

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

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 If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission.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

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

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

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

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

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 2—Air Quality Standards and Air Pollution
Control Rules Specific to the Kansas City Metropolitan
Area**

PROPOSED RESCISSION

10 CSR 10-2.030 Restriction of Emission of Particulate Matter From Industrial Processes. This rule established the restrictions for the emission of particulate matter from industrial processes. If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency for removal from the Missouri State Implementation Plan.

PURPOSE: This regulation is proposed for rescission because it is replaced by the new statewide process weight rule. The RSMo

536.016 requirement for necessity evidence is the adoption of new rule 10 CSR 10-6.400 that replaces this rule.

AUTHORITY: section 203.050, RSMo 1986. Original rule filed Dec. 26, 1968, effective Jan. 5, 1969. Amended: Filed June 30, 1975, effective July 9, 1975. Amended: Filed March 15, 1979, effective Nov. 11, 1979. Amended: Filed July 16, 1979, effective Feb. 11, 1980. Amended: Filed Oct. 13, 1983, effective March 12, 1984. Rescinded: Filed Aug. 4, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rescission will begin at 9:00 a.m., October 26, 2000. The public hearing will be held at the Ramada Inn, 1510 Jefferson Street, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven days prior to the hearing to Roger D. Randolph, Director, Air Pollution Control Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., November 2, 2000. Written comments shall be sent to Chief, Planning Section, Air Pollution Control Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102-0176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 2—Air Quality Standards and Air Pollution
Control Rules Specific to the Kansas City Metropolitan
Area**

PROPOSED RULE

10 CSR 10-2.205 Control of Emissions From Aerospace Manufacture and Rework Facilities. If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency for inclusion in the Missouri State Implementation Plan.

PURPOSE: This rulemaking will reduce volatile organic compound emissions from aerospace manufacture and/or rework facilities located in the Kansas City ozone maintenance area. This rulemaking is required to comply with the Clean Air Act Amendments of 1990. The RSMo 536.016 requirement for necessity evidence is the Kansas City Ozone Maintenance Plan adopted February 3, 1998, and Section 182 of the Clean Air Act.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(1) Applicability.

(A) This rulemaking shall apply throughout Platte, Clay, and Jackson Counties.

(B) The requirements of this rulemaking shall apply to all aerospace manufacture and/or rework facilities with potential emissions

of volatile organic compounds (VOC) exceeding twenty-five (25) tons per year.

(2) Definitions.

(A) Definitions of individual specialty coatings specified in this rule are incorporated by reference from 40 CFR 63 Subpart GG, Appendix A, with the following modifications:

1. Mold release—A coating applied to a mold surface to prevent the mold piece from sticking to the mold as it is removed, or to an aerospace component for purposes of creating a form-in-place seal.

2. Caulking and smoothing compound—A semi-solid material that is used to aerodynamically smooth exterior vehicle surfaces or fill cavities such as bolt hole accesses. A material shall not be classified as a caulking and smoothing compound if it can be classified as a sealant.

(B) Aerospace manufacture and/or rework facility—Any installation that produces, reworks, or repairs in any amount any commercial, civil, or military aerospace vehicle or component.

(C) Aerospace vehicle or component—Any fabricated part, processed part, assembly of parts, or completed unit, with the exception of electronic components, of any aircraft.

(D) Antique aerospace vehicle or component—An aircraft or component thereof that was built at least thirty (30) years ago. An antique aerospace vehicle would not routinely be in commercial or military service in the capacity for which it was designed.

(E) Aqueous cleaning solvent—A cleaning solution in which water is the primary ingredient (greater than eighty percent (80%) by weight of cleaning solvent solution as applied must be water). Detergents, surfactants, and bioenzyme mixtures and nutrients may be combined with the water along with a variety of additives such as organic solvents (e.g. high boiling point alcohols), builders, saponifiers, inhibitors, emulsifiers, pH buffers, and antifoaming agents. Aqueous solutions must have a flash point greater than ninety-three degrees Celsius (93°C) (two hundred degrees Fahrenheit (200°F)) (as reported by the manufacturer) and the solution must be miscible with water.

(F) Chemical milling maskants—A coating that is applied directly to aluminum components to protect surface areas when chemical milling the component with a Type I or Type II etchant. Type I chemical milling maskants are used with a Type I etchant and Type II chemical milling maskants are used with a Type II etchant. This definition does not include bonding maskants, critical use and line sealer maskants, and seal coat maskants. Maskants that must be used with a combination of Type I or Type II etchants and any of the above types of maskants are also not included in this definition.

(G) Energized electrical systems—Any AC or DC electrical circuit on an assembled aircraft once electrical power is connected, including interior passenger and cargo areas, wheel wells, and tail sections.

(H) Flush cleaning—The removal of contaminants such as dirt, grease, and coatings from an aerospace vehicle or component or coating equipment by passing solvent over, into, or through the item being cleaned. The solvent may simply be poured into the item cleaned and then drained, or be assisted by air or hydraulic pressure, or by pumping. Hand-wipe cleaning operations where wiping, scrubbing, mopping, or other hand actions are used are not included in this definition.

(I) General aviation—Segment of civil aviation that encompasses all facets of aviation except air carriers, commuters, and military. General aviation includes charter and corporate-executive transportation, instruction, rental, aerial application, aerial observation, business, pleasure, and other special uses.

(J) General aviation rework facility—Any aerospace installation with the majority of its revenues resulting from the reconstruction, repair, maintenance, repainting, conversion, or alteration of general aviation aerospace vehicles or components.

(K) High volume low pressure (HVL) spray equipment—Spray equipment that is used to apply coating by means of spray gun that operates at ten pounds per square inch gauge (10 psig) of atomizing air pressure or less at the air cap.

(L) Low vapor pressure hydrocarbon-based cleaning solvent—A cleaning solvent that is composed of a mixture of photochemically reactive hydrocarbons and oxygenated hydrocarbons and has a maximum vapor pressure of seven millimeters of mercury (7 mmHg) at twenty degrees Celsius (20°C). These cleaners must not contain hazardous air pollutants.

(M) Primer—The first layer and any subsequent layers of identically formulated coating applied to the surface of an aerospace vehicle or component. Primers are typically used for corrosion prevention, protection from the environment, functional fluid resistance, and adhesion of subsequent coatings. Primers that are defined as specialty coatings are not included under this definition.

(N) Self-priming topcoat—A topcoat that is applied directly to an uncoated aerospace vehicle or component for purposes of corrosion prevention, environmental protection, and function fluid resistance. More than one (1) layer of identical coating formulation may be applied to the vehicle or component.

(O) Semi-aqueous cleaning solvent—A solution in which water is a primary ingredient (greater than sixty percent (60%) by weight of the solvent solution as applied must be water).

(P) Specialty coating—A coating that, even though it meets the definition of a primer, topcoat, or self-priming topcoat, has additional performance criteria beyond those of primers, topcoats, and self-priming topcoats for specific applications. These performance criteria may include, but are not limited to, temperature or fire resistance, substrate compatibility, antireflection, temporary protection or marking, sealing, adhesively joining substrates, or enhanced corrosion protection.

(Q) Topcoat—A coating that is applied over a primer on an aerospace vehicle or component for appearance, identification, camouflage, or protection. Topcoats that are defined as specialty coatings are not included under this definition.

(R) Touch-up and repair operation—That portion of the coating operation that is the incidental application of coating used to cover minor imperfections in the coating finish or to achieve complete coverage. This definition includes out-of-sequence or out-of-cycle coating.

(S) Type I etchant—A chemical milling etchant that contains varying amounts of dissolved sulfur and does not contain amines.

(T) Type II etchant—A chemical milling etchant that is a strong sodium hydroxide solution containing amines.

(U) Definitions of certain terms specified in this rule, other than those specified in this rule section, may be found in 10 CSR 10-6.020.

(3) General Provisions.

(A) No person shall cause, permit, or allow the emissions of VOC from the coating of aerospace vehicles or components to exceed—

1. 2.9 pounds per gallon (350 grams per liter) of coating, excluding water and exempt solvents delivered to a coating applicator that applies primers. For general aviation rework facilities, the VOC limitation shall be 4.5 pounds per gallon of coating, excluding water and exempt solvents, delivered to a coating applicator that applies primers;

2. 3.5 pounds per gallon (420 grams per liter) of coating, excluding water and exempt solvents, delivered to a coating applicator that applies topcoats (including self-priming topcoats). For general aviation rework facilities, the VOC limit shall be 4.5 pounds per gallon (540 grams per liter) of coating, excluding water and exempt solvents, delivered to a coating applicator that applies topcoats (including self-priming topcoats);

3. The VOC content limits listed in Table I expressed in pounds per gallon of coating, excluding water and exempt solvents delivered to a coating applicator that applies specialty coatings;

Table I: Specialty Coating VOC Limitations	Pounds per gallon	Grams per liter
Ablative Coating	5.0	600
Adhesion Promoter	7.4	890
Adhesive Bonding Primers:		
Cured at 250°F or below	7.1	850
Cured above 250°F	8.6	1030
Adhesives:		
Commercial Interior Adhesive	6.3	760
Cyanoacrylate Adhesive	8.5	1020
Fuel Tank Adhesive	5.2	620
Nonstructural Adhesive	3.0	360
Rocket Motor Bonding Adhesive	7.4	890
Rubber-Based Adhesive	7.1	850
Structural Autoclavable Adhesive	0.5	60
Structural Nonautoclavable Adhesive	7.1	850
Antichafe Coating	5.5	660
Bearing Coating	5.2	620
Caulking and Smoothing Compounds	7.1	850
Chemical Agent-Resistant Coating	4.6	550
Clear Coating	6.0	720
Commercial Exterior Aerodynamic Structure Primer	5.4	650
Compatible Substrate Primer	6.5	780
Corrosion Prevention Compound	5.9	710
Cryogenic Flexible Primer	5.4	645
Cryoprotective Coating	5.0	600
Dry Lubricative Material	7.3	880
Electric or Radiation-Effect Coating	6.7	800
Electrostatic Discharge and Electromagnetic Interference (EMI) Coating	6.7	800
Elevated Temperature Skydrol Resistant Commercial Primer	6.2	740
Epoxy Polyamide Topcoat	5.5	660
Fire-Resistant (interior) Coating	6.7	800
Flexible Primer	5.3	640
Flight-Test Coatings:		
Missile or Single Use Aircraft	3.5	420
All Others	7.0	840
Fuel-Tank Coating	6.0	720
High-Temperature Coating	7.1	850
Insulation Covering	6.2	740
Intermediate Release Coating	6.3	750
Lacquer	6.9	830
Maskant:		
Bonding Maskant	10.3	1230
Critical Use and Line Sealer Maskant	8.5	1020
Seal Coat Maskant	10.3	1230
Metallized Epoxy Coating	6.2	740
Mold Release	6.5	780
Optical Anti-Reflective Coating	6.3	750
Part Marking Coating	7.1	850
Pretreatment Coating	6.5	780
Rain Erosion-Resistant Coating	7.1	850
Rocket Motor Nozzle Coating	5.5	660
Scale Inhibitor	7.3	880
Screen Print Ink	7.0	840
Sealants:		
Extrudable/Rollable/Brushable Sealant	2.3	280
Sprayable Sealant	5.0	600
Silicone Insulation Material	7.1	850
Solid Film Lubricant	7.3	880
Specialized Function Coating	7.4	890
Temporary Protective Coating	2.7	320
Thermal Control Coating	6.7	800
Wet Fastener Installation Coating	5.6	675
Wing Coating	7.1	850

4. 5.2 pounds per gallon (620 grams per liter) of coating, excluding water and exempt solvents, delivered to a coating applicator that applies Type I chemical milling maskant; and

5. 1.3 pounds per gallon (150 grams per liter) of coating, excluding water and exempt solvents, delivered to a coating applicator that applies Type II chemical milling maskants.

