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SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."



ROBIN CARNAHAN
SECRETARY OF STATE

MISSOURI
REGISTER

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SECRETARY OF STATE

ROBIN CARNAHAN

Administrative Rules Division

James C. Kirkpatrick State Information Center

600 W. Main

Jefferson City, MO 65101

(573) 751-4015

DIRECTOR

WAYLENE W. HILES

.

EDITORS

BARBARA MCDUGAL

JAMES MCCLURE

.

ASSOCIATE EDITORS

CURTIS W. TREAT

SALLY L. REID

.

PUBLISHING STAFF

WILBUR HIGHBARGER

JACQUELINE D. WHITE

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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. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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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. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified 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 within 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—The most recent version of the statute containing the section number and the date.

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2006.

EXECUTIVE ORDER 07-12

WHEREAS, in January 2006, I created the Missouri Healthcare Information Technology Task Force (the Task Force); and

WHEREAS, I charged the Task Force with providing recommendations on how the State of Missouri can make health care information more readily available to health care providers, consumers and public health agencies; and

WHEREAS, in September 2006, the Task Force submitted its recommendations, a portion of which detailed Missouri's need to develop a plan to adopt health care information technology; and

WHEREAS, health care information technology can increase consumer involvement, reduce costs, promote transparency of both quality and costs, and position Missouri to be a leader in the health care industry; and

WHEREAS, on August 22, 2006, President Bush, by executive order, directed federal agencies that administer federal health care programs to take steps to ensure that consumers have better access to information regarding pricing and quality of services offered by health care providers; and

WHEREAS, Missourians could make better choices about health care for themselves and their loved ones if government fosters transparent and high-quality health care by making accurate and relevant information available to beneficiaries, enrollees, and providers.

NOW THEREFORE, I, Matt Blunt, Governor of the State of Missouri, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, do hereby issue the following orders:

Each Missouri state agency that administers or sponsors a state or federal health care program shall, or shall request that those with which they contract:

1. Support interoperable health information systems and products so long as the maintenance or exchange of health information includes provisions to protect patient privacy as required by law;

2. Support the development and implementation of objective quality standards for services supplied by health care providers in that program, ultimately making provider performance on these standards available to consumers of the program's services;
3. Support making information available regarding the prices for procedures or services under the program; and
4. Make every effort to deliver high-quality and cost-effective health care that may include consumer-directed health care plans and reimbursement methods that reward providers for results.

By June 30, 2007, each state agency that administers or sponsors a state or federal health care program shall provide me with a plan for implementing this Executive Order, with annual progress reports due at the end of each fiscal year thereafter.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 2nd day of March, 2007.

Matt Blunt
Governor

ATTEST:

Robin Carnahan
Secretary of State

EXECUTIVE ORDER

07-13

WHEREAS, my administration has diligently cooperated with state and federal law enforcement and state and federal agencies to discover new methods of uncovering individuals employed by the State of Missouri who are not eligible for employment; and

WHEREAS, in order to ensure that all employees of the State of Missouri are eligible to work in the United States, in September 2006, I directed all state agencies to verify the authenticity of employment eligibility information provided by new employees hired by the state by using the Systematic Alien Verification for Entitlements program (SAVE program) administered by the federal government; and

WHEREAS, the State of Missouri enters into hundreds of contracts with contractors to provide services for the state; and

WHEREAS, the State of Missouri and businesses alike benefit from such contracts through increased jobs for local workers and reduced costs to the taxpayers of Missouri; and

WHEREAS, my administration has discovered, through investigations in cooperation with the Immigration and Customs Enforcement, that a contractor who has conducted business with the state for a number of years employed individuals who were not eligible to work in the United States; and

WHEREAS, state contracts should be reserved for those contractors that hire only those individuals who are eligible to work in the United States and otherwise operate within the law; and

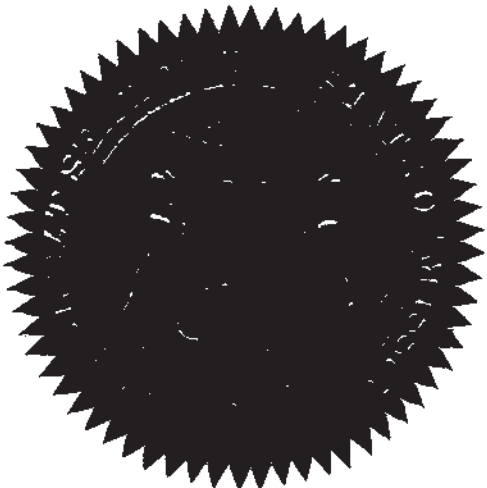
WHEREAS, the State of Missouri will not tolerate persons who contract with the state engaging in or supporting illegal activities; and

WHEREAS, the citizens of the State of Missouri deserve to know that their government is doing everything it can to ensure that any tax dollars spent on contracts go to businesses that conduct themselves honestly and within the parameters of the law.

NOW THEREFORE, I, Matt Blunt, Governor of the State of Missouri, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, do hereby order as follows:

Each state agency shall audit all of the contractors doing business with the state to ensure that the current employees of those contractors are legally eligible to work within the United States. Each agency shall collect the information required to make such a determination and verify its accuracy. If the state determines that a current contractor employs any persons who are not eligible to work in the United States in violation of federal law, the contractor shall be in breach of contract and the state may lawfully terminate the contract and suspend or debar the contractor from doing business with the State of Missouri.

All future state contracts shall include a provision that allows the state to declare a breach and to cancel the contract immediately, with no penalty, if the state has reasonable cause to believe that the contractor has knowingly employed individuals who are not eligible to work in the United States in violation of federal law. All state agencies shall require every contractor who does business with the state to certify in writing that any employee of the contractor assigned to perform services under the contract is eligible to work in the United States.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 6th day of March, 2007.

Matt Blunt
Governor

ATTEST:

Robin Carnahan
Secretary of State

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 rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

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 thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

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 ninety (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 thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:
Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 60—Division of Career Education Chapter 100—Adult Education

PROPOSED RESCISSION

5 CSR 60-100.050 Family Literacy Program. This rule established the guidelines for implementation of the Family Literacy Program for school districts declared unaccredited or provisionally accredited by the State Board of Education.

PURPOSE: The dollars for the program are no longer categorically funded under the new foundation formula. Therefore, the rule is no longer needed.

AUTHORITY: sections 160.531 and 161.092, RSMo Supp. 2004. Original rule filed Sept. 22, 2004, effective April 30, 2005.

Rescinded: Filed March 15, 2007.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Elementary and Secondary Education, ATTN: Dr. Nancy Headrick, Assistant Commissioner, Division of Career Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 7—DEPARTMENT OF TRANSPORTATION Division 10—Missouri Highways and Transportation Commission Chapter 4—Uniform Relocation Assistance

PROPOSED AMENDMENT

7 CSR 10-4.020 Relocation Assistance Program. The Missouri Highways and Transportation Commission is amending sections (1) and (2) of this rule.

PURPOSE: This proposed amendment adds a section regarding functional replacement to the Department's **Relocation Assistance Program Manual**, incorporates the proper title reference to the Department's Director of Right of Way, and references the 2006 Edition of the **Relocation Assistance Program Manual** to reflect the revised relocation assistance practices for incorporation in to the rule.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) This rule consists of Chapter VIII, *Relocation Assistance Program Manual*, [of the Missouri State Highway and Transportation Commission] which is incorporated herein by reference and made a part of this rule as published by the Missouri Highways and Transportation Commission, Right of Way Division, 105 West Capitol Avenue, Jefferson City, MO 65102, 2006 Edition. This rule does not incorporate any subsequent amendments or additions of this manual. Chapter VIII is divided into [sixteen (16)] **seventeen (17)** sections as follows: general information, organization, relocation assistance advisory service, public information, preacquisition requirements, administrative records and reports, moving cost payments, in-lieu-of moving payments, replacement housing payments, incidental closing costs, increased interest payments, rental subsidy payments, down-payment assistance, last resort housing, possession policies, [and] vacancy notices and appeals, **and functional replacement**.

(2) For additional information contact the [division chief] **director** of right[-] of[-] way or any of the district engineers (see 7 CSR 10-1.010 for addresses).

AUTHORITY: sections 226.150 and 523.210, RSMo [1986] 2000; 227.120, RSMo Supp. [2005] 2006; 42 U.S.C. 4630; 42 U.S.C. 4633; and 49 CFR Part 25. Original rule filed March 4, 1983, effective June 15, 1983. Rescinded and readopted: Filed Oct. 14, 1987, effective Jan. 14, 1988. Amended: Filed May 17, 1993, effective Jan. 31, 1994. Amended: Filed March 14, 2007.

PUBLIC COST: This proposed amendment is estimated to cost the Missouri Highways and Transportation Commission (MoDOT) two hundred sixty thousand dollars (\$260,000) in the aggregate.

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 7 - Department of Transportation

Division: 10 - Missouri Highways and Transportation Commission

Chapter: 4 - Uniform Relocation Assistance

Rule Number and Name:	Relocation Assistance Program
Type of Rulemaking:	Amended

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision.	Estimated Cost in the Aggregate.
Missouri Department of Transportation	\$ 260,000

III. WORKSHEET

Estimated increased costs due to update of the Fixed Moving Costs Schedule:	\$53,624
Estimated increased costs due to the changes in eligible moving costs	\$146,917
Estimated increased costs due to the removal of the adjustment to Replacement Housing Payment (RHP) calculation	\$36,583
Estimated increased costs due to the searching expense limit increase (business)	<u>\$22,200</u>
 Total estimated fiscal impact to MoDOT per year	 \$259,324**
 Total Estimated Costs for FY 2007 and Subsequent Years	 <u>\$260,000</u>

IV. ASSUMPTIONS

1. MoDOT's Right of Way and Construction Program will remain, on average, at the levels experienced over the Federal Fiscal Years 2001-2005. MoDOT will acquire, on average, 1,000 parcels per year.
2. MoDOT will process, on average, 193 Fixed Moving Costs Schedule claims per year with an average claim of \$928. The amounts of these claims are estimated to increase by approximately 30%.

3. MoDOT will displace, on average, 74 business/tenants per year with an average moving cost claim of \$9,900. The amounts of these claims are estimated to increase by approximately 20% due to the increase in eligible moving costs.
4. MoDOT will calculate, on average, 46 replacement housing payments for displaced residential owner occupants with an average claim of \$15,975. The amounts of these claims are estimated to increase by approximately 5% due to the removal of the requirement to adjust the listing price or asking price of a comparable property that is for sale on the open market.
5. MoDOT will displace, on average, 74 business/tenants per year. The “searching expense” reimbursement (reimbursement to the business/tenants for the expenses related to searching for alternative business locations) has increased from \$1,000 to \$2,500. It is estimated that approximately 20% of the 74 business/tenants will be eligible for this reimbursement increase.
6. The real estate industry and real estate market conditions will be similar to those during the federal fiscal years 2001-2005.
7. Any other costs not identified in this fiscal note are unforeseeable.

****Note:** There may be slight differences in the straight calculations made herein. These are a result of rounding of numbers made during the development of the EXCEL spreadsheet used to develop the data to support this fiscal note.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 20—Clean Water Commission
Chapter 4—Grants

PROPOSED AMENDMENT

10 CSR 20-4.023 State Forty Percent Construction Grant Program. The commission is amending sections (2), (3), (6), (7), (9), (11), (14), (20), (22), adding a new section (23) and renumbering the old section (23).

PURPOSE: In response to more stringent Internal Revenue Service (IRS) guidelines that affect the bond proceeds which fund this program, the department is amending certain parts of the regulation including the project bypass procedures, payment procedures and eligible costs. This amendment increases the maximum grant from one (1) million dollars to two (2) million dollars. This amendment adds Public Water Supply Districts as eligible recipients of these grants. The payment procedures which were incorporated into this regulation by the emergency rulemaking effective March 4, 2007 are included in this amendment. This amendment increases the number of facilities eligible for this funding, modifies the grant eligible costs, adds more detailed project by-pass procedures, and the payment process for State Forty Percent grants.

(2) Grant Amount. With exception of [planning and design phase engineering] **pre-approved grant anticipation financing** costs, the grant amount is limited to forty percent (40%) of the eligible project costs or [one-third (1/3) of the annual state appropriation for this program] **two (2) million dollars**, whichever is less. [Planning and design phase engineering costs will be forty percent (40%) of the allowance as shown under subsection (6)(B).]

(3) Eligible Applicants.

(A) Eligible applicants must be a county, public sewer district, **public water supply district**, municipality or combination of the same.

(6) Classification of Costs. The information in this section represents policies and procedures for determining the eligibility of project costs for assistance under programs supported by the Forty Percent Grant Program.

(A) General. It is the policy of the commission that all project costs will be eligible if they meet the following tests:

1. Reasonable and cost effective;
2. Necessary for the construction of an operable wastewater facility including required mitigation **and are described in the approved facility plan**; and
3. Resolve water pollution problems in existence prior to the date of grant application.

(B) Eligible Costs. Eligible costs include at a minimum:

[1. An allowance for engineering services and other services incurred in planning and in preparing the design drawings and specifications for the project. An allowance for planning and design will be based on a percentage of the eligible construction, land equipment, materials and supplies cost identified in the bid documents or purchase contracts as determined from Table 1 or 2 (as applicable).]

Table 1—Maximum Eligible Amount for Facilities Planning and Design

Construction Cost	Allowance as a Percentage of Construction Cost*
\$ 100,000 or less	14.49
\$ 120,000	14.11

\$ 150,000	13.66
\$ 175,000	13.36
\$ 200,000	13.10
\$ 250,000	12.68
\$ 300,000	12.35
\$ 350,000	12.08
\$ 400,000	11.84
\$ 500,000	11.46
\$ 600,000	11.16
\$ 700,000	10.92
\$ 800,000	10.71
\$ 900,000	10.52
\$ 1,000,000	10.36
\$ 1,200,000	10.09
\$ 1,500,000	9.77
\$ 1,750,000	9.55
\$ 2,000,000	9.37
\$ 2,500,000	9.07
\$ 3,000,000	8.83
\$ 3,500,000	8.63
\$ 4,000,000	8.47
\$ 5,000,000	8.20
\$ 6,000,000	7.98
\$ 7,000,000	7.81
\$ 8,000,000	7.66
\$ 9,000,000	7.52

* Interpolate between values

Table 2—Maximum Eligible Amount Design Only

Construction Cost	Allowance as a Percentage of Construction Cost*
\$ 100,000 or less	8.57
\$ 120,000	8.38
\$ 150,000	8.16
\$ 175,000	8.01
\$ 200,000	7.88
\$ 250,000	7.67
\$ 300,000	7.50
\$ 350,000	7.36
\$ 400,000	7.24
\$ 500,000	7.05
\$ 600,000	6.89
\$ 700,000	6.77
\$ 800,000	6.66
\$ 900,000	6.56
\$ 1,000,000	6.43
\$ 1,200,000	6.34
\$ 1,500,000	6.17
\$ 1,750,000	6.05
\$ 2,000,000	5.96
\$ 2,500,000	5.80
\$ 3,000,000	5.67
\$ 3,500,000	5.57
\$ 4,000,000	5.48
\$ 5,000,000	5.33
\$ 6,000,000	5.21
\$ 7,000,000	5.12
\$ 8,000,000	5.04
\$ 9,000,000	4.96

* Interpolate between values

Note: These tables shall not be used to determine the actual compensation for facilities planning or design services. The compensation for facilities planning or design

services should be based upon the nature, scope and complexity of the services required by the community.]

1. The reasonable costs of planning and design of a wastewater treatment system project.

2. The reasonable cost of services incurred during the building and initial operation phase of the project to ensure that it is built in conformance with the design drawings and specifications. Eligible construction phase and initial operation phase services are limited to—

- A. Office engineering;
- B. Construction surveillance;
- C. Stakeout surveying;
- D. As-built drawings;
- E. Special soils/materials testing;
- F. Operation and maintenance manual;
- G. Follow-up services and the cost of start-up training for operators of mechanical facilities constructed by the project to the extent that these costs are incurred prior to this department's final inspection. Costs shall be limited to on-site operator training tailored to the facilities constructed or on- or off-site training may be provided by the equipment manufacturer if this training is properly procured;

- H. User charge and sewer use ordinance; and
- I. Plan of operation;

3. The cost of subagreements for constructing the facilities listed if the associated problems are not caused by inadequate operation and maintenance practices:

- A. New interceptors;
- B. New pump stations;
- C. New wastewater treatment facilities;
- D. Rehabilitation or upgrading of treatment plants;
- E. Rehabilitation or replacement of existing pump stations

whichever is most cost effective;

F. Replacement of force mains and interceptors *[causing regular dry weather bypassing or widespread sewer backups] as needed to reduce infiltration/inflow;*

- G. Collection sewers; and

H. The cost of sewer rehabilitation, other than normal maintenance costs for reduction of *[excessive information] infiltration/inflow (I/I) or as needed to eliminate sanitary sewer overflows or bypassing of treatment plants;*

4. Change orders and the costs of meritorious contractor claims for increased costs under subagreements as follows:

- A. Within the allowable scope of the project;
- B. Costs of equitable adjustments due to differing site conditions; and

C. Settlements, arbitration awards and court judgments which resolve contractor claims shall be allowable only to the extent that they are not due to the mismanagement of the recipient;

5. Costs necessary to mitigate only direct, adverse, physical impacts resulting from building of the treatment works;

[6. The costs of site screening necessary to comply with environmental studies and facilities plans or necessary to screen adjacent properties;]

[7.]6. The cost of groundwater monitoring facilities necessary to determine the possibility of groundwater deterioration, depletion or modification resulting from building the project;

[8.]7. Equipment, materials and supplies.

A. The cost of a reasonable inventory of laboratory chemicals and supplies necessary to initiate plant operations and laboratory items necessary to conduct tests required for plant operation.

B. Cost of shop equipment installed at the treatment works necessary to the operation of the works.

C. The costs of necessary safety equipment, provided the equipment meets applicable federal, state, local or industry safety requirements.

D. The costs of mobile equipment necessary for the operation of the overall wastewater treatment facility, transmission of waste-

water or sludge or for the maintenance of equipment. These items include:

(I) Portable standby generators;

(II) Large portable emergency pumps to provide pump-around capability in the event of pump station failure or pipeline breaks;

(III) Trailers and other vehicles having as their purpose the transportation and/or application of liquid or dewatered sludge or septage; and

(IV) Replacement parts identified and approved in advance;

[9.]8. Costs of royalties for the use of or rights in a patented process or product with the prior approval of the department;

[10.]9. Land or easements when used as an integral part of the treatment process;

[11.]10. Purchase of private wastewater treatment systems, excluding collector and interceptor sewers, provided the project will upgrade the existing facilities; *[and]*

[12.]11. Force account work for construction oversight; *./;* and

12. One hundred percent (100%) of the reasonable costs of a grant anticipation loan will be eligible. Departmental approval must be obtained prior to securing the grant anticipation loan. Grant anticipation loan costs will be approved when they are needed for cash flow purposes for the period between grant award and the first grant payment from the department. The approved costs of grant anticipation notes will be in addition to the approved grant amount.

(7) Project Selection Process. Priority will be based upon the priority system established in 10 CSR 20-4.010.

(D) The commission will select the highest rated projects for state grant assistance from state grant funds anticipated to be available during the upcoming fiscal year. *[However, if a fundable high priority project has not been submitted, approval obtained on all documents required for a state grant and obtained the primary source of funding (sixty percent (60%) local share) within two (2) years of being placed on the fundable list, it shall be removed from the fundable list on November 15 of the second year. All allocated grant funds will be recovered and combined with any available regular grant funds in the next Intended Use Plan.]*

(E) As funds become depleted, staff will present recommendations to the commission to fund or bypass an applicant's project. Projects failing to progress towards fundable status are subject to funding "bypass." A project with fewer priority points may be placed ahead of a project with a higher priority point ranking that is failing to make sufficient advancement towards funding eligibility. Recommendations to the commission to fund or bypass a project may be made at any commission meeting throughout the fiscal year. Applicants whose projects are recommended for bypass or funding will be notified prior to the commission meeting when their projects appear on the agenda and will be allowed time to present their points of view regarding the proposed change in project status. Projects that have awarded construction contracts and do not require financial assistance under this regulation will be subject to bypass by the commission.

(9) Requirements Preceding Bidding Authorization. In addition to the requirements of section (8) of this rule, applicants must submit the documents listed in subsections (9)(A)–(J) and obtain departmental approval prior to award of grant funds.

(A) A facility plan prepared in accordance with section (14) of this rule must be submitted *[by September 1 of the fiscal year for which funds are being requested] within four (4) months of the application being placed on the fundable list.*

(11) Architectural or Engineering Contracts. The following represents the minimum requirements for the architectural or engineering contracts:

(A) General requirements for subagreements are, that they—

1. Be necessary for and directly related to the accomplishment of the project work;
 2. Be in the form of a bilaterally executed written agreement;
 3. Be for monetary consideration;
 4. Not be in the nature of a grant or gift;
 5. State a time frame for performance;
 6. State a cost which cannot be exceeded except by amendment;
- and
7. State provisions for payment; and

(B) The nature, scope and extent of work to be performed during construction should include, but not be limited to, the following:

- [1. *Preparing a plan of operation if required by the department and as defined in subsection (20)(A);*]
- [2. *1. Preparing an operation and maintenance manual if required by the department and as defined in subsection (20)(B);*
- [3. *2. Assisting the recipient in bid letting;*
- [4. *3. Assisting the recipient subdivision in reviewing and analyzing construction bids and making recommendations for award; and*
- [5. *4. Inspection during construction to ensure conformance with the construction contract documents unless waived by the department.*

(14) Facility Planning. Facility plans or engineering reports must be in accordance with [*accepted engineering practices, the current Waste Treatment Design Guide,*] 10 CSR 20-8, **Wastewater Treatment Design Standards and accepted engineering practice.**

(A) The most reasonable environmentally sound and implementable wastewater management alternatives must be studied and evaluated. [*Proposed waste treatment management plans and practices shall provide for the cost-effective technology that can treat wastewater and nonexcessive I/I to meet the applicable NPDES requirements.*] **Complex mechanical treatment plants shall not be considered for communities with populations less than one thousand (1,000) until other low technology alternatives involving minimal operation and maintenance expertise have been evaluated for cost effectiveness and ability to comply with effluent limitations in an NPDES permit.**

(B) [*An I/I analysis must be included which indicates whether the sewer system is affected by excessive I/I and if so an analysis which determines the cost-effective solution to the excessive I/I*] **Wastewater treatment facilities shall provide for meeting the effluent limitations as determined by the department in an evaluation of the application of 10 CSR 20-7.015 and 10 CSR 20-7.031 to the proposed discharge.**

(C) **Facility plans for existing wastewater treatment facilities must contain data related to average daily flows and to peak flows during precipitation events. If the community experiences sanitary sewer overflows, the facility plan must address a plan for eventual elimination of the bypasses.**

[(C)](D) An estimate of the average user charge including documentation of the basis of the estimate.

[(D)](E) An evaluation of the impact of the proposed project on the environment is required.

(20) Operation and Maintenance.

[(A)] *Plan of Operation.*

1. *If required by the department, the recipient of assistance for construction of mechanical facilities must make provision satisfactory to the department for the development of a plan of operation designed to assure that operational efficiency be achieved as quickly as possible. A plan of operation must be submitted by fifty percent (50%) con-*

struction completion and approved by ninety percent (90%) construction completion.

2. *The recipient will ensure that the schedule of tasks as outlined in the approved plan of operation is implemented and completed in accordance with the schedules and prior to final inspection of the project. Plan of operations must be approved by the official project start-up date.*

[(B)](A) **Operation and Maintenance Manual.** The recipient must make provision satisfactory to the department for assuring effective operation and maintenance of the constructed project throughout its design life. If required by the department, recipients of assistance for construction of mechanical facilities must develop an operation and maintenance **manual**. The operation and maintenance manual must be submitted by [*fifty*] **eighty percent [50]/80** construction completion [*and approved by ninety percent (90%) construction completion*] **before final payment can be made.**

[(C)](B) **Start-up Training.** At fifty percent (50%) construction, a start-up training proposal (if required) and proposed follow-up services contract must be submitted and approved by ninety percent (90%) construction completion.

[(D)](C) **Wastewater Operator.** The recipient must make provision satisfactory to the department for assuring that qualified wastewater works operating and maintenance personnel are hired in accordance with an approved schedule. Qualified personnel shall be those meeting the requirements established under 10 CSR 20-9.020.

(22) Approval and Payment of Grants Made and Amended Between March 4, 2007 and August 30, 2007.

(B) **Full [P]ayment** under the grant shall be made at the [*request of the applicant. A payment equal to forty percent (40%) of the allowance will be made immediately after the grant is awarded and the recipient's reimbursement request is received. Additional payments will be made in four (4) installments as follows*] **time of the department's receipt of the executed grant award or grant amendment. The following provisions shall apply:**

1. [*A first installment when not less than twenty-five percent (25%) of the construction of the project is completed based on the contractor's pay estimates*] **The grantee shall establish a separate escrow account with a bank as defined in Chapter 409, section 409-1.102, RSMo;**

2. [*A second installment when not less than fifty percent (50%) of the construction of the project is completed and the plan of operation for the project and start-up training proposal, if required under subsection (20)(A) and (C) respectively of this rule, have been submitted and approved, and an operation and maintenance manual, as required by the department, is submitted*] **The full grant amount, less any payments processed prior to the date of this rule, will be paid to the grantee for deposit into the grantee's established escrow account;**

3. [*A third installment when not less than ninety percent (90%) of the project is completed, the operation and maintenance manual (if required under subsection (20)(B), has been approved and an enacted sewer use and user charge system have been submitted*] **Grant funds in the escrow account may be used to pay up to forty percent (40%) of the costs of section (6) of this rule; and**

4. [*A fourth installment when the project is constructed and approved by the department*] **The grantee shall submit the bank statement of the escrow account monthly, within thirty (30) days of the end of the month. If the monthly statement indicates that funds were withdrawn, the grantee shall submit copies of the invoices to document the costs.**

(C) [*Payments*] **Withdrawals** at no time shall exceed forty percent (40%) of the eligible project cost incurred at the time [*payment*] **the withdrawal** is made. Final grant amount will be adjusted [*downward to forty percent (40%) of actual costs at the*

time of the final reimbursement] to reflect the actual project costs as determined by the invoices submitted by the grantee.

