III. WORKSHEET

Control Options Incinerator	Total Capital Investment \$86,203	Annual Costs \$63,591 per year	
Flare	\$94,502	\$55,170 per year	
TOTAL	\$180,705	\$118,761 per year	

Ten (10) year cost of compliance = \$180,705 + (\$118,761 per year X 10 years) = \$1,368,315

IV. ASSUMPTIONS

- 1. A search of the APCP database was conducted using source classification codes (SCC) for manufacturing operations located in the St. Louis metropolitan area that might contain reactor and distillation operation processes. Emission inventory and permit information was used to determine applicability. In addition, letters were sent to all facilities describing the proposed rule. A total of sixty-seven letters were sent out. The responses received back in time to prepare this fiscal note suggest that the number of facilities likely to be subject to this proposed rule is relatively few. Based upon the available information there are two (2) facilities that may be subject to this proposed rule.
- 2. The control techniques guidelines (CTG) document Control of Volatile Organic Compound Emissions

From Reactor Processes and Distillation Operations Processes in the Synthetic Organic Chemical Manufacturing Industry (EPA-450/4-91-031) was used in estimating fiscal note cost. Chapter 5 and Appendix C of the CTG contain cost analysis and cost calculation to affected entities. The costs used in the CTG manual are in 1990 dollars and have not been adjusted.

- 3. The thermal incinerator system consists of the following equipment: combustion chamber, instrumentation, recuperative heat exchanger, blower, collection fan and ductwork, quench/scrubber system (if applicable), and stack. A scrubber system would be required for halogenated volatile organic compounds. The incinerator is designed to have a control efficiency of 98 percent destruction, an incinerator capacity flow rate range of 500 to 50,000 standard cubic feet per minute, an incinerator temperature of 1,600 °F (2,000 °F for halogenated vent streams), and a chamber residence time of 0.75 seconds (1.00 seconds for halogenated vent streams). Total Capital Investment includes the cost of the equipment and installation costs. Annual Costs include direct operating and maintenance costs as well as annualized capital charges. For a complete cost analysis please consult the CTG document.
- 4. The flare system consists of an elevated, steam-assisted, smokeless flare. This includes a knock-out drum, liquid seal, stack, gas seal, burner tip, pilot burners, and steam jets. The flare is designed to have a control efficiency of 98 percent destruction and a minimum net heating valve value of 300 Btu/standard cubic foot of gas being combusted. Natural gas is the supplemental fuel to maintain the vent stream heating value. Total Capital Investment includes the cost of the equipment and installation costs. Annual Costs include direct operating and maintenance costs and annualized capital charges. The Annual Costs were reduced by a factor of ten (10) from what appears in the CTG document due to what appears to be an error in calculating auxiliary gas cost. For a complete cost analysis please consult the CTG document.
- 5. The cost of compliance for the affected entities is based upon the assumption that an incinerator and a flare control option system will be used. The total annual aggregate cost over the first ten fiscal years is \$136,831.

Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 43—Investment of Nonstate Funds

ORDER OF RULEMAKING

By the authority vested in the Director of Revenue under section 136.120, RSMo 1994, the director amends a rule as follows:

12 CSR 10-43.020 Investment Instruments for Nonstate Funds is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 1999 (24 MoReg 2230). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 43—Investment of Nonstate Funds

ORDER OF RULEMAKING

By the authority vested in the Director of Revenue under section 136.120, RSMo 1994, the director amends a rule as follows:

12 CSR 10-43.030 Collateral Requirements for Nonstate Funds is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 1999 (24 MoReg 2230-2231). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 15—ELECTED OFFICIALS Division 30—Secretary of State Chapter 45—Records Management

ORDER OF RULEMAKING

By the authority vested in the secretary of state's office under sections 59.319, RSMo 1994 and 109.221, RSMo Supp. 1999, the secretary of state rescinds a rule as follows:

15 CSR 30-45.030 Local Records Grant Program Administration is rescinded

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 1, 1999 (24 MoReg 2147). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 15—ELECTED OFFICIALS Division 30—Secretary of State Chapter 45—Records Management

ORDER OF RULEMAKING

By the authority vested in the secretary of state's office under sections 59.319, RSMo 1994 and 109.221, RSMo Supp. 1999, the secretary of state adopts a rule as follows:

15 CSR 30-45.030 Local Records Grant Program Administration is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 1, 1999 (24 MoReg 2147–2149). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS Division 10—The Public School Retirement System of Missouri Chapter 4—Creditable Service

ORDER OF RULEMAKING

By the authority vested in the board of trustees under section 169.020, RSMo Supp. 1999, the board hereby amends a rule as follows:

16 CSR 10-4.010 Membership Service Credit is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 1999 (24 MoReg 2231–2232). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS Division 10—The Public School Retirement System of Missouri

Chapter 5—Retirement, Options, and Benefits

ORDER OF RULEMAKING

By the authority vested in the board of trustees under section 169.020, RSMo Supp. 1999, the board hereby amends a rule as follows:

16 CSR 10-5.010 Service Retirement is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 1999 (24 MoReg 2232–2233). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS Division 10—The Public School Retirement System of Missouri

Chapter 5—Retirement, Options, and Benefits

ORDER OF RULEMAKING

By the authority vested in the board of trustees under section 169.020, RSMo Supp. 1999, the board hereby amends a rule as follows:

16 CSR 10-5.020 Disability Retirement is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 1999 (24 MoReg 2233). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS Division 10—The Public School Retirement System of Missouri

Chapter 5—Retirement, Options, and Benefits

ORDER OF RULEMAKING

By the authority vested in the board of trustees under section 169.020, RSMo Supp. 1999, the board hereby amends a rule follows:

16 CSR 10-5.030 Beneficiary is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 1999 (24 MoReg 2233–2234). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS Division 10—The Public School Retirement System of Missouri

Chapter 5—Retirement, Options, and Benefits

ORDER OF RULEMAKING

By the authority vested in the board of trustees under section 169.020, RSMo Supp. 1999, the board hereby amends a rule follows:

16 CSR 10-5.055 Cost-of-Living Adjustments is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 1999 (24 MoReg 2234–2235). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS Division 10—The Public School Retirement System of Missouri

Chapter 6—The Nonteacher School Employee Retirement System of Missouri

ORDER OF RULEMAKING

By the authority vested in the board of trustees under section 169.610, RSMo 1994, the board hereby amends a rule as follows:

16 CSR 10-6.040 Membership Service Credit is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 1999 (24 MoReg 2235). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS Division 10—The Public School Retirement System of Missouri

Chapter 6—The Nonteacher School Employee Retirement System of Missouri

ORDER OF RULEMAKING

By the authority vested in the board of trustees under section 169.610, RSMo 1994, the board hereby amends a rule as follows:

16 CSR 10-6.060 Service Retirement is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 1999 (24 MoReg 2235–2236). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS Division 10—The Public School Retirement System of Missouri

Chapter 6—The Nonteacher School Employee Retirement System of Missouri

ORDER OF RULEMAKING

By the authority vested in the board of trustees under section 169.610, RSMo 1994, the board hereby amends a rule as follows:

16 CSR 10-6.090 Beneficiary is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 1999 (24 MoReg 2236). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS Division 10—The Public School Retirement System of Missouri Chapter 6—The Nonteacher School Employee Retirement System of Missouri

ORDER OF RULEMAKING

By the authority vested in the board of trustees under section 169.610, RSMo 1994, the board hereby amends a rule as follows:

16 CSR 10-6.100 Cost-of-Living Adjustments is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 1999 (24 MoReg 2236–2237). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

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

ACTIONS TAKEN ON APPLICATIONS FOR NEW GROUPS OR GEOGRAPHIC AREAS

Pursuant to section 370.081(4), RSMo Supp. 1999, the Director of the Missouri Division of Credit Unions is required to cause notice to be published that the director has either granted or rejected applications from the following credit unions to add new groups or geographic areas published in the *Missouri Register* November 1, 1999 (24 MoReg 2647) to their membership and state the reasons for taking these actions.

The following applications have been granted. These credit unions have meet the criteria applied to determine if additional groups may be included in the membership of an existing credit union and have the immediate ability to serve the proposed new groups or geographic areas. The proposed new groups or geographic areas meet the requirements established pursuant to 370.080(2), RSMo Supp. 1999.