(B) The emission limitations in subsection (3)(A) of this rule shall be achieved by—

1. The application of low solvent coating technology where each and every coating meets the specified applicable limitation expressed in pounds of VOC per gallon of coating, excluding water and exempt solvents, stated in subsection (3)(A) of this rule;

2. The application of low solvent coating technology where the monthly volume-weighted average VOC content of each specified coating type meets the specified applicable limitation expressed in pounds of VOC per gallon of coating, excluding water and exempt solvents, stated in subsection (3)(A) of this rule; averaging is not allowed for specialty coatings, and averaging is not allowed between primers, topcoats (including self-priming topcoats), Type I milling maskants, and Type II milling maskants or any combination of the above coating categories; or

3. Control equipment, including but not limited to incineration, carbon adsorption and condensation, with a capture system approved by the director, provided that the owner or operator demonstrates, in accordance with subsection (5)(C), that the control system has a VOC reduction efficiency of eighty-one percent (81%) or greater.

(C) Each owner or operator of an aerospace manufacturing and/or rework operation shall apply all non-exempt primers and topcoats using one (1) or more of the application techniques specified below—

1. Flow/curtain application;
2. Dip coat application;
3. Roll coating;
4. Brush coating;
5. Cotton-tipped swab application;
6. Electrodeposition (dip) coating;
7. HVLP spraying;
8. Electrostatic spray application; or

9. Other coating application methods that achieve emission reductions equivalent to HVLP or electrostatic spray application methods, as determined by the director.

(D) Each owner or operator of an aerospace manufacturing and/or rework operation shall ensure that all application devices used to apply primers and topcoats (including self-priming topcoats) are operated according to company procedures, local specified operating procedures, and/or the manufacturer's specifications, whichever is most stringent, at all times. Equipment modified by the owner or operator shall maintain a transfer efficiency equivalent to HVLP or electrostatic spray application techniques.

(E) Each owner or operator of an aerospace manufacturing and/or rework operation shall comply with the following house-keeping requirements for any affected cleaning operation, unless the cleaning solvent used is an aqueous cleaning solvent, low vapor pressure hydrocarbon-based cleaning solvent, or contains less than one percent (1%) VOC by weight:

1. Solvent-laden cloth, paper, or any other absorbent applicators used for cleaning shall be placed in bags or other closed containers upon completing their use. These bags and containers must be kept closed at all times except when depositing or removing these materials from the container. The bags and containers used must be of such a design so as to contain the vapors of the cleaning solvent. Cotton-tipped swabs used for very small cleaning operations are exempt from this requirement;

2. All fresh and spent cleaning solvents, except semi-aqueous solvent cleaners, used in aerospace cleaning operations shall be stored in closed containers; and

3. The handling and transfer of cleaning solvent to or from enclosed systems, vats, waste containers, and other cleaning operation equipment that hold or store fresh spent cleaning solvents shall be conducted in such a manner that spills are minimized.

(F) Each owner or operator of an aerospace manufacturing and/or rework operation utilizing hand-wipe cleaning operations excluding the cleaning of spray gun equipment performed in accordance with subsection (3)(G) shall comply with one (1) of the following:

1. Utilize cleaning solvent solutions that are classified as an aqueous cleaning solvent and/or a low vapor pressure hydrocarbon-based cleaning solvent; or

2. Utilize cleaning solvent solutions that have a composite vapor pressure of forty-five (45) mmHg or less at twenty degrees Celsius (20°C).

(G) Each owner or operator of an aerospace manufacturing and/or rework operation shall clean all spray guns used in the application of primers, topcoats (including self-priming topcoats), and specialty coatings utilizing one or more of the following techniques:

1. Enclosed system. Spray guns shall be cleaned in an enclosed system that is closed at all times except when inserting or removing the spray gun. Cleaning shall consist of forcing cleaning solvent through the gun. If leaks in the system are found, repairs shall be made as soon as practicable, but no later than fifteen (15) days after the leak was found. If the leak is not repaired by the fifteenth day after detection, the cleaning solvent shall be removed and the enclosed cleaner shall be shut down until the leak is repaired or its use is permanently discontinued;

2. Nonatomized cleaning. Spray guns shall be cleaned by placing cleaning solvent in the pressure pot and forcing it through the gun with the atomizing cap in place. No atomizing air is to be used. The cleaning solvent from the spray gun shall be directed into a vat, drum, or other waste container that is closed when not in use;

3. Disassembled spray gun cleaning. Spray guns shall be cleaned by disassembling and cleaning the components by hand in a vat, which shall remain closed at all times except when in use. Alternatively, the components shall be soaked in a vat, which shall remain closed during the soaking period and when not inserting or removing components; and

4. Atomizing cleaning. Spray guns shall be cleaned by forcing the cleaning solvent through the gun and directing the resulting atomized spray into a waste container that is fitted with a device designed to capture the atomized cleaning solvent emissions.

(H) Each owner or operator of an aerospace manufacturing and/or rework operation that includes a flush cleaning operation shall empty the used cleaning solvents each time aerospace parts or assemblies, or components of a coating unit with the exception of spray guns are flush cleaned into an enclosed container or collection system that is kept closed when not in use or into a system with equivalent emission control approved by the director. Aqueous, semi-aqueous, and low vapor pressure hydrocarbon-based solvent materials are exempt from the requirements of this section.

(I) The following activities are exempt from this section:

1. Research and development;

2. Quality control;

3. Laboratory testing activities;

4. Chemical milling;

5. Metal finishing;

6. Electrodeposition except for the electrodeposition of paints;

7. Composites processing except for cleaning and coating of composite parts or components that become part of an aerospace vehicle or component as well as composite tooling that comes in contact with such composite parts or components prior to cure;

8. Electronic parts and assemblies except for cleaning and topcoating of completed assemblies;

9. Manufacture of aircraft transparencies;

10. Wastewater treatment operations;

11. Manufacturing and rework of parts and assemblies not critical to the vehicle's structural integrity or flight performance;

12. Regulated activities associated with space vehicles designed to travel beyond the limit of the earth's atmosphere, including but not limited to satellites, space stations, and the space shuttle;

13. Utilization of primers, topcoats, specialty coatings, cleaning solvents, chemical milling maskants, and strippers containing VOC at concentrations less than 0.1 percent for carcinogens or 1.0 percent for noncarcinogens;

14. Utilization of touch-up, aerosol can, and Department of Defense classified coatings;

15. Maintenance and rework of antique aerospace vehicles and components; and

16. Rework of aircraft or aircraft components if the holder of the Federal Aviation Administration design approval, or the holder's licensee, is not actively manufacturing the aircraft or aircraft components.

(J) The requirements for primers, topcoats, specialty coatings, and chemical milling maskants specified in subsection (3)(A) of this rule do not apply to the use of low-volume coatings in these categories for which the rolling twelve (12)-month total of each separate formulation used at an installation does not exceed fifty (50) gallons, and the combined rolling twelve (12)-month total of all such primers, topcoats, specialty coatings, and chemical milling maskants used does not exceed two hundred (200) gallons. Coatings exempted under subsection (3)(I) of this rule are not included in the fifty (50)- and two hundred (200)-gallon limits.

(K) The following situations are exempt from the requirements of subsections (3)(D) and (3)(E) of this rule:

1. Any situation that normally requires the use of an airbrush or an extension on the spray gun to properly reach limited access spaces;

2. The application of any specialty coating;

3. The application of coatings that contain fillers that adversely affect atomization with HVLP spray guns and that cannot be applied by any of the application methods specified in subsection (3)(C) of this rule;

4. The application of coatings that normally have dried film thickness of less than 0.0013 centimeter (0.0005 in.) and that cannot be applied by any of the application methods specified in subsection (3)(C) of this rule;

5. The use of airbrush application methods for stenciling, lettering, and other identification markings;

6. The use of hand-held spray can application methods; and

7. Touch-up and repair operations.

(L) The following cleaning operations are exempt from the requirements of subsection (3)(F) of this rule:

1. Cleaning during the manufacture, assembly, installation, maintenance, or testing of components of breathing oxygen systems that are exposed to the breathing oxygen;

2. Cleaning during the manufacture, assembly, installation, maintenance, or testing of parts, subassemblies, or assemblies that are exposed to strong oxidizers or reducers (e.g., nitrogen tetroxide, liquid oxygen, or hydrazine);

3. Cleaning and surface activation prior to adhesive bonding;

4. Cleaning of electronic parts and assemblies containing electronic parts;

5. Cleaning of aircraft and ground support equipment fluid systems that are exposed to the fluid including air-to-air heat exchangers and hydraulic fluid systems;

6. Cleaning of fuel cells, fuel tanks, and confined spaces;

7. Surface cleaning of solar cells, coating optics, and thermal control surfaces;

8. Cleaning during fabrication, assembly, installation, and maintenance of upholstery, curtains, carpet, and other textile materials used in the interior of the aircraft;

9. Cleaning of metallic and non-metallic materials used in honeycomb cores during the manufacture or maintenance of these cores, and cleaning of the completed cores used in the manufacture or maintenance of aerospace vehicles or components;

10. Cleaning of aircraft transparencies, polycarbonate, or glass substrates;

11. Cleaning and solvent usage associated with research and development, quality control, and laboratory testing;

12. Cleaning operations, using nonflammable liquids, conducted within five feet (5') of energized electrical systems; and

13. Cleaning operations identified as essential uses under the Montreal Protocol for which the U.S. Environmental Protection Agency has allocated essential use allowances or exemptions.