(D) The department will verify project completion after a final inspection by the department has been conducted.

(E) An audit to verify expenditure of grant funds may be made by the department after the completion of the approved project. Any funds found not expended for purposes listed in section (6) of this regulation will be recovered in addition to any applicable penalties.

(23) Approval and Payment of Grants Made after August 30, 2007.

(A) The applicant shall be notified by the department when the grant is awarded.

(B) The department may elect to make full payment under the grant at the time of the department's receipt of the executed grant award or grant amendment. Grantees who receive full payment shall comply with the following provisions:

1. The grantee shall establish a separate escrow account with a bank as defined in Chapter 409, section 409-1.102, RSMo;

2. The full grant amount, less any payments processed prior to the date of this rule, will be paid to the grantee for deposit into the grantee's established escrow account;

3. Grant funds in the escrow account may be used to pay up to forty percent (40%) of the costs of section (6) of this rule;

4. The bank account may earn interest; however, all withdrawals from the account must be documented with eligible invoices. If the project costs are inadequate to withdraw all the funds in the account, the balance must be refunded;

5. The grantee shall submit the bank statement of the escrow account monthly, within thirty (30) days of the end of the month. If the monthly statement indicates that funds were withdrawn, the grantee shall submit copies of the invoices to document the costs; and

6. Withdrawals at no time shall exceed forty percent (40%) of the eligible project cost incurred at the time the withdrawal is made. Final grant amount will be adjusted to reflect the actual project costs as determined by the invoices submitted by the grantee.

(C) If the department elects to make grant payments rather than fund the full grant, payments can be requested no more frequently than monthly. The department will provide a payment form for the grantee to use. The payment request must be supported by invoices that document the costs incurred.

(D) The department will verify project completion after a final inspection by the department has been conducted.

(E) Any funds remaining in the escrow account three (3) years after the date of the initial grant payment will be recovered by the department. On grants that are paid incrementally by the department, no payments will be made after three (3) years from the initial grant award acceptance.

(F) An audit to verify expenditure of grant funds may be made by the department after the completion of the approved project. Any funds found not expended for purposes listed in section (6) of this regulation will be recovered in addition to any applicable penalties.

[[23]](24) If at any time during the twenty (20)-year design life of the facility(ies) funded under this rule is sold, either outright or on contract for deed, to other than a political subdivision of the state, the state shall receive reimbursement of the grant funds. The total amount of grant funds to be reimbursed shall be based on a twenty (20)-year straight-line depreciation. Grant funds to be reimbursed, shall become due and payable upon transfer of ownership of the facility(ies).

AUTHORITY: section 644.026, RSMo [Supp. 1998] 2000. Original rule filed April 2, 1990, effective Nov. 30, 1990. Amended: Filed

Sept. 4, 1991, effective Feb. 6, 1992. Amended: Filed April 14, 1994, effective Nov. 30, 1994. Amended: Filed March 1, 1996, effective November 30, 1996. Amended: Filed June 24, 1999, effective March 30, 2000. Emergency amendment filed Feb. 1, 2007, effective March 4, 2007, expires Aug. 30, 2007. Amended: Filed March 14, 2007.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Natural Resources, Water Protection Program, Joe Boland, PO Box 176, Jefferson City, MO 65102. To be considered, written comments must be received by May 31, 2007. A public hearing is scheduled for 9:00 a.m., May 16, 2007 in the Lewis and Clark State Office Building, Nightingale Conference Room, 1101 Riverside Drive, Jefferson City, Missouri.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 20—Clean Water Commission
Chapter 4—Grants**

PROPOSED AMENDMENT

10 CSR 20-4.030 Grants for Sewer Districts and Certain Small Municipal Sewer Systems. The commission is amending sections (1)–(4) adding a new section (5) and renumbering old section (5).

PURPOSE: In response to more stringent Internal Revenue Service (IRS) guidelines that affect the bond proceeds which fund this program, the department is amending certain parts of the regulation including the purpose of the grant to include certain wastewater treatment systems that must meet more stringent Water Quality Standards in order to remain in compliance with their state operating permit. It increases the maximum grant from four hundred fifty thousand dollars to five hundred thousand dollars (\$450,000–\$500,000). It adds more flexible payment procedures. The payment procedures which were incorporated into this regulation by the emergency rulemaking effective March 4, 2007 are included in this amendment. This amendment increases the number of projects that can be funded through this grant. It modifies the grant eligible costs and the payment process for these grants.

(1) Grant Application Requirements.

(A) [Applicants must have submitted a preliminary project proposal to the Missouri Water and Wastewater Review Committee (MWWRC) and received an invitation from the MWWRC to apply for financial assistance.] As required by section 640.615, RSMo, the applicant must first apply with the agency or other financial source which is to furnish the primary financial assistance, and after the amount of that assistance has been determined, an application for a grant under this rule may be made to and processed by the department. This requirement may be met by the submittal of a pre-application form and preliminary engineering report to the Missouri Water and Wastewater Review Committee (MWWRC).

(D) The grant application packet shall contain the information identified [in (1)(C)1.–4. of this rule] below:

1. The preliminary engineering study for the proposed project including, but not limited to, the following items: development and administration costs; land, structures, right-of-way costs; legal costs;

engineering costs; interest costs; equipment costs, contingencies; other costs; total project costs; and other information as required in rule 10 CSR 20-8.110;

2. Information required to determine the cost per contracted connection of the proposed project;

3. The median household income of the residents in the district or community as determined by the latest census; and

4. Information required to determine the ratio of contracted users to potential users.

(2) Eligibility Requirements.

[(A) Grants will not exceed fourteen hundred dollars (\$1400) per contracted connection or fifty percent (50%) of the eligible project cost, whichever is less.

(B) No single grant shall exceed one third (1/3) of that particular year's appropriation or four hundred fifty thousand dollars (\$450,000) whichever is greater.]

[(C)](A) Grants shall be limited to rural communities, neighborhood improvement districts, certain public water supply districts or public sewer districts of less than ten thousand (10,000) population.

(B) Grants awarded under this regulation can be used to supplement other funding sources to provide collection sewers to unsewered areas. Grants for collection sewers are limited to one thousand four hundred dollars (\$1,400) per new connection up to fifty percent (50%) of the eligible project costs. No grant will exceed five hundred thousand dollars (\$500,000).

(C) Grants awarded under this regulation can be used by any community with less than ten thousand (10,000) population, public sewer district or public water district to fund up to fifty percent (50%) of the costs required to meet more stringent operating permit requirements when those increased permit requirements are attributable to changes in, or the implementation of, the state water quality policies or state water quality standards. Grants will be the lesser of one thousand four hundred dollars (\$1,400) per connection or fifty percent (50%) of the eligible costs of the upgrades (including the proportional share of the associated engineering) or five hundred thousand dollars (\$500,000) whichever is less.

(D) Other than pre-approved financing costs, no more than fifty percent (50%) of any costs will be reimbursed through the grant. Grants shall be *[limited to construction of new sewage collection] used for the following costs:*

1. Construction contracts for the construction, rehabilitation or upgrade of publicly owned wastewater systems *[only]*. House laterals are not eligible~~./~~;

2. Engineering costs including design, planning and construction phase engineering if the costs are supported by an engineering agreement pre-approved by the department; and

3. One hundred percent (100%) of the reasonable costs of a grant anticipation loan will be eligible. Departmental approval must be obtained prior to securing the grant anticipation loan. Grant anticipation loan costs will be approved when they are needed for cash flow purposes for the period between grant award and the first grant payment from the department. The approved costs of grant anticipation notes will be in addition to the approved grant amount.

[(G) Grants cannot be used in combination with other department administered grants, unless the monthly user charge exceeds twenty dollars (\$20) per month, and only used then to the extent necessary to reduce the monthly charge to twenty dollars (\$20) per month. The monthly user charge calculation under this provision shall include debt retirement if that debt is secured by revenues of the public wastewater or drinking water system, property taxes or other such revenue sources that are directly attributable to the system users.]

(3) Grant Priorities.

(A) Priorities for grants awarded under this rule shall be established by the department. Preference will be given to those applicants whose projects are *[on the forty percent (40%) grant fundable list administered under 10 CSR 20-4.023 or are applying for loans administered under 10 CSR 20-4.042.] partially funded through other departmental grants or loans and/or to applicants whose projected financial need is based on potential compliance with additional pollution control measures. Additional priority will be given based on readiness to proceed with construction and documented financial need.*

(4) Approval and Payment of Grants~~./~~ Made and Amended Between March 4, 2007 and August 30, 2007.

(B) [Installment] Full payment/s) of the grant amount shall be made at the [request] time of the [applicant and shall be based on expenditures outlined in paragraph (1)(C)1. of this rule. Payments will be made in equal installments as listed in the following paragraphs in this section;] department's receipt of the executed grant award or grant amendment. The following provisions shall apply:

1. [A first installment will be made when not less than twenty-five (25%) of the construction of the project is completed based on the contractor's pay estimates] The grantee shall establish a separate escrow account with a bank as defined in Chapter 409, section 409-1.102, RSMo;

2. [A second installment will be made when not less than fifty percent (50%) of the construction of the project is completed based on the contractor's pay estimates] The full grant award amount, less any payments processed prior to the date of this rule, will be paid to the grantee for deposit into the grantee's established escrow account;

3. [A third installment will be made when not less than seventy-five (75%) of the construction of the project is completed based on the contractor's pay estimates] Grant funds in the escrow account may be used to pay up to fifty percent (50%) of the costs of construction, equipment and construction phase engineering as the costs are incurred. No funds will be withdrawn for the construction of house laterals; and

4. [A fourth installment will be made when the project is completed and upon submission of a completed statement of work form provided by the department, departmental approval of a statement of project receipts and expenditures and a final inspection by the department] The grantee shall submit the bank statement of the escrow account monthly, within thirty (30) days of the end of the month. If the monthly statement indicates that funds were withdrawn, the grantee shall submit copies of the invoices to document the costs.

*(C) Any cost of work completed after submission of the statement of work completed form shall not be considered an eligible project cost. The grant amount will be reduced, if necessary, to reflect actual *[final] project costs [at the time of final payment] as determined by the invoices submitted by the grantee.**

(D) The department will verify project completion after a final inspection by the department has been conducted.

[(D)](E) An audit to verify expenditure of grant funds may be made by the department after the completion of each approved project. Any funds found not expended for the purposes listed in subsection (2)(D) of this regulation will be recovered.

(5) Approval and Payment of Grants Made after August 30, 2007.

(A) The department shall notify the applicant when the grant application has been approved. Grant award shall be made upon receipt and approval of bid documents and executed contract documents. The department may elect to pay out the full grant amount at the time of grant award or to make payments to the grantee based on the cash flow circumstances of the state funds.

(B) If the department elects to make full payment of the grant amount, payment shall be made at the time of the department's

receipt of the executed grant award. The following provisions apply:

1. The grantee shall establish a separate escrow account with a bank as defined in Chapter 409, section 409-1.102, RSMo;

2. The full grant award amount will be paid to the grantee for deposit into the grantee's established escrow account;

3. Grant funds in the escrow account may be used to pay up to fifty percent (50%) of the costs of construction, equipment and construction phase engineering as the costs are incurred. No funds will be withdrawn for construction costs of house laterals or for costs that have been declared ineligible by the department;

4. The grantee will submit the bank statement of the escrow account monthly, within thirty (30) days of the end of the month. If the monthly statement indicates that funds were withdrawn, the grantee must submit copies of the invoices to document the costs; and

5. The bank account may earn interest, however, all withdrawals from the account must be documented with eligible invoices. If the project costs are inadequate to withdraw all the funds in the account, the balance must be refunded to the department.

(C) If the department elects to make grant payments rather than fund the full grant, payments can be requested no more frequently than monthly. The department will provide a payment request form for the grantee to use. The payment request must be supported by invoices that document the costs incurred.

(D) Any cost of work completed after submission of the statement of work completed form shall not be considered an eligible project cost. The grant amount will be reduced, if necessary, to reflect actual project costs as determined by the invoices submitted by the grantee.

(E) The department will verify project completion after the final inspection by the department has been conducted.

(F) Any funds remaining in the escrow account three (3) years after the date of the initial grant payment will be recovered by the department. On grants that are paid incrementally by the department, no payments will be made after three (3) years from the initial grant award acceptance.

(G) An audit to verify expenditure of grant funds may be made by the department after the completion of each approved project. Any funds found not expended for the purposes listed in subsection (2)(D) of this regulation will be recovered.

[(5)](6) If at any time during the twenty (20)-year design life of the facility(ies) funded under this rule is sold, either outright or on contract for deed, to other than a political subdivision of the state, the state shall receive reimbursement of the grant funds. The total amount of grant funds to be reimbursed shall be based on a twenty (20)-year straight-line depreciation. Grant funds to be reimbursed, shall become due and payable upon transfer of ownership of the facility(ies).

AUTHORITY: sections 640.600 and 640.615, RSMo [1994] 2000. Original rule filed Feb. 2, 1983, effective July 1, 1983. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Feb. 1, 2007, effective March 4, 2007, expires Aug. 30, 2007. Amended: Filed March 14, 2007.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Natural

Resources, Water Protection Program, Joe Boland, PO Box 176, Jefferson City, MO 65102. To be considered, written comments must be received by May 31, 2007. A public hearing is scheduled for 9:00 a.m., May 16, 2007 in the Lewis and Clark State Office Building, Nightingale Conference Room, 1101 Riverside Drive, Jefferson City, Missouri.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 20—Clean Water Commission
Chapter 4—Grants**

PROPOSED AMENDMENT

10 CSR 20-4.061 Storm Water Grant and Loan Program. The commission is amending sections (2)–(5), (10) and (11).

PURPOSE: In response to more stringent Internal Revenue Service (IRS) guidelines that affect the bond proceeds which fund this program, the department is amending certain parts of the regulation including the definitions, payment procedures and eligible costs. The payment procedures, which were incorporated into this regulation by the emergency rulemaking effective March 4, 2007, are included in this amendment. The department has noted that the stated authority of section 644.031, RSMo is incorrect and is changing it to section 644.570, RSMo. This amendment modifies the payment proposed procedures for storm water loans and grants.

(2) Definitions.

(B) **Delegated entity.** An eligible applicant that has been designated by the department as having sufficient staff and expertise to administer funds to subrecipients within its jurisdiction.

[(B)](C) Department. The Missouri Department of Natural Resources.

[(C)](D) Force account. Project planning, design, construction or engineering inspection work performed by the recipient's regular employees and rented or leased equipment.

[(D)](E) Storm water coordinating committee (SCC). A local committee or group established by eligible applicants involved in project screening and project selection. In cities over twenty-five thousand (25,000) population, the SCC shall consist of a committee or organizational unit designated by the city manager. In St. Louis City and County, the SCC shall consist of a committee or organizational unit designated by the executive director of the Metropolitan St. Louis Sewer District. In all eligible counties, except St. Louis County, an SCC must be established which is representative of the county government and incorporated municipalities within the county.

(3) General Requirements.

(E) Planning Requirements. All storm water projects must be consistent with a comprehensive storm water management plan approved by the department or a delegated entity prior to construction advertising. The geographical extent of the planning area may be determined by the department or the delegated entity. Projects which are solely for bank stabilization or erosion control, or other projects as determined by the department or the delegated entity, need only provide the items listed in paragraphs (3)(E)2., 4., and 6. The plan should include but is not limited to:

1. A detailed map of the drainage area showing computed drainage acreage;

2. A narrative, a plan layout and estimated construction costs for each proposed project;

3. Tabulated storm water conceptual design parameters for each drainage area, that is, upstream acres, runoff coefficients, time concentrations, return frequencies and so forth. Computer modeling information may be provided;

4. A recommended project improvement priority list;

5. A determination of the flood elevation changes resulting from each project, unless the Corps of Engineers has committed to remap the area; and

6. An evaluation of limited structural approaches to storm water control. The plan must analyze the use of applied geomorphology and bioengineering techniques to manage storm water. Projects that are only rehabilitation or replacement of existing structures will require an evaluation that addresses reasonable geomorphological alternatives and, if this approach is not taken, a brief discussion why not. For more complex projects, the evaluation should follow guidance provided by the U.S. Army Corps of Engineers Manual EM 1110-4000, *Engineering and Design—Sedimentation Investigations of Rivers and Reservoirs* or an equivalent guidance manual. Soil bioengineering techniques as described in Bowers, H. 1950, *Erosion Control in California Highways*, State of California, Department of Public Works, Division of Highways, shall be used unless other appropriate guidance is used and documented. The root causes of flooding, bed and bank erosion, and sediment deposition should be addressed in this plan. The plan should not exacerbate these problems by[—]:

A. Modifications to stream systems that increase bed and bank erosion in modified stream sections;

B. Cause these impacts in sections that are upstream or downstream of the storm management project;

C. Remove or degrade aquatic habitat;

D. Remove the pollutant removal benefits of vegetated stream corridors; or

E. Lead to increased flooding upstream or downstream of the storm water management project. Combinations of measures can be employed to manage storm water and retain important stream functions. "Bioengineering" combines mechanical, biological, and ecological concepts to prevent slope failures and erosion. Bioengineering techniques may use bare root stock, stems, branches or trunks of living plants on eroded slopes. Plantings may be incorporated into such configurations as a live stakings, live fascines, or living cribwall. Vegetative plantings and cuttings may be combined with structural elements such as gabion baskets or rock surface armoring. However, the intent should be to minimize hard structural solutions and allow the rooted plantings to do much of the work to hold the soil in place and retain the natural function of streams to convey storm water. Other storm water management options include environmental easements and land acquisition.

(4) Required Documents. Prior to grant award and/or loan closing, the applicant must submit a completed storm water grant/loan application to the department. The following documents must be submitted and approved by the department **or delegated entity** prior to construction advertising. Some documents may be waived by the department **or delegated entity** on a case-by-case basis if it is determined they are not needed for that project:

(5) Eligible Project Costs. Eligible costs include the following:

(I) Construction costs incurred prior to grant/loan award or DNR letter of commitment are eligible providing the planning and design phases of the project were reviewed and approved by the department **or delegated entity** prior to the final construction payment;

(L) Costs associated with minimizing storm water damage to sink holes; *land*

(M) **The reasonable costs of administrative fees incurred by a delegated entity in connection with each grant; and**

[(M)](N) Costs not included in subsections (5)(A)—*[(L)](M)* are eligible if determined by the department to be reasonable and necessary for the project.

(10) Bidding Requirements. This section applies to procurement of construction equipment, supplies and construction services in excess of twenty-five thousand dollars (\$25,000) awarded by the recipient

for any storm water project other than costs directly related to force account work.

(C) Departmental concurrence **or concurrence from the delegated entity** with contract award must be obtained prior to the actual contract award if fewer than three (3) bidders submit bids or if the recipient wishes to award the contract to other than the low bidder. The recipient shall forward the tabulation of bids and a recommendation of contract award to the department **or delegated entity** for review. Executed contract documents must be submitted prior to the first grant payment.

(11) Grant Payments.

(A) **For Storm Water Grants and Storm Water Grant Amendments Made during the Period March 4, 2007 through August 30, 2007.** For *[projects utilizing one year's funding which include construction and whose]* grants that are not matched with loans from this program, full payment/s] will be made *[in no more than five (5) installments.]* at the time of the department's receipt of the executed grant award or grant amendment. The following provisions shall apply:

1. *[For grant awards which include planning, design, and construction in the project scope, the first payment will be made for engineering planning and design with submission of the final invoiced amount or request for allowance, on the reimbursement form provided by the department.]* Except for a delegated authority, the grantee shall establish a separate escrow account with a bank as defined in Chapter 409, section 409-1.102, RSMo. The requirement to establish an escrow account may be waived for projects that are expected to be complete within three (3) months of grant award;

2. The *[next three payments may be made when not less than twenty-five percent (25%), fifty percent (50%), and ninety percent (90%) of the construction of the project is completed. Payment must be requested on the form provided by the department and submitted with sufficient documentation. Reimbursement amounts shall be based upon percentage of the grant funds remaining after the first reimbursement is deducted. Projects which include planning only, grant payments will be made in the three installments listed in this subsection based upon invoiced amount.]* full grant amount, less any payments processed prior to the date of this rule, will be paid into the grantee's established escrow account or to the grantee directly if the escrow account requirement has been waived;

3. *[A final payment may be made when the project is completed and a final inspection is conducted by the department or approval obtained for the management plan.]* Grant funds paid to the escrow account or to the grantee may be used to pay up to fifty percent (50%) of the costs of section (5) of the rule. No funds may be withdrawn from the escrow account until the following conditions have been met:

A. Projects involving construction and not paid through a delegated entity must submit to the department:

(I) Construction plans and specifications, design criteria and drainage basin plan prepared in accordance with subsection (3)(E) of this rule; and

(II) Executed contract documents;

B. All construction contracts must be awarded by December 31, 2007. For grants not paid through a delegated entity, it is the grantee's responsibility to submit the construction documents to the department no later than January 31, 2008. Failure to award the major construction contracts by December 31, 2007 will result in departmental recovery of the full grant amount;

C. For grants for planning projects, the grantee must have all grant funds fully committed to the project by July 1, 2008; and

D. Any funds remaining in an escrow account established under this subsection on January 1, 2010 will be recovered by the department;

4. The grantee shall submit the bank statement of the escrow account monthly within thirty (30) days of the end of the month. If the monthly statement indicates that funds were withdrawn, the grantee shall submit copies of the invoices to document the costs. For grantees that have received grant funds when the escrow requirement has been waived, documentation shall be submitted within one hundred twenty (120) days of grant payment; and

5. Projects administered through a delegated entity will be paid in accordance with that entity's procedure on file with the department.

[(B) For projects which include basin planning only and whose grants are not matched with loans from this program, reimbursement will be made at 25, 50, 90 and 100% of plan completion as evidenced by invoices.

(C) Payments at no time shall exceed fifty percent (50%) of the eligible project cost incurred at the time payment is requested.

(D) Any cost of work completed after the final inspection by the department shall not be considered as part of the eligible project cost.]

[(E)](B) An audit to verify eligible project costs will be made [at the time of final payment and the grant adjusted downward, if necessary, to reflect actual costs] by the department after the completion and inspection of the project. Any funds found not expended for purposes listed in section (5) of this rule will be recovered in addition to any applicable penalties.

AUTHORITY: sections 644.026 and [644.031] 644.570, RSMo [Supp. 1998] 2000. Original rule filed June 9, 1999, effective March 30, 2000. Emergency amendment filed Feb. 1, 2007, effective March 4, 2007, expires Aug. 30, 2007. Amended: Filed March 14, 2007.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Natural Resources, Water Protection Program, Joe Boland, PO Box 176, Jefferson City, MO 65102. To be considered, written comments must be received by May 31, 2007. A public hearing is scheduled for 9:00 a.m., May 16, 2007 in the Lewis and Clark State Office Building, Nightingale Conference Room, 1101 Riverside Drive, Jefferson City, Missouri.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 2—Commission Procedures**

PROPOSED RULE

10 CSR 25-2.020 Hazardous Waste Management Commission Appeals and Requests for Hearings

PURPOSE: This rule contains all procedural regulations for all contested cases heard by the commission or assigned to a hearing officer by the commission.

(1) Subject. This rule contains procedural regulations for all contested cases before the commission.

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

(A) Commission—The Missouri Hazardous Waste Management Commission;

(B) Department—The Department of Natural Resources, which includes the director thereof, or the person or division or program within the department delegated the authority to render the decision, order, determination, finding, or other action that is subject to review by the commission;

(C) Hearing—Any presentation to, or consideration by, the hearing officer of evidence or argument on a petition seeking the commission's review of an action by the department;

(D) Hearing officer—Administrative Hearing Commission;

(E) Person—An individual, partnership, copartnership, firm, company, public or private corporation, association, joint stock company, trust, estate, political subdivision or any agency, board, department or bureau of the state or federal government or any other legal entity whatever, which is recognized by law as the subject of rights and duties.

(3) Filing an Appeal or Requesting a Hearing.

(A) Any person adversely affected by a decision of the department or otherwise entitled to ask for a hearing may appeal to have the matter heard by filing a petition with the Administrative Hearing Commission within thirty (30) days after the date the decision was mailed or the date it was delivered, whichever date was earlier.

(B) A petition sent by registered mail or certified mail will be deemed filed on the date it is mailed. If it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the Administrative Hearing Commission.

(4) Procedures.

(A) The hearing shall be conducted in accordance with the provisions of Chapter 536, RSMo, and the regulations of the Administrative Hearing Commission promulgated thereunder.

(B) Upon receipt of the hearing officer's recommendation and the record in the case, the commission shall—

1. Distribute the hearing officer's recommendation to the parties or their counsel;

2. Allow the parties or their counsel an opportunity to submit written arguments regarding the recommendation;

3. Allow the parties or their counsel an opportunity to present oral arguments before the commission makes the final determination;

4. Complete its review of the record and deliberations as soon as practicable;

5. Deliberate and vote upon a final, written determination during an open meeting, except that the commission may confer with its counsel in closed session with respect to legal questions;

6. Issue its final, written determination as soon as practicable, including findings of fact and conclusions of law. The decision of the commission shall be based only on the facts and evidence in the record; and

7. The commission may adopt the recommended decision of the hearing officer as its final decision. The commission may change a finding of fact or conclusion of law made by the hearing officer, or may vacate or modify the recommended decision, only if the commission states in writing the specific reason for a change.

