

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

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 If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission.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

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

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

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

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

mit, or by other lawful possessor. Except for deer and turkeys taken in Missouri, persons possessing wildlife taken by another shall plainly label that wildlife with the full name, address, and permit number of the taker and the date taken, except that Missouri limits shall apply on Missouri waters unless otherwise provided by reciprocal agreement. Deer and turkeys reported in accordance with established procedures, when labeled with the full name, address, date taken, and Telecheck confirmation number of the taker, may be possessed, transported, and stored by anyone. Wildlife legally taken and exported from another state or country may also be shipped into Missouri by common carrier[.], **except cervid carcasses or cervid carcass parts. The importation, transportation, or possession of cervid carcasses or cervid carcass parts taken from or obtained outside of Missouri is prohibited, except for meat that is cut and wrapped; meat that has been boned out; quarters or other portions of meat with no part of the spinal column or head attached; hides or capes from which all excess tissue has been removed; antlers; antlers attached to skull plates or skulls cleaned of all muscle and brain tissue; upper canine teeth; and finished taxidermy products. Carcasses or parts of carcasses with the spinal column or head attached may be transported into the state only if they are reported to an agent of the department within twenty-four (24) hours of entering the state and then taken to a licensed meat processor or taxidermist within seventy-two (72) hours of entry. Licensed meat processors and taxidermists shall dispose of the discarded tissue in a properly permitted landfill.**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. Original rule filed Aug. 14, 1970, effective Dec. 31, 1970. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 25, 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 David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. 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.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 4—Wildlife Code: General Provisions**

PROPOSED AMENDMENT

3 CSR 10-4.135 Transportation. The commission proposes to amend section (1) of this rule.

PURPOSE: This amendment establishes the requirements and procedures necessary to import, transport, or possess cervid carcasses or cervid carcass parts taken from or obtained outside of Missouri for the purpose of reducing the risk of introducing chronic wasting disease (CWD).

(1) Wildlife legally taken by sport hunting and fishing may be possessed and transported into, within, or out of this state as personal baggage of the taker, who has in his/her possession the required per-

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED RESCISSION

3 CSR 10-5.422 Youth Firearms Antlerless Deer Hunting Permit. This rule established a permit that allowed the taking of antlerless deer by youth.

PURPOSE: This rule is being rescinded as the Youth Firearms Antlerless Deer Hunting Permit has been eliminated.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed May 21, 2007, effective July 1, 2007. Rescinded: Filed Sept. 25, 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 David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-6.410 Fishing Methods. The commission proposes to amend section (4) of this rule.

PURPOSE: This amendment clarifies requirements for using unanchored jug lines.

(4) Live bait traps, hooks, trotlines, throwlines, limb lines, bank lines, or anchored jug lines (rendered immobile from the location where set) may not be left unattended for more than twenty-four (24) hours or must be completely removed. Unanchored jug lines in streams must be [personally] attended at all times[.] by the permittee's immediate presence. Unanchored jug lines in impounded waters must be attended by the permittee's immediate presence at least one (1) time per hour. For purposes of this section, immediate presence is defined as within sight of the location of equipment in order to personally claim or identify such equipment during inspection by an agent of the department.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Sept. 25, 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 David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-6.550 Other Fish. The commission proposes to amend section (2) of this rule.

PURPOSE: This amendment specifies that bighead carp, common carp, grass carp, and silver carp may be taken by a hand net and possessed in any number, and also that those jumping from the water on or into a watercraft, or onto land, may be taken and possessed in any number.

(2) Methods and Seasons.

(G) Bighead carp, common carp, grass carp, and silver carp can be taken by hand net and those that jump from the water on or into a watercraft, or onto land, may also be taken and possessed in any number.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Sept. 25, 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 David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 8—Wildlife Code: Trapping: Seasons, Methods**

PROPOSED AMENDMENT

3 CSR 10-8.515 Furbearers: Trapping Seasons. The commission proposes to amend sections (5) and (6) of this rule.

PURPOSE: This amendment extends the time period during which trappers can hold live coyotes, red fox, and gray fox and extends the trapping season for cable restraint devices to the last day of February.

(5) Red fox, gray fox, and coyotes may be taken alive during established seasons by prescribed methods and held in captivity. They may not be exported and may only be sold or given to holders of a valid Hound Running Area Operator and Dealer Permit. Live coyotes, red fox, and gray fox may not be possessed after [February] March 15. These animals may be held for no longer than seventy-two (72) hours after capture, except when confined in facilities and cared for as specified in 3 CSR 10-9.220, and after approval by an agent of the department. Complete and current records of all transactions must be maintained showing the county of origin, the species, date captured, date of transfer, and name and permit number of the hound running area operator/dealer receiving each individual animal. These records shall be kept on forms provided by the department and submitted to an agent of the department by April 15. Printed copies of these forms can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and online at www.missouriconservation.org. Records shall be made available for inspection by an authorized agent of the department at any reasonable time.

(6) Furbearers may be taken by trapping through the use of cable restraint devices from December 15 through [January 31] the last day of February, by persons who have successfully completed a cable restraint training course, validated by a certified instructor. Cable restraint devices must be used according to 3 CSR 10-8.510.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. Original rule filed July 23, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 25, 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 David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards**

PROPOSED AMENDMENT

3 CSR 10-9.110 General Prohibition; Applications. The commission proposes to amend sections (3) and (4) and paragraph (3)(E)6. and remove paragraph (3)(F)3. of this rule.

PURPOSE: This amendment removes tiger salamander larvae for sale as live bait and from the Approved Aquatic Species List, requires that trout imported into Missouri be certified free of parasitic copepods, and clarifies the conditions under which fish and other aquatic animals may be held.

(3) Fish[, tiger salamander larvae,] and crayfish may be bought, sold, transported, propagated, taken, and possessed by any person without permit throughout the year in any number or size and by any method providing—

(E) That the privileges of this section apply only to the following:

1. Species listed in the Approved Aquatic Species List (including all subspecies, varieties, and hybrids of the same bought, sold, transported, propagated, taken, and possessed for purposes of aquaculture, but excluding transgenic forms).

2. Species frozen or processed for sale as food products.

3. Species incapable of surviving in fresh water.

4. Fish held only in aquaria, tanks, or other containers having water discharged only into septic systems or municipal waste treatment facilities that are designed and operated according to guidelines of the Missouri Department of Natural Resources or that entirely recirculate all of the water so that none of it shall drain into a water body.

5. Species other than fish held only in aquaria, tanks, or other containers that have the following specifications: all containers including the drain pipe or stand pipe must be completely covered with an intact screen of a maximum mesh size of one-sixteenth inch (1/16") square, and having water discharged only into septic systems or municipal waste treatment facilities that are designed and operated according to guidelines of the Missouri Department of Natural Resources or that entirely recirculate all of the water so that none of

it shall drain into a water body.

6. [Species held only in a closed system from which the escape of live organisms (including eggs, parasite, and diseases) is not possible. The species to be held and the system to be used must receive prior written approval from the director.] Species or systems that do not meet the conditions of paragraphs 1. through 5. above that have been inspected by a representative of the department and received prior written approval from the director. Only closed systems from which the escape of live organisms (including eggs, parasites, and diseases) is not possible will be approved.

(F) Approved Aquatic Species List.

1. Fishes.

A. Shovelnose sturgeon (*Scaphirhynchus platyrhynchus*)

B. Paddlefish (*Polyodon spathula*)

C. Spotted gar (*Lepisosteus oculatus*)

D. Longnose gar (*Lepisosteus osseus*)

E. Shortnose gar (*Lepisosteus platostomus*)

F. Bowfin (*Amia calva*)

G. American eel (*Anguilla rostrata*)

H. Gizzard shad (*Dorosoma cepedianum*)

I. Threadfin shad (*Dorosoma petenense*)

J. Rainbow trout (*Oncorhynchus mykiss*)

K. Golden trout (*Oncorhynchus aquabonita*)

L. Cutthroat trout (*Oncorhynchus clarkii*)

M. Brown trout (*Salmo trutta*)

N. Brook trout (*Salvelinus fontinalis*)

O. Coho salmon (*Oncorhynchus kisutch*)

P. Atlantic salmon (*Salmo salar*)

Q. Northern pike (*Esox lucius*)

R. Muskellunge (*Esox masquinongy*)

S. Goldfish (*Carassius auratus*)

T. Grass carp (*Ctenopharyngodon idella*)

U. Common carp (*Cyprinus carpio*)

V. Bighead carp (*Hypophthalmichthys nobilis*)

W. Golden shiner (*Notemigonus crysoleucas*)

X. Bluntnose minnow (*Pimephales notatus*)

Y. Fathead minnow (*Pimephales promelas*)

Z. River carpsucker (*Carpionodes carpio*)

AA. Quillback (*Carpionodes cyprinus*)

BB. White sucker (*Catostomus commersoni*)

CC. Blue sucker (*Cycleptus elongatus*)

DD. Bigmouth buffalo (*Ictiobus cyprinellus*)

EE. Black bullhead (*Ameiurus melas*)

FF. Yellow bullhead (*Ameiurus natalis*)

GG. Brown bullhead (*Ameiurus nebulosus*)

HH. Blue catfish (*Ictalurus furcatus*)

II. Channel catfish (*Ictalurus punctatus*)

JJ. Flathead catfish (*Pylodictis olivaris*)

KK. Mosquitofish (*Gambusia affinis*)

LL. White bass (*Morone chrysops*)

MM. Striped bass (*Morone saxatilis*)

NN. Green sunfish (*Lepomis cyanellus*)

OO. Pumpkinseed (*Lepomis gibbosus*)

PP. Warmouth (*Lepomis gulosus*)

QQ. Orangespotted sunfish (*Lepomis humilis*)

RR. Bluegill (*Lepomis macrochirus*)

SS. Longear sunfish (*Lepomis megalotis*)

TT. Redear sunfish (*Lepomis microlophus*)

UU. Smallmouth bass (*Micropterus dolomieu*)

VV. Spotted bass (*Micropterus punctulatus*)

WW. Largemouth bass (*Micropterus salmoides*)

XX. White crappie (*Pomoxis annularis*)

YY. Black crappie (*Pomoxis nigromaculatus*)

ZZ. Yellow perch (*Perca flavescens*)

AAA. Sauger (*Sander canadensis*)

BBB. Walleye (*Sander vitreus*)

CCC. Freshwater drum (*Aplodinotus grunniens*)

- 2. Crustaceans.
 - A. Freshwater prawn (*Macrbrachium rosenbergii*)
 - B. Pacific white shrimp (*Litopenaeus vannamei*)
 - C. Northern crayfish (*Orconectes virilis*)
 - D. White river crayfish (*Procambarus acutus*)
 - E. Red swamp crayfish (*Procambarus clarkii*)
 - F. Papershell crayfish (*Orconectes immunis*)
- 13. Amphibians.
 - A. Tiger salamander larvae (*Ambystoma tigrinum*)

(4) Live fish, their eggs, and gametes of the family *Salmonidae* (trout, char, salmon) may be imported to the state only by the holder of a salmonid importation permit and any other appropriate state permit. An importation permit shall be required for each shipment and will be issued at no charge. Application forms for the salmonid importation permit can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and online at www.missouriconservation.org. The application for salmonid importation permit must be received not less than fifteen (15) nor more than eighty (80) days prior to the proposed date of shipment. Prior to permit issuance the immediate source of the importation must be currently certified as negative for viral hemorrhagic septicemia, infectious pancreatic necrosis, infectious hematopoietic necrosis, *Myxobolus cerebralis*, or other diseases which may threaten fish stocks within the state, must have been certified negative for the previous three (3) consecutive years, and must not pose a threat of introducing unwanted species. **The immediate source of importation must be certified as currently free of *Salmincola* spp.** Certification will only be accepted from federal, state, or industry personnel approved by the department and only in accordance with provisions on the permit application form. Fish, eggs, and gametes imported under this permit are subject to inspection by authorized agents of the department and this inspection may include removal of reasonable samples of fish or eggs for biological examination.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. This rule was previously filed as 3 CSR 10-4.110(5), (6) and (10). Original rule filed June 26, 1975, effective July 7, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 25, 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 David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife: Privileges,
Permits, Standards**

PROPOSED AMENDMENT

3 CSR 10-9.353 Privileges of Class I and Class II Wildlife Breeders. The commission proposes to amend section (3) of this rule.

PURPOSE: This amendment removes invalid language from the current rule.

(3) A permit may be granted after satisfactory evidence by the applicant that stock will be secured from a legal source other than the wild stock of this state [and as provided in section (12) of this rule]; that the applicant will confine the wildlife in humane and sanitary facilities that meet standards specified in 3 CSR 10-9.220; and that the applicant will prevent other wildlife of the state from becoming a part of the enterprise.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. This rule was previously filed as 3 CSR 10-10.755. Original rule filed Aug. 18, 1970, effective Dec. 31, 1970. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 25, 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 David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife: Privileges,
Permits, Standards**

PROPOSED AMENDMENT

3 CSR 10-9.425 Wildlife Collector's Permit. The commission proposes to amend sections (2) and (3) of this rule.

PURPOSE: This amendment clarifies the review and approval process for Wildlife Collector's Permits and provides acceptable substitute guidelines for the confinement of held wildlife and the disposition of these animals. The amendment also clarifies the role of assistants in the field and avoids the necessity of every member of a class on a field trip to have a collector's permit in their own name.

(2) General Requirements for Permit Holders. Species and numbers of each to be collected and collecting methods are limited to those specified on the permit. Advance notification shall be given to the conservation agent or Protection Division regional supervisor in the county or area as to where and when the collecting will be done. The permit holder's name, address, and wildlife collector's permit number shall be on all trapping and netting devices. The traps, nets, or other devices used under this permit shall be attended at least daily, or be constantly attended if so stated on the permit. The collected specimens shall be donated to a museum or educational institution or disposed of in accordance with instructions of the [director] department. Wildlife held under a wildlife collector's permit may be propagated but shall not be sold or exhibited commercially. When holding live specimens, permit holders are required to adhere to wildlife confinement standards set forth in 3 CSR 10-9.220. [The names and addresses of persons collecting under the direct supervision of the holder of the permit shall accompany the application for the permit. Field collection must be conducted under the in-person supervision of the permit holder.] Wildlife removed from the wild and held in captivity at locations other than the point of capture are not to be returned to the wild unless specifically approved on the permit. Assistants in the field

must be under the direct, in-person supervision of the permit holder at all times. This permit does not relieve the holder of full compliance with other provisions of the Code or other state and federal requirements.

(3) The wildlife collector's permit is not valid until signed by the permit holder. The permit is valid for one (1) year from January 1. The permit holder shall submit a wildlife collector's permit report to the department within thirty (30) days of the permit's expiration date. Issuance of permits for the following year shall be conditioned on compliance with this Code, specified conditions of the permit, and receipt of a satisfactory wildlife collector's permit report. **Missouri Department of Conservation** volunteers, working on authorized wildlife collection projects, are exempt from the requirements of this section.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. This rule previously filed as 3 CSR 10-9.605. Original rule filed Aug. 16, 1973, effective Dec. 31, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 25, 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 David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards**

PROPOSED AMENDMENT

3 CSR 10-9.645 Licensed Trout Fishing Area Permit: Privileges, Requirements. The commission proposes to amend subsection (3)(A) of this rule.

PURPOSE: This amendment requires that trout stocked in licensed trout fishing areas be certified free of parasitic copepods.

(3) A permittee may release legally-acquired rainbow trout or brown trout for fishing and harvest throughout the year, under the following conditions:

(A) The immediate source of the trout to be stocked must be currently certified as negative for viral hemorrhagic septicemia, infectious pancreatic necrosis, infectious hematopoietic necrosis, *Myxobolus cerebralis*, or other diseases which may threaten fish stocks within the state, must have been certified negative for the previous three (3) consecutive years, and must not pose a threat of introducing unwanted species. **The immediate source of trout to be stocked must be certified as currently free of *Salmincola* spp. except that this requirement will not apply to trout stocked from a trout production facility contiguous with the licensed trout fishing area.** Certification will only be accepted from federal, state, or industry personnel approved by the *ID*/department and only in accordance with provisions of fish importation permit regulations (see 3 CSR 10-9.110(4)).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. Original rule filed April 24, 2000, effective March 1, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 25, 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 David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-10.725 Commercial Fishing: Seasons, Methods. The commission proposes to amend section (1) of this rule.

PURPOSE: This amendment deletes reference to live bait "for personal use" and eliminates a contradiction in the Wildlife Code.

(1) Commercial fish[,] and live bait [for personal use,] may be taken and possessed in any numbers by the holder of a commercial fishing permit from commercial waters with seines, gill nets, trammel nets, hoop nets with or without wings, trotlines, throwlines, limb lines, bank lines, or jug or block lines, and any number of hooks, except:

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. Original rule filed Aug. 16, 1973, effective Dec. 31, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 25, 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 David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-10.726 Reciprocal Privileges: Commercial Fishing [and

Musseling; Commercial Waters. The commission proposes to amend the rule title and sections (1)–(5) of this rule.

