Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2030—Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects
Chapter 2—Code of Professional Conduct

PROPOSED AMENDMENT

20 CSR 2030-2.040 Standard of Care. The board is proposing to amend the original purpose statement of the rule and section (1).

PURPOSE: This rule is being amended to reflect the current edition of the International Building Code, Section 106.

*PURPOSE: This rule provides the recipient and producer of professional architectural, engineering, and/or landscape architectural services assurances that all services are evaluated in accordance with the [2006] **2009** edition of the International Building Code, Section 106.*

(1) The board shall use, in the absence of any local building code, Section 106 only of the *[2006]* **2009** edition of the *International Building Code*, not including or applying any other sections referenced within Section 106, as the standard of care in determining the appropriate conduct for any professional licensed or regulated by this chapter and being evaluated under section 327.441.2(5), RSMo. The *International Code Council*, *[2006]* **2009** Edition**,** is incorporated herein by reference and may be obtained by contacting 500 New Jersey Ave NW, 6th Floor, Washington, DC 20001, by phone at 1 (888) ICC-SAFE (422-7233), by fax at (202) 783-2348**,** or by their direct website at http://www.iccsafe.org. This rule does not incorporate any subsequent amendments or additions to the manual.

*AUTHORITY: section 327.041, RSMo Supp. [2006] **2008**. Original rule filed June 14, 2007, effective Dec. 30, 2007. Amended: Filed July 22, 2009.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, 3605 Missouri Boulevard, Suite 380, Jefferson City, MO 65109, by facsimile at 573-751-0047, or via email at moapels@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2030—Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects
Chapter 21—Professional Engineering

PROPOSED AMENDMENT

20 CSR 2030-21.010 Design of Fire Suppression Systems. The board is proposing to add a new section (3).

PURPOSE: This amendment clarifies that the design of fire suppression systems for one (1) and two (2) family residential homes is not required to be designed, prepared, and sealed by a professional engineer so long as the layout and sizing of these systems are done by a Level III Technician certified in the Fire Suppression System Layout by the National Institute for Certification of Engineering Technologies (NICET).

(3) The design of fire suppression systems for dwelling units as defined in the National Fire Protection Association's Standard for the Installation of Sprinkler Systems (NFPA 13D) is exempt and is not required to be designed by a professional engineer so long as the layout and sizing of these systems are done by a Level III Technician certified in the Fire Suppression System Layout by the NICET. Engineer decisions needed when the scope of the project is not clearly addressed in NFPA 13D shall be done by a qualified professional engineer.

*AUTHORITY: section 327.041, RSMo Supp. [2004] **2008**. This rule originally filed as 4 CSR 30-21.010. Original rule filed May 13, 2005, effective Nov. 30, 2005. Moved to 20 CSR 2030-21.010, effective Aug. 28, 2006. Amended: Filed July 22, 2009.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, 3605 Missouri Boulevard, Suite 380, Jefferson City, MO 65109, by facsimile at 573-751-0047, or via email at moapels@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2085—Board of Cosmetology and Barber Examiners
Chapter 3—License Fees

PROPOSED AMENDMENT

20 CSR 2085-3.010 Fees. The board is proposing to amend paragraphs (1)(F)5., (2)(E)5., and (3)(C)5.

PURPOSE: The board is statutorily obligated to enforce and administer the provisions of sections 328.010–328.160, RSMo. Pursuant to sections 328.060.1 and 329.015, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 328.010–328.160 and 329.010–329.265, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the committee for administering the provisions of sections 328.010–328.160 and 329.010–329.265, RSMo. Therefore, this amendment reduces the renewal fee for inactive licensees.

(1) The following barber related fees are hereby established by the State Board of Cosmetology and Barber Examiners for those fees, activities**,** or licenses governed by Chapter 328, RSMo.

(F) Miscellaneous Fees (Applicable to all licensees/registrants)

1. Certification/Affidavit of Licensure	$ 10
2. Certification of Training Hours, Examination Scores	$ 10

3. Duplicate License/Registration Fee	$ 10
4. Handling/Insufficient Funds Fee (Any uncollectible check or other financial instrument)	$ 25
5. Inactive License Fee	$*[30]***25**
6. Late Fee	$ 30
7. Name Search Fee (As determined by the Missouri State Highway Patrol)	

(2) The following cosmetology related fees are hereby established by the board for those fees, activities**,** or licenses governed by Chapter 329, RSMo.

(E) Miscellaneous Fees (Applicable to all licensees/registrants)

1. Certification/Affidavit of Licensure/Registration	$ 10
2. Certification of Training Hours, Examination Scores	$ 10
3. Duplicate License Fee	$ 10
4. Handling Fee (Any uncollectible check or other financial instrument)	$ 25
5. Inactive License Fee	$*[30]***25**
6. Late Fee	$ 30

(3) The following fees are hereby established by the board for crossover licensees under Chapter 328 or Chapter 329, RSMo.

(C) Miscellaneous Fees

1. Certification/Affidavit of Licensure	$ 10
2. Certification of Training Hours, Examination Scores	$ 10
3. Duplicate License Fee	$ 10
4. Handling Fee (Any uncollectible check or other financial instrument)	$ 25
5. Inactive License Fee	$*[30]***25**
6. Late Fee	$ 30
7. Name Search Fee (As determined by the Missouri State Highway Patrol)	

AUTHORITY: section[s] 328.060.1, RSMo 2000 and ***section*** *329.025(4), RSMo Supp. [2006]* ***2008****. Original rule filed June 27, 2007, effective Dec. 30, 2007. Emergency amendment filed June 8, 2009, effective June 18, 2009, expires Feb. 25, 2010. Amended: Filed March 30, 2009, effective Sept. 30, 2009. Amended: Filed July 22, 2009.*

PUBLIC COST: This proposed amendment will decrease revenue for state agencies or political subdivisions by approximately twenty-five thousand twenty-five dollars ($25,025) biennially for the life of the rule. It is anticipated that the decrease in revenue will recur for the life of the rule, may vary with inflation, and is expected to decrease at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed amendment will save private entities approximately twenty-five thousand twenty-five dollars ($25,025) biennially for the life of the rule. It is anticipated that the savings will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by facsimile at 573-751-8176, or via email at cosbar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 -Department of Insurance, Financial Institutions and Professional Registration
Division 2085 - Board of Cosmetology and Barber Examiners
Chapter 3 - License Fees
Proposed Amendment - 20 CSR 2085-3.010 Fees
Prepared June 12, 2009 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Loss of Revenue	
Board of Cosmetology and Barber Examiners	$25,025.00	
	Total Loss of Revenue Biennially for the Life of the Rule	25,025.00

III. WORKSHEET

The division is statutorily obligated to enforce and administer the provisions of sections 328.010-328.160, RSMo and 329.010-329.265, RSMo. Pursuant to sections 328.060.1., RSMo and 329.025.1.(4), RSMo, the division shall by rule and regulation set the amount of fees authorized by sections 328.010-328.160, RSMo and 329.010-329.265, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 328.010-328.160, RSMo and 329.010-329.265, RSMo. The board estimates the projections calcuated in the Private Entity Fiscal Notes will be total loss of revenue for the board.

IV. ASSUMPTION

1. It is anticipated that the total loss of revenue will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 -Department of Insurance, Financial Institutions and Professional Registration
Division 2085 - Board of Cosmetology and Barber Examiners
Chapter 3 - License Fees
Proposed Amendment - 20 CSR 2085-3.010 Fees
Prepared June 12, 2008 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated savings for compliance with the amendment by affected entities:
64	Barber Inactive Renewal (Inactive Fee @ $5 Decrease)	$320.00
4,907	Cosmetology Inactive Renewal (Inactive Fee @ $5 Decrease)	$24,535.00
34	Crossover Inactive Renewal (Inactive Fee @ $5 Decrease)	$170.00
	Estimated Biennial Savings for the Life of the Rule	**$25,025.00**

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The figures reported above are based on FY08 actuals.
2. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The division is statutorily obligated to enforce and administer the provisions of sections 328.010-328.160, RSMo and 329.010-329.265, RSMo. Pursuant to sections 328.060.1., RSMo and 329.025.1.(4), RSMo, the division shall by rule and regulation set the amount of fees authorized by sections 328.010-328.160, RSMo and 329.010-329.265, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 328.010-328.160, RSMo and 329.010-329.265, RSMo.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2085—Board of Cosmetology and Barber Examiners
Chapter 9—Apprenticeships—Barber and Cosmetology

PROPOSED AMENDMENT

20 CSR 2085-9.020 Apprentice Supervisors. The board is proposing to amend section (5).

PURPOSE: This amendment establishes new procedures for maintaining a weekly log documenting training hours obtained by barber and cosmetology apprentices.

(5) Mandatory Reporting. **The apprentice supervisor shall maintain a weekly log, on a form supplied by the board, documenting the total number of training hours the apprentice obtained on a daily basis. The training hours shall be allocated by subject in the core areas listed on the form. The weekly log shall be kept on premises at all times and made available to the board or its representative upon request.** The apprentice supervisor shall submit monthly reports **to the board office** by the tenth day of the following month for the apprentice in training on forms supplied by the board. Upon termination of training by the apprentice, the supervisor shall submit to the board within two (2) weeks a properly completed termination form supplied by the board. The form shall list the total number of training hours completed by the apprentice, allocated by subject area, the date the apprentice terminated training, and shall be accompanied by the apprentice's license and any unused materials supplied by the board.

*AUTHORITY: sections 328.075, 328.115, 329.025.1, and 329.045, RSMo Supp. [2007] **2008**. Original rule filed Aug. 1, 2007, effective Feb. 29, 2008. Amended: Filed July 22, 2009.*

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately one hundred fourteen dollars and forty-five cents ($114.45) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed amendment will cost private entities approximately sixty-two dollars ($62) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Cosmetology and Barber Examiners, PO Box 1062, Jefferson City, MO 65102, by facsimile at 573-751-8167, or via email at cosbar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2085 - Board of Cosmetology and Barber Examiners
Chapter 9 - Apprenticeships - Barber and Cosmetology
Proposed Rule - 20 CSR 2085-9.020 Apprentice Supervisors
Prepared June 12, 2009 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance	
Board of Cosmetology and Barber Examiners	Total Annual Cost of Compliance for the Life of the Rule	$114.45

III. WORKSHEET

The Licensure Technician I will review each weekly log to ensure that the total number to training hours the apprentice obtained on a daily basis were correctly documented and allocated by subject in the core areas listed on the form. Once the Licensure Technician I has completed the review form will be placed in the applicants file.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER LOG	COST PER LOG	NUMBER OF LOGS	TOTAL COST
Licensure Technician I	$22,680	$33,768.25	$16.23	$0.27	3 minutes	$0.81	141	$114.45
					Total Personal Services Cost for Initial Licensure			**$114.45**

IV. ASSUMPTION

1. Employee's salaries were calculated using the annual salary multiplied by 48.89% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated
2. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual cost incurred by the office, which includes personal service, expense and equipment and transfers.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2085 - Board of Cosmetology and Barber Examiners
Chapter 9 - Apprenticeships - Barber and Cosmetolgoy
Proposed Amendment - 20 CSR 2085-9.020 Apprentice Supervisors
Prepared June 12, 2009 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the amendment by affected entities:
141	Apprentice Supervisors (cost to mail in monthly report @ $.44 postage)	$62.04
	Estimated Annual Cost for the Life of the Rule	**$62.04**

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The figures reported above are based on FY08 actuals.
2. It is anticipated that the total costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2085—Board of Cosmetology and Barber Examiners
Chapter 12—Schools and Student Rules—Barber and Cosmetology

PROPOSED AMENDMENT

20 CSR 2085-12.040 Specific Requirements for Cosmetology Schools. The board is proposing to amend subsections (2)(M) and (2)(Y).

PURPOSE: This amendment makes grammatical corrections and clarifies the first aid and student kit requirements.

(2) Minimum Equipment and Training Supplies. All schools of cosmetology teaching the occupations of Class-CA or Class-CH cosmetology, as defined in section 329.010(5), RSMo, in Missouri shall have on hand and maintain in good working condition at all times the following equipment and training supplies:

(M) First-aid *[facilities]* **supplies**;

(Y) Individual student kit materials for each student enrolled *[which]* shall include **at a minimum the following:**

1. *[t]***T**hermal equipment**;**

2. Haircutting equipment;

3. Chemical application implements;

4. Hair styling implements; and

5. For Class-CA hairdressing and manicuring students manicuring implements shall be included.

*[1.]***A.** All implements and equipment contained in the student kits must be new.

*[2.]***B.** Students shall receive student kits prior to the completion of their training.

*[3.]***C.** All kits shall be kept clean and remain free of unsterilized items and tools.

*[4.]***D.** No student shall be permitted to remove his/her training kit from the school or cosmetology establishment while in training.

*AUTHORITY: sections 329.025.1 and 329.040, RSMo Supp. [2006] **2008**. Original rule filed Aug. 10, 2007, effective Feb. 29, 2008. Amended: Filed July 22, 2009.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Cosmetology and Barber Examiners, PO Box 1062, Jefferson City, MO 65102, by facsimile at 573-751-8167, or via email at cosbar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2085—Board of Cosmetology and Barber Examiners
Chapter 12—Schools and Student Rules—Barber and Cosmetology

PROPOSED AMENDMENT

20 CSR 2085-12.070 Manicuring Schools. The board is proposing to amend subsections (3)(H) and (3)(R).

PURPOSE: This amendment makes grammatical corrections and clarifies the first aid and student kit requirements.