(4) Reporting and Record Keeping.

(A) Monitoring Requirements—Each owner or operator of an aerospace manufacturing and/or rework operation shall submit a monitoring plan to the director that specifies the applicable operating parameter value, or range of values, to ensure ongoing compliance with paragraph (3)(B)3. of this rule. Any monitoring device, required by the monitoring plan, shall be installed, calibrated, operated, and maintained in accordance with the manufacturer's specifications.

(B) Record Keeping Requirements.

1. Each owner or operator of an aerospace manufacture and/or rework operation that applies coatings listed in subsection (3)(A) of this rule shall—

A. Maintain a current list of coatings in use with category and VOC content as applied;

B. Record each coating volume usage on a monthly basis; and

C. Maintain records of monthly volume-weighted average VOC content for each coating type included in averaging for coating operations that achieve compliance through coating averaging under paragraph (3)(B)2. of this rule.

2. Each owner or operator of an aerospace manufacture and/or rework operation that uses cleaning solvents subject to this rule shall—

A. Maintain a list of materials with corresponding water contents for aqueous and semi-aqueous hand-wipe cleaning solvents;

B. Maintain a current list of cleaning solvents in use with their respective vapor pressure or, for blended solvents, VOC composite vapor pressure for all vapor pressure compliant hand-wipe cleaning solvents. This list shall include the monthly amount of each applicable solvent used; and

C. Maintain a current list of exempt hand-wipe cleaning processes for all cleaning solvents with a vapor pressure greater than forty-five (45) mmHg used in exempt hand-wipe cleaning operations. This list shall include the monthly amount of each applicable solvent used.

D. All records must be kept on-site for a period of five (5) years and made available to the department upon request.

(5) Test Methods.

(A) An owner or operator of an aerospace manufacture and/or rework operation shall determine compliance for coatings which are not waterborne (water-reducible), determine the VOC content of each formulation less water and less exempt solvents as applied using manufacturer's supplied data or Method 24 of 40 CFR part 60, Appendix A. If there is a discrepancy between the manufacturer's formulation data and the results of the Method 24 analysis, compliance shall be based on the results from the Method 24 analysis. For waterborne (water-reducible) coatings, manufactur-

er's supplied data alone can be used to determine the VOC content of each formulation.

(B) An owner or operator of an aerospace manufacture and/or rework operation shall determine compliance for cleaning solvents using the following:

1. For aqueous and semi-aqueous cleaning solvents manufacturers' supplied data shall be used to determine the water content; or

2. For hand-wipe cleaning solvents required in subsection (3)(F) of this rule, manufacturers' supplied data or standard engineering reference texts or other equivalent methods shall be used to determine the vapor pressure or VOC composite vapor pressure for blended cleaning solvents.

(C) An owner or operator of an aerospace manufacture and/or rework operation electing to demonstrate compliance with this rule by use of control equipment meeting the requirements of paragraph (3)(B)3. of this rule, shall demonstrate the required capture efficiency in accordance with EPA methods 18, 25, and/or 25A in 40 CFR 60, Appendix A.

AUTHORITY: section 643.050, RSMo Supp. 1999. Original rule filed Aug. 4, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will cost private entities \$15,000 over the lifetime of the rule.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rule will begin at 9:00 a.m., October 26, 2000. The public hearing will be held at the Ramada Inn, 1510 Jefferson Street, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven days prior to the hearing to Roger D. Randolph, Director, Air Pollution Control Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., November 2, 2000. Written comments shall be sent to Chief, Planning Section, Air Pollution Control Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102-0176

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 10 – Department of Natural Resources

Division: 10 - Air Conservation Commission

Chapter: 2 - Air Quality Standards and Air Pollution Control Rules Specific to the Kansas City Metropolitan Area

Type of Rulemaking: Proposed Rule

Rule Number and Name: 10 CSR 10-2.205 - Control of Emissions from Aerospace Manufacture and Rework Facilities

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the Proposed Rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
2	Aerospace Manufacture and Rework Operations	\$15,000

III. WORKSHEET

The department estimates \$750 annual cost per facility for compliance costs incurred due to this rule.

IV. ASSUMPTIONS

1. The department assumed that there are two facilities that meet the applicability requirements of this rule.
2. Cost estimates were based on cost estimates reported for a similar rulemaking in the St. Louis Ozone Nonattainment area.
3. The cost is reported as aggregate.
4. This rule is estimated to have a ten (10) year lifetime.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 3—Air Pollution Control Rules Specific to the
Outstate Missouri Area

PROPOSED RESCISSION

10 CSR 10-3.050 Restriction of Emission of Particulate Matter From Industrial Processes. This rule established the restrictions for the emission of particulate matter from industrial processes. If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency for removal from the Missouri State Implementation Plan.

PURPOSE: This regulation is proposed for rescission because it is replaced by the new statewide process weight rule. The RSMo 536.016 requirement for necessity evidence is the adoption of new rule 10 CSR 10-6.400 that replaces this rule.

AUTHORITY: section 643.050, RSMo Supp. 1998. Original rule filed March 24, 1971, effective April 3, 1971. Amended: Filed Jan. 31, 1972, effective Feb. 10, 1972. Amended: Filed June 30, 1975, effective July 10, 1975. Amended: Filed Aug. 16, 1977, effective Feb. 11, 1978. Amended: Filed May 12, 1978, effective Oct. 11, 1978. Amended: Filed March 15, 1979, effective Nov. 11, 1979. Amended: Filed Oct. 11, 1983, effective March 12, 1984. Amended: Filed June 15, 1998, effective Jan. 30, 1999. Amended: Filed Feb. 16, 1999, effective Sept. 30, 1999. Emergency amendment filed March 26, 1999, effective April 5, 1999, expired Oct. 1, 1999. Rescinded: Filed Aug. 4, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rescission will begin at 9:00 a.m., October 26, 2000. The public hearing will be held at the Ramada Inn, 1510 Jefferson Street, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven days prior to the hearing to Roger D. Randolph, Director, Air Pollution Control Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., November 2, 2000. Written comments shall be sent to Chief, Planning Section, Air Pollution Control Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102-0176.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 4—Air Quality Standards and Air Pollution
Control Regulations for the Springfield-Greene County
Area

PROPOSED RESCISSION

10 CSR 10-4.030 Restriction of Emissions of Particulate Matter From Industrial Processes. This rule established the restrictions for the emission of particulate matter from industrial processes. If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency for removal from the Missouri State Implementation Plan.

PURPOSE: This regulation is proposed for rescission because it is replaced by the new statewide process weight rule. The RSMo 536.016 requirement for necessity evidence is the adoption of new rule 10 CSR 10-6.400 that replaces this rule.

AUTHORITY: section 203.050, RSMo 1986. Original rule filed Dec. 5, 1969, effective Dec. 15, 1969. Amended: Filed June 30, 1975, effective July 10, 1975. Amended: Filed March 15, 1979, effective Nov. 11, 1979. Amended: Filed Oct. 13, 1983, effective March 12, 1984. Rescinded: Filed Aug. 4, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rescission will begin at 9:00 a.m., October 26, 2000. The public hearing will be held at the Ramada Inn, 1510 Jefferson Street, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven days prior to the hearing to Roger D. Randolph, Director, Air Pollution Control Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., November 2, 2000. Written comments shall be sent to Chief, Planning Section, Air Pollution Control Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102-0176.

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

PROPOSED RESCISSION

10 CSR 10-5.050 Restriction of Emission of Particulate Matter From Industrial Processes. This rule established the restrictions for the emission of particulate matter from industrial processes. If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency for removal from the Missouri State Implementation Plan.

PURPOSE: This regulation is proposed for rescission because it is replaced by the new statewide process weight rule. The RSMo 536.016 requirement for necessity evidence is the adoption of new rule 10 CSR 10-6.400 that replaces this rule.

AUTHORITY: section 643.050, RSMo 1994. Original rule filed March 14, 1967, effective March 24, 1967. Amended: Filed June 30, 1975, effective July 10, 1975. Amended: Filed March 15, 1979, effective Nov. 11, 1979. Amended: Filed Oct. 13, 1983, effective March 12, 1984. Rescinded: Filed Aug. 4, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rescission will begin at 9:00 a.m., October 26, 2000. The public hearing will be held at the Ramada Inn, 1510 Jefferson Street, Jefferson City,

Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven days prior to the hearing to Roger D. Randolph, Director, Air Pollution Control Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., November 2, 2000. Written comments shall be sent to Chief, Planning Section, Air Pollution Control Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102-0176.

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

PROPOSED AMENDMENT

10 CSR 10-5.375 Motor Vehicle Emission Inspection Waiver. The commission proposes to amend the proposed rule purpose and sections (1) and (2). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule in the Missouri State Implementation Plan.

PURPOSE: This amendment replaces the Missouri State Highway Patrol inspector/mechanic with qualified repair technician, removes the waiver time constraint, and changes the applicability to just Franklin County. The RSMo 536.016 requirement for necessity evidence is RSMo 307.366, Missouri State Highway Patrol rule II CSR 50-2.400 and the inspection and maintenance contract.

PURPOSE: This rule complies with section 307.366.4, RSMo. It specifies the procedures and limits for receiving a waiver after failing a motor vehicle emission reinspection in the basic inspection and maintenance program as established under II CSR 50-2.400.

(1) Applicability. This rule shall apply to all motor vehicles powered exclusively or in part by gasoline which are registered after January 1, 1997, in [the counties of] Franklin[,] County [St. Charles, Jefferson, St. Louis and the City of St. Louis] and that have failed an emission reinspection.

(2) Issuance of a Waiver.