AUTHORITY: sections 260.370 and 640.013, RSMo Supp. 2006 and 621.050, RSMo 2000. Original rule filed March 15, 2007.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 9:00 a.m. on June 21, 2007 at the Elm Street Conference Center, 1738 East Elm 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 June 7, 2007. Faxed or emailed 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 June 29, 2007. Faxed or emailed correspondence will not be accepted.

Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1738 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 13—Grants and Loans**

PROPOSED AMENDMENT

10 CSR 60-13.010 Grants for Public Water Supply Districts and Small Municipal Water Supply Systems. The department is deleting section (11), amending and renumbering sections (2)–(4), adding a new section (4) and amending subsection (6)(C).

PURPOSE: In response to more stringent Internal Revenue Service (IRS) guidelines that affect the bond proceeds which fund this program, the department is amending certain parts of the regulation to add more flexible payment procedures. The payment procedures which were incorporated into this regulation by the emergency rule-making effective March 4, 2007 are included in this amendment. This amendment modifies the grant eligible costs and the payment process for these grants.

[(1) Pre-Application Requirements. A pre-application for a grant shall be submitted on forms provided by the department and shall be accompanied by a preliminary engineering report. The pre-application shall contain a brief project description and such information as the department may find necessary to begin coordination with the Missouri water and wastewater review committee or its successor and with other primary funding programs or agencies.]

[(2)](1) Application Requirements.

(A) As required by section 640.615, RSMo, the applicant must first apply with the agency or other financial source which is to furnish the primary financial assistance, and after the amount of that assistance has been determined, an application for a grant under this rule may be made to and processed by the department. **This requirement may be met by the submittal of a pre-application form and preliminary engineering report to the Missouri Water and Wastewater Review Committee.** The application shall be submitted on forms provided by the department. The application shall be supported by the necessary documents and forms from other state and federal grant or lending agencies or private lending agencies to enable the department to establish eligibility and need for grant funds.

(B) The project for which the grant application is submitted shall comply with appropriate state and local laws, rules and ordinances.

(C) These grants are to be considered secondary sources of funding and, as such, shall in no case exceed one thousand four hundred dollars (\$1,400) per contracted connection, fifty percent (50%) of the total project cost, or **five hundred thousand (\$500,000)**, whichever is less.

(D) Other than pre-approved financing costs, no more than fifty percent (50%) of any cost will be reimbursed through the grant. Grant funds can be used for the following costs:

1. Construction contracts for construction, rehabilitation or upgrade of publicly owned water systems. When a grant is provided for enhancements which allow the facility to meet more stringent regulatory requirements, only the costs attributable to the enhancement will be considered eligible.

2. Engineering costs including design, planning and construction phase engineering if the costs are supported by an engineering agreement pre-approved by the department. The proportional cost of the engineering will be eligible when the project includes non-eligible construction costs.

3. One hundred percent (100%) of the reasonable costs of a grant anticipation loan will be eligible. Departmental approval must be obtained prior to securing the grant anticipation loan. Grant anticipation loan costs will be approved when they are needed for cash flow purposes for the period between the grant award and the first payment from the department. The approved costs of the grant anticipation notes will be in addition to the approved grant amount.

[(D)](E) The grant application packet shall contain the following information:

1. [The] A preliminary engineering cost study for the proposed project including, but not limited to, the following items: development and administration costs; land, structures, right-of-way costs; legal costs; engineering costs; interest costs; equipment costs; contingencies; other costs; and total project costs;

2. [The] An engineering report for the proposed project which is in accordance with accepted engineering practices[.], [T]he current "Design Guide for Community Water System" and "Ten State Standards" and applicable rules should be considered for design standards;

[3. Bonded indebtedness or other indebtedness of the district or community, including: outstanding general obligation and revenue bonds; the purpose of each indebtedness; the amount of each indebtedness; the amortization period; the date payments are due; amount of installment; and the interest rate;

4. The financial condition of the district or community, including: the total assessed value of agricultural, commercial and industrial property, vacant lots and residential property; total annual revenue anticipated from this assessed property; water user charges; other sources of income available to finance the project; and cash on hand. The latest audit with an update would satisfy the requirements of this paragraph;]

[5.]3. The information required to determine the cost per contracted connection;

[6.]4. The median annual household income of the residents in the district or community as determined in the latest federal census;

[7.]5. Information required to determine the ratio of the contracted users to the potential users; and

[8.]6. An evaluation of the applicant's technical, managerial, and financial (TMF) capacity on forms provided by the department. An applicant that does not meet the TMF capacity requirements established in 10 CSR 60-3.030 shall submit a plan outlining the steps the applicant will take to meet the requirements. The plan shall show the applicant will meet TMF requirements before the project is complete or within one (1) year of the award of the grant unless the department determines that a longer period of time is necessary.

[(3)](2) Grant Priorities.

(A) Priorities for grants for public water supply districts and rural community water systems shall be established by the department.

(B) Determination of relative need will be coordinated with appropriate federal grant and lending agencies and with appropriate state agencies. Preference may be given to projects needing a grant in order to obtain state or federal drinking water loan assistance. It is the intent of the department to maximize the effective use of state and federal grant and loan funds.

(C) Additional priority will be awarded to projects whose projected financial need is based on potential compliance with additional safe drinking water requirements.

[(4)](3) Approval and Payment of Grants Made and Amended between March 4, 2007 and August 30, 2007.

(A) The applicant shall be notified by the department when the grant application has been approved. Grant award shall be made upon receipt and approval of bid documents and executed contract documents.

(B) *[Installation]* Full payment[s] of the grant amount for the construction project[s] less any payments processed prior to the date of this rule shall be made at the *[request]* time of the *[applicant and shall be based on the expenditures outlined in paragraph (2)(E)1. of this rule. Payments will be made in equal installments as follows]* department's receipt of the executed grant or grant amendment. The following provisions shall apply:

1. *The [first installment will be made when not less than twenty-five percent (25%) of the construction of the project is completed]* grantee shall establish a separate escrow account with a bank as defined in Chapter 409, section 409-1.102;

2. *[A second installment will be made when not less than fifty percent (50%) of the construction of the project is completed]* The full grant award amount, less any payments processed prior to the date of this rule, will be paid to the grantee for deposit into the grantee's established escrow account;

3. *[A third installment will be made when not less than seventy-five percent (75%) of the construction of the project is completed]* Grant funds in the escrow account may be used to pay up to fifty percent (50%) of the costs of construction, equipment and construction phase engineering as the costs are incurred; and

4. *[A fourth installment will be made after the project is completed, appropriate receipts and expenditures have been submitted and approved by the department, a consultant's statement of work completion has been received, and a final inspection has been performed by department personnel and construction is approved by the department]* The grantee shall submit the bank statement of the escrow account monthly, within thirty (30) days of the end of the month. If the monthly statement indicates that funds were withdrawn, the grantee shall submit copies of the invoices to document the costs.

(C) Any cost of work completed after the department's final inspection approval shall not be an eligible project cost. The grant amount will be reduced, if necessary, to reflect actual project costs as determined by the invoices submitted by the grantee.

(D) An audit to verify expenditure of grant funds may be made by the department after the completion of each approved project. Any funds found not expended for the purposes listed in subsection (1)(D) of this regulation will be recovered.

(4) Approval and Payment of Grants Made after August 30, 2007.

(A) The applicant shall be notified by the department when the grant application has been approved. Grant award shall be made upon receipt and approval of bid documents and executed contract documents. The department, based on the status of state funding, may elect to pay out the full grant amount at the time of grant award or to make payments to the grantee.

(B) If the department elects to make full payment of the grant amount for the construction project, payment shall be made at the time of the department's receipt of the executed grant document. The following provisions shall apply:

1. The grantee shall establish a separate escrow account with a bank as defined in Chapter 409, section 409-1.102;

2. The full grant award amount, less any payments processed prior to the date of this rule, will be paid to the grantee for deposit into the grantee's established escrow account;

3. Grant funds in the escrow account may be used to pay up to fifty percent (50%) of the eligible costs shown in subsection (1)(D) of this rule except that one hundred percent (100%) of the reasonable costs associated with a grant anticipation loan will be eligible when this financing is pre-approved by the department.

4. The grantee shall submit the bank statement of the escrow account monthly, within thirty (30) days of the end of the month. If the monthly statement indicates that funds were withdrawn, the grantee shall submit copies of the invoices to document the costs.

5. The bank account may earn interest, however, all withdrawals from the account must be documented with eligible invoices. If the project costs are inadequate to withdraw all the funds in the account, the balance must be refunded to the department.

(C) If the department elects to make grant payments rather than fund the full grant, payment can be requested no more frequently than monthly. The department will provide a payment request form for the grantee to use. The payment request must be supported by invoices that document the costs incurred.

(D) Any cost of work completed after the department's final inspection approval shall not be an eligible cost. The grant amount will be reduced, if necessary, to reflect actual project costs as determined by the invoices submitted by the grantee.

(E) An audit to verify expenditure of grant funds may be made by the department after the completion of each approved project. Any funds found not expended for the purposes listed in paragraph (4)(B)3. of this regulation will be recovered.

(F) Any funds remaining in the escrow account three (3) years after the date of the initial grant payment will be recovered by the department. On grants that are paid incrementally by the department, no payments will be made after three (3) years from the initial grant award acceptance.

(G) An audit to verify expenditure of grant funds may be made by the department after the completion of each approved project. Any funds found not expended for the purposes listed in subsection (1)(D) of this regulation will be recovered.

(6) Grants for Conservation Reserve Enhancement Program Participants.**(C) Approval and Payment of Grants.**

1. The applicant shall be notified by the department when the grant application has been approved.

2. Payments will be made to the recipient after completion of the approved practice. These grant payments shall be made immediately available to the farmer (subrecipient) implementing the practices. Grant payments to the recipient may be combined to cover multiple subrecipients.

3. The payment procedures in subsections (5)(B) and (5)(C) of this rule may be used by the department in order to better manage the cash available to the department. The department will notify the CREP fund recipient if this occurs.

AUTHORITY: section 640.615, RSMo 2000. This rule was previously filed as 10 CSR 60-2.020 Sept. 21, 1973, effective Oct. 1, 1973. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Feb. 1, 2007, effective March 4, 2007, expires Aug. 30, 2007. Amended: Filed March 14, 2007.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Natural Resources, Water Protection Program, Joe Boland, PO Box 176, Jefferson City, MO 65102. To be considered, written comments must be received by June 7, 2007. A public hearing is scheduled for 9:00 a.m., May 24, 2007 at the Lewis and Clark State Office Building, Jefferson City, Missouri.

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

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-6.535 Trout is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2007 (32 MoReg 215). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-6.062 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1766). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received six (6) comments on the proposed amendment from five (5) sources: Midwest Environmental Consultants, Missouri Agribusiness Association, Missouri Limestone Producers Association, Missouri Pork Association, and U.S. Environmental Protection Agency.

Due to the similarity of the following three (3) comments, one (1) response that addresses these comments can be found at the end of these three (3) comments.

COMMENT: The Missouri Pork Association and Missouri Agribusiness Association (together) support the proposed amendment. They request a reduction of the seven hundred dollar (\$700) fee for permits authorized in paragraph (3)(A)3. Without benefit of a cost analysis for processing such permit applications, they suggest that a fee of three hundred dollars to four hundred dollars (\$300-\$400) would seem to be more appropriate. They see the seven hundred dollar (\$700) filing fee for permit applications as a barrier to the use of such a common sense permitting method.

COMMENT: The Missouri Limestone Producers Association supports the proposed amendment. They request a reduction of the seven hundred dollar (\$700) fee for permits authorized in paragraph (3)(A)3. Without benefit of a cost analysis for processing such permit applications, they suggest that a fee of three hundred dollars to four hundred dollars (\$300-\$400) would seem to be more appropriate to encourage this streamlined permit procedure for relatively simple processes that release low volumes of non-hazardous emissions.

COMMENT: Midwest Environmental Consultants also commented on reducing the seven hundred dollar (\$700) permit review fee authorized in paragraph (3)(A)3. to two hundred dollars (\$200) because it would seem reasonable that the permit-by-rule fee would be the same as the twenty-one (21)-day relocation fee.

RESPONSE: The department's Air Pollution Control Program appreciates support for this rule action and the comments submitted. This proposed amendment to subsection (3)(A) was to add the time period for doing a pre-construction permit review. No change was proposed for the amount of the review fee as part of this rule amendment. However, the comments to change the review fee will be considered the next time this rule is proposed for change. No wording changes have been made to the proposed rulemaking as a result of these comments.

COMMENT: Midwest Environmental Consultants commented that in paragraph (3)(A)2., the word immediately should be removed regarding the inspector's request to see an on-site copy of the notification. Site personnel, other than the owner/operator, may not be able to provide the document immediately if requested by the inspector. In addition, providing the document in a reasonable amount of time should be sufficient.

RESPONSE: The department's Air Pollution Control Program realizes that providing the notification immediately may prove problematic at times. However, immediately presenting a notification when requested by an inspector is a permit requirement that has to remain in the rule language. Therefore, no wording changes have been made to the proposed rulemaking as a result of this comment.

Due to the similarity of the following two (2) comments, one (1) response that addresses these comments can be found at the end of these two (2) comments.

COMMENT: The U.S. Environmental Protection Agency commented supporting the inclusion of the language in the proposal at paragraph (3)(A)4. which clarifies the program's implementation of a pre-construction review period.

COMMENT: The Missouri Pork Association and Missouri Agribusiness Association (together) commented that the proposed amendment should clarify that the department's Air Pollution Control Program must make a decision and communicate the decision to issue a construction permit-by-rule within the same seven (7) days it is allowed to review such applications.

RESPONSE AND EXPLANATION OF CHANGE: As a result of these comments, paragraph (3)(A)4. has been revised to clarify the language in response to these suggestions.

COMMENT: One of the Missouri Air Conservation Commissioners requested that the language in paragraph (3)(A)4. be clarified that the time period is within seven (7) business days.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the language in paragraph (3)(A)4. has been revised.

10 CSR 10-6.062 Construction Permits By Rule

(3) General Provisions.

(A) Registration. To qualify for a permit-by-rule, the owner or operator must notify the Missouri Department of Natural Resources' Air Pollution Control Program prior to commencement of construction. This notification will establish the permit-by-rule and become the conditions under which the facility is permitted. All representations made in the notification regarding construction plans, operating procedures, and maximum emission rates shall become conditions upon which the facility shall construct or modify. If the conditions, as represented in the notification, vary in a manner that will change the method of emission controls, the character of the emissions, or will result in an increase of emissions, a new notification or permit application must be prepared and submitted to the department's Air Pollution Control Program.

1. The director shall provide a form by which operators can submit their notifications. The notification shall include documentation of the basis of emission estimates or activity rates and be signed by a responsible official certifying that the information contained in the notification is true, accurate, and complete. The expected first date of operation shall be included in the notification.

2. The notification shall be sent to the department's Air Pollution Control Program. Two (2) copies of the original notification shall be made. One (1) shall be sent to the appropriate regional office, and one (1) shall be maintained on-site and be provided immediately upon request by inspectors.

3. Fees. A review fee of seven hundred dollars (\$700) shall accompany the notification sent to the department's Air Pollution Control Program.

4. Upon receiving the notification, the department shall complete a pre-construction review of the notification and make an approval/disapproval determination within seven (7) business days. If the notification is approved by the department, the operator may begin construction and operation of the new source.

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-6.350 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1766-1767). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were received from the Environmental Protection Agency (EPA) on the proposed amendment. The comments related to the transition from the current regulation to the proposed Clean Air Interstate Regulation.

COMMENT: EPA commented that the language providing the option whether or not to participate in the statewide NO_x rule should be removed since compliance with 10 CSR 10-6.360 is deemed to be compliance with 10 CSR 10-6.350.

RESPONSE AND EXPLANATION OF CHANGE: The Missouri Department of Natural Resources Air Pollution Control Program has amended the proposed language to reflect this comment.

COMMENT: EPA commented that the statement taking into consideration emission allowances from Missouri sources in subsection (1)(E) is confusing and should be removed.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has removed the proposed language as suggested.

COMMENT: EPA commented that the provision in subsection (1)(F) is problematic because, while 2008 is the last control period to which this rule applies, compliance procedures for the 2008 control period will likely continue into 2009. Under the CAIR NO_x Ozone Season Trading program, monitoring and reporting requirements begin in 2008, and the allowance holding requirement begins in 2009. Under the provision terminating Missouri's Statewide NO_x Rule on the implementation date in 10 CSR 10-6.364, the termination date is unclear and however it is interpreted, is premature. EPA recommends revising the provision to state that the relevant provisions of 10 CSR 10-6.350 will not apply to the control period beginning in 2009 and any control period thereafter.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has amended the proposed language to reflect this comment.

10 CSR 10-6.350 Emission Limitations and Emissions Trading of Oxides of Nitrogen

(1) Applicability.

(E) Affected sources in the counties of Bollinger, Butler, Cape Girardeau, Carter, Clark, Crawford, Dent, Dunklin, Franklin, Gasconade, Iron, Jefferson, Lewis, Lincoln, Madison, Marion, Mississippi, Montgomery, New Madrid, Oregon, Pemiscot, Perry, Pike, Ralls, Reynolds, Ripley, St. Charles, St. Francois, St. Louis, Ste. Genevieve, Scott, Shannon, Stoddard, Warren, Washington and Wayne counties and the City of St. Louis may demonstrate compliance with the provisions of this rule using compliance with 10 CSR 10-6.360, provided that the emission rate of each unit does not exceed 0.25 or 0.18 pound per million British thermal units (mmBtu), whichever is applicable.

(F) The requirements of sections (3), (4), and (5) of this rule will not apply to the control period beginning in 2009 and any control period thereafter.

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-6.360 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1767-1769). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were received from the Environmental Protection Agency (EPA) on the proposed amendment. The comments related to the transition from the current regulation to the proposed Clean Air Interstate Regulation.

COMMENT: EPA suggested that the phrase Non-Electric Generating Boilers, in the rule title, be changed to be consistent with other changes in the rule, to read Non-Electric Generating Units.

RESPONSE: The rule title was not a portion of the rule that was proposed for changes. Therefore, the suggested changes cannot be made at this time. The Missouri Department of Natural Resources Air Pollution Control Program (Air program) will amend the title if the rule is opened at a time in the future.

COMMENT: EPA comment that the provision in subsection (1)(F) is problematic because, while 2008 is the last control period to which this rule applies, compliance procedures for the 2008 control period will likely continue into 2009. Under the CAIR NO_x Ozone Season Trading program, monitoring and reporting requirements begin in 2008, and the allowance holding requirement begins in 2009. Under the provision terminating Missouri's NO_x Budget Trading program rule on the implementation date in 10 CSR 10-6.364, the termination date is unclear and however it is interpreted, is premature. EPA recommends revising the provision to state that the relevant provisions of 10 CSR 10-6.360 will not apply to the control period beginning in 2009 and any control period thereafter.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has amended the proposed language to reflect this comment.

10 CSR 10-6.360 Control of NO_x Emissions From Electric Generating Units and Non-Electric Generating Boilers

(1) Applicability.

(H) The requirements of sections (3), (4), and (5) of this rule will not apply to the control period beginning in 2009 and any control period thereafter.

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission adopts a rule as follows:

10 CSR 10-6.362 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1769-1780). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were received from six (6) entities. The comments were largely supportive of the proposed rule and the process that was followed to develop the rule. Several of the comments related to monitoring provisions for low emitting and low run time units. There were also several comments that were related to clarifications that were required.

COMMENT: Ameren on behalf of Union Electric Company, d/b/a AmerenUE, and Ameren Energy Generating Company and City Utilities of Springfield support inclusion in trading program and permanent allocations.

RESPONSE: The Missouri Department of Natural Resources Air Pollution Control Program appreciates the support of the rule development process and also the cooperation that was shown by the workgroup members during the development of these rules.

COMMENT: Ameren and City Utilities of Springfield support the exemption for units with low emissions or low hours of operation. This provision would provide relief for units that are not currently Acid Rain Program units and is consistent with state rules 10 CSR 10-6.350 and 10 CSR 10-5.510. Ameren has at least eight (8) combustion turbines that are eligible. These units ran less than one hundred (100) hours per year over last six (6) years and are not required to have CEMs under current regulations. The proposed rule language would impose economic and resource burden to install, certify and operate a CEMs.

RESPONSE: The department's Air Pollution Control Program supported an exemption for low run time and low emitting units in all of the proposed rules for the Clean Air Interstate Rule. However, the U.S. Environmental Protection Agency (EPA) has stated that they will not approve into the regional trading program any state regulation that includes such a provision. The workgroup that developed this regulation determined that the regional trading program was the most important aspect of the regulation. The department's Air Pollution Control Program is hopeful that these units can use the provisions of 40 CFR Part 75.19 or other provisions in Part 75, such as the petition process in Part 75.66, to find a compliance method that is less burdensome. The department's Air Pollution Control Program has not amended the proposed rule language in response to this comment.

COMMENT: Chillicothe Municipal Utilities (CMU) commented that Part 75 monitoring is not economically justifiable for low run time units. They commented that the units average run time is less than one percent (1%) of the available operating time and that just certification process for CEMs would approach the normal hours of operation for the units.

RESPONSE: The department's Air Pollution Control Program supported an exemption for low run time and low emitting units in all of the proposed rules for the Clean Air Interstate Rule. However, the U.S. Environmental Protection Agency (EPA) has stated that they will not approve into the regional trading program any state regulation that includes such a provision. The workgroup that developed this regulation determined that the regional trading program was the most important aspect of the regulation. The department's Air Pollution Control Program is hopeful that these units can use the provisions of 40 CFR Part 75.19 or other provisions in Part 75, such as the petition process in Part 75.66, to find a compliance method that is less burdensome. The department's Air Pollution Control Program has not amended the proposed rule language in response to this comment.

COMMENT: CMU commented that the Low Mass Emissions provisions of Part 75 contain a default emission factor that could be used by the facility. However this emission factor is significantly higher than the emissions that have been shown, through testing, for the facility. Alternatively, the facility can use a site-specific emission factor, which would be more representative. To use the site-specific emission factor a performance test must be performed every five (5) years, making this option less financially viable.

RESPONSE: The department's Air Pollution Control Program supported an exemption for low run time and low emitting units in all of the proposed rules for the Clean Air Interstate Rule. However, the U.S. Environmental Protection Agency (EPA) has stated that they will not approve into the regional trading program any state regulation that includes such a provision. The workgroup that developed this regulation determined that the regional trading program was the most important aspect of the regulation. The department's Air Pollution Control Program is hopeful that these units can use the provisions of 40 CFR Part 75.19 or other provisions in Part 75, such as the petition process in Part 75.66, to find a compliance method that is less burdensome. The department's Air Pollution Control Program has not amended the proposed rule language in response to this comment.

COMMENT: Empire supports inclusion of a set-aside for energy efficiency and renewable energy (EE/RE) projects. The proposed rule provides for in-state projects to apply for set-aside allowances for a seven (7)-year period while out-of-state projects that benefit Missouri are limited to a five (5)-year application period. Empire would like to state our belief that double penalizing out-of-state renewable energy projects adds another level of complexity to the rule and really provides no additional benefit. Empire's out-of-state wind projects provide renewable energy to our Missouri customers in an amount equal to approximately ten percent (10%) of their total annual electric energy needs. In addition, this renewable energy directly reduces emission from generating facilities located within Missouri. Empire can understand the fifty percent (50%) set-aside pool division for in-state projects but asks the MDNR to relieve the double penalty by amending the application period for out-of-state projects to seven (7) years.

RESPONSE: The department does not view this provision as a penalty for out-of-state renewable projects. Through the set-aside, non-emitting projects receive awards of allowances that they would not receive in the absence of the set-aside. It is also worth noting that Missouri is the only state with a CAIR energy efficiency/renewable energy set-aside that awards any allowances to projects located outside the state in recognition of the environmental benefits of such projects on citizens of Missouri.

The initial draft of the CAIR set-aside was based on Missouri's NO_x SIP set-aside provisions, which provides a five (5)-year stream of benefits for all projects. The decision to extend the stream of benefits to seven (7) years for in-state projects was introduced in order to increase the incentive for in-state energy efficiency and renewable generation projects. This was considered a policy priority in view of the relatively low level of EE and RE resources deployed in Missouri relative to neighboring states. The department's Air Pollution Control Program has not amended the proposed rule in response to this comment.

COMMENT: The Environmental Protection Agency (EPA) commented that the reference to (1)(B)1.A.(I) should be (1)(B)1.A.(II) in subparagraph (1)(B)1.B.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has amended the reference in response to this comment.

COMMENT: EPA commented that there are several places in the draft rule that reference subsections in 40 CFR Part 96, it would be clearer to reference section since they are called sections in the model rule.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has amended the language of the proposed rule to reflect the suggested clarification.

COMMENT: EPA commented that provisions of subsection (3)(A) reference the CAIR model rule promulgated as of July 1, 2005. EPA issued final changes to the CAIR model rules on April 28, 2006. Therefore, Missouri needs to incorporate these sections of the model rule as of April 28, 2006.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has amended the proposed rule to reflect the revised date as suggested.