PURPOSE: This amendment would prohibit commercial harvest of freshwater mussels from Missouri waters.

(1) Any person possessing a valid commercial fishing license [or commercial musseling permit] issued by the state of Illinois, Tennessee, Arkansas, Kansas, or Nebraska, or who is legally exempted from the license requirement without further permit or license, may fish [or mussel] as permitted by this Code in commercial waters within the boundary of Missouri and adjacent to the state where the fisherman [or musseler] is licensed. Shovelnose sturgeon may not be harvested except as permitted in 3 CSR 10-10.722, 3 CSR 10-10.724, 3 CSR 10-10.725, and section (6) of this rule.

(2) All other Missouri regulations shall apply to commercial fishing [and commercial musseling] in the Missouri portion of the Mississippi and Missouri rivers.

(3) Regulations of the state where the fisherman [or musseler] is licensed shall apply in the St. Francis River.

(4) Commercial fishermen [or commercial musselers] not licensed in Missouri may not fish [or mussel] in the tributaries, bayous, or backwaters of commercial waters; nor may they fish [or mussel] from or attach any device or equipment to land under the jurisdiction of Missouri. Fishermen [or musselers] who hold Illinois licenses, when fishing [or musseling] in waters in which they are not licensed to fish [or mussel] by Missouri, shall comply with the most restrictive laws and regulations of the two (2) states.

(5) All reciprocal privileges shall be contingent upon a grant of like privileges by the appropriate neighboring state to the duly licensed commercial fishermen [and commercial musselers] of Missouri; provided, that reciprocal commercial fishing [and commercial musseling] privileges on the St. Francis River are limited to residents of Missouri.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. Original rule filed March 14, 1973, effective March 24, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 25, 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 David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-10.727 Record Keeping and Reporting Required:

Commercial Fishermen [and Roe Fish Dealers]. The commission proposes to amend the title of the rule and sections (1) and (2) of this rule.

PURPOSE: This amendment requires monthly catch reports of turtles by commercial fishermen.

(1) Commercial fishermen and roe fish dealers shall keep a dated receipt that includes the weight and species of fish, [and] the weight of extracted fish eggs (raw or processed) of each species, **and the number and species of turtles** that were sold or given away and the name, address, and signature of the recipient. These receipts shall be retained for three (3) years and shall be made available for inspection by an authorized agent of the department at any reasonable time.

(2) Commercial fishermen and roe fish dealers shall submit a complete and accurate monthly report on a form furnished by the department showing the origin (water area), weight, [and] species of fish and fish eggs, **and the number and species of turtles** taken or purchased by him/her during the preceding month, or a negative report if none were taken. Printed copies of these forms can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and online at www.missouriconservation.org. Monthly reports must be received by the department within thirty (30) days of the end of each month. Failure to submit a monthly report shall be sufficient cause for the department to revoke the current year's commercial fishing permit and deny renewal of the permit for the following year.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. Original rule filed Aug. 27, 1975, effective Dec. 31, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 25, 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 David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-10.767 Taxidermy; Tanning; Permit, Privileges, Requirements. The commission proposes to amend section (2) of this rule.

PURPOSE: This amendment restricts those activities which increase the risk of introducing chronic wasting disease (CWD).

(2) Wildlife legally possessed may be shipped or delivered to a licensed taxidermist or tanner and may be mounted or preserved by him/her/J, **except as provided under 3 CSR 10-4.135.**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section

252.240, RSMo 2000. Original rule filed Aug. 27, 1975, effective Dec. 31, 1975. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Sept. 25, 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 David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits**

PROPOSED RESCISSION

3 CSR 10-10.780 Commercial Musseling Permit. This rule established a commercial musseling permit and set fees for residents and nonresidents of the state.

PURPOSE: This rule is being rescinded as the *Commercial Musseling Permit* is being eliminated.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed April 28, 1992, effective Feb. 26, 1993. Rescinded: Filed Sept. 25, 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 David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits**

PROPOSED RESCISSION

3 CSR 10-10.781 Commercial Musseling Helper Permit. This rule established a permit for persons assisting commercial musseling permittees.

PURPOSE: This rule is being rescinded as the *Commercial Musseling Helper Permit* is being eliminated.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed April 28, 1992, effective Feb. 26, 1993. Rescinded: Filed Sept. 25, 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 David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits**

PROPOSED RESCISSION

3 CSR 10-10.782 Commercial Musseling: Seasons, Methods. This rule provided for commercial musseling in certain streams and established restrictions on the use of certain gear.

PURPOSE: This rescission prohibits commercial harvest of freshwater mussels from Missouri waters.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed April 28, 1992, effective Feb. 26, 1993. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed Sept. 25, 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 David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits**

PROPOSED RESCISSION

3 CSR 10-10.783 Mussel Dealer's Permit. This rule established a permit for conducting wholesale buying and selling of mussels.

PURPOSE: This rule is being rescinded as the Mussel Dealer's Permit is being eliminated.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed April 28, 1992, effective Feb. 26, 1993. Amended: Filed June 11, 1997, effective March 1, 1998. Rescinded: Filed Sept. 25, 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 David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits**

PROPOSED RESCISSION

3 CSR 10-10.784 Mussel Dealers: Reports, Requirements. This rule established reporting and other requirements to be met by mussel dealers.

PURPOSE: This rule is being rescinded as the commercial harvest of freshwater mussels from Missouri waters is prohibited.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed April 28, 1992, effective Feb. 26, 1993. For intervening history, please consult the Code of State Regulations. Rescinded: Filed Sept. 25, 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 David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits**

PROPOSED RESCISSION

3 CSR 10-10.787 Reports Required: Commercial Musselers. This rule established reporting requirements for the holders of commercial musseling permits.

PURPOSE: This rule is being rescinded as the commercial harvest of freshwater mussels from Missouri waters is prohibited.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed April 21, 1993, effective Jan. 1, 1994. Amended: Filed Oct. 10, 2008, effective April 30, 2009. Rescinded: Filed Sept. 25, 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 David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.130 Vehicles, Bicycles, [Horses and Horseback Riding] Equestrian Use. The commission proposes to amend sections (2) and (3) and add sections (4)–(8) to this rule.

PURPOSE: This amendment establishes consistent open/closed dates for bicycling and equestrian use on designated multi-use trails on specified department lands and establishes a definition of a "multi-use trail" for the purposes of this rule.

(2) Bicycles are permitted only on **designated multi-use** trails [designated for their use] and on roads [and trails] open to vehicular traffic, unless otherwise posted. Groups of more than ten (10) people must obtain a special use permit.

(3) [Horses and horseback riding are] **Equestrian use** is permitted only on **designated multi-use** trails [designated for their use] and on roads [and trails] open to vehicular traffic, [unless otherwise posted. Riding may be permitted on other portions of department areas, but only with a special use permit] **except as provided in sections (7) and (8) of this rule.** Groups of more than ten (10) people must obtain a special use permit.

(4) For the purposes of this rule, a multi-use trail is a trail upon which hiking and at least one of the following other activities are allowed concurrently: bicycling and equestrian use.

(5) Designated multi-use trails are open for use year-round as specified on the following department areas:

(A) Areas with multi-use trails open to bicycling—

1. Bangert (Louis H.) Memorial Wildlife Area
2. Big Creek Conservation Area
3. Busch (August A.) Memorial Conservation Area
4. Columbia Bottom Conservation Area
5. Davis (Lester R.) Memorial Forest
6. Hart Creek Conservation Area
7. Hinkson Woods Conservation Area
8. Howell Island Conservation Area
9. Klamberg (Roger) Woods Conservation Area
10. Little Dixie Lake Conservation Area

11. Logan (William R.) Conservation Area
 12. Walnut Woods Conservation Area
 13. Weldon Spring Conservation Area
 14. Youngdahl (Mark) Urban Conservation Area
- (B) Areas with multi-use trails open to equestrian use—
1. Forest 44 Conservation Area
 2. Prairie Home Conservation Area
- (C) Areas with multi-use trails open to bicycling and equestrian use—
1. Bicentennial Conservation Area
 2. Big Buffalo Creek Conservation Area
 3. Busiek State Forest and Wildlife Area
 4. Flag Spring Conservation Area
 5. Huckleberry Ridge Conservation Area
 6. Reed (James A.) Memorial Wildlife Area
 7. Rockwoods Range
 8. Stockton Lake Management Lands
 9. Wappapello Lake Management Lands
 10. Wire Road Conservation Area
- (6) Designated multi-use trails are open for use as specified except during all portions of the firearms deer hunting season and the spring turkey hunting seasons on the following department areas:
- (A) Areas with multi-use trails open to bicycling—
1. Poosey Conservation Area (Green Hills Trail)
- (B) Areas with multi-use trails open to equestrian use—
1. Angeline Conservation Area
 2. Bushwhacker Lake Conservation Area
 3. Long Ridge Conservation Area
 4. Scrivner Road Conservation Area
 5. Sever (Henry) Lake Conservation Area
- (C) Areas with multi-use trails open to bicycling and equestrian use—
1. Apple Creek Conservation Area
 2. Bennitt (Rudolf) Conservation Area
 3. Bonanza Conservation Area
 4. Bunch Hollow Conservation Area
 5. Canaan Conservation Area
 6. Caney Mountain Conservation Area
 7. Castor River Conservation Area
 8. Compton Hollow Conservation Area
 9. Daniel Boone Conservation Area
 10. Deer Ridge Conservation Area
 11. Fort Crowder Conservation Area
 12. Heath (Charlie) Memorial Conservation Area
 13. Holly Ridge Conservation Area
 14. Honey Creek Conservation Area
 15. Lead Mine Conservation Area
 16. Little Indian Creek Conservation Area
 17. Little Lost Creek Conservation Area
 18. Meramec Conservation Area
 19. Pleasant Hope Conservation Area
 20. Poosey Conservation Area (other than Green Hills Trail)
 21. Riverbreaks Conservation Area
 22. Sugar Creek Conservation Area
 23. Talbot (Robert E.) Conservation Area
 24. Three Creeks Conservation Area
 25. University Forest Conservation Area
- (7) Bicycling or equestrian use may be authorized by special use permit on the following department areas:
- (A) Current River Conservation Area
- (B) Fuson Conservation Area
- (C) Logan Creek Conservation Area
- (D) Marion Bottoms Conservation Area
- (E) Pony Express Conservation Area
- (F) Ranacker Conservation Area

- (G) Shannon Ranch Conservation Area
- (H) Union Ridge Conservation Area (excluding Spring Creek Ranch Natural Area)

(8) Equestrian use is not permitted on roads open to vehicular traffic on the following department areas:

- (A) Burr Oak Woods Conservation Area
- (B) Busch (August A.) Memorial Conservation Area
- (C) Cuivre Island Conservation Area
- (D) Marais Temps Clair Conservation Area
- (E) Powder Valley Conservation Nature Center
- (F) Rockwoods Reservation
- (G) Saint Stanislaus Conservation Area
- (H) Springfield Conservation Nature Center
- (I) Weldon Spring Conservation Area

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed Sept. 25, 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.

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Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas

PROPOSED AMENDMENT

3 CSR 10-11.155 Decoys and Blinds. The commission proposes to amend subsection (1)(A) of this rule.

PURPOSE: This amendment will provide additional hunting opportunity and end timing confusion regarding unoccupied hunting blinds on the Upper Mississippi Conservation Area.

(1) Decoys and blinds are permitted but must be disassembled and removed daily, except as otherwise provided in this chapter. Blinds may be constructed on-site only from willows (*Salicaceae*) and non-woody vegetation.

(A) On those portions of Upper Mississippi Conservation Area designated as restricted waterfowl hunting areas, blind sites shall be designated and allotted through a system of registration and drawing established by the department. Blinds must be constructed within ten (10) yards of an assigned site before October 1 and meet department specifications. Waterfowl may be taken only from a designated blind except that hunters may retrieve dead birds and pursue and shoot downed cripples. This rule does not apply during the early teal season **and the early Canada goose season**. On portions of the area designated as open, blinds may be constructed without site restrictions. Blinds or blind sites on both restricted and open portions of the area may not be locked, transferred, rented, or sold. Boats shall not be left overnight at blind sites. *[After 6:00 a.m., unoccupied blinds]* **Blinds unoccupied at one-half hour before legal shooting**

time may be used by the first hunter to arrive.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 25, 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.

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**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.180 Hunting, General Provisions and Seasons. The commission proposes to delete sections (9), (10), (11), (12), and (26); renumber subsequent sections; and amend section (4) and renumbered sections (9), (10), (11), (14), and (15) of this rule.

PURPOSE: This amendment removes turkey hunting regulations for conservation areas from this rule to provide consistency with 3 CSR 10-11.181 Turkeys: Special Hunts and lengthens the shooting hours for dove hunting at the Eagle Bluffs and William R. Logan conservation areas, and the William G. and Erma Parke White Memorial Wildlife Area.

(4) Hunting is prohibited on the following department areas except for deer **and** turkey hunting as authorized in the annual *Fall Deer and Turkey Hunting Regulations and Information* booklet **and** annual *Spring Turkey Hunting Information* booklet:

[(9) On Otter Slough Conservation Area, turkey hunting is prohibited.

[(10) On Duck Creek Conservation Area (south of Highway Z), Eagle Bluffs Conservation Area and Grand Pass Conservation Area fall firearms turkey hunting is prohibited.

[(11) On Weldon Spring Conservation Area, spring turkey hunting is permitted only by holders of a Spring Turkey Hunting Permit who have been selected to participate in the area's managed spring turkey hunt. Fall firearms turkey hunting is permitted under statewide seasons, methods, and limits. Fall archery turkey hunting is permitted only by holders of an Archer's Hunting Permit who have been selected to participate in the area's archery managed deer hunt; turkeys may only be taken prior to taking a deer.

[(12) On Peck Ranch Conservation Area, spring turkey hunting is permitted under statewide regulations. Fall turkey hunting is permitted under statewide regulations in designated areas only.]

[(13)](9) On Caney Mountain Conservation Area:

(A) On the designated fenced portion of the area:

1. Spring turkey hunting is permitted by holders of a valid spring turkey hunting permit who have been selected to participate in the managed hunt.

2. Firearms squirrel hunting is permitted from the fourth Saturday in May through August 31, and December 1 through February 15.

[3. Fall turkey hunting is permitted under statewide regulations.]

(B) On the remainder of the area, *[spring turkey hunting,] firearms squirrel hunting[, and fall turkey hunting are]* is permitted under statewide regulations.

[(14)](10) On August A. Busch Memorial Conservation Area:

(A) Rabbits may be hunted only with shotgun from January 1 through February 15, except on designated portions where special management restrictions apply. The daily limit is four (4) rabbits.

(B) Doves may be hunted only from one-half (1/2) hour before sunrise to 1:00 p.m. during the statewide season.

(C) Squirrels may be hunted only with shotgun from the fourth Saturday in May through October 15 and from January 1 through February 15.

(D) Groundhogs may be hunted only with shotgun from the day following the prescribed spring turkey hunting season through October 15.

(E) Furbearers treed with the aid of dogs may be taken using any prescribed method during the prescribed furbearer season, except that:

1. Coyotes may be taken only by shotgun from one-half hour before sunrise to one-half hour after sunset from the fourth Saturday in May through September 30 and from December 15 through March 31.

2. Furbearers other than coyotes not treed with the aid of dogs may be taken only by shotgun from December 15 through the end of the prescribed furbearer season.

3. All furbearers may be taken during managed deer hunts that coincide with the prescribed furbearer season using methods allowed for deer by participants holding a valid managed deer hunting permit and the prescribed permit for taking furbearers.

[(F) Spring turkey hunting is permitted only by holders of a Spring Turkey Hunting Permit who have been selected to participate in the area's managed spring turkey hunt. Fall firearms turkey hunting is prohibited. Fall archery turkey hunting is permitted only by holders of an Archer's Hunting Permit who have been selected to participate in the area's archery managed deer hunt; turkeys may only be taken prior to taking a deer.]

[(15)](11) On James A. Reed Memorial Wildlife Area:

(A) Rabbits may be taken between sunrise and sunset from December 1 through the end of the statewide season by holders of a valid area daily hunting permit.

(B) Doves may be taken only in designated areas from noon to sunset each Monday through Friday, except Labor Day, during the statewide season by holders of a valid area daily hunting permit.

(C) Squirrels may be taken between sunrise and sunset from December 1 through the end of the statewide season by holders of a valid area daily hunting permit.

(D) *[Turkey, f]*Furbearer and quail hunting are prohibited except during managed hunts.

[(16)](12) On Bois D'Arc Conservation Area and White River Trace Conservation Area dove hunting is permitted only until 1:00 p.m. daily. During the first seven (7) days of dove season, doves may be taken in assigned areas only by holders of a valid area daily hunting permit.