(A) A vehicle which has failed an emission reinspection will be issued a waiver under the following conditions:

[1. A maximum of twenty (20) days has not elapsed since the original inspection, excluding Saturdays, Sundays and state holidays;]

[2.]1. The subject vehicle has failed the initial emission inspection, has had repairs made appropriate to the test failure, and has failed an emission reinspection;

[3.]2. The vehicle operator shall take the vehicle to a state quality assurance/waiver facility and shall present to the department representative the emission analyzer computer generated State of Missouri Vehicle Inspection Certificate, stating that the vehicle presented has failed the initial emission inspection and all subsequent emission reinspections;

[4.]3. The vehicle operator shall present all itemized receipts of qualified repairs. The dollar value shall be sufficient to meet the limits established for the model year of the vehicle and were made between the initial inspection rejection and the reinspection rejections. Qualified repairs are those pertaining to the emissions failure only, and whose total costs are determined from itemized receipts for parts repaired/replaced and/or qualified labor costs;

[5.]4. To the extent practical, the department representative will visually verify that repairs were made and parts were repaired/replaced as claimed. A waiver affidavit/authorization will be issued by the department representative upon determination the qualified repair costs meet the established limits; and

[6.]5. The vehicle operator returns to the original safety/emission inspection station for the affixing of the emission sticker to the vehicle.

(B) The amount spent on qualifying repairs shall—

1. Not be less than seventy-five dollars (\$75) for pre-1981 model year vehicles;

2. Not be less than two hundred dollars (\$200) for 1981 and all subsequent model year vehicles;

3. Be inclusive of parts and/or labor costs paid for qualifying emission repair services, where applicable. Qualified labor costs which may be applied toward a waiver are those labor costs incurred from [Missouri State Highway Patrol (MSHP) licensed inspector/mechanics] a **qualified repair technician**. Qualified labor costs shall be applied toward a waiver. For qualifying emission repair services performed by someone other than [an MSHP licensed inspector/mechanic] a **qualified repair technician**, parts costs, but not labor costs, shall be counted toward the established waiver minimums;

4. Only include items determined to be appropriate as a possible cause of the test failure;

5. Not include the fee for an emission inspection;

6. Not include charges for obtaining a written estimate of needed repairs;

7. Not include charges for checking for the presence of emission control devices;

8. Not include costs for repairs performed on the vehicle before the initial inspection failure;

9. Not include expenses which are incurred for the repair of emission control devices which have been found to be tampered with, rendered inoperative, or removed; and

10. Not include costs for emissions repairs or adjustments covered by an automobile manufacturer's warranty, insurance policy, or contractual maintenance agreement. The emissions repair costs covered by warranty, insurance, or maintenance agreements shall be separated from other emissions repair costs and shall not be applied toward the waiver cost limitations. The operator of a vehicle within the statutory age and mileage coverage under subsection 207(b) of the federal Clean Air Act shall present from the manufacturer or authorized dealer a written denial of warranty coverage, with a complete explanation, in order for this provision to be waived.

(C) The vehicle operator shall present the original of all itemized repair receipts at the state quality assurance/waiver facility to demonstrate compliance with the qualifying dollar amount. The repair receipts shall—

1. Include the name, address, and phone number of the repair facility;

2. Describe the repairs that were performed;

3. State the labor costs (where applicable) and parts costs for each repair; and

4. Include the name (printed or typed), signature and if applicable the [MSHP inspector] **qualified repair technician** ID number of the [inspector/mechanic] **repair technician** that performed [or supervised] the repair work.

AUTHORITY: section 307.366.4, RSMo Supp. [1996] 1999. Original rule filed Jan. 14, 1997, effective Aug. 30, 1997. Amended: Filed Aug. 4, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities about \$22,304 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., October 26, 2000. The public hearing will be held at the Ramada Inn, 1510 Jefferson Street, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven days prior to the hearing to Roger D. Randolph, Director, Air Pollution Control Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., November 2, 2000. Written comments shall be sent to Chief, Planning Section, Air Pollution Control Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102-0176.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

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

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 10 CSR 10-5.375 - Motor Vehicle Emission Inspection Waiver

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
328	Franklin County Automobile Repair Technicians	\$22,304

III. WORKSHEET

YEAR	# OF REPAIR TECHNICIANS	# OF ASE CERTIFICATIONS	COST OF CERTIFICATION
2000	287	95	\$ 6,460
2001	292	148	\$10,064
2002	297	41	\$ 2,788
2003	302	14	\$ 952
2004	307	7	\$ 476
2005	313	6	\$ 408
2006	318	6	\$ 408
2007	324	5	\$ 340
2008	329	6	\$ 408
TOTAL		328	\$22,304

IV. ASSUMPTIONS

1. In 1990 the U.S. census showed 242 automobile repair technicians in Franklin county.
2. Assume that the repair technician's growth is the same as the population's growth rate, which is approximately 1.725% a year.
3. Assume that during the first year of the program 33% of the repair technicians will get ASE certifications.
4. Assume that every year after the first year an additional 75% will get ASE certifications.
5. The current ASE testing fee for A6 and A8 is \$68 dollars and is assumed to be the same for the life of the rule.

6. Emission inspections will begin April 5, 2000 and end September 1, 2007.

Note: This finalized fiscal note cost is the same as the preliminary costs for Franklin County automobile repair technicians in the Proposed Amendment 11 CSR 50-2.400 Emission Test Procedures that was published in Vol. 25, Missouri Register, Page 288.

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

PROPOSED AMENDMENT

10 CSR 10-6.120 Restriction of Emissions of Lead From Specific Lead Smelter-Refinery Installations. The commission proposes to amend subsections (2)(A) and (2)(B). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule that is in the Missouri State Implementation Plan.

PURPOSE: This amendment incorporates a new emission limit for the main stack at the Doe Run primary lead smelter located in Herculaneum, Missouri. The name of the smelter located in Glover, Missouri, is also being changed to reflect a change in ownership. The evidence supporting the need for this proposed rule-making, per section 536.016, RSMo, is the Environmental Protection Agency's letters to the governor and Federal Register notices for failure to attain the lead standard and failure to submit a state implementation plan.

(2) Provisions Pertaining to Limitations of Lead Emissions from Specific Installations.

(A) [ASARCO] Doe Run Primary Lead Smelter-Refinery at Glover, Missouri.

1. This installation shall limit lead emissions into the atmosphere to the allowable amount as shown in Table IA.

Table IA

Stack Names	Emissions Limitation (lbs per 24 hours)
Main	184.2
Ventilation Baghouse	125.4
Blast Furnace	82.3

2. Fugitive lead emissions from lead production processes.

A. This installation shall limit production of lead from processes that emit lead to the ambient air to the allowable amount as shown in Table IB and Table IC.

Table IB

Process Name	Throughput (tons per calendar quarter)
Sinter Plant—Material across Sinter Machine	202,000
Blast Furnace—Lead Bearing Material	75,000

Table IC

Process Name	Throughput (tons per day)
Sinter Plant/-/—Material across Sinter Machine	3,120

B. Record /k/Keeping. The operator shall keep records of daily process throughput corresponding with the processes in Table IB in subparagraph (2)(A)2.A. These records shall be maintained on-site for at least three (3) years and made available upon request of the director.

(B) Doe Run Primary Lead Smelter-Refinery in Herculaneum, Missouri. This installation shall limit lead emissions into the atmosphere to the allowable amount as shown in Table II.

Table II

Stack Name	Emissions Limitation⁽¹⁾ (lbs per 24 hours)
[Sinter Plant Southend Baghouse Main Stack	3.6] [446.6] 1,361.9
[Sinter Plant Crusher Stack Smooth Rolls Baghouse	21.8 2.2]

AUTHORITY: sections 643.050[, RSMo Supp. 1997] and 643.055, RSMo [1994] Supp. 1999. Original rule filed Aug. 4, 1988, effective Dec. 29, 1988. Amended: Filed Sept. 5, 1990, effective March 14, 1991. Amended: Filed March 4, 1993, effective Oct. 10, 1993. Amended: Filed Aug. 3, 1993, effective April 9, 1994. Amended: Filed Feb. 16, 1994, effective Aug. 28, 1994. Amended: Filed Nov. 14, 1995, effective June 30, 1996. Amended: Filed March 16, 1998, effective Oct. 30, 1998. Amended: Filed Aug. 11, 2000.

PUBLIC COST: This proposed amendment will cost \$1,770 in FY2001. For the years after FY2001, the annualized aggregate cost is \$7,080 for the life of the rule.

PRIVATE COST: This proposed amendment will cost \$30,129,680 for calendar years 1995 through 2002. For the years after 2002, the annualized aggregate cost is \$913,600 for the life of the rule.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., October 26, 2000. The public hearing will be held at the Ramada Inn, 1510 Jefferson Street, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven days prior to the hearing to Roger D. Randolph, Director, Air Pollution Control Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., November 2, 2000. Written comments shall be sent to Chief, Planning Section, Air Pollution Control Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102-0176.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBERTitle: 10 – Department of Natural ResourcesDivision: 10 – Air Conservation CommissionChapter: 6 – Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control
Regulations for the Entire State of MissouriType of Rulemaking: Proposed AmendmentRule Number and Name: 10 CSR 10-6.120 Restriction of Emissions of Lead From Primary Lead Smelter-Refinery
Installations**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
MDNR – Air Pollution Control Program & Southeast Regional Office	\$7,080 Total Annual Aggregate Costs

III. WORKSHEET

	FY 2001	FY 2002
Missouri Department of Natural Resources		
Air Pollution Control Program, Environmental Engineer III	(3 mos)	
Base Wages \$45,156 x 0.05 FTE =	\$ 564	\$2,258
Expense and Equipment \$8,114 x 0.05 =	\$ 101	\$ 406
Fringe Benefits \$45,156 x 26.4% x 0.05 =	\$ 149	\$ 596
Indirect Benefits 24.83% x (Wages + Ex.&Eq. + Fringe) =	\$ 202	\$ 809
 Southeast Regional Office, Environmental Specialist III		
Base Wages \$31,992 x 0.05 FTE =	\$ 400	\$1,600
Expense and Equipment \$7,801 x 0.05 =	\$ 98	\$ 390
Fringe Benefits \$31,992 x 26.4% x 0.05 =	\$ 106	\$ 422
Indirect Benefits 24.83% x (Wages + Ex.&Eq. + Fringe) =	\$ 150	\$ 599
 TOTAL	 \$1,770	 \$7,080

Total Aggregate Cost Per Year is \$7,080 for the life of the rule.

IV. ASSUMPTIONS

1. The time required for additional inspection and recordkeeping review is approximately 2.5 weeks for each position or 0.05 FTE.
2. Salary figures are based on the merit system pay plan for the years considered.
3. The fringe benefit calculations, expense and equipment calculations, and the indirect benefit calculations were based upon information provided by the Missouri Department of Natural Resources Accounting Program
4. Cost of living and inflation are not included in the estimates and all costs are based on year 2000 dollars.

FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER

Title: 10 - Department of Natural Resources

Division: 10 – Air Conservation Commission

Chapter: 6 – Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 10 CSR 10-6.120 Restriction of Emissions of Lead From Primary Lead Smelter-Refinery Installations

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
1	Primary Lead Smelter	\$30,129,680 for years 1995 through 2002, and \$913,600 for years 2003 and beyond

III. WORKSHEET

		1995-1999	2000	2001	2002	2003
SIP Capital Costs		\$16,680,250	\$2,565,000	\$3,886,000	\$3,886,000	
Operating & Maintenance Costs	New Blast Furnace / Dross Furnace Area Baghouse			\$ 252,000	\$ 504,000	\$504,000
	Refinery Building Filters & Ailoy Kettle Ventilation			\$ 64,800	\$ 129,600	\$129,600
	CV-10 & Trestle Baghouse and Enclosure			\$ 42,000	\$ 84,000	\$ 84,000
	Dust Handling System for Dross Plant and Refinery			\$ 63,000	\$ 126,000	\$126,000
Record Keeping			\$ 8,000	\$ 15,000	\$ 10,000	\$ 10,000
Additional SIP Operating Costs		\$ 1,668,025	\$ 26,000	\$ 60,000	\$ 60,000	\$ 60,000
TOTAL		\$18,348,280	\$2,599,000	\$4,382,800	\$4,799,600	\$913,600

The total costs presented in this table represent all of the costs associated with the State Implementation Plan (SIP) Revision. Since the majority of the emission control projects are physically associated with the main stack, all of the emission reduction costs are included.

The total costs for 1995 through 1999 include emission controls installed at the Doe Run facility prior to the requirements of this rule. These projects included paving, filter bag and fan upgrades in baghouses, a street sweeper purchase, truck tire wash station, main stack replacement, several building enclosure and ventilation projects, and air injection controls for the blast furnace. Doe Run has already incurred these costs, but they are included here for completeness.

Additional SIP Operating Costs are the personnel and utility (electricity) costs associated with manning and operating the SIP controls. The cost estimated for 2003 is associated only with the operation and maintenance of the control equipment. Total Aggregate Cost Per Year is \$913,600 for years 2003 and beyond for the life of the rule.

IV. ASSUMPTIONS

1. The cost data was provided by the Doe Run Company. It includes the cost of installing, operating, and maintaining the air pollution control devices associated with the State Implementation Plan control strategy. It also includes the cost of record keeping.
2. The life of the rule cannot be reasonably estimated. The smelter has been in operation for over 100 years, and there is no indication of plans to halt operation.
3. Inflation is not included in this estimate, and all costs are calculated in year 2000 dollars.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training
Program
Chapter 11—Continuing Education Requirements

PROPOSED AMENDMENT

11 CSR 75-11.010 Minimum Requirements for Peace Officers and Reserve Officers and Chief Executive Officers. The Department of Public Safety is amending sections (1) through (4) and adding section (4).

PURPOSE: This rule enumerates and updates the minimum number of hours of continuing education required to remain qualified as a certified peace officer, reserve officer or CEO. It sets forth the requirements for successful completion of the continuing education requirement for peace officers, reserve officers, and CEOs. The commission has determined that a program of continuing education is necessary to promote and ensure professional competence.

(1) [Beginning August 28, 1996,] **A mandatory program of continuing law enforcement education (CLEE) is hereby established for all peace officers, reserve officers, and chief executive officers (CEOs) [employed in Missouri shall be required to have a minimum of forty-eight (48) hours of continuing education for the purpose of maintaining certification.] certified by the director pursuant to the ACT.**

(2) [Following the enactment date of this act, or within three (3) calendar years following the date of his/her certification, and every three (3) years thereafter, all peace officers, reserve officers, and CEOs must satisfactorily complete the mandated continuing education requirement within three (3) calendar years. For the purpose of this document, a calendar year is from January 1 to December 31.] **The CLEE program shall consist of forty-eight (48) hours of training to be selected by the trainee and successfully completed within a three (3)-year period. The program shall include a minimum of four (4) hours in each of the following curricula areas: Legal Studies; Interpersonal Perspectives; Technical Studies; and Skill Development, which shall include Firearms Training. At least twenty-four (24) hours shall be obtained from a CLEE provider approved by the Peace Officer Standards and Training (POST) Commission.**

(3) [All peace officers, reserve officers, and CEOs may begin accruing hours, used to meet the continuing education requirement, from the date of his/her certification, to the last day of the three (3) calendar years following the date of his/her certification. Certified peace officers, reserve officers, and CEOs may begin accruing hours, used to meet the continuing education requirement, starting January 1, 1996, to be used to meet the January 1, 1997 to December 31, 1999 reporting period.] **The three (3)-year period of the CLEE program shall operate on a fixed cycle. The first cycle shall run from January 1, 1997 through December 31, 1999, with successive three (3)-year cycles continuing thereafter.**

(4) **Only persons certified before the beginning of a CLEE cycle shall be subject to the CLEE program during that cycle. Pursuant to this rule, a person shall be exempt from the CLEE program during the cycle in which he or she is first certified. A person exempt from the current CLEE cycle may complete CLEE training and apply it against the requirements of the following cycle.**

[(4)](5) All law enforcement agencies within this state may adopt standards which are higher than the minimum standards implemented in these regulations. The minimum standards for continuing education as set forth in these rules are in no way to be considered sufficient or adequate in those cases where higher standards have been adopted or proposed. Higher qualifications are strongly recommended where the law enforcement agency is in a position to require and provide for higher qualifications. Law enforcement agencies may pay all or any portion of the cost of continuing education for certified peace officers within that agency. Failure of an agency to pay the cost of continuing education does not end the responsibility of certified peace officers, within that agency, for meeting the continuing education requirement.

AUTHORITY: sections 590.115 and 590.140, RSMo Supp. [1996] 1999. Original rule filed Aug. 15, 1995, effective March 30, 1996. Amended: Filed Dec. 3, 1996, effective June 30, 1997. Amended: Filed Aug. 2, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Chris Egbert, POST Program, Missouri Department of Public Safety, P.O. Box 749, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training
Program
Chapter 11—Continuing Education Requirements

PROPOSED AMENDMENT

11 CSR 75-11.020 Requirements for Trainee Attendance and Performance. The Department of Public Safety is amending sections (1) and (7).

PURPOSE: This amendment to this rule amends requirements for the amount of continuing education in the core curricula areas, and is moved to 11 CSR 75-11.010.

[(1) All peace officers, reserve officers, and chief executive officers (CEOs) shall be required to complete a minimum of four (4) hours in each mandated core curricula areas outlined in 11 CSR 75-11.060 with the exemption of skill development, and thirty-six (36) hours of elective courses within the four (4) mandated core curricula areas. A minimum of twenty-four (24) hours of continuing education used to maintain certification must be from Peace Officer Standards and Training (POST) Commission approved continuing education providers.]

[(2)] (1) To successfully complete a course used to meet the continuing education requirement, an officer's absence must not be allowed for any reason, valid or otherwise.

[(3)] (2) To satisfactorily complete a continuing education course, all officers must fulfill the evaluation requirements of the provider, to be awarded credit.

[(4) Courses that were attended by the officer prior to January 1, 1996, shall not be applied toward credit.]

[(5)] (3) All peace officers, reserve officers, and CEOs completing courses which are law enforcement related or for development of administrative skills at accredited colleges and/or universities may be credited for two (2) hours of approved provider continuing education, for each one (1) semester credit hour, not to exceed eighteen (18) hours in each three (3)-year mandated period.

[(6)] (4) All peace officers, reserve officers, and CEOs may be credited up to two (2) hours for each one (1) hour of instruction of a course taught to officers for the purpose of meeting the continuing education requirement, not to exceed twenty-four (24) hours in each three (3)-year mandated period. The instructor shall maintain, and provide to his/her agency, records that indicate the following:

- (A) Course title;
- (B) Location and date(s) of the course;
- (C) Course provider;
- (D) Name of the individual responsible for general administration;
- (E) Course classification (in-service or approved provider);
- (F) Number of hours of actual instruction (fifty (50) minutes equal one (1) hour); *and*
- (G) Core curricula area of instruction. If the instructor uses college course(s) s/he teaches at an accredited college and/or university, to accrue approved provider continuing education credit hours, s/he shall maintain records that indicate subsections (A) through (G) of this section; and

(H) Student's name, Social Security number, and the employing agency, using the course for POST mandated continuing education requirements.

(H) Student's name, Social Security number, and the employing agency, using the course for POST mandated continuing education requirements.

[(7)] (5) Each hour of continuing education must have a minimum of fifty (50) minutes of class time. Each hour of instruction equates to one (1) hour of continuing education credit.

AUTHORITY: sections 590.115 and 590.140, RSMo Supp. [1996] 1999. Original rule filed Aug. 15, 1995, effective March 30, 1996. Amended: Filed Dec. 3, 1996, effective June 30, 1997. Amended: Filed Aug. 2, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Chris Egbert, POST Program, Missouri Department of Public Safety, P.O. Box 749, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training
Program
Chapter 11—Continuing Education Requirements**

PROPOSED AMENDMENT

11 CSR 75-11.030 Requirements for and Terms of Recognition of Completion of Training. The Department of Public Safety is amending sections (1) through (6).

PURPOSE: The amendment to this rule amends the requirements for the recognition of completion of continuing education to better identify the agency role for compliance.

[(1) The director shall keep active the certification of the peace officer, reserve officer, or chief executive officer (CEO) upon verification that s/he has successfully completed forty-eight (48) hours of approved continuing education courses.]

[(2)] (1) To qualify for recognition of successful completion of the continuing education requirement, each officer shall maintain evidence of having completed the minimum requirements. The officer shall provide to his/her employing agency, and have available to Peace Officer Standards and Training (POST), diploma(s) awarded by the provider(s) of continuing education which contain as a minimum the following information:

- (A) Dates and location of the course;
- (B) Number of contact hours;
- (C) Provider's name;
- (D) Course title;
- (E) Core curricula area that applies;
- (F) Number of continuing education credit hours achieved;
- (G) Student's name;
- (H) Signature of individual responsible for general administration;

(I) The following statement is to appear on the diploma for training provided by agencies/organizations who are not a POST approved provider of continuing education: "This course is formatted to meet Missouri POST requirements for In-Service Continuing Education Hours (maximum of twenty-four (24) hours per three (3) years reporting period) if provided materials are properly filed and maintained by the attending agency."; and

(J) The words "POST approved provider" are to appear on the diploma issued by a POST approved provider of continuing education.

