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MATT BLUNT

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



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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule.

Missouri Depository Libraries

The *Missouri Register* and the *Code of State Regulations*, as required by the Missouri Depository Documents Law (section 181.100, RSMo 2000), are available in the listed depository libraries, as selected by the Missouri State Library:

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 26, *Missouri Register*, page 27. The approved short form of citation is 26 MoReg 27.

The rules are divided in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation, i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.

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.

or division staff to be complete and the application is submitted on the form provided by the board, typewritten or printed in black ink, signed, notarized and accompanied by the application fee for temporary permit [*pursuant to rules promulgated by the board, verification of respiratory care work experience,*] and a full set of fingerprints with the appropriate fee [*pursuant to rules promulgated by the board*]. All information should be received by the board within ninety (90) days of application.

(3) The applicant shall request and obtain on forms provided by the board verified [*evidence of*]

(A) [*Performance of the duties of a respiratory care practitioner for the previous twelve (12) months as defined in section 334.800, RSMo and e*]Evidence of being a veteran of the United States military services with at least six (6) months respiratory care experience **during the previous eighteen (18) months** as a member of the military; or

(B) [*Performance of the duties of a respiratory care practitioner for the previous twelve (12) months as defined in section 334.800, RSMo and evidence of six (6) months respiratory care experience in a United States territory or foreign country;*] **Evidence of licensure as a respiratory care practitioner under the laws of another state, the District of Columbia or a territory of the United States and evidence that an application for licensure as a respiratory care practitioner in this state has been submitted to the board; or**

(C) [*Special on-the-job training and the performance of the duties of a respiratory care practitioner on August 28, 1996.*] **Evidence of graduation from a nationally accredited respiratory care educational program.**

(5) The applicant shall submit a full set of fingerprints on the form provided by the board with the appropriate fee pursuant to rules promulgated by the board[, *unless the applicant previously submitted fingerprints for an educational permit issued by the board*].

AUTHORITY: sections 334.800, 334.840.2, 334.850 and 334.890.2[–4] and 3, RSMo [Supp. 1997] 2000. Emergency rule filed June 25, 1998, effective July 6, 1998, expired Feb. 25, 1999. Original rule filed June 25, 1998, effective Jan. 30, 1999. Amended: Filed Jan. 31, 2001.

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 the Missouri Board of Respiratory Care, PO Box 1335, 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.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 255—Missouri Board for Respiratory Care Chapter 2—Licensure Requirements

PROPOSED AMENDMENT

4 CSR 255-2.020 Application for Temporary Permit. The board is proposing to amend sections (2) and (5), amend subsections (3)(A) through (3)(C) and delete the forms that immediately follow this rule in the *Code of State Regulations*.

PURPOSE: This rule is being amended to comply with the provisions of House Bill 343 of the 90th General Assembly.

(2) An application for a temporary permit is not considered officially filed with the board until it has been determined by the board

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 255—Missouri Board for Respiratory Care Chapter 2—Licensure Requirements

PROPOSED AMENDMENT

4 CSR 255-2.030 Application for [Temporary] an Educational Permit. The board is proposing to amend the Purpose statement,

sections (1), (2), and (5), and delete the forms that immediately follow this rule in the *Code of State Regulations*.

PURPOSE: This rule is being amended to comply with the provisions of House Bill 343 of the 90th General Assembly.

PURPOSE: This rule outlines the procedure for application for [a temporary] an educational permit.

(1) A student enrolled in an accredited respiratory care educational program who seeks to provide respiratory care services outside the educational program must apply to the board for [a temporary] an educational permit. Application for [a temporary] an educational permit shall be submitted on the forms provided by the board and may be obtained by writing the board at 3605 Missouri Boulevard, P./O./ Box 1335, Jefferson City, MO 65102 or by calling (573) 522-5864. The TDD number is (800) 735-2966.

(2) An application for [a temporary] an educational permit is not considered officially filed with the board until it has been determined by the board or division staff to be complete and the application is submitted on the form provided by the board, typewritten or printed in black ink, signed, notarized, [and] accompanied by the application fee for [temporary] an educational permit [fee pursuant to rules promulgated by the board] and a full set of fingerprints with the appropriate fee [pursuant to rules promulgated by the board].

(5) The applicant shall submit a full set of fingerprints on the form provided by the board and the appropriate fee pursuant to rules promulgated by the board[, unless]. **The fingerprint requirement will be waived if the applicant previously submitted fingerprints for a temporary permit issued by the board within the year prior to application for an educational permit.**

AUTHORITY: sections 334.800, 334.840.2, 334.850, 334.890.1 and [334.890.4,] 334.890.3, RSMo [Supp. 1997] 2000. Emergency rule filed June 25, 1998, effective July 6, 1998, expired Feb. 25, 1999. Original rule filed June 25, 1998, effective Jan. 30, 1999. Amended: Filed Jan. 31, 2001.

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 the Missouri Board of Respiratory Care, PO Box 1335, 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 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 255—Missouri Board for Respiratory Care Chapter 2—Licensure Requirements

PROPOSED AMENDMENT

4 CSR 255-2.050 Inactive Status. The board is amending sections (2) and (4), adding a new section (5), and renumbering section (5).

PURPOSE: This amendment is proposed to define inactive status and the number of continuing education hours which are required for reactivation and requires any licensee who remains inactive for

ten (10) years or more to complete an entry level examination approved by the board prior to reactivation.

(2) Each inactive licensee shall provide the board, at the time of application for renewal of the inactive license, with a completed renewal form issued by the board that shall contain updated information since the preceding application/renewal period [and verification of completion of the required continuing education hours pursuant to rules promulgated by the board].

(4) If an inactive licensee wishes to return a license to active status [prior to the renewal time,] the licensee shall complete a renewal form and pay the renewal fee as stated in the rules promulgated by the board. **In addition, the licensee shall provide evidence of completion of at least twenty-four (24) hours of approved continuing education within the preceding two (2) years.**

(5) In addition to the requirements set forth in section (4) above, a licensee whose license is inactive for ten (10) years or more shall be required to successfully complete an entry level examination approved by the board prior to reactivation.

[[5]] (6) Applicants that are approved for inactive status renewal will receive one (1) license. Duplicate licenses may be provided upon payment of the appropriate fee pursuant to rules promulgated by the board.

AUTHORITY: sections 334.800, 334.840.2, 334.850, 334.880.1, 334.910 and 334.920, RSMo [Supp. 1999] 2000. Original rule filed June 25, 1998, effective Jan. 30, 1999. Amended: Filed Dec. 30, 1999, effective June 30, 2000. Amended: Filed Jan. 31, 2001.

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

PRIVATE COST: This proposed amendment is estimated to cost private entities approximately \$780 during the sixth year of implementation of the rule and each year thereafter for the life of the rule. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Respiratory Care, PO Box 1335, 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.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 255 – Missouri Board for Respiratory Care

Chapter: 2 – Licensure Requirements

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 4 CSR 255-2.050 Inactive Status

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 annual cost of compliance with the rule by the affected entities:
2	Licensees Whose License is Inactive for 10 years or More (national exam fee)	\$780.00
Total annual cost for the life of the rule after six years of implementation of the rule		\$780.00

III. WORKSHEET

National Examination Fee @ \$390

IV. ASSUMPTIONS

1. Because the board has just completed its second renewal period, it anticipates two (2) individuals whose license has been inactive for a period of 10 years or more will annually apply to reactive their inactive license after six years of implementation of the rule. The private entity cost for this proposed amendment is estimated to be \$780 during the sixth year of implementation of the rule and each year thereafter for the life of the rule.
2. It is anticipated that the total cost will recur for the life, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 255—Missouri Board for Respiratory Care
Chapter 2—Licensure Requirements**

PROPOSED RESCISSION

4 CSR 255-2.060 Reinstatement. This rule outlined the process for reinstating a lapsed license to practice as a respiratory care practitioner.

PURPOSE: This rule is being rescinded and readopted to more clearly outline the process for reinstating a lapsed license to practice as a respiratory care practitioner.

AUTHORITY: sections 334.800, 334.840.2., 334.850, 334.870, 334.880.1., 334.910 and 334.920, RSMo Supp. 1999. Original rule filed June 25, 1998, effective Jan. 30, 1999. Amended: Filed Dec. 30, 1999, effective June 30, 2000. Rescinded: Filed Jan. 31, 2001.

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 the Missouri Board of Respiratory Care, PO Box 1335, 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 255—Missouri Board for Respiratory Care
Chapter 2—Licensure Requirements**

PROPOSED RULE

4 CSR 255-2.060 Reinstatement

PURPOSE: This rule outlines the process for reinstating a lapsed license to practice as a respiratory care practitioner and complies with the provisions of House Bill 343 of the 90th General Assembly.

(1) Failure of a licensee to renew a license prior to the expiration of a license will result in the lapse of a license.

(2) A licensee whose license has been lapsed for fewer than thirty (30) days may obtain renewal of that license by mailing the complete renewal application pursuant to 4 CSR 255-2.040 and proper renewal fee to the board postmarked no later than the thirtieth day of lapse. Satisfactory explanation of the lapse will be presumed. The board at its discretion may not renew the license of any licensee who is subject to disciplinary action, but the board shall advise the licensee of the statutory right to file a complaint with the Administrative Hearing Commission (AHC).

(3) A licensee whose license has been lapsed for more than thirty (30) days but less than three (3) years may obtain renewal of that license by mailing the completed lapsed renewal application to the board. The lapsed renewal application shall be accompanied by the late renewal fee and the renewal fee for each year the license was lapsed in addition to the current renewal fee. In addition to verifi-

cation of completion of the required continuing education hours, the lapsed renewal application shall also include the following:

(A) A statement that the licensee is not presently practicing as a respiratory care practitioner in Missouri; and

(B) A statement indicating whether the licensee practiced as a respiratory care practitioner in Missouri while the license was lapsed and, if so, how long and where; and

(C) If the licensee was practicing as a respiratory care practitioner in Missouri while the license was lapsed, s/he shall submit a notarized statement indicating that s/he has ceased working as soon as s/he realized that the license was lapsed. In addition, the licensee shall cause his/her employer to submit a statement on the employee's letterhead stationary or a notarized statement indicating that the licensee ceased working as soon as s/he realized that the license was lapsed.

(4) Failure of the licensee to renew a license for a period of more than three (3) years after the expiration of the license, shall be treated in the same manner as a person who has never been licensed and must reapply for licensure under the licensing requirements in effect at the time the person applies to resume the practice of respiratory care. In addition, the applicant shall submit evidence of completion of at least twenty-four (24) hours of approved continuing education within the preceding two (2) years.

(5) Following review by the board, the licensee shall be informed in writing of the decision regarding the application for licensure.

(6) Licensees that are approved will receive one (1) license. Duplicate licenses may be provided upon payment of the appropriate fee pursuant to rules promulgated by the board.

AUTHORITY: sections 334.800, 334.840.2., 334.850, 334.870, 334.880.2., 334.910 and 334.920, RSMo 2000. Original rule filed June 25, 1998, effective Jan. 30, 1999. Amended: Filed Dec. 30, 1999, effective June 30, 2000. Rescinded and readopted: Filed Jan. 31, 2001.