~~[(17)]~~**(13)** On Lake Paho Conservation Area, doves may be hunted only from one-half (1/2) hour before sunrise to 1:00 p.m. during the statewide season.

~~[(18)]~~**(14)** On Eagle Bluffs Conservation Area, William R. Logan Conservation Area, and William G. and Erma Parke White Memorial Wildlife Area, doves may be hunted only in assigned areas from an assigned shooting station on designated days from 1:00 p.m. to ~~[5:00 p.m.]~~ **sunset** during the September portion of the statewide season by holders of a valid area daily hunting permit.

~~[(19)]~~**(15)** On Marais Temps Clair Conservation Area:

- (A) Dove hunting is permitted only until 1:00 p.m. daily.
- (B) Rabbit, pheasant, woodcock, squirrel, groundhog, furbearer, ~~[turkey,]~~ and crow hunting is prohibited.
- (C) All hunters must possess a valid daily hunting permit.

~~[(20)]~~**(16)** On Robert E. Talbot Conservation Area, quail may be taken only by holders of a valid area daily hunting permit.

~~[(21)]~~**(17)** On Columbia Bottom Conservation Area and Saint Stanislaus Conservation Area, hunting is permitted only during managed hunts or by holders of a valid area daily hunting permit.

~~[(22)]~~**(18)** On Lake Girardeau Conservation Area, hunting is permitted only from November 1 through April 1.

~~[(23)]~~**(19)** On Settle's Ford Conservation Area, hunting of wildlife other than waterfowl is prohibited in designated waterfowl hunting areas from October 15 through the end of the prescribed Canada goose season.

~~[(24)]~~**(20)** Hunting of wildlife other than waterfowl is prohibited, except in designated areas, from October 15 through the prescribed waterfowl season on the following department areas:

- (A) Bob Brown Conservation Area
- (B) Columbia Bottom Conservation Area
- (C) Coon Island Conservation Area
- (D) Duck Creek Conservation Area
- (E) Eagle Bluffs Conservation Area
- (F) Fountain Grove Conservation Area
- (G) Grand Pass Conservation Area
- (H) Marais Temps Clair Conservation Area
- (I) Montrose Conservation Area
- (J) Nodaway Valley Conservation Area
- (K) Otter Slough Conservation Area
- (L) Schell-Osage Conservation Area
- (M) Ted Shanks Conservation Area
- (N) Ten Mile Pond Conservation Area

~~[(25)]~~**(21)** On the portion of Nodaway River bordered by the portion of Nodaway Valley Conservation Area which has been designated a waterfowl refuge, all hunting is prohibited from October 15 through the end of the prescribed waterfowl season.

~~[(26)]~~ On Burr Oak Woods Conservation Area, spring turkey hunting is permitted only by persons under sixteen (16) years of age holding a Managed Turkey Hunting Permit in addition to the prescribed turkey hunting permit; provided, s/he is hunting in the immediate presence of a properly licensed adult hunter who is age eighteen (18) or older and who has in his/her possession a valid hunter education certificate card or was born before January 1, 1967.]

~~[(27)]~~**(22)** On B. K. Leach Memorial Conservation Area, hunting of wildlife other than waterfowl is allowed during prescribed seasons, except that from October 15 through the end of the prescribed water-

fowl season other wildlife may be hunted only by archery methods and only in designated areas.

~~[(28)]~~**(23)** On Dan and Maureen Cover Prairie Conservation Area and Carrick W. Davidson – Robert G. Paris Wildlife Area, rabbits may not be chased, pursued, or taken during the prescribed quail hunting season.

~~[(29)]~~**(24)** On Montrose Conservation Area, firearms firing single projectiles larger than .22 caliber rimfire are prohibited.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 25, 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 David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.200 Fishing, General Provisions and Seasons. The commission proposes to delete section (3) and renumber section (4) of this rule.

PURPOSE: This amendment removes reference to Jerry J. Presley Conservation Education Center from the Wildlife Code.

~~[(3)]~~ On Jerry J. Presley Conservation Education Center, fishing is permitted only with a special use permit.]

~~[(4)]~~**(3)** On Prairie Lake and Fire Lake (Weldon Spring Conservation Area), fishing is prohibited during the area's prescribed waterfowl hunting season.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. This rule was previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 25, 2009.

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

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NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David

W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.205 Fishing, Methods and Hours. The commission proposes to amend subsection (1)(A) and delete section (2); add new sections (2), (3), and (4); delete sections (13), (14), and (15); renumber subsequent sections; and amend renumbered sections (6), (10), and (15).

PURPOSE: This amendment permits additional fishing methods at three (3) department areas, establishes regulations for fishing in impoundments used for educational fishing events, prohibits the seining or trapping of live bait at Fountain Grove Conservation Area and prohibits live bait held or transported in water at Blackwell Lake (Indian Trail Conservation Area).

(1) On lakes and ponds, fish may be taken only with pole and line and not more than three (3) poles may be used by one (1) person at any time, except as otherwise provided in this chapter.

(A) Fish may be taken with *[[limb lines and]* bank lines, **jug lines, limb lines, throwlines, and trotlines** on the following department areas or individually named lakes:

1. Montrose Conservation Area
2. Schell-Osage Conservation Area
3. Ted Shanks Conservation Area

[[4. Thomas Hill Reservoir]

(B) Carp, buffalo, suckers, and gar may be taken by atlatl, gig, bow, or crossbow during statewide seasons on the following department areas or individually named lakes:

1. Atlanta Conservation Area
2. Bismarck Conservation Area
3. Blackjack Access
4. Bob Brown Conservation Area
5. Columbia Bottom Conservation Area
6. Cooley Lake Conservation Area
7. Deer Ridge Conservation Area
8. Deroin Bend Conservation Area
9. Duck Creek Conservation Area
10. Eagle Bluffs Conservation Area
11. Femme Osage Slough (Weldon Spring Conservation Area)
12. Connor O. Fewel Conservation Area
13. Fountain Grove Conservation Area
14. Four Rivers Conservation Area (August A. Busch, Jr. Memorial Wetlands at)

15. Franklin Island Conservation Area
16. Grand Pass Conservation Area
17. Hunnewell Lake Conservation Area
18. King Lake Conservation Area
19. Kings Prairie Access
20. Lake Paho Conservation Area
21. Lamine River Conservation Area
22. B. K. Leach Memorial Conservation Area
23. Limpp Community Lake
24. Little Compton Lake Conservation Area
25. Locust Creek Conservation Area
26. Manito Lake Conservation Area
27. Marais Temps Clair Conservation Area
28. Nodaway County Community Lake

29. Nodaway Valley Conservation Area
30. Otter Lake (Otter Slough Conservation Area)
31. Peabody Conservation Area
32. Ralph and Martha Perry Memorial Conservation Area
33. Haysler A. Poague Conservation Area
34. Pony Express Lake Conservation Area
35. Rebel's Cove Conservation Area
36. Schell-Osage Conservation Area
37. Henry Sever Lake Conservation Area
38. Settle's Ford Conservation Area
39. Ted Shanks Conservation Area
40. H. F. Thurnau Conservation Area
41. Truman Reservoir Management Lands
42. Worth County Community Lake
43. Worthwine Island Conservation Area

(C) Gizzard shad may be taken from lakes and ponds by dip net or throw net.

[[2) On Conservation Commission Headquarters, fishing is permitted only on designated waters from 6:00 a.m. to 9:00 p.m., April 1 through October 31 and from 6:00 a.m. to 6:00 p.m., November 1 through March 31. All fish must be returned to the water unharmed immediately after being caught.]

(2) Fishing is permitted only by reservation by educational groups, and fish must be returned to the water unharmed immediately after being caught except as provided by special use permit on the following department areas or individually named lakes:

(A) Bass Pond, Catfish Pond, Hybrid Pond (Bellefontaine Conservation Area)

(B) Bois D' Arc Conservation Area Aquatic Education Pond

(C) Burr Oak Woods Conservation Area Aquatic Education Pond

(D) Caldwell Memorial Wildlife Area

(E) Bray Pond (Margurite Bray Conservation Area)

(F) Ozark Regional Office Pond

(G) Walter Woods Conservation Area Aquatic Education Pond

(H) Sunfish Lake (Ronald and Maude Hartell Conservation Area)

(I) Mule Camp Pond (Twin Pines Conservation Education Center)

(3) Fishing is restricted to persons fifteen (15) years of age or younger on the following department areas or individually named lakes:

(A) Cape Girardeau Conservation Campus Nature Center Pond

(4) Fish must be returned to the water unharmed immediately after being caught except by holders of a special use permit on the following department areas or individually named lakes:

(A) Conservation Commission Headquarters

(B) Clinic Pond 1, Clinic Pond 2 (Platte Falls Conservation Area)

[[3)](5) On James A. Reed Memorial Wildlife Area:

(A) Fishing is permitted only on designated waters from 6:00 a.m. to 9:00 p.m., April 1 through September 30 and from 6:00 a.m. to 6:00 p.m., October 1 through March 31.

(B) On Honker Pond, fishing is restricted to persons fifteen (15) years of age or younger and not more than one (1) pole and line may be used by any one (1) person at one time.

(C) On Prairie Hollow Lake, fishing is permitted only by reservation by educational groups, and fish must be returned to the water unharmed immediately after being caught except as provided by special use permit.

~~[[4]](6)~~ On August A. Busch Memorial Conservation Area:

(A) Fishing is permitted only on designated waters from 6:00 a.m. to 9:00 p.m. daily.

(B) On Lakes 16, 31, and 32, only flies, artificial lures, and soft plastic baits (unscented) may be used and fish must be returned to the water unharmed immediately after being caught.

(C) On Lakes 21 and 28, only flies, artificial lures, and soft plastic baits (unscented) may be used from November 1 through January 31.

(D) On Lake 12, fishing is restricted to persons fifteen (15) years of age or younger and not more than one (1) pole and line may be used by any one (1) person at any time.

(E) On Lakes 1, 2, and 15, fishing is permitted only by reservation by educational groups, and fish must be returned to the water unharmed immediately after being caught except as provided by special use permit.

~~[[E]](F)~~ On Lakes 21, 22, 23, 24, and 28, from November 1 through January 31, not more than one (1) pole and line may be used by one (1) person at any time and the use of natural or scented baits as chum is prohibited.

~~[[5]](7)~~ On Ronald and Maude Hartell Conservation Area, fishing is permitted only on designated waters. Only flies, artificial lures, and soft plastic baits (unscented) may be used and fish must be returned to the water unharmed immediately after being caught except by holders of a special use permit.

~~[[6]](8)~~ On Lost Valley Fish Hatchery, fishing is permitted only on designated waters from 9:00 a.m. to 4:00 p.m. daily. Fishing is restricted to persons fifteen (15) years of age or younger and not more than one (1) pole and line may be used by any one (1) person at one time.

~~[[7]](9)~~ On Binder Community Lake, fishing is permitted only from 3:00 a.m. to 11:00 p.m. daily.

~~[[8]](10)~~ Seining or trapping live bait, including tadpoles, is prohibited on all lakes and ponds, except as otherwise provided in this chapter.

(A) Seining or trapping live bait, excluding all frogs and tadpoles, in compliance with 3 CSR 10-6.605 is permitted on designated lakes and ponds on the following department areas:

1. Atlanta Conservation Area
2. Bob Brown Conservation Area
- ~~[[3. Fountain Grove Conservation Area]~~
- ~~[[4.]]3. Grand Pass Conservation Area~~
- ~~[[5.]]4. Long Branch Lake Management Lands~~
- ~~[[6.]]5. Locust Creek Conservation Area~~
- ~~[[7.]]6. Nodaway Valley Conservation Area~~
- ~~[[8.]]7. Rebel's Cove Conservation Area~~
- ~~[[9.]]8. Ted Shanks Conservation Area~~

~~[[9]](11)~~ On Mule Shoe Conservation Area, seining or trapping live bait, including tadpoles, is prohibited on streams and the discharge channels of impoundments.

~~[[10]](12)~~ The taking of crayfish, is prohibited on the following:

- (A) Caney Mountain Conservation Area
- (B) Cover Prairie Conservation Area
- (C) George and Vida Martin Access
- (D) Turnback Cave (Paris Springs Access)

~~[[11]](13)~~ Salvage seining of other fish as designated in 3 CSR 10-6.550 may be permitted seasonally for personal use with a special use permit.

~~[[12]](14)~~ On Wire Road Conservation Area, other fish as designated in 3 CSR 10-6.550 may be taken by snagging, snaring, or grabbing from March 15 through May 15.

~~[[13]~~ On the Burr Oak Woods Conservation Area aquatic education pond, Ozark Regional Office Pond, and Twin Pines Conservation Education Center, fishing is permitted only by reservation by educational groups, and fish must be returned to the water unharmed immediately after being caught except as provided by special use permit.]

~~[[14]~~ On the Platte Falls Conservation Area aquatic education ponds, fish must be returned to the water unharmed immediately after being caught.]

~~[[15]~~ On Cape Girardeau Conservation Campus Nature Center, fishing is permitted only on designated waters from sunrise until 10:00 p.m. daily. Fishing is restricted to persons fifteen (15) years of age or younger and not more than one (1) pole and line may be used by any one (1) person at one time.]

~~[[16]](15)~~ On Blind Pony Lake Conservation Area, Hunnewell Lake Conservation Area, **Blackwell Lake (Indian Trail Conservation Area)**, and Lake Paho Conservation Area, bait transported or held in containers with water is prohibited.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. This rule was previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 25, 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 David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. 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 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 11—Wildlife Code: Special Regulations for Department Areas

PROPOSED AMENDMENT

3 CSR 10-11.210 Fishing, Daily and Possession Limits. The commission proposes to amend sections (2), (4), (6), and (9) and subsection (8)(B); delete section (10); and renumber a subsequent section of this rule.

PURPOSE: This amendment establishes a daily limit of two (2) black bass at Blackwell Lake (Indian Trail Conservation Area) and removes reference to the Jerry J. Presley Conservation Education Center from the Wildlife Code.

(2) The daily limit for black bass shall be two (2) on the following department areas or individually named lakes:

- (F) Blackwell Lake (Indian Trail Conservation Area)**
~~[[F]](G)~~ August A. Busch Memorial Conservation Area

- [(G)](H)* Jerry P. Combs Lake (Little River Conservation Area)
- [(H)](I)* Robert G. DeLaney Lake Conservation Area
- [(I)](J)* Happy Holler Lake Conservation Area
- [(J)](K)* J. N. "Turkey" Kearn Memorial Wildlife Area
- [(K)](L)* Lake Paho Conservation Area
- [(L)](M)* Lone Jack Lake Conservation Area
- [(M)](N)* Maple Leaf Lake Conservation Area
- [(N)](O)* Port Hudson Lake Conservation Area
- [(O)](P)* James A. Reed Memorial Wildlife Area
- [(P)](Q)* Schell Lake (Schell-Osage Conservation Area)
- [(Q)](R)* Weldon Spring Conservation Area

(4) On Bellefontaine Conservation Area, Otter Slough Conservation Area, Robert G. DeLaney Lake Conservation Area, and Schell-Osage Conservation Area, the daily limit for crappie shall be fifteen (15).

(6) At Tobacco Hills Lake (Guy B. Park Conservation Area), August A. Busch Memorial Conservation Area, and General Watkins Conservation Area, the daily limit for bluegill and other sunfish shall be ten (10) in the aggregate.

(8) On August A. Busch Memorial Conservation Area:
(B) On Lakes 22, 23, and 24, no person shall continue to fish for any species after having four (4) trout in possession.

(9) On Bellefontaine Conservation Area, Port Hudson Lake Conservation Area, and James A. Reed Memorial Wildlife Area, the daily limit for fish other than those designated as endangered in 3 CSR 10-4.111 or defined as game fish shall be ten (10) in the aggregate.

[(10)] On Jerry J. Presley Conservation Education Center, except as otherwise provided on the special use permit, fish must be returned to the water unharmed immediately after being caught.]

[(11)](10) On Lake 12 (August A. Busch Memorial Conservation Area) and Lost Valley Fish Hatchery, the daily limit for all fish shall be two (2) in the aggregate. On Lost Valley Fish Hatchery, no person shall continue to fish for any species after having two (2) fish in possession.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. This rule was previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 25, 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 David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for Department Areas

PROPOSED AMENDMENT

3 CSR 10-11.215 Fishing, Length Limits. The commission proposes to delete subsection (2)(A) and re-letter subsequent subsections; add paragraphs (2)(A)7. and (2)(A)21. and renumber subsequent paragraphs; and amend section (4) of this rule.