[(3)] (2) Each employing agency shall maintain records on each officer to include all verification of completed courses, which indicates that the continuing education requirement has been met by that officer:

- (A) Provider information;
- (B) A course description naming provider information;
- (C) Number of hours accredited;
- (D) Attendance record; and
- (E) Evaluation method and result.

[(4)] (3) **At the conclusion of each continuing law enforcement (CLEE) cycle, [T]the Peace Officer Standards and Training (POST) Program [will] shall send [the] to each law enforcement [agencies] agency a printout of all certified officers listed with the [employing] agency. Within thirty (30) days after receipt of the printout, [T]the CEO of the [employing] law enforcement agency [will] shall send a notarized signed affidavit [within thirty (30) days of the receipt of the printout] to the Department of Public Safety, POST Program, P.O. Box 749, Jefferson City, MO 65102, stating [that] whether all certified officers listed with the agency have met the mandated [continuing education] CLEE requirements and identify by name and Social Security number any certified officer employed or commissioned by such CEO who has not met the CLEE requirements.**

[(5)] (4) Upon the departure of the officer, the employing agency shall provide to the officer a complete record of their continuing education.

[(6)] (5) All Missouri law enforcement agencies are subject to an on-site inspection by the POST director or his/her designated representatives at any time, with or without advance notice, to verify an officer's continuing education records.

AUTHORITY: sections 590.115 and 590.140, RSMo Supp. [1995] 1999. Original rule filed Aug. 15, 1995, effective March 30, 1996. Amended: Filed Dec. 3, 1996, effective June 30, 1997. Amended: Filed Aug. 2, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Chris Egbert, POST Program, Missouri Department of Public Safety, P.O. Box 749, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training
Program
Chapter 11—Continuing Education Requirements**

PROPOSED RESCISSION

11 CSR 75-11.040 Suspension of the Certification of a Peace Officer, Reserve Officer or Chief Executive Officer for Failing to Maintain Minimum Continuing Education Requirements.

This rule defined the terms, process and the administration of the suspension of a peace officer, reserve officer and chief executive officer certification for failure to maintain minimum continuing education requirements.

PURPOSE: The commission is proposing to rescind this rule because a previous amendment clearly identifies the terms, process, and administration of suspension for the failure to meet continuing education requirements.

AUTHORITY: section 590.135, RSMo Supp. 1998. Original rule filed Aug. 15, 1995, effective March 30, 1996. Emergency amendment filed Nov. 22, 1999, effective Dec. 2, 1999, expired May 29, 2000. Amended: Filed Nov. 15, 1999, effective May 30, 2000. Rescinded: Filed Aug. 2, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with Chris Egbert, POST Program, Missouri Department of Public Safety, P.O. Box 749, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training
Program
Chapter 11—Continuing Education Requirements**

PROPOSED AMENDMENT

11 CSR 75-11.070 Procedures for Continuing Education Course Providers. The Department of Public Safety is amending section (3).

PURPOSE: The amendment to section (3) is to exempt basic training centers from the requirement of providing yearly training in the four (4) core curricula areas.

(3) POST approved continuing education providers must provide yearly training in each of the four (4) mandated continuing education core curricula areas. **Basic training centers are exempt from this requirement.**

AUTHORITY: sections 590.115 and 590.140, RSMo Supp. 1999. Original rule filed Aug. 15, 1995, effective March 30, 1996. Amended: Filed Dec. 3, 1996, effective June 30, 1997. Amended: Filed Sept. 10, 1997, effective March 30, 1998. Amended: Filed Feb. 9, 2000, effective Aug. 30, 2000. Amended: Filed Aug. 3, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Chris Egbert, POST Program, Missouri Department of Public Safety, P.O. Box 749, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Division of Family Services
Chapter 91—Rehabilitation Services for the Blind**

PROPOSED AMENDMENT

13 CSR 40-91.030 [Special Services to the Blind (Prevention of Blindness)] Prevention of Blindness Program. The department is amending the name of the rule, amending the purpose of the rule, amending subsections (1)(B), and (1)(C), and deleting sections (2) and (3).

PURPOSE: This proposed amendment is to update this rule to eliminate mention of programs that are not related to the Prevention of Blindness Program. In addition to which the rule has been changed to better allow provision of services to the medical-indigent.

PURPOSE: This rule establishes the guidelines for provision of [a category of special] services to visually impaired persons[. This category of services includes] through the Prevention of Blindness[, Rehabilitation Teaching and Services to Blind Children] Program. Provision of these services is authorized by sections 207.010, 207.020, 209.010 and 209.020, RSMo.

(1) Prevention of Blindness Program. This program meets the cost of eye care for persons of all ages who meet visual eligibility

requirements outlined in subsection (1)(A) and financial eligibility requirements outlined in subsection (1)(B).

(B) Financial Eligibility Requirements. *[The following standards are used in determining a person's financial eligibility for Prevention of Blindness: monthly net income not in excess of six hundred forty-five dollars (\$645) for one (1) person plus one hundred forty dollars (\$140) for each additional family member and available resources of cash or securities not in excess of three thousand dollars (\$3000) for the family household.]* **Financial eligibility for services is based on financial need as determined by Rehabilitation Services for the Blind.**

(C) Priority of Services. When necessary, due to limitation of Prevention of Blindness funds, *[the Bureau for the Blind]* **Rehabilitation Services for the Blind** may initiate a priority of services plan, with those persons in need of emergency eye care or surgical procedures receiving priority.

[(2) Rehabilitation Teaching Service. This program provides services to blind and other visually impaired persons so they may achieve a satisfactory adjustment to blindness and maximum compensatory skills.

(A) Services Provided. Services include, but are not limited to, instruction in the areas of communication, personal management and homemaking skills.

(B) Eligibility Requirements. Any person with a severe visual impairment is eligible for services.

(3) Services to Blind Children. This program provides teaching and counseling services to blind children and their parents and coordinates services available through community resources. Blind children are taught the developmental skills and basic concepts needed for successful participation in an educational setting.

(A) Eligibility Requirements. Any preschool-age child with a severe visual impairment is eligible for direct services.

(B) Consultation Services. Upon request, consultation is provided to education personnel in behalf of visually impaired students.]

AUTHORITY: sections 207.010, 207.020, 209.010 and 209.020, RSMo 1994. Original rule filed Aug. 11, 1978, effective Nov. 11, 1978. Amended: Filed Jan. 10, 1985, effective April 11, 1985. Emergency amendment filed Oct. 17, 1985, effective Oct. 27, 1985, expired Feb. 14, 1986. Amended: Filed Oct. 17, 1985, effective Feb. 13, 1986. Emergency amendment filed Aug. 17, 1992, effective Sept. 1, 1992, expired Dec. 29, 1992. Amended: Filed Aug. 17, 1992, effective April 8, 1993. Amended: Filed Aug. 15, 2000.

PUBLIC COST: This proposed amendment is estimated to cost the Department of Social Services in the first full year \$34,000 with a total aggregate cost of \$169,000 for four years. A fiscal note containing a detailed estimated cost of compliance has been filed with the secretary of state.

PRIVATE COST: This proposed amendment is estimated to cost private entities less than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or opposition to this proposed amendment with Sally Howard, Deputy Director, Rehabilitation Services for the Blind, P.O. Box 88, Jefferson City, MO 65103-0088, telephone number (573) 751-4249. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
 PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 13 - Department of Social Services

Division: 40 - Division of Family Services

Chapter: 91 - Rehabilitation Services for the Blind

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 13 CSR 40-91.030 Special Services to the Blind (Prevention of Blindness)

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Rehabilitation Services for the Blind	

III. WORKSHEET

First full fiscal year implementation (FY 2002)	Aggregate Cost
<u>\$34,000.00</u>	<u>\$34,000.00</u>
<u>40,000.00</u>	<u>74,000.00</u>
<u>45,000.00</u>	<u>119,000.00</u>
<u>50,000.00</u>	<u>169,000.00</u>
TOTAL	<u>\$169,000.00</u>

IV. ASSUMPTIONS

It is estimated that the average case cost per year is \$170.00 and that an additional 200 consumers will be accepted for service the first full year with a total estimated annual cost of \$34,000.00 for the first full fiscal year. It is expected that cost and referrals will increase to a total of \$50,000.00 in subsequent years. There will be no increase in expenditures or reduction in income for private entities.

Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 10—Reporting of Motor Vehicle Stops by Law
Enforcement Agencies

PROPOSED RULE

15 CSR 60-10.010 Definitions

PURPOSE: This rule advises the public of the definitions adopted for certain terms which are used in section 590.650, RSMo, and the rules promulgated thereunder.

(1) The term “law enforcement agency,” as used in section 590.650, RSMo, shall mean the state highway patrol, any state, county, or municipal department or office that employs peace officers who stop drivers of motor vehicles for violations of any motor vehicle statute or ordinance.

(2) The term “peace officer,” as used in section 590.650, RSMo, shall mean any member of the state highway patrol, any state, county, or municipal law enforcement officer possessing the duty and power of arrest for violation of any criminal laws of the state or for violation of ordinances of counties or municipalities of the state who serve full-time, with pay.

(3) The term “search,” as used in section 590.650, RSMo, shall mean any action of a peace officer, arising out of a motor vehicle traffic stop, that infringes upon an individual’s reasonable expectation of privacy.

(4) The term “Terry stop” shall mean a stop of an individual where specific and articulable facts, together with all rational inferences, suggest that the driver is involved in criminal activity. A Terry stop is an investigatory stop that is not an arrest and can be justified by less than the probable cause necessary for an arrest.

(4) The terms “Terry frisk” or “Terry search” shall mean a limited pat-down or frisk of the driver or his or her automobile for weapons which occurs when there are specific and articulable facts which, taken together with rational inferences from those facts, would lead a peace officer reasonably to believe the driver is armed and presently dangerous to the officer or others.