(3) Minimum equipment and training supplies for manicuring schools shall be:

(H) First-aid *[facilities]* **supplies**;

(R) Individual student manicuring kits *[to include all implements and materials necessary for complete manicure]* **shall include at a minimum the following**:

1. Basic manicure and pedicure implements; and

2. Artificial nail supplies and implements.

*AUTHORITY: sections 329.025.1, 329.040, and 329.050, RSMo Supp. [2006] **2008**. Original rule filed Aug. 10, 2007, effective Feb. 29, 2008. Amended: Filed July 22, 2009.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Cosmetology and Barber Examiners, PO Box 1062, Jefferson City, MO 65102, by facsimile at 573-751-8167, or via email at cosbar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2085—Board of Cosmetology and Barber Examiners
Chapter 12—Schools and Student Rules—Barber and Cosmetology

PROPOSED AMENDMENT

20 CSR 2085-12.080 Esthetic Schools. The board is proposing to amend subsections (4)(H) and (4)(T).

PURPOSE: This amendment clarifies the first aid and student kit requirements.

(4) Minimum Equipment and Training Supplies. Esthetic schools in Missouri shall have on hand and maintain in good working condition at all times the following equipment and training supplies:

(H) First-aid *[facilities]* **supplies**;

(T) Individual student kit materials for each student enrolled *[which]***. All implements and equipment contained in the student kits must be new. Student kits** shall include **at a minimum** the following materials:

1. *[s]***S**kin cleanser*[,]***;**

2. *[s]***S**kin freshener*[,]***;**

3. *[f]***F**oundation*[,]***;**

4. *[c]***C**oncealer*[,]***;**

5. *[b]***B**lush*[,]***;**

6. *[e]***E**ye liner pencil*[,]***;**

7. *[l]***L**iquid or cream mascara*[,]***;**

8. *[w]***W**edge sponges*[,]***;**

9. *[p]***P**owder brush*[,]***;**

10. *[c]***C**ontour brush*[,]***;**

11. *[a]***A**pplicators*[,]*;
12. *[p]***P**lastic spatulas*[,]*; and
13. *[e]***E**sthetic textbook. *[All implements and materials contained in the student kits must be new.]*

*AUTHORITY: sections 329.025.1 and 329.040, RSMo Supp. [2006] **2008** and 329.030, RSMo 2000. Original rule filed Aug. 10, 2007, effective Feb. 29, 2008. Amended: Filed July 22, 2009.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Cosmetology and Barber Examiners, PO Box 1062, Jefferson City, MO 65102, by facsimile at 573-751-8167, or via email at cosbar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2120—State Board of Embalmers and Funeral Directors
Chapter 1—Organization and Description of Board

PROPOSED AMENDMENT

20 CSR 2120-1.040 Definitions. The board is proposing to amend subsections (5)(E) and (F).

PURPOSE: This amendment allows a licensed embalmer to supervise.

(5) Cremation log—a written record or log kept in the cremation area available at all times in full view for a board inspector, which shall include the following:

(E) The name and signature of the Missouri licensed funeral director **or Missouri licensed embalmer** supervising the cremation;

(F) The supervising Missouri licensed funeral director's license number **or the supervising Missouri licensed embalmer's license number**; and

*AUTHORITY: sections 333.011, **RSMo Supp. 2008,** and 333.111, RSMo 2000. This rule originally filed as 4 CSR 120-1.040. Original rule filed Dec. 31, 2003, effective July 30, 2004. Moved to 20 CSR 2120-1.040, effective Aug. 28, 2006. Amended: Filed Jan. 30, 2007, effective July 30, 2007. Amended: Filed July 22, 2009.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Embalmers and Funeral Directors, PO Box 423, Jefferson City, MO 65102, by facsimile at (573) 751-1155, or via email at embalm@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2120—State Board of Embalmers and Funeral Directors
Chapter 2—General Rules

PROPOSED AMENDMENT

20 CSR 2120-2.010 Embalmer's Registration and Apprenticeship. The board is proposing to amend section (8).

PURPOSE: This amendment clarifies the exemption for the Missouri law examination.

(8) Effective July 30, 2004**,** the Missouri State Board embalmers' examination shall consist of the National Board Funeral Service Arts section, the National Board Funeral Service Science section, and Missouri Law section. Application, payment, scheduling**,** and administration for the national board examinations will be made directly through the International Conference of Funeral Service Examining Boards, Inc., or other designee of the board. An applicant shall be exempt from the requirement of successful completion of the Missouri Law section if the applicant has successfully completed the Missouri Law section for another **Missouri** license *[within twelve (12) months of the date that the board receives the new application]* **within the jurisdiction of the board and the license is in active status**. In lieu of the National Board Funeral Service Arts examination, successful completion of the Missouri Funeral Service Arts examination results will be accepted, or the board may accept successful completion of an examination administered by another state, territory**,** or province of the United States that is substantially equivalent or more stringent than the Missouri Funeral Service Arts examination.

*AUTHORITY: sections 333.041 [and]**,** 333.081, **and 333.121,** RSMo Supp. [2006] **2008** and 333.091[,] **and** 333.111, [and 333.121,] RSMo 2000. This rule originally filed as 4 CSR 120-2.010. Original rule filed Oct. 17, 1975, effective Oct. 28, 1975. For intervening history, please consult the **Code of State Regulations**. Amended: Filed July 22, 2009.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Embalmers and Funeral Directors, Becky Dunn, Executive Director, 3605 Missouri Boulevard, PO Box 423, Jefferson City, MO 65102, by facsimile at (573) 751-1155, or via email to embalm@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2120—State Board of Embalmers and Funeral Directors
Chapter 2—General Rules

PROPOSED AMENDMENT

20 CSR 2120-2.040 Licensure by Reciprocity. The board is proposing to amend subsections (2)(F) and (3)(D).

PURPOSE: This amendment clarifies the exemption for the Missouri law examination.

(2) Any person holding a valid unrevoked and unexpired license to practice embalming or funeral directing in another state or territory*[,]* is eligible to obtain licensure by reciprocity by meeting the following requirements of the board:

(F) The reciprocity applicant will be required to successfully complete the reciprocity examination with a score of seventy-five percent (75%) or better within twenty-four (24) months after the board's receipt of the reciprocity application. If an applicant by reciprocity has received either an embalmer or funeral director license from the board *[within twelve (12) months prior to applying for a license]* for which the reciprocity examination is required, that applicant will be exempt from taking the reciprocity examination for the second license **if the original Missouri license remains in active status**;

(3) If the reciprocity applicant holds a license as an embalmer or funeral director in another state or territory with requirements less than those of this state, they may seek licensure in this state by meeting the following requirements of the board:

(D) The reciprocity applicant will be required to successfully complete the reciprocity examination with a score of seventy-five percent (75%) or better within twenty-four (24) months after the board's receipt of the reciprocity application. If an applicant by reciprocity has received either an embalmer or funeral director license from the board *[within twelve (12) months prior to applying for a license]* for which the reciprocity examination is required, that applicant will be exempt from taking the reciprocity examination for the second license **if the original Missouri license remains in active status**;

AUTHORITY: sections 333.051, 333.091, and 333.111, RSMo 2000. This rule originally filed as 4 CSR 120-2.040. Original rule filed Oct. 17, 1975, effective Oct. 28, 1975. For intervening history, please consult the ***Code of State Regulations****. Amended: Filed July 22, 2009.*

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Embalmers and Funeral Directors, Becky Dunn, Executive Director, 3605 Missouri Boulevard, PO Box 423, Jefferson City, MO 65102, by facsimile at (573) 751-1155, or via email to embalm@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2120—State Board of Embalmers and Funeral Directors
Chapter 2—General Rules

PROPOSED AMENDMENT

20 CSR 2120-2.060 Funeral Directing. The board is proposing to add a new section (5), renumber the sections thereafter accordingly, and amend newly renumbered section (14).

PURPOSE: This amendment clarifies the exemption for the Missouri law examination.

(5) The funeral director apprenticeship is not intended as a long-term method of practicing as a funeral director in the absence of progress toward licensure. Accordingly, effective February 28, 2010, an apprentice shall not be allowed to register with the board for more than two (2) apprenticeship periods that begin on or after February 28, 2010, unless otherwise approved by the board for good cause.

*[(5)]***(6)** Upon registration and payment in full of all applicable fees, the board shall issue the apprentice funeral director applicant a funeral director apprentice registration. This registration authorizes the apprentice registrant to engage in the practice of funeral directing under the supervision of a Missouri licensed funeral director. The funeral director apprentice registration, or a copy thereof, shall be displayed, at all times, in a conspicuous location accessible to the public at each establishment where the apprentice is working.

*[(6)]***(7)** The funeral director apprentice registration authorizes the registrant to engage in the practice of funeral directing only during the period of apprenticeship. Once the apprenticeship is successfully completed as defined in this rule, the funeral director apprentice registration shall become null and void. Any Missouri licensed funeral director who allows a former apprentice who has completed his/her apprenticeship to engage in the practice of funeral directing before that apprentice is fully licensed shall be subject to discipline for misconduct under section 333.121.2, RSMo.

*[(7)]***(8)** Each registered funeral director apprentice shall provide to the board, on the application prescribed by the board, the name(s), location(s), and license number(s) of each funeral establishment(s) where they are serving as an apprentice. The funeral director apprenticeship may be served at a funeral establishment licensed by a state, other than Missouri, upon submission of proof to the board that the out-of-state funeral home is licensed for the care and preparation for burial and transportation of human dead in this state or another state which has established standards for admission to practice funeral directing equal to, or more stringent than, the requirement for admission to practice funeral directing in this state. The funeral director apprenticeship shall be served under the supervision of a Missouri licensed funeral director. If the funeral director apprentice changes funeral establishments during the course of the apprenticeship, the apprentice shall notify the board, on the form prescribed by the board, of the name(s), location(s), and funeral establishment(s) license number of the new apprenticeship location within ten (10) business days after the change has been made.

*[(8)]***(9)** Successful completion of a funeral director apprenticeship shall consist of the following:

(A) Completed service as an apprentice funeral director for a period consisting of at least twelve (12) consecutive months in a Function C funeral establishment; and

(B) Filing with the board a notarized affidavit(s) signed by the apprentice and his/her supervisor(s) that he/she has arranged for and conducted a minimum of ten (10) funeral ceremonies under the supervision of a Missouri licensed funeral director.

*[(9)]***(10)** An apprentice will be eligible to take the funeral director examination after completion of the twelve (12) consecutive month period of apprenticeship.

*[(10)]***(11)** An applicant will be deemed to have successfully completed the funeral director examination when a score of seventy-five percent (75%) or better is achieved on each section. If the applicant fails a section of the examination, the applicant shall be permitted to retake that section of the examination.

*[(11)]***(12)** All notifications for the funeral director's examination shall be in writing and received by the board at least forty-five (45) days prior to the date the candidate plans to sit for the examination.

*[(12)]***(13)** A college accredited by a recognized national, state, or regional accrediting body may seek the approval of the State Board of Embalmers and Funeral Directors for a course of study in funeral directing by submitting a description of the program, the college catalog listing the course of study**,** and evidence that the program has been approved to be offered in that institution by the administration of the college and the Missouri Coordinating Board for Higher Education.

*[(13)]***(14)** An applicant shall be exempt from the requirement of successful completion of the Missouri Law examination if the applicant has successfully completed the Missouri Law examination for another **Missouri** license *[within twelve (12) months of the date that the board receives the new application]* **within the jurisdiction of the board if the current license remains in active status**.

*[(14)]***(15)** Any funeral director that allows an unlicensed person to make at-need arrangements for the transportation or removal of a dead human body for or on behalf of the funeral director*[,]* shall supervise the unlicensed person and shall be responsible for the conduct of the unlicensed person. This section shall not be construed to allow any unlicensed person to perform any other act for which a license is required by Chapter 333, RSMo.

*[(15)]***(16)** A Missouri licensed funeral director shall be present and personally shall supervise or conduct each funeral ceremony conducted by or from a Missouri licensed funeral establishment. A violation of this section will be considered misconduct in the practice of funeral directing.

*[(16)]***(17)** A Missouri licensed funeral director shall be present and personally shall supervise any disinterment, interment, entombment, or cremation as defined in 20 CSR 2120-1.040 conducted by a Missouri licensed funeral establishment. However, nothing in this rule shall be interpreted as requiring the presence of a Missouri licensed funeral director if the person(s) having the right to control the incidents of burial request otherwise. If the disinterment does not require legal notification to the county coroner or medical examiner, a funeral director's presence may not be required. A violation of this section shall be deemed misconduct in the practice of funeral directing.

(A) Once the body has been delivered to a cemetery for the purpose of interment or to a crematory for the purpose of cremation and after any funeral ceremonies have been complete, the Missouri licensed funeral director is not required to stay with the body.

(B) Nothing in this rule shall be interpreted as requiring the Missouri licensed funeral director to leave the cemetery before disposition is complete. Furthermore, nothing in this rule shall be interpreted as relieving the Missouri licensed funeral director of any responsibilities he/she has under his/her contract with the person(s) having the right to control the incidents of burial.

*[(17)]***(18)** Any licensed funeral establishment or funeral director that makes arrangements for an unlicensed person to transport dead human bodies within the state of Missouri, or out of this state, is responsible for the conduct of the unlicensed person.

*[(18)]***(19)** A funeral director or funeral establishment licensed in another state that enters the state of Missouri solely for the purpose of transporting a dead human body through Missouri to another state, country**,** or territory*[,]* shall not be deemed to be in the practice of funeral directing or required to obtain a license from the board. This regulation does not exempt any person or entity from complying with any applicable statutes or regulations governing the transportation of dead human bodies, including, but not limited to, Chapters 193 and 194, RSMo.