PUBLIC COST: This proposed rule is estimated to cost state agencies and political subdivisions an estimated \$251.90 annually for the life of the rule. It is anticipated that the total annual cost will recur for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule is estimated to cost private entities approximately \$7,500 annually for the first seven years of implementation of the rule and thereafter is estimated to cost private entities \$7,652.16 for the life of the rule. It is anticipated that the total annual cost will recur for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Board of Respiratory Care, PO Box 1335, 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.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 4 - Department of Economic Development
 Division: 255 – Missouri Board of Respiratory Care
 Chapter: 2 – Licensure Requirements
 Type of Rulemaking: Proposed Rule
 Rule Number and Name: 4 CSR 255-2.060 Reinstatement

Prepared November 22, 2000 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT	
Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Missouri Board for Respiratory Care (reinstatement of a lapsed license)	\$251.90
Total annual cost for the life of the rule	
\$251.90	

III. WORKSHEET

REINSTATEMENT OF LAPSED LICENSES COST

Currently the board has 268 licensees holding a lapsed license status and 130 are anticipated to allow their license to lapse each biennial renewal period. It is estimated that 50 respiratory care practitioners will reinstate their license annually. The following is a breakdown of the expense and equipment costs associated with printing and mailing the renewal notices to licensees.

CLASSIFICATION	FEE AMOUNT	NUMBER IN CLASS	TOTAL ANNUAL COST
Renewal Notice Printing Cost	\$.15	50	\$7.50
Return Envelope for Licensee to Mail Renewal Notice	\$.16	50	\$8.00
Envelope for Board to Mail Renewal Notice to Licensee	\$.16	50	\$8.00
Postage for Mailing Renewal Notice	\$.33	50	\$16.50
License Printing Cost	\$.11	50	\$5.50
License Mailing Cost	\$.33	50	\$16.50

Total expense and equipment costs associated \$62.00
with printing and mailing the renewal notices to licensees:

Upon receipt of the application for reinstatement and supporting documentation the Licensure Technician II reviews the notice/documentation for compliance and updates the information contained on the renewal to the licensing computer system. The Executive Director reviews any questions or problems on renewal notices and addresses those problems with necessary action such as correspondence, telephone calls or placing on the agenda for Board review.

Staff resources are shared with another board. The figures below represent the personal service costs paid by the Missouri Board for Respiratory Care for implementation of this rule.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFITS	HOURLY SALARY	COST PER MINUTE	TIME PER NOTICE	COST PER NOTICE	TOTAL ANNUAL COST
Executive Director	\$12,348	\$16,145	\$7.77	.13	7 minutes	\$.91	\$118.30
Licensure Technician II	\$10,076	\$13,174.37	\$6.34	.11	5 minutes	\$.55	\$71.50
Total:							\$189.80

It is estimated that the Missouri Board for Respiratory Care will incur approximately \$251.90 annual expenses for the review and approval of continuing education programs annually for the life of the rule.

IV. ASSUMPTIONS

- Employee's salaries were calculated using their annual salary multiplied by 30.75% for fringe benefits and then were divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing reinstatement applications. The total cost was based on the cost per application multiplied by the estimated number of licensees who are anticipated to renew their license annually.
- The total annual cost will recur each year for the life of the rule, may vary with inflation and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

I. RULE NUMBER

Title: 4 - Department of Economic Development

Division: 255 – Missouri Board of Respiratory Care

Chapter: 2 -- Licensure Requirements

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 255-2.060 Reinstatement

Prepared November 22, 2000 by the Division of Professional Registration

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 annual cost of compliance with the rule by the affected entities:
50	Reinstatement \$100 Biennial License Renewal Fee (licensees whose license lapsed more than 30 days but less than 3 years)	\$5,000.00
50	Reinstatement \$50 Late Renewal Penalty Fee (licensees whose license lapsed more than 30 days but less than 3 years)	\$2,500.00
1	Reinstatement \$65.00 Application for Licensure as a Respiratory Care Practitioner Fee (licensees whose license lapsed more than 3 years)	\$65.00
1	Reinstatement \$2.50 Application Notary Fee (licensees whose license lapsed more than 3 years)	\$2.50
1	Reinstatement \$.33 Postage to Mail Application (licensees whose license lapsed more than 3 years)	\$.33

1	Reinstatement \$50 Late Renewal Penalty Fee (licensees whose license lapsed more than 3 years – application fee)	\$50.00
1	Reinstatement \$14 Fingerprint Fee -- paid directly to the Missouri Highway Patrol (licensees whose license lapsed more than 3 years – application fee)	\$14.00
1	Reinstatement \$20 – Verification fee verifying licensure in another state, the District of Columbia or territory of the United States of America (licensees whose license lapsed more than 3 years – application fee)	\$20.00
1	Reinstatement \$.33-- Postage for Verification form (licensees whose license lapsed more than 3 years – application fee)	\$.33
Total annual cost for the first seven years of implementation of the rule		\$7,500.00
Total annual cost during the eighth year of implementation of the rule for the life of the rule		\$7,652.16

III. WORKSHEET

See table above.

IV. ASSUMPTIONS

1. The board anticipates 50 licensees whose license has been lapsed more than 30 days but less than 3 years will reinstate their license annually. The board estimates this process will cost private entities approximately \$7,500 annually for the life of the rule.
2. Since the board was created in 1998, no licenses have been lapsed for more than 10 years. The board is conservatively estimating that after the eighth year of implementation of the rule and annually thereafter, 1 licensee whose license has been lapsed for more than 10 years will reinstate their license. The board estimates this process will cost private entities approximately \$152.16 annually after the eighth year of implementation of the rule.
3. The private entity cost for this proposed amendment is estimated to be \$7,500 annually for first seven years of implementation of the rule and thereafter is estimated to cost private entities \$7,652.16 for the life of the rule. It is anticipated that the total annual cost will recur for the life, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 255—Missouri Board for Respiratory Care
Chapter 4—Continuing Education Requirements**

PROPOSED RESCISSION

4 CSR 255-4.010 Continuing Education Requirements. This rule detailed the continuing education that would be required for renewal of a license to practice as a respiratory care practitioner.

PURPOSE: This rule is being rescinded and readopted to more clearly detail the continuing education that will be required for renewal of a license to practice as a respiratory care practitioner.

AUTHORITY: sections 334.800, 334.840.2, 334.850, 334.910 and 334.920, RSMo Supp. 1999. Original rule filed June 25, 1998, effective Jan. 30, 1999. Amended: Filed Dec. 30, 1999, effective June 30, 2000. Amended: Filed June 2, 2000, effective Dec. 30, 2000. Rescinded: Filed Jan. 31, 2001.

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 the Missouri Board of Respiratory Care, PO Box 1335, 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 255—Missouri Board for Respiratory Care
Chapter 4—Continuing Education Requirements**

PROPOSED RULE

4 CSR 255-4.010 Continuing Education Requirements

PURPOSE: This rule details the continuing education that will be required for renewal of a license to practice as a respiratory care practitioner.

(1) As a condition for renewal of a license, all respiratory care practitioners are required to complete twenty-four (24) hours of approved continuing education in the practice of respiratory care as defined by section 334.800(11), RSMo in the continuing education reporting period preceding renewal of the license. The continuing education reporting period is the twenty-four (24)-month period beginning on August 1 of even numbered years and ending on July 31 of even numbered years. Continuing education hours earned after July 31 shall apply to the next continuing education reporting period. No more than twelve (12) hours credit will be awarded for home study during each continuing education reporting period. The licensee is exempt from continuing education requirements for the first renewal period after initial licensing.

(2) For the license renewal due on August 1, 2002, and each subsequent renewal thereafter, the licensee shall certify that s/he has obtained at least twenty-four (24) hours of continuing education during the continuing education reporting period preceding the license renewal on the renewal form provided by the board. The renewal form shall be mailed directly to the board office on or before the expiration date. The renewal form shall not be consid-

ered complete until all of the required information has been received by the board. The licensee shall not submit the record of continuing education attendance to the board except in the case of a board audit.

- (3) A continuing education hour includes but is not limited to:
- (A) Fifty (50) minutes of attendance in an approved meeting or program;
 - (B) Fifty (50) minutes of instruction in an approved in-service training program;
 - (C) Fifty (50) minutes of study in an approved home study course with a testing mechanism;
 - (D) Twenty-five (25) minutes of presentation in a program, conference or seminar. No credit shall be granted for any subsequent presentations on the same subject matter during the same renewal period; and
 - (E) Completion of academic course work in respiratory care with one (1) credit hour equaling twelve (12) continuing education hours.

(4) Programs approved by the American Association for Respiratory Care (AARC) and its state affiliates shall be considered automatically approved activities for completion of the continuing education hours.

(5) If a group or individual wants to sponsor a continuing education program relating to respiratory care that is not approved by the AARC, a request shall be submitted to the board's executive director not fewer than sixty (60) days prior to the date of the program. Once all information pertaining to the request has been received in the board office, the board shall review the request and then notify the sponsor whether approval will be granted. The board will not consider requests for approval of any program submitted after it has already been presented.

- (A) Requests for approval of continuing education shall be submitted on a form provided by the board and shall include:
- 1. The type of educational activity;
 - 2. The subject matter of the activity with objectives and goals;
 - 3. The number of continuing education hours offered;
 - 4. The names and qualifications of the instructors; and
 - 5. The location, date and time of the activity.

(B) Once an application for approval has been granted by the board, reapproval shall not be required for each subsequent presentation of the educational activity so long as the educational activity has not changed. If any portion of the activity has changed, reapplication must be made.

(6) Continuing education hours shall not be awarded for regular work activities, administrative staff meetings, case staffing or reporting, membership in or holding office in, or participation on boards or committees, business meetings of professional organizations, or training specifically related to policies and procedures of an agency. Exceptions to this rule are in-service training programs approved by the board.

(7) A licensee shall be responsible for maintaining his/her records of continuing education activities. Each licensee shall maintain for a period of not less than the preceding two (2) continuing education reporting periods prior to renewal, documentation verifying completion of the appropriate number of continuing education hours for each renewal period.

- (8) Upon request of the board, the licensee shall provide all documentation of completion of continuing educational activities. Documentation of the continuing education may consist of—
- (A) Certificates or affidavits provided by the program;
 - (B) Receipts for fees paid to the sponsor;

(C) American Association for Respiratory Care or its successor organization(s) report of continuing education credits;

(D) Educational transcripts from an accredited respiratory care educational program; or

(E) A letter from the board showing approval of the continuing education hours and documentation of attendance at said program.

(9) Any licensee seeking renewal of a license or certificate without having fully complied with these continuing education requirements who wishes to seek a waiver of the requirements shall file with the board a renewal application, a statement setting forth the facts concerning the noncompliance, a request for waiver of the continuing education requirements on the basis of such facts and, if desired, a request for an interview before the board. If the board finds from the statement or any other evidence submitted, that good cause has been shown for waiving the continuing education requirements, or any part thereof, the board shall waive part or all of the requirements for the renewal period for which the licensee has applied. At that time, the licensee will be requested to submit the required renewal fee.