PURPOSE: This amendment removes the twelve (12)-inch minimum length limit on black bass from lakes and ponds on department areas, establishes a fifteen (15)-inch minimum length limit on black bass at Painted Rock Conservation Area and Blackwell Lake (Indian Trail Conservation Area) and removes the twenty-four (24)-inch minimum length limit from flathead catfish at Che-Ru Lake (Fountain Grove Conservation Area), James A. Reed Memorial Wildlife Area, and Schell-Osage Conservation Area.

(2) On lakes and ponds, except as listed below, black bass more than twelve inches (12") but less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught.

[(A)] Black bass less than twelve inches (12") total length must be returned to the water unharmed immediately after being caught on the following department areas or individually named lakes:

1. Bois D'Arc Conservation Area
2. Malta Bend Community Lake
3. Painted Rock Conservation Area
4. Peabody Conservation Area
5. Haysler A. Poague Conservation Area
6. Robert E Talbot Conservation Area]

[(B)](A) Black bass less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught on the following department areas or individually named lakes:

1. Amarugia Highlands Conservation Area
2. Apple Creek Conservation Area
3. Atkinson Lake (Schell-Osage Conservation Area)
4. Baltimore Bend Conservation Area
5. Bilby Ranch Lake Conservation Area
6. Binder Community Lake
7. **Blackwell Lake (Indian Trail Conservation Area)**
- 7./8. Buffalo Bill Lake (Pony Express Lake Conservation Area)
- 8./9. August A. Busch Memorial Conservation Area (except Lakes 33 and 35)
- 9./10. Castor River Conservation Area
- 10./11. Che-Ru Lake (Fountain Grove Conservation Area)
- 11./12. General Watkins Conservation Area
- 12./13. Hazel Hill Lake
- 13./14. Jamesport Community Lake
- 14./15. J. N. "Turkey" Kearn Memorial Wildlife Area
- 15./16. Limpp Community Lake
- 16./17. Lone Jack Lake Conservation Area
- 17./18. Maple Leaf Lake Conservation Area
- 18./19. Nodaway County Community Lake
- 19./20. Otter Slough Conservation Area
21. **Painted Rock Conservation Area**
- 20./22. Perry County Community Lake
- 21./23. Pony Express Lake (Pony Express Lake Conservation Area)
- 22./24. Ray County Community Lake
- 23./25. James A. Reed Memorial Wildlife Area
- 24./26. Rinquelin Trail Community Lake
- 25./27. Schell Lake (Schell-Osage Conservation Area)
- 26./28. Ted Shanks Conservation Area
- 27./29. Tobacco Hills Lake (Guy B. Park Conservation Area)
- 28./30. Vandalia Community Lake
- 29./31. Weldon Spring Conservation Area
- 30./32. Worth County Community Lake

[(C)](B) Black bass less than eighteen inches (18") total length must be returned to the water unharmed immediately after being

caught on the following department areas or individually named lakes:

1. Bellefontaine Conservation Area
2. Lakes 33 and 35 (August A. Busch Memorial Conservation Area)
3. Belcher Branch Lake Conservation Area
4. Jerry P. Combs Lake (Little River Conservation Area)
5. Robert G. Delaney Lake Conservation Area
6. Happy Holler Lake Conservation Area
7. Lake Paho Conservation Area
8. Port Hudson Lake Conservation Area

[(D)](C) On LaBelle Lake Conservation Area, black bass more than fourteen inches (14") but less than eighteen inches (18") total length must be returned to the water unharmed immediately after being caught.

[(E)](D) On Fox Valley Lake (Fox Valley Lake Conservation Area), there is no length limit on black bass.

(4) On August A. Busch Memorial Conservation Area, *[Che-Ru Lake (Fountain Grove Conservation Area), James A. Reed Memorial Wildlife Area and Schell-Osage Conservation Area,]* flathead catfish less than twenty-four inches (24") total length must be returned to the water unharmed immediately after being caught.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. This rule was previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 25, 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 David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.110 Use of Boats and Motors. The commission proposes to amend sections (5) and (6) of this rule.

PURPOSE: This amendment changes the ten horsepower outboard motor limit to slow/no wake for outboard motors in excess of ten (10) horsepower on Moberly (Rothwell Park Lake, Sugar Creek Lake, and Waterworks Lake), Unionville (Lake Mahoney), and Wakonda State Park (Agate Lake and Wakonda Lake).

(5) Outboard motors not in excess of ten (10) horsepower may be used on the following areas:

- [(C)] Moberly (Rothwell Park Lake, Water Works Lake)*
- [(D)](C) Springfield City Utilities (Lake Springfield)*
- [(E)] Unionville (Lake Mahoney)]*
- [(F)] Wakonda State Park (Agate Lake and Wakonda Lake)]*

(6) Outboard motors in excess of ten (10) horsepower may be used but must be operated at slow, no-wake speed on the following areas:

(Q) Moberly (Rothwell Park Lake, Sugar Creek Lake, and Water Works Lake)

[(Q)](R) Monroe City (Route J Reservoir)

(S) Unionville (Lake Mahoney)

(T) Wakonda State Park (Agate Lake and Wakonda Lake)

[(R)](U) Watkins Woolen Mill State Park and Historic Site (Williams Creek Lake)

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 25, 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 David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.125 Hunting and Trapping. The commission proposes to delete paragraph (1)(E)1. and re-letter subsequent paragraphs and amend section (2) of this rule.

PURPOSE: This amendment authorizes turkey hunting regulations for areas owned by other entities to be incorporated by reference in the Fall Deer & Turkey Hunting Regulations and Information booklet and the annual Spring Turkey Hunting Information booklet.

(1) Hunting, under statewide permits, seasons, methods, and limits, is permitted except as further restricted in this chapter and except for deer and turkey hunting as authorized in the annual *Fall Deer & Turkey Hunting Regulations and Information booklet* and **annual Spring Turkey Hunting Information booklet**. *[This]* These publications *[is]* are incorporated by reference. A copy of *[this]* these booklets can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. *[It is]* **They are** also available online at www.missouriconservation.org. This rule does not incorporate any subsequent amendments or additions.

(E) On Mingo National Wildlife Refuge:

[1. Turkey during the fall archery season and turkey during the spring firearms season may only be taken under statewide regulations in designated areas by hunters properly registered at the refuge or Duck Creek Conservation Area.]

[2.]1. Squirrels may only be taken from the fourth Saturday in May through September 30 in designated areas by hunters properly registered at the refuge or Duck Creek Conservation Area.

[3].2. Waterfowl hunting is prohibited after 1:00 p.m. and on December 25.

[4].3. Waterfowl may be taken only by holders of a valid area daily hunting tag and only from a blind or in a designated area, except that hunters may retrieve dead birds and pursue and shoot downed cripples outside the designated area.

[5].4. Waterfowl hunters must check out immediately after the close of their hunting trip and prior to processing birds.

[6].5. Nonhunters are prohibited within the shooting areas during the waterfowl hunting season unless they are members of and remain with a party authorized to use the area, except that portions of these areas may be open to fishing during all or part of the waterfowl season.

[7].6. Hunting of wildlife other than waterfowl is prohibited, except in designated areas, from October 15 through the end of the prescribed waterfowl season.

(2) Deer and turkey may be hunted on any area managed by the department under cooperative agreement and as authorized in the annual *Fall Deer & Turkey Hunting Regulations and Information* booklet and annual *Spring Turkey Hunting Information* booklet.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 25, 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 David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.130 Fishing, General Provisions and Seasons. The commission proposes to add section (3), delete sections (6) and (7), renumber sections accordingly, and amend renumbered section (4) of this rule.

PURPOSE: This amendment establishes regulations for fishing in impoundments used for educational fishing events that are under management agreement with the department and removes reference to St. Charles County (Henry's Pond) from the Wildlife Code.

(3) Fishing is permitted only by reservation by educational groups, and fish must be returned to the water unharmed immediately after being caught except as provided by special use permit on the following areas or individually named lakes:

- (A) Chillicothe R-2 School District (Litton Center Pond)
- (B) Jackson County (Fleming Park ponds)
- (C) Missouri Western State University (South Pond)
- (D) St. Louis County (Suson Rearing Pond)

(E) St. Louis City (Forest Park – Bullfrog Lake, Catfish Cove Lake, Cypress Lake, Fishtail Lake)

[(3)](4) Fishing is prohibited on [Chillicothe R-2 School District (Litton Center Pond), Jackson County (Fleming Pond) and] Mark Twain National Forest (Carmen Spring Management Area).

[(4)](5) On Mingo National Wildlife Refuge, fishing is permitted on all waters from March 15 through September 30. From October 1 through March 14 fishing is permitted on designated waters only.

[(5)](6) All fishing on Smithville Lake Waterfowl Refuge is closed from October 15 through January 31 in units designated by posting.

[(6) On St. Charles County (Henry's Pond), fishing is restricted to persons fifteen (15) years of age or younger and not more than one (1) pole and line may be used by one (1) person at a time.

[(7) On Missouri Western State University (South Pond), fishing is permitted only by reservation by educational groups, and fish must be returned to the water unharmed immediately after being caught except as provided by special use permit.]

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. This rule was previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 25, 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 David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.135 Fishing, Methods. The commission proposes to amend section (4) of this rule.

PURPOSE: To permit the taking of carp, buffalo, suckers, and gar by atlatl, gig, bow, or crossbow at Marceline City Lake, Old Marceline City Reservoir, Willow Brook Lake, and Sugar Creek Lake.

(4) Carp, buffalo, suckers, and gar may be taken by atlatl, gig, bow, or crossbow during statewide seasons on the following lakes:

- (L) Marceline (Marceline City Lake, Old Marceline City Reservoir)
- (M) Maysville (Willow Brook Lake)
- [(L)](N) Memphis (Lake Showme)
- (O) Moberly (Sugar Creek Lake)

[(M)](P) St. Louis County (Sunfish Lake)
[(N)](Q) Thousand Hills State Park (Forest Lake)
[(O)](R) Unionville (Lake Mahoney)
[(P)](S) Wakonda State Park lakes

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 25, 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 David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities

PROPOSED AMENDMENT

3 CSR 10-12.140 Fishing, Daily and Possession Limits. The commission proposes to delete sections (4) and (8), subsection (2)(Y), and renumbered subsection (9)(E), and renumber and re-letter subsequent sections and subsections accordingly.

PURPOSE: This amendment increases the daily limit on black bass at Unionville (Lake Mahoney) to six (6), eliminates the daily limit for carp in all St. Louis City and County park lakes, increases the daily limit for "other fish" to twenty (20) at Keytesville (Maxwell Taylor Park Pond), and removes reference to the daily limit on gizzard shad at two (2) lakes.

(2) The daily limit for black bass is two (2) on the following lakes:

[(Y)](Y) Unionville (Lake Mahoney)]
[(Z)](Y) University of Missouri (South Farm R-1 Lake)
[(AA)](Z) Warrensburg (Lion's Lake)
[(BB)](AA) Watkins Mill State Park Lake
[(CC)](BB) Wentzville (Community Club Lake)
[(DD)](CC) Windsor (Farrington Park Lake)

[(4)] The daily limit for carp is four (4) on the following lakes:

(A) Ballwin (New Ballwin Lake, Vlasis Park Lake)
(B) Ferguson (January-Wabash Lake)
(C) St. Louis City (Benton Park Lake, Boathouse Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park-North Lake, Willmore Park-South Lake)
(D) St. Louis County (Bellefontaine Park Lake, Queeny Park Lake, Suson Park Lakes No. 1, 2 and 3, Tilles Park Lake, Veteran's Memorial Park Lake)]

[(5)](4) The daily limit for channel catfish, blue catfish, and flathead catfish in the aggregate is four (4).

[(6)](5) The daily limit for crappie is fifteen (15) on the following lakes:

(A) Ballwin (New Ballwin Lake, Vlasis Park Lake)
(B) Fenton (Preslar Lake, Upper Fabick Lake, Westside Lake)
(C) Ferguson (January-Wabash Lake)
(D) Kirksville (Hazel Creek Lake)
(E) St. Louis City (Benton Park Lake, Boathouse Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park-North Lake, Willmore Park-South Lake)
(F) St. Louis County (Bee Tree Lake, Bellefontaine Park Lake, Creve Coeur Lake, Queeny Park Lake, Simpson Lake, Spanish Lake, Sunfish Lake, Suson Park Lakes No. 1, 2, and 3, Tilles Park Lake, Veteran's Memorial Park Lake)
(G) Springfield City Utilities (Fellows Lake)

[(7)](6) The daily limit for white bass, striped bass, and their hybrids in the aggregate is four (4) on Cameron (Reservoir No. 3).

[(8)] The daily limit for gizzard shad for bait on Jackson County (Lake Jacomo, Prairie Lee Lake) and Concordia (Edwin A. Pape Lake) is one hundred fifty (150).]

[(9)](7) The daily limit for bluegill is five (5) on University of Missouri (McCredie Lake).

[(10)](8) The daily limit for bluegill is ten (10) on Columbia (Stephens Lake).

[(11)](9) The daily limit for fish other than those species listed as endangered in 3 CSR 10-4.111 or defined as game fish is twenty (20) in the aggregate, except on the following lakes where the daily limit is ten (10) in the aggregate, and except for those fish included in [(4), (8),] (9),] and (10) of this rule:

(A) Ballwin (New Ballwin Lake, Vlasis Park Lake)
(B) Fenton (Preslar Lake, Upper Fabick Lake, Westside Lake)
(C) Ferguson (January-Wabash Lake)
(D) Jennings (Koeneman Park Lake)
[(E) Keytesville (Maxwell Taylor Park Pond)]
[(F)](E) Kirkwood (Walker Lake)
[(G)](F) Mineral Area College (Quarry Pond)
[(H)](G) Overland (Wild Acres Park Lake)
[(I)](H) Potosi (Roger Bilderback Lake)
[(J)](I) St. Charles (Fountain Lakes Pond, Kluesner Lake, Moore Lake, Skate Park Lake)

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 25, 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 David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.145 Fishing, Length Limits. The commission proposes to delete subsection (2)(A) and re-letter subsequent subsections, and amend re-lettered subsections (2)(A), (2)(B), and section (6) of this rule.

PURPOSE: This amendment changes the length limit on black bass to a twelve (12)-inch to fifteen (15)-inch slot length limit at Knob Noster State Park, Van Meter State Park, and University of Missouri (Dairy Farm Lake No. 1), changes the length limit on black bass at Unionville (Lake Mahoney) to a fifteen (15)-inch minimum length limit and removes the twenty-four (24)-inch minimum length limit on flathead catfish at Concordia (Edwin A. Pape Lake) and Higginsville City Lake.

(2) Black bass more than twelve inches (12") but less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught, except as follows:

[(A) Black bass less than twelve inches (12") total length must be returned to the water unharmed immediately after being caught on Knob Noster State Park lakes and Van Meter State Park Lake.]

[(B)](A) Black bass less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught on the following lakes:

1. Arrow Rock State Historic Site (Big Soldier Lake)
2. Bethany (Old Bethany City Reservoir)
3. Blue Springs (Lake Remembrance)
4. Big Oak Tree State Park (Big Oak Lake)
5. Butler City Lake
6. California (Proctor Park Lake)
7. Cameron (Reservoirs No. 1, 2, and 3, Grindstone Reservoir)
8. Carthage (Kellogg Lake)
9. Columbia (Stephens Lake)
10. Concordia (Edwin A. Pape Lake)
11. Confederate Memorial State Historic Site lakes
12. Dexter City Lake
13. Hamilton City Lake
14. Harrison County Lake
15. Higginsville City Lake
16. Holden City Lake
17. Iron Mountain City Lake
18. Jackson (Rotary Lake)
19. Jackson County (Alex George Lake, Bergan Lake, Bowlin Road Lake, Lake Jacomo, Prairie Lee Lake, Scherer Lake, Tarsney Lake, Wood Lake, Wyatt Lake)
20. Jefferson City (McKay Park Lake)
21. Keytesville (Maxwell Taylor Park Pond)
22. Kirksville (Hazel Creek Lake)
- [23. Macon (Blees Lake)]*
- [24.]23.* Maysville (Willow Brook Lake)
- [25.]24.* Mark Twain National Forest (Fourche Lake, Huzzah Pond, Loggers Lake, McCormack Lake, Noblett Lake, Roby Lake)
- [26.]25.* Mineral Area College (Quarry Pond)
- [27.]26.* Odessa (Lake Venita)
- [28.]27.* Pershing State Park ponds
- [29.]28.* Potosi (Roger Bilderback Lake)
- 29. Unionville (Lake Mahoney)**
30. University of Missouri (*[Dairy Farm Lake No. 1,] McCredie Lake*)
31. Warrensburg (Lion's Lake)
32. Watkins Mill State Park Lake

33. Windsor (Farrington Park Lake)
[(C)](B) Black bass less than eighteen inches (18") total length must be returned to the water unharmed immediately after being caught on the following lakes:

1. Ballwin (New Ballwin Lake, Vlasis Park Lake)
2. Columbia (Twin Lake)
3. Fenton (Preslar Lake, Upper Fabick Lake, Westside Lake)
4. Ferguson (January-Wabash Lake)
5. Jennings (Koeneman Park Lake)
6. Kirkwood (Walker Lake)
7. Overland (Wild Acres Park Lake)
8. Sedalia Water Department (Spring Fork Lake)
9. St. Charles (Fountain Lakes Pond, Kluesner Lake, Moore Lake, Skate Park Lake)
10. St. Louis City (Benton Park Lake, Boathouse Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park-North Lake, Willmore Park-South Lake)
11. St. Louis County (Bee Tree Lake, Bellefontaine Park Lake, Creve Coeur Lake, Queeny Park Lake, Simpson Lake, Spanish Lake, Sunfish Lake, Suson Park Lakes No. 1, 2, and 3, Tilles Park Lake, Veteran's Memorial Park Lake)

[12. Unionville (Lake Mahoney)]

[13.]12. University of Missouri (South Farm R-1 Lake)

[14.]13. Wentzville (Community Club Lake)

[(D)](C) Black bass less than twenty inches (20") total length must be returned to the water unharmed immediately after being caught on Mexico (Teal Lake).