*[(19)]***(20)** A Missouri licensed funeral establishment or funeral director shall not allow an unlicensed person to make the following at-need arrangements with the person having the right to control the incidents of disposition:

(A) Arrangements for final disposition, supervision of visitation and memorial ceremony, grave attendance, cremation, entering into a contractual relationship for performance of any other funeral services;

(B) Embalming, cremation, care, or preparation; and

(C) Nothing in this subsection shall be construed to apply to persons exempt from Chapter 333, RSMo.

*[(20)]***(21)** The taking of preliminary information by an unlicensed person will not be construed as the making of at-need funeral arrangements under this rule.

*[(21)]***(22)** No temporary Missouri funeral director license authorized under section 333.041.7, RSMo**,** will be issued until the board has been advised as to the location of the Missouri licensed funeral establishment at which the temporary funeral director's license will be used. The holder of the temporary license shall be authorized to only work at the Missouri licensed funeral establishment(s) where the deceased and/or disabled Missouri licensed funeral director was authorized to work. Violation of this rule will be deemed unauthorized practice of funeral directing.

*[(22)]***(23)** The business and practice of funeral directing may be conducted only from a fixed place or establishment which has been licensed by the board.

*[(23)]***(24)** Limited License.

(A) A person holding a limited license shall only be allowed to work in a funeral establishment that is licensed as a Function B establishment (cremation only). A limited funeral director shall only engage in the activities of funeral directing authorized for a Function B funeral establishment.

(B) Every person desiring a limited license shall provide the following to the board:

1. Proof of being at least eighteen (18) years of age;
2. Proof of possession of a high school diploma or its equivalent;
3. Evidence of being a person of good moral character;
4. Proof of successful completion by achieving a score of seventy-five percent (75%) or better on the Missouri Law examination;
5. Completed application form as provided by the board;
6. Payment of applicable fees;
7. Payment of any fee charged by the Missouri Highway Patrol for a criminal history background check; and
8. Any other information the board may require.

(C) Every limited licensee shall provide the board with the name, location**,** and license number of each Function B funeral establishment where he/she is employed.

(D) A limited licensee shall be obligated to comply with all Missouri laws governing funeral directors subject to the limitations imposed by this rule and section 333.042.2, RSMo.

(E) If a limited licensee desires to obtain a full funeral director's license, the licensee shall be required to complete an apprenticeship consisting of at least twelve (12) consecutive months as required by

section 333.042.2, RSMo, and accompanying regulations OR fulfill the education requirements set forth in section 333.042.3, RSMo. The limited licensee shall also provide to the board proof of successful completion of the remaining sections of the funeral director examination as required by these regulations. The applicant shall be exempt from the requirement of successful completion of the Missouri Law section if the applicant has successfully completed the Missouri Law section within twelve (12) months of the date that the board receives the new application.

*[(24)]***(25)** All certificates, registrations, and licenses, or duplicate copies thereof, issued by the State Board of Embalmers and Funeral Directors shall be displayed at all times in a conspicuous location accessible to the public in each office(s) or place(s) of business where they work, for inspection by any duly authorized agent of the board.

*[(25)]***(26)** Should an individual desire to obtain a Missouri funeral director's license after his/her license has become void under section 333.081.3, RSMo, the individual shall be required to make new application and pay all applicable fees to the board. No previous apprentice, application**,** or examination will be considered for the new application. However, the board shall accept the successful completion of the National Board Funeral Service Arts or the Missouri Funeral Service Arts examination for new application.

*[(26)]***(27)** A Missouri licensed funeral director may engage in the practice of funeral directing in the state of Missouri only in Missouri licensed funeral establishments. Each Missouri licensed funeral director shall inform the board in writing, in a timely manner, of each Missouri licensed funeral establishment name(s), location(s)**,** and license number(s) where the Missouri licensed funeral director is engaged in funeral directing.

*[(27)]***(28)** A Missouri licensed funeral director has the ongoing obligation to keep the board informed if the licensee has been finally adjudicated or found guilty, or entered a plea of guilty or *nolo contendere*, in a criminal prosecution under the laws of any state or of the United States, whether or not sentence was imposed. This information shall be provided to the board within thirty (30) days of being finally adjudicated or found guilty.

*[(28)]***(29)** Person Deemed to be Engaged in the Practice of Funeral Directing.

(A) No person shall be deemed by the board to be engaged in the practice of funeral directing or to be operating a funeral establishment if the person prepares, arranges**,** or carries out the burial of the dead human body of a member of one's own family or next of kin as provided by section 194.119, RSMo, provided that the activity is not conducted as a business or for business purposes.

(B) The board shall not deem a person to be engaged in the practice of funeral directing or to be operating a funeral establishment if the person prepares, arranges**,** or carries out the burial of a dead human body pursuant to the religious beliefs, tenets, or practices of a religious group, sect, or organization, provided that the activity is not conducted as a business or for business purposes.

*[(29)]***(30)** The rules in this division are declared severable. If any rule, or section of a rule, is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions shall remain in full force and effect unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

*AUTHORITY: sections 333.041, 333.042, and 333.121, RSMo Supp. [2007] **2008** and sections 333.091 and 333.111, RSMo 2000. This rule originally filed as 4 CSR 120-2.060. Original rule filed Oct. 17, 1975, effective Oct. 28, 1975. For intervening history, please consult the **Code of State Regulations**. Amended: Filed July 22, 2009.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Embalmers and Funeral Directors, Becky Dunn, Executive Director, 3605 Missouri Boulevard, PO Box 423, Jefferson City, MO 65102, by facsimile at (573) 751-1155, or via email to embalm@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2267—Office of Tattooing, Body Piercing, and Branding
Chapter 2—Licensing Requirements

PROPOSED AMENDMENT

20 CSR 2267-2.010 Licenses. The office is proposing to amend subsection (2)(C).

PURPOSE: This amendment further defines the requirements of the apprenticeship currently set forth in the rule.

(2) No person shall tattoo, body pierce, and/or brand another person, use or assume the title of tattooist, body piercer, and/or brander, designate or represent themselves to be a tattooist, body piercer, and/or brander unless he or she has obtained a license from the division for the profession practiced. An application for a practitioner license shall be notarized, accompanied by the appropriate fee, and evidence of having successfully completed the following:

(C) An apprenticeship, which shall include at least three hundred (300) documented hours of practical experience that includes at a minimum fifty (50) completed procedures in each area that the applicant has filed an application for licensure. The documented work shall be certified and supervised by a currently licensed Missouri practitioner or by a practitioner who is licensed to practice tattooing, body piercing, and/or branding in another state, territory, or commonwealth whose requirements for licensure are substantially equivalent to the requirements for licensure in Missouri. **A supervising practitioner shall register a person needing to meet the requirement set forth in 20 CSR 2267-2.010(2)(C) by submitting an affidavit acknowledging the supervisory relationship on a form prescribed by the office. The affidavit shall be submitted by the supervising practitioner within ten (10) business days of beginning the supervisory relationship.** The supervising practitioner shall be present during the entire procedure and shall be licensed in the same field of practice in which the applicant has filed a license application**. Proof of having completed the apprenticeship requirement set forth in this section shall be submitted on forms prescribed by the office. The apprentice shall notify the office in writing within ten (10) business days of the termination of the supervisory relationship**; or

*AUTHORITY: section 324.522, RSMo Supp. [2007] **2008**. This rule originally filed as 4 CSR 267-2.010. Original rule filed Aug. 15, 2002, effective Feb. 28, 2003. Moved to 20 CSR 2267-2.010, effective Aug. 28, 2006. Amended: Filed April 10, 2008, effective Nov. 30, 2008. Amended: Filed July 22, 2009.*

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately one thousand forty-nine dollars and eighty-four cents ($1,049.84) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed amendment will cost private entities approximately four hundred eighty-eight dollars ($488) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of Tattooing, Body Piercing, and Branding, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-526-3489, or via email at tattoo@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2267 - Office of Tattooing, Body Piercing, and Branding
Chapter 2 - Licensing Requirements
Proposed Rule - 20 CSR 2267-2.010 Licenses
Prepared April 28, 2009 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance	
Office of Tattooing, Body Piercing, and Branding		$1,049.84
	Total Annual Costs of Compliance for the Life of the Rule	**$1,049.84**

III. WORKSHEET

The Licensure Technician II will review the affidavit forms, enter the information into the licensing system, and send a letter of acknowledgement to the apprentice. The executive director will review any areas of concern related to the documents submitted.

Personal Service Dollars

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Licensure Technician II	$24,576	$36,556.80	$17.58	$0.29	5 minutes	$1.46 200 Applicants	$292.92
Executive Director	$58,865	$87,562.10	$42.10	$0.70	5 minutes	$3.51 200 Applicants	$701.62
					Total Personal Service Costs		**$994.54**

Expense and Equipment Dollars

Item	Cost	Quantity	Total Cost
Letterhead	$0.20	70	$14.00
Postage	$0.44	70	$30.80
Envelopes	$0.15	70	$10.50
	Total Expense and Equipment Costs		**$55.30**

IV. ASSUMPTION

1. Employee's salaries were calculated using the annual salary multiplied by 48.75% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications.
2. It is anticipated that the total costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2267 - Office of Tattooing, Body Piercing, and Branding
Chapter 2 - Licensing Requirements
Proposed Rule - 20 CSR 2267-2.010 Licenses
Prepared March 17, 2009 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated cost savings of compliance with the amendment by affected entities:
200	Supervising Practitioner (Notary @ $2.00)	$400.00
200	Apprentice (Postage @ $0.44)	$88.00
	Estimated Annual Costs of Compliance for the Life of the Rule	**$488.00**

III. WORKSHEET

See Table Above

IV. ASSUMPTION

1. The figures reported above are based on FY08 actuals.
2. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2267—Office of Tattooing, Body Piercing, and Branding
Chapter 6—Complaints and Investigations

PROPOSED RESCISSION

20 CSR 2267-6.030 Initiation of Disciplinary Proceedings. This rule set forth the basis for refusal to issue or renew or otherwise discipline the holder of any certificate of registration or authority, permit, or license.

PURPOSE: This rule is being rescinded because the language now appears in section 324.523, RSMo.

AUTHORITY: section 324.522, RSMo Supp. 2001. This rule originally filed as 4 CSR 267-6.030. Original rule filed Aug. 15, 2002, effective Feb. 28, 2003. Moved to 20 CSR 2267-6.030, effective Aug. 28, 2006. Rescinded: Filed July 22, 2009.

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 Office of Tattooing, Body Piercing, and Branding, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-526-3489, or via email at tattoo@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2270—Missouri Veterinary Medical Board
Chapter 4—Minimum Standards

PROPOSED AMENDMENT

20 CSR 2270-4.042 Minimum Standards for Continuing Education for Veterinarians. The board is proposing to amend subsections (8)(I) and (8)(J), add a new subsection (8)(K), and renumber the remaining subsection accordingly.

PURPOSE: This amendment adds the Missouri State Veterinarian to the list of automatically approved continuing education courses.

(8) Workshops, seminars**,** and prepared materials on scientific and non-scientific subjects relating to veterinary medicine approved by or sponsored by the following organizations are approved:

(I) American Association of Veterinary State Boards (AAVSB) or its successor—Registry of Approved Continuing Education (RACE); *[and]*

(J) Any national, regional**,** and specialty veterinary organizations; *[and]*

(K) Missouri State Veterinarian; and

*[(K)]***(L)** Other programs receiving prior approval from this board.

*AUTHORITY: sections 41.946, 340.210, 340.258, and 340.268, RSMo 2000. This rule originally filed as 4 CSR 270-4.042. Original rule filed April 13, 2001, effective Oct. 30, 2001. For intervening history, please consult the **Code of State Regulations**. Amended: Filed July 22, 2009.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Veterinary Medical Board, PO Box 633, Jefferson City, MO 65102, by facsimile at 573-526-3856, or via email at vets@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

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

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 2—DEPARTMENT OF AGRICULTURE
Division 30—Animal Health
Chapter 10—Food Safety and Meat Inspection

ORDER OF RULEMAKING

By the authority vested in the Director of Agriculture under section 265.020, RSMo 2000, the director amends a rule as follows:

2 CSR 30-10.010 Inspection of Meat and Poultry **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2009 (34 MoReg 1175). 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 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 2—Practice and Procedure

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 386.410, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-2.020 Meetings and Hearings **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 15, 2009 (34 MoReg 1175–1176). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 16, 2009, and a public hearing on the proposed rescission was held June 16, 2009. No written comments were received and no one appeared at the hearing to offer comments.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 20—Electric Utilities

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 386.250, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-20.065 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2009 (34 MoReg 659–660). The section with changes is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended May 1, 2009, and a public hearing on the proposed rule was held May 1, 2009. Timely written comments were received from Union Electric Company, d/b/a AmerenUE; Renew Missouri; The Empire District Electric Company; Missouri Solar Applications, LLC; and Missouri Valley Renewable Energy, LLC. In addition, legal counsel for the staff of the Missouri Public Service Commission; the Office of the Public Counsel; Union Electric Company, d/b/a AmerenUE; and Renew Missouri offered comments at the hearing. Vaughn Prost, CEO of Missouri Solar Applications, LLC; Henry Rentz, President of Missouri Valley Renewable Energy, LLC; and Eric Swillinger with Missouri Solar Living also offered comments at the hearing. The comments both opposed and supported various aspects of the proposed amendment

COMMENT #1: Insurance Requirements: The current net metering rule requires customer-generator systems of ten kilowatts (10 kW) or less to carry no less than one hundred thousand dollars ($100,000) of liability insurance coverage. Systems of greater than ten kilowatts are required to carry one (1) million dollars of liability insurance coverage. The amendment would eliminate the liability insurance requirement for systems of less than ten kilowatts (10 kW). The amount of liability insurance required for systems greater than ten kilowatts (10 kW) would be reduced to one hundred thousand dollars ($100,000).