(A) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the continuing education requirements during the applicable renewal period based on one of the following reasons:

1. Full-time service in the armed forces of the United States during a substantial part of the renewal period; or
2. An incapacitating illness; or
3. Undue hardship.

(B) If an interview before the board is requested at the time the request for waiver is filed, the licensee shall be given at least twenty (20) days written notice of the date, time and place of the interview.

(10) Violation of any provision of this rule shall be deemed by the board to constitute misconduct, fraud, misrepresentation, dishonesty, unethical conduct or unprofessional conduct in the performance of the functions or duties of a respiratory care practitioner depending on the licensee's conduct. In addition, a licensee who fails to complete and report in a timely fashion the required twenty-four (24) hours of continuing education and engages in the practice of respiratory care without the expressed written consent of the board shall be deemed to have engaged in the unauthorized practice of respiratory care.

AUTHORITY: sections 334.800, 334.840.2, 334.850, 334.880, 334.910 and 334.920, RSMo 2000. Original rule filed June 25, 1998, effective Jan. 30, 1999. Amended: Filed Dec. 30, 1999, effective June 30, 2000. Amended: Filed June 2, 2000, effective Dec. 30, 2000. Rescinded and readopted: Filed Jan. 31, 2001.

PUBLIC COST: This proposed rule is estimated to cost the Missouri Board for Respiratory Care \$1,191.60 annually and \$16,158.72 biennially for the life of the rule. The total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule is estimated to cost private entities approximately \$75,504 during the first year of implementation of the rule with biennial increase of \$12,576 for the life of the rule. The total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Board of Respiratory Care, PO Box 1335, 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.

FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER

Title: 4 - Department of Economic Development
 Division: 255 – Missouri Board for Respiratory Care
 Chapter: 4 – Continuing Education Requirements
 Type of Rulemaking: Proposed Rule
 Rule Number and Name: 4 CSR 255-4.010 Continuing Education Requirements

Prepared November 22, 2000 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT	
Affected Agency or Political Subdivision	Estimated Cost of Compliance
Missouri Board for Respiratory Care (review of programs submitted by sponsoring organization)	\$1,191.60 (Annually)
Missouri Board for Respiratory Care (review of continuing education certificates submitted by licensees audited)	\$16,158.72 (Biennially)

Total annual cost for life of the rule \$1,191.60

Total biennial cost for life of the rule \$16,158.72

III. WORKSHEET

REVIEW AND APPROVAL OF CONTINUING EDUCATION PROGRAMS

Programs not approved by the American Association of Respiratory Care (AARC) and its state affiliates must submit requests for approval on forms provided by the board at least sixty days prior to the date of the program. The board estimates that approximately 240 requests for approval are received annually. The following is a breakdown of expense and equipment costs associated with the review and approval of continuing education programs.

CLASSIFICATION	FEE AMOUNT	NUMBER IN CLASS	TOTAL ANNUAL COST
Continuing Education Program Approval Application Printing Cost	\$.15	240	\$36.00
Envelope for Mailing Approval or Denial Letter to Sponsoring Organization	\$.16	240	\$38.40
Postage for Mailing Letter of Approval or Denial	\$.33	240	\$79.20
Supplies for Record Keeping (file folder, labels, etc)	\$.40	240	\$96.00

Total Annual Expense and Equipment Costs Associated with the Review and Approval of Continuing Education Programs: \$249.60

The Licensure Technician II prepares the applications received from sponsoring programs for the Board's Vice Chair's review. It is estimated that the Vice Chair spends approximately 30 minutes to review each application. Upon approval the Licensing Technician II assigns the program a record number, adds the information to the licensing system and sends an approval letter to the sponsoring organization. If the Vice Chair's decision is to deny the request, the Licensing Technician II sends a letter of denial to the sponsoring organization and updates the board's records accordingly.

Staff resources are shared with another board. The figures below represent the personal service costs paid by the Missouri Board for Respiratory Care for implementation of this rule.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFITS	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL ANNUAL COST
Licensure Technician II	\$10,076.	\$13,174.37	\$6.34	.11	30 minutes	\$3.30	\$792.00

Based on the above assumptions, it is estimated that the Vice Chair will spend approximately 3 days reviewing requests for approval annually. The board's Vice Chair will receive a per diem of \$50 per day for this review.

Total Annual Personal Service Costs Associated with the
Review and Approval of Continuing Education Programs: \$942.00

It is estimated that the Missouri Board for Respiratory Care will incur approximately \$1,191.60 annual expenses for the review and approval of continuing education programs annually for the life of the rule.

CONTINUING EDUCATION CERTIFICATES SUBMITTED BY LICENSEES AUDITED BY BOARD

The board may conduct an audit of licensees to verify compliance with the continuing education requirements. Licensees shall assist the board in its audits by providing timely and complete responses to the board's inquires. Currently 2622 respiratory care practitioners are licensed with the board. It is estimated that the board will biennially audit approximately 5% of its licensees and request verification of their attendance at approved continuing education programs. The board estimates a biennial growth rate of 20% in licensees, therefore, the board anticipates that 157 licensees will be audited during the 2002-2003 renewal period. An increased number of licensees will be audited during future renewal periods based on anticipated licensee growth.

CLASSIFICATION	FEE AMOUNT	NUMBER IN CLASS	TOTAL ANNUAL COST
Letterhead Printing Cost	\$.15	157	\$23.55
Envelope for Mailing Letter Requesting Verification of Continuing Education	\$.16	157	\$25.12
Postage for Mailing Request for Information	\$.33	157	\$51.81

Total Biennial Expense and Equipment Costs Associated with the
Auditing of Continuing Education Certificates Submitted by Licensees : \$100.48

The Licensure Technician II will request the information from licensees and monitor those verifications received. Upon receipt of the verification of attendance the Licensing Technician I will review the information received for compliance, update the computer licensing system and report any derogatory information to the Executive Director. The Executive Director will then place the information on the Board's meeting agenda for review by the full board. It is estimated that during the 2002-2003 renewal period the board will audit 157 licensees, of which 79 will require the attention of the Executive Director.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFITS	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL ANNUAL COST
Executive Director	\$12,348	\$16,145	\$7.77	.13	7 minutes	\$.91	\$71.89
Licensure Technician II	\$10,076	\$13,174.37	\$6.34	.11	15 minutes	\$.55	\$86.35
						Total	\$158.24

It is the board's assumption that 79 licensees will not submit the verification of their attendance at approved continuing education hours and an investigator will be required to visit the licensee and obtain the requested verification. Due to the various geographic locations of licensees who may not comply with the board request for information, which will require an investigator to obtain the information in person, it is not possible to accurately estimate the cost the investigator could incur while conducting an investigation.

CLASSIFICATION	FEE AMOUNT	NUMBER IN CLASS	TOTAL ANNUAL COST
Investigation Cost to Acquire Information from Licensees	\$200	79	\$15,800.00
			Total \$ 15,900.48

It is estimated that the Missouri Board for Respiratory Care will incur approximately \$16,158.72 biennial personal service expenses for the review and approval of continuing education programs annually for the life of the rule.

IV. ASSUMPTIONS

- Employee's salaries were calculated using their annual salary multiplied by 30.75% for fringe benefits and then were divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications or renewals.
- The board estimates this amendment will cost the Missouri Board for Respiratory Care \$1,191.60 annually for the life of the rule and \$16,158.72 biennially for the life of the rule. The total cost will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4 - Department of Economic Development
 Division: 255 - Missouri Board of Respiratory Care
 Chapter: 4 - Continuing Education Requirements
 Type of Rulemaking: Proposed Rule
 Rule Number and Name: 4 CSR 255-4.010 Continuing Education Requirements

Prepared November 22, 2000 by the Division of Professional Registration

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 cost of compliance with the rule by the affected entities:
3146	Continuing Education Hours (\$10.00/2 hour program x 12 programs)	\$75,504

Total estimated cost of compliance for the life of the rule \$75,504 during the first year of implementation of the rule with biennial increase of \$12,576.

III. WORKSHEET

Continuing Education Cost to Licensee @ \$10.00 per program

IV. ASSUMPTIONS

1. Currently 2622 respiratory care practitioners are licensed with the board. The board estimates a growth rate of 524 in licensees during the 2002-2003 licensing period. Therefore, the board anticipates that 3146 licensees will be required to obtain 24 hours of continuing education for the 2002-2003 renewal period and that a continuous biennial growth rate of 20% will continue to recur for the life of the rule.
2. The board estimates that each licensee will incur an expense of \$10.00 per continuing education program and earn 2 hours per program. Therefore, the board estimates that this proposed rule will cost private entities approximately \$75,504 during the first year of implementation of the rule with biennial increase of \$12,576.
3. It is anticipated that the total annual cost will recur for the life, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

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

PROPOSED AMENDMENT

10 CSR 10-2.210 Control of Emissions From Solvent Metal Cleaning. The commission proposes to amend the Purpose, section (1), add new sections (2), (4) and (5), renumber and amend original section (2) to section (3) and delete original sections (3), (4), (5), (6) and (7). 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: The purpose of this amendment is to require specific vapor pressure limits on solvents used in cold cleaning operations. The low vapor pressure requirements will reduce the rate of evaporation of cold cleaning solvents to the atmosphere. Most cold cleaning solvents are classified as volatile organic compounds, which participate in the formation of ground level ozone. Ground level ozone is a criteria pollutant for which a national ambient air quality standard exists. The Kansas City metropolitan area is a maintenance area for the one-hour ozone standard. This amendment is intended to satisfy a portion of the contingency requirements of the ozone maintenance plan. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is the Kansas City Ozone Maintenance Plan adopted February 3, 1998, Section 175A of the Clean Air Act, the April 11, 2000 letter from the U.S. Environmental Protection Agency (EPA) to the Missouri Governor, and the August 22, 2000 letter from the Missouri Governor to the EPA. Both the Kansas City Ozone Maintenance Plan and Section 175A of the Clean Air Act include contingency provisions, which were triggered by violations of the one-hour ozone standard in 1995 and 1997. As requested in the EPA letter, the Governor's letter makes a commitment to implement several emission control strategies, including the control requirements encompassed by this rule, and to revise the Maintenance Plan accordingly.

PURPOSE: This [regulation] rule specifies equipment, operating procedures and training requirements for the reduction of hydrocarbon emissions from solvent metal cleaning operations in the Kansas City metropolitan area.

(1) Application.

(A) This [regulation] rule shall apply throughout Clay, Jackson and Platte Counties.

(B) This [regulation] rule shall apply to all installations which emit volatile organic compounds (VOC) from solvent metal cleaning or degreasing operations.

(C) This [regulation] rule applies to all processes which use cold cleaners, open-top vapor degreasers or conveyorized degreasers, using nonaqueous solvents to clean and remove soils from metal surfaces.

(2) Definitions.