Credit Union
Catholic Family Credit Union
222 West 85th Street
Kansas City, MO 64114

Staff, scl
bers of
Church
Staff, scl
bers of

Proposed New Group or Area Staff, school, and family members of St. Louis Catholic Church

Staff, school, and family members of St. Agnes Catholic Church

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

APPLICATION REVIEW SCHEDULE

DATE FILED:

APPLICATION PROJECT NO. & NAME/COST & DESCRIPTION/CITY & COUNTY

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. These applications are available for public inspection at the address shown below.

November 29, 1999

#2898 HS: Jefferson Memorial Hospital \$1,928,000, Replace mobile MRI with fixed unit Crystal City (Jefferson County)

#2906 RS: Branson Assisted Living Ctr. \$2,716,000, Relocate 30 RCF II beds Branson (Taney County) #2859 FS: Cape Radiology Grp., Inc. \$3,226,926, Replace diagnostic imaging center Cape Girardeau (Cape Girardeau County)

#2920 HS: St. Luke's Hospital \$2,688,800, Renov./expand radiology Chesterfield (St. Louis County)

#2924 FS: St. Charles Surgery Affiliates \$4,652,457, Establish ambulatory surgery center O'Fallon (St. Charles County)

Any person wishing to request a public hearing for the purpose of commenting on any of these applications must submit a written request to this effect which must be received at the address listed below by December 29, 1999. All written requests and comments should be sent to:

Chairman

Missouri Health Facilities Review Committee c/o Certificate of Need Program 915 G Leslie Boulevard Jefferson City, MO 65101

For additional information contact Donna Schuessler, 573-751-6403.

Bid Openings

MISSOURI REGISTER

OFFICE OF ADMINISTRATION Division of Purchasing

BID OPENINGS

Sealed Bids in one (1) copy will be received by the Division of Purchasing, Room 580, Truman Building, P.O. Box 809, Jefferson City, MO 65102, telephone (573) 751-2387 at 2:00 p.m. on dates specified below for various agencies throughout Missouri. Bids are available to download via our homepage: http://www.state.mo.us/oa/purch/purch.htm. Prospective bidders may receive specifications upon request.

B1Z00116 X-Ray System: Simple Fixed 1/4/00;

B1Z00108 Laboratory Equipment 1/5/00;

B1Z00112 Medical Equipment Rental 1/5/00;

B1Z00192 Meats-February 1/6/00;

B1Z00201 Building Supplies-Brookfield 1/6/00;

B1Z00202 Plumbing Supplies-Brookfield Area 1/6/00;

B3Z00098 Sexual Assault Victim Services 1/6/00;

B3Z00185 Uniforms: State Parks 1/6/00;

B1Z00190 Truck: 2 Ton 1/7/00;

B1Z00200 Lift: Scissor 1/10/00;

B2Z00043 Software: Report Distribution Solution 1/13/00;

B3Z00106 Vending Services-St. Louis Federal Bldg. 1/13/00;

B2Z00045 Long Distance: Direct Dial/Operator Services 1/14/00;

B3Z00092 Abstinence Only Education 1/14/00;

B3Z00079 Training: Multidisciplinary Core Curriculum 1/18/00;

B3Z00090 Training Services; Mental Health Professional Providers 1/20/00;

B3Z00062 Case Management/Cognitive Restructing Therapy Services 1/24/00;

B3Z00068 Case Management/Co-Occuring Sub Abuse & Mental Health Disorder 1/24/00;

B3Z00063 Family Support Training Program 1/25/00;

B3Z00084 Research Services-Tourism 1/27/00.

B3Z00040 Exhibits; Design, Construct & Install 2/14/00;

It is the intent of the state of Missouri, Division of Purchasing to purchase the following as a single feasible source without competitive bids. If suppliers exist other than the one identified, contact (573) 751-2387 immediately.

- 1.) STROBE Software, supplied by Programart
- 2.) Scriptographic Materials/Booklets, supplied by Channing L. Bete Co.
- 1.) Accreditation Services- Children's Service Program, supplied by Council on Accreditation (COA) of Services for Families and Children, Inc.
- 2.) FORTIS Software, supplied by Information Now technologies.
- 3.) Copyrighted Books and Videotapes, supplied by National Association for the Education of Young Children.

Joyce Murphy, CPPO, Director of Purchasing MISSOURI REGISTER

Rule Changes Since Update to Code of State Regulations

January 3, 2000 Vol. 25, No. 1

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—21 (1996), 22 (1997), 23 (1998) and 24 (1999). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable and RUC indicates a rule under consideration.