The Empire District Electric Company filed a written comment urging the commission to retain the liability insurance requirements found in the current rule. It believes reducing or eliminating the liability insurance requirements would expose the public to the risk of injury or death without requiring the customer-generators to be financially responsible for the consequences of their actions.

Union Electric Company, d/b/a AmerenUE, indicates general support for the amendment. However, it urges the commission retain the

one (1) million dollar liability insurance requirement for generator-systems of greater than ten kilowatts (10 kW). AmerenUE argues systems of that size are not likely to be installed for small residential customers, and thus, owners of such systems are likely to have the means to obtain that level of insurance to cover their potential liability.

Renew Missouri and the Office of the Public Counsel support the elimination of the liability requirement for generator-systems of ten kilowatts (10 kW) and less. Renew Missouri does not oppose the one hundred thousand dollar ($100,000) liability insurance requirement for systems greater than ten kilowatts (10 kW). Public Counsel takes no position on that requirement.

Henry Rentz of Missouri Valley Renewable Energy, LLC, and Vaughn Prost of Missouri Solar Applications, LLC, install residential solar energy systems. They contend such systems are safe and no additional insurance should be required. Consequently, they support the elimination of the liability insurance requirement for generator-systems of ten kilowatts (10 kW) and less. Mr. Rentz also urged the commission to eliminate the liability insurance requirement for generator-systems smaller than one hundred kilowatts (100 kW). Mr. Prost and Eric Swillinger of Missouri Solar Living contend that no liability insurance should be required for any customer generator-system of any size.

RESPONSE: Section 386.890.6(2), RSMo Supp. 2008, the Net Metering and Easy Connection Act passed by the general assembly in 2007, provides that customer-generators installing systems of ten kilowatts (10 kW) or less shall not be required to purchase additional liability insurance. Therefore, the commission must amend the regulation to remove the insurance requirement for generator-systems of ten kilowatts (10 kW) or less to comply with the dictates of the statute.

Section 386.890.6(3)(b), RSMo Supp. 2008, gives the commission authority to require owners of generator-systems greater than ten kilowatts (10 kW) to purchase additional liability insurance. However, the commission does not want to discourage the installation of such systems by imposing a burdensome insurance requirement. Empire and AmerenUE did not present arguments compelling enough to convince the commission that a requirement for one hundred thousand dollars ($100,000) in additional liability insurance for generator-systems greater than ten kilowatts (10 kW) would be insufficient to protect the public. Nevertheless, the commission believes substantial liability insurance coverage for these larger generator-systems is necessary. While residential homeowners may have generator-systems of ten kilowatts (10 kW) or less installed, larger systems are likely to be installed for larger commercial operations. Such commercial operators are capable of finding and affording the additional liability coverage. The commission will leave the liability insurance requirement for generator-systems of greater than ten kilowatts (10 kW) at one hundred thousand dollars ($100,000). No change to the amendment is made as a result of this comment.

COMMENT #2: Liability Language in the Interconnection Agreement: The current net metering rule, 4 CSR 240-20.065(7), requires a customer-generator and electric utility to enter into an interconnection agreement in a form established in the rule. The commission's amendment would add a sentence to that form agreement advising customer-generators, including those with systems of less than ten kilowatts (10 kW), that they may have legal liabilities for personal injuries or property damage that would not be covered under their existing insurance policies. In addition, the amendment to subsection 4 CSR 20.065(4)(B) requires any tariff or contract offered by a utility to a customer-generator to include a warning about the customer-generator's potential liability and the potential lack of coverage for that liability under the customer-generator's existing insurance policy.

Renew Missouri, as well as Public Counsel, Mr. Rentz, and Mr. Prost, opposes the inclusion of this language in the form agreement, as well as in tariffs and contracts. They are concerned that the warning language would scare-off customers who are considering the installation of a generation system, thereby erecting an unnecessary barrier to what is supposed to be an easy connection. Renew Missouri further points out that the Net Metering and Easy Connection Act (subsections 386.890.16 & .17, RSMo Supp. 2008) specifically establish that manufacturers, sellers, and installers of units used by customer-generators may be held liable for the negligent acts, but makes no mention of the liability of the customer-generators. Renew Missouri contends there is no reason for the commission's regulation to "harp on the remote possibility of damage resulting from net-metered systems when it is not even mentioned in the statute." Public Counsel adds that the commission should not be offering an advisory opinion in its rule about what "the law may and may not be about liability."

RESPONSE: The commission is not trying to scare customer-generators away from making the easy connection contemplated by the controlling statute. However, customer-generators should be made aware that they might not have insurance coverage for whatever liability risk they face. It is then up to the customer-generator to decide whether the system they are installing is safe enough for them to willingly take on that risk. The commission will not remove the challenged language from the amended rule. No change to the amendment is made as a result of this comment.

COMMENT #3: Improper Claim of Authority: Public Counsel expresses concern that in submitting the proposed amendment to the secretary of state, the commission cited section 386.887, RSMo Supp. 2007, as its authority for promulgating the amendment. Public Counsel correctly points out that that section was repealed in 2007 and could not be authority for this rulemaking.

RESPONSE: Public Counsel's concern is noted. Fortunately, that error was corrected before the proposed amendment was published in the *Missouri Register*. No change to the amendment is made as a result of this comment.

COMMENT #4: Improper Reference to Cooperatives: Staff raised a concern about a reference in the amendment to tariffs or contracts offered by a utility *or cooperative*. Staff explained that the Consumer Clean Energy Act had given the commission authority over rural electric cooperatives regarding net metering. However, the Net Metering and Easy Connection Act repealed that act in 2007, and the current statute does not give the commission authority over such cooperatives. For that reason, staff advises the commission to remove the references to cooperatives from the amendment. Public Counsel and Renew Missouri expressed support for the change proposed by staff.

RESPONSE AND EXPLANATION OF CHANGE: Staff's concern is well taken. The commission will remove the references to cooperatives from the amendment.

4 CSR 240-20.065 Net Metering

(4) Customer-Generator Liability Insurance Obligation.

(B) Customer-generator systems ten kilowatts (10 kW) or less shall not be required to carry liability insurance; however, any tariff or contract offered by a utility to customer-generators shall contain language stating that absent clear and convincing evidence of fault on the part of the retail electric supplier, those retail electric suppliers cannot be held liable for any action or cause of action relating to any damages to property or persons caused by the generation unit of a customer-generator or the interconnection thereof pursuant to section 386.890.11, RSMo Supp. 2008. Further, any tariff or contract offered by utilities to customer-generators shall state that customer-generators may have legal liabilities not covered under their existing insurance policy in the event the customer-generator's negligence or other wrongful conduct causes personal injury (including death), damage to property, or other actions and claims.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 126—Manufactured Housing Consumer Recovery Fund

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040, RSMo 2000, and section 700.041, RSMo Supp. 2008, the commission adopts a rule as follows:

4 CSR 240-126.010 Definitions **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2009 (34 MoReg 1176). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 126—Manufactured Housing Consumer Recovery Fund

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040, RSMo 2000, and section 700.041, RSMo Supp. 2008, the commission adopts a rule as follows:

4 CSR 240-126.020 Consumer Recovery Fund **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2009 (34 MoReg 1176–1177). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 18—Risk-Based Corrective Action

ORDER OF RULEMAKING

By the authority vested in the Missouri Hazardous Waste Management Commission under sections 260.370, 260.470, and 260.905, RSMo 2008 and sections 260.437, 260.465, 260.500, 260.510, 260.520, 260.567, 260.573, 644.026, and 644.143, RSMo 2000, the commission adopts a rule as follows:

10 CSR 25-18.010 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 2, 2009 (34 MoReg 527–541). 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: The Missouri Department of Natural Resources' Division of Environmental Quality received thirty-two (32) comments on the proposed rule from five (5) sources: Missouri Department of Health and Senior Services (DHSS), Petroleum Storage Tank Insurance Fund (PSTIF), Regulatory Environmental Group for Missouri (REGFORM), and Robert Johnson, as well as staff comment.

SUMMARY OF TESTIMONY: During the public hearing before the Missouri Hazardous Waste Management Commission on April 18, 2009, the department testified that the proposed rule would establish the procedures to be used for risk-based corrective action where the remediating party chooses to conduct remediation through risk-based means, except those involving petroleum tanks. Carol Eighmey, Executive Director of the Petroleum Storage Tank Insurance Fund, testified at the hearing. The other comments were received via email. Each of these comments is described below. The response indicates any changes made to the proposed rule language.

COMMENT #1: Ms. Eighmey of PSTIF noted this rule is referred to as the "Departmental" rule, which differentiates it from the risk-based rule for petroleum tanks. However, tank remediation is also supervised by the department, and therefore these are also departmental in nature. A better name may be appropriate, although she offered no suggestion.

RESPONSE: This is part of the title of the guidance document referenced in the rule. If a better alternative can be identified, the department would be pleased to make the change. No change in the rule is proposed.

COMMENT #2: DHSS commented they wish to be explicitly involved in the risk assessment decisions made in the risk-based process, and the details of this involvement can be included in a Memorandum of Understanding between the departments.

RESPONSE AND EXPLANATION OF CHANGE: Agreed. The department welcomes DHSS involvement to the process and will both 1) include a provision in section (4) of this rule and 2) work with them to craft a Memorandum of Agreement (MOU) describing their involvement, as suggested in many places in the proposed rule.

COMMENT #3: DHSS notes the use of arithmetic or area-weighted averages in definition 26 rather than an upper confidence limit may underestimate risk and suggests a definition be added for "area of impact," so hot spots are identified and not lost in averaging, and any COC value exceeding ten (10) times the average be examined and explained as part of the risk assessment. In addition, add a definition for "Area of impact."

RESPONSE AND EXPLANATION OF CHANGE: This is addressed by including areas that appear as hot spots of contamination to be addressed separately in the risk management plan, paragraph (19)(A)7.

COMMENT #4: DHSS further recommends a five (5)-year review as part of each risk management plan.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees this may be appropriate for some but not all sites. A five (5)-year review is proposed to be added to the Risk Management Plan, section (19), for those sites where it would be beneficial, but not as an across-the-board requirement.

COMMENT #5: DHSS recommends simplifying initial site characterization focus on default target levels in section (4).

RESPONSE AND EXPLANATION OF CHANGE: Agreed in part. Delineation to residential standards other than the default target levels (DTLs) is retained, and would also be allowed in higher tier analyses. This section is clarified.

COMMENT #6: DHSS notes risk criteria noted in tier 1 apply to all tiers.
RESPONSE AND EXPLANATION OF CHANGE: Agreed. This part of section (4) is reorganized to make the risk criteria separate from tier 1 considerations.

COMMENT #7: DHSS recommends the conceptual site model specify use restrictions recognized in the model be durable and enforceable.
RESPONSE AND EXPLANATION OF CHANGE: Agreed. The model must be able to reflect the true situation of a site, and any use restriction that is not durable and enforceable cannot be counted upon for performance. The proposed language is so modified.

COMMENT #8: DHSS recommends activity and use limitations (AULs) be recognized as stating the goal of eliminating exposures that pose unacceptable risks rather than the inexact minimization of them in section (8).
RESPONSE AND EXPLANATION OF CHANGE: Agreed and the language in section (8) is so modified.

COMMENT #9: DHSS recommends maximum containment levels (MCLs) should not be used as delineation criteria since they may not be protective of human health.
RESPONSE: The department recognizes MCLs contain an element of economic achievability and some are different from the maximum contaminant level goals (MCLGs), which are health based criteria. However, in any remediation, MCLs would represent the end points of the project since the same cost-effectiveness standards would apply to these groundwater quality standards as those used for public water supplies. To the extent a remediating party would like to remediate groundwater below MCLs as a necessity to reduce overall risk, that consideration may be offered as a site-specific matter. No change in rule language is proposed.

COMMENT #10: DHSS recommended the evaluation use the most health-protective toxicity value where different values are available for various routes of exposure.
RESPONSE AND EXPLANATION OF CHANGE: Agreed. The proposed rule would be changed in paragraph 12(C)2.

COMMENT #11: The elimination of chemicals from the evaluation should be considered during the analysis so that the effect on the risk assessment from their elimination is clearly understood.
RESPONSE AND EXPLANATION OF CHANGE: Agreed. The proposed rule is changed in subsection (12)(D).

COMMENT #12: DHSS notes the DTLs and tier 1 risk-based target levels (RBTLs) are published and need not be derived anew. The rule can therefore reference the publication and allow recalculation for higher tiers of analysis.
RESPONSE AND EXPLANATION OF CHANGE: Agreed. The proposed rule is changed in section (13).

COMMENT #13: DHSS recommends the tier 3 analyses should be able to use the most current toxicity factors and chemical and physical properties.
RESPONSE AND EXPLANATION OF CHANGE: Agreed. The proposed rule would be changed in subsection (13)(C).

COMMENT #14: DHSS recommends cumulative site-wide risk should be calculated at all risk assessment levels.
RESPONSE AND EXPLANATION OF CHANGE: Agreed. The proposed rule would be changed in subsections (13)(D) and (14)(F).

COMMENT #15: DHSS recommends any model used to predict groundwater contamination should be approved and run successfully to be recognized as conclusive.
RESPONSE AND EXPLANATION OF CHANGE: Agreed. The proposed rule would be changed in paragraph (14)(I)1.