(A) **Airless cleaning system**—A degreasing machine that is automatically operated and seals at a differential pressure of 25 torr (0.475 pounds per square inch (psi)) or less, prior to the introduction of solvent vapor into the cleaning chamber and maintains differential pressure under vacuum during all cleaning and drying cycles.

(B) **Air-tight cleaning system**—A degreasing machine that is automatically operated and seals at a differential pressure no greater than 0.5 pounds per square inch gauge (psig) during all cleaning and drying cycles.

(C) **Aqueous solvent**—Any solvent consisting of sixty percent (60%) or more by volume water with a flashpoint greater than ninety-three degrees Celsius (93°C) and is miscible with water.

(D) **Electronic components**—All portions of an electronic assembly, including, but not limited to, circuit board assemblies, printed wire assemblies, printed circuit boards, soldered joints, ground wires, bus bars, and associated electronic component manufacturing equipment such as screens and filters.

(E) **Freeboard area**—The air space in a batch-load cold cleaner that extends from the liquid surface to the top of the tank.

(F) **Freeboard height**—

1. The distance from the top of the solvent to the top of the tank for batch-loaded cold cleaners;

2. The distance from the air-vapor interface to the top of the tank for open-top vapor degreasers; or

3. The distance from either the air-solvent or air-vapor interface to the top of the tank for conveyorized degreasers.

(G) **Freeboard ratio**—The freeboard height divided by the smaller of either the inside length or inside width of the degreaser.

(H) **Medical device**—An instrument, apparatus, implement, machine, contrivance, implant, *in vitro* reagent or other similar article, including any component or accessory that meets one (1) of the following conditions:

1. It is intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease;

2. It is intended to affect the structure or any function of the body; or

3. It is defined in the *National Formulary* or the *United States Pharmacopoeia*, or any supplement to them.

(I) **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.**

[(2)](3) General Provisions.

(A) No person shall cause or allow solvent metal cleaning or degreasing operation—

1. Without **adhering to** operating procedures as contained in this [regulation] rule and to recommendations by the equipment manufacturer;

2. Without the minimum operator and supervisor training as specified in this [regulation] rule; and

3. Unless the equipment conforms to the specifications listed in this [regulation] rule.

(B) [The owner or operator of a solvent metal cleaning or degreasing operation shall keep monthly inventory records of solvent types and amounts purchased and solvent consumed for a period of two (2) years. These records shall include all types and amounts of solvent containing waste material transferred to either a contract reclamation service or to a disposal facility and all amounts distilled on the premises. The records also shall include maintenance and repair logs for both the degreaser and any associated control equipment. The director may require further record-keeping if necessary to adequately demonstrate compliance with this regulation. All these records shall be made available to the director upon his/her request.] **Equipment Specifications.**

1. Cold cleaners.

A. After August 30, 2002—

(I) No owner or operator shall allow the operation of any cold cleaner using a cold cleaning solvent with a vapor pressure greater than 2.0 millimeters of Mercury (mmHg) (0.038 psi) at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)) unless the cold cleaner is used for carburetor cleaning;

(II) No supplier of cold cleaning solvents shall sell or offer for sale any cold cleaning solvent with a vapor pressure greater than 2.0 mmHg (0.038 psi) at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)) for use within Clay, Jackson and Platte Counties unless the cold cleaning solvent is used for carburetor cleaning;

(III) No owner or operator shall allow the operation of any cold cleaner using a cold cleaning solvent for the purpose of carburetor cleaning with a vapor pressure greater than 7.0 mmHg (0.133 psi) at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)); and

(IV) No supplier of cold cleaning solvents shall sell or offer for sale any cold cleaning solvent for the purpose of carburetor cleaning with a vapor pressure greater than 7.0 mmHg (0.133 psi) at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)) for use within Clay, Jackson and Platte Counties.

B. After August 30, 2003—

(I) No owner or operator shall operate or allow the operation of any cold cleaner using a cold cleaning solvent with a vapor pressure greater than 1.0 mmHg (0.019 psi) at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)) unless the cold cleaner is used for carburetor cleaning;

(II) No supplier of cold cleaning solvents shall sell or offer for sale any cold cleaning solvent with a vapor pressure greater than 1.0 mmHg (0.019 psi) at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)) for use within Clay, Jackson and Platte Counties unless the cold cleaning solvent is used for carburetor cleaning;

(III) No owner or operator shall allow the operation of any cold cleaner using a cold cleaning solvent for the purpose of carburetor cleaning with a vapor pressure greater than 5.0 mmHg (0.095 psi) at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)); and

(IV) No supplier of cold cleaning solvents shall sell or offer for sale any cold cleaning solvent for the purpose of carburetor cleaning with a vapor pressure greater than 5.0 mmHg (0.095 psi) at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)) for use within Clay, Jackson and Platte Counties.

C. Exemptions.

(I) Sales of cold cleaning solvents in quantities of five (5) gallons or less shall be exempt from the requirements of parts (3)(B)1.A.(II), (3)(B)1.A.(IV), (3)(B)1.B.(II) and (3)(B)1.B.(IV) of this rule.

(II) The cleaning of electronic components shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule.

(III) Solvent cleaning operations which meet the emission control requirements of 10 CSR 10-2.230, 10 CSR 10-2.290 and 10 CSR 10-2.340 shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule.

(IV) Cold cleaners using aqueous solvents shall be exempt from the requirements of parts (3)(B)1.A.(I), (3)(B)1.A.(III), (3)(B)1.B.(I) and (3)(B)1.B.(III) of this rule.

(V) Cold cleaners using solvents regulated under any federal National Emission Standard for Hazardous Air Pollutants shall be exempt from the requirements of parts (3)(B)1.A.(I), (3)(B)1.A.(III), (3)(B)1.B.(I) and (3)(B)1.B.(III) of this rule.

(VI) Any cold cleaner with a liquid surface area of one (1) square foot or less or a maximum capacity of one (1) gallon or less shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule.

(VII) The cleaning of medical and optical devices shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule.

(VIII) Air-tight or airless cleaning systems shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule if the following requirements are met.

(a) The equipment is operated in accordance with the manufacturer's specifications and operated with a door or other pressure sealing apparatus that is in place during all cleaning and drying cycles.

(b) All waste solvents are stored in properly identified and sealed containers, and managed in compliance with the Missouri Hazardous Waste Management Commission rules codified at 10 CSR 25, as applicable. All associated pressure relief devices shall not allow liquid solvents to drain out.

(c) Spills during solvent transfer shall be wiped up immediately or managed in compliance with the Missouri Hazardous Waste Commission rules codified at 10 CSR 25, as applicable, and the used wipe rags shall be stored in closed containers.

(d) A differential pressure gauge shall be installed to indicate the sealed chamber pressure.

(IX) Janitorial and institutional cleaning shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule.

(X) Paint spray gun and nozzle cleaning shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule. Paint spray guns and nozzles only may be cleaned in solvent-based materials capable of stripping hardened paint for cleaning, provided the container (not to exceed five (5) gallons in size) is kept tightly covered at all times except when accessing the container.

D. An owner or operator of a cold cleaner may use an alternate method for reducing cold cleaning emissions if the owner or operator shows the level of emission control is equivalent to or greater than the requirements of parts (3)(B)1.A.(I), (3)(B)1.A.(III), (3)(B)1.B.(I) and (3)(B)1.B.(III) of this rule. This alternate method must be approved by the director.

E. Each cold cleaner shall have a cover which will prevent the escape of solvent vapors from the solvent bath while in the closed position or an enclosed reservoir which will limit the escape of solvent vapors from the solvent bath whenever parts are not being processed in the cleaner.

F. When one (1) or more of the following conditions exist, the design of the cover shall be such that it can be easily operated with one (1) hand such that minimal disturbing of the solvent vapors in the tank occurs. (For covers larger than ten (10) square feet, this shall be accomplished by either mechanical assistance such as spring loading or counterweighting or by power systems):

(I) The solvent volatility is greater than 0.3 psi measured at one hundred degrees Fahrenheit (100°F), such as in mineral spirits;

(II) The solvent is agitated; or

(III) The solvent is heated.

G. Each cold cleaner shall have a drainage facility which will be internal so that parts are enclosed under the cover while draining.

H. If an internal drainage facility cannot fit into the cleaning system and the solvent volatility is less than 0.6 psi measured at one hundred degrees Fahrenheit (100°F), then the cold cleaner shall have an external drainage facility which provides for the solvent to drain back into the solvent bath.

I. Solvent sprays, if used, shall be a solid fluid stream (not a fine, atomized or shower-type spray) and at a pressure which does not cause splashing above or beyond the freeboard.

J. A permanent conspicuous label summarizing the operating procedures shall be affixed to the equipment.

K. Any cold cleaner which uses a solvent that has a solvent volatility greater than 0.6 psi measured at one hundred

degrees Fahrenheit (100°F) or heated above one hundred twenty degrees Fahrenheit (120°F) must use one (1) of the following control devices:

(I) A freeboard ratio of at least 0.75;

(II) Water cover (solvent must be insoluble in and heavier than water); or

(III) Other control systems with a mass balance demonstrated overall VOC emissions reduction efficiency greater than or equal to sixty-five percent (65%). These control systems must receive approval from the director prior to their use.

2. Open-top vapor degreasers.

A. Each open-top vapor degreaser shall have a cover which will prevent the escape of solvent vapors from the degreaser while in the closed position and shall be designed to open and close easily with one (1) hand such that minimal disturbing of the solvent vapors in the tank occurs. For covers larger than ten (10) square feet, easy cover use shall be accomplished by either mechanical assistance, such as spring loading or counterweighing or by power systems.

B. Each open-top vapor degreaser shall be equipped with a vapor level safety thermostat with a manual reset which shuts off the heating source when the vapor level rises above the cooling or condensing coil, or an equivalent safety device approved by the director.

C. Each open-top vapor degreaser with an air/vapor interface over ten and three-fourths (10 3/4) square feet shall be equipped with at least one (1) of the following control devices:

(I) A freeboard ratio of at least 0.75;

(II) A refrigerated chiller;

(III) An enclosed design (the cover or door opens only when the dry part actually is entering or exiting the degreaser);

(IV) A carbon adsorption system with ventilation of at least fifty (50) cubic feet per minute per square foot of air vapor area when the cover is open and exhausting less than twenty-five parts per million (25 ppm) of solvent by volume averaged over one (1) complete adsorption cycle as measured using the reference method specified at 10 CSR 10-6.030(14)(A); or

(V) A control system with a mass balance demonstrated overall VOC emissions reduction efficiency greater than or equal to sixty-five percent (65%) and prior approval by the director.

D. A permanent conspicuous label summarizing the operating procedures shall be affixed to the equipment.

3. Conveyorized degreasers.

A. Each conveyorized degreaser shall have a drying tunnel or rotating (tumbling) basket or other means demonstrated to have equal to or better control which shall be used to prevent cleaned parts from carrying out solvent liquid or vapor.

B. Each conveyorized degreaser shall have the following safety switches or equivalent safety devices approved by the director which operate if the machine malfunctions:

(I) A vapor level safety thermostat with manual reset which shuts off the heating source when the vapor level rises just above the cooling or condensing coil; and

(II) A spray safety switch, which shuts off the spray pump if the vapor level in the spray chamber drops four inches (4"), for conveyorized degreasers utilizing a spray chamber.