[(E)](D) There is no length limit on black bass on Cuivre River State Park (Lincoln Lake).

(6) Flathead catfish less than twenty-four inches (24") total length must be returned to the water unharmed immediately after being caught on *[Concordia (Edwin A. Pape Lake), Higginsville City Lake, and] St. Louis County (Bee Tree Lake, Sunfish Lake).*

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 25, 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 David W. Erickson, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. 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 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 85—Division of Business and Community
Services
Chapter 6—Recovery Zone Bond Allocation, Waiver,
and Reallocation**

PROPOSED RULE

4 CSR 85-6.010 Recovery Zone Bond Allocation, Waiver, and Reallocation

PURPOSE: This rule gives a brief overview of allocation and waiver process for recovery zone bonds and prescribes the department's process for reallocating recovery zone bond authority.

(4) DED will inform applicants for reallocation of RZB cap of the decision on their application in writing.

(1) Section 108.1010, RSMo, provides that:

(A) The Department of Economic Development (DED) shall allocate recovery zone bonds to counties and large municipalities in accordance with Section 1400U-1 of the *Internal Revenue Code* of 1986, as amended, and shall provide notice of such allocation to each county and large municipality;

(B) Counties or large municipalities that receive recovery zone bond allocation may waive all or part of such allocation by providing written notice to the department;

(C) Allocations shall be deemed waived by the county or large municipality on the sixtieth day following notice of allocation, except to the extent the county or large municipality has provided the department with written notice of intent to issue recovery zone bonds stating the amount and type to be issued;

(D) Each county or large municipality shall notify the department in writing of the issuance of recovery zone bonds; and

(E) Any recovery zone bonds allocated to a county or large municipality which remain unissued as of the first day of July of each year shall be recaptured by the department for reallocation.

(2) Any county or large municipality may apply to DED for the reallocation of additional recovery zone bond authority (RZB cap) to the extent such RZB cap becomes available due to the waiver of recovery zone bond allocations by other counties or large municipalities or the recapture of RZB cap by the department.

(3) DED may reallocate RZB cap as it becomes available and request for reallocation is made up to three (3) times between the effective date of this rule and December 31, 2010, pursuant to the following process:

(A) The applicant must apply for reallocation, using the form included herein, within a timeframe and deadline set by DED. The first deadline for application for reallocation shall be September 30, 2009. Subsequent deadlines for reallocation, if any, will be posted on DED's website at least thirty (30) days prior to deadline;

(B) Any qualified issuing entity in the state of Missouri may apply for reallocation;

(C) Applicants must meet the following conditions:

1. Projects must be located in a recovery zone;

2. The local government must support the application;

3. Counties or large municipalities previously waiving RZB cap may apply for reallocation and may receive priority for projects consistent with the evaluation criteria;

4. Unsuccessful applicants in any round may resubmit applications in future rounds;

5. There are no limits to the size of a reallocation request; and

6. There are no limits to the number of requests for reallocation of RZB cap from any one (1) county or eligible issuer; and

(D) Applications for reallocation of RZB cap will be evaluated according to the following criteria:

1. For recovery zone economic development bonds, DED shall consider the number of beneficiaries, environmental impact, local effort, economic impact, economic distress of the zone (including previous job loss, average income, and poverty levels), project readiness, and other compelling information that may be presented by the applicant; and

2. For recovery zone facility bonds, DED shall consider the number of jobs created and/or retained, the wages of the jobs created and/or retained, the economic distress of the zone (including previous job loss, average income, and poverty levels), project readiness, project competitiveness, amount of investment, economic impact, opportunities for spin-off jobs, and any other compelling information that may be presented by the applicant.



APPLICATION FOR RECOVERY ZONE BOND REALLOCATION

This application form is provided for use pursuant to Section 108.1000-108.1020, RSMo (HB191, 95th General Assembly). All bond issuers must complete and submit this application to the Director of the Department of Economic Development and receive approval prior to issuing Recovery Zone Bonds that are subject to the reallocation.

Bond Issuer				
NAME OF ISSUER		NAME OF ISSUER'S REPRESENTATIVE		TITLE
STREET ADDRESS		PO BOX	CITY	STATE ZIP CODE
TELEPHONE	FAX NUMBER		E-MAIL ADDRESS	
DESCRIPTION OF RECOVERY ZONE AREA			COUNTY	
LOCAL GOVERNMENT JURSDICTION				
CHIEF ELECTED OFFICER			TITLE	
HAS SAID OFFICER APPROVED THE PROPOSED FINANCING? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT REQUIRED			HAS A PUBLIC HEARING BEEN HELD CONCERNING THE PROPOSED FINANCING? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> TO BE HELD <input type="checkbox"/> NOT REQUIRED	
BOND COUNSEL FOR ISSUER		FIRM NAME		
STREET ADDRESS		PO BOX	CITY	STATE ZIP CODE
TELEPHONE	FAX NUMBER		E-MAIL ADDRESS	
Description of Project or Financing				
TYPE OF BONDS (CHECK ONE THEN COMPLETE SUBSECTION)				
<input type="checkbox"/> Economic Development Bonds		<input type="checkbox"/> Facility Bonds		
Qualified Economic Development Purpose: <input type="checkbox"/> Capital expenditures for property in the zone <input type="checkbox"/> Public infrastructure <input type="checkbox"/> Public facilities <input type="checkbox"/> Job training and educational programs <input type="checkbox"/> Other _____	To be issued as: <input type="checkbox"/> General obligation bonds <input type="checkbox"/> Utility revenue bonds <input type="checkbox"/> Leasehold revenue bonds <input type="checkbox"/> Certificates of participation <input type="checkbox"/> Special obligation bonds <input type="checkbox"/> Other _____	Qualified Economic Development Purpose: <input type="checkbox"/> Capital expenditures for property in the zone <input type="checkbox"/> Public infrastructure <input type="checkbox"/> Public facilities <input type="checkbox"/> Job training and educational programs <input type="checkbox"/> Other _____	To be issued as: <input type="checkbox"/> General obligation bonds <input type="checkbox"/> Utility revenue bonds <input type="checkbox"/> Leasehold revenue bonds <input type="checkbox"/> Certificates of participation <input type="checkbox"/> Special obligation bonds <input type="checkbox"/> Other _____	
LIST THE PRINCIPAL BENEFICIARY(S) OF THE PROJECT TO BE FINANCED WITH THE PROCEEDS OF BONDS (Include parent company and d/b/a where applicable)				
NAME and LOCATION OF PROJECT (PROJECT NAME, STREET, P.O. BOX, CITY, STATE, ZIP CODE)				
AMOUNT OF ALLOCATION REQUESTED (Least amount necessary)				
DATE INDUCEMENT RESOLUTION OR OTHER COMMITMENT TO ISSUE WAS ADOPTED				
DESCRIBE THE BUSINESS ACTIVITY AT THE FACILITY, IF APPLICABLE				
DESCRIBE THE PROJECT WITH SPECIFIC DETAILS				

DESCRIBE THE SPECIFIC BENEFIT OF A RECOVERY ZONE BOND TO THE PROJECT			
IS THE PROJECT FACILITY (CHECK ALL THAT APPLY TO FACILITY, AS APPLICABLE):			
<input type="checkbox"/> NEW CONSTRUCTION <input type="checkbox"/> RENOVATION <input type="checkbox"/> HISTORIC - ON NATIONAL REGISTER <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> OTHER _____			
IS THIS PROJECT PART OF AN APPROVED COMMUNITY PLAN? <input type="checkbox"/> YES <input type="checkbox"/> NO			
IF YES, WHICH PLAN		APPROVAL DATE	
Investment			
	TOTAL INVESTMENT	PRIVATE INVESTMENT	LEVERAGED PUBLIC INVESTMENT
			SOURCE AMOUNT
LAND & SITE PREPARATION			
BUILDING			
EQUIPMENT			
OTHER			
TOTAL INVESTMENT			
Jobs & Wages			
Estimate the number of permanent new jobs for this project:	WITHIN 1 YEAR	CUMULATIVE OVER 5 YEARS	AVERAGE WAGE OF NEW JOBS
Provide the number of retained jobs for this project:		NUMBER OF RETAINED JOBS	AVERAGE WAGE OF RETAINED JOBS
Provide the number of relevant construction jobs for this project:		NUMBER OF CONSTRUCTION JOBS	
Closing Information			
ANTICIPATED DATE OF CLOSING (NEEDS TO BE AS ACCURATE AS POSSIBLE)			
DESCRIBE ACTIVITIES THAT HAVE OCCURRED TO SUPPORT BOND CLOSING ON THE ABOVE DATE			
Attestation			
<i>I CERTIFY THAT THE ABOVE INFORMATION IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND THAT I AM AUTHORIZED TO SUBMIT THIS APPLICATION ON BEHALF OF THE BOND ISSUER.</i>			
SIGNATURE OF ISSUER'S REPRESENTATIVE		DATE	
Submit to:	Department of Economic Development Recovery Zone Bond 301 West High Street PO Box 1157 Jefferson City, MO 65102 Phone: (573) 751-5097 Fax: (573) 522-5033		

AUTHORITY: section 108.1010, HB 191, First Regular Session, Ninety-fifth General Assembly, 2009. Emergency rule filed Sept. 18, 2009, effective Sept. 28, 2009, expires March 26, 2010. Original rule filed Sept. 18, 2009.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Economic Development, Room 680, Truman State Office Building, 301 West High Street, Jefferson City, Missouri 65101. 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 10—DEPARTMENT OF NATURAL RESOURCES
Division 1—Director’s Office
Chapter 3—Consolidation of Permit Processing**

PROPOSED RULE

10 CSR 1-3.010 Consolidation of Permit Processing

PURPOSE: This rule provides for implementation of coordinated permitting for facilities which require multiple permits from the department. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is section 640.017 RSMo, which requires the department to promulgate rules to implement this section.

(1) Whenever a facility or activity requires more than one (1) environmental permit administered by the department, an applicant may request, or the department may offer, a unified permitting schedule that covers the timing and order to obtain such permits, as provided in section 640.017, RSMo. Upon agreement between the applicant and the department, the processing of permit applications would then be administered pursuant to that section. When multiple permits are placed on public notice, the public comment period for such permits shall not be shorter than the longest individual comment period required for any of the permits involved or half of the total sum of days required by the individual comment periods for the permits involved, whichever is greater, and the comment period may be extended upon request.

AUTHORITY: section 640.017, RSMo Supp. 2008. Original rule filed Sept. 24, 2009.

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

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

NOTICE TO SUBMIT COMMENTS: Interested persons may submit a written or email statement of their views until 5:00 p.m., December 4, 2009. Written comments shall be sent to John Madras, Division of Environmental Quality, Missouri Department of Natural Resources’ Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to john.madras@dnr.mo.gov. No public hearing is scheduled.

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

PROPOSED AMENDMENT

10 CSR 10-6.010 Ambient Air Quality Standards. The commission proposes to amend the Ambient Air Quality Standards Table to reflect the current particulate matter 10 microns or less, particulate matter 2.5 microns or less, ozone, and lead standards. If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources’ Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources’ Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/index.html.

PURPOSE: This rule provides long-range goals for ambient air quality throughout Missouri in order to protect the public health and welfare. The purpose of this amendment is to update the standards for ambient air quality throughout Missouri in order to reflect the changes in the National Ambient Air Quality Standards (NAAQS) for particulate matter 10 microns or less, particulate matter 2.5 microns or less, ozone, and lead. These standards are federally mandated. The Clean Air Act requires the U.S. Environmental Protection Agency (EPA) to review the NAAQS once every five (5) years. These new and revised standards are based on the most recent health studies available to the EPA and set national levels for acceptable concentrations of specific pollutants in the ambient air. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is *Federal Register* Notice 71 FR 61144-61233, promulgated October 17, 2006; *Federal Register* Notice 73 FR 16436-16514, promulgated March 27, 2008; and *Federal Register* Notice 73 FR 66964-67062, promulgated November 12, 2008.

Pollutant	Concentration	Method	Remarks	Pollutant	Concentration	Method	Remarks
1. Particulate matter 10 micron (PM ₁₀)	[50 micrograms per cubic meter] 150 micrograms per cubic meter	As specified in 10 CSR 10-6.040(4)(J)	[3-year average of annual arithmetic mean] 24-hour average concentration. Not more than one expected exceedance, 3-year average (see 10 CSR 10-6.040(4)(K))	4. [Photo-chemical oxidants (1-hour ozone)]	[0.12 ppm (235 micrograms per cubic meter)]	[As specified in 10 CSR 10-6.040(4)(D)]	[1-hour average. Not more than one expected exceedance, 3-year average (see 10 CSR 10-6.040(4)(H))]
Particulate matter 2.5 micron (PM _{2.5})	15 micrograms per cubic meter [65] 35 micrograms per cubic meter	As specified in 10 CSR 10-6.040(4)(L) As specified in 10 CSR 10-6.040(4)(L)	3-year average of annual arithmetic mean 24-hour average concentration using 98th percentile of monitored daily concentration (see 10 CSR 10-6.040(4)(M))	8-hour ozone	0.075 ppm 0.08 ppm	As specified in 10 CSR 10-6.040(4)(D) As specified in 10 CSR 10-6.040(4)(D)	8-hour standard not to exceed 3-year average of the 4th highest daily maximum (see 10 CSR 10-6.040(4)(N)) 8-hour standard not to exceed 3-year average of the 4th highest daily maximum (see 10 CSR 10-6.040(4)(I))
2. Sulfur dioxide	0.03 ppm (80 micrograms per cubic meter) 0.14 ppm (365 micrograms per cubic meter) 0.5 ppm (1,300 micrograms per cubic meter)	As specified in 10 CSR 10-6.040(4)(A) As specified in 10 CSR 10-6.040(4)(A) As specified in 10 CSR 10-6.040(4)(A)	Annual arithmetic mean 24-hour average not to be exceeded more than once per year 3-hour average not to be exceeded more than once per year	5. Nitrogen dioxide	0.05 ppm (100 micrograms per cubic meter)	As specified in 10 CSR 10-6.040(4)(F)	Annual arithmetic mean not to be exceeded
3. Carbon monoxide	9 ppm (10,000 micrograms per cubic meter) 35 ppm (40,000 micrograms per cubic meter)	As specified in 10 CSR 10-6.040(4)(C) As specified in 10 CSR 10-6.040(4)(C)	8-hour average not to be exceeded more than once per year 1-hour average not to be exceeded more than once per year	6. Hydrogen sulfide	0.05 ppm (70 micrograms per cubic meter) 0.03 ppm (42 micrograms per cubic meter)	As specified in 10 CSR 10-6.040(5) As specified in 10 CSR 10-6.040(5)	1/2-hour average not to be exceeded over 2 times per year 1/2-hour average not to be exceeded over 2 times in any 5 consecutive days
				7. Sulfuric acid	10 micrograms per cubic meter 30 micrograms per cubic meter	As specified in 10 CSR 10-6.040(6) As specified in 10 CSR 10-6.040(6)	24-hour average not to be exceeded more than once in any 90 consecutive days 1-hour average not to be exceeded more than once in any 2 consecutive days
				8. Lead	1.5 micrograms per cubic meter 0.15 micrograms per cubic meter	As specified in 10 CSR 10-6.040(4)(G) As specified in 10 CSR 10-6.040(4)(G)	Calendar quarter arithmetic mean not to be exc/c/eeded Rolling 3-month average not to be exceeded (see 10 CSR 10-6.040(4)(O))

AUTHORITY: section 643.050, RSMo 2000. Original rule filed Aug. 16, 1977, effective Feb. 11, 1978. Amended: Filed Dec. 10, 1979, effective April 11, 1980. Amended: Filed Jan. 5, 1988, effective April 28, 1988. Amended: Filed July 6, 2005, effective Feb. 28, 2006. Amended: Filed Sept. 24, 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. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., December 3, 2009. The public hearing will be held at

the Elm Street Conference Center, 1730 East Elm Street, Lower Level, Bennett Springs Conference Room, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., December 10, 2009. Written comments shall be sent to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to apcprulespn@dnr.mo.gov.