COMMENT #16: DHSS states inaccurate calculations or inadequate site characterization should not be acceptable reasons for excluding data used in the risk management plan. Problems of this nature should be remedied before the risk management plan is proposed.
RESPONSE AND EXPLANATION OF CHANGE: Agreed. The rule will be changed by deleting subparagraphs (14)(I)2.B. and C.

COMMENT #17: DHSS notes the AUL section on ordinances should address monitoring wells.
RESPONSE AND EXPLANATION OF CHANGE: Agreed. The rule is changed to include additional language in subsection (18)(G).

COMMENT #18: DHSS recommends a tier 3 analysis should have a large public participation component.
RESPONSE: While the complexity of the analysis increases, the basic decision and need for involvement of the public does not increase. No change in the rule is proposed.

COMMENT #19: DHSS recommends the review and potential revision of the technical guidance should occur on a set schedule.
RESPONSE: Time demands on the department may not allow adherence to a set schedule. No change in the rule is proposed.

COMMENT #20: DHSS states the routine updating of the guidance document should not require a stakeholder process.
RESPONSE AND EXPLANATION OF CHANGE: Agreed. Updated values using the same methodology and other similar changes may be readily appreciated and understood by stakeholders and do not require the reconvening of the stakeholder group. A minor change is made to the proposed rule to implement this.

COMMENT #21: DHSS also offered wording changes throughout the proposed rule for clarification. These related to acceptable risk, subsection (4)(D); land or water use restrictions, subsection (8)(A); construction worker ingestion, paragraph (11)(C)4.; toxicity values, paragraph (12)(C)2.; applicable target levels, subsections (13)(A)–(D); and tier 1 risk assessment, subsections (14)(F) and (I).
RESPONSE AND EXPLANATION OF CHANGE: Thank you. These changes were made in the proposed rule.

COMMENT #22: REGFORM recommends it is not necessary to delineate site contamination to residential levels when the reasonably anticipated future use is non-residential.
RESPONSE AND EXPLANATION OF CHANGE: The department has added language to subsection (2)(D) of the proposed rule to address the remediation of contamination on a parcel that is part of a site. This would reflect the public benefits that are currently achieved through voluntary cleanups by parties who neither caused nor contributed to the contamination at the site. The added language is intended to reflect the legal status of those conducting the remediation and to exempt parties who neither caused nor contributed to the contamination at the site from the specific rule provisions enumerated in new subsection (2)(D). This change is made in light of the public benefits afforded by the voluntary remediation of properties by parties not responsible for the contamination.

The added language does not change the responsibilities of responsible parties for the contamination of the larger site. Although the specific property in question may be designated as non-residential and locked into that future use by an environmental covenant, the extent of contamination above residential levels is unknown. The contamination may have spread beyond the property in question, and threaten adjacent properties with contaminants above residential levels, regardless of the reasonably anticipated use of those properties. Once the foundation of a site characterization is completed, to the extent it is possible, informed decisions can be made for the subject

property and any available information would also be shared with owners of any adjacent properties that may share the same contaminants. Under the rule, long-term stewardship (LTS) is triggered when contaminant concentrations will remain on a property at concentrations above residential standards and LTS may be tailored to address the specific needs at an individual parcel.

COMMENT #23: REGFORM recommends the greater than ten (10) times hot spots should be handled differently in the rule, either add an exception or allow such samples to be addressed in the risk assessment or risk management plan.
RESPONSE AND EXPLANATION OF CHANGE: We agree there may be hot spots that defy remediation, and these may be problematic in arriving at decisions in this process. The risk assessment may address the presence of such hot spots, however, the practical or cost-effectiveness of potential remediation should be addressed in the risk management plan; the risk assessment should not leap ahead to assume conclusions that may be reached in the risk management phase of corrective action. This note is added to the risk management section (paragraph 19(A)7.).

COMMENT #24: REGFORM recommends the rule should include well restrictions in regulation as an AUL.
RESPONSE AND EXPLANATION OF CHANGE: We agree. This was proposed as subsection (18)(J), and it is clarified to reflect the state regulation 10 CSR 23-3. In addition, and as a benefit to those needing information on such restrictions, this should be reflected in the information system the department is directed to maintain pursuant to the statute authorizing environmental covenants. The department will pursue this.

COMMENT #25: REGFORM recommends the rule should be flexible to allow site-specific flexibility for AULs.
RESPONSE AND EXPLANATION OF CHANGE: We agree, and the options for any particular site are listed. We do not agree that there are sites with contamination above residential levels where no AUL is necessary at all. The AULs available can be used as a matter of routine, and the template documents in the guidance make them easily applied. Long-term stewardship is a basic need for future use of sites with elevated contamination, and the department insists this level of care be required for the protection of human health and the environment.

COMMENT #26: REGFORM recommends the rule should provide a way to achieve a letter of completion without the implementation of a risk management plan for sites that are below default target levels (DTLs) or tier 1 risk-based target levels (RBTLs).
RESPONSE AND EXPLANATION OF CHANGE: We agree. Changes are proposed in section (4).

COMMENT #27: Mr. Johnson stated vapor intrusion standards are too strict.
RESPONSE: Much work on vapor intrusion since the completion of the guidance and draft rule indicates vapor intrusion may be more problematic than previously envisioned. While the new science should be reflected in this rule, the science is continuing and no single, agreed-upon protocol is present, although this may come about in the next few years. The department will gladly continue the discussion of this matter as the analysis unfolds.

COMMENT #28: Mr. Johnson stated long-term stewardship requirements violate basic private property ownership rights.
RESPONSE: We disagree. The long-term stewardship requirements are intended to protect future human health and environmental aspects from contamination left in place in excess of residential use standards. Remediating parties have the choice of meeting those standards or not. Where they choose not to, or where meeting them is not achievable, the long-term stewardship requirements perform the function of making sure that any corrective action taken remains effective, and important underlying assumptions about the site remain accurate, over time, in order to protect human health and the environment under the conditions for which the site is remediated.

COMMENT #29: Staff commented there are many sites regulated by federal statutes for which the Missouri Risk-Based Corrective Action (MRBCA) may be in conflict and should not be used.
RESPONSE: The Environmental Protection Agency (EPA) has been a party in the development of this rule, including several sites that were used as pilots for examining how the rule would be used. EPA will consider the rule's applicability upon it's becoming effective. The department anticipates a memorandum of understanding with EPA on how this rule would be implemented on sites regulated by federal statutes.

COMMENT #30: Staff commented rinsate samples should be included as a data quality measure to assure field sampling equipment is properly decontaminated.
RESPONSE AND EXPLANATION OF CHANGE: We agree. Rinsate is added to the list in paragraph (17)(D)2.

COMMENT #31: Staff commented the rule should include submittal of a title insurance commitment or other documentation demonstrating the property is free and clear of liens or identifying lienholders that may need to be parties to an environmental covenant, as well as identify any needs to address subordination of liens to the environmental covenant.
RESPONSE AND EXPLANATION OF CHANGE: We agree, and the language is changed to reflect this.

COMMENT #32: At a minimum, the technical guidance should include DTLs in addition to tier 1 RBTLs.
RESPONSE AND EXPLANATION OF CHANGE: Agreed. These values are included in the present document and should be reviewed routinely, and the rule is changed in paragraph (23)(A)2.

10 CSR 25-18.010 Risk-Based Corrective Action Process

(2) Applicability.

(D) Where necessary to promote the public benefit of remediating a "brownfield" or other voluntary cleanup site, a remediating party who is substantially in compliance with the EPA All Appropriate Inquiries rule (40 CFR Part 312) and who, along with the property owner or operator if different from the remediating party, did not cause nor contribute to the release or potential release of a hazardous material at the site, may apply the requirements of sections (8), (11), (14), (15), and (16) and subsections (4)(B), (9)(J), (18)(A), and (19)(A) of this rule, to the property subject to voluntary remediation rather than the entire site.

(4) Risk-Based Corrective Action Process. This section identifies the steps in the process. Requirements for steps (B) through (G) are contained in succeeding sections. The department shall establish a Memorandum of Understanding with the Missouri Department of Health and Senior Services (DHSS) to effectively involve DHSS in the risk assessment activities in the risk-based corrective action process.

(A) Determination and Abatement of Imminent Threat(s). When imminent threats are discovered, the remediating party shall inform the department immediately. Upon completion of imminent threat abatement actions, the remediating party shall submit a report to the department that documents the activities and confirms that all imminent threats have been abated.

(B) Initial Site Characterization and Comparison with Default Target Levels. The remediating party shall perform an initial site characterization. The initial site characterization shall be conducted to identify with certainty the maximum concentrations of the contaminants or chemicals of concern in each impacted environmental

media and compare the sample concentrations with default target levels (DTLs) and, to the extent needed, water quality criteria (10 CSR 20-7.031). Impacts are to be delineated to the higher of DTLs or other residential levels necessary to protect the receptors from complete exposure pathways. This initial comparison is not required if the remediating party has chosen to conduct a tier 1 or tier 2 analysis. The extent of contamination and complete exposure pathways, not the property boundaries, determine the extent of site-specific data collection and analysis.

(C) Development and Validation of Conceptual Site Model. If the maximum concentrations of COCs exceed the DTLs, or the DTLs are not selected as the cleanup levels, the remediating party shall develop and validate a conceptual site model. A conceptual site model shall qualitatively and/or quantitatively describe the relevant site-specific factors that determine the risk COCs pose to human health and the environment. If the contaminants are below the default target levels, the remediating party may request a letter of completion.

(D) Acceptable Risk. For the MRBCA process, the acceptable risk levels are—

1. Carcinogenic risk. The total risk for each chemical, which is the sum of risk for all complete exposure pathways for each chemical, shall not exceed 1×10^{-5}. The cumulative site-wide risk (sum of risk for all chemicals and all complete exposure pathways) shall not exceed 1×10^{-4}; and

2. Non-carcinogenic risk. The hazard index for each chemical, which is the sum of hazard quotients for all complete exposure pathways for each chemical (the total risk), shall not exceed 1.0. The sitewide hazard index, which is the sum of hazard quotients for all chemicals and all complete exposure pathways, shall not exceed 1.0.

3. If the hazard index exceeds 1.0, a qualified toxicologist may calculate the hazard index corresponding to a specific toxicological end point.

(E) Tier 1 Risk Assessment. Based on the comparison of representative concentrations and tier 1 risk-based target levels or calculated site risk with target risk, the remediating party may—

1. Request a determination from the department that the residual concentrations are protective of human health, public welfare, and the environment. If the concentrations are below the tier 1 risk-based target levels, the remediating party may request a letter of completion;

2. Adopt tier 1 risk-based target levels and submit a Risk Management Plan to manage the risk associated with these levels; or

3. Perform a tier 2 risk assessment. Unless performing a tier 2 risk assessment, upon completion of the tier 1 risk assessment, the remediating party shall submit a tier 1 risk assessment report to the department.

(F) Tier 2 Risk Assessment. Tier 2 risk assessments allow for the use of site-specific fate and transport parameters to calculate site-specific target levels. Tier 2 site-specific target levels are calculated values based on site-specific data, including but not limited to the nature and extent of contamination and physical characteristics of the site. After the tier 2 site-specific target levels have been calculated, the results shall be compared with representative COC concentrations at the site. Based on the comparison results, the remediating party may—

1. Request a determination from the department that the residual concentrations are protective of human health, public welfare, and the environment;

2. Adopt calculated tier 2 site-specific target levels as cleanup levels and develop a risk management plan to manage the risk associated with these levels; or

3. Develop a work plan for a tier 3 risk assessment. Upon completion of the tier 2 risk assessment, the remediating party shall provide a tier 2 risk assessment report to the department.

(G) Tier 3 Risk Assessment. The remediating party shall submit a work plan to the department and receive approval prior to the performance of a tier 3 risk assessment. Upon completion of the tier 3 risk assessment, the remediating party shall provide a tier 3 risk assessment report to the department.

(H) Development, Approval, and Implementation of Risk Management Plan (RMP). The risk management plan shall protect human health, public welfare, and the environment under current and reasonably anticipated future use conditions. An RMP shall be developed after the department approves media-specific cleanup levels under any of the tiers. Where residual contamination will be left in place above unrestricted use levels, the RMP shall include an AUL as an integral part of the plan. The RMP shall be implemented as written and approved. Data shall be collected and analyzed to evaluate the performance of the plan and, if needed, to implement modifications. If additional information becomes available while or after the RMP has been implemented that shows the site poses an unacceptable risk to human health, public welfare, or the environment, or that the land use has changed and is no longer compatible with the risk management plan, the department may rescind its decision and require further action at the site.

(8) Conceptual Site Model.

(A) Components of Conceptual Site Model. The remediating party shall develop a conceptual site model, including the following key elements:

1. The chemical release scenario, known and suspected source(s), and chemicals of concern (COCs);

2. Spatial and temporal distribution of COCs in the various affected media;

3. Description of any known durable and enforceable land or water use restrictions;

4. Current and reasonably anticipated future land and groundwater use;

5. Description of site stratigraphy, hydrogeology, meteorology, determination of the predominant vadose zone soil type, and identification of surface water bodies that may potentially be affected by site COCs;

6. Remedial activities conducted to date; and

7. An exposure model that identifies the receptors, exposure pathways, and routes of exposure under current and reasonably anticipated future land use conditions.

(C) Exposure Model.

1. In developing an exposure model, the following receptors shall be considered at all sites:

A. Resident;

B. Non-resident worker; and

C. Construction worker.

2. The exposure model shall consider any additional receptors that may be exposed to contamination, both currently and in the future.

3. The exposure model shall include a determination as to whether or not each of the following pathways is complete under current or future conditions:

A. Pathways for surficial soils, defined as zero to three feet (0'–3') below ground surface (bgs):

(I) Leaching to groundwater and potential use of groundwater;

(II) Leaching to groundwater and subsequent migration to a surface water body; and

(III) Ingestion of soil, dermal contact with soil, and outdoor inhalation of vapors and particulates emitted by surficial soils.