C. Entrances and exits shall silhouette work loads so that the average clearance between parts and the edge of the degreaser opening is less than four inches (4") or less than ten percent (10%) of the width of the opening.

D. Covers shall be provided for closing off the entrance and exit during hours when the degreaser is not being used.

E. A permanent, conspicuous label summarizing the operating procedures shall be affixed to the equipment.

F. If the air/vapor interface is larger than twenty-one and one-half (21 1/2) square feet, one (1) major control device shall be required. This device shall be one (1) of the following:

(I) A refrigerated chiller;

(II) Carbon adsorption system with ventilation of at least fifty (50) cubic feet per minute per square foot of the total entrance and exit areas (when downtime covers are open) and exhausting less than twenty-five (25) ppm of solvent by volume averaged over one (1) complete adsorption cycle as measured using the reference method specified at 10 CSR 10-6.030(14)(A); or

(III) A control system with a mass balance demonstrated overall VOC emissions reduction efficiency greater than or equal to sixty-five percent (65%) and prior approval by the director.

(C) *Definitions for key words used in this regulation may be found in 10 CSR 10-6.020.* Operating Procedures.

1. Cold cleaners.

A. Cold cleaner covers shall be closed whenever parts are not being handled in the cleaners or the solvent must drain into an enclosed reservoir.

B. Cleaned parts shall be drained in the freeboard area for at least fifteen (15) seconds or until dripping ceases, whichever is longer.

C. Whenever a cold cleaner fails to perform within the operating parameters established for it by this rule, the unit shall be shut down immediately and shall remain shut down until trained service personnel are able to restore operation within the established parameters.

D. Solvent leaks shall be repaired immediately or the degreaser shall be shut down until the leaks are repaired.

E. Any waste material removed from a cold cleaner shall be disposed of by one (1) of the following methods and in accordance with the Missouri Hazardous Waste Management Commission rules codified at 10 CSR 10-25, as applicable:

(I) Reduction of the waste material to less than twenty percent (20%) VOC solvent by distillation and proper disposal of the still bottom waste; or

(II) Stored in closed containers for transfer to—

(a) A contract reclamation service; or

(b) A disposal facility approved by the director.

F. Waste solvent shall be stored in covered containers only.

2. Open-top vapor degreasers.

A. The cover shall be kept closed at all times except when processing workloads through the degreaser.

B. Solvent carry-out shall be minimized in the following ways:

(I) Parts shall be racked, if practical, to allow full drainage;

(II) Parts shall be moved in and out of the degreaser at less than eleven feet (11') per minute;

(III) Workload shall remain in the vapor zone at least thirty (30) seconds or until condensation ceases;

(IV) Pools of solvent shall be removed from cleaned parts before removing parts from the degreaser freeboard area; and

(V) Cleaned parts shall be allowed to dry within the degreaser freeboard area for at least fifteen (15) seconds or until visually dry, whichever is longer.

C. Porous or absorbent materials such as cloth, leather, wood or rope shall not be degreased.

D. If workloads occupy more than half of the degreaser's open-top area, rate of entry and removal shall not exceed five feet (5') per minute.

E. Spray shall never extend above vapor level.

F. Whenever an open-top vapor degreaser fails to perform within the operating parameters established for it by this rule, the unit shall be shut down until trained service personnel are able to restore operation within the established parameters.

G. Solvent leaks shall be repaired immediately or the degreaser shall be shut down until the leaks are repaired.

H. Ventilation exhaust shall not exceed sixty-five (65) cubic feet per minute per square foot of degreaser open area unless proof is submitted that it is necessary to meet Occupational Safety and Health Administration (OSHA) requirements. Fans shall not be used near the degreaser opening.

I. Water shall not be visually detectable in solvent exiting the water separator.

J. Any waste material removed from an open-top vapor degreaser shall be disposed of by one (1) of the following methods or equivalent and in accordance with the Missouri Hazardous Waste Management Commission rules codified at 10 CSR 10-25, as applicable:

(I) Reduction of the waste material to less than twenty percent (20%) VOC solvent by distillation and proper disposal of the still bottom waste; or

(II) Stored in closed containers for transfer to—

(a) A contract reclamation service; or

(b) A disposal facility approved by the director.

K. Waste solvent shall be stored in closed containers only.

3. Conveyorized degreasers.

A. Ventilation exhaust shall not exceed sixty-five (65) cubic feet per minute per square foot of degreaser opening unless proof is submitted that it is necessary to meet OSHA requirements. Fans shall not be used near the degreaser opening.

B. Solvent carry-out shall be minimized in the following ways:

(I) Parts shall be racked, if practical, to allow full drainage; and

(II) Vertical conveyor speed shall be maintained at less than eleven feet (11') per minute.

C. Whenever a conveyorized degreaser fails to perform within the operating parameters established for it by this rule, the unit shall be shut down immediately and shall remain shut down until trained service personnel are able to restore operation within the established parameters.

D. Solvent leaks shall be repaired immediately or the degreaser shall be shut down until the leaks are repaired.

E. Water shall not be visually detectable in solvent exiting the water separator.

F. Covers shall be placed over entrances and exits immediately after conveyor and exhaust are shut down and removed just before they are started up.

G. Waste solvent shall be stored in closed containers only.

H. Any waste material removed from a conveyorized degreaser shall be disposed of by one (1) of the following methods or equivalent and in accordance with the Missouri Hazardous Waste Management Commission rules codified at 10 CSR 10-25, as applicable:

(I) Reduction of the waste material to less than twenty percent (20%) VOC solvent by distillation and proper disposal of the still bottom waste; or

(II) Stored in closed containers for transfer to—

(a) A contract reclamation service; or

(b) A disposal facility approved by the director.

(D) Operator and Supervisor Training.

1. Only persons trained in at least the operational and equipment requirements specified in this rule for their partic-

ular solvent metal cleaning process shall be permitted to operate the equipment.

2. The supervisor of any person who operates a solvent metal cleaning process shall receive equal or greater operational training than the operator.

3. Refresher training shall be given to all solvent metal cleaning equipment operators at least once each twelve (12) months.

4. Training records shall be maintained per subsections (4)(D) and (4)(E) of this rule.

[(3) Equipment Specifications.

(A) Cold Cleaners.

1. Each cold cleaner shall have a cover which will prevent the escape of solvent vapors from the solvent bath while in the closed position or an enclosed reservoir which will prevent the escape of solvent vapors from the solvent bath whenever parts are not being processed in the cleaner.

2. When one (1) or more of the following conditions exist, the design of the cover shall be such that it easily can be operated with one (1) hand and without disturbing the solvent vapors in the tank. For covers larger than ten (10) square feet, this shall be accomplished by either mechanical assistance such as spring loading or counter weighing or by power systems:

A. The solvent volatility is greater than 0.3 pounds per square inch measured at one hundred degrees Fahrenheit (100°F), such as in mineral spirits;

B. The solvent is agitated; or

C. The solvent is heated.

3. Each cold cleaner shall have a drainage facility which will be internal so that parts are enclosed under the cover while draining.

4. If an internal drainage facility cannot fit into the cleaning system and the solvent volatility is less than 0.6 pounds per square inch (psi) measured at one hundred degrees Fahrenheit (100°F), then the cold cleaner shall have an external drainage facility which provides for the solvent to drain back into the solvent bath.

5. Solvent sprays, if used, shall be a solid fluid stream (not a fine, atomized or shower-type spray) and at a pressure which does not cause any splashing above or beyond the freeboard.

6. A permanent conspicuous label summarizing the operating procedures shall be affixed to the equipment.

7. Any cold cleaner which uses a solvent that has a solvent volatility greater than 0.6 psi measured at one hundred degrees Fahrenheit (100°F) or heated above one hundred twenty degrees Fahrenheit (120°F) must use one (1) of the following control devices:

A. Freeboard height that gives a freeboard ratio greater than or equal to 0.7;

B. Water cover (solvent must be insoluble in and heavier than water); or

C. Other control systems with a mass balance demonstrated overall VOC emissions reduction efficiency greater than or equal to sixty-five percent (65%). These control systems must receive approval of the director prior to their use.

(B) Open-Top Vapor Degreasers.

1. Each open-top vapor degreaser shall have a cover which will prevent the escape of solvent vapors from the degreaser while in the closed position and shall be designed to open and close easily with one (1) hand and without disturbing the solvent vapors in the tank. For covers larger than ten (10) square feet, easy cover use shall

be accomplished by either mechanical assistance, such as spring loading or counter weighing or by power systems.

2. Each open-top vapor degreaser shall be equipped with a vapor level safety thermostat with a manual reset which shuts off the heating source when the vapor level rises above the cooling or condensing coil; or an equivalent safety device approved by the director.

3. Each open-top vapor degreaser with an air/vapor interface over ten and three-fourths (10 3/4) square feet shall be equipped with at least one (1) of the following control devices:

A. A freeboard ratio of at least 0.75;

B. A refrigerated chiller;

C. An enclosed design (the cover or door opens only when the dry part actually is entering or exiting the degreaser);

D. A carbon adsorption system with ventilation of at least fifty (50) cubic feet per minute per square foot of air vapor area when the cover is open and exhausting less than twenty-five parts per million (25 ppm) of solvent by volume averaged over one (1) complete adsorption cycle as measured using the reference method specified at 10 CSR 10-6.030(14)(A); or

E. A control system with a mass balance demonstrated overall VOC emissions reduction efficiency greater than or equal to sixty-five percent (65%) and prior approval by the director.

4. A permanent conspicuous label summarizing the operating procedures shall be affixed to the equipment.

(C) Conveyorized Degreasers.

1. Each conveyorized degreaser shall have a drying tunnel or rotating (tumbling) basket or other means demonstrated to have equal to or better control which shall be used to prevent cleaned parts from carrying out solvent liquid or vapor.

2. Each conveyorized degreaser shall have the following safety switches or equivalent safety devices approved by the director which operate if the machine malfunctions:

A. A vapor level safety thermostat with manual reset which shuts off the heating source when the vapor level rises just above the cooling or condensing coil; and

B. A spray safety switch, which shuts off the spray pump if the vapor level in the spray chamber drops four inches (4"), for conveyorized degreasers utilizing a spray chamber.

3. Entrances and exits shall silhouette work loads so that the average clearance between parts and the edge of the degreaser opening is less than four inches (4") or less than ten percent (10%) of the width of the opening.

4. Covers shall be provided for closing off the entrance and exit during hours when the degreaser is not being used.

5. A permanent, conspicuous label summarizing the operating procedures shall be affixed to the equipment.

6. If the air/vapor interface is larger than twenty-one and one-half (21 1/2) square feet, one (1) major control device shall be required. This device shall be one (1) of the following:

A. A refrigerated chiller;

B. Carbon adsorption system with ventilation of at least fifty (50) cubic feet per minute per square foot of the total entrance and exit areas (when downtime covers are open) and exhausting less than twenty-five (25) ppm of solvent by volume averaged over one (1) complete adsorption cycle as measured using the reference method specified at 10 CSR 10-6.030(14)(A); or

C. A control system with a mass balance demonstrated overall VOC emissions reduction efficiency greater

than or equal to sixty-five percent (65%) and prior approval by the director.]