COMMENT: EPA commented that for consistency with the model rule provisions that are incorporated by reference, the words trading account should be revised to read compliance account or general account, and the words authorized account representative or alternate authorized account representative should be revised to read CAIR authorized account representative or alternate CAIR authorized account representative.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has amended the proposed rule to reflect the language as suggested.

COMMENT: EPA commented to clarify the term acid rain unit in part (3)(B)3.A.(III).

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has amended the proposed rule to clarify the term acid rain program.

COMMENT: EPA commented that the references to subparagraph (3)(C)3.C. in subpart (3)(B)3.C.(III)(e) appear to be incorrect and should instead be (3)(B)3.C.(III)(c).

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has amended the proposed rule to correct the reference as suggested.

COMMENT: EPA commented the references to subparagraph (3)(B)3.E. and part (3)(B)3.C.(IV) appear incorrect, because these references do not exist.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has amended the proposed rule language to correct the references.

COMMENT: EPA commented that the allocations for 2009-2014 should add up to 59,871 not 59,870.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has amended the table in the proposed rule to reflect the changes as suggested.

10 CSR 10-6.362 Clean Air Interstate Rule Annual NO_x Trading Program

(1) Applicability.

(B) The units in the state that meet the requirements set forth in subparagraph (1)(B)1.A., (1)(B)2.A., or (1)(B)2.B. of this rule shall not be CAIR NO_x units—

1. Cogenerator exemption.

A. Any unit that is a CAIR NO_x unit under paragraph (1)(A)1. or 2. of this rule—

(I) Qualifying as a cogeneration unit during the twelve (12)-month period starting on the date the unit first produces electricity and continuing to qualify as a cogeneration unit; and

(II) Not serving at any time, since the later of November 15, 1990 or the startup of the unit's combustion chamber, a generator with nameplate capacity of more than twenty-five (25) MWe supplying in any calendar year more than one-third of the unit's potential electric output capacity or two hundred nineteen thousand

(219,000) megawatt hours (MWh), whichever is greater, to any utility power distribution system for sale.

B. If a unit qualifies as a cogeneration unit during the twelve (12)-month period starting on the date the unit first produces electricity and meets the requirements of subparagraph (1)(B)1.A. of this rule for at least one (1) calendar year, but subsequently no longer meets all such requirements, the unit shall become a CAIR NO_x unit starting on the earlier of January 1 after the first calendar year during which the unit first no longer qualifies as a cogeneration unit or January 1 after the first calendar year during which the unit no longer meets the requirements of part (1)(B)1.A.(II) of this rule.

2. Solid waste incinerator exemption.

A. Any unit that is a CAIR NO_x unit under paragraph (1)(A)1. or 2. of this rule commencing operation before January 1, 1985—

(I) Qualifying as a solid waste incineration unit; and

(II) With an average annual fuel consumption of non-fossil fuel for 1985–1987 exceeding eighty percent (80%) (on a British thermal unit (Btu) basis) and an average annual fuel consumption of non-fossil fuel for any three (3) consecutive calendar years after 1990 exceeding eighty percent (80%) (on a Btu basis).

B. Any unit that is a CAIR NO_x unit under paragraph (1)(A)1. or 2. of this rule commencing operation on or after January 1, 1985—

(I) Qualifying as a solid waste incineration unit; and

(II) With an average annual fuel consumption of non-fossil fuel for the first three (3) calendar years of operation exceeding eighty percent (80%) (on a Btu basis) and an average annual fuel consumption of non-fossil fuel for any three (3) consecutive calendar years after 1990 exceeding eighty percent (80%) (on a Btu basis).

C. If a unit qualifies as a solid waste incineration unit and meets the requirements of subparagraph (1)(B)2.A. or B. of this rule for at least three (3) consecutive calendar years, but subsequently no longer meets all such requirements, the unit shall become a CAIR NO_x unit starting on the earlier of January 1 after the first calendar year during which the unit first no longer qualifies as a solid waste incineration unit or January 1 after the first three (3) consecutive calendar years after 1990 for which the unit has an average annual fuel consumption of fossil fuel of twenty percent (20%) or more.

(C) Retired Unit Exemption. Unless otherwise noted in this section of the rule, all of the sections of 40 CFR 96.105 promulgated as of April 28, 2006 are hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408. This rule does not incorporate any subsequent amendments or additions.

(2) Definitions.

(A) Definitions for key words and phrases used in this rule may be found in sections 40 CFR 96.102 and 96.103 of 40 CFR 96 Subpart AA promulgated as of April 28, 2006 are hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408. This rule does not incorporate any subsequent amendments or additions.

(3) General Provisions.

(A) Unless otherwise noted in this section of the rule, 40 CFR 96.106, 96.107, and 96.108 as well as all of the sections of 40 CFR 96 Subparts BB, CC (excluding any reference to 40 CFR 96 Subpart EE), DD, FF, GG, and II promulgated as of April 28, 2006 are hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408. This rule does not incorporate any subsequent amendments or additions.

(B) NO_x Allowances.

1. Timing requirements for CAIR NO_x allowance allocations.

A. By October 31, 2006, the permitting authority will submit

to the administrator the CAIR NO_x allowance allocations, in a format prescribed by the administrator, for the calendar years in 2009, 2010, 2011, 2012, 2013, and 2014 consistent with the allocations listed in Table I of this rule.

B. By October 31, 2006, the permitting authority will submit to the administrator the CAIR NO_x allowance allocations, in a format prescribed by the administrator, for the calendar year beginning 2015 and extending through ten (10) calendar years consistent with the allocations listed in Table I of this rule.

C. By October 31, 2015 and October 31 of every tenth year following, the permitting authority will submit to the administrator the CAIR NO_x allowance allocations, in a format prescribed by the administrator, for the calendar year ten (10) years in the future and extending through ten (10) calendar years consistent with the allocations listed in Table I of this rule.

2. NO_x allowance allocations.

A. The state trading program NO_x budget allocated by the director under subparagraphs (3)(B)2.B and (3)(B)2.C. of this rule for a calendar year will equal fifty-nine thousand eight hundred seventy-one (59,871) tons for 2009–2014 and forty-nine thousand eight hundred ninety-two (49,892) tons for 2015 and beyond.

B. The following NO_x budget units shall be allocated NO_x allowances for each calendar year in accordance with Table I of paragraph (3)(B)2.B. of this rule.

Table I

Facility ID	Facility Name	Unit ID	Portion Statewide Pool	NO _x Allocation 2009-2014	NO _x Allocation 2015 and Beyond
2076	ASBURY	1	1.842%	1,097	914
2079	HAWTHORN STATION	5A	5.531%	3,294	2,743
2079	HAWTHORN STATION	6	0.053%	31	26
2079	HAWTHORN STATION	7	0.031%	18	15
2079	HAWTHORN STATION	8	0.027%	16	13
2079	HAWTHORN STATION	9	0.116%	69	58
2080	MONTROSE STATION	1	1.530%	911	759
2080	MONTROSE STATION	2	1.589%	947	788
2080	MONTROSE STATION	3	1.581%	942	784
2081	NORTHEAST #11		0.005%	3	2
2081	NORTHEAST #12		0.004%	2	2
2081	NORTHEAST #13		0.011%	7	6
2081	NORTHEAST #14		0.009%	5	5
2081	NORTHEAST #15		0.008%	4	4
2081	NORTHEAST #16		0.005%	3	2
2081	NORTHEAST #17		0.011%	6	5
2081	NORTHEAST #18		0.007%	4	3
2082	FAIRGROUNDS		0.004%	2	2
2092	RALPH GREEN	3	0.015%	9	8
2094	SIBLEY	1	0.514%	306	255
2094	SIBLEY	2	0.512%	305	254
2094	SIBLEY	3	3.319%	1,977	1,646
2096	AMEREN VIADUCT		0.001%	—	—
2098	LAKE ROAD	6	0.910%	542	452
2098	LAKE ROAD	5	0.009%	5	4
2102	HOWARD BEND		0.002%	1	1
2103	LABADIE	1	4.890%	2,913	2,425
2103	LABADIE	2	5.033%	2,998	2,496
2103	LABADIE	3	5.589%	3,329	2,772
2103	LABADIE	4	5.009%	2,984	2,484
2104	MERAMEC	1	1.225%	730	607
2104	MERAMEC	2	1.134%	676	562
2104	MERAMEC	3	1.966%	1,171	975
2104	MERAMEC	4	2.985%	1,778	1,480
2104	MERAMEC	GT1	0.000%	2	2
2104	MERAMEC	GT2	0.000%	3	2
2107	SIOUX	1	3.891%	2,318	1,930
2107	SIOUX	2	3.832%	2,282	1,900
2122	CHILLICOTHE		0.003%	2	2
2123	COLUMBIA	6	0.068%	41	34
2123	COLUMBIA	7	0.073%	44	36
2123	COLUMBIA	8	0.001%	1	—
2132	BLUE VALLEY POWER	3	0.270%	161	134
2132	BLUE VALLEY POWER	GT1	0.000%	—	—
2161	JAMES RIVER	GT1	0.025%	15	12
2161	JAMES RIVER	GT2	0.015%	9	8
2161	JAMES RIVER	3	0.492%	293	244
2161	JAMES RIVER	4	0.604%	360	300
2161	JAMES RIVER	5	1.031%	614	511
2167	NEW MADRID POWER PLANT	1	4.611%	2,747	2,287
2167	NEW MADRID POWER PLANT	2	5.095%	3,035	2,527
2168	THOMAS HILL ENERGY CENTER	MB1	1.891%	1,126	938
2168	THOMAS HILL ENERGY CENTER	MB2	2.792%	1,663	1,385
2168	THOMAS HILL ENERGY CENTER	MB3	6.793%	4,046	3,369
2169	CHAMOIS POWER PLANT	2	0.530%	315	263
6065	IATAN STATION	1	6.699%	3,990	3,322
6074	GREENWOOD ENERGY CENTER	1	0.021%	12	10
6074	GREENWOOD ENERGY CENTER	2	0.020%	12	10
6074	GREENWOOD ENERGY CENTER	3	0.024%	14	12
6074	GREENWOOD ENERGY CENTER	4	0.025%	15	12
6155	RUSH ISLAND	1	4.838%	2,882	2,399
6155	RUSH ISLAND	2	4.613%	2,748	2,287
6195	SOUTHWEST	1	2.248%	1,339	1,115
6195	SOUTHWEST	CT1A	0.005%	3	2

6195	SOUTHWEST	CT1B	0.005%	3	2
6195	SOUTHWEST	CT2A	0.005%	3	2
6195	SOUTHWEST	CT2B	0.005%	3	2
6223	EMPIRE	3A	0.004%	2	2
6223	EMPIRE	3B	0.004%	2	2
6223	EMPIRE	4A	0.003%	2	2
6223	EMPIRE	4B	0.003%	2	2
6563	EMPIRE—ENERGY CENTER 1		0.036%	21	18
6563	EMPIRE—ENERGY CENTER 2		0.031%	19	16
6650	MEXICO		0.003%	2	2
6651	MOBERLY		0.002%	2	1
6652	MOREAU		0.003%	2	2
6768	SIKESTON	1	2.612%	1,556	1,295
7296	STATE LINE UNIT 1	1	0.131%	78	65
7296	STATE LINE UNIT 1	2-1	0.204%	122	101
7296	STATE LINE UNIT 1	2-2	0.256%	153	127
7604	ST. FRANCIS POWER PL	1	0.155%	92	77
7604	ST. FRANCIS POWER PL	2	0.117%	70	58
7749	ESSEX POWER PLANT	1	0.018%	11	9
7754	NODAWAY POWER PLANT	1	0.019%	11	9
7754	NODAWAY POWER PLANT	2	0.018%	11	9
7848	HOLDEN POWER PLANT	1	0.004%	2	2
7848	HOLDEN POWER PLANT	2	0.006%	4	3
7848	HOLDEN POWER PLANT	3	0.004%	2	2
7903	MCCARTNEY	MGS1A	0.002%	1	1
7903	MCCARTNEY	MGS1B	0.002%	1	1
7903	MCCARTNEY	MGS2A	0.002%	1	1
7903	MCCARTNEY	MGS2B	0.002%	1	1
7964	PENO CREEK ENRGY CTR	CT1A	0.003%	2	1
7964	PENO CREEK ENRGY CTR	CT1B	0.003%	2	1
7964	PENO CREEK ENRGY CTR	CT2A	0.003%	2	1
7964	PENO CREEK ENRGY CTR	CT2B	0.003%	2	1
7964	PENO CREEK ENRGY CTR	CT3A	0.003%	2	1
7964	PENO CREEK ENRGY CTR	CT3B	0.003%	2	1
7964	PENO CREEK ENRGY CTR	CT4A	0.003%	1	1
7964	PENO CREEK ENRGY CTR	CT4B	0.002%	1	1
8567	HIGGINSVILLE		0.006%	3	3
55178	MEP PLEASANT HILL	CT-1	0.166%	99	82
55178	MEP PLEASANT HILL	CT-2	0.153%	91	76
55234	AUDRAIN GENERATING	CT1	0.001%	1	1
55234	AUDRAIN GENERATING	CT2	0.001%	1	—
55234	AUDRAIN GENERATING	CT3	0.001%	1	—
55234	AUDRAIN GENERATING	CT4	0.001%	1	—
55234	AUDRAIN GENERATING	CT5	0.001%	1	1
55234	AUDRAIN GENERATING	CT6	0.000%	—	—
55234	AUDRAIN GENERATING	CT7	0.000%	—	—
55234	AUDRAIN GENERATING	CT8	0.001%	—	—
55447	COLUMBIA ENERGY CTR	CT01	0.001%	1	1
55447	COLUMBIA ENERGY CTR	CT02	0.001%	1	1
55447	COLUMBIA ENERGY CTR	CT03	0.001%	1	—
55447	COLUMBIA ENERGY CTR	CT04	0.001%	—	—
	Energy Efficiency/Renewable Energy set-aside			300	300
	Total		100.000%	59,871	49,892

C. Any unit subject to section (1) of this rule other than those listed in Table I of this subsection will not be allocated NO_x budget allowances under this rule.

D. *Reserved.*

E. Any person seeking set-aside allowances for energy efficiency and renewable generation projects shall meet the requirements of subparagraph (3)(B)2.E. of this rule.

(I) The purpose for establishing this set-aside is to allocate allowances to serve as incentives for saving or generating electricity through the implementation of energy efficiency and renewable generation projects as defined in this section.

(a) Each energy efficiency and renewable generation set-aside shall contain the number of NO_x allowances as provided in Table I of this subsection.

(b) Awards of allowances will be available only to eligible energy efficiency or renewable generation projects that—

I. Commence operation after September 1, 2005;

II. Reduce electricity use, generate electricity from renewable resources or provide combined heat and power benefits during the twelve (12)-month energy efficiency/renewable energy project period of January 1, 2008 through December 31, 2008 or subsequent twelve (12)-month energy efficiency/renewable energy project periods; and

III. In an application submitted by March 1 of each year, include adequate documentation of these energy savings, renewable energy generation or combined heat and power benefits.

(c) Projects will be awarded allowances for the control period following the twelve (12)-month energy efficiency/renewable energy project period during which the qualifying project activities took place. For example, sponsors of project activities that take place during the twelve (12)-month energy efficiency/renewable energy project period of January 1, 2008 through December 31, 2008 will receive allowances for the 2009 control period.

(d) Eligible projects located in Missouri may qualify for awards from the set-aside for up to seven (7) consecutive control periods. Eligible projects located outside Missouri may qualify for awards for up to five (5) consecutive control periods.

(e) Department actions on applications for awards from the set-aside. The department shall act upon applications as follows:

I. By May 31 of the control period for which NO_x allowances are requested, the department shall take the following actions:

a. For each application, the department shall determine whether the project is eligible and the application is complete and shall notify the applicant of its determination; and

b. For the eligible and complete applications, the department shall calculate the total number of allowances which the projects are qualified to receive, not to exceed the total number of allowances allocated to the set-aside as provided in Table I of this subsection, and shall award said allowances to eligible energy efficiency or renewable generation projects.

II. If the number of allowances awarded is fewer than allowances allocated to the set-aside as provided in Table I of this subsection, the department shall transfer surplus allowances to the accounts of the electric utilities listed in Table I of this subsection on a pro rata basis in the same proportion as allocations to NO_x budget units set forth in Table I of this subsection.

III. If the number of allowances claimed for award is more than allowances allocated to the set-aside as provided in Table I of this subsection, the department shall allocate awards to sponsors of eligible projects as follows:

a. Up to the first one hundred fifty (150) allowances in the set-aside shall be awarded for eligible projects located in Missouri, as follows. Up to the first sixty (60) allowances shall be awarded for eligible energy efficiency projects in the order that the projects first achieved eligible status. The remaining allowances shall be awarded for eligible projects located in Missouri in the order the projects first achieved eligible status, regardless of the type of project; and

b. The remaining allowances in the set-aside shall be awarded for eligible projects on a pro rata basis in proportion to total remaining claims for awards, regardless of project location.

(II) Project eligibility. Allocations from the energy efficiency and renewable generation set-aside may be requested by any entity, including an electric utility listed in Table I of this subsection or its affiliate, that implements and demonstrates eligible projects as defined in this subparagraph.

(a) Eligibility requirements. The department shall establish requirements for project eligibility and shall determine which projects are eligible to receive awards from the set-aside.

(b) Only the following shall be eligible for awards from the set-aside:

I. Energy efficiency projects resulting in reduced or more efficient electricity use through the voluntary installation, replacement, or modification of equipment, fixtures, or materials in a building or facility.

a. Energy efficiency projects may be directed toward or located within buildings or facilities owned, leased, operated or controlled by an electric utility listed in Table I of this subsection or its affiliate. Eligibility requirements for these projects shall be the same as for any other energy efficiency project.

b. Energy efficiency projects may include demand-side programs that result in reduced or more efficient electricity use;

II. Renewable generation projects, includes electric generation from wind, photovoltaic systems, biogas and hydropower projects. Renewable generation projects do not include nuclear power projects. Eligible biogas projects include projects to generate electricity from methane gas captured from sanitary landfills, wastewater treatment plants, sewage treatment plants or agricultural livestock waste treatment systems. Eligible hydropower projects are restricted to systems—

a. That are certified by the Low Impact Hydropower Institute;

b. That employ a head of ten feet (10') or less; or

c. Employing a head greater than ten feet (10') that make use of a dam that existed prior to the effective date of this rule;

III. Renewable biomass generation projects include projects in which one (1) or more biomass fuels is fired separately or co-fired with one (1) or more fossil fuels to generate electricity. Biomass includes wood and wood waste, energy crops such as switchgrass and agricultural wastes such as crop and animal waste. Electric generation from combustion of municipal solid waste is not included; and

IV. Combined heat and power (CHP) projects that use integrated technologies, including cogeneration, which convert fuel to electric, thermal, and mechanical energy for on-site or local use. In the case of electricity generation, combined heat and power can include export of power to the local electric utility transmission grid. The thermal energy from combined heat and power systems can be created and used in the form of steam, hot or chilled water for process, space heating or cooling, or other applications. To be eligible, the combined heat and power installation must meet or exceed technology-specific efficiency thresholds that will be established by the department.

(c) Additional eligibility requirements shall include the following:

I. Project information must be submitted on forms provided by the department. After the effective date of this rule, any revision to the department-supplied forms will be presented to the regulated community for a forty-five (45)-day comment period;

II. Only projects that are not required by federal government regulation and that are not and will not be used to generate compliance or permitting credits otherwise in the state implementation plan (SIP) are eligible to receive allowances from the set-aside;

III. Only electricity generation or savings that are not the basis for an award of CAIR annual NO_x allowance from a set-aside in another state's CAIR annual NO_x rule can be the basis for a claim from the Missouri set-aside;

IV. Only projects that equal at least one (1) ton of NO_x emissions, using conventional arithmetic rounding, are eligible to receive allowances from the set-aside. Multiple projects may be aggregated into a single allowance allocation request to equal one (1) or more tons of NO_x emissions;

V. Only projects that commence operation after September 1, 2005, are eligible to receive allowances from the set-aside;

VI. Sponsors must establish a compliance account or general account in EPA's NO_x Allowance Tracking System (NATS). The application for an award from the set-aside must be submitted to the department by the CAIR authorized account representative or alternate CAIR authorized account representative for the compliance account or general account; and

VII. Location of eligible projects.

a. To be eligible, an energy efficiency project or combined heat and power project must be located within Missouri.

b. To be eligible, a renewable generation project or biomass generation project may be located within or outside of Missouri and must meet the following criteria:

(i) The number of allowances awarded to a renewable generation project or biomass generation project located within or outside of Missouri shall be calculated based on the amount of power the facility delivers to Missouri end-use customers. The sponsor must certify and demonstrate the amount of power from the renewable generation project or biomass generation project that is delivered to Missouri end-use customers; and

(ii) If the renewable generation project or biomass generation project is located outside of Missouri, the project must be sponsored by a Missouri electric generation and transmission cooperative, a Missouri electric distribution utility or the affiliate of a Missouri electric distribution utility. For the purpose of this rule, "affiliate" shall be defined as in 4 CSR 240-20.010.

(d) Pre-application project review. Sponsors of new energy efficiency renewable energy projects must submit a request for pre-application project review by March 31 of the year prior to the control period for which set-aside awards will be claimed. For example, a project sponsor intending to apply for an award of 2009 control period allowances must request a pre-application project review by March 31, 2008, and may request the review at any time prior to that date. Pre-application project reviews will cover eligibility requirements and proposed measurement and verification procedures. The request for pre-application project review must be submitted on forms provided by the department. After the effective date of this rule, any revision to the department-supplied forms will be presented to the regulated community for a forty-five (45)-day comment period;

(e) Eligibility for any project may be claimed by only one (1) entity. The department shall determine procedures to be followed if multiple claims of eligibility for the same project are received.

(III) Applications and calculations of awards. To qualify for an award of allowances from the set-aside an applicant must meet the following requirements:

(a) The project must be eligible as provided in part (3)(B)2.E.(II) of this rule;

(b) By March 1 following the twelve (12)-month energy efficiency renewable energy project period during which the eligible project activities occurred, the department must receive a complete application that meets the following requirements:

I. The application shall be prepared on forms provided by the department and must be submitted by the project's CAIR authorized account representative or alternate CAIR authorized account representative. After the effective date of this rule, any revision to the department-supplied forms will be presented to the regulated community for a forty-five (45)-day comment period;

II. The applicant must demonstrate electricity savings or renewable generation and calculate the NO_x allowance award requested using methods that adhere to measurement and verification

standards approved by the department. The department shall have the right to require verification of data and calculations that are presented in an application as a condition for awarding allowances to the applicant. Verification may include site visits by agents of the department; and

III. If the applicant intends to reapply in subsequent years, the application must indicate the stream of benefits that is expected in subsequent years;

(c) The department shall determine methods for calculating awards of allowances based upon the following principles:

I. Allowances awarded to end-use electrical energy efficiency projects shall be calculated as the number of MWh of electricity saved during a twelve (12)-month energy efficiency/renewable energy project period multiplied by an emissions factor of 1.5 pounds of NO_x per MWh appropriately converted and rounded to tons using conventional arithmetic rounding. The department shall provide a factor to adjust the calculation of electricity saved to account for transmission and distribution line losses;

II. Allowances awarded to renewable generation projects from wind, photovoltaic systems, biogas and hydropower projects shall be calculated as the number of MWh of electricity generated during a twelve (12)-month energy efficiency/renewable energy project period multiplied by an emissions factor of 1.5 pounds of NO_x per MWh appropriately converted and rounded to tons using conventional arithmetic rounding;

III. Allowances awarded to renewable biomass generation projects shall be calculated based on net NO_x emission reductions, appropriately converted and rounded to tons using conventional arithmetic rounding where—

a. Net NO_x emissions shall be calculated as the number of MWh of electricity generated during a twelve (12)-month energy efficiency/renewable energy project period multiplied by an emissions factor of 1.5 pounds of NO_x per MWh, minus the tons of NO_x emitted by the renewable generating project during the twelve (12)-month energy efficiency/renewable energy project period; and

b. When biomass is co-fired with other fuels, its share of electric generation and NO_x emissions shall be calculated based on its share of the total heat content of all fuels used in the co-firing process; and

IV. Allowances awarded to combined heat and power (CHP) projects shall be calculated based on the difference between actual NO_x emissions from the CHP system and the NO_x emissions that would be emitted by an equivalent business-as-usual (BAU) system. An equivalent BAU system consists of a conventional power plant that produces electricity plus a conventional industrial boiler that produces useful heat (heat used for space, water or industrial process heat). The department shall provide efficiency and NO_x emission rates to be used in calculating NO_x emissions from the equivalent BAU system. In addition, to qualify for an award, a CHP system shall be required to achieve an efficiency threshold. The threshold shall be set by the department and the efficiency of the CHP system shall be calculated based on a method provided by the department; and

(d) The sponsor of a project located in Missouri that receives an award from the set-aside may reapply for set-aside awards for up to an additional six (6) consecutive control periods by meeting the following requirements. The sponsor of a project located outside of Missouri that receives an award from the set-aside may reapply for set-aside awards for up to an additional four (4) consecutive control periods by meeting the following requirements:

I. Reapplication must be received by March 1 following the last day of the twelve (12)-month energy efficiency/renewable energy project period during which the energy efficiency and renewable electric generation activities took place; and

II. The reapplication must be prepared on forms provided by the department and must be submitted by the project's CAIR authorized account representative or alternate CAIR authorized account representative. After the effective date of this rule, any revision to the department-supplied forms will be presented to the

regulated community for a forty-five (45)-day comment period;

3. Compliance supplement pool.

A. For any CAIR NO_x unit in the state that achieves NO_x emission reductions in 2007 and 2008 that are not necessary to comply with any state or federal emissions limitation applicable during such years, the CAIR designated representative of the unit may request early reduction credits, and allocation of CAIR NO_x allowances from the compliance supplement pool in accordance with the following:

(I) The owners and operators of such CAIR NO_x unit shall monitor and report the NO_x emissions rate and the heat input of the unit in accordance with section (4) of this rule in each calendar year for which early reduction credit is requested;

(II) The CAIR designated representative of such CAIR NO_x unit shall submit to the permitting authority by May 1, 2009 a request, in a format specified by the permitting authority, for allocation of an amount of CAIR NO_x allowances from the compliance supplement pool not exceeding the sum of the amounts (in tons) of the unit's NO_x emission reductions in 2007 and 2008 that are not necessary to comply with any state or federal emissions limitation applicable during such years, determined in accordance with section (4) of this rule; and

(III) For units subject to the Acid Rain Program that do not have an applicable NO_x emission limit, the Acid Rain Program NO_x emission rate limit that would have applied had the unit been limited by Acid Rain Program NO_x requirements or state emission rate limit shall be utilized to determine the number of potential CAIR NO_x allowances those units may receive.