AUTHORITY: section 590.650, RSMo 2000. Emergency rule filed Aug. 21, 2000, effective Aug. 31, 2000, expires Feb. 23, 2001. Original rule filed Aug. 21, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of the Attorney General, P.O. Box 899, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 10—Reporting of Motor Vehicle Stops by Law
Enforcement Agencies

PROPOSED RULE

15 CSR 60-10.020 Report to Attorney General by Law
Enforcement Agencies

PURPOSE: Section 590.650, RSMo, requires law enforcement agencies to compile and report certain information to the Attorney General. This rule provides instructions regarding the information to be reported pursuant to section 590.650, RSMo.

(1) On or before March 1 of each year, law enforcement agencies shall compile the information collected pursuant to section 590.650.2, RSMo, and enumerated in this rule, and such other information as the Attorney General may require, into a report to the Attorney General. The information contained in the report shall be for the preceding calendar year.

(2) The first reporting period during which law enforcement agencies are required to compile and report the information required by section 590.650.2, RSMo, and enumerated in this rule, and such other information as the Attorney General may require, shall begin on August 28, 2000, and end on December 31, 2000.

(3) Beginning on January 1, 2001, and thereafter, the reporting period during which law enforcement agencies are required to compile and report the information required by section 590.650.2, RSMo, and enumerated in this rule, and such other information as the Attorney General may require, shall begin on January 1 and end on December 31 of each year.

(4) Each law enforcement agency shall compile the following information in the manner described in section (5) of this rule for submission to the Attorney General. The information shall pertain to the total number of times peace officers employed by the law enforcement agency stopped drivers of motor vehicles for violations of any motor vehicle statutes or ordinances, and shall include:

(A) The age, gender and race or minority group of each individual stopped.

1. For the total number of stops made during the reporting period, indicate the races or minority groups of the drivers using one of the following categories: White; Black/African-American; Hispanic/Latino; American Indian/Alaska Native; Asian; or Other/Unknown.

2. For the total number of stops made during the reporting period, indicate the number of male drivers stopped and female drivers stopped.

3. For the total number of stops made during the reporting period, indicate the age groups of the drivers stopped using one of the following categories: under 18 years; 18–29 years; 30–39 years; or 40 years or older;

(B) The total number of traffic violations alleged to have been committed that led to the stops.

1. For the total number of stops made during the reporting period, indicate the number of stops resulting from moving violations, equipment violations or license violations.

2. For moving violations, indicate the nature of the violation: speed; lane violation; following too close; commercial vehicle enforcement (CVE); fail to signal; or other. A stop may include more than one alleged violation;

(C) The total number of searches conducted as a result of the stops.

1. For the total number of stops made during the reporting period, indicate the number of searches made, including the number of property searches and driver searches;

(D) The total number of searches conducted, including the number of consent searches, the probable cause for the searches, the number of driver searches, the number of property searches, and the durations of all searches.

1. For the total number of searches made during the reporting period, indicate whether the probable cause or authority for the searches included the following: consent; odor of illegal drugs or alcohol; drug dog alert; plain view contraband; inventory search; incident to arrest; reasonable suspicion (weapon); or other. For any search, one or more of these categories may apply.

2. For the total number of searches made during the reporting period, indicate the lengths of the searches using the following time periods: 0 to 15 minutes; 16 to 30 minutes; 31 minutes or more. The duration of search means the time needed to conduct any and all searches;

(E) The types of any contraband discovered during the searches.

1. For the total number of searches made during the reporting period, indicate the number of times contraband was discovered and, when contraband was discovered, indicate the types of contraband discovered using the following categories: illegal drugs or paraphernalia; currency; stolen property; weapons; or other;

(F) The total number of warnings, citations, and arrests resulting from the stops.

1. For the total number of stops made during the reporting period, indicate the number of stops resulting in the following: warnings; citations; and arrests;

(G) The total number of warnings and citations issued, and the violations charged or warnings given;

(H) The total number of arrests resulting from either the stops or the searches.

1. For the total number of stops made during the reporting period, indicate the number of arrests resulting from either the vehicle stops or any searches conducted as a result of the stops;

(I) The number of arrests made and the crimes alleged.

1. For the total number of arrests resulting from either the stops or any searches conducted as a result of the stops during the reporting period, indicate the types of crimes alleged using the following categories: outstanding warrant; drug violations; resisting arrest; offense against person; property offense; driving while intoxicated/blood alcohol content; or other. An arrest may include more than one alleged crime;

(J) The location of the stop.

1. For the total number of stops made during the reporting period, indicate the number of stops made at the following locations: interstate highway; U.S. highway; state highway; county road; city street; or other. For purposes of reporting this information, "location" means the location where the officer observed the alleged violation and signaled the driver to stop, not the location where the driver physically stopped the vehicle; and

(K) Total number of vehicle stops made by that agency.

1. This number represents the total number of vehicles stopped by officers in the particular law enforcement agency for alleged motor vehicle violations, whether moving violations, equipment violations, or license violations. This total does not include motor vehicle stops made for reasons other than alleged motor vehicle violations.

(5) The information described in section (4) of this rule shall be compiled and broken down according to the races or minority groups of the drivers stopped.

(6) The law enforcement agency head, director, or administrator shall sign each agency report and shall indicate the agency name, agency Originating Agency Identifier (ORI) number, and the date the report was submitted to the Attorney General's Office.

(7) The report shall be submitted on forms furnished by or approved by the Attorney General.

AUTHORITY: section 590.650, RSMo 2000. Emergency rule filed Aug. 21, 2000, effective Aug. 31, 2000, expires Feb. 23, 2001. Original rule filed Aug. 21, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of the Attorney General, P.O. Box 899, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 10—Reporting of Motor Vehicle Stops by Law Enforcement Agencies

PROPOSED RULE

15 CSR 60-10.030 Reporting Forms

PURPOSE: This rule provides forms used for the compilation and reporting of information on motor vehicle stops by law enforcement agencies.

(1) Law enforcement agencies are required, pursuant to section 590.650, RSMo, and 15 CSR 60-1.020 to compile information about motor vehicle stops for submission to the Attorney General.

(2) No report from a law enforcement agency shall be deemed to be in compliance with section 590.650, RSMo, unless the report contains a compilation of the information enumerated in 15 CSR 60-10.020 and such other information as the Attorney General may require.

(3) No report from a law enforcement agency shall be deemed to be in compliance with section 590.650, RSMo, unless the report is signed by the law enforcement agency head, director, or administrator.

(4) The compiled information shall be broken down by races or minority groups of the drivers stopped.

(5) The report to the Attorney General shall be made on a form furnished by or approved by the Attorney General. The attached reporting forms are hereby incorporated into this rule by reference. The reporting form may, at the discretion of the Attorney General, be made available on the Internet.

(6) The Attorney General may create informal guidelines for compliance with the reporting form. The guidelines may, at the discretion of the Attorney General, be made available on the Internet.

AUTHORITY: section 590.650, RSMo 2000. Emergency rule filed Aug. 21, 2000, effective Aug. 31, 2000, expires Feb. 23, 2001. Original rule filed Aug. 21, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of the Attorney General, P.O. Box 899, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

TRAFFIC STOP INFORMATION DATE
MM DD YY

1 TRAFFIC VIOLATION RESULTING IN STOP (✓ all that apply)
 MOVING EQUIPMENT LICENSE
 If a "moving" violation, (✓ category of violation)
 SPEED LANE VIOLATION FOLLOW TOO CLOSE
 CVE FAIL TO SIGNAL OTHER MOVING VIOLATION

2 RESULT OF TRAFFIC STOP (✓ all that apply)
 CITATION WARNING ARREST

3 DRIVER'S RACE/MINORITY STATUS (based only on visual observation)
 WHITE BLACK/AFRICAN-AMERICAN HISPANIC/LATINO
 AMERICAN INDIAN/ALASKA NATIVE ASIAN OTHER/UNKNOWN

4 DRIVER'S AGE UNDER 18 18-29 30-39 40+

5 DRIVER'S GENDER MALE FEMALE

6 LOCATION OF TRAFFIC STOP
 INTERSTATE HIGHWAY U.S. HIGHWAY STATE HIGHWAY
 COUNTY ROAD CITY STREET OTHER

7 WAS A SEARCH INITIATED AS A RESULT OF TRAFFIC STOP? YES NO
 If YES, probable cause/authority for search (✓ all that apply)
 CONSENT INVENTORY DRUG/ALCOHOL ODOR
 INCIDENT TO ARREST PLAIN VIEW CONTRABAND OTHER
 DRUG DOG REASONABLE SUSPICION-WEAPON (TERRY STOP)

8 WHAT WAS SEARCHED (✓ all that apply)? DRIVER PROPERTY

9 DURATION OF SEARCH
 0-15 MINUTES 16-30 MIN. 31+ MIN.

10 WAS CONTRABAND DISCOVERED? YES NO
 If YES, type of contraband (✓ all that apply)
 DRUGS/ALCOHOL/PARAPHERNALIA CURRENCY
 WEAPON STOLEN PROPERTY OTHER

11 WAS DRIVER ARRESTED AS RESULT OF SEARCH? YES NO

12 IF ARREST MADE, CRIME/VIOLATION ALLEGED (✓ all that apply)
 OUTSTANDING DRUG VIOLATION
 RESISTING ARREST OFFENSE AGAINST PERSON
 DWI/BAC PROPERTY CRIME OTHER

TRAFFIC STOP INFORMATION DATE
MM DD YY

1 TRAFFIC VIOLATION RESULTING IN STOP (✓ all that apply)
 MOVING EQUIPMENT LICENSE
 If a "moving" violation, (✓ category of violation)
 SPEED LANE VIOLATION FOLLOW TOO CLOSE
 CVE FAIL TO SIGNAL OTHER MOVING VIOLATION

2 RESULT OF TRAFFIC STOP (✓ all that apply)
 CITATION WARNING ARREST

3 DRIVER'S RACE/MINORITY STATUS (based only on visual observation)
 WHITE BLACK/AFRICAN-AMERICAN HISPANIC/LATINO
 AMERICAN INDIAN/ALASKA NATIVE ASIAN OTHER/UNKNOWN

4 DRIVER'S AGE UNDER 18 18-29 30-39 40+

5 DRIVER'S GENDER MALE FEMALE

6 LOCATION OF TRAFFIC STOP
 INTERSTATE HIGHWAY U.S. HIGHWAY STATE HIGHWAY
 COUNTY ROAD CITY STREET OTHER

7 WAS A SEARCH INITIATED AS A RESULT OF TRAFFIC STOP? YES NO
 If YES, probable cause/authority for search (✓ all that apply)
 CONSENT INVENTORY DRUG/ALCOHOL ODOR
 INCIDENT TO ARREST PLAIN VIEW CONTRABAND OTHER
 DRUG DOG REASONABLE SUSPICION-WEAPON (TERRY STOP)