[(4) Operating Procedures.

(A) Cold Cleaners.

1. Cold cleaner covers shall be closed whenever parts are not being handled in the cleaners or the solvent must drain into an enclosed reservoir.

2. Cleaned parts shall be drained in the freeboard area for at least fifteen (15) seconds or until dripping ceases, whichever is longer.

3. Whenever a cold cleaner fails to perform within the operating parameters established for it by this regulation, the unit shall be shutdown immediately and shall remain shutdown until trained service personnel are able to restore operation within the established parameters.

4. Solvent leaks shall be repaired immediately or the degreaser shall be shutdown until the leaks are repaired.

5. Any waste material removed from a cold cleaner shall be disposed of by one (1) of the following methods and in accordance with the Missouri Hazardous Waste Management Commission rules codified at 10 CSR 10-25, as applicable:

A. Reduction of the waste material to less than twenty percent (20%) VOC solvent by distillation and proper disposal of the still bottom waste; or

B. Stored in closed containers for transfer to—

(I) A contract reclamation service; or

(II) A disposal facility approved by the director.

6. Waste solvent shall be stored in covered containers only.

(B) Open-Top Vapor Degreasers.

1. The cover shall be kept closed at all times except when processing workloads through the degreaser.

2. Solvent carry-out shall be minimized in the following ways:

A. Parts shall be racked, if practical, to allow full drainage;

B. Parts shall be moved in and out of the degreaser at less than eleven feet (11') per minute;

C. Workload shall remain in the vapor zone at least thirty (30) seconds or until condensation ceases;

D. Pools of solvent shall be removed from cleaned parts before removing parts from the degreaser freeboard area; and

E. Cleaned parts shall be allowed to dry within the degreaser freeboard area for at least fifteen (15) seconds or until visually dry, whichever is longer.

3. Porous or absorbent materials such as cloth, leather, wood or rope shall not be degreased.

4. If workloads occupy more than half of the degreaser's open-top area, rate of entry and removal shall not exceed five feet (5') per minute.

5. Spray shall never extend above vapor level.

6. Whenever a vapor degreaser fails to perform within the operating parameters established for it by this regulation, the unit shall be shutdown until trained service personnel are able to restore operation within the established parameters.

7. Solvent leaks shall be repaired immediately or the degreaser shall be shutdown until the leaks are repaired.

8. Ventilation exhaust shall not exceed sixty-five (65) cubic feet per minute per square foot of degreaser open area unless proof is submitted that it is necessary to meet Occupational Safety and Health Administration (OSHA) requirements. Fans shall not be used near the degreaser opening.

9. Water shall not be visually detectable in solvent exiting the water separator.

10. Any waste material removed from an open-top vapor degreaser shall be disposed of by one (1) of the following methods or equivalent and in accordance with the Missouri Hazardous Waste Management Commission rules codified at 10 CSR 10-25, as applicable:

A. Reduction of the waste material to less than twenty percent (20%) VOC solvent by distillation and proper disposal of the still bottom waste; or

B. Stored in closed containers for transfer to—

(I) A contract reclamation service; or

(II) A disposal facility approved by the director.

11. Waste solvent shall be stored in covered containers only.

(C) Conveyorized Degreasers.

1. Ventilation exhaust shall not exceed sixty-five (65) cubic feet per minute per square foot of degreaser opening unless proof is submitted that it is necessary to meet OSHA requirements. Fans shall not be used near the degreaser opening.

2. Solvent carry-out shall be minimized in the following ways:

A. Parts shall be racked, if practical, to allow full drainage; and

B. Vertical conveyor speed shall be maintained at less than eleven feet (11') per minute.

3. Whenever a conveyorized degreaser fails to perform within the operating parameters established for it by this regulation, the unit shall be shutdown immediately and shall remain shutdown until trained service personnel are able to restore operation within the established parameters.

4. Solvent leaks shall be repaired immediately or the degreaser shall be shutdown until the leaks are repaired.

5. Water shall not be visually detectable in solvent exiting the water separator.

6. Covers shall be placed over entrances and exits immediately after conveyor and exhaust are shutdown and removed just before they are started up.

7. Waste solvent shall be stored in covered containers only.

8. Any waste material removed from a conveyorized degreaser shall be disposed of by one (1) of the following methods or equivalent and in accordance with the Missouri Hazardous Waste Management Commission rules codified at 10 CSR 10-25, as applicable:

A. Reduction of the waste material to less than twenty percent (20%) VOC solvent by distillation and proper disposal of the still bottom waste; or

B. Stored in closed containers for transfer to—

(I) A contract reclamation service; or

(II) A disposal facility approved by the director.]

(4) Reporting and Record Keeping.

(A) The owner or operator of a solvent metal cleaning or degreasing operation shall keep monthly inventory records of solvent types and amounts purchased and solvent consumption. These records shall include all types and amounts of solvent containing waste material transferred to either a contract reclamation service or to a disposal facility and all amounts distilled on the premises. The records also shall include maintenance and repair logs for both the degreaser and any associated control equipment. Records shall be made available to the director upon request.

(B) After August 30, 2002, all persons subject to the requirements of parts (3)(B)1.A.(I), (3)(B)1.A.(III), (3)(B)1.B.(I), and

(3)(B)1.B.(III) of this rule shall maintain records which include for each purchase of cold cleaning solvent:

1. The name and address of the solvent supplier;

2. The date of purchase;

3. The type of solvent; and

4. The vapor pressure of the solvent in mmHg at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)).

(C) After August 30, 2002, all persons subject to the requirements of parts (3)(B)1.A.(II), (3)(B)1.A.(IV), (3)(B)1.B.(II), and (3)(B)1.B.(IV) of this rule shall maintain records which include for each sale of cold cleaning solvent:

1. The name and address of the solvent purchaser;

2. The date of sale;

3. The type of solvent;

4. The unit volume of solvent;

5. The total volume of solvent; and

6. The vapor pressure of the solvent measured in mmHg at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)).

(D) A record shall be kept of solvent metal cleaning training for each employee.

(E) All records required under subsections (4)(A), (4)(B), (4)(C) and (4)(D) of this rule shall be retained for five (5) years and shall be made available to the director upon request.

[(5) Operator and Supervisor Training.

(A) Only persons trained in at least the operational and equipment requirements specified in this regulation for their particular solvent metal cleaning process shall be permitted to operate the equipment.

(B) The supervisor of any person who operates a solvent metal cleaning process shall receive equal or greater operational training than the operator.

(C) Refresher training shall be given to all solvent metal cleaning equipment operators at least once each twelve (12) months.

(D) A record shall be kept of solvent metal cleaning training for each employee.]

(5) Test Methods. (Not applicable)

[(6) Effective Dates of Compliance.

(A) Owners or operators subject to this regulation shall be in compliance with operating procedures and operator and supervisor training requirements as described in sections (4) and (5) of this regulation no later than June 1, 1979.

(B) Owners or operators subject to this regulation shall comply with equipment specifications as described in section (3) of this regulation and associated equipment operating procedures by June 11, 1980.]

[(7) Exceptions.

(A) Solvent metal cleaning operations using 1,1,1-trichloroethane (methyl chloroform) or trichlorotrifluoroethane (Refrigerant 113) will be exempt from the requirements of this regulation. This exemption does not relieve the owners or operators from compliance with other applicable regulations of the department.

(B) 1,1,1-trichloroethane (methyl chloroform) and trichlorotrifluoroethane (Refrigerant 113) have been implicated as having deleterious effects on stratospheric ozone and therefore, may be subject to future regulations.]

AUTHORITY: section 643.050, RSMo [1986] 2000. Original rule filed Nov. 14, 1978, effective June 11, 1979. Amended: Filed July 1, 1987, effective Dec. 12, 1987. Amended: Filed Jan. 29, 2001.

PUBLIC COST: This proposed amendment will cost \$76,738 in FY2003 and \$76,406 in FY2004. For the years after FY2004, the total annualized aggregate cost is \$80,284 for the life of the rule. Note attached fiscal note for assumptions that apply.

PRIVATE COST: This proposed amendment will cost \$1,803,964 in FY2003 and \$2,208,936 in FY2004. For the years after FY2004, the total annualized aggregate cost is \$2,253,114 for the life of the rule. Note attached fiscal note for assumptions that apply.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., April 26, 2001. The public hearing will be held at the Governor Office Building, Ballroom #450, 200 Madison 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, PO 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., May 3, 2001. Written comments shall be sent to Chief, Planning Section, Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBERTitle: 10- Department of Natural ResourcesDivision: 10- Air Conservation CommissionChapter: 2- Air Quality Standards and Air Pollution Control Rules Specific to the Kansas City Metropolitan AreaType of Rulemaking: Proposed AmendmentRule Number and Name: 10 CSR 10-2.210 Control of Emissions From Solvent Metal Cleaning**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Missouri Department of Natural Resources, Kansas City Regional Office	\$1,167,098
Kansas City Department of Health, Air Pollution Control Section	\$1,167,098

Note: These aggregate costs are based on an estimated 30-year life of the rule.

III. WORKSHEET

The public entity costs are based on two additional full-time employees (FTE) required to complete inspections of both suppliers and users of cold cleaning solvents. One FTE will be located at the Missouri Department of Natural Resources' Kansas City Regional Office (KCRO) and one FTE will be located at the Kansas City Department of Health, Air Pollution Control Section.

Fiscal year 2003 salaries are for Environmental Specialist I (ES I) positions. After one year of service, positions are upgraded to Environmental Specialist II (ES II).

First Fiscal Year (2003)

Monthly Salary for ES I: \$2,097

Annual salary for ES I: \$25,163

Fringe benefits: 26.4% of annual salary, or \$6,643

One time costs for office furniture, supplies, computers, etc.: \$11,874

Rule will be effective for only last ten months of fiscal year 2003:

Annual salaries: $(\$25,163) \times (2 \text{ FTE}) \times (0.833) = \$41,922$ Annual fringe: $(\$6,643) \times (2 \text{ FTE}) \times (0.833) = \$11,067$ Fiscal year 2004

First two months of fiscal year 2004 will have ES I position. Last ten months of fiscal year 2004 will have ES II position. Additional increase in salary will be two steps on the pay grid plus one percent cost of living increase.