B. For any CAIR NO_x unit in the state whose compliance with CAIR NO_x emissions limitation for the calendar year 2009 would create an undue risk to the reliability of electricity supply during such calendar year, the CAIR designated representative of the unit may request the allocation of CAIR NO_x allowances from the compliance supplement pool in accordance with the following:

(I) The CAIR designated representative of such CAIR NO_x unit shall submit to the permitting authority by May 1, 2009 a request, in a format specified by the permitting authority, for allocation of an amount of CAIR NO_x allowances from the compliance supplement pool not exceeding the minimum amount of CAIR NO_x allowances necessary to remove such undue risk to the reliability of electricity supply; and

(II) In the request under paragraph (3)(B)3. of this rule, the CAIR designated representative of such CAIR NO_x unit shall demonstrate that, in the absence of allocation to the unit of the amount of CAIR NO_x allowances requested, the unit's compliance with CAIR NO_x emissions limitation for the calendar year 2009 would create an undue risk to the reliability of electricity supply during such calendar year. This demonstration must include a showing that it would not be feasible for the owners and operators of the unit to:

(a) Obtain a sufficient amount of electricity from other electricity generation facilities, during the installation of control technology at the unit for compliance with the CAIR NO_x emissions limitation, to prevent such undue risk; or

(b) Obtain under subparagraphs (3)(B)3.A. and C. of this rule, or otherwise obtain, a sufficient amount of CAIR NO_x allowances to prevent such undue risk.

C. The permitting authority will review each request under subparagraphs (3)(B)3.A. and B. of this rule submitted by May 1, 2009 and will allocate CAIR NO_x allowances for the calendar year 2009 to CAIR NO_x units in the state and covered by such request as follows:

(I) Upon receipt of each such request, the permitting authority will make any necessary adjustments to the request to ensure that the amount of the CAIR NO_x allowances requested meets the requirements of subparagraph (3)(B)3.A. or B. of this rule;

(II) If the total amount of CAIR NO_x allowances in all requests (as adjusted under part (3)(B)3.C.(I) of this rule) is not more than nine thousand forty-four (9,044), the permitting authority will

allocate to each CAIR NO_x unit covered by such requests the amount of CAIR NO_x allowances requested (as adjusted under part (3)(B)3.C.(I) of this rule); and

(III) If the total amount of CAIR NO_x allowances in all requests (as adjusted under part (3)(B)3.C.(I) of this rule) is more than nine thousand forty-four (9,044), the permitting authority will allocate CAIR NO_x allowances to each CAIR NO_x unit covered by such requests as follows:

(a) The compliance supplement pool shall be divided into two (2) pools of three thousand fifteen (3,015) allowances and six thousand twenty-nine (6,029) allowances each;

(b) Units located in Buchanan, Jackson or Jasper County that combust at least one hundred thousand (100,000) passenger tire equivalents in each of 2007 and 2008 shall be eligible to request CAIR NO_x allowances from the smaller pool;

(c) CAIR NO_x allowances from the smaller pool shall be allocated according to the following formula:

$$\text{Unit's allocation} = \text{Unit's adjusted allocation} \times (3,015 / \text{Total adjusted allocations for eligible units})$$

Where:

"Unit's allocation" is the number of CAIR NO_x allowances allocated to the unit from the state's compliance supplement pool.

"Unit's adjusted allocation" is the amount of CAIR NO_x allowances requested for the unit under subparagraphs (3)(B)3.A. and B. of this rule, as adjusted under part (3)(B)3.C.(I) of this rule.

"Total adjusted allocations for eligible units" is the sum of the amounts of allocations requested under subparagraphs (3)(B)3.A. and B. of this rule, as adjusted under paragraph (3)(B)1. of this rule by the units identified in subpart (3)(B)3.C.(III)(b) of this rule.

(d) Units that receive CAIR NO_x allowances from the smaller portion of the compliance supplement pool shall not be eligible to receive CAIR NO_x allowances from the remaining portion of the compliance supplement pool; and

(e) Any CAIR NO_x allowances not allocated under subpart (3)(C)3.C.(III)(c) shall be added to the pool of six thousand twenty-nine (6,029) allowances and allocated according to the following formula:

$$\text{Unit's allocation} = \text{Unit's adjusted allocation} \times ((6,029 + \text{Remainder from first allocation}) / \text{Total adjusted allocations for eligible units})$$

Where:

"Unit's allocation" is the number of CAIR NO_x allowances allocated to the unit from the state's compliance supplement pool.

"Unit's adjusted allocation" is the amount of CAIR NO_x allowances requested for the unit under subparagraphs (3)(B)3.A. and B. of this rule, as adjusted under part (3)(B)3.C.(I) of this rule.

"Remainder from first allocation" is the amount of CAIR NO_x allowances from the smaller pool not allocated under subparagraph (3)(C)3.C.

"Total adjusted allocations for eligible units" is the sum of the amounts of allocations requested for all units under subparagraphs (3)(B)3.A. and B. of this rule, as adjusted under part (3)(B)3.C.(I) of this rule by units that were not allocated CAIR NO_x allowances under subparagraph (3)(C)3.C. of this rule; and

4. By November 30, 2009, the permitting authority will determine, and submit to the administrator, the allocations under subparagraphs (3)(B)3.B. and (3)(B)3.C. of this rule; and

5. By January 1, 2010, the administrator will record the allocations under subparagraphs (3)(B)3.B. and (3)(B)3.C. of this rule.

(4) Reporting and Record Keeping. Unless otherwise noted in this section of the rule, all of the sections of 40 CFR 96 Subpart HH promulgated as of April 28, 2006 are hereby incorporated by reference

in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408. This rule does not incorporate any subsequent amendments or additions.

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission adopts a rule as follows:

10 CSR 10-6.364 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1781-1790). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were received from six (6) entities. The comments were largely supportive of the proposed rule and the process that was followed to develop the rule. Several of the comments related to monitoring provisions for low emitting and low run time units. There were also several comments that were related to clarifications that were required.

COMMENT: Ameren on behalf of Union Electric Company, d/b/a AmerenUE, and Ameren Energy Generating Company supports Missouri's inclusion in the regional trading program and permanent allocations.

RESPONSE: The Missouri Department of Natural Resources' Air Pollution Control Program appreciates the support of the rule development process and also the cooperation that was shown by the workgroup members during the development of these rules. No changes have been made to this proposed rule as a result of this comment.

Due to the similar concerns addressed in the following three (3) comments, one (1) response can be found at the end of the three (3) comments.

COMMENT: Ameren supports the exemption for units with low emissions or low hours of operation. This provision would provide relief for units that are not currently Acid Rain Program units and is consistent with state rules 10 CSR 10-6.350 and 10 CSR 10-5.510. Ameren has at least eight (8) combustion turbines that are eligible. These units ran less than one hundred (100) hours per year over the last six (6) years and are not required to have continuous emission monitors (CEMs) under current regulations. The proposed rule language would impose an economic and resource burden to install, certify and operate CEMs.

COMMENT: Chillicothe Municipal Utilities (CMU) commented that Part 75 monitoring is not economically justifiable for low run time units. They commented that the units average run time is less than one percent (1%) of the available operating time and that just certification process for CEMs would approach the normal hours of operation for the units.

COMMENT: CMU commented that the Low Mass Emissions provisions of Part 75 contain a "default" emission factor that could be used by the facility. However this emission factor is significantly higher than the emissions that have been shown, through testing, for the facility. Alternatively, the facility can use a site-specific emission factor, which would be more representative. To use the site-specific emission factor a performance test must be performed every five (5)

years, making this option less financially viable.

RESPONSE: The department's Air Pollution Control Program supported an exemption for low run time and low emitting units in all of the proposed rules for the Clean Air Interstate Rule. However, the U.S. Environmental Protection Agency (EPA) has stated that they will not approve into the regional trading program any state regulation that includes such a provision. The workgroup that developed this regulation determined that the regional trading program was the most important aspect of the regulation. The department's Air Pollution Control Program is hopeful that these units can use the provisions of 40 CFR Part 75.19 or other provisions in Part 75, such as the petition process in Part 75.66, to find a compliance method that is less burdensome. The department's Air Pollution Control Program has not amended the proposed rule language in response to this comment.

COMMENT: Trigen commented that the number of ozone season NO_x allocations to be received by the Ashley Street Station boilers affected by this rule were unclear.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has amended the proposed rule to more clearly reflect the number of ozone season emissions that are being allocated to non-electric generating units.

COMMENT: Empire District Electric Company supported the rule as written.

RESPONSE: The department's Air Pollution Control Program appreciates the support of the rule development process and also the cooperation that was shown by the workgroup members during the development of these rules. No changes have been made to this proposed rule as a result of this comment.

COMMENT: EPA commented that in the applicability section there are a number of differences between the Clean Air Interstate Rule (CAIR) and the Missouri NO_x Budget trading program applicability provisions. For example, CAIR covers the entire state and covers units combusting any amount of fossil fuel, while the Missouri NO_x Budget trading program covers only the counties in eastern Missouri and only units combusting a certain amount of fossil fuel. Further, CAIR exempts certain cogeneration units, while the Missouri NO_x Budget trading program doesn't exempt them if they combust the requisite amount of fossil fuel, but rather treats them as either electric generating units (EGUs) or non-EGUs. Consequently, there potentially can be cogeneration units that are excluded from the CAIR model trading program but covered by the EGU or non-EGU portion of Missouri's NO_x Budget trading program applicability provisions. Therefore, in order to ensure that all units covered by the Missouri NO_x Budget trading program are brought into Missouri's CAIR NO_x ozone season trading program, Missouri's CAIR NO_x Ozone Season applicability provision should include, in their entirety, the applicability provisions from the Missouri NO_x Budget trading program, not just the non-EGU portion.

Under this approach, 10 CSR 10-6.364(1) would set forth two (2) categories of units that are CAIR NO_x Ozone Season units: the first category (e.g., to be set forth in 10 CSR 10-6.364(1)(A) and (B)) would be described using the provisions of 40 CFR 96.304 (as revised by April 28, 2006 final rule); and the second category (e.g., to be set for in an additional part of 10 CSR 10-6.364(1)(C)) would be described as units that are not covered by the new provisions in 10 CSR 10-6.364(1)(A) and (B) and that are covered by the language taken from 10 CSR 10-6.360(1)(B) Applicability (as proposed to be revised) and the fossil-fuel-fired definition in 10 CSR 10-6.360. Currently, 10 CSR 10-6.364(1)(A)3. includes some language from 10 CSR 10-6.360(1), but this language is incomplete.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has amended the proposed rule language to include all of the applicability language from 10 CSR 10-6.360 as commented.

COMMENT: EPA commented that paragraph (1)(A)3.D. refers to an exemption that does not exist.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has amended the proposed rule language to include the referenced exemption.

COMMENT: EPA commented that subsection (1)(B) and its citations are confusing. It is not clear to what units the cogenerator and solid waste incinerator exemptions are intended to apply. Since the language of these exemptions apparently is from the exemptions under the CAIR NO_x Ozone Season trading program and Missouri's NO_x Budget trading program did not include such exemptions, Missouri's rule should apply the exemptions (as set forth in 40 CFR 96.304(B)) only to units otherwise covered by 40 CFR 96.304(a) and not to units under 10 CSR 10-6.360. EPA is willing to work with Missouri concerning how to include the Missouri NO_x Budget trading program applicability provisions in Missouri's CAIR rule.

RESPONSE: This language adequately reflects that these exemptions only apply to CAIR NO_x Ozone Season trading program units because the provisions clearly reference the applicability provisions for these units and not the provisions for Missouri's NO_x Budget trading program. No changes have been made to this proposed rule as a result of this comment.

COMMENT: EPA commented that there are several places in the draft rule that reference subsections in 40 CFR Part 96. It would be clearer to reference sections since they are called sections in the model rule.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has amended the proposed rule language to reference sections in the federal rule as commented.

COMMENT: EPA commented that the CAIR model rule being incorporated by reference should be as of April 28, 2006 in all portions of the rule.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has amended the adoption by reference language throughout the rule to include the April 28, 2006 date.

COMMENT: EPA commented that the CAIR NO_x Ozone Season allowances under subparagraphs (3)(B)2.B. and (3)(B)2.C. of this rule for a control period will equal twenty-six thousand six hundred seventy-eight (26,678) tons for 2009-2014 and twenty-two thousand two hundred thirty-one (22,231) tons for 2015 and beyond. We recommend that this paragraph be revised to clarify that the budget described in paragraph (3)(B)2.A. establishes the trading budget for CAIR NO_x Ozone Season sources listed in Table I and that there is a separate budget for the non-EGU boilers listed in Table II.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has amended the proposed rule language to reflect the total trading budget as commented.

COMMENT: We recommend that the units listed in Table I be referred to as CAIR NO_x Ozone Season units rather than NO_x budget units.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has amended the proposed rule language to reflect the suggested amendment.

10 CSR 10-6.364 Clean Air Interstate Rule Seasonal NO_x Trading Program

(1) Applicability.

(A) Except as provided in subsection (1)(B) of this rule—

1. The following units in this state shall be Clean Air Interstate Rule (CAIR) nitrogen oxides (NO_x) Ozone Season units, and any source that includes one or more such units shall be a CAIR NO_x

Ozone Season source, subject to the requirements of this rule: any stationary, fossil-fuel-fired boiler or stationary, fossil-fuel-fired combustion turbine serving at any time, since the later of November 15, 1990 or the startup of the unit's combustion chamber, a generator with nameplate capacity of more than twenty-five (25) megawatts electric (MWe) producing electricity for sale; and

2. If a stationary boiler or stationary combustion turbine that, under paragraph (1)(A)1. of this rule, is not a CAIR NO_x Ozone Season unit begins to combust fossil fuel or to serve a generator with nameplate capacity of more than twenty-five (25) MWe producing electricity for sale, the unit shall become a CAIR NO_x Ozone Season unit as provided in paragraph (1)(A)1. of this rule on the first date on which it both combusts fossil fuel and serves such generator; or

3. Units in Bollinger, Butler, Cape Girardeau, Carter, Clark, Crawford, Dent, Dunklin, Franklin, Gasconade, Iron, Jefferson, Lewis, Lincoln, Madison, Marion, Mississippi, Montgomery, New Madrid, Oregon, Pemiscot, Perry, Pike, Ralls, Reynolds, Ripley, St. Charles, St. Francois, St. Louis, Ste. Genevieve, Scott, Shannon, Stoddard, Warren, Washington and Wayne counties and the City of St. Louis which are not CAIR NO_x Ozone Season units under paragraphs (1)(A)1., (1)(A)2. and (1)(B) shall be Clean Air Interstate Rule (CAIR) nitrogen oxides (NO_x) Ozone Season units, and any source that includes one or more such units shall be a CAIR NO_x Ozone Season source if—

A. Electric generating units that serve a generator with a nameplate capacity greater than twenty-five megawatts (25 MW) and—

(I) For non-cogeneration units—

(a) Commenced operation before January 1, 1997, and served a generator producing electricity for sale under a firm contract to the electric grid during 1995 or 1996; or

(b) Commenced operation in 1997 or 1998 and served a generator producing electricity for sale under a firm contract to the electric grid during 1997 or 1998; or

(c) Commenced operation on or after January 1, 1999, and served or serves at any time a generator producing electricity for sale; and

(II) For cogeneration units—

(a) Commenced operation before January 1, 1997, and failed to qualify as an unaffected unit under 40 CFR 72.6(b)(4) for 1995 or 1996 under the Acid Rain Program; or

(b) Commenced operation in 1997 or 1998 and failed to qualify as an unaffected unit under 40 CFR 72.6(b)(4) for 1997 or 1998 under the Acid Rain Program; or

(c) Commenced operation on or after January 1, 1999, and failed or fails to qualify as an unaffected unit under 40 CFR 72.6(b)(4) for any year under the Acid Rain Program; and

B. Non-electric generating boilers, combined cycle systems, and combustion turbines that have a maximum design heat input greater than two hundred fifty (250) million British thermal units per hour (mmBtu/hr) and—

(I) For non-cogeneration units—

(a) Commenced operations before January 1, 1997, and did not serve a generator producing electricity for sale under a firm contract to the electric grid during 1995 or 1996; or

(b) Commenced operations in 1997 or 1998 and did not serve a generator producing electricity for sale under a firm contract to the electric grid during 1997 or 1998; or

(c) Commenced operation on or after January 1, 1999, and:

I. At no time served or serves a generator producing electricity for sale; or

II. At any time served or serves a generator with a nameplate capacity of twenty-five (25) MW or less producing electricity for sale, and with the potential to use no more than fifty percent (50%) of the potential electrical output capacity of the unit; and

(II) For cogeneration units—

(a) Commenced operation before January 1, 1997, and

qualified as an unaffected unit under 40 CFR 72.6(b)(4) for 1995 or 1996 under the Acid Rain Program; or

(b) Commenced operation in 1997 or 1998 and qualified as an unaffected unit under 40 CFR 72.6(b)(4) for 1997 or 1998 under the Acid Rain Program; or

(c) Commenced operation on or after January 1, 1999, and qualified or qualifies as an unaffected unit under 40 CFR 72.6(b)(4) for each year under the Acid Rain Program.

(III) Exemptions. The director shall provide the administrator written notice of the issuance of any permit under section (3) of this rule and, upon request, a copy of the permit. Notwithstanding paragraph (1)(A)3. of this rule, a unit shall not be a CAIR NO_x Ozone Season unit if the unit has a federally enforceable permit that:

(a) Restricts the unit to burning only natural gas or fuel oil;

(b) Restricts the unit's operating hours to the number calculated by dividing twenty-five (25) tons of potential mass emissions by the unit's maximum potential hourly NO_x mass emissions;

(c) Requires that the unit's maximum potential NO_x mass emissions be calculated by multiplying the unit's maximum rated hourly heat input by the highest default NO_x emission rate applicable to the unit under 40 CFR 75.19(c), Table LM-2;

(d) Requires that the owner or operator of the unit shall retain at the source that includes the unit, for five (5) years, records demonstrating that the operating hours restriction, the fuel use restriction, and the other requirements of the permit related to these restrictions were met; and

(e) Requires that the owner or operator of the unit shall report the unit's hours of operation (treating any partial hour of operation as a whole hour of operation) during each control period to the director by November 1 of each year for which the unit is subject to the federally enforceable permit.

(IV) A CAIR NO_x Ozone Season unit may not qualify for an exemption unless the emissions after the exemption do not exceed the lesser of twenty-five (25) tons or the amount of allocations allocated to them. The owner or operator of a CAIR NO_x Ozone Season unit that is allocated CAIR NO_x Ozone Season allowances under section (3) of this rule, which requests an exemption under part (1)(A)3.B.(III) of this rule, will surrender to the administrator the CAIR NO_x Ozone Season allowances for the control period after qualifying and every year after for which the exemption remains in place.

(V) Loss of exemption. If, for any control period, the unit does not comply with the fuel use restriction under subpart (1)(A)3.B.(III)(a) of this rule or the operating hours restriction subpart (1)(A)3.B.(III)(b) and subpart (1)(A)3.B.(III)(c) of this rule, or the fuel use or the operating hour restrictions are removed from the unit's federally enforceable permit or otherwise becomes no longer applicable, the unit shall be a NO_x budget unit, subject to the requirements of this rule. Such unit shall be treated as commencing operation and, for a unit under paragraph (1)(A)3. of this rule, commencing commercial operation on September 30 of the control period for which the fuel use restriction or the operating hours restriction is no longer applicable or during which the unit does not comply with the fuel use restriction or the operating hours restriction.

(C) Retired Unit Exemption. Unless otherwise noted in this section of the rule, all of the sections of 40 CFR 96.305 promulgated as of April 28, 2006 are hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408. This rule does not incorporate any subsequent amendments or additions.

(2) Definitions.

(A) Definitions for key words and phrases used in this rule may be found in sections 40 CFR 96.302 and 96.303 of 40 CFR 96 subpart AAAA promulgated as of April 28, 2006 are hereby incorporated by reference in this rule, as published by the Office of the Federal

Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408. This rule does not incorporate any subsequent amendments or additions.

(B) Definitions for key words and phrases used in paragraph (1)(A)3. of this rule may be found in sections 40 CFR 97.2 subpart A promulgated as of April 28, 2006 are hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408. This rule does not incorporate any subsequent amendments or additions.

(C) Cogenerator—(for the purposes of paragraph (1)(A)3. of this rule) A cogeneration facility which:

1. For a unit that commenced construction on or prior to November 15, 1990, was constructed for the purpose of supplying equal to or less than one-third its potential electrical output capacity or equal to or less than two hundred nineteen thousand (219,000) MWe-hrs actual electric output on an annual basis to any utility power distribution system for sale (on a gross basis). If the purpose of construction is not known, the administrator will presume that actual operation from 1985 through 1987 is consistent with such purpose. However, if in any three (3) calendar year period after November 15, 1990, such unit sells to a utility power distribution system an annual average of more than one-third of its potential electrical output capacity and more than two hundred nineteen thousand (219,000) MWe-hrs actual electric output (on a gross basis), that unit shall be an affected unit, subject to the requirements of the Acid Rain Program; or

2. For units which commenced construction after November 15, 1990, supplies equal to or less than one-third its potential electrical output capacity or equal to or less than two hundred nineteen thousand (219,000) MWe-hrs actual electric output on an annual basis to any utility power distribution system for sale (on a gross basis). However, if in any three (3) calendar year period after November 15, 1990, such unit sells to a utility power distribution system an annual average of more than one-third of its potential electrical output capacity and more than two hundred nineteen thousand (219,000) MWe-hrs actual electric output (on a gross basis), that unit shall be an affected unit, subject to the requirements of the Acid Rain Program.

(3) General Provisions.

(A) Unless otherwise noted in this section, 40 CFR 96.306, 96.307, and 96.308 as well as all of the sections of 40 CFR 96 subparts BBBB, CCCC, DDDD, FFFF, GGGG, and IIII promulgated as of April 28, 2006 are hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408. This rule does not incorporate any subsequent amendments or additions.

(B) CAIR NO_x Ozone Season Allowances.

1. Timing requirements for CAIR NO_x Ozone Season Allowance allocations.

A. By October 31, 2006, the permitting authority will submit to the administrator the CAIR NO_x Ozone Season Allowance allocations, in a format prescribed by the administrator, for the control periods in 2009, 2010, 2011, 2012, 2013, and 2014 consistent with the allocations established in Table I and Table II of this subsection.

B. By October 31, 2006, the permitting authority will submit to the administrator the CAIR NO_x Ozone Season Allowance allocations, in a format prescribed by the administrator, for the control period beginning 2015 and extending through ten (10) control periods consistent with the allocations established in Table I and Table II of this subsection.

C. By October 31, 2015 and October 31 of every tenth year following, the permitting authority will submit to the administrator CAIR NO_x Ozone Season Allowance allocations, in a format prescribed by the administrator, for the control period ten (10) years in the future and extending through ten (10) control periods consistent with Table I and Table II of this subsection.

2. CAIR NO_x Ozone Season Allowance allocations.

A. The state trading program NO_x budget allocated by the director under subparagraphs (3)(B)2.B. and (3)(B)2.C. of this rule for a control period will equal twenty-six thousand seven hundred thirty-seven (26,737) tons for 2009–2014 and twenty-two thousand two hundred ninety (22,290) tons for 2015 and beyond.

B. The following CAIR NO_x ozone season units shall be allocated NO_x allowances for each control period in accordance with Table I of subparagraph (3)(B)2.B. of this rule.