B. Pathways for subsurface soils, defined as greater than three feet (3') bgs to the water table:

(I) Volatilization and upward migration of vapors from subsurface soil and potential indoor inhalation of these vapor emissions;

(II) Leaching to groundwater and potential use of groundwater; and

(III) Leaching to groundwater and subsequent migration to a surface water body.

C. Soil pathways applicable to construction worker for soil up to depth of construction.

(I) Ingestion, dermal contact with, and inhalation of vapor emissions and particulates from soil.

D. Groundwater pathway applicable to construction worker.

(I) Outdoor inhalation of vapor emissions.

(II) Dermal contact.

E. Pathways for groundwater—

(I) Volatilization and upward migration of vapors from groundwater and potential indoor inhalation of these vapor emissions;

(II) Volatilization and upward migration of vapors from groundwater and potential outdoor inhalation of these vapor emissions;

(III) Ingestion of water, dermal contact with water, and inhalation of vapors if the domestic use of groundwater pathway is complete;

(IV) Dermal contact with groundwater; and

(V) Migration to a surface water body and potential impacts to surface waters.

F. Other pathways that may need to be considered on a site-specific basis include, but are not necessarily limited to, the following:

(I) Ingestion of surface water;

(II) Contact with surface water during recreational activities (ingestion, inhalation of vapors, and dermal contact);

(III) Contact with (accidental ingestion and dermal contact with) sediments;

(IV) Ingestion of produce grown in impacted soils;

(V) Use of groundwater for irrigation purposes;

(VI) Use of groundwater for industrial purposes; or

(VII) Ingestion of fish or other aquatic organisms that have bioaccumulated COCs through the food chain as a result of surface water or sediment contamination.

(D) Evaluation of the Groundwater Use Pathway.

1. The analysis of current and future groundwater use shall include all groundwater zones beneath or in the vicinity of the site that could potentially be—

A. Impacted by site-specific COCs; or

B. Targeted in the future for the installation of water use wells.

2. The current groundwater domestic use pathway is considered complete if water use wells are located on or near the site, and there is a reasonable probability of impact to the wells or the groundwater zones they intersect by site-specific chemical releases.

A. All public water supply wells within a one (1)-mile radius of the site and all private water wells within a quarter (¼)-mile radius of the site shall be identified. Other distances may be used if prescribed by law, or necessary and appropriate based on COC mobility and hydrogeology.

B. Whether a well might be impacted depends on the hydrogeological conditions, well construction, and use of the well, including the following factors:

(I) Characteristics of soil and rock formations;

(II) Groundwater flow direction;

(III) Hydraulic conductivity;

(IV) Distance to the well;

(V) The zone where the well is screened;

(VI) Casing of the well;

(VII) Well seals and other well construction attributes;

(VIII) Zone(s) of influence and capture generated by well pumpage; and

(IX) Biodegradability and other physical and chemical properties of the COCs.

3. For each zone, the future groundwater use pathway will be judged complete if—

A. There is no ordinance that prohibits well drilling in that zone supported by a memorandum of agreement between the department and a governing body; and

B. The zone is suitable for use and there is a reasonable probability of future use, or the zone is the only viable source of future water supply; and

C. There is a reasonable probability of site impacts to the zone.

4. Evaluation of activity and use limitations (AULs). If an AUL is in place that eliminates the potential that a specified groundwater zone will serve as a future source of domestic water, the presence of the AUL will be considered along with other relevant site-specific domestic use factors. For early relief from consideration of this pathway, an ordinance that prohibits well drilling along with a memorandum of agreement between the department and a governing body can be used to justify an incomplete pathway.

5. Suitability for use determination: For groundwater to be considered a viable domestic water supply source, it shall meet appropriate total dissolved solids (TDS) and yield criteria—

A. Total dissolved solids criteria—Groundwater containing less than ten thousand milligrams per liter (10,000 mg/L) total dissolved solids is considered a potential source of domestic use;

B. Yield criteria—Groundwater zones capable of producing a minimum of one-quarter (¼) gallon per minute or three hundred sixty (360) gallons per day on a sustained basis have sufficient yield to serve as a potential source of domestic use.

6. Determination of sole source/availability of alternative water supplies. If the groundwater zone being considered is the only viable source of water at or in the vicinity of the site, then the remediating party shall assume that future domestic use is reasonable. This conclusion is irrespective of TDS or yield considerations, and this zone shall be evaluated to determine if it is likely to be impacted by COCs from the site. Determining the availability of alternative water supplies should include consideration of other groundwater zones, municipal water supply systems, and surface water sources;

7. Reasonable probability of future use determination. The probability that a groundwater zone could be used as a future source of water for domestic use shall be a weight of evidence determination based on consideration of the following factors:

A. Current groundwater use patterns in the vicinity of the site under evaluation;

B. Suitability of use (TDS and yield criteria);

C. Availability of alternative water supplies;

D. AULs;

E. Urban development considerations for sites in areas of intensive historic industrial or commercial activity, having groundwater zones in hydraulic communication with industrial or commercial surface activity, and located within metropolitan areas with a population of at least seventy thousand (70,000) as established by the 1970 census; and

F. Aquifer capacity limitations (ability to support a given density of production wells).

8. Probability of impact determination. If a groundwater zone has a reasonable probability of future use as a domestic water supply, the zone shall be evaluated for the probability that the zone could be impacted by site COCs. The evaluation shall consider the nature and extent of contamination at the site, site hydrogeology including the potential presence of karst features, contaminant fate and transport factors and mechanisms, and other pertinent variables. To evaluate potential site impacts to groundwater zones that could serve as future water supply sources, the potential impact shall be evaluated at the nearest down-gradient location that could reasonably be considered for installation of a groundwater supply well. In the absence of durable AULs, the nearest location might be on the site itself.

(11) Representative Concentrations.

(C) Additional Information About Representative Concentrations.

1. For surficial soil concentration for leaching to groundwater, the exposure domain is the area of release. The representative surficial soil concentration is calculated using surficial soil data collected within this exposure domain.

2. For the surficial soil direct contact pathway, the representative concentration is based on the receptor's exposure domain, which is the area of the site over which the receptor might be exposed to the surficial soil. In the absence of specific information about the receptor's activities, the unpaved portion of a site is the receptor's exposure domain. For potential future exposures in the absence of any engineered controls, assume the pavement will be removed and the receptor will be exposed to surficial soil. For a non-resident worker, the average concentration over the domain may be used. For a child receptor (actual or potential and for residential land use), the maximum concentration is used and the representative concentration need not be calculated.

3. For subsurface soil, consider two (2) exposure pathways: leaching of residual chemical concentrations from subsurface soil to groundwater, and indoor inhalation of vapor emissions. Calculate a representative concentration for each complete pathway. Calculate additional representative concentrations if the receptor's domain differs under current and reasonably anticipated future conditions.

4. For the construction worker receptor, consider incidental ingestion, dermal contact and outdoor inhalation of vapors and particulates from soil, outdoor inhalation of vapors from groundwater, and dermal contact with groundwater. For representative soil concentration for the construction worker, no distinction is made between surficial and subsurface soil. Estimate the representative concentration based on the depth of construction and the areal extent of construction. If the areal extent of the construction area is not known, assume construction will be within the area of release unless there are site limitations that would prevent construction in that area. For representative groundwater concentrations for construction worker, estimate the areal extent of the construction zone. The representative concentration is calculated using data from within this zone.

5. Groundwater.

A. For groundwater, consider three (3) exposure pathways: ingestion, dermal contact, and indoor inhalation of vapor emissions from groundwater. The analysis considers specific aquifers that are or might be used for domestic use or in any other manner in which dermal contact could occur. Representative concentrations shall be calculated for each aquifer that is or is reasonably likely to be used for domestic purposes. The shallowest aquifer is considered for the indoor inhalation of vapor emissions from groundwater pathway.

B. For the groundwater domestic use pathway, maximum contaminant levels (MCLs) or, where MCLs are not established, calculated risk-based concentrations shall be met at the point of exposure. The point of exposure well may be hypothetical. One (1) or more point-of-demonstration wells shall be established, if possible. Target concentrations shall be calculated for both point of exposure and point-of-demonstration wells. The representative concentration at the point of exposure or demonstration are calculated as follows. If chemical concentrations in groundwater are stable, the representative concentration is the arithmetic average of the most recent data collected over a period of at least two (2) years on at least a quarterly basis. If chemical concentrations are decreasing, the representative concentration is the arithmetic average of the most recent data collected over a period of at least one and one-half (1½) years on at least a quarterly basis.

C. For representative groundwater concentration for the protection of indoor inhalation, use a model approved by the department.

D. For the indoor inhalation of vapors from groundwater pathway, the calculation of multiple representative concentrations may be required if the plume has migrated below several current or potential future buildings.

E. For representative groundwater concentration for dermal contact, use the average concentration of chemicals in the groundwater that a receptor might contact. More than one (1) representative concentration may be needed if a receptor might contact groundwater from more than one (1) aquifer or saturated zone.

(12) Selection of COCs for MRBCA Evaluation.

(C) If more than thirty (30) chemicals are selected as COCs, additional chemicals may be eliminated by the use of the toxicity screen (EPA, 1989). The screening procedure shall identify and possibly eliminate chemicals that are likely to contribute relatively little (less than one percent (1%)) to the total risk. Use the following steps to complete this procedure:

1. Identify the maximum concentration of the chemical in each media;

2. Select the toxicity value(s). For chemicals that have different toxicity values for various routes of exposure, use the most health-protective toxicity value;

3. Estimate the carcinogenic and non-carcinogenic toxicity score by multiplying the concentration with the slope factor, and by dividing the concentration with the reference dose, respectively;

4. Estimate the site score by adding the toxicity score for each chemical and each media. A separate site score is calculated for carcinogenic and non-carcinogenic effects; and

5. Estimate the percent contribution of each chemical to the site score and eliminate chemicals that have a very low score relative to the other chemicals.

(D) Document the rationale for the elimination of any chemicals. During the tier 1, tier 2, or tier 3 evaluation, chemicals that were eliminated shall be reviewed and a determination made of whether their inclusion would have resulted in an unacceptable risk.

(13) Applicable Target Levels. Use the published values as default target levels (DTLs) and tier 1 risk-based target levels. These may also be used in tier 2 evaluation. Use the following parameters to calculate the tiers 2 and 3 site-specific target levels: 1) acceptable risk level; 2) chemical-specific toxicological factors; 3) chemical-specific physical and chemical properties; 4) receptor-specific exposure factors; 5) fate and transport parameters; and 6) mathematical models.

(A) Tier 1 Target Levels. Tier 1 risk-based target levels are calculated for each COC, each receptor (child, adult resident, age-adjusted resident, non-residential worker, and construction worker), and each of the following exposure pathways using conservative assumptions applicable to most Missouri sites. Tier 1 risk-based target levels are not adjusted for the presence of other exposure pathways and COCs, and any additional exposure pathways shall be considered in using these levels. The pathways included in paragraph (8)(B)3. are considered in tier 1.

(B) Tier 2 Target Levels. The remediating party shall calculate the site-specific target levels for all COCs and all complete exposure pathways using technically justifiable, site-specific fate and transport data and taking into consideration target risk and the additive effect of multiple COCs and multiple complete exposure pathways. The default fate and transport models used for developing the tier 1 risk-based target levels shall be used.

(C) Tier 3 Target Levels. Tier 3 target levels are calculated for the pathways listed in paragraph (8)(B)3. In addition, target levels must be calculated for all other complete exposure pathways that may include exposure through, for instance, ingestion of produce grown in impacted soils; use of groundwater for irrigation purposes; use of groundwater for industrial purposes; or ingestion of fish or other aquatic organisms that have bioaccumulated COCs through the food chain as a result of surface water or sediment contamination. Alternative fate and transport models, different exposure factors and scenarios, the most current toxicity factors and chemical and physical properties, and site-specific data may be used to develop tier 3 site specific target levels if approved by the department.

(D) Risk Levels. For carcinogenic effects, risk is quantified using individual excess lifetime cancer risk (IELCR), and, for non-carcinogenic effects, the risk is quantified using a hazard quotient (HQ)

or hazard index (HI). A hazard index is the sum of hazard quotients when multiple chemicals and multiple exposure pathways are evaluated. For evaluating the groundwater domestic use pathway, maximum contaminant levels (MCLs) are used as the target concentrations at the point of exposure. For COCs that do not have MCLs, the target concentration at the point of exposure (POE) is estimated assuming ingestion of, dermal contact with, and indoor inhalation of vapors from groundwater use under residential conditions. Potential impacts to surface waters from a release shall be evaluated against water quality standards (10 CSR 20-7.031). Other potentially toxic substances for which sufficient toxicity data are not available may not be released to waters of the state until safe levels are demonstrated through adequate bioassay studies. Tier 1 risk-based target levels are based on risk levels of 1×10^{-5} for the carcinogenic chemicals and a hazard quotient of 1.0 for non-carcinogenic chemicals and do not account for cumulative site-wide risk. These target levels shall be adjusted to address cumulative site-wide risk at each risk assessment level. The acceptable risk levels are presented in subsection (4)(D).