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1 CSR 10-15.010	Commissioner of Administration		24 MoReg 2577		24 Mokeg 2555
1 CSR 20-5.010	Personnel Advisory Board		24 MoReg 2578		
1 CSR 20-5.015	Personnel Advisory Board		24 MoReg 2578		
1 CSR 20-5.020	Personnel Advisory Board		24 MoReg 2579		
1 CSR 20-5.025	Personnel Advisory Board		24 MoReg 2580		
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2 CSR 10-5.005	Market Development	24 MoReg 2269			
2 CSR 10-5.010	Market Development		23 MoReg 2676		
2 CSR 60-1.010	Grain Inspection and Warehousing				
2 CSR 60-4.011	Grain Inspection and Warehousing				
2 CSR 60-4.040 2 CSR 60-4.070	Grain Inspection and Warehousing				
2 CSR 60-4.110	Grain Inspection and Warehousing		24 MoReg 2756		
2 CSR 60-4.140	Grain Inspection and Warehousing				
2 CSR 60-4.150	Grain Inspection and Warehousing				
2 CSR 60-4.180	Grain Inspection and Warehousing				
2 CSR 60-5.010	Grain Inspection and Warehousing				
2 CSR 60-5.020	Grain Inspection and Warehousing				
2 CSR 60-5.030	Grain Inspection and Warehousing				
2 CSR 60-5.040	Grain Inspection and Warehousing				
2 CSR 60-5.050	Grain Inspection and WarehousingGrain Inspection and Warehousing		24 MoReg 2760		
2 CSR 60-5.070 2 CSR 60-5.080	Grain Inspection and Warehousing		24 MoReg 2761		
2 CSR 60-5.100	Grain Inspection and Warehousing				
2 CSR 60-5.120	Grain Inspection and Warehousing	• • • • • • • • • • • • • • • • • • • •	24 MoReg 2763		
2 CSR 70-13.010	Plant Industries		24 MoReg 1821	.24 MoReg 2712	
2 CSR 70-13.015	Plant Industries		24 MoReg 1821	.24 MoReg 2712	
2 CSR 70-13.020	Plant Industries		24 MoReg 1822	.24 MoReg 2712	
2 CSR 70-13.025	Plant Industries		24 MoReg 1822	.24 MoReg 2712	
2 CSR 70-13.030	Plant Industries				
2 CSR 70-13.035	Plant Industries				
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2 CSR 80-2.180 2 CSR 100-8.010	State Milk Board	24 MoReg 2073	24 MoDeg 1820D	24 MoDeg 2713D	
2 CSK 100-8.010	Agricultural and Smail Business Admortly	24 WORCE 1767K	24 Moreg 1823K	.24 WORCG 2713K	
2 CCD 10 1 010	DEPARTMENT OF CONSERVATION		24 M.D., 2764		
3 CSR 10-1.010 3 CSR 10-4.115	Conservation Commission		24 MoReg 2/64	24 MoDea 2156	
3 CSK 10-4.113	Conseivation Commission				
3 CSR 10-4.116	Conservation Commission				
5 COR 10 1.110	Conservation Commission				
3 CSR 10-4.125	Conservation Commission		24 MoReg 2583	This Issue	
3 CSR 10-5.205	Conservation Commission		24 MoReg 1486	.24 MoReg 2157	
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3 CSR 10-5.210	Conservation Commission		24 MoReg 2586	This Issue	
3 CSR 10-5.215	Conservation Commission				
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4 CSR 90-13.020	State Board of Cosmetology				
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4 CSR 90-13.060 4 CSR 100	State Board of Cosmetology Division of Credit Unions		24 Mokeg 1724	24 Mokeg 2/13	24 MoReg 2647
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4 CSR 105-1.010	Credit Union Commission		24 MoReg 1829	24 MoReg 2983	Tills Issue
4 CSR 105-2.010	Credit Union Commission	24 MoReg 1787	24 MoReg 1833	24 MoReg 2983	
4 CSR 105-3.010 4 CSR 105-3.020	Credit Union Commission	24 MoReg 1788	24 MoReg 1839	24 MoReg 2983	
4 CSR 105-3.020 4 CSR 105-3.030	Credit Union Commission	24 MoReg 1790	24 MoReg 1839	24 MoReg 2986	
4 CSR 120-2.060	Board of Embalmers and Funeral Di	rectors	24 MoReg 2128	24 MoReg 2986	
4 CSR 120-2.100 4 CSR 150-2.001	Board of Embalmers and Funeral Di State Board of Registration for the He	rectors	24 MoReg 2129	24 MoReg 2987	
4 CSR 150-2.001 4 CSR 150-2.065	State Board of Registration for the Hea	aling Arts	23 MoReg 2566		
4 CSR 150-3.080	State Board of Registration for the He	aling Arts	24 MoReg 1497	24 MoReg 2636	