Table I

Facility ID	Facility Name	Unit ID	Portion Statewide		NO _x Allocation	NO _x Allocation 2015
			Pool		2009-2014	and beyond
2076	ASBURY	1	1.85%		493	410
2079	HAWTHORN STATION	5A	5.51%		1,469	1,224
2079	HAWTHORN STATION	6	0.09%		25	21
2079	HAWTHORN STATION	7	0.05%		13	11
2079	HAWTHORN STATION	8	0.04%		11	9
2079	HAWTHORN STATION	9	0.23%		62	51
2080	MONTROSE STATION	1	1.53%		408	340
2080	MONTROSE STATION	2	1.55%		414	345
2080	MONTROSE STATION	3	1.63%		435	363
2081	NORTHEAST #11		0.01%		2	2
2081	NORTHEAST #12		0.01%		2	1
2081	NORTHEAST #13		0.02%		4	3
2081	NORTHEAST #14		0.01%		3	3
2081	NORTHEAST #15		0.01%		3	2
2081	NORTHEAST #16		0.01%		2	2
2081	NORTHEAST #17		0.01%		4	3
2081	NORTHEAST #18		0.01%		3	3
2082	FAIRGROUNDS		0.01%		2	2
2092	RALPH GREEN		0.03%		8	7
2094	SIBLEY	1	0.52%		138	115
2094	SIBLEY	2	0.50%		135	112
2094	SIBLEY	3	3.31%		884	737
2096	AMEREN VIADUCT		0.00%		—	—
2098	LAKE ROAD	6	0.86%		231	192
2098	LAKE ROAD (GAS TURBINE)	5	0.02%		5	4
2102	HOWARD BEND CT		0.00%		1	1
2103	LABADIE	1	4.57%		1,220	1,017
2103	LABADIE	2	4.84%		1,292	1,076
2103	LABADIE	3	5.19%		1,384	1,153
2103	LABADIE	4	4.81%		1,283	1,069
2104	MERAMEC	1	1.25%		333	278
2104	MERAMEC	2	1.14%		305	254
2104	MERAMEC	3	1.98%		529	441
2104	MERAMEC	4	2.89%		770	641
2104	MERAMEC	GT1			—	—
2107	SIOUX	1	3.68%		981	817
2107	SIOUX	2	3.68%		982	818
2122	CHILLICOTHE		0.01%		2	2
2123	COLUMBIA	6	0.09%		24	20
2123	COLUMBIA	7	0.10%		28	23
2123	COLUMBIA	8	0.00%		1	—
2132	BLUE VALLEY POWER	3	0.31%		84	70
2132	BLUE VALLEY POWER	GT1	0.00%		—	—
2161	JAMES RIVER	GT1	0.05%		13	11
2161	JAMES RIVER	GT2	0.03%		9	7
2161	JAMES RIVER	3	0.48%		129	108
2161	JAMES RIVER	4	0.62%		164	137
2161	JAMES RIVER	5	1.07%		285	238
2167	NEW MADRID POWER PLA	1	4.76%		1,271	1,059
2167	NEW MADRID POWER PLA	2	4.94%		1,318	1,098
2168	THOMAS HILL ENERGY C	MB1	1.90%		506	422
2168	THOMAS HILL ENERGY C	MB2	2.73%		729	608
2168	THOMAS HILL ENERGY C	MB3	6.63%		1,769	1,474
2169	CHAMOIIS POWER PLANT	2	0.52%		138	115
6065	IATAN STATION	1	7.04%		1,877	1,564
6074	GREENWOOD ENERGY CENT	1	0.04%		10	9
6074	GREENWOOD ENERGY CENT	2	0.04%		10	8
6074	GREENWOOD ENERGY CENT	3	0.04%		12	10
6074	GREENWOOD ENERGY CENT	4	0.04%		11	9
6155	RUSH ISLAND	1	5.05%		1,346	1,122
6155	RUSH ISLAND	2	4.58%		1,221	1,018
6195	SOUTHWEST	1	2.28%		609	507
6195	SOUTHWEST	CT1A	0.01%		3	2
6195	SOUTHWEST	CT1B	0.01%		3	2

6195	SOUTHWEST	CT2A	0.01%	2	2
6195	SOUTHWEST	CT2B	0.01%	2	2
6223	EMPIRE	3A	0.01%	2	2
6223	EMPIRE	3B	0.01%	2	2
6223	EMPIRE	4A	0.01%	2	2
6223	EMPIRE	4B	0.01%	2	2
6563	EMPIRE—ENERGY CENTER 1		0.06%	16	13
6563	EMPIRE—ENERGY CENTER 2		0.04%	9	8
6650	MEXICO		0.00%	1	1
6651	MOBERLY		0.00%	1	1
6652	MOREAU		0.01%	2	1
6768	SIKESTON	1	2.62%	698	582
7296	STATE LINE UNIT 1	1	0.17%	46	38
7296	STATE LINE UNIT 1	2-1	0.32%	85	71
7296	STATE LINE UNIT 1	2-2	0.37%	98	82
7604	ST. FRANCIS POWER PL	1	0.21%	55	46
7604	ST. FRANCIS POWER PL	2	0.18%	49	41
7749	ESSEX POWER PLANT	1	0.03%	9	8
7754	NODAWAY POWER PLANT	1	0.04%	10	8
7754	NODAWAY POWER PLANT	2	0.03%	9	7
7848	HOLDEN POWER PLANT	1	0.01%	2	2
7848	HOLDEN POWER PLANT	2	0.01%	3	3
7848	HOLDEN POWER PLANT	3	0.01%	3	2
7903	MCCARTNEY	MGS1A	0.00%	1	1
7903	MCCARTNEY	MGS1B	0.00%	1	1
7903	MCCARTNEY	MGS2A	0.00%	1	1
7903	MCCARTNEY	MGS2B	0.00%	1	1
7964	PENO CREEK ENRGY CTR	CT1A	0.01%	2	1
7964	PENO CREEK ENRGY CTR	CT1B	0.01%	1	1
7964	PENO CREEK ENRGY CTR	CT2A	0.01%	2	1
7964	PENO CREEK ENRGY CTR	CT2B	0.01%	2	1
7964	PENO CREEK ENRGY CTR	CT3A	0.01%	1	1
7964	PENO CREEK ENRGY CTR	CT3B	0.01%	1	1
7964	PENO CREEK ENRGY CTR	CT4A	0.01%	1	1
7964	PENO CREEK ENRGY CTR	CT4B	0.00%	1	1
8567	HIGGINSVILLE		0.01%	3	3
55178	MEP PLEASANT HILL	CT-1	0.28%	75	63
55178	MEP PLEASANT HILL	CT-2	0.25%	67	56
55234	AUDRAIN GENERATING	CT1	0.00%	1	—
55234	AUDRAIN GENERATING	CT2	0.00%	—	—
55234	AUDRAIN GENERATING	CT3	0.00%	—	—
55234	AUDRAIN GENERATING	CT4	0.00%	—	—
55234	AUDRAIN GENERATING	CT5	0.00%	—	—
55234	AUDRAIN GENERATING	CT6	0.00%	—	—
55234	AUDRAIN GENERATING	CT7	0.00%	—	—
55234	AUDRAIN GENERATING	CT8	0.00%	—	—
55447	COLUMBIA ENERGY CTR	CT01	0.00%	1	1
55447	COLUMBIA ENERGY CTR	CT02	0.00%	—	—
55447	COLUMBIA ENERGY CTR	CT03	0.00%	—	—
55447	COLUMBIA ENERGY CTR	CT04	0.00%	—	—
	Total		100.00%	26,678	22,231

C. The following existing non-electric generating unit boilers shall be allocated NO_x allowances for each control period in accordance with Table II of subparagraph (3)(E)2.C. of this rule.

Table II

Non-EGUs Boilers	Unit	NO _x Allocation per Unit	
		Tons Per	Ozone Season
Anheuser Busch	6	14	
Trigen Ashley Street Station Boiler	5	9	
Trigen Ashley Street Station Boiler	6	36	

D. Any unit subject to subsection (1)(B) of this rule, other than those listed in Tables I and II of this subsection, will not be allocated CAIR NO_x Ozone Season Allowances under this rule.

(4) Reporting and Record Keeping. Unless otherwise noted in this section, all of the sections of 40 CFR 96 subpart HHHH promulgated as of April 28, 2006 are hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408. This rule does not incorporate any subsequent amendments or additions.

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission adopts a rule as follows:

10 CSR 10-6.366 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1791-1796). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were received from four (4) entities. The comments were largely supportive of the proposed rule and the process that was followed to develop the rule. Several of the comments related to monitoring provisions for low emitting and low run time units. There were also several comments that were related to clarifications that were required.

COMMENT: Ameren on behalf of Union Electric Company, d/b/a AmerenUE, and Ameren Energy Generating Company supports inclusion in trading program and permanent allocations.

RESPONSE: The Missouri Department of Natural Resources Air Pollution Control Program appreciates the support of the rule development process and also the cooperation that was shown by the workgroup members during the development of these rules.

COMMENT: Ameren supports the exemption for units with low emissions or low hours of operation. This provision would provide relief for units that are not currently Acid Rain Program units and is consistent with state rules 10 CSR 10-6.350 and 10 CSR 10-5.510. Ameren has at least eight (8) combustion turbines that are eligible. These units ran less than one hundred (100) hours per year over the last six (6) years and are not required to have continuous emission monitors (CEMs) under current regulations. The proposed rule language would impose economic and resource burden to install, certify and operate a CEMs.

RESPONSE: The department's Air Pollution Control Program supported an exemption for low run time and low emitting units in all of the proposed rules for the Clean Air Interstate Rule. However, the U.S. Environmental Protection Agency (EPA) has stated that they will not approve into the regional trading program any state regulation that includes such a provision. The workgroup that developed this regulation determined that the regional trading program was the most important aspect of the regulation. The department's Air Pollution Control Program is hopeful that these units can use the provisions of 40 CFR Part 75.19 or other provisions in Part 75, such as

the petition process in Part 75.66, to find a compliance method that is less burdensome. The department's Air Pollution Control Program has not amended the proposed rule language in response to this comment.

COMMENT: Chillicothe Municipal Utilities (CMU) commented that Part 75 monitoring is not economically justifiable for low run time units. They commented that the units average run time is less than one percent (1%) of the available operating time and that just certification process for CEMs would approach the normal hours of operation for the units.

RESPONSE: The department's Air Pollution Control Program supported an exemption for low run time and low emitting units in all of the proposed rule for the Clean Air Interstate Rule. However, the U.S. Environmental Protection Agency (EPA) has stated that they will not approve into the regional trading program any state regulation that includes such a provision. The workgroup that developed this regulation determined that the regional trading program was the most important aspect of the regulation. The department's Air Pollution Control Program is hopeful that these units can use the provisions of 40 CFR Part 75.19 or other provisions in Part 75, such as the petition process in Part 75.66, to find a compliance method that is less burdensome. The department's Air Pollution Control Program has not amended the proposed rule language in response to this comment.

COMMENT: CMU commented that the Low Mass Emissions provisions of Part 75 contain a "default" emission factor that could be used by the facility. However this emission factor is significantly higher than the emissions that have been shown, through testing, for the facility. Alternatively, the facility can use a site-specific emission factor, which would be more representative. To use the site-specific emission factor a performance test must be performed every five (5) years, making this option less financially viable.

RESPONSE: The department's Air Pollution Control Program supported an exemption for low run time and low emitting units in all of the proposed rules for the Clean Air Interstate Rule. However, the U.S. Environmental Protection Agency (EPA) has stated that they will not approve into the regional trading program any state regulation that includes such a provision. The workgroup that developed this regulation determined that the regional trading program was the most important aspect of the regulation. The department's Air Pollution Control Program is hopeful that these units can use the provisions of 40 CFR Part 75.19 or other provisions in Part 75, such as the petition process in Part 75.66, to find a compliance method that is less burdensome. The department's Air Pollution Control Program has not amended the proposed rule language in response to this comment.

COMMENT: Empire supports the rule as written.

RESPONSE: The department's Air Pollution Control Program appreciates the support of the rule development process and also the cooperation that was shown by the workgroup members during the development of these rules.

COMMENT: EPA commented that the reference to (1)(B)1.A.(I) in subsection (1)(B)1.B should be (1)(B)1.A.(II).

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has amended the proposed rule language as suggested.

COMMENT: EPA commented that there are several places in the draft rule that reference subsections in 40 CFR Part 96, it would be clearer to reference sections since they are called sections in the model rule.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has amended the proposed rule language as commented.

10 CSR 10-6.366 Clean Air Interstate Rule SO₂ Trading Program

(1) Applicability.

(B) The units in the state that meet the requirements set forth in subparagraph (1)(B)1.A., (1)(B)2.A., or (1)(B)2.B. of this rule shall not be CAIR SO₂ units:

1. Cogenerator exemption.

A. Any unit that is a CAIR SO₂ unit under paragraph (1)(A)1. or 2. of this rule—

(I) Qualifying as a cogeneration unit during the twelve (12)-month period starting on the date the unit first produces electricity and continuing to qualify as a cogeneration unit; and

(II) Not serving at any time, since the later of November 15, 1990 or the startup of the unit's combustion chamber, a generator with nameplate capacity of more than twenty-five (25) MWe supplying in any calendar year more than one-third of the unit's potential electric output capacity or two hundred nineteen thousand (219,000) megawatt hours (MWh), whichever is greater, to any utility power distribution system for sale.

B. If a unit qualifies as a cogeneration unit during the twelve (12)-month period starting on the date the unit first produces electricity and meets the requirements of subparagraph (1)(B)1.A. of this rule for at least one (1) calendar year, but subsequently no longer meets all such requirements, the unit shall become a CAIR SO₂ unit starting on the earlier of January 1 after the first calendar year during which the unit first no longer qualifies as a cogeneration unit or January 1 after the first calendar year during which the unit no longer meets the requirements of part (1)(B)1.A.(II) of this rule.

2. Solid waste incinerator exemption.

A. Any unit that is a CAIR SO₂ unit under paragraph (1)(A)1. or 2. of this rule commencing operation before January 1, 1985—

(I) Qualifying as a solid waste incineration unit; and

(II) With an average annual fuel consumption of non-fossil fuel for 1985-1987 exceeding eighty percent (80%)(on a British thermal unit (Btu) basis) and an average annual fuel consumption of non-fossil fuel for any three (3) consecutive calendar years after 1990 exceeding eighty percent (80%)(on a Btu basis).

B. Any unit that is a CAIR SO₂ unit under paragraph (1)(A)1. or 2. of this rule commencing operation on or after January 1, 1985—

(I) Qualifying as a solid waste incineration unit; and

(II) With an average annual fuel consumption of non-fossil fuel for the first three (3) calendar years of operation exceeding eighty percent (80%)(on a Btu basis) and an average annual fuel consumption of non-fossil fuel for any three (3) consecutive calendar years after 1990 exceeding eighty percent (80%)(on a Btu basis).

C. If a unit qualifies as a solid waste incineration unit and meets the requirements of subparagraph (1)(B)2.A. or B. of this rule for at least three (3) consecutive calendar years, but subsequently no longer meets all such requirements, the unit shall become a CAIR SO₂ unit starting on the earlier of January 1 after the first calendar year during which the unit first no longer qualifies as a solid waste incineration unit or January 1 after the first three (3) consecutive calendar years after 1990 for which the unit has an average annual fuel consumption of fossil fuel of twenty percent (20%) or more.

(C) Retired Unit Exemption. Unless otherwise noted in this section of the rule, all of the sections of 40 CFR 96.205 promulgated as of April 28, 2006 are hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408. This rule does not incorporate any subsequent amendments or additions.

(2) Definitions.

(A) Definitions for key words and phrases used in this rule may be found in sections 40 CFR 96.202 and 96.203 of 40 CFR 96 subpart AAA promulgated as of April 28, 2006 are hereby incorporated by reference in this rule, as published by the Office of the Federal

Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408. This rule does not incorporate any subsequent amendments or additions.

(3) General Provisions. Unless otherwise noted in this section, 40 CFR 96.206, 96.207, and 96.208 as well as all of the sections of 40 CFR 96 subparts BBB, CCC, DDD, FFF, GGG, and III promulgated as of April 28, 2006 are hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408. This rule does not incorporate any subsequent amendments or additions.

(4) Reporting and Record Keeping. Unless otherwise noted in this section, all of the sections of 40 CFR 96 subpart HHH promulgated as of April 28, 2006 are hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408. This rule does not incorporate any subsequent amendments or additions.

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission adopts a rule as follows:

10 CSR 10-6.368 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1797-1803). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were received from five (5) entities. The comments were largely supportive of the proposed rule and the process that was followed to develop the rule. Several comments were received on the definition of new units and how they are allocated mercury allowances. There were also several comments that were related to clarifications that were required.

COMMENT: Ameren on behalf of Union Electric Company, d/b/a AmerenUE, and Ameren Energy Generating Company, City Utilities of Springfield, and Empire District Electric Company commented that they support the proposed rule, including the revised allowance allocation methodology for units that are considered to be new units after January 1, 2001. Ameren further commented that they believe that it is appropriate to use a fuel adjustment factor of one (1) for any unit that will receive allowances under the proposed rule if the unit is considered to be a new boiler.

RESPONSE: The Missouri Department of Natural Resources' Air Pollution Control Program appreciates the support on the proposed rule language as well as the workgroups participation in the development of the proposed rule.

COMMENT: Kansas City Power and Light (KCP&L) commented that the participant utilities agreed early in the process that all affected sources should be treated the same in the allocation of NO_x allowances. The federal rule had provided for special provisions for new units that went online after January 1, 2001. These provisions

would have unfairly impacted Hawthorn 5A, the only new unit in the state, which started operations in May of 2001, just a few months past the deadline. The new unit provisions would have adjusted the average heat input used to allocate NO_x allowances based on the heat rate of seven thousand nine hundred (7,900) British thermal units/kilowatts per hour (Btus/kWh). This adjustment is based on an assumption made by Environmental Protection Agency (EPA) that new units will operate at this heat rate level. KCP&L has over four (4) years worth of Continuous Emissions Monitor (CEM) data on Hawthorn 5A that shows that its heat rate over that period has averaged around ten thousand five hundred (10,500) Btus/kWh, consistent with our existing coal-fired units. The adjustment in allocations suggested in the federal rule based on the new unit approach would have unjustly penalized only one (1) unit in the state. The other utilities in the state agreed to this approach for NO_x allocations during the stakeholder process.

RESPONSE: The workgroup participants did agree to treat all units as existing units in the Clean Air Interstate Rule (CAIR) workgroup process. However, they did not agree to treat them as such in the Clean Air Mercury Rule (CAMR) process, as was demonstrated during the sixty (60)-day comment period. Several workgroup members commented that it was inappropriate to categorize Hawthorn 5A as an existing unit for CAMR. Therefore, no changes were made to the rule text as a result of this comment.

COMMENT: KCP&L commented that in its Proposed Rules in Development the department decided to treat allocations for mercury on the same basis as NO_x, treating all existing units alike. KCP&L agreed with this approach. However, the current proposed rule has changed that position, and now penalizes new units by treating them differently from existing units. This singles out only one (1) unit in the state, Hawthorn 5A. The state's proposal decided to follow the model federal rule in allowing existing units that burn sub-bituminous coal to increase their heat input by a factor of 1.25 before calculating the allowance distribution based on each unit's proportional share of the state-wide heat input. This multiplier is in recognition of EPA's assertion that controlling mercury on sub-bituminous coal units is more difficult than controlling bituminous coal units. The federal proposal and the current proposed state rule, however, would deny this heat input factor to new units, those put in service after 2001, and would once again single out Hawthorn 5A as the only unit in the state that meets the new definition.

RESPONSE: The heat-input multiplier was changed in response to comments received during the sixty (60)-day comment period. The multiplier that is used affects all affected units in the state, as the cap does not change. Only the proportion of the cap that is given to each unit in the state changes. EPA's new unit concept was not completely incorporated into the proposed rule language. The proposed rule still allocates allowances based on the adjusted heat input for all sources. Under EPA's method, Hawthorn 5A would be allocated allowances based on an adjusted heat input calculated from the gross electrical output of Hawthorn 5A multiplied by seven thousand nine hundred (7,900) Btu/kWh. Using this method, the allocations for Hawthorn 5A would have been approximately one thousand six hundred (1,600) allowances rather than the two thousand fifty-three (2,053) that were proposed. No changes were made to the rule text as a result of this comment.

COMMENT: KCP&L commented that any federal assumption that new units are more easily controlled for mercury is not necessarily any more accurate than the assumption that new units can easily achieve a heat rate of seven thousand nine hundred (7,900) Btus/kWh, an assumption that Hawthorn 5A's CEM data proves to be false. KCP&L has not yet installed any mercury control equipment at Hawthorn 5A and therefore, does not have any more advantage over other state utilities for mercury control at their units. For these reasons, KCP&L would encourage the department to return to the language in the Proposed Rules Under Development and treat all the existing units in the state alike.

RESPONSE: KCP&L is correct that much of the CAMR process is

based on assumptions made by EPA. They have also shown that one assumption is incorrect for one (1) unit. This does not mean that the assumption is incorrect in the average, which is the true context of EPA's assumption. CAMR is based on an average heat rate, *Federal Register* Vol. 70, No. 95 page 28628 column 2 third paragraph — The new unit's modified output will be calculated by multiplying its gross output by a heat rate conversion factor of seven thousand nine hundred (7,900) Btu per kilowatt-hour (Btu/kWh). The seven thousand nine hundred (7,900) Btu/kWh value for the conversion factor is an average of heat rates for new pulverized coal plants and new IGCC coal plants (based upon assumptions in Energy Information Administration's Annual Energy Outlook (AEO) 2004). See Energy Information Administration, Annual Energy Outlook 2004, with Projections to 2025, January 2004. —Using EPA's assumption, some units will meet this heat rate and some will not. Therefore, no changes were made to the rule text as a result of this comment.

COMMENT: KCP&L commented that the workgroup agreed to move the heat input baseline from 1998 through 2002 to 2000 through 2004 in the state rule. This change benefited not only Hawthorn 5A, but also twenty-seven (27) of the thirty-six (36) coal fired plants in the state.

RESPONSE: The workgroup did agree to move the baseline averaging dates to incorporate the most recent data. No changes were made to the rule text as a result of this comment.

COMMENT: KCP&L commented that while Hawthorn 5A is a PSD unit and has installed Best Available Control Technology (BACT) controls, which EPA estimates will achieve forty percent (40%) mercury reduction, this estimate could be as far off as EPA's heat rate for new units. Additionally, other utilities are in the process of installing the same controls in response to the CAIR regulations, why should the benefit they achieve from these add-on controls be treated differently than Hawthorn's controls merely because of the timing involved in their installation.

RESPONSE: The emission limits and timing of EPA's CAMR rule were based on the installation of controls due to the implementation of CAIR. These rules were designed to work in conjunction. The implementation of controls at Hawthorn 5A was based on requirements of the Prevention of Significant Deterioration (PSD) program. EPA's modeling included the PSD controls at facilities that have them. The first phase of CAMR sets a cap on mercury emissions based on the installation of selective catalytic reduction units for control of nitrogen oxides and the installation of flue gas desulfurization units for sulfur dioxide removal. EPA assumed a co-benefit reduction of mercury from the CAIR process. Hawthorn 5A already has these controls and benefits from not having to expend the capital as a result of CAIR. Much work is being done in the area of mercury control at power plants. Current information is showing, based on pilot projects at several facilities, that EPA's assumption of co-benefit controls is valid on the average. No changes were made to the rule text as a result of this comment.

COMMENT: KCP&L commented that Hawthorn 5A would have received allocation under the federal program from the five percent (5%) new unit allocation and that this set-aside would have amounted to two thousand two hundred twenty-nine (2,229) allowances. They commented that there is no new unit set-aside in Missouri's rule, as was agreed to in the workgroup process.

RESPONSE: KCP&L is correct that EPA's model rule would have established a set-aside for new units, which would have amounted to two thousand two hundred twenty-nine (2,229) allowances. However, the allocation from that set-aside as stated in 40 CFR 60.4142(c)(3)—the Hg designated representative may request for a control period Hg allowances in an amount not exceeding the Hg Budget unit's total ounces of Hg emissions during the control period immediately before such control period—clearly states that Hawthorn 5A would not receive any more allocations under the model provisions that were actually emitted in the previous control period. In addition, Hawthorn 5A, under the model rule and once included with

the existing unit allocation, would be allocated allowances based on gross electrical output not on actual heat input. Therefore, no changes were made to the rule text as a result of this comment.

COMMENT: The U.S. Environmental Protection Agency (EPA) commented that Missouri incorporates by reference all of subpart HHHH except for 60.4140, 60.4141, and 60.4142 in subsection (3)(A) but restates in section (1) the applicability provisions. EPA recommends eliminating this redundancy by either removing the added applicability language and incorporating the model rule applicability section (60.4104) in section (1) of the state rule, or by including 60.4104 as a section under subpart HHHH that is excluded as being adopted by reference and rely on applicability language in section (1).

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the proposed rule language has been amended to include 60.4104 as a section that is excluded as being adopted by reference.

COMMENT: EPA commented that there are several places in the draft rule that reference subsections in 40 CFR Part 96, it would be clearer to reference sections since they are called sections in the model rule.

RESPONSE AND EXPLANATION OF CHANGE: The proposed rule language has been amended to reference sections as commented.

COMMENT: EPA commented that subsection (3)(A) incorporates by reference sections of the CAMR model rule promulgated as of July 1, 2005. EPA has changed the CAMR model rule on June 9, 2006. Therefore, Missouri needs to incorporate these sections of the model rule as of June 9, 2006. Additionally, EPA has issued a proposed CAMR federal plan rule, which contains proposed changes to the model rule necessary to take account of the CAMR federal plan rule. Missouri's incorporation by reference will simplify the adoption of any changes to incorporated provisions of the model rule made during the federal plan rulemaking since the publication date indicated for the incorporate provisions can be (and will need to be) revised to reference an updated version of the model rule.

RESPONSE AND EXPLANATION OF CHANGE: The proposed rule language has been amended to incorporate the revised date as commented.

COMMENT: EPA commented that subsection (3)(B)1.A. does not meet the timing requirements found in 40 CFR 60.24(h)(6)(II)(C) for allocations for the years 2010–2012. These allocations were required to be submitted by November 17, 2006. The date of October 31, 2007 is fine for the years 2013 through 2017.

RESPONSE AND EXPLANATION OF CHANGE: The proposed rule language has been amended to include the November 17, 2006 date as commented.

10 CSR 10-6.368 Control of Mercury Emissions from Electric Generating Units

(3) General Provisions.