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

PROPOSED AMENDMENT

10 CSR 10-6.040 Reference Methods. The commission proposes to amend section (4) and delete section (9). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/index.html.

PURPOSE: This rule provides reference methods for determining data and information necessary for the enforcement of fair pollution control regulations throughout Missouri. The purpose of this amendment is to update the reference methods for measuring and complying with the current National Ambient Air Quality Standards for ozone and lead. The amendment will also move the incorporation by reference of these reference methods from 10 CSR 10-6.070 to this rule. Concurrent to this rulemaking, 10 CSR 10-6.070 is being amended and the reference to the effective promulgation dates for the reference methods found in 10 CSR 10-6.040 will be removed from that rule. These amendments will reflect the new methods that should be used to measure concentrations of lead and ozone in the ambient air, reflect the latest methods for determining compliance with the standards for these pollutants and reduce confusion in the Code of State Regulations. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is *Federal Register Notice 71 FR 61144-61233, promulgated October 17, 2006; Federal Register Notice 73 FR 16436-16514, promulgated March 27, 2008; and Federal Register Notice 73 FR 66964-67062, promulgated November 12, 2008.*

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

(4) The provisions of 40 CFR part 50, Appendices A–R and 40 CFR part 53 promulgated as of June 30, 2008, and *Federal Register Notice 73 FR 67051-67062 promulgated November 12, 2008*, shall apply and are hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, DC 20408. This rule does not incorporate any subsequent amendments or additions. The methods for determining the concentrations of the following air contaminants in the ambient air shall be as specified in 40 CFR part 50, Appendices A–N/R or equivalent methods as specified in 40 CFR part 53:

(G) The concentration of lead in the ambient air shall be determined as specified in 40 CFR part 50, Appendix G—*Reference Method for the Determination of Lead in Suspended Particulate Matter Collected From Ambient Air* or in 40 CFR part 50, Appendix Q—*Reference Method for the Determination of Lead in Particulate Matter as PM₁₀ Collected From Ambient Air* or equivalent methods as approved by 40 CFR part 53;

(J) The concentration of particulate matter 10 micron (PM₁₀) in the ambient air shall be determined as specified in 40 CFR part 50, Appendix J—*Reference Method for the Determination of Particulate Matter as PM₁₀ in the Atmosphere*, or an equivalent method as approved in 40 CFR part 53; [and]

(L) The concentration of particulate matter 2.5 micron (PM_{2.5}) in the ambient air shall be determined as specified in 40 CFR part 50, Appendix L—*Reference Method for the Determination of Fine*

Particulate Matter as PM_{2.5} in the Atmosphere, or an equivalent method as approved in 40 CFR part 53; [and]

(M) Compliance with particulate matter 2.5 (PM_{2.5}) standards shall be determined as specified in 40 CFR part 50, Appendix N—*Interpretation of the National Ambient Air Quality Standards for Particulate Matter*.;

(N) Compliance with the eight (8)-hour ozone standards shall be determined as specified in 40 CFR part 50, Appendix P—*Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Ozone*; and

(O) Compliance with the lead standards shall be determined as specified in 40 CFR Part 50, Appendix R—*Interpretation of the National Ambient Air Quality Standards for Lead*.

[(9) The latest effective date of any 40 CFR part 50, Appendices A–N and equivalent methods as specified in 40 CFR part 53 shall be as designated in 10 CSR 10-6.070 New Source Performance Regulations for 40 CFR part 60.]

AUTHORITY: section 643.050, RSMo 2000. Original rule filed Aug. 16, 1977, effective Feb. 11, 1978. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 24, 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. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., December 3, 2009. The public hearing will be held at the Elm Street Conference Center, 1730 East Elm Street, Lower Level, Bennett Springs Conference Room, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., December 10, 2009. Written comments shall be sent to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to apcprulespn@dnr.mo.gov.

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

PROPOSED AMENDMENT

10 CSR 10-6.070 New Source Performance Regulations. The commission proposes to amend subsection (1)(A) and sections (3) and (5). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency for delegation of enforcement authority. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/index.html.

PURPOSE: This rule establishes acceptable design and performance criteria for specified new or modified emission sources. The purpose

of this rulemaking is to amend 10 CSR 10-6.070 to incorporate 40 CFR part 60 subparts amended between July 1, 2006, and December 31, 2008. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is: elements of the State/EPA work plan and Title V Operating Permit Program requirements.

(1) Applicability.

(A) The provisions of 40 CFR part 60 promulgated as of June 30, [2006] 2008, and Federal Register Notices 73 FR 43626, 73 FR 55751, 73 FR 59034, 73 FR 78199, 73 FR 78546, and 73 FR 78549 promulgated from July 1, 2008, through December 31, 2008, shall apply and are hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, DC 20408. This rule does not incorporate any subsequent amendments or additions.

(3) General Provisions. The following are the New Source Performance Standards (NSPS) 40 CFR part 60 subparts that are adopted by reference in subsection (1)(A) of this rule. Individual source operations or installations in these categories are subject to this rule based on date of commencement of construction and other category specific parameters, as specified in the applicable subpart:

Subpart Title

(D) Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced After August 17, 1971

(Da) Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978

(Db) Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units

(Dc) Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units

(E) Standards of Performance for Incinerators

(Ea) Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989 and on or Before September 20, 1994

(Eb) Standards of Performance for Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996

(Ec) Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996

(F) Standards of Performance for Portland Cement Plants

(G) Standards of Performance for Nitric Acid Plants

(H) Standards of Performance for Sulfuric Acid Plants

(I) Standards of Performance for Hot Mix Asphalt Facilities

(J) Standards of Performance for Petroleum Refineries

(Ja) Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007

(K) Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978

(Ka) Standards for Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984

(Kb) Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984

(L) Standards of Performance for Secondary Lead Smelters

(M) Standards of Performance for Secondary Brass and Bronze Production Plants

(N) Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced

After June 11, 1973

(Na) Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983

(O) Standards of Performance for Sewage Treatment Plants

(P) Standards of Performance for Primary Copper Smelters

(Q) Standards of Performance for Primary Zinc Smelters

(R) Standards of Performance for Primary Lead Smelters

(S) Standards of Performance for Primary Aluminum Reduction Plants

(T) Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants

(U) Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants

(V) Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants

(W) Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants

(X) Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities

(Y) Standards of Performance for Coal Preparation Plants

(Z) Standards of Performance for Ferroalloy Production Facilities

(AA) Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and On or Before August 17, 1983

(AAa) Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983

(BB) Standards of Performance for Kraft Pulp Mills

(CC) Standards of Performance for Glass Manufacturing Plants

(DD) Standards of Performance for Grain Elevators

(EE) Standards of Performance for Surface Coating of Metal Furniture

(GG) Standards of Performance for Stationary Gas Turbines

(HH) Standards of Performance for Lime Manufacturing Plants

(KK) Standards of Performance for Lead-Acid Battery Manufacturing Plants

(LL) Standards of Performance for Metallic Mineral Processing Plants

(MM) Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations

(NN) Standards of Performance for Phosphate Rock Plants

(PP) Standards of Performance for Ammonium Sulfate Manufacture

(QQ) Standards of Performance for the Graphic Arts Industry: Publication Rotogravure Printing

(RR) Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations

(SS) Standards of Performance for Industrial Surface Coating: Large Appliances

(TT) Standards of Performance for Metal Coil Surface Coating

(UU) Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture

(VV) Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry

(VVa) Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006

(WW) Standards of Performance for the Beverage Can Surface Coating Industry

(XX) Standards of Performance for Bulk Gasoline Terminals

(AAA) Standards of Performance for New Residential Wood Heaters

(BBB) Standards of Performance for the Rubber Tire Manufacturing Industry

(DDD) Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry

(FFF) Standards of Performance for Flexible Vinyl and Urethane Coating and Printing

(GGG) Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries

(GGGa) Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006

(HHH) Standards of Performance for Synthetic Fiber Production Facilities

(III) Standards of Performance for Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes

(JJJ) Standards of Performance for Petroleum Dry Cleaners

(KKK) Standards of Performance for Equipment Leaks of VOC From Onshore Natural Gas Processing Plants

(LLL) Standards of Performance for Onshore Natural Gas Processing: SO₂ Emissions

(NNN) Standards of Performance for Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations

(OOO) Standards of Performance for Nonmetallic Mineral Processing Plants

(PPP) Standard of Performance for Wool Fiberglass Insulation Manufacturing Plants

(QQQ) Standards of Performance for VOC Emissions From Petroleum Refinery Wastewater Systems

(RRR) Standards of Performance for Volatile Organic Compound Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes

(SSS) Standards of Performance for Magnetic Tape Coating Facilities

(TTT) Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines

(UUU) Standards of Performance for Calciners and Dryers in Mineral Industries

(VVV) Standards of Performance for Polymeric Coating of Supporting Substrates Facilities

(WWW) Standards of Performance for Municipal Solid Waste Landfills

(AAAA) Standards of Performance for Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001

(CCCC) Standards of Performance for Commercial and Industrial Solid Waste Incineration Units for Which Construction Is Commenced After November 30, 1999 or for Which Modification or Reconstruction Is Commenced on or After June 1, 2001

(EEEE) Standards of Performance for Other Solid Waste Incineration Units for Which Construction Commenced After December 9, 2004, or for Which Modification or Reconstruction Is Commenced on or After June 16, 2006

(FFFF) Emission Guidelines and Compliance Times for Other Solid Waste Incineration Units That Commenced Construction On or Before December 9, 2004

(III) Standards of Performance for Stationary Compression Ignition Internal Combustion Engines

(JJJJ) Standards of Performance for Stationary Spark Ignition Internal Combustion Engines

(KKKK) Standards of Performance for Stationary Combustion Turbines

(5) Test Methods. **The sampling methods given in 40 CFR part 60, Appendix A and specified in 10 CSR 10-6.030 shall be effective as of the date in section (1) of this rule.**

[(A) Relation to 10 CSR 10-6.030 Sampling Methods for Air Pollution Sources. The sampling methods given in 40

CFR part 60, Appendix A and specified in 10 CSR 10-6.030 shall be effective as of the date in section (1) of this rule.

(B) Relation to 10 CSR 10-6.040 Reference Methods. The reference methods given in 40 CFR parts 50 and 53 and specified in 10 CSR 10-6.040(4) shall be effective as of the date in section (1) of this rule.]

AUTHORITY: section 643.050, RSMo 2000. Original rule filed Dec. 10, 1979, effective April 11, 1980. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 24, 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. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., December 3, 2009. The public hearing will be held at the Elm Street Conference Center, 1730 East Elm Street, Lower Level, Bennett Springs Conference Room, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., December 10, 2009. Written comments shall be sent to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to apcprulespn@dnr.mo.gov.

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

PROPOSED AMENDMENT

10 CSR 10-6.075 Maximum Achievable Control Technology Regulations. The commission proposes to amend subsection (1)(A) and section (3). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency for delegation of enforcement authority. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/index.html.

PURPOSE: This rule establishes emission control technology, performance criteria, and work practices to achieve emission standards for sources that emit or have the potential to emit hazardous air pollutants. The purpose of this rulemaking is to amend 10 CSR 10-6.075 to incorporate 40 CFR part 63 subparts promulgated or amended between July 1, 2006, and December 31, 2008. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is: elements of the State/EPA work plan and Title V Operating Permit Program requirements.

(1) Applicability.

(A) The provisions of 40 CFR part 63 promulgated as of June 30, [2006] 2008, and Federal Register Notices 73 FR 37728, 73 FR 39871, 73 FR 40977, 73 FR 42529, 73 FR 42978, 73 FR 64068, 73 FR 72727, 73 FR 76220, 73 FR 78199, and 73 FR 78637 promulgated from July 1, 2008, through December 31, 2008, shall apply and are hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, DC 20408. This rule does not incorporate any subsequent amendments or additions.

(3) General Provisions. The following are the Maximum Achievable Control Technology (MACT) 40 CFR part 63 subparts that are adopted by reference in subsection (1)(A) of this rule. Individual source operations or installations in these categories are subject to this rule based on category specific parameters, as specified in the applicable subpart:

Subpart Title

(F) National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry

(G) National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater

(H) National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks

(I) National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks

[(J) National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production]

(L) National Emission Standards for Coke Oven Batteries

(M) National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities

(N) National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks

(O) Ethylene Oxide Emissions Standards for Sterilization Facilities

(Q) National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers

(R) National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)

(S) National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry

(T) National Emission Standards for Halogenated Solvent Cleaning

(U) National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins

(W) National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production

(X) National Emission Standards for Hazardous Air Pollutants From Secondary Lead Smelting

(Y) National Emission Standards for Marine Tank Vessel Loading Operations

(AA) National Emission Standards for Hazardous Air Pollutants From Phosphoric Acid Manufacturing Plants

(BB) National Emission Standards for Hazardous Air Pollutants From Phosphate Fertilizers Production Plants

(CC) National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries

(DD) National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations

(EE) National Emission Standards for Magnetic Tape Manufacturing Operations

(GG) National Emission Standards for Aerospace Manufacturing and Rework Facilities

(HH) National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities

(II) National Emission Standards for Shipbuilding & Ship Repair (Surface Coating)

(JJ) National Emission Standards for Wood Furniture Manufacturing Operations

(KK) National Emission Standards for the Printing and Publishing Industry

(LL) National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants

(MM) National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills

(OO) National Emission Standards for Tanks—Level 1

(PP) National Emission Standards for Containers

(QQ) National Emission Standards for Surface Impoundments

(RR) National Emission Standards for Individual Drain Systems

(SS) National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process

(TT) National Emission Standards for Equipment Leaks—Control Level 1

(UU) National Emission Standards for Equipment Leaks—Control Level 2 Standards

(VV) National Emission Standards for Oil-Water Separators and Organic-Water Separators

(WW) National Emission Standards for Storage Vessels (Tanks)—Control Level 2

(XX) National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations

(YY) National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards

(CCC) National Emission Standards for Hazardous Air Pollutants for Steel Pickling—HCl Process Facilities and Hydrochloric Acid Regeneration Plants

(DDD) National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production

(EEE) National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors

(GGG) National Emission Standards for Pharmaceuticals Production

(HHH) National Emission Standards for Hazardous Air Pollutants From Natural Gas Transmission and Storage Facilities

(III) National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production

(JJJ) National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins

(LLL) National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry

(MMM) National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production

(NNN) National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing

(OOO) National Emission Standards for Hazardous Air Pollutant Emissions: Manufacture of Amino/Phenolic Resins

(PPP) National Emission Standards for Hazardous Air Pollutant Emissions for Polyether Polyols Production

(QQQ) National Emission Standards for Hazardous Air Pollutant Emissions for Primary Copper Smelting

(RRR) National Emission Standards for Hazardous Air Pollutants: Secondary Aluminum Production

(TTT) National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting

(UUU) National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units

(VVV) National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works
(XXX) National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese
(AAAA) National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills
(CCCC) National Emission Standards for Hazardous Air Pollutants: Manufacturing of Nutritional Yeast
(DDDD) National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products
(EEEE) National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline)
(FFFF) National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing
(GGGG) National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production
(HHHH) National Emission Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production
(IIII) National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light Duty Trucks
(JJJJ) National Emission Standards for Hazardous Air Pollutants: Paper and Other Web Coating
(KKKK) National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans
(MMMM) National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products
(NNNN) National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances
(OOOO) National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles
(PPPP) National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products
(QQQQ) National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products
(RRRR) National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture
(SSSS) National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil
(TTTT) National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations
(UUUU) National Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing
(VVVV) National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing
(WWWW) National Emission Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production
(XXXX) National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing
(YYYY) National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines
(ZZZZ) National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines
(AAAAA) National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants
(BBBBB) National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing
(CCCCC) National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks
[(DDDDD) National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters]
(EEEEE) National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries
(FFFFF) National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities

(GGGGG) National Emission Standards for Hazardous Air Pollutants: Site Remediation
(HHHHH) National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing
(IIIII) National Emission Standards for Hazardous Air Pollutants: Mercury Emissions From Mercury Cell Chlor-Alkali Plants
[(JJJJJ) National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing]
[(KKKKK) National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing]
(LLLLL) National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing
(MMMMM) National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations
(NNNNN) National Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production
(PPPPP) National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Stands
(QQQQQ) National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities
(RRRRR) National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing
(SSSSS) National Emissions Standards for Hazardous Air Pollutants for Refractory Products Manufacturing
(TTTTT) National Emissions Standards for Hazardous Air Pollutants for Primary Magnesium Refining
(WWWWW) National Emission Standards for Hospital Ethylene Oxide Sterilizers
(YYYYY) National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities
(ZZZZZ) National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources
(BBBBBB) National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities
(CCCCCC) National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities
(DDDDDD) National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources
(EEEEEE) National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources
(FFFFFF) National Emission Standards for Hazardous Air Pollutants for Secondary Copper Smelting Area Sources
(GGGGGG) National Emission Standards for Hazardous Air Pollutants for Primary Nonferrous Metals Area Sources—Zinc, Cadmium, and Beryllium
(HHHHHH) National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources
(LLLLLL) National Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources
(MMMMMM) National Emission Standards for Hazardous Air Pollutants for Carbon Black Production Area Sources
(NNNNNN) National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources: Chromium Compounds
(OOOOOO) National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources
(PPPPPP) National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources
(QQQQQQ) National Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources

(RRRRRR) National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing Area Sources

(SSSSSS) National Emission Standards for Hazardous Air Pollutants for Glass Manufacturing Area Sources

(TTTTTT) National Emission Standards for Hazardous Air Pollutants for Secondary Nonferrous Metals Processing Area Sources

(WWWWWW) National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations

(XXXXXX) National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories

(YYYYYY) National Emission Standards for Hazardous Air Pollutants for Area Sources: Ferroalloys Production Facilities

AUTHORITY: section 643.050, RSMo 2000. Original rule filed May 1, 1996, effective Dec. 30, 1996. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Sept. 24, 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. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., December 3, 2009. The public hearing will be held at the Elm Street Conference Center, 1730 East Elm Street, Lower Level, Bennett Springs Conference Room, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., December 10, 2009. Written comments shall be sent to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to apcprulespn@dnr.mo.gov.