4 CSR 150-3.200	State Board of Registration for the Head State Board of Registration for Registration for Registration for Registration	aling Arts	24 MoReg 1497	24 MoReg 2636	
4 CSR 150-3.201 4 CSR 150-3.202	State Board of Registration for the Hea	aling Arts	24 MoReg 1498	24 MoReg 2637	
4 CSR 150-3.203	State Board of Registration for the Hea	aling Arts	24 MoReg 1506	24 MoReg 2714	
4 CSR 150-7.300	State Board of Registration for the He	aling Arts	23 MoReg 2703		
4 CSR 150-7.310 4 CSR 165-2.010	State Board of Registration for the Hea Board of Examiners for Hearing Inst	aling Arts	23 MoReg 27II 24 MoReg 1840	24 MoReg 2716	
4 CSR 165-2.030	Board of Examiners for Hearing Inst	rument Specialists	24 MoReg 1840	24 MoReg 2716	
4 CSR 165-2.050	Board of Examiners for Hearing Inst	rument Specialists	24 MoReg 1840	24 MoReg 2717	
4 CSR 195-5.010 4 CSR 195-5.020	Workforce Development		24 MoReg 2314		
4 CSR 195-5.020 4 CSR 195-5.030	Workforce Development				
4 CSR 210-2.060	State Board of Optometry		22 MoReg 1443		
4 CSR 220-2.010	State Board of Pharmacy		24 MoReg 1841	24 MoReg 2837	
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4 CSR 230-2.065	Board of Podiatric Medicine		24 MoReg 2202	This Issue	
4 CSR 235-1.015	State Committee of Psychologists		24 MoReg 2132	This Issue	
4 CSR 235-1.025 4 CSR 235-1.026	State Committee of Psychologists State Committee of Psychologists		24 MoReg 2132	This Issue	
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4 CSR 235-1.060	State Committee of Psychologists		24 MoReg 2134	This Issue	
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4 CSR 240-2.015	Public Service Commission				
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4 CSR 240-2.085	Public Service Commission		24 MoReg 2328		
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4 CSR 240-2.100	Public Service Commission		24 MoReg 2329		
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4 CSR 240-2.110	Public Service Commission		24 MoReg 2330R		
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7 CON 24U-2-113	Public Service Commission				
4 CSR 240-2.116	Public Service Commission		24 MoReg 2332R		
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4 CSR 240-2.125	Public Service Commission				
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4 CSK 240-2.100	Public Service Commission				
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4 CSR 240-32.120	Public Service Commission				
4 CSR 240-33.010	Public Service Commission				
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4 CSR 240-33.040	Public Service Commission		24 MoReg 2351R		
4 CSR 240-33.050	Public Service Commission		24 MoReg 2355R		
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4 CSR 240-33.060	Public Service Commission		24 MoReg 2359R		
4 CSR 240-33.070	Public Service Commission		24 MoReg 2362R		
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4 CSR 240-33.100	Public Service Commission		24 MoReg 2371		
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4 CSR 245-4.020 4 CSR 245-4.050	Real Estate Appraisers				
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4 CSR 263-3.140	Licensed Clinical Social Workers		24 MoReg 2143	24 MoReg 2987	
4 CSR 265-10.025	Division of Motor Carrier and Railroad Saf	ety	24 MoReg 2203	-	
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5 CSR 30-345.020	Division of School Services		24 MoReg 2627		
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5 CSR 80-800.290	Urban and Teacher Education	24 MoReg 2123	24 MoReg 2143	This Issue	
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7 CSR 10-2.010	DEPARTMENT OF TRANSPORTATIO Highways and Transportation Commission		24 MoReg 1367R		
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7 CSR 10-6.085	Highways and Transportation Commission.		24 MoReg 773		
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