(A) Unless otherwise noted in this section, all of the sections of 40 CFR 60 Subpart HHHH promulgated as of June 9, 2006 are hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408. This rule does not incorporate any subsequent amendments or additions. The following sections are not incorporated by reference:

1. 40 CFR 60.4104 Applicability;
2. 40 CFR 60.4140 State trading budgets (check with EPA);
3. 40 CFR 60.4141 Timing requirements for Hg allowance allocations; and

4. 40 CFR 60.4142 Hg allowance allocations.

(B) Hg Allowance Timing.

1. Timing requirements for Hg allowance allocations.

A. By November 17, 2006, the permitting authority will submit to the administrator the Hg allowance allocations, in a format prescribed by the administrator, for the control periods in 2010, 2011, 2012, 2013, 2014, 2015, 2016, and 2017 consistent with the allocations established in subsection (3)(C) of this rule.

B. By October 31, 2007, the permitting authority will submit to the administrator the Hg allowance allocations, in a format prescribed by the administrator, for the control period beginning 2018 and extending through ten (10) control periods consistent with the allocations established in subsection (3)(C) of this rule.

C. By October 31, 2018 and October 31 of every tenth year following, the permitting authority will submit to the administrator the Hg allowance allocations, in a format prescribed by the administrator, for the control period ten (10) years in the future and extending through ten (10) control periods consistent with subsection (3)(C) of this rule.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 40—Division of Fire Safety Chapter 5—Elevators

ORDER OF RULEMAKING

By the authority vested in the Department of Public Safety under section 701.355, RSMo 2000, the department amends a rule as follows:

11 CSR 40-5.050 New Installations is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 45). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 40—Division of Fire Safety Chapter 5—Elevators

ORDER OF RULEMAKING

By the authority vested in the Department of Public Safety under section 701.355, RSMo 2000, the department amends a rule as follows:

11 CSR 40-5.065 Missouri Minimum Safety Code for Existing Elevator Equipment is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 45–49). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 40—Division of Fire Safety Chapter 5—Elevators

ORDER OF RULEMAKING

By the authority vested in the Department of Public Safety under section 701.355, RSMo 2000, the department amends a rule as follows:

11 CSR 40-5.070 Accessibility to the Disabled is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 50). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 5—Elevators**

ORDER OF RULEMAKING

By the authority vested in the Department of Public Safety under section 701.355, RSMo 2000, the department amends a rule as follows:

11 CSR 40-5.080 Alterations is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 50-52). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 5—Elevators**

ORDER OF RULEMAKING

By the authority vested in the Department of Public Safety under section 701.355, RSMo 2000, the department amends a rule as follows:

11 CSR 40-5.090 Inspection and Testing is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 52). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 5—Elevators**

ORDER OF RULEMAKING

By the authority vested in the Department of Public Safety under section 701.355, RSMo 2000, the department amends a rule as follows:

11 CSR 40-5.110 Fees and Penalties is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 52-54). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2115—State Committee of Dietitians
Chapter 2—Licensure Requirements**

ORDER OF RULEMAKING

By the authority vested in the State Committee of Dietitians under sections 324.210.4, 324.212, and 324.215, RSMo Supp. 2006 and 324.228, RSMo 2000, the board amends a rule as follows:

20 CSR 2115-2.010 Application for Licensure/Grandfather Clause/Reciprocity is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 58). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2115—State Committee of Dietitians
Chapter 2—Licensure Requirements**

ORDER OF RULEMAKING

By the authority vested in the State Committee of Dietitians under sections 324.212.3, RSMo Supp. 2006 and 324.228, RSMo 2000, the board amends a rule as follows:

20 CSR 2115-2.050 Duplicate License is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 58). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2150—State Board of Registration for the
Healing Arts
Chapter 4—Licensing of Speech-Language Pathologists
and Audiologists**

ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under sections 345.051 and 345.075, RSMo 2000, the board withdraws a rule as follows:

20 CSR 2150-4.052 Continuing Education Requirements is withdrawn.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15,

2006 (31 MoReg 1876–1877). The proposed amendment is withdrawn.

SUMMARY OF COMMENTS: During review of the proposed amendment, the board voted to make several changes to text of the rule.

RESPONSE: Based on the number and substance of the changes, the board voted to withdraw the amendment at this time.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

Chapter 6—Licensure of Athletic Trainers

ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under sections 334.125, RSMo 2000 and 334.702, 334.704, 334.706, 334.708, 334.710 and 334.712, RSMo Supp. 2006, the board amends a rule as follows:

20 CSR 2150-6.020 Applicants for Licensure as Athletic Trainers is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2006 (31 MoReg 1877). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2210—State Board of Optometry
Chapter 1—Organization and Description of Board**

ORDER OF RULEMAKING

By the authority vested in the State Board of Optometry under sections 336.130.4 and 336.140, RSMo 2000 and 526.023.3, RSMo Supp. 2006, the board amends a rule as follows:

20 CSR 2210-1.010 General Organization is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 58–59). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2210—State Board of Optometry
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Optometry under sections 336.090 and 336.160.1, RSMo 2000, the board amends a rule as follows:

20 CSR 2210-2.011 Licensure by Reciprocity is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 59–60). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2210—State Board of Optometry
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Optometry under sections 336.050 and 336.160.1, RSMo 2000, the board amends a rule as follows:

20 CSR 2210-2.020 Licensure by Examination is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 61–62). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2210—State Board of Optometry
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Optometry under section 336.160, RSMo 2000, the board amends a rule as follows:

20 CSR 2210-2.070 Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2007 (32 MoReg 63). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and
Transportation Commission
Chapter 25—Motor Carrier Operations**

IN ADDITION

7 CSR 10-25.010 Skill Performance Evaluation Certificates for Commercial Drivers

PUBLIC NOTICE

Public Notice and Request for Comments on Applications for Issuance of Skill Performance Evaluation Certificates to Intrastate Commercial Drivers with Diabetes Mellitus or Impaired Vision

SUMMARY: This notice publishes MoDOT's receipt of applications for the issuance of Skill Performance Evaluation (SPE) Certificates, from individuals who do not meet the physical qualification requirements in the Federal Motor Carrier Safety Regulations for drivers of commercial motor vehicles in Missouri intrastate commerce, because of impaired vision, or an established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. If granted, the SPE Certificates will authorize these individuals to qualify as drivers of commercial motor vehicles (CMVs), in intrastate commerce only, without meeting the vision standard prescribed in 49 CFR 391.41(b)(10), if applicable, or the diabetes standard prescribed in 49 CFR 391.41(b)(3).

DATES: Comments must be received at the address stated below, on or before May 15, 2007.

ADDRESSES: You may submit comments concerning an applicant, identified by the Application Number stated below, by any of the following methods:

- Email:** Kathy.Hatfield@modot.mo.gov
- Mail:** PO Box 893, Jefferson City, MO 65102-0893
- Hand Delivery:** 1320 Creek Trail Drive, Jefferson City, MO 65109
- Instructions:** All comments submitted must include the agency name and Application Number for this public notice. For detailed instructions on submitting comments, see the Public Participation heading of the Supplementary Information section of this notice. All comments received will be open and available for public inspection and MoDOT may publish those comments by any available means.

**COMMENTS RECEIVED
BECOME MoDOT PUBLIC RECORD**

- By submitting any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.
- Docket:** For access to the department's file, to read background documents or comments received, 1320 Creek Trail Drive, Jefferson City, MO 65109, between 7:30 a.m. and 4 p.m., Monday through Friday, except state holidays.

FOR FURTHER INFORMATION CONTACT: Ms. Kathy Hatfield, Motor Carrier Specialist, (573) 522-9001, MoDOT Motor Carrier Services Division, PO Box 893, Jefferson City, MO 65102-0893. Office hours are from 7:30 a.m. to 4:00 p.m., CT, Monday through Friday, except state holidays.

SUPPLEMENTARY INFORMATION:

Public Participation

If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

Background

The individuals listed in this notice have recently filed applications requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10), or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, *Missouri Revised Statutes* (RSMo) Supp. 2005, MoDOT may issue a Skill Performance Evaluation Certificate, for not more than a two (2)-year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing a SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

Qualifications of Applicants

Application # MP070222011

Applicant's Name & Age: David E. Akins, 28
Relevant Physical Condition: Mr. Akins's best corrected visual acuity in his left eye is 20/20 Snellen and he has amblyopia (lazy eye) in his right eye, his best uncorrected visual acuity in the right eye is 20/200 Snellen. He has a Class A CDL permit and is enrolled in Truck Driving School.

Relevant Driving Experience: Currently unemployed and enrolled in truck driving school. He has no previous commercial motor vehicle driving experience. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in February 2007, his optometrist certified, "In my medical opinion, Mr. Akins's visual deficiency is stable and has sufficient vision to perform the driving tasks required to operate a commercial motor vehicle, and that his condition will not adversely affect his ability to operate a commercial motor vehicle safely."

Traffic Accidents and Violations: No violations and one accident, not in a commercial motor vehicle within the past three (3) years.

Application # MP040715052

Applicant's Name & Age: Ronald Keith Dunnivant, 39
Relevant Physical Condition: Mr. Dunnivant's best corrected visual acuity in his right eye is 20/20 Snellen and he has congenital strabismic amblyopia in his left eye (lazy left eye). His left eye, uncorrected visual acuity is 20/200 Snellen. He currently holds a valid SPE Certificate for Missouri and is applying for a renewal.

Relevant Driving Experience: Employed by Ameren UE as a gas laborer, pipe fitter and equipment operator from July 2002 to present and has driven two (2) hours per day, to and from the job site and headquarters. Employed as a pipe fitter for the City of Fulton, gas department from August 1986 to 2002. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in December 2006, his optometrist certified, "In my medical opinion, Mr. Dunnivant's visual deficiency is stable and has sufficient vision to

perform the driving tasks required to operate a commercial motor vehicle, and that his condition will not adversely affect his ability to operate a commercial motor vehicle safely.”

Traffic Accidents and Violations: No accidents or violations within the past three (3) years.

Application # MP060915042

Applicant’s Name & Age: Larry B. Periman, 28
Relevant Physical Condition: Mr. Periman’s best-corrected visual acuity in his left eye is 20/20 Snellen and he is blind in his right eye, due to trauma in July 1991.

Relevant Driving Experience: Mr. Periman is currently employed as a welder at Fasco in Cassville, MO. Previous employment as a driver from June 2004 to October 2005. He has approximately four (4) years previous commercial motor vehicle driving experience. He currently has a Class B CDL license. Drives personal vehicle(s) daily.

Doctor’s Opinion & Date: Following an examination in September 2006, his optometrist certified, “In my medical opinion, Mr. Periman’s visual deficiency is stable and he is capable of performing the driving tasks required to operate a commercial motor vehicle, and that his condition will not adversely affect his ability to operate a commercial motor vehicle safely.”

Traffic Accidents and Violations: No accidents or violations on record for the previous three (3) years.

Request for Comments

The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

Issued on: March 15, 2007

Jan Skouby, Motor Carrier Services Director, Missouri Department of Transportation.

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

EXPEDITED APPLICATION REVIEW SCHEDULE

The Missouri Health Facilities Review Committee has initiated review of the expedited applications listed below. A decision is tentatively scheduled for April 23, 2007. These applications are available for public inspection at the address shown below:

Date Filed

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

03/12/07

#4043 HS: Missouri Baptist Medical Center
St. Louis (St. Louis County)
\$2,491,950, Replace cardiac catheterization lab

03/12/07

#4042 HS: St. John’s Regional Medical Center
Joplin (Jasper County)
\$1,332,046, Replace cardiac catheterization lab

03/12/07

#3998 NP: Shirkey Nursing & Rehabilitation Center
Richmond (Ray County)
\$778,400, Long-term care bed expansion through the purchase of 10 skilled nursing facility beds from Springplace, 3450 Russell Boulevard, St. Louis 63104

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by April 12, 2007. All written requests and comments should be sent to:

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
Post Office Box 570
Jefferson City, MO 65102

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

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

IN ADDITION

The Director of Insurance is responsible for adjusting the Construction Claims Binding Arbitration Cap for the Missouri Department of Transportation pursuant to section 226.096.1, RSMo.

Using the Implicit Price Deflator (IPD) for Personal Consumption Expenditures (PCE), as required by section 226.096.1, RSMo the Construction Claims Arbitration Cap for the Missouri Department of Transportation was established by the following calculations:

Index Based on 2000 Dollars

<u>January 1, 2004</u>	
Third Quarter 2003 IPD Index	105.845
Third Quarter 2002 IPD Index	103.838

New 2004 Limit = 2003 Limit × (2003 Index / 2002 Index)

$333,320 = 327,000 \times (1.05845 / 1.03838)$

<u>January 1, 2005</u>	
Third Quarter 2004 IPD Index	108.649
Third Quarter 2003 IPD Index	105.845

New 2005 Limit = 2004 Limit × (2004 Index / 2003 Index)

$342,150 = 333,320 \times (1.08649 / 1.05845)$

<u>January 1, 2006</u>	
Third Quarter 2005 IPD Index	112.058
Third Quarter 2004 IPD Index	108.649

New 2006 Limit = 2005 Limit × (2005 Index / 2004 Index)

$352,885 = 342,150 \times (1.12058 / 1.08649)$

<u>January 1, 2007</u>	
Third Quarter 2006 IPD Index	115.232
Third Quarter 2005 IPD Index	112.058

New 2007 Limit = 2006 Limit × (2006 Index / 2005 Index)

$362,880 = 352,885 \times (1.15232 / 1.12058)$

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION****IN ADDITION**

The Director of Insurance is responsible for adjusting the State Legal Expense Fund Cap pursuant to section 105.711.6, RSMo.

Using the Implicit Price Deflator (IPD) for Personal Consumption Expenditures (PCE), as required by section 105.711.6, RSMo the State Legal Expense Fund Cap was established by the following calculations:

January 1, 2006

Third Quarter 2005 IPD Index	112.058
Third Quarter 2004 IPD Index	108.649

New 2006 Limit = 2005 Limit \times (2005 Index / 2004 Index)

$$360,982 = 350,000 \times (1.12058 / 1.08649)$$

January 1, 2007

Third Quarter 2006 IPD Index	115.232
Third Quarter 2005 IPD Index	112.058

New 2007 Limit = 2006 Limit \times (2006 Index / 2005 Index)

$$371,207 = 360,982 \times (1.15232 / 1.12058)$$

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to dissolutions@sos.mo.gov.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST K.C. ACQUISITIONS,
L.L.C.**

On February 26, 2007, K.C. ACQUISITIONS, L.L.C., a Missouri limited liability company (the "Company"), filed a Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State. Claims against the Company should be mailed to K.C. ACQUISITIONS, L.L.C., Attention: Theresa Irvin, MC: NC1-002-29-01, 101 South Tryon Street, Charlotte, North Carolina 28255-0001. Claims must include the name and address of the claimant, amount of the claim, basis for the claim and documentation of the claim. A claim against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this notice.

**NOTICE OF DISSOLUTION
OF
GO2 MARKETING, LLC**

Effective March 8, 2007, Go2 Marketing, LLC, a Missouri limited liability company (the "Company"), was dissolved pursuant to the voluntary filing of its Articles of Termination with the Missouri Secretary of State.

Any persons with claims against the Company are requested to present them in accordance with this notice. Such claims must be mailed to the Company, Attn: Steve Thorne, at: 351 West Washington Street, Kearney, Missouri 64060.

All claims must be presented in writing and contain: (1) a short and plain statement of the facts showing that the claimant is entitled to relief, including the date of the claim; (2) a demand for such relief, (3) the amount of money or alternative relief demanded, and (4) the identity and contact information of the claimant. A claim against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this notice.

**Notice of Corporate Dissolution to All Creditors of and
Claimants Against Brock Consulting Service, Inc., a Missouri
Corporation**

On February 15, 2007, Brock Consulting Service, Inc., a Missouri corporation (herein “Company”) filed its Articles of Dissolution with the Missouri Secretary of State. Dissolution was effective on February 15, 2007.

Any claims against the Company may be sent to Lashly & Baer, P.C., 714 Locust Street, St. Louis, Missouri 63101, Attention: Melissa A. Vighi. Each claim must include the following information: the name, address and phone number of the claimant; the amount of the claim; the date on which the claim arose; the basis of the claim; and documentation of the claim.

All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within two years after the publication of this notice.

**Notice of Dissolution of
Limited Liability Company
To All Creditors of and
Claimants Against
SKESKE II, L.L.C.**

SKESKE II, L.L.C. was dissolved on January 31, 2007. Claims against SKESKE II, L.L.C. must be submitted to Dennis Crull, Timberline Development Corp., P.O. Box 1084, Blue Springs, MO 64013. Claims must include name and address of claimant; amount of claim; basis of claim; and documentation of claim. By law, proceedings are barred unless commenced against the LLC within three years after the publication of this notice.