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

PROPOSED AMENDMENT

10 CSR 10-6.080 Emission Standards for Hazardous Air Pollutants. The commission proposes to amend subsection (1)(A). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency for delegation of enforcement authority. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/index.html.

PURPOSE: This rule establishes emission standards and performance criteria for new or modified sources emitting hazardous air pollutants. The purpose of this rulemaking is to amend 10 CSR 10-6.080 to incorporate 40 CFR part 61 subparts amended between July 1, 2006, and December 31, 2008. The evidence supporting the need

for this proposed rulemaking, per section 536.016, RSMo, is: elements of the State/EPA work plan and Title V Operating Permit Program requirements.

(1) Applicability.

(A) The provisions of 40 CFR part 61 promulgated as of June 30, [2006] 2008, with no additional *Federal Register* Notices promulgated from July 1, 2008, through December 31, 2008, shall apply and are hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, DC 20408. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: section 643.050, RSMo 2000. Original rule filed Dec. 10, 1979, effective April 11, 1980. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Sept. 24, 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. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., December 3, 2009. The public hearing will be held at the Elm Street Conference Center, 1730 East Elm Street, Lower Level, Bennett Springs Conference Room, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., December 10, 2009. Written comments shall be sent to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to apcprulespn@dnr.mo.gov.

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

PROPOSED AMENDMENT

10 CSR 10-6.130 Controlling Emissions During Episodes of High Air Pollution Potential. The commission proposes to amend subsection (3)(A). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/index.html.

PURPOSE: This rule specifies the conditions that establish an air pollution alert, watch, or emergency and the associated procedures and emissions reduction objectives for dealing with each. This amendment will revise Table A to update the Air Quality Index breakpoint values to reflect the current eight (8)-hour ozone standards.

This rulemaking is necessary because when the eight (8)-hour ozone National Ambient Air Quality Standard (NAAQS) was revised by the Environmental Protection Agency in March of 2008, the break point values for the air quality index were also updated. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is Federal Register Notice 73 FR 16436-16514.

(3) General Provisions.

(A) Air Pollution Alerts.

1. The Air Quality Index shall be reported to the general public on a daily basis by all metropolitan statistical areas with a population exceeding three hundred fifty thousand (350,000).

2. Alert levels are stated in terms of the Air Quality Index (AQI) as defined in 40 CFR part 58, Appendix G, for sulfur dioxide (SO₂), carbon monoxide (CO), ozone (O₃), nitrogen dioxide (NO₂) and Particulate Matter—10 Micron (PM₁₀) and 2.5 Micron (PM_{2.5}). Table A shows the relation of the AQI breakpoint values to equivalent concentrations of air contaminants. All concentrations are averaged over the time period indicated.

Table A									
BREAKPOINT FOR THE AQI									
AQI	Alert Category	Alert Color	Breakpoint Values						
			O ₃ (ppm)	O ₃ (ppm)	PM _{2.5} (µg/m ³)	PM ₁₀ (µg/m ³)	CO (ppm)	SO ₂ (ppm)	NO ₂ (ppm)
			8-hour	1-hour ⁽¹⁾	24-hour	24-hour	8-hour	24-hour	24-hour
0-50	Good	Green	0.000- 0.064 0.059	-----	0.0-15.4	0-54	0.0-4.4	0.000-0.034	(2)
51-100	Moderate	Yellow	0.065-0.084 0.060-0.075	-----	15.5-40.4	55-154	4.5-9.4	0.035-0.144	(2)
101-150	Unhealthy for sensitive groups	Orange	0.085-0.104 0.076-0.095	0.125-0.164	40.5-65.4	155-254	9.5-12.4	0.145-0.224	(2)
151-200	Unhealthy	Red	0.105-0.124 0.096-0.115	0.165-0.204	65.5-150.4	255-354	12.5-15.4	0.225-0.304	(2)
201-300	Very Unhealthy	Purple	0.125 0.116-0.374	0.205-0.404	150.5-250.4	355-424	15.5-30.4	0.305-0.604	0.65-1.24
301-400	Hazardous	Maroon	(3)	0.405-0.504	250.5-350.4	425-504	30.5-40.4	0.605-0.804	1.25-1.64
401-500	Hazardous	Maroon	(3)	0.505-0.604	350.5-500.4	505-604	40.5-50.4	0.805-1.004	1.65-2.04

⁽¹⁾ Areas are generally required to report the AQI based on eight (8)-hour ozone values. However, there are a small number of areas where an AQI based on one (1)-hour ozone values would be more precautionary. In these cases, in addition to calculating the eight (8)-hour ozone index value, the one (1)-hour ozone index value may be calculated, and the maximum of the two (2) values reported.

⁽²⁾ NO₂ has no short-term National Ambient Air Quality Standard and can generate an AQI value only above two hundred (200).

⁽³⁾ Eight (8)-hour O₃ values do not define higher AQI values (greater than or equal to three hundred one (301)). AQI values of three hundred one (301) or higher are calculated with one (1)-hour O₃ concentrations.

3. Alert types and levels of initiation.

A. Orange alert AQI value. Any one (1) of the contaminants listed in paragraph (3)(A)2. reaching a concentration which results in an AQI value of one hundred one to one hundred fifty (101–150) shall initiate the orange alert.

B. Red alert AQI value. Any one (1) of the contaminants listed in paragraph (3)(A)2. reaching a concentration which results in an AQI value of one hundred fifty-one to two hundred (151–200) shall initiate the red alert.

C. Purple alert AQI value. Any one (1) of the contaminants listed in paragraph (3)(A)2. reaching a concentration which results in an AQI value of two hundred one to three hundred (201–300) shall initiate the purple alert.

D. Maroon emergency alert AQI value. Any one (1) of the contaminants listed in paragraph (3)(A)2. reaching a concentration which results in an AQI value of three hundred one to five hundred (301–500) shall initiate the maroon emergency alert.

4. Declaration of alerts. An orange alert, red alert, purple alert, or maroon emergency alert may be declared on the basis of deteriorating air quality alone; an Air Stagnation Advisory need not be in effect. The appropriate episode status should be declared by the director as ambient monitoring would indicate.

5. Termination of alerts. When, in the judgment of the director, meteorological conditions and pollutant concentrations warrant discontinuance of any alert condition, the director shall notify the technical staff, the chairman, and members of the Missouri Air Conservation Commission that the alert has been discontinued and issue a public notice to that effect.

AUTHORITY section 643.050, RSMo 2000. Original rule filed May 11, 1984, effective Oct. 11, 1984. Amended: Filed Jan. 5, 1988, effective April 28, 1988. Amended: Filed March 13, 2002, effective Nov. 30, 2002. Amended: Filed Sept. 24, 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. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., December 3, 2009. The public hearing will be held at the Elm Street Conference Center, 1730 East Elm Street, Lower Level, Bennett Springs Conference Room, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., December 10, 2009. Written comments shall be sent to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to apcprulespn@dnr.mo.gov.

Title 10—DEPARTMENT OF NATURAL RESOURCES

Division 20—Clean Water Commission

Chapter 7—Water Quality

PROPOSED AMENDMENT

10 CSR 20-7.015 Effluent Regulations. The department is amending paragraph (1)(A)3., sections (2), (3), and (4), subsection (5)(C), and sections (6), (7), (8), and (9) and adding a new section (10).

PURPOSE: This amendment will provide a mechanism to place

escherichia coli bacteria limits and effluent monitoring requirements into permits. This amendment will remove the provision that allows Publicly Owned Treatment Works (POTWs) to permit intermittent wet-weather outfalls that are not subject to secondary treatment. The amendment will also incorporate a minor addition that will allow alternative limits for discharges to subsurface waters associated with risk-based corrective action projects administered by the Hazardous Waste Program so long as no unreasonable risk to human health or the environment is created. It will also address water quality conditions potentially impacted by the discharge of overflows from combined sewer systems (CSS), commonly referred to as combined sewer overflows (CSO).

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

(1) Designations of Waters of the State.

(A) For the purpose of this rule, the waters of the state are divided into the following categories:

1. The Missouri and Mississippi Rivers;
2. Lakes and reservoirs, including natural lakes and any impoundments created by the construction of a dam across any waterway or watershed. An impoundment designed for or used as a disposal site for tailings or sediment from a mine or mill shall be considered a wastewater treatment device and not a lake or reservoir. Releases to lakes and reservoirs include discharges into streams one-half (1/2) stream mile (.80 km) before the stream enters the lake as measured to its normal full pool;

3. A losing stream is a stream which distributes thirty percent (30%) or more of its flow through natural processes such as through permeable geologic materials into a bedrock aquifer within two (2) miles' flow distance downstream of an existing or proposed discharge. Flow measurements to determine percentage of water loss must be corrected to approximate the seven (7)-day Q_{10} stream flow. If a stream bed or drainage way has an intermittent flow or a flow insufficient to measure in accordance with this rule, it may be determined to be a losing stream on the basis of channel development, valley configuration, vegetation development, dye tracing studies, bedrock characteristics, geographical data, and other geological factors. Only discharges which in the opinion of the [department] Missouri Department of Natural Resources reach the losing section and which occur within two (2) miles upstream of the losing section of the stream shall be considered releases to a losing stream. A list of known losing streams is available in the Water Quality Standards, 10 CSR 20-7.031 Table J—Losing Streams. Other streams may be determined to be losing by the [Missouri Department of Natural Resources] department;

4. Metropolitan no-discharge streams. These streams and the limitations on discharging to them are listed in the commission's Water Quality Standards 10 CSR 20-7.031. This rule shall in no way change, amend, or be construed to allow a violation of the existing or future water quality standards;

5. Special streams—wild and scenic rivers, Ozark National Scenic Riverways, and Outstanding State Resource Waters;

6. Subsurface waters in aquifers; and

7. All other waters except as noted in paragraphs (1)(A)1.–6. of this rule.

(2) Effluent Limitations for the Missouri and Mississippi Rivers.

[[A]] The following limitations represent the maximum amount of pollutants which may be discharged from any point source, water contaminant source, or wastewater treatment facility.

[(B)](A) Discharges from wastewater treatment facilities which receive primarily domestic waste or from publicly-owned treatment works (POTWs) shall undergo treatment sufficient to conform to the following limitations:

1. Biochemical Oxygen Demand₅ (BOD₅) and *[nonfilterable residues (NFRs)] Total Suspended Solids (TSS)* equal to or less than a monthly average of thirty milligrams per liter (30 mg/L) and a weekly average of forty-five milligrams per liter (45 mg/L);

2. pH shall be maintained in the range from six to nine (6-9) standard units;

3. Exceptions to paragraphs *[(2)(B)1. and 2.] (2)(A)1. and 2. of this rule* are as follows:

A. If the facility is a wastewater lagoon, the *[NFRs] TSS* shall be equal to or less than a monthly average of eighty *[(80) mg/L] milligrams per liter (80 mg/L)* and a weekly average of one hundred twenty *[(120) mg/L] milligrams per liter (120 mg/L)* and the pH shall be maintained above 6.0, and the BOD₅ shall be equal to or less than a monthly average of forty-five *[(45) mg/L] milligrams per liter (45 mg/L)* and a weekly average of sixty-five *[(65) mg/L] milligrams per liter (65 mg/L)*;

B. If the facility is a trickling filter plant the BOD₅ and *[NFRs] TSS* shall be equal to or less than a monthly average of forty-five *[(45) mg/L] milligrams per liter (45 mg/L)* and a weekly average of sixty-five *[(65) mg/L] milligrams per liter (65 mg/L)*;

C. Where the use of effluent limitations set forward in this section is known or expected to produce an effluent that will endanger or violate water quality, the department will set specific effluent limitations for individual dischargers to protect the water quality of the receiving streams. When a waste load allocation or a total maximum daily load study is conducted for a stream or stream segment, all permits for discharges in the study area shall be modified to reflect the limits established in the study;

D. The department may require more stringent limitations than authorized in subsection[s] (3)(A) *[and (B)] of this rule* under the following conditions:

(I) If the facility is an existing facility, the department may set the BOD₅ and *[NFR] TSS* limits based upon an analysis of the past performance, rounded up to the next five *[(5) mg/L] milligrams per liter (5 mg/L)* range; and

(II) If the facility is a new facility, the department may set the BOD₅ and *[NFR] TSS* limits based upon the design capabilities of the plant considering geographical and climatic conditions;

(a) A design capability study has been conducted for new lagoon systems. The study reflects that the effluent limitations should be BOD₅ equal to or less than a monthly average of forty-five *[(45) mg/L] milligrams per liter (45 mg/L)*, a weekly average of sixty-five *[(65) mg/L] milligrams per liter (65 mg/L)*, *[NFRs] TSS* equal to or less than a monthly average of seventy *[(70) mg/L] milligrams per liter (70 mg/L)* and a weekly average of one hundred ten *[(110) mg/L] milligrams per liter (110 mg/L)*.

(b) A design capability study has been conducted for new trickling filter systems and the study reflects that the effluent limitations should be BOD₅ and *[NFRs] TSS* equal to or less than a monthly average of forty *[(40) mg/L] milligrams per liter (40 mg/L)* and a weekly average of sixty *[(60) mg/L] milligrams per liter (60 mg/L)*; and

E. *[If the facility is a POTW wastewater treatment facility providing at least primary treatment during a precipitation event and discharges on a noncontinuous basis, the discharge may be allowed provided that:*

(I) BOD₅ and NFRs equal to or less than a weekly average of forty-five (45) mg/L. The NFR (total suspended solids) limit may be higher than forty-five (45) mg/L for combined sewer overflow treatment devices when organic solids are demonstrated to be an insignificant fraction of total inorganic storm water generated solids, and the permittee can demonstrate that achieving a limit of forty-five (45) mg/L is not cost effective relative to water quality benefits. In these

cases, an alternative total suspended solids limit would be developed.

(II) pH shall be maintained in the range from six to nine (6-9) standard units; and

(III) Only the wastewater in excess of the capacity of the noncontinuous wastewater treatment plant hydraulic capacity may be discharged;

4. *Fecal coliform. Discharges into segments identified as whole body contact areas shall not contain more than a monthly geometric mean of four hundred (400) fecal coliform colonies per one hundred milliliters (100 ml) and a daily maximum of one thousand (1,000) fecal coliform colonies per one hundred milliliters (100 ml) from April 1 to October 31. The department may waive or relax this limitation if the owner or operator of the wastewater treatment facility can demonstrate that neither health nor water quality will be endangered by failure to disinfect. Facilities without disinfected effluent shall comply with the implementation schedule found in subsection (9)(H) of this rule. During periods of wet weather, a temporary suspension of accountability for bacteria standards may be established through the process described in subsection (9)(I) of this rule. Discharges to segments designated as whole body contact recreational or secondary contact recreational in Table H of 10 CSR 20-7.031 shall not exceed the water quality *e. coli* counts established in 10 CSR 20-7.031(4)(C)2. Facilities without disinfected effluent shall comply with the implementation schedule found in subsection (9)(H) of this rule. During periods of wet weather, a temporary suspension of accountability for bacteria standards may be established through the process described in subsection (9)(I) of this rule;*

5. Sludges removed in the treatment process shall not be discharged. Sludges shall be routinely removed from the wastewater treatment facility and disposed or used in accordance with a sludge management practice approved by the department; and

6. When the wastewater treatment process causes nitrification which affects the BOD₅ reading, the permittee can petition the department to substitute carbonaceous BOD₅ in lieu of regular BOD₅ testing. If the department concurs that nitrification is occurring, the department will set a carbonaceous BOD₅ at five *[(5) mg/L] milligrams per liter (5 mg/L)* less than the regular BOD₅ in the operating permit.