(14) Conducting a Tier 1 Risk Assessment. If the maximum soil or groundwater concentrations exceed the default target levels (DTLs) and the remediating party wishes to continue the risk-based remedation, the remediating party shall either conduct the cleanup using DTLs as cleanup levels or complete a tier 1 risk assessment as follows. A tier 1 risk assessment consists of the following steps:

(F) Calculate cumulative site-wide risk and compare with acceptable risk at each risk assessment level. The cumulative site-wide risks calculated in this step are compared with acceptable cumulative site-wide risk levels. The cumulative site-wide risk is calculated for each receptor using the following two (2)-step process:

1. The risk of each chemical for each complete (current or future) exposure pathway; and

2. The total risk for each chemical (sum of risk for all exposure pathways) and the site-wide risk (sum of risk of all chemicals for all pathways) for each receptor;

(I) To conclude a remediation at tier 1, the following four (4) conditions must be met:

1. If relevant, a groundwater plume is stable or decreasing. If this condition is not satisfied, the remediating party shall continue groundwater monitoring until the plume is demonstrably stable or successfully run an approved predictive model to demonstrate the extent to which COC concentrations will increase or the areal extent of the plume will expand and how such increases or expansion will effect the conclusions of the tier 1 risk assessment;

2. The maximum concentration of any COC in any sample used in developing a representative concentration is less than ten (10) times the representative concentration of that COC for any exposure pathway. This condition can be met if an exceedance can be explained by any of the following, appropriate action is taken to address the condition, and the department approves the risk assessment with this explanation:

A. The maximum concentration is an outlier; or

B. Other explanation satisfactory to the department;

3. Pursuant to section (18), long-term stewardship is established if any contaminant of concern exceeds unrestricted levels after cleanup; and

4. There are no ecological concerns at the site, as determined by confirmation that the maximum representative concentrations are below levels protective of ecological receptors or completion of the ecological risk assessment. This condition can be met if an unacceptable ecological risk can be managed through actions recommended in the risk management plan and approved by the department; and

(16) Conducting a Tier 3 Risk Assessment. If any of the representative concentrations at the site are above the tier 2 site-specific target levels or if the individual or cumulative site-wide risks exceed acceptable target risk levels, and the remediating party wishes to continue the risk-based remediation, the remediating party shall either conduct the cleanup using tier 2 site-specific target levels or complete a tier 3 risk assessment as follows. A tier 3 risk assessment may use the most recent toxicity factors, physical and chemical properties, site-specific exposure factors, and alternative models. Concluding a tier 3 risk assessment is subject to the conditions in subsection (14)(I). A tier 3 risk assessment consists of the following steps:

(A) Develop a tier 3 work plan. The tier 3 risk assessment must consider the receptors for which risks exceed acceptable levels as determined in tier 2 and any additional receptors identified in tier 3. Receptors for which risks do not exceed acceptable risk levels as determined at tier 2 need not be evaluated. All chemicals of concern (COCs) considered in the tier 2 risk assessment must be considered in the tier 3 analysis unless new data collected after the tier 2 assessment indicates they no longer pose unacceptable risk and the condition can be documented to the department, in which case the COCs may be eliminated from consideration. The department must approve a tier 3 work plan. The technical portion of the work plan shall include but not necessarily be limited to the following:

1. Identification of the receptors that will be evaluated in tier 3;

2. Identification of the COCs and the exposure pathways for which tier 3 risk will be calculated;

3. An explanation of the fate and transport models to be used for the calculation of risk for the identified exposure pathways;

4. A tabulation of the input parameters required to calculate the tier 3 risk and a justification for the use of each selected value;

5. A discussion of the data and the methodology that will be used to calculate the representative concentrations;

6. An explanation of data gaps, if any, that require additional fieldwork and a scope of work for the collection of this data;

7. A discussion of the variability and uncertainty in the input parameters and the manner in which the impact of this variability on the final risk will be evaluated; and

8. An evaluation of ecological risk, if any, in addition to ecological risk assessments previously completed;

(17) Data Quality. Following are the areas that shall be addressed to meet quality assurance/quality control requirements for environmental measurement data collected as part of the MRBCA process. These minimum requirements include the necessary components for work plans submitted for department approval to conduct environmental data collection and the necessary QA/QC documentation to be submitted after data collection.

(D) All analytical data shall be accompanied by QA/QC sample results. The following shall be considered in laboratory QA/QC planning and documentation, if applicable:

1. If the published analytical method used specifies QA/QC requirements within the method, those requirements shall be met and the QA/QC data reported with the sample results;

2. At a minimum, QA/QC samples shall consist of the following items (where applicable):

A. Method/instrument blank;

B. Extraction/digestion blank;

C. Initial calibration information;

D. Initial calibration verification;

E. Continuing calibration verification;

F. Laboratory fortified blanks/laboratory control samples;

G. Duplicates;

H. Matrix spikes/matrix spike duplicates;

I. Rinsate when equipment will be reused; and

J. Documentation of appropriate instrument performance data such as internal standard and surrogate recovery.

(18) Long-Term Stewardship (LTS) for Risk-Based Corrective Action Sites.

(D) Environmental covenants shall be enforceable by the department and shall contain the following elements:

1. State that the instrument is an environmental covenant executed under sections 260.1000 to 260.1039, RSMo;

2. Contain a legally sufficient description of the real property subject to the covenant;

3. Describe the activity and use limitations on the real property;

4. Identify every holder. In addition, identify any lienholder or person who otherwise owns a prior interest in the property as described in section 260.1006.1, RSMo, and whether such interests are subordinated to the environmental covenant, or alternatively, provide a title insurance commitment or other documentation demonstrating the property is free and clear of liens;

5. Be signed by the department, every holder, and, unless waived by the department, every owner of the fee simple of the real property subject to the covenant; and

6. Identify the name and location of any administrative record for the environmental response project reflected in the environmental covenant.

(G) Ordinances and Supporting Memoranda of Agreement. An ordinance and supporting memorandum of agreement may be used as an AUL if it prohibits the installation of water supply wells and requires the closure of any existing private wells, but does not expressly prohibit the installation of public potable water supply wells and require the closure of such wells owned and operated by units of local government that are part of the agreement. Monitoring wells shall not be used for providing a potable water supply, and shall be managed in accordance with 10 CSR 23-4. In a request for approval of a local ordinance and supporting memorandum of agreement as an AUL, the remediating party shall submit the following to the department:

1. A copy of the ordinance restricting groundwater use, including prohibitions on new wells, certified by an official of the unit of local government representative of the area in which the site is located that it is a true and accurate copy of the ordinance, and supporting information including—

A. A scaled map(s) delineating the area and extent of groundwater contamination above the applicable remediation objectives including a summary of any measured data showing concentrations of chemicals of concern for which the applicable remediation objectives are exceeded;

B. Scaled map delineating the boundaries of all properties under which groundwater is located that exceeds the applicable groundwater remediation objectives and information identifying the current owner(s) of each property identified in the boundary map;

C. Documentation that the current owners identified in subparagraph (18)(G)1.B. above have been notified that groundwater that extends beneath their property is the subject of a risk-based cleanup and that each has been sent a copy of this request as submitted to the department; and

D. Documentation that the current property owners identified in subparagraph (18)(G)1.B. above have been notified of the intent to use the local ordinance as an AUL; and

2. A supporting memorandum of agreement (MOA) between the department and the local government which includes the following provisions:

A. Identification of the authority of the unit of local government to enter into the MOA;

B. Identification of the legal boundaries, or equivalent, to which the ordinance is applicable;

C. A certified copy of the ordinance expressly prohibiting the installation of public and private potable water supply wells, the use of such wells, and the closure of existing wells;

D. A commitment by the unit of local government to notify the department of any variance requests or proposed ordinance changes at least thirty (30) days prior to the date the local government is scheduled to take action on the request or proposed change;

E. A commitment by the unit of local government to maintain a list of all sites within the geographical unit of local government that have received letters of completion under the MRBCA process;

F. A provision that allows departmental access to information necessary to monitor adherence to requirements in subparagraphs (18)(G)2.D. and (18)(G)2.E. above;

G. If applicable, the terms of any commitment by the local government to reimburse the department for periodic review of the local ordinance and actions relating to it, and for any actions taken by the department to address increased risks that arise from actions taken by the local government on the ordinance or related to it; and

H. The commitment of the local government to enforce the ordinance.

(J) Well location and construction restrictions pursuant to 10 CSR 23-3 may be used as AULs to the extent that they restrict access to certain groundwaters and thus limit the pathway for contaminants.

(19) Risk Management Plan.

(A) A risk management plan shall encompass all activities necessary to manage a site's risk to human health, public welfare, and the environment so that acceptable risk levels are not exceeded under current or reasonably anticipated future land use conditions. The risk management plan shall ensure that assumptions made in the estimation of risk and development of applicable target levels are not violated in the future, and the groundwater extent of contamination is stable or decreasing. A site-specific risk management plan, approved by the department, is required at a site under any one (1) of the following conditions:

1. The total (sum of all pathways) carcinogenic risk for any COC exceeds 1×10^{-5};

2. The hazard index (sum of all pathways) for any COC exceeds 1.0 (or, if appropriate, the hazard index for individual organ, system, or mode of action);

3. The cumulative site-wide carcinogenic risk (sum of COCs and all exposure pathways) exceeds 1×10^{-4};

4. The site-wide hazard index (sum of COCs and all exposure pathways) for individual adverse health effects exceeds 1.0 (or, if appropriate, the hazard index for individual organ, system, or mode of action);

5. Although neither the carcinogenic or non-carcinogenic risk for any COC nor the site-wide risk exceeds acceptable levels, the risk assessment was based on site-specific assumptions that require a risk management plan;

6. Although neither the carcinogenic nor non-carcinogenic risk for any COC nor the site-wide risk exceeds acceptable levels, the groundwater plume is expanding and such expansion, either as an increase in COC concentrations or a physical expansion of the plume, would result in unacceptable risks;

7. There are hot spots where sample results exceed ten (10) times average concentrations, and these pose unacceptable risks; or

8. Ecological risk does not meet the acceptable criteria.

(B) Successful implementation of the risk management plan will result in a letter of completion from the department. The department will approve the risk management plan as submitted or provide comments. Upon receipt of approval, the remediating party shall implement the plan. The plan shall include—

1. Rationale explaining why the risk management plan was prepared and the specific objectives of the plan;

2. Reference to the approved risk assessment report;

3. An explanation of technologies to be used to reduce mass, concentration, or mobility of COCs to meet the applicable target levels determined for the site or specific engineering activities to be used to mitigate excessive risks;

4. Data to be collected and quality control/quality assurance procedures for collection, documentation, analysis, and reporting during the implementation of the risk management plan;

5. Application of long-term stewardship provisions to eliminate certain pathways of exposure or to ensure pathways remain incomplete under current and reasonably anticipated future uses and that site information remains publicly available;

6. If needed, monitoring demonstrating plume stability or the effectiveness of monitored natural attenuation;

7. A schedule for implementation of the plan, including all major milestones and all deliverables to the department, and a requirement to conduct a review five (5) years following completion where appropriate. Such a requirement would be included in an AUL;

8. Criteria to determine whether the risk management plan has been successfully implemented; and

9. As needed, contingency plans if the risk management plan fails to provide adequate protection in a timely manner.

(23) MRBCA Technical Guidance.

(A) DNR shall develop and maintain a technical guidance document for implementation of the MRBCA process that shall include, at a minimum, the following:

1. Equations and default factors to be used in the derivation of RBTLs and SSTLs;

2. Tables of DTLs and tier 1 RBTLs; and

3. Additional elaboration or description that may be useful for implementing the MRBCA process not covered in this rule.

(B) Significant changes to the DNR MRBCA technical guidance will occur only after a stakeholder process that includes, at a minimum, the following:

1. Stakeholder notification of proposed changes a minimum of sixty (60) days prior to issuance of new guidance;

2. Opportunity for stakeholder input, including submission of written comments, prior to the issuance of the new guidance; and

3. DNR shall prepare and distribute responses to stakeholder comments prior to issuance of the new guidance.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2085—Board of Cosmetology and Barber Examiners
Chapter 12—Schools and Student Rules—Barber and Cosmetology

ORDER OF RULEMAKING

By the authority vested in the Board of Cosmetology and Barber Examiners under sections 328.090, 328.120, 329.025.1, and 329.040, RSMo Supp. 2008, the board amends a rule as follows:

20 CSR 2085-12.010 General Rules and Application Requirements for All Schools **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2009 (34 MoReg 1195). 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 2120—State Board of Embalmers and Funeral Directors
Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Board of Embalmers and Funeral Directors under sections 333.061 and 333.121, RSMo Supp. 2008 and sections 333.091, 333.111, and 333.145, RSMo 2000, the board amends a rule as follows:

20 CSR 2120-2.070 Funeral Establishments **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2009 (34 MoReg 1196). 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 2120—State Board of Embalmers and Funeral Directors
Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Board of Embalmers and Funeral Directors under sections 333.061 and 333.121, RSMo Supp. 2008 and sections 333.091, 333.111, and 333.145, RSMo 2000, the board amends a rule as follows:

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

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2009 (34 MoReg 1196–1197). 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.

DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
Chapter 10—Liquefied Petroleum Gases

FISCAL YEAR 2010 BUDGET PLAN

PURPOSE: This proposed budget is filed in compliance with the provisions of section 323.025.10, RSMo Supp. 2008 which requires the Missouri Propane Gas Commission to prepare and submit a budget plan for public comment.

INCOME:

Estimated Assessments: (twelve months at 2/10 cent)	$630,000
Interest Income:	600
Total Income:	**$630,600**

EXPENSES:

Furnishings, Equipment, and Vehicle	$ 36,000
Rent, Utility, and Communication Expenses	28,000
Professional and Contract Services	28,400
Operating Expenses	34,400
Personnel Expenses	277,000
Employee Benefits	39,500
Inspection and Meeting Expenses	111,500
Insurance Expenses	5,000
Total Expenses:	**$559,800**

AUTHORITY: section 323.025.10, RSMo Supp. 2008.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed budget with the Missouri Propane Gas Commission, 4110 Country Club Dr., Ste. 200, Jefferson City, MO 65109-0302. 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 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 October 1, 2009.