Monthly salary for ES II: \$2,595
Fringe for ES I: \$1,129 (2 months)
Fringe for ES II: \$6,850 (10 months)

Annual salary: [(\$2,139/month) x (2 months) x (2 FTE)] - [(\$2,595/month) x (10 months) x (2 FTE)] = \$60,447

Annual fringe: [(\$1,129) x (2 FTE)] + [(\$6,850) x (2 FTE)] = \$15,958

Fiscal Year 2005

Monthly salary for ES II: \$2,646
Annual fringe for ES II: \$8,384

Annual salary: (\$2,646/month) x (12 months) x (2 FTE) = \$63,516

Annual fringe: (\$8,384) x (2 FTE) = \$16,768

<u>Affected Entity</u>	<u>Fiscal Year 2003</u>	<u>Fiscal Year 2004</u>	<u>Fiscal year 2005</u>
Missouri Department of Natural Resources, KCRO			
-Salary	\$20,961	\$30,224	\$31,758
-Fringe (26.4%)	\$ 5,534	\$ 7,979	\$ 8,384
-One-time expenses*	\$11,874	\$ 0	\$ 0
Subtotal	\$38,369	\$38,203	\$40,142
Kansas City Department of Health	\$38,369	\$38,203	\$40,142
Total	\$76,738	\$76,406	\$80,284

* One time office expenses include office furniture, supplies, computers, etc.

The total annualized aggregate cost is \$80,284 for the life of the rule after fiscal year 2005.

IV. ASSUMPTIONS

1. Expansion positions are assumed to be entry level positions starting at the base fiscal year 2000 pay scale. Fiscal years beyond fiscal year 2000 were escalated based on a one percent cost of living increase.
2. Inspections are expected to occur at the cold cleaning suppliers and the emission sources. Suppliers and large industrial sources will be inspected once per year. Other sources will be inspected as frequently as possible given the large number of service and maintenance oriented sources.
3. One-time expenses include office furniture, supplies, computers, etc. and is the fiscal year 2000 one-time expense.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBERTitle: 10- Department of Natural ResourcesDivision: 10- Air Conservation CommissionChapter: 2- Air Quality Standards and Air Pollution Control Rules Specific to the Kansas City Metropolitan AreaType of Rulemaking: Proposed AmendmentRule Number and Name: 10 CSR 10-2.210 Control of Emissions From Solvent Metal Cleaning**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:
Approximately 1600 small area sources	Maintenance operations, service operations, solvent suppliers	\$14,045,273
Industrial sources consisting of 13 large industrial facilities	Manufacturers	\$51,177,299

Note: These aggregate costs are based on an estimated 30-year life of the rule

III. WORKSHEET

The control of emissions from solvent metal cleaning will cost approximately \$810 per tons of controlled volatile organic compound (VOC) emission. The base year for this cost is 1998.

Large Stationary Sources

Total annual VOC emissions for the Kansas City Metropolitan Area from 13 large stationary sources of cold cleaning based on 1998 emissions data are 521.47 tons.

$$(521.47 \text{ tons}) \times (\$810/\text{ton}) = \$422,391 \text{ (Fiscal year 1998)}$$

Assume a two percent annual cost increase. First year of impact is fiscal year 2003.

$$(\$422,391) \times (1.02)^5 = \$466,353$$

During first year of impact in the Kansas City Metropolitan Area, the rule will be effective only last ten months of fiscal year 2003.

$$(\$466,353) \times (0.833) = \$388,472$$

$$\text{For fiscal year 2004, annual costs will be } (\$466,353) \times (1.02) = \$475,681$$

$$\text{For fiscal year 2005, annual costs will be } (\$475,681) \times (1.02) = \$485,194$$

Small Service and Maintenance Sources

Total 1998 daily VOC emissions from small service and maintenance sources also known as area sources located in the Kansas City Metropolitan Area are estimated to be 12.177 pounds per day based on the 1990 Base Year Emissions Inventory for the Kansas City Metropolitan Area ozone nonattainment area.

Total annual emissions from these sources are (sources are assumed to operate six days per week and fifty two weeks per year):

$$(6.09 \text{ tons/day}) \times (6 \text{ days/week}) \times (52 \text{ weeks/year}) = 1,900.1 \text{ tons of VOC/year}$$

Annual costs for fiscal year 2003 assuming a two percent cost increase are:

$$(1,900.1 \text{ tons/year}) \times (\$810/\text{ton}) \times (1.02)^5 = \$1,699,270$$

During the fiscal year of impact (fiscal year 2003), the rule will be effective for only the last ten months.

$$(\$1,699,270) \times (0.833) = \$1,415,492$$

For fiscal year 2004, annual costs will be $(\$1,699,270) \times (1.02) = \$1,733,255$

For fiscal year 2005, annual costs will be $(\$1,733,255) \times (1.02) = \$1,767,920$

Summary of Aggregate Annual Costs

<u>Affected Category</u>	<u>Fiscal Year 2003</u>	<u>Fiscal Year 2004</u>	<u>Fiscal Year 2005</u>
Kansas City Metropolitan Area Large Stationary Sources	\$388,472	\$475,681	\$485,194
Small Service and Maintenance Sources	\$1,415,492	\$1,733,255	\$1,767,920
Total	\$1,803,964	\$2,208,936	\$2,253,114

For the years after fiscal year 2005, the total annualized aggregate cost is \$2,253,114 for the life of the rule.

IV. ASSUMPTIONS

1. The cost figure of \$810 per ton of VOC reduced from cold cleaning operations is a conservative estimate based on studies done in other states. This cost figure represents the high end of the spectrum of possible costs. Costs are the result of additional training for personnel operating cold cleaners and a slight increase in the cost per unit for lower vapor pressure cold cleaning solvents. Additionally, cost savings from the increased life span of the low vapor pressure cold cleaning solvents due to their inherent ability to evaporate at a slower rate than other cold cleaning solvents with higher vapor pressures. This cost saving could not be estimated and was not included in this fiscal note.
2. The VOC emissions from cold cleaning operations associated with small service and maintenance sources are estimated in the 1990 Base Year Inventory for the Kansas City Metropolitan Area ozone nonattainment area. The emissions estimates are based on an emissions factor of 87 pounds of VOC per employee per year. Total number of employees is for only those businesses that participate in activities associated with cold cleaning. Emissions estimates for future years are based on industrial growth projections.
3. Area source inventory based on 1997 Standard Industrial Classification and 1998 North American Industry Classification System (NAICS) Census Data. Point source inventory based on 1998 NAICS Census Data.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management
Commission
Chapter 1—Organization

PROPOSED AMENDMENT

10 CSR 25-1.010 Organization. The commission is amending sections (6) and (7).

PURPOSE: The state of Missouri is authorized by the Environmental Protection Agency (EPA) to implement the Resource Conservation and Recovery Act (RCRA) in the state of Missouri. The Missouri Department of Natural Resources is the state agency responsible for administering RCRA within the state. As changes are made to regulations implementing RCRA at the federal level, the department must make corresponding changes to the state program and subsequently request that the EPA update the state's authorization to administer RCRA in Missouri. The dates on which the department has requested authorization, and the dates on which the EPA approved the department's request, are included in this organizational rule. Some of these dates have occurred since the most recent occasion on which this rule was amended. Therefore, this amendment is intended to accurately reflect the dates on which the state of Missouri was authorized by the EPA to implement additional provisions promulgated by EPA under the Resource Conservation and Recovery Act.

(6) Additional information regarding the program is contained in the department's application to the EPA for authorization to administer the federal hazardous waste management program. Copies of the application are available for review at the department and program offices. The applications contain copies of applicable statutes, rules, forms, policies and procedures, the attorney general's legal opinion and a program description which were in effect at the time of the application. Missouri is authorized under Section 3006 of the federal Resource Conservation and Recovery Act. EPA approved the base program on November 20, 1985 (50 FR 4770), effective December 4, 1985. Program revisions were authorized on February 27, 1989 (54 FR 8190), effective April 28, 1989, [and] January 11, 1993 (58 FR 3497), effective March 12, 1993, May 30, 1997 (62 FR 29301), effective December 30, 1997, May 4, 1999 (64 FR 23780), effective July 6, 1999, and February 28, 2000 (65 FR 10405), effective April 28, 2000. The department continues to seek this authority to fulfill its duty under section 260.375(26), RSMo. (Note: Rules promulgated under 10 CSR 25 do not constitute the full scope of regulations governing persons who generate, transport or manage hazardous waste. Additional federal and state regulations may apply.)

(7) For those subsections in 10 CSR 25-3 through 10 CSR 25-16 [marked Reserved,] where the word "Reserved" follows the title of the subsection, the requirements of the corresponding federal subpart that is incorporated by reference in section (1) of the rule apply without modification. The "Reserved" designation indicates that the state reserves the right to modify the incorporated requirements. Where the word "Reserved" appears without a title, it indicates that the corresponding federal subpart is also reserved in the federal regulations for future additions.

AUTHORITY: sections 260.365, 260.370], RSMo Supp. 1997] and 260.400, RSMo [1994] 2000. Original rule filed Sept. 7, 1998, effective Feb. 16, 1979. For intervening history, please consult the Code of State Regulations. Amended: Filed Feb. 1, 2001.

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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 9:00 a.m. on April 12, 2001 at the Hotel DeVillie, 319 West Miller Street, Jefferson City, Missouri. Any person wishing to speak at the hearing shall send a written request to the Secretary of the Hazardous Waste Management Commission at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written requests to speak must be postmarked by midnight on March 29, 2001. Faxed or E-mailed correspondence will not be accepted.

Any person may submit written comments on this rule action. Written comments shall be sent to the Director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on April 20, 2001. Faxed or E-mailed correspondence will not be accepted.

Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program at (573) 751-3176.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management
Commission
Chapter 3—Hazardous Waste Management System:
General

PROPOSED AMENDMENT

10 CSR 25-3.260 Definitions, Modifications to Incorporations and Confidential Business Information. The commission is amending sections (1), (2) and (3).

PURPOSE: This rule references various definitions contained in the Missouri Hazardous Waste Management Law, section 260.360, RSMo. Because of changes made to this section of the law by the Missouri General Assembly, some of the numerical citations for those definitions that are referenced in this rule are no longer accurate. This amendment ensures that the statutory citations contained in the rule are accurate. Also, this rule needs to be periodically updated to incorporate by reference the most current edition of the Code of Federal Regulations (CFR), published annually on July 1. Currently, this rule incorporates by reference the 1997 CFR, which includes changes through July 1, 1997. One of the requirements to maintain the ability of the Missouri Department of Natural Resources to implement the Resource Conservation and Recovery Act in Missouri in lieu of EPA is that the state regulations must regularly be updated to include recent changes to the federal regulations. Updating this rule to incorporate by reference the 2000 CFR will ensure that the rule is current through the most recent edition of the CFR. This amendment would incorporate by reference any changes made to 40 CFR part 260, the corresponding part of the federal regulations, between July 1, 1997 and July 1, 2000. Department staff have reviewed the changes made to this part of the CFR during this time period and recommend that the commission amend this rule to incorporate by reference these changes. The amendment will update the state regulations to be consistent with the most recent edition of the Code of Federal Regulations. Portions of the following federal rules, and the corresponding Federal Register notice for each, are proposed for incorporation by reference in this amendment: Hazardous

Remediation Waste Management Requirements (63 FR 65874, November 30, 1998, part 260 only), and NESHAPS: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors (64 FR 52827, September 30, 1999, part 260 only).