8 WHAT WAS SEARCHED (✓ all that apply)? DRIVER PROPERTY

9 DURATION OF SEARCH
 0-15 MINUTES 16-30 MIN. 31+ MIN.

10 WAS CONTRABAND DISCOVERED? YES NO
 If YES, type of contraband (✓ all that apply)
 DRUGS/ALCOHOL/PARAPHERNALIA CURRENCY
 WEAPON STOLEN PROPERTY OTHER

11 WAS DRIVER ARRESTED AS RESULT OF SEARCH? YES NO

12 IF ARREST MADE, CRIME/VIOLATION ALLEGED (✓ all that apply)
 OUTSTANDING DRUG VIOLATION
 RESISTING ARREST OFFENSE AGAINST PERSON
 DWI/BAC PROPERTY CRIME OTHER



2000 ANNUAL REPORT TO THE MISSOURI ATTORNEY GENERAL
Total traffic stops from Aug. 28-Dec. 31, 2000

DEPARTMENT
NAME _____

RETURN BY
MARCH 1, 2001

1 TOTAL NUMBER OF TRAFFIC STOPS _____

2 TRAFFIC VIOLATION(S) RESULTING IN STOP
MOVING _____
EQUIPMENT _____
LICENSE _____

3 CATEGORIES OF "MOVING" VIOLATIONS
SPEED _____
LANE VIOLATION _____
FOLLOW TOO CLOSE _____
FAIL TO SIGNAL _____
CVE _____
OTHER _____

4 RESULT(S) OF TRAFFIC STOPS
CITATIONS _____
WARNINGS _____
ARRESTS _____

5 RACE/MINORITY STATUS OF DRIVERS STOPPED
WHITE _____
BLACK/AFRICAN-AMERICAN _____
HISPANIC/LATINO _____
AMERICAN INDIAN/
ALASKA NATIVE _____
ASIAN _____
OTHER/UNKNOWN _____

6 AGE OF DRIVERS STOPPED
UNDER 18 _____ 18-29 _____
30-39 _____ 40+ _____

7 GENDER OF DRIVERS STOPPED
MALE _____
FEMALE _____

8 LOCATION OF TRAFFIC STOPS
INTERSTATE HWY _____
U.S. HWY _____
STATE HWY _____
COUNTY RD _____
CITY STREET _____
OTHER _____

9 TRAFFIC STOPS RESULTING IN SEARCHES
TOTAL STOPS INVOLVING SEARCHES _____
SEARCHES OF DRIVERS _____
SEARCHES OF PROPERTY _____

10 PROBABLE CAUSE/AUTHORITY FOR SEARCH
CONSENT _____
INVENTORY _____
DRUG/ALCOHOL ODDR _____
INCIDENT TO ARREST _____
PLAIN VIEW CONTRABAND _____
REASONABLE SUSPICION-
WEAPON (TERRY STOP) _____
DRUG DOG ALERT _____
OTHER _____

DEPARTMENT/
AGENCY _____

SIGNATURE OF
DEPARTMENT/
AGENCY HEAD _____

11 DURATION OF SEARCH
0-15 MIN. _____
16-30 MIN. _____
31+ MIN. _____

12 TRAFFIC STOPS LEADING TO DISCOVERY OF CONTRABAND _____

13 TYPE OF CONTRABAND DISCOVERED
DRUGS/ALCOHOL/
PARAPHERNALIA _____
CURRENCY _____
WEAPON _____
STOLEN PROPERTY _____
OTHER _____

14 TOTAL NO. OF DRIVERS ARRESTED AS RESULT OF SEARCH _____

15 CRIME/VIOLATION ALLEGED AS RESULT OF ARRESTS
OUTSTANDING WARRANT _____
DRUG VIOLATIONS _____
RESISTING ARREST _____
OFFENSE AGAINST PERSON _____
DWI/BAC _____
PROPERTY CRIME _____
OTHER _____

AGENCY ORI # _____

DATE SUBMITTED _____

2000 ANNUAL REPORT TO THE MISSOURI ATTORNEY GENERAL
Traffic stops by race from Aug. 28-Dec. 31, 2000

DEPARTMENT NAME _____

RETURN BY
MARCH 1, 2001

& COMPLETE A FORM

FOR EACH RACE/MINORITY STATUS	WHITE	BLACK, AFRICAN-AMERICAN	HISPANIC, LATINO	AMERICAN INDIAN, ALASKA NATIVE	ASIAN	OTHER, UNKNOWN

1 TOTAL NUMBER OF TRAFFIC STOPS _____

2 TRAFFIC VIOLATION(S) RESULTING IN STOP

MOVING _____

EQUIPMENT _____

LICENSE _____

3 CATEGORIES OF "MOVING" VIOLATIONS

SPEED _____

LANE VIOLATION _____

FOLLOW TOO CLOSE _____

FAIL TO SIGNAL _____

CVE _____

OTHER _____

4 RESULT(S) OF TRAFFIC STOPS

CITATIONS _____

WARNINGS _____

ARRESTS _____

5 AGE OF DRIVERS STOPPED

UNDER 18 _____ 18-29 _____

30-39 _____ 40+ _____

6 GENDER OF DRIVERS STOPPED

MALE _____

FEMALE _____

7 LOCATION OF TRAFFIC STOPS

INTERSTATE HWY _____

U.S. HWY _____

STATE HWY _____

COUNTY RD _____

CITY STREET _____

OTHER _____

8 TRAFFIC STOPS RESULTING IN SEARCHES

TOTAL STOPS INVOLVING SEARCHES _____

SEARCHES OF DRIVERS _____

SEARCHES OF PROPERTY _____

9 PROBABLE CAUSE/AUTHORITY FOR SEARCH

CONSENT _____

INVENTORY _____

DRUG/ALCOHOL ODOR _____

INCIDENT TO ARREST _____

PLAIN VIEW CONTRABAND _____

REASONABLE SUSPICION-WEAPON (TERRY STOP) _____

DRUG DOG ALERT _____

OTHER _____

10 DURATION OF SEARCH

0-15 MIN. _____

16-30 MIN. _____

31+ MIN. _____

11 TRAFFIC STOPS LEADING TO DISCOVERY OF CONTRABAND _____

12 TYPE OF CONTRABAND DISCOVERED

DRUGS/ALCOHOL/PARAPHERNALIA _____

CURRENCY _____

WEAPON _____

STOLEN PROPERTY _____

OTHER _____

13 TOTAL NO. OF DRIVERS ARRESTED AS RESULT OF SEARCH _____

14 CRIME/VIOLATION ALLEGED AS RESULT OF ARRESTS

OUTSTANDING WARRANT _____

DRUG VIOLATIONS _____

RESISTING ARREST _____

OFFENSE AGAINST PERSON _____

DWI/BAC _____

PROPERTY CRIME _____

OTHER _____



INSTRUCTIONS FOR ANNUAL TRAFFIC STOPS REPORT TO THE AG'S OFFICE

1 Total number of traffic stops: This number will reflect the total number of vehicles stopped by officers in your agency for alleged motor vehicle violations — moving, equipment or license — for the period Aug. 28, 2000 (effective date of law), to Dec. 31, 2000. This total does **not** include stops made for other reasons.

2 Traffic violation(s) resulting in stop: For all stops made, indicate number of stops resulting from:
 Moving violations Equipment violations
 License violations

3 Categories of "moving" violations: For all instances where a "moving" violation resulted in the stop, indicate the category violation(s). If no category applies to the violation, use "Other."

4 Result(s) of traffic stops: For all stops made, indicate number of stops resulting in:
 Citations Warnings Arrests
Do not include arrests made as a result of a search. This information is included in Question 1.4.

5 Race/minority of drivers stopped: For all stops made, indicate number of drivers stopped in each NCIC category:
 White Black/African-American
 Hispanic/Latino American Indian/Alaska Native
 Asian Other/unknown

6 Age of drivers stopped: For all stops made, indicate number of drivers stopped in each age group:
 Under 18 18-29 30-39 40 or above

7 Gender of drivers stopped: For all stops made, indicate number of drivers stopped in each category:
 Male Female

8 Location of traffic stops: For all stops made, indicate number of stops made at each location:
 Interstate highway U.S. highway State highway
 County road City street Other
Location is where the officer saw the alleged violation and signaled the driver to stop, **not** where the driver finally stopped.

9 Traffic stops resulting in searches: For all stops made, indicate total number of searches, along with number of:
 Driver searches Property searches
One stop may lead to a search of the driver and property (the vehicle itself or property inside it) so the breakout of searches **may exceed** number of stops resulting in searches.

10 Probable cause/authority for search: For all searches made, indicate number of searches based on:
 Consent Drug or alcohol odor
 Incident to arrest Plain view contraband
 Reasonable suspicion that individual may possess a weapon (Terry Stop) Inventory
 Drug dog alert
 Other
One or more categories may apply. (Example: the basis for a search may include a drug odor and a drug dog alert.)

11 Duration of search: Indicate the number of searches lasting:
 0-15 minutes 16-30 minutes 31 minutes or more
The duration of a search means the amount of time needed to conduct any and all searches described in Question 9.

12 Traffic stops leading to discovery of contraband: Indicate number of stops in which contraband was discovered.

13 Type of contraband discovered: Indicate number of times each type of contraband was discovered:
 Illegal drugs/drug paraphernalia Currency
 Weapons Stolen property Other

14 Total number of drivers arrested as result of search: Indicate number of arrests made. Number of arrests made pursuant to searches **does not include** number of arrests made pursuant to stops (see Question 4).

15 Crime/violation alleged as result of arrests: For all arrests made (add totals for questions 4 and 14), indicate number of times each crime or violation was alleged:
 Outstanding warrant Drug violation DWI/BAC
 Resisting arrest Property crime Other
 Offense against person
Each arrest may result in **more than one alleged crime/violation.**

Breakout of Annual Traffic Stops Report by Race/Minority Status

The Traffic Stop Reports by Race/Minority Status provide the same information as the Annual Traffic Stops Report but is broken down by group:

- White
- Black/African-American
- Hispanic/Latino
- American Indian/Alaska Native
- Asian
- Other/unknown

The total number of stops for each minority group should **equal** the number of traffic stops reported by the agency on the Annual Traffic Stops Report.