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 4:00 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. 2008, 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 # MP041229091

Renewal Applicant's Name & Age: Marc Christopher Grooms, 39.
Relevant Physical Condition: Mr. Grooms has Amblyopia in his right eye and his best-corrected visual acuity in the right eye is 20/60 Snellen and uncorrected is 20/200. His best corrected and uncorrected visual acuity in his left eye is 20/20 Snellen.

Relevant Driving Experience: Employed for a company located in St. Charles, Missouri, as a route sales driver from April 1992 to present. He drives a straight truck, dump truck, and flat truck approximately three (3) hours per day. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in June 2009, his optometrist certified, "In my medical opinion, Mr. Groom'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 # MP041229090

Renewal Applicant's Name & Age: Calvin J. Leong, 58.
Relevant Physical Condition: Mr. Leong has Refractive Amblyopia in his right eye and his best-corrected and uncorrected visual acuity in the right eye is 20/400 Snellen. His best corrected visual acuity in his left eye is 20/30 Snellen.

Relevant Driving Experience: Employed as a route sales driver/rep in St. Louis, Missouri, from 1991 to present. He drives a straight truck and step van approximately seven (7) hours per day. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in May 2009, his optometrist certified, "In my medical opinion, Mr. Leong'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 # MP090609021

Applicant's Name & Age: Eric C. Hammer, 37.
Relevant Physical Condition: Mr. Hammer has Amblyopia in his left eye and his best-corrected and uncorrected visual acuity in the left eye is 20/400 Snellen. His best corrected visual acuity in his right eye is 20/20 Snellen.

Relevant Driving Experience: Employed with an electric utility company in House Springs, Missouri, from 2001 to present. He drives a straight truck/line truck approximately seven (7) hours per day. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in June 2009, his optometrist certified, "In my medical opinion, Mr. Hammer'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.

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: August 3, 2009

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 September 21, 2009. These applications are available for public inspection at the address shown below:

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

08/10/09
#4403 NS: St. Joseph's Home
Jefferson City (Cole County)
$5,380,340, Renovate/modernize 100-bed intermediate care facility

#4404 HS: St. Louis Children's Hospital
St. Louis (St. Louis City)
$1,635,292, Replace cardiac cath lab

Any person wishing to request a public hearing for the purpose of commenting on this application must submit a written request to this effect, which must be received by September 10, 2009. 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.

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 CORPORATE DISSOLUTION

TO ALL CREDITORS OF AND CLAIMANTS AGAINST

PINNACLE FINANCIAL SERVICES, INC.

Effective July 28, 2009, PINNACLE FINANCIAL SERVICES, INC., a Missouri corporation (the "Company"), filed its Articles of Dissolution with the Missouri Secretary of State and was voluntarily dissolved.

The Company requests that all persons and entities with claims against the Company present them in accordance with this notice.

All claims against the Company must be in writing and must include the name, address and telephone number of the claimant, the amount of the claim or other relief demanded, the basis of the claim, the date or dates on which the events occurred which provide a basis for the claim, and copies of any available document supporting the claim. All claims should be mailed to Howard H. Kaplan, Stinson Morrison Hecker LLP, 168 North Meramec Avenue, Suite 400, St. Louis, Missouri 63105.

Any claim against the Company will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the publication of this notice.

NOTICE OF CORPORATE DISSOLUTION

TO ALL CREDITORS OF AND CLAIMANTS AGAINST

ASH APARTMENTS, INC.

Effective July 1, 2009, ASH APARTMENTS, INC., a Missouri corporation (the "Company"), filed its Articles of Dissolution with the Missouri Secretary of State and was voluntarily dissolved.

The Company requests that all persons and entities with claims against the Company present them in accordance with this notice.

All claims against the Company must be in writing and must include the name, address and telephone number of the claimant, the amount of the claim or other relief demanded, the basis of the claim, the date or dates on which the events occurred which provide a basis for the claim, and copies of any available document supporting the claim. All claims should be mailed to Michael E. Long, Stinson Morrison Hecker LLP, 168 North Meramec Avenue, Suite 400, St. Louis, Missouri 63105.

Any claim against the Company will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the publication of this notice.

NOTICE OF DISSOLUTION OF
LIMITED LIABILITY COMPANY

TO ALL CREDITORS OF AND CLAIMANTS AGAINST
THE SHIELD EXTERIORS, LLC

On July 17, 2009, The Shield Exteriors, LLC, a Missouri limited liability company, filed its Notice of Winding Up with the Missouri Secretary of State. Persons or entities having a claim against the Company should send such claims to Allen D. Kircher, 330 Jefferson St., St. Charles, Missouri 63301. All claims must include the following information: 1) The name and address of the claimant; 2) The amount claimed; 3) The date the claim arose; 4) The basis of the claim; and 5) any documentation to support 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 LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
MARYLAND APARTMENTS, L.L.C.**

On July 1, 2009, Maryland Apartments, L.L.C. a Missouri limited liability company, filed its Notice of Winding Up for limited liability company with the Missouri Secretary of State, effective on the filing date. Dissolution was effective July 1, 2009.

Said company requests that all persons and organizations who have claims against it present them immediately by letter to the company at: Maryland Apartments, L.L.C. c/o Michael E. Long, Esq., Stinson Morrison Hecker LLP, 168 N. Meramec Avenue, Suite 400, St. Louis, Missouri 63105. All claims must include the name, address and telephone number of the claimant; the amount of the claim; the basis for the claim; the date on which the claim arose; and documentation for the claim.

All claims against Maryland Apartments, L.L.C. will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

NOTICE OF WINDING UP FOR
LIMITED LIABLIITY COMPANY
PRO ELECTRIC SERVICES, L.C.

On July 13, 2009, Pro Electric Services, L.C., a Missouri limited liability company (the "Company") filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State.

Persons and organizations with claims against Pro Electric Servcies, L.C. should present said claims immediately by letter to the Company, c/o Affinity Law Group, LLC, Attn: Kathleen Bilderback, 755 South New Ballas Road, Suite 140, St. Louis, Missouri 63141.

All claims to Pro Electric Servcies, L.C. must include (1) the name, address, and phone number of the claimant; (2) the amount claimed; (3) the basis of the claim; (4) the date on which the claim arose; and (5) documentation supporting the claim.

NOTICE: Because of the winding up of Pro Electric Servcies, L.C., any claims against it will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication date of the notices authorized by statute, whichever is published last.

Notice of Winding up for Midwest Heart and Vascular, LLC

On July 6, 2009, Midwest Heart and Vascular, LLC filed its notice of Winding up with the Missouri Secretary of State.

Persons with claims against the limited liability company should present them in accordance with the following procedure:

A. In order to file a claim with the limited liability company, you must furnish the following:
   1. Amount of the claim
   2. Basis for the claim
   3. Documentation of the claim.

B. The claim must be mailed to:
   James T. Buckley
   Buckley & Buckley
   121 East Fourth Street
   Sedalia, Missouri 65301

A claim against a limited liability company will be barred unless proceedings to enforce the claim is commenced within three (3) years after publication of this notice.

NOTICE OF DISSOLUTION
OF A LIMITED LIABILITY COMPANY
TO ALL CREDITORS AND CLAIMANTS
AGAINST T.R. HUGHES HOME MORTGAGE CO., L.L.C.
D/B/A T.R. HUGHES HOME MORTGAGE COMPANY

Notice is hereby given that T.R. Hughes Home Mortgage Co., L.L.C., d/b/a T.R. Hughes Home Mortgage Company, a Missouri limited liability company (the "Company"), is being liquidated and dissolved pursuant to the Missouri Limited Liability Company Act (the "Act"). This notice is being given pursuant to Section 347.137 of the Act.

All persons with claims against the company should submit them in writing in accordance with this notice to: Vatterott, Shaffar & Dolan, P.C., Attn: FJV, 2458 Old Dorsett Road, Suite 230, Maryland Heights, MO 63043.

Claims against the Company must include: the claimant's name, address and phone number, the amount claimed, the date the claim arose, the basis of the claim, and documentation supporting the claim.

A claim against the Company will be barred unless a proceeding to enforce the claim is enforced within three years after the publication of this notice.

**Notice of Dissolution To All Creditors of And
Claimants Against Andoah Development Company LLC**

On July 30, 2009, Andoah Development Company LLC, a Missouri limited liability company, organized on September 4, 2003, Charter #LC0541635, filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State. Dissolution was effective on July 30, 2009.

Said limited liability company requests that all persons and organizations who have claims against it present them immediately in accordance with the Notice of Winding Up by letter to the company at:

Martin Huhmann
c/o Schlagel Gordon & Kinzer, LLC
201 E. Loula St.
Olathe, KS 66061

All claims must include name and address of the claimant, the amount claimed, the basis for the claim, and the date(s) on which the event(s) on which the claim is based occurred, a brief description of the nature of the debt or the basis for the claim.

NOTICE: Because of the dissolution of Andoah Development Company LLC, any claims against it will be barred unless a proceeding to enforce the claim is commenced within three years after the publication date of the three notices authorized by statute, whichever is published last.

NOTICE OF CORPORATE DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST TELE/SYSTEMS-INVENTORY MANAGEMENT, INC.

On July 7, 2009, Tele/Systems-Inventory Management, Inc., a Missouri corporation, filed its Articles of Dissolution with the Missouri Secretary of State effective on the filing date. Tele/Systems-Inventory Management, Inc. requests all persons and organizations having claims against it to present them immediately by letter to Virginia G. Pasewark, 711 Old Ballas Road, Suite 102, St. Louis, Missouri 63141. All claims must include the name, address and telephone number of the claimant, the amount claimed, the basis for the claim, the date of the claim, and attachment of all appropriate supporting documents.

NOTICE: Because of the dissolution of Tele/Systems-Inventory Management, Inc., any claims against it will be barred unless a proceeding to enforce the claim is commenced within two years after the publication date.

NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST ACCUNET COMMUNICATIONS GROUP, LLC

On June 19, 2009, AccuNet Communications Group, LLC, a Missouri limited liability company, filed its Notice of Winding Up with the Missouri Secretary of State effective on the filing date. AccuNet Communications Group, LLC requests all persons and organizations having claims against it to present them immediately by letter to Timothy Kramer, 2255 Muegge Road, St. Charles, Missouri 63303. All claims must include the name, address and telephone number of the claimant, the amount claimed, the basis for the claim, the date of the claim, and attachment of all appropriate supporting documents.

NOTICE: Because of the dissolution of AccuNet Communications Group, LLC, any claims against it will be barred unless a proceeding to enforce the claim is commenced within three years after the publication date.

NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST ACCUNET COMMUNICATIONS, LLC

On June 19, 2009, AccuNet Communications, LLC, a Missouri limited liability company, filed its Notice of Winding Up with the Missouri Secretary of State effective on the filing date. AccuNet Communications, LLC requests all persons and organizations having claims against it to present them immediately by letter to Timothy Kramer, 2255 Muegge Road, St. Charles, Missouri 63303. All claims must include the name, address and telephone number of the claimant, the amount claimed, the basis for the claim, the date of the claim, and attachment of all appropriate supporting documents.

NOTICE: Because of the dissolution of AccuNet Communications, LLC, any claims against it will be barred unless a proceeding to enforce the claim is commenced within three years after the publication date.

NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST ACCUNET COMMUNICATIONS MIDWEST, LLC

On June 19, 2009, AccuNet Communications Midwest, LLC, a Missouri limited liability company, filed Its Notice of Winding Up with the Missouri Secretary of State effective on the filing date. AccuNet Communications Midwest, LLC requests all persons and organizations having claims against it to present them immediately by letter to Timothy Kramer, 2255 Muegge Road, St. Charles, Missouri 63303. All claims must include the name, address and telephone number of the claimant, the amount claimed, the basis for the claim, the date of the claim, and attachment of all appropriate supporting documents.

NOTICE: Because of the dissolution of AccuNet Communications Midwest, LLC, any claims against it will be barred unless a proceeding to enforce the claim is commenced within three years after the publication date.

NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST TELE/SYSTEMS HOLDINGS, LLC

On June 19, 2009, Tele/Systems Holdings, LLC, a Missouri limited liability company, filed its Notice of Winding Up with the Missouri Secretary of State effective on the filing date. Tele/Systems Holdings, LLC requests all persons and organizations having claims against it to present them immediately by letter to Timothy Kramer, 2255 Muegge Road, St. Charles, Missouri 63303. All claims must include the name, address and telephone number of the claimant, the amount claimed, the basis for the claim, the date of the claim, and attachment of all appropriate supporting documents.

NOTICE: Because of the dissolution of Tele/Systems Holdings, LLC, any claims against it will be barred unless a proceeding to enforce the claim is commenced within three years after the publication date.

NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST OZARKS MARBLE & GRANITE, L.L.C.

On July 13, 2009, OZARKS MARBLE & GRANITE, L.L.C., a Missouri limited liability company ("Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date.

All persons and organizations must submit to Company, c/o Thomas D. Peebles, Jr., Carnahan, Evans, Cantwell & Brown, P.C., 2805 S. Ingram Mill, Springfield, Missouri 65804, a written summary of any claims against Company, including: 1) claimant's name, address and telephone number; 2) amount of claim; 3) date(s) claim accrued (or will accrue); 4) brief description of the nature of the debt or the basis for the claim; and 5) if the claim is secured, and if so, the collateral used as security.

Because of the dissolution, any claims against Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the last of filing or publication of this Notice.