Also, Senate Bill 577 was passed by the 2000 General Assembly. The bill revised or added various amounts and types of fees assessed on hazardous waste generators and hazardous waste management facilities in the state of Missouri, including the category tax, generator fee, transporter license fee, and resource recovery application fee. The bill eliminated the hazardous waste generator category tax revenue target from law and eliminates the five categories of waste based on tonnage. Both of these changes require amendment of the existing hazardous waste regulations. Other changes which require modification of the existing rule include the increase in category tax site caps for both Category A and Category B waste, establishment of a \$50 minimum category tax for individual generators, and allowance of an annual 2.55% increase in the tax rates and caps. Various rules within Title 10, Division 25 of the Code of State Regulations need to be amended to implement these statutory changes.

(Note: Each of the federal rules listed above includes changes that affect CFR parts other than 40 CFR part 260. However, as noted above, only those changes to 40 CFR part 260 are incorporated by reference in the proposed amendment of this rule.)

(1) The regulations set forth in 40 CFR part 260, July 1, [1997] 2000, are incorporated by reference, subject to the following additions, modifications, substitutions or deletions:

(A) Except [as provided in subsections (2)(B) and (C) and section] where otherwise noted in sections (2) and (3) of this rule or elsewhere in 10 CSR 25, any federal agency, administrator, regulation or statute that is referenced in 40 CFR parts 260–270, 273 and 279 and incorporated by reference in 10 CSR 25, shall be deleted and in its place add the comparable state department, director, rule or statute. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

1. “Director” shall be substituted for “Administrator” or “Regional Administrator” except where those terms are defined in 40 CFR 260.10 incorporated in this rule and where otherwise indicated in 10 CSR 25.

2. “Missouri Department of Natural Resources” shall be substituted for “EPA,” “U.S. EPA,” or “U.S. Environmental Protection Agency” except where those terms appear in definitions in 40 CFR 260.10 incorporated in this rule and where otherwise indicated in 10 CSR 25.

3. “Section 260.395.15, RSMo,” shall be substituted for “Section 3005(e) of RCRA.”

4. “Sections 260.375(9), 260.380.1(9), 260.385(7) and 260.390(7), RSMo,” shall be substituted for “Section 3007 of RCRA.”

5. “Sections 260.410 and 260.425, RSMo,” shall be substituted for “Section 3008 of RCRA.”

6. “10 CSR 25-3.260” shall be substituted for any reference to 40 CFR part 260.

7. “10 CSR 25-4.261” shall be substituted for any reference to 40 CFR part 261.

8. “10 CSR 25-5.262” shall be substituted for any reference to 40 CFR part 262.

9. “10 CSR 25-6.263” shall be substituted for any reference to 40 CFR part 263.

10. “10 CSR 25-7.264” shall be substituted for any reference to 40 CFR part 264.

11. “10 CSR 25-7.265” shall be substituted for any reference to 40 CFR part 265.

12. “10 CSR 25-7.266” shall be substituted for any reference to 40 CFR part 266.

13. “10 CSR 25-7.268” shall be substituted for any reference to 40 CFR part 268.

14. “10 CSR 25-7.270” shall be substituted for any reference to 40 CFR part 270.

15. “10 CSR 25-8.124” shall be substituted for any reference to 40 CFR part 124.

16. “10 CSR 25-11.279” shall be substituted for any reference to 40 CFR part 279.

17. “10 CSR 25-16.273” shall be substituted for any reference to 40 CFR part 273.

18. “Sections 260.350–260.434, RSMo” shall be substituted for “Subtitle C of RCRA Act,” or “RCRA” except where those terms are defined in 40 CFR 260.10, incorporated in this rule.

19. “Section 260.380.1(1), RSMo” shall be substituted for “Section 3010 of RCRA.”

20. “Section 260.420, RSMo” shall be substituted for “Section 7003 of RCRA.”

21. “Waste within the meaning of section 260.360[(17)](21), RSMo,” shall be substituted for “solid waste within the meaning of section 1004(27) of RCRA.” Residual materials specified as wastes under section 260.360[(17)](21), RSMo shall mean any spent materials, sludges, by-products, commercial chemical products or scrap metal that are solid wastes under 40 CFR 261.2, as incorporated in 10 CSR 25-4.261.

22. “Section 260.360(9), RSMo” shall be substituted for “Section 1004(5) of RCRA.”

23. “Chapter 610, RSMo, sections 260.430 and 260.550, RSMo, 10 CSR 25-3.260(1)(B) and 10 CSR 25-7.270(2)(B)” shall be substituted for any reference to the Federal Freedom of Information Act (5 U.S.C. 552(a) and (b)), 40 CFR part 2 or Section 3007(b) of RCRA.

24. “Owner/operator” shall be substituted for each reference to “owner and operator” and “owner or operator” in the 40 CFR parts incorporated in 10 CSR 25.

25. All quantities of solid waste which are defined as hazardous waste pursuant to 10 CSR 25-4 [and 10 CSR 25-11] are hazardous waste and are regulated under sections 260.350–260.434, RSMo and 10 CSR 25. A person shall manage all hazardous waste which is not subject to requirements in 10 CSR 25 in accordance with subsection 260.380.2, RSMo. When a person accumulates one hundred kilograms (100 kg) of nonacute hazardous waste or one kilogram (1 kg) of acutely hazardous waste or one gram (1 g) of 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD), or the aggregate of one hundred kilograms (100 kg) of acute and nonacute hazardous waste, whichever first occurs, that person is subject to the provisions in 10 CSR 25. This provision is in addition to the calendar-month generation provisions in 40 CFR 261.5 which are incorporated by reference and modified in 10 CSR 25-4.261(2)(A).

26. The term variance in 10 CSR 25 means an action of the commission pursuant to section 260.405, RSMo. In any case where a federal rule that is incorporated by reference in 10 CSR 25 uses the term variance but the case-by-case decision or action of the department or commission does not meet the description of a variance pursuant to section 260.405, RSMo, the decision or action shall be considered an exception or exemption based on the conditions set forth in the federal regulation incorporated by reference or the omission from regulation.

27. The rules of [grammetial] grammatical construction in 40 CFR 260.3 incorporated by reference in this rule shall also apply to the incorporated text of 40 CFR parts 266 and 270 and to 10 CSR 25[;].

(2) This section sets forth specific modifications to the regulations incorporated in section (1) of this rule. (Comment: This section has been organized so that all Missouri additions, changes or dele-

tions to any subpart of the federal regulations are noted within the corresponding subsection of this section. For example, changes to 40 CFR part 260 subpart A will be located in subsection (2)(A) of this rule.)

(B) Definitions. (Reserved)

[(B)](C) 40 CFR part 260 subpart C, Rulemaking Petitions, is not incorporated in this rule. Not more than sixty (60) days after promulgation of the final federal determination, the department shall approve or disapprove all delistings granted under 40 CFR 260.20 or 40 CFR 260.22. If the department fails to take action within that sixty (60)-day time frame, the delistings shall be deemed approved; *and*].

[(C)](D) 40 CFR part 260 Appendix I is not incorporated in this rule.

(3) Missouri Specific Definitions. Definitions of terms used in 10 CSR 25. This section sets forth definitions which modify or add to those definitions in 40 CFR parts 60, 260-270, 273 and 279, and 49 CFR parts 40, 171-180, 383, 387 and 390-397.

(H) Definitions beginning with the letter H.

1. HSWA means the Hazardous and Solid Waste Amendments of 1984. These amendments were made to the Resource Conservation and Recovery Act by P.L. 98-616, November 8, 1984.

2. Hazardous constituent means any chemical compound listed in 40 CFR part 261 Appendix VIII as incorporated in 10 CSR 25-4.261. (This is different than the term hazardous waste constituent as defined in 40 CFR 260.10.)

3. Hazardous waste means any waste or combination of wastes as defined by or listed in 10 CSR 25-4 *[or 10 CSR 25-11,]* which, because of its quantity, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a threat to the health of humans or other living organisms.

4. Holocene means the most recent epoch of the Quaternary period, extending from the end of the Pleistocene period to the present, approximately the previous twelve thousand (12,000) years.

5. Household hazardous waste means any household waste excluded from regulation as hazardous waste by 40 CFR 261.4(b)(1) but otherwise meets the definition of hazardous waste in paragraph (2)(H)3. of this rule.

(P) Definitions beginning with the letter P.

1. *[(Postclosure)]* **Post-closure disposal facility** means a hazardous waste management facility which has disposed of hazardous waste, and which is required by applicable state and federal laws and regulations to have a *[(postclosure)]* permit to **conduct post-closure activities, or to perform necessary post-closure activities under an enforceable document, as defined in 40 CFR 270.1(c)(7) and incorporated by reference in 10 CSR 25-7.270(1).**

2. Professional engineer or registered engineer means a professional engineer licensed to practice by the Missouri Board of Architects, Professional Engineers and Land Surveyors.

(U) Definitions beginning with the letter U.

1. Universal waste means any of the hazardous wastes that are defined under the universal waste requirements of 10 CSR 25-16.273(2)(A)/9].

2. Used oil.

A. The definition of used oil at 40 CFR 260.10 is amended to include, but not be limited to, petroleum-derived and synthetic oils which have been spilled into the environment or used for any of the following:

- (I) Lubrication/cutting oil;
- (II) Heat transfer;

(III) Hydraulic power; or

(IV) Insulation in dielectric transformers.

B. The definition of used oil at 40 CFR 260.10 is amended to exclude used petroleum-derived or synthetic oils which have been used as solvents. (Note: Used ethylene glycol is not regulated as used oil under 10 CSR 25.)

3. USGS means United States Geological Survey.

4. U.S. importer means a United States-based person who is in corporate good standing with the U.S. state in which they are registered to conduct business and who will be assuming all generator responsibilities and liabilities specified in sections 260.350-260.430, RSMo for wastes which the U.S. importer has arranged to be imported from a foreign country.

AUTHORITY: section 260.370, RSMo [Supp. 1997] 2000. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For intervening history, please consult the Code of State Regulations. Amended: Filed Feb. 1, 2001.

PUBLIC COST: Each of the federal rules proposed for incorporation by reference in this amendment is largely less stringent and more flexible than current regulations. Consequently, even though there are some provisions that are more stringent, the Environmental Protection Agency has determined each rule to result in a net savings, rather than resulting in any increased costs, either to implementing agencies or to the regulated community. This determination is discussed in the Regulatory Impact Analysis section of the Federal Register notice corresponding to adoption of the final rule and/or in the associated Economic Impact Analysis prepared by the EPA and referred to in the Regulatory Impact Analysis. Therefore, this amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: Each of the federal rules proposed for incorporation by reference in this amendment is largely less stringent and more flexible than current regulations. Consequently, even though there are some provisions that are more stringent, the Environmental Protection Agency has determined each rule to result in a net savings, rather than resulting in any increased costs, either to implementing agencies or to the regulated community. This determination is discussed in the Regulatory Impact Analysis section of the Federal Register notice corresponding to adoption of the final rule and/or in the associated Economic Impact Analysis prepared by the EPA and referred to in the Regulatory Impact Analysis. Therefore, this amendment will not cost private entities more than \$500 in the aggregate.

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