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—30 (2005) and 31 (2006). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
1 CSR 10	OFFICE OF ADMINISTRATION				
1 CSR 20-4.010	State Officials' Salary Compensation Schedule Personnel Advisory Board and Division of Personnel		31 MoReg 1867	32 MoReg 543	30 MoReg 2435
DEPARTMENT OF AGRICULTURE					
2 CSR 30-10.010	Animal Health		32 MoReg 578		
2 CSR 70-25.120	Plant Industries				32 MoReg 356
2 CSR 80-2.010	State Milk Board		32 MoReg 526		
2 CSR 80-2.020	State Milk Board		32 MoReg 527		
2 CSR 80-2.030	State Milk Board		32 MoReg 528		
2 CSR 80-2.040	State Milk Board		32 MoReg 528		
2 CSR 80-2.050	State Milk Board		32 MoReg 529		
2 CSR 80-2.060	State Milk Board		32 MoReg 529		
2 CSR 80-2.070	State Milk Board		32 MoReg 530		
2 CSR 80-2.080	State Milk Board		32 MoReg 532		
2 CSR 80-2.091	State Milk Board		32 MoReg 532		
2 CSR 80-2.101	State Milk Board		32 MoReg 533		
2 CSR 80-2.110	State Milk Board		32 MoReg 533		
2 CSR 80-2.121	State Milk Board		32 MoReg 534		
2 CSR 80-2.130	State Milk Board		32 MoReg 534		
2 CSR 80-2.141	State Milk Board		32 MoReg 535		
2 CSR 80-2.151	State Milk Board		32 MoReg 535		
2 CSR 80-2.161	State Milk Board		32 MoReg 535		
2 CSR 80-2.170	State Milk Board		32 MoReg 536		
DEPARTMENT OF CONSERVATION					
3 CSR 10-6.535	Conservation Commission		32 MoReg 215	This Issue	
3 CSR 10-7.455	Conservation Commission				32 MoReg 261
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 30-6.015	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects (<i>Changed to 20 CSR 2030-6.015</i>)		31 MoReg 1392	31 MoReg 2056	
4 CSR 220-2.010	State Board of Pharmacy (<i>Changed to 20 CSR 2220-2.010</i>)		31 MoReg 1468	32 MoReg 489	
4 CSR 220-2.020	State Board of Pharmacy (<i>Changed to 20 CSR 2220-2.020</i>)		31 MoReg 1474	32 MoReg 490	
4 CSR 220-2.025	State Board of Pharmacy (<i>Changed to 20 CSR 2220-2.025</i>)		31 MoReg 1474	32 MoReg 491W	
4 CSR 220-2.190	State Board of Pharmacy (<i>Changed to 20 CSR 2220-2.190</i>)		31 MoReg 1479	32 MoReg 491	
4 CSR 220-2.450	State Board of Pharmacy (<i>Changed to 20 CSR 2220-2.450</i>)		31 MoReg 1479	32 MoReg 491	
4 CSR 220-2.900	State Board of Pharmacy (<i>Changed to 20 CSR 2220-2.900</i>)		31 MoReg 1482	32 MoReg 492	
4 CSR 220-5.020	State Board of Pharmacy (<i>Changed to 20 CSR 2220-5.020</i>)		31 MoReg 1485	32 MoReg 492	
4 CSR 220-5.030	State Board of Pharmacy (<i>Changed to 20 CSR 2220-5.030</i>)		31 MoReg 1485	32 MoReg 492	
4 CSR 262-1.010	Small Business Regulatory Fairness Board		32 MoReg 9		
4 CSR 262-1.020	Small Business Regulatory Fairness Board		32 MoReg 13		
4 CSR 265-9.010	Division of Motor Carrier and Railroad Safety (<i>Changed to 7 CSR 265-9.010</i>)		32 MoReg 15		
4 CSR 265-9.020	Division of Motor Carrier and Railroad Safety (<i>Changed to 7 CSR 265-9.020</i>)		32 MoReg 16		
4 CSR 265-9.040	Division of Motor Carrier and Railroad Safety (<i>Changed to 7 CSR 265-9.040</i>)		32 MoReg 17		
4 CSR 265-9.050	Division of Motor Carrier and Railroad Safety (<i>Changed to 7 CSR 265-9.050</i>)		32 MoReg 19		
4 CSR 265-9.060	Division of Motor Carrier and Railroad Safety (<i>Changed to 7 CSR 265-9.060</i>)		32 MoReg 19		
4 CSR 265-9.070	Division of Motor Carrier and Railroad Safety (<i>Changed to 7 CSR 265-9.070</i>)		32 MoReg 19		
4 CSR 265-9.090	Division of Motor Carrier and Railroad Safety (<i>Changed to 7 CSR 265-9.090</i>)		32 MoReg 20		
4 CSR 265-9.100	Division of Motor Carrier and Railroad Safety (<i>Changed to 7 CSR 265-9.100</i>)		32 MoReg 20		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 265-9.110	Division of Motor Carrier and Railroad Safety (<i>Changed to 7 CSR 265-9.110</i>)		32 MoReg 21		
4 CSR 265-9.130	Division of Motor Carrier and Railroad Safety (<i>Changed to 7 CSR 265-9.130</i>)		32 MoReg 24		
4 CSR 265-9.140	Division of Motor Carrier and Railroad Safety (<i>Changed to 7 CSR 265-9.140</i>)		32 MoReg 24		
4 CSR 265-9.150	Division of Motor Carrier and Railroad Safety (<i>Changed to 7 CSR 265-9.150</i>)		32 MoReg 25		
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 30-261.040	Division of Administrative and Financial Services		32 MoReg 26		
5 CSR 30-640.010	Division of Administrative and Financial Services		31 MoReg 1869R	32 MoReg 595R	
5 CSR 30-660.065	Division of Administrative and Financial Services		31 MoReg 1869R	32 MoReg 595R	
5 CSR 50-200.010	Division of School Improvement		31 MoReg 1764	32 MoReg 595	
5 CSR 50-200.050	Division of School Improvement		31 MoReg 1641		
5 CSR 50-350.040	Division of School Improvement		32 MoReg 33		
5 CSR 50-500.010	Division of School Improvement		32 MoReg 412		
5 CSR 60-100.050	Division of Career Education		31 MoReg 1644R This IssueR		
DEPARTMENT OF HIGHER EDUCATION					
6 CSR 10-2.020	Commissioner of Higher Education		32 MoReg 303		
6 CSR 10-2.080	Commissioner of Higher Education		32 MoReg 303		
6 CSR 10-2.120	Commissioner of Higher Education		32 MoReg 304		
DEPARTMENT OF TRANSPORTATION					
7 CSR 10-4.020	Missouri Highways and Transportation Commission		This Issue		
7 CSR 10-6.070	Missouri Highways and Transportation Commission		32 MoReg 536		
7 CSR 10-10.010	Missouri Highways and Transportation Commission		32 MoReg 133		
7 CSR 10-10.030	Missouri Highways and Transportation Commission		32 MoReg 134		
7 CSR 10-10.040	Missouri Highways and Transportation Commission		32 MoReg 135		
7 CSR 10-10.050	Missouri Highways and Transportation Commission		32 MoReg 135		
7 CSR 10-10.060	Missouri Highways and Transportation Commission		32 MoReg 136		
7 CSR 10-10.070	Missouri Highways and Transportation Commission		32 MoReg 136		
7 CSR 10-10.080	Missouri Highways and Transportation Commission		32 MoReg 138		
7 CSR 10-10.090	Missouri Highways and Transportation Commission		32 MoReg 138		
7 CSR 10-25.010	Missouri Highways and Transportation Commission				32 MoReg 598 This Issue
7 CSR 10-25.030	Missouri Highways and Transportation Commission (<i>Changed from 12 CSR 20-3.010</i>)	32 MoReg 521	32 MoReg 541		
7 CSR 265-9.010	Motor Carrier and Railroad Safety (<i>Changed from 4 CSR 265-9.010</i>)		32 MoReg 15		
7 CSR 265-9.020	Motor Carrier and Railroad Safety (<i>Changed from 4 CSR 265-9.020</i>)		32 MoReg 16		
7 CSR 265-9.040	Motor Carrier and Railroad Safety (<i>Changed from 4 CSR 265-9.040</i>)		32 MoReg 17		
7 CSR 265-9.050	Motor Carrier and Railroad Safety (<i>Changed from 4 CSR 265-9.050</i>)		32 MoReg 19		
7 CSR 265-9.060	Motor Carrier and Railroad Safety (<i>Changed from 4 CSR 265-9.060</i>)		32 MoReg 19		
7 CSR 265-9.070	Motor Carrier and Railroad Safety (<i>Changed from 4 CSR 265-9.070</i>)		32 MoReg 19		
7 CSR 265-9.090	Motor Carrier and Railroad Safety (<i>Changed from 4 CSR 265-9.090</i>)		32 MoReg 20		
7 CSR 265-9.100	Motor Carrier and Railroad Safety (<i>Changed from 4 CSR 265-9.100</i>)		32 MoReg 20		
7 CSR 265-9.110	Motor Carrier and Railroad Safety (<i>Changed from 4 CSR 265-9.110</i>)		32 MoReg 21		
7 CSR 265-9.130	Motor Carrier and Railroad Safety (<i>Changed from 4 CSR 265-9.130</i>)		32 MoReg 24		
7 CSR 265-9.140	Motor Carrier and Railroad Safety (<i>Changed from 4 CSR 265-9.140</i>)		32 MoReg 24		
7 CSR 265-9.150	Motor Carrier and Railroad Safety (<i>Changed from 4 CSR 265-9.150</i>)		32 MoReg 25		
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS					
8 CSR 10-3.130	Division of Employment Security		32 MoReg 537		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
DEPARTMENT OF MENTAL HEALTH					
9 CSR 10-7.140	Director, Department of Mental Health		31 MoReg 1486	32 MoReg 438	
DEPARTMENT OF NATURAL RESOURCES					
10 CSR 10-2.070	Air Conservation Commission		32 MoReg 39		
10 CSR 10-2.390	Air Conservation Commission		31 MoReg 1941		
10 CSR 10-3.090	Air Conservation Commission		32 MoReg 39		
10 CSR 10-4.070	Air Conservation Commission		32 MoReg 40		
10 CSR 10-5.160	Air Conservation Commission		32 MoReg 41		
10 CSR 10-5.220	Air Conservation Commission		32 MoReg 215		
10 CSR 10-5.375	Air Conservation Commission		32 MoReg 305R		
10 CSR 10-5.380	Air Conservation Commission		32 MoReg 305R		
10 CSR 10-5.381	Air Conservation Commission		32 MoReg 306		
10 CSR 10-5.480	Air Conservation Commission		31 MoReg 1965		
10 CSR 10-6.062	Air Conservation Commission		31 MoReg 1766	This Issue	
10 CSR 10-6.070	Air Conservation Commission		32 MoReg 139		
10 CSR 10-6.075	Air Conservation Commission		32 MoReg 139		
10 CSR 10-6.080	Air Conservation Commission		32 MoReg 141		
10 CSR 10-6.300	Air Conservation Commission		32 MoReg 538		
10 CSR 10-6.350	Air Conservation Commission		31 MoReg 1766	This Issue	
10 CSR 10-6.360	Air Conservation Commission		31 MoReg 1767	This Issue	
10 CSR 10-6.362	Air Conservation Commission		31 MoReg 1769	This Issue	
10 CSR 10-6.364	Air Conservation Commission		31 MoReg 1781	This Issue	
10 CSR 10-6.366	Air Conservation Commission		31 MoReg 1791	This Issue	
10 CSR 10-6.368	Air Conservation Commission		31 MoReg 1797	This Issue	
10 CSR 20-4.023	Clean Water Commission	32 MoReg 395	This Issue		
10 CSR 20-4.030	Clean Water Commission	32 MoReg 396	This Issue		
10 CSR 20-4.061	Clean Water Commission	32 MoReg 396	This Issue		
10 CSR 20-7.050	Clean Water Commission	31 MoReg 1845	31 MoReg 2049		
10 CSR 23-3.100	Division of Geology and Land Survey		32 MoReg 320		
10 CSR 23-5.050	Division of Geology and Land Survey		32 MoReg 322		
10 CSR 25-2.020	Hazardous Waste Management Commission		This Issue		
10 CSR 50-2.030	Oil and Gas Council		31 MoReg 1645	32 MoReg 543	
10 CSR 60-13.010	Public Drinking Water Program	32 MoReg 398	This Issue		
10 CSR 80-8.020	Solid Waste Management		32 MoReg 224		
10 CSR 80-8.030	Solid Waste Management		32 MoReg 226		
10 CSR 80-8.040	Solid Waste Management		32 MoReg 227R		
10 CSR 80-8.050	Solid Waste Management		32 MoReg 228		
10 CSR 80-8.060	Solid Waste Management		32 MoReg 238		
10 CSR 80-9.010	Solid Waste Management		32 MoReg 323R		
10 CSR 80-9.030	Solid Waste Management		32 MoReg 241		
10 CSR 80-9.035	Solid Waste Management		32 MoReg 242		
10 CSR 80-9.050	Solid Waste Management		32 MoReg 323		
10 CSR 100-2.010	Petroleum Storage Tank Insurance Fund Board of Trustees		32 MoReg 42		
10 CSR 100-4.010	Petroleum Storage Tank Insurance Fund Board of Trustees		32 MoReg 43		
10 CSR 100-4.020	Petroleum Storage Tank Insurance Fund Board of Trustees		32 MoReg 43		
10 CSR 100-5.010	Petroleum Storage Tank Insurance Fund Board of Trustees		32 MoReg 44		
10 CSR 140-2	Division of Energy				32 MoReg 599
DEPARTMENT OF PUBLIC SAFETY					
11 CSR 30-11.010	Office of the Director		32 MoReg 142		
11 CSR 40-5.050	Division of Fire Safety		32 MoReg 45	This Issue	
11 CSR 40-5.065	Division of Fire Safety		32 MoReg 45	This Issue	
11 CSR 40-5.070	Division of Fire Safety		32 MoReg 50	This Issue	
11 CSR 40-5.080	Division of Fire Safety		32 MoReg 50	This Issue	
11 CSR 40-5.090	Division of Fire Safety		32 MoReg 52	This Issue	
11 CSR 40-5.110	Division of Fire Safety		32 MoReg 52	This Issue	
11 CSR 45-1.090	Missouri Gaming Commission		32 MoReg 579		
11 CSR 45-5.051	Missouri Gaming Commission		32 MoReg 581		
11 CSR 45-5.183	Missouri Gaming Commission		32 MoReg 581		
11 CSR 45-5.184	Missouri Gaming Commission		32 MoReg 582		
11 CSR 45-5.185	Missouri Gaming Commission		32 MoReg 585		
11 CSR 45-5.265	Missouri Gaming Commission		32 MoReg 587		
11 CSR 45-8.130	Missouri Gaming Commission		32 MoReg 590		
11 CSR 45-9.030	Missouri Gaming Commission		32 MoReg 591		
11 CSR 45-12.080	Missouri Gaming Commission		31 MoReg 1990	32 MoReg 595	
11 CSR 45-13.055	Missouri Gaming Commission	32 MoReg 5	32 MoReg 55		
11 CSR 45-30.280	Missouri Gaming Commission		31 MoReg 1990	32 MoReg 596	
DEPARTMENT OF REVENUE					
12 CSR 10-23.255	Director of Revenue		31 MoReg 1870	32 MoReg 438	
12 CSR 10-23.270	Director of Revenue		31 MoReg 1873	32 MoReg 439	
12 CSR 10-23.446	Director of Revenue		31 MoReg 1873	32 MoReg 439	
12 CSR 10-41.010	Director of Revenue	31 MoReg 1935	31 MoReg 1991	32 MoReg 596	
12 CSR 10-42.110	Director of Revenue		31 MoReg 1994R	32 MoReg 596R	
12 CSR 10-43.010	Director of Revenue		31 MoReg 1646	32 MoReg 439	
12 CSR 10-43.020	Director of Revenue		31 MoReg 1646	32 MoReg 439	
12 CSR 10-43.030	Director of Revenue		31 MoReg 1647	32 MoReg 439	
12 CSR 10-400.200	Director of Revenue		31 MoReg 1994	32 MoReg 596	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
12 CSR 10-400.210	Director of Revenue		31 MoReg 1998	32 MoReg 597	
12 CSR 10-405.105	Director of Revenue		31 MoReg 2001	32 MoReg 597	
12 CSR 10-405.205	Director of Revenue		31 MoReg 2001	32 MoReg 597	
12 CSR 20-3.010	Highway Reciprocity Commission (<i>Changed to 7 CSR 10-25.030</i>)	32 MoReg 521	32 MoReg 541		
12 CSR 40-50.050	State Lottery		31 MoReg 1874	32 MoReg 543	
12 CSR 40-80.080	State Lottery		31 MoReg 1875R	32 MoReg 543R	
DEPARTMENT OF SOCIAL SERVICES					
13 CSR 70-2.100	Division of Medical Services		31 MoReg 1804	32 MoReg 439	
13 CSR 70-3.030	Division of Medical Services		31 MoReg 2050	32 MoReg 597	
13 CSR 70-10.030	Division of Medical Services	32 MoReg 293	32 MoReg 332		
13 CSR 70-15.010	Division of Medical Services		32 MoReg 593		
13 CSR 70-20.031	Division of Medical Services		32 MoReg 335		
13 CSR 70-20.032	Division of Medical Services		32 MoReg 335		
13 CSR 70-20.034	Division of Medical Services		32 MoReg 335		
ELECTED OFFICIALS					
15 CSR 30-51.180	Secretary of State	32 MoReg 399 32 MoReg 400T 32 MoReg 400	32 MoReg 415		
RETIREMENT SYSTEMS					
16 CSR 10-5.010	Retirement Systems		31 MoReg 2001	32 MoReg 544	
16 CSR 10-6.060	Retirement Systems		31 MoReg 2002	32 MoReg 544	
DEPARTMENT OF HEALTH AND SENIOR SERVICES					
19 CSR 30-20.001	Division of Regulation and Licensure		32 MoReg 336		
19 CSR 30-30.010	Division of Regulation and Licensure		32 MoReg 336		
19 CSR 30-30.020	Division of Regulation and Licensure		32 MoReg 337		
19 CSR 30-40.410	Division of Regulation and Licensure		32 MoReg 338		
19 CSR 30-40.430	Division of Regulation and Licensure		32 MoReg 339		
19 CSR 30-40.450	Division of Regulation and Licensure		31 MoReg 995	31 MoReg 2017W	
19 CSR 30-80.030	Division of Regulation and Licensure		32 MoReg 415		
19 CSR 30-82.010	Division of Regulation and Licensure		31 MoReg 1495	32 MoReg 440	
19 CSR 30-83.010	Division of Regulation and Licensure		31 MoReg 1499	32 MoReg 443	
19 CSR 30-84.030	Division of Regulation and Licensure		31 MoReg 1502	32 MoReg 445	
19 CSR 30-84.040	Division of Regulation and Licensure		31 MoReg 1504	32 MoReg 446	
19 CSR 30-86.012	Division of Regulation and Licensure		31 MoReg 1504	32 MoReg 446	
19 CSR 30-86.022	Division of Regulation and Licensure		31 MoReg 1506	32 MoReg 448	
19 CSR 30-86.032	Division of Regulation and Licensure		31 MoReg 1509	32 MoReg 450	
19 CSR 30-86.042	Division of Regulation and Licensure		31 MoReg 1514	32 MoReg 452	
19 CSR 30-86.043	Division of Regulation and Licensure		31 MoReg 1526	32 MoReg 461	
19 CSR 30-86.045	Division of Regulation and Licensure		31 MoReg 1536	32 MoReg 462	
19 CSR 30-86.047	Division of Regulation and Licensure		31 MoReg 1540	32 MoReg 465	
19 CSR 30-86.052	Division of Regulation and Licensure		31 MoReg 1559	32 MoReg 487	
19 CSR 30-87.020	Division of Regulation and Licensure		31 MoReg 1559	32 MoReg 488	
19 CSR 30-87.030	Division of Regulation and Licensure		31 MoReg 1560	32 MoReg 488	
19 CSR 30-88.010	Division of Regulation and Licensure		31 MoReg 1565	32 MoReg 488	
19 CSR 60-50	Missouri Health Facilities Review Committee				32 MoReg 545 This Issue
DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION					
20 CSR	Construction Claims Binding Arbitration Cap				This Issue
20 CSR	Medical Malpractice				30 MoReg 481 31 MoReg 616 32 MoReg 545
20 CSR	Sovereign Immunity Limits				30 MoReg 108 30 MoReg 2587 31 MoReg 2019
20 CSR	State Legal Expense Fund Cap				This Issue
20 CSR 400-7.095	Life, Annuities and Health		32 MoReg 142		
20 CSR 500-5.020	Property and Casualty	32 MoReg 401	32 MoReg 416		
20 CSR 500-5.025	Property and Casualty	32 MoReg 403	32 MoReg 423		
20 CSR 500-5.026	Property and Casualty	32 MoReg 404	32 MoReg 423		
20 CSR 500-5.027	Property and Casualty	32 MoReg 404	32 MoReg 424		
20 CSR 700-6.350	Licensing		31 MoReg 931		
20 CSR 2030-3.060	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		31 MoReg 1875	32 MoReg 488	
20 CSR 2030-6.015	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		32 MoReg 55		
20 CSR 2030-11.015	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		31 MoReg 1875	32 MoReg 489	
20 CSR 2030-11.025	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		31 MoReg 1876	32 MoReg 489	
20 CSR 2115-2.010	State Committee of Dietitians		32 MoReg 58		This Issue
20 CSR 2115-2.050	State Committee of Dietitians		32 MoReg 58		This Issue

Rule Number	Agency	Emergency	Proposed	Order	In Addition
20 CSR 2120-1.010	State Board of Embalmers and Funeral Directors		32 MoReg 424		
20 CSR 2120-1.040	State Board of Embalmers and Funeral Directors		32 MoReg 428		
20 CSR 2120-2.010	State Board of Embalmers and Funeral Directors		32 MoReg 431		
20 CSR 2120-2.040	State Board of Embalmers and Funeral Directors		32 MoReg 432		
20 CSR 2120-2.050	State Board of Embalmers and Funeral Directors		32 MoReg 433		
20 CSR 2120-2.071	State Board of Embalmers and Funeral Directors		32 MoReg 434		
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20 CSR 2150-6.020	State Board of Registration for the Healing Arts		31 MoReg 1877	This Issue	
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20 CSR 2263-2.052	State Committee for Social Workers		32 MoReg 156		
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20 CSR 2270-1.021	Missouri Veterinary Medical Board		31 MoReg 1877	32 MoReg 493	
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22 CSR 10-2.090	Health Care Plan	32 MoReg 211R	32 MoReg 252R		

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7 CSR 10-25.030	Apportion Registration 32 MoReg 521	August 29, 2007
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10 CSR 20-4.023	State Forty Percent Construction Grant Program 32 MoReg 395	August 30, 2007
10 CSR 20-4.030	Grants for Sewer Districts and Certain Small Municipal Sewer Systems . 32 MoReg 396	August 30, 2007
10 CSR 20-4.061	Storm Water Grant and Loan Program 32 MoReg 396	August 30, 2007
10 CSR 20-7.050	Methodology for Development of Impaired Waters List 31 MoReg 1845	April 23, 2007
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10 CSR 60-13.010	Grants for Public Water Supply Districts and Small Municipal Water Supply Systems 32 MoReg 398	August 30, 2007
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Missouri Gaming Commission		
11 CSR 45-13.055	Emergency Order Suspending License Privileges—Expedited Hearing . . 32 MoReg 5	June 7, 2007
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12 CSR 10-41.010	Annual Adjusted Rate of Interest 31 MoReg 1935	June 29, 2007
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12 CSR 20-3.010	Apportion Registration 32 MoReg 521	August 29, 2007
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13 CSR 40-32.010	Basis of Payment Next Issue	September 27, 2007
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13 CSR 70-10.030	Prospective Reimbursement Plan for Nonstate-Operated Facilities for ICF/MR Services 32 MoReg 293	August 1, 2007
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15 CSR 30-51.180	Exemptions from Registration for Broker-Dealers, Agents, Investment Advisors, and Investment Advisors Representatives. 32 MoReg 400	August 10, 2007
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20 CSR 500-5.020	Medical Malpractice Insurance Rate Filings 32 MoReg 401	August 10, 2007
20 CSR 500-5.025	Determination of Inadequate Rates 32 MoReg 403	August 10, 2007
20 CSR 500-5.026	Determination of Excessive Rates 32 MoReg 404	August 10, 2007
20 CSR 500-5.027	Determination of Unfairly Discriminatory Rates 32 MoReg 404	August 10, 2007
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22 CSR 10-2.067	HMO and POS Limitations 32 MoReg 210	June 29, 2007
22 CSR 10-2.090	Pharmacy Benefit Summary 32 MoReg 211	June 29, 2007

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<u>2007</u>			
07-01	Authorizes Transportation Director to temporarily suspend certain commercial motor vehicle regulations in response to emergencies	January 2, 2007	32 MoReg 295
07-02	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	January 13, 2007	32 MoReg 298
07-03	Directs the Adjutant General call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities	January 13, 2007	32 MoReg 299
07-04	Vests the Director of the Missouri Department of Natural Resources with full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to better serve the interest of public health and safety during the period of the emergency and subsequent recovery period	January 13, 2007	32 MoReg 301
07-05	Transfers the Breath Alcohol Program from the Missouri Department of Health and Senior Services to the Missouri Department of Transportation	January 30, 2007	32 MoReg 406
07-06	Transfers the function of collecting surplus lines taxes from the Missouri Department of Insurance, Financial Institutions and Professional Registration to the Department of Revenue	January 30, 2007	32 MoReg 408
07-07	Transfers the Crime Victims' Compensation Fund from the Missouri Department of Labor and Industrial Relations to the Missouri Department of Public Safety	January 30, 2007	32 MoReg 410
07-08	Extends the declaration of emergency contained in Executive Order 07-02 and the terms of Executive Order 07-04 through May 15, 2007, for continuing cleanup efforts from a severe storm that began on January 12	February 6, 2007	32 MoReg 524
07-09	Orders the Commissioner of Administration to take certain specific cost saving actions with the OA Vehicle Fleet	February 23, 2007	32 MoReg 571
07-10	Reorganizes the Governor's Advisory Council on Physical Fitness and Health and relocates it to the Department of Health and Senior Services	February 23, 2007	32 MoReg 573
07-11	Designates members of staff with supervisory authority over selected state agencies	February 23, 2007	32 MoReg 576
07-12	Orders agencies to support measures that promote transparency in health care	March 2, 2007	This Issue
07-13	Orders agencies to audit contractors to ensure that they employ people who are eligible to work in the United States, and requires future contracts to contain language allowing the state to cancel the contract if the contractor has knowingly employed individuals who are not eligible to work in the United States	March 6, 2007	This Issue
<u>2006</u>			
06-01	Designates members of staff with supervisory authority over selected state agencies	January 10, 2006	31 MoReg 281
06-02	Extends the deadline for the State Retirement Consolidation Commission to issue its final report and terminate operations to March 1, 2006	January 11, 2006	31 MoReg 283
06-03	Creates and establishes the Missouri Healthcare Information Technology Task Force	January 17, 2006	31 MoReg 371
06-04	Governor Matt Blunt transfers functions, personnel, property, etc. of the Division of Finance, the State Banking Board, the Division of Credit Unions, and the Division of Professional Registration to the Department of Insurance. Renames the Department of Insurance as the Missouri Department of Insurance, Financial Institutions and Professional Registration. Effective August 28, 2006	February 1, 2006	31 MoReg 448
06-05	Governor Matt Blunt transfers functions, personnel, property, etc. of the Missouri Rx Plan Advisory Commission to the Missouri Department of Health and Senior Services. Effective August 28, 2006	February 1, 2006	31 MoReg 451
06-06	Governor Matt Blunt transfers functions, personnel, property, etc. of the Missouri Assistive Technology Advisory Council to the Missouri Department of Elementary and Secondary Education. Rescinds certain provisions of Executive Order 04-08. Effective August 28, 2006	February 1, 2006	31 MoReg 453
06-07	Governor Matt Blunt transfers functions, personnel, property, etc. of the Missouri Life Sciences Research Board to the Missouri Department of Economic Development	February 1, 2006	31 MoReg 455

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06-08	Names the state office building, located at 1616 Missouri Boulevard, Jefferson City, Missouri, in honor of George Washington Carver	February 7, 2006	31 MoReg 457
06-09	Directs and orders that the Director of the Department of Public Safety is the Homeland Security Advisor to the Governor, reauthorizes the Homeland Security Advisory Council and assigns them additional duties	February 10, 2006	31 MoReg 460
06-10	Establishes the Government, Faith-based and Community Partnership	March 7, 2006	31 MoReg 577
06-11	Orders and directs the Adjutant General to call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property and to employ such equipment as may be necessary in support of civilian authorities	March 13, 2006	31 MoReg 580
06-12	Declares that a State of Emergency exists in the State of Missouri and directs that the Missouri State Emergency Operation Plan be activated	March 13, 2006	31 MoReg 582
06-13	The Director of the Missouri Department of Natural Resources is vested with full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to best serve the public health and safety during the period of the emergency and the subsequent recovery period	March 13, 2006	31 MoReg 584
06-14	Declares a State of Emergency exists in the State of Missouri and directs that the Missouri State Emergency Operation Plan be activated	April 3, 2006	31 MoReg 643
06-15	Orders and directs the Adjutant General, or his designee, to call and order into active service portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and take such action and employ such equipment as may be necessary in support of civilian authorities, and provide assistance as authorized and directed by the Governor	April 3, 2006	31 MoReg 645
06-16	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	April 3, 2006	31 MoReg 647
06-17	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	April 3, 2006	31 MoReg 649
06-18	Authorizes the investigators from the Division of Fire Safety, the Park Rangers from the Department of Natural Resources, the Conservation Agents from the Department of Conservation, and other POST certified state agency investigators to exercise full state wide police authority as vested in Missouri peace officers pursuant to Chapter 590, RSMo during the period of this state declaration of emergency	April 3, 2006	31 MoReg 651
06-19	Allows the director of the Missouri Department of Natural Resources to grant waivers to help expedite storm recovery efforts	April 3, 2006	31 MoReg 652
06-20	Creates interim requirements for overdimension and overweight permits for commercial motor carriers engaged in storm recovery efforts	April 5, 2006	31 MoReg 765
06-21	Designates members of staff with supervisory authority over selected state agencies	June 2, 2006	31 MoReg 1055
06-22	Healthy Families Trust Fund	June 22, 2006	31 MoReg 1137
06-23	Establishes Interoperable Communication Committee	June 27, 2006	31 MoReg 1139
06-24	Establishes Missouri Abraham Lincoln Bicentennial Commission	July 3, 2006	31 MoReg 1209
06-25	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	July 20, 2006	31 MoReg 1298
06-26	Directs the Adjutant General to call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities	July 20, 2006	31 MoReg 1300
06-27	Allows the director of the Missouri Department of Natural Resources to grant waivers to help expedite storm recovery efforts	July 21, 2006	31 MoReg 1302
06-28	Authorizes Transportation Director to issue declaration of regional or local emergency with reference to motor carriers	July 22, 2006	31 MoReg 1304
06-29	Authorizes Transportation Director to temporarily suspend certain commercial motor vehicle regulations in response to emergencies	August 11, 2006	31 MoReg 1389
06-30	Extends the declaration of emergency contained in Executive Order 06-25 and the terms of Executive Order 06-27 through September 22, 2006, for the purpose of continuing the cleanup efforts in the east central part of the State of Missouri	August 18, 2006	31 MoReg 1466
06-31	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	September 23, 2006	31 MoReg 1699
06-32	Allows the director of the Missouri Department of Natural Resources to grant waivers to help expedite storm recovery efforts	September 26, 2006	31 MoReg 1701
06-33	Governor Matt Blunt orders all state employees to enable any state owned wireless telecommunications device capable of receiving text messages or emails to receive wireless AMBER alerts	October 4, 2006	31 MoReg 1847

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06-34	Governor Matt Blunt amends Executive Order 03-26 relating to the duties of the Information Technology Services Division and the Information Technology Advisory Board	October 11, 2006	31 MoReg 1849
06-35	Governor Matt Blunt creates the Interdepartmental Coordination Council for Job Creation and Economic Growth	October 11, 2006	31 MoReg 1852
06-36	Governor Matt Blunt creates the Interdepartmental Coordination Council for Laboratory Services and Utilization	October 11, 2006	31 MoReg 1854
06-37	Governor Matt Blunt creates the Interdepartmental Coordination Council for Rural Affairs	October 11, 2006	31 MoReg 1856
06-38	Governor Matt Blunt creates the Interdepartmental Coordination Council for State Employee Career Opportunity	October 11, 2006	31 MoReg 1858
06-39	Governor Matt Blunt creates the Mental Health Transformation Working Group	October 11, 2006	31 MoReg 1860
06-40	Governor Matt Blunt creates the Interdepartmental Coordination Council for State Service Delivery Efficiency	October 11, 2006	31 MoReg 1863
06-41	Governor Matt Blunt creates the Interdepartmental Coordination Council for Water Quality	October 11, 2006	31 MoReg 1865
06-42	Designates members of staff with supervisory authority over selected state departments, divisions, and agencies	October 20, 2006	31 MoReg 1936
06-43	Closes state offices on Friday, November 24, 2006	October 24, 2006	31 MoReg 1938
06-44	Adds elementary and secondary education as another category with full membership representation on the Regional Homeland Security Oversight Committees in order to make certain that schools are included and actively engaged in homeland security planning at the state and local level	October 26, 2006	31 MoReg 1939
06-45	Directs the Department of Social Services to prepare a Medicaid beneficiary employer report to be submitted to the governor on a quarterly basis. Such report shall be known as the Missouri Health Care Responsibility Report	November 27, 2006	32 MoReg 6
06-46	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	December 1, 2006	32 MoReg 127
06-47	Directs the Adjutant General call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities	December 1, 2006	32 MoReg 129
06-48	Vests the Director of the Missouri Department of Natural Resources with full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to better serve the interest of public health and safety during the period of the emergency and subsequent recovery period	December 1, 2006	32 MoReg 131
06-49	Directs the Department of Mental Health to implement recommendations from the Mental Health Task Force to protect client safety and improve the delivery of mental health services	December 19, 2006	32 MoReg 212
06-50	Extends the declaration of emergency contained in Executive Order 06-46 and the terms of Executive Order 06-48 through March 1, 2007, for the purpose of continuing the cleanup efforts in the affected Missouri communities	December 28, 2006	32 MoReg 214

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