[(C)](B) The suspended solids which are present in stream water and which are removed during treatment may be returned to the same body of water from which they were taken, along with any additional suspended solids resulting from the treatment of water to be used as public potable water or industrial purposes using essentially the same process as a public water treatment process. This includes the solids that are removed from potable waters that are withdrawn from wells located in the alluvial valley of the Missouri and Mississippi Rivers.

[(D)](C) Monitoring Requirements.

1. The department will develop a wastewater and sludge sampling program based on design flow that shall require, at a minimum, one (1) wastewater sample per year for each fifty thousand (50,000) gallons per day (gpd) of effluent, or fraction thereof, except that—

A. Point sources that discharge less than twenty-five thousand (25,000) gpd may only be required to submit an annual report;

B. Point sources that discharge more than one (1) million gallons per day (mgd) will be required at a minimum to collect twenty (20) wastewater samples per year unless the applicant can show that the wastewater has a consistent quality, such as once through cooling water or mine dewatering, then the department may set less frequent sampling requirements; *[and]*

C. Sludge sampling will be established in the permit ./ ; and

D. One (1) sample shall be collected for *e. coli* analysis each week during the recreational season from April 1 through October 31. Compliance with the *e. coli* water quality standard established in paragraph (4)(C)2. of 10 CSR 20-7.031 shall be

determined each calendar month by calculating the geometric mean of all of the samples collected each calendar month.

2. Sampling frequency shall be spread evenly throughout the discharge year. This means that a point source with a continuous discharge shall collect samples on a regular evenly spaced schedule, while point sources with seasonal discharges shall collect samples evenly spaced during the season of discharge.

3. Sample types shall be as follows:

A. Samples collected from lagoons may be grab samples;

B. Samples collected from mechanical plants shall be twenty-four (24)-hour composite samples, unless otherwise specified in the operating permit; and

C. Sludge samples will be grab samples unless otherwise specified in the operating permit.

4. The monitoring frequency and sample types stated in paragraph (2)(D)3. of this rule are minimum requirements. The permit writer shall establish monitoring frequencies and sampling types to fulfill the site-specific informational needs of the department.

(3) Effluent Limitations for the Lakes and Reservoirs.

(A) The following limitations represent the maximum amount of pollutants which may be discharged from any point source, water contaminant source, or wastewater treatment facility to a lake or reservoir designated in 10 CSR 20-7.031 as L2 and L3 which is publicly owned. **Releases to lakes and reservoirs include discharges into streams one-half (1/2) stream mile (.80 km) before the stream enters the lake as measured to its normal full pool.**

[(B)]1. Discharges from wastewater treatment facilities which receive primarily domestic waste or from POTWs shall undergo treatment sufficient to conform to the following limitations:

[1.A. BOD₅ and *[NFRs]* TSS equal to or less than a monthly average of twenty *[(20) mg/L]* milligrams per liter (20 mg/L) and a weekly average of thirty *[(30) mg/L]* milligrams per liter (30 mg/L);

[2.B. pH shall be maintained in the range from six to nine (6-9) standard units;

[3. Discharge to lakes and reservoirs identified as whole body contact areas shall not contain more than a monthly geometric mean of four hundred (400) fecal coliform colonies per one hundred milliliters (100 ml) and a daily maximum of one thousand (1,000) fecal coliform colonies per one hundred milliliters (100 ml) from April 1 to October 31. The department may waive or relax this limitation if the permittee can demonstrate that neither health nor water quality will be endangered by failure to disinfect. Facilities without disinfected effluent shall comply with the implementation schedule found in subsection (9)(H) of this rule. During periods of wet weather, a temporary suspension of accountability for bacteria standards may be established through the process described in subsection (9)(I) of this rule;]

C. *E. coli:* Discharges to lakes designated as whole body contact recreational or secondary contact recreational in Table G of 10 CSR 20-7.031 shall not exceed the water quality *e. coli* counts established in paragraph (4)(C)2. of 10 CSR 20-7.031. Facilities without disinfected effluent shall comply with the implementation schedule found in subsection (9)(H) of this rule. During periods of wet weather, a temporary suspension of accountability for bacteria standards may be established through the process described in subsection (9)(I) of this rule.

[4.D. Where the use of effluent limitations set forth in section (3) of this rule is known or expected to produce an effluent that will endanger or violate water quality, the department may either—conduct waste load allocation studies in order to arrive at a limitation which protects the water quality of the state or set specific effluent limitations for individual dischargers to protect the water quality of the receiving streams. When a waste load allocation study is conducted for a stream or stream segment, all permits for discharges in

the study area shall be modified to reflect the limits established in the waste load allocation study;

[5. If the facility is a POTW wastewater treatment facility providing at least primary treatment during a precipitation event and discharges on a noncontinuous basis, the discharge may be allowed subject to the following:

A. BOD₅ and NFRs equal to or less than a weekly average of forty-five (45) mg/L;

B. pH shall be maintained in the range from six to nine (6-9) standard units; and

C. Only the wastewater in excess of the capacity of the noncontinuous wastewater treatment plant hydraulic capacity may be discharged;]

[6.]E. Sludges removed in the treatment process shall not be discharged. Sludges shall be routinely removed from the wastewater treatment facility and disposed of or used in accordance with a sludge management practice approved by the department; and

[7.]F. When the wastewater treatment process causes nitrification which affects the BOD₅ reading, the permittee can petition the department to substitute carbonaceous BOD₅ in lieu of regular BOD₅ testing. If the department concurs that nitrification is occurring, the department will set a carbonaceous BOD₅ at five *[(5) mg/L]* milligrams per liter (5 mg/L) less than the regular BOD₅ in the operating permit.

[(C)](B) Monitoring Requirements.

1. The department will develop a wastewater and sludge sampling program based on design flow that will require, at a minimum, one (1) wastewater sample per year for each twenty-five thousand (25,000) gpd of effluent, or fraction thereof, except that—

A. Point sources that discharge less than five thousand (5,000) gpd may only be required to submit an annual report;

B. Point sources that discharge more than one point three (1.3) mgd will be required, at a minimum, to collect fifty-two (52) wastewater samples per year unless the applicant can show that the wastewater has a consistent quality, such as once through cooling water or mine dewatering, then the department may set less frequent sampling requirements; *[and]*

C. Sludge sampling will be established in the permit./; and

D. **One (1) sample shall be collected for *e. coli* analysis each week during the recreational season from April 1 through October 31. Compliance with the *e. coli* water quality standard established in paragraph (4)(C)2. of 10 CSR 20-7.031 shall be determined each calendar month by calculating the geometric mean of all of the samples collected each calendar month.**

2. Sampling frequency shall be spread evenly throughout the discharge year. This means that a point source with a continuous discharge shall take samples on a regular evenly spaced schedule, while point sources with seasonal discharges shall collect samples evenly spaced during the season of discharge.

3. Sample types shall be as follows:

A. Samples collected from lagoons may be grab samples;

B. Samples collected from mechanical plants shall be twenty-four (24)-hour composite samples, unless otherwise specified in the operating permit; and

C. Sludge samples shall be grab samples unless otherwise specified in the operating permit.

4. The monitoring frequency and sample types stated in paragraph (3)*[(C)](B)*3. of this rule are minimum requirements. The permit writer shall establish monitoring frequencies and sampling types to fulfill the site specific informational needs of the department.

[(D)](C) For lakes designated in 10 CSR 20-7.031 as L1, which are primarily used for public drinking water supplies, there will be no discharge into the watersheds above these lakes from domestic or industrial wastewater sources regulated by these rules. Discharges from potable water treatment plants, such as filter wash, may be permitted. Separate storm sewers will be permitted, but only for the transmission of storm water. Discharges permitted prior to the effective date of this

requirement may continue to discharge so long as the discharge remains in compliance with its operating permit.

[(E)](D) For lakes designated in 10 CSR 20-7.031 as L3 which are not publicly owned, the discharge limitations shall be those contained in section (8) **of this rule**.

[(F)](E) In addition to other requirements in this section, discharges to Lake Taneycomo and its tributaries between Table Rock Dam and Power Site Dam (and excluding the discharges from the dams) shall not exceed five tenths **[(0.5) mg/L] milligrams per liter (0.5 mg/L)** of phosphorus as a monthly average. Discharges meeting both the following conditions shall be exempt from this requirement:

1. Those permitted prior to May 9, 1994; and

2. Those with design flows of less than twenty-two thousand five hundred **[gallons per day (22,500 gpd)] (22,500) gpd**. All existing facilities whose capacity is increased would be subject to phosphorus limitations. The department may allow the construction and operation of interim facilities without phosphorus control provided their discharges are connected to regional treatment facilities with phosphorus control not later than three (3) years after authorization. Discharges in the White River basin and outside of the area designated above for phosphorus limitations shall be monitored for phosphorus discharges, and the frequency of monitoring shall be the same as that for BOD₅ and **[(NFR) TSS]**, but not less than annually. The department may reduce the frequency of monitoring if the monitoring data is sufficient for water quality planning purposes.

[(G)](F) In addition to other requirements in this section, discharges to Table Rock Lake watershed, defined as hydrologic units numbered 11010001 and 11010002, shall not exceed five-tenths milligrams per liter (0.5 mg/L) of phosphorus as a monthly average according to the following schedules except as noted in paragraph **[(3)](G)5.] (3)(F)5. of this rule**.

1. Any new discharge shall comply with this new requirement upon the start of operations;

2. Any existing discharge, or any sum of discharges operated by a single continuing authority, with a design flow of 1.0 mgd or greater shall comply no later than November 30, 2003;

3. Any existing discharge, or any sum of discharges operated by a single continuing authority, with a design flow of 0.1 mgd or greater, but less than 1.0 mgd, shall comply no later than November 30, 2007, and shall not exceed one milligram per liter (1.0 mg/L) as a monthly average as soon as possible and no later than November 30, 2003;

4. Any existing discharge with a design flow of twenty-two thousand five hundred **[gallons per day (22,500 gpd)] (22,500) gpd** or greater, but less than 0.1 mgd, shall comply no later than November 30, 2007;

5. Any existing discharge with a design flow of less than twenty-two thousand five hundred **[gallons per day (22,500 gpd)] (22,500) gpd** permitted prior to November 30, 1999, shall be exempt from this requirement unless the design flow is increased; and

6. Any existing discharge in which the design flow is increased shall comply according to the schedule applicable to the final design flow.

(4) Effluent Limitations for Losing Streams.

(A) Discharges to losing streams shall be permitted only after other alternatives including land application, discharge to a gaining stream, and connection to a regional wastewater treatment facility have been evaluated and determined to be unacceptable for environmental and/or economic reasons.

(B) If the department agrees to allow a release to a losing stream, the permit will be written using the limitations contained in subsections (4)(B) and (C) **of this rule**. Discharges from wastewater treatment facilities which receive primarily domestic waste or from POTWs permitted under this section shall undergo treatment sufficient to conform to the following limitations:

1. BOD₅ equal to or less than a monthly average of ten **[(10) mg/L] milligrams per liter (10 mg/L)** and a weekly average of fif-

teen **[(15) mg/L] milligrams per liter (mg/L)**;

2. **[(NFRs) TSS]** equal to or less than a monthly average of fifteen **[(15) mg/L] milligrams per liter (15 mg/L)** and a weekly average of twenty **[(20) mg/L] milligrams per liter (20 mg/L)**;

3. pH shall be maintained in the range from six to nine (6-9) standard units;

4. **[Discharges to losing streams shall not contain more than a monthly geometric mean of four hundred (400) fecal coliform colonies per one hundred milliliters (100 ml) and a daily maximum of one thousand (1,000) fecal coliform colonies per one hundred milliliters (100 ml)] E. coli: Discharges shall not exceed the water quality e. coli counts established in paragraph (4)(C)2. of 10 CSR 20-7.031;**

5. All chlorinated effluent discharges to losing streams or within two (2) stream miles flow distance upstream of a losing stream shall also be dechlorinated prior to discharge;

[(6. If the facility is a POTW wastewater treatment facility providing at least primary treatment during a precipitation event and discharges on a noncontinuous basis, the discharge may be allowed subject to the following:

A. BOD₅ and NFRs equal to or less than a weekly average of forty-five (45) mg/L;

B. pH shall be maintained in the range from six to nine (6-9) standard units; and

C. Only the wastewater in excess of the capacity of the noncontinuous wastewater treatment plant hydraulic capacity may be discharged;]

[(7.)6.] Sludges removed in the treatment process shall not be discharged. Sludges shall be routinely removed from the wastewater treatment facility and disposed of or used in accordance with a sludge management practice approved by the department; and

[(8.)7.] When the wastewater treatment process causes nitrification which **[effects] affects** the BOD₅ reading, the permittee can petition the department to substitute carbonaceous BOD₅ in lieu of regular BOD₅ testing. If the department concurs that nitrification is occurring, the department will set a carbonaceous BOD₅ at five **[(5) mg/L] milligrams per liter (5 mg/L)** less than the regular BOD₅ in the operating permit.

(C) Monitoring Requirements.

1. The department will develop a wastewater and sludge sampling program based on design flow that shall require at a minimum one (1) wastewater sample per year for each twenty-five thousand (25,000) gpd of effluent, or fraction thereof, except that—

A. Point sources that discharge less than five thousand (5,000) gpd may only be required to submit an annual report;

B. Point sources that discharge more than one point three (1.3) mgd will be required at a minimum to collect fifty-two (52) wastewater samples per year unless the applicant can show that the wastewater has a consistent quality, such as once through cooling water or mine dewatering, then the department may set less frequent sampling requirements; **[and]**

C. Sludge samples will be established in the permit.**]; and**

D. One (1) sample shall be collected for e. coli analysis each week. Compliance with the e. coli water quality standard established in paragraph (4)(C)2. of 10 CSR 20-7.031 shall be determined each calendar month by calculating the geometric mean of all of the samples collected each calendar month.

2. Sampling frequency shall be spread evenly throughout the discharge year. This means that a point source with a continuous discharge shall take samples on a regular schedule, while point sources with seasonal discharges shall collect samples during the season of discharge.

3. Sample types shall be as follows:

A. Samples collected from lagoons may be grab samples;

B. Samples collected from mechanical plants shall be twenty-four (24)-hour composite samples, unless otherwise specified in the operating permit; and

C. Sludge samples shall be a grab sample unless otherwise

specified in the operating permit.

4. The monitoring frequency and sample types stated in paragraph (4)(C)3. **of this rule** are minimum requirements. The permit writer shall establish monitoring frequencies and sampling types to fulfill the site specific informational needs of the department.

(5) Effluent Limitations for Metropolitan No-Discharge Streams.

(A) Discharge to metropolitan no-discharge streams is prohibited, except as specifically permitted under the Water Quality Standards[,/ 10 CSR 20-7.031 and noncontaminated storm water flows.

(B) All permits for discharges to these streams shall be written to ensure compliance with the [w/Water [q/Quality [s/Standards.

(C) Monitoring Requirements.

1. The department will develop a wastewater and sludge sampling program based on design flow that shall require, at a minimum, one (1) wastewater sample per year for each twenty-five thousand (25,000) gpd of effluent, or fraction thereof, except that—

A. Point sources that discharge less than five thousand (5,000) gpd may only be required to submit an annual report;

B. Point sources that discharge more than one point three (1.3) mgd will be required at a minimum to collect fifty-two (52) wastewater samples per year; [and]

C. Sludge sampling will be established in the permit./; and

D. One (1) sample shall be collected for *e. coli* analysis each week during the recreational season from April 1 through October 31. Compliance with the *e. coli* water quality standard established in paragraph (4)(C)2. of 10 CSR 20-7.031 shall be determined each calendar month by calculating the geometric mean of all of the samples collected each calendar month.

2. Sampling frequency shall be spread evenly throughout the discharge year. This means that a point source with a continuous discharge shall take samples on a regular schedule, while point sources with seasonal discharges shall collect samples during the season of discharge.

3. Sample types shall be as follows:

A. Samples collected from lagoons may be grab samples;

B. Samples collected from mechanical plants shall be twenty-four (24)-hour composite samples, unless otherwise specified in the operating permit; and

C. Sludge samples shall be a grab sample unless otherwise specified in the operating permit.

4. The monitoring frequency and sample types stated in paragraph (5)(C)3. **of this rule** are minimum requirements. The permit writer shall establish monitoring frequencies and sampling types to fulfill the site-specific informational needs of the department.

(6) Effluent Limitations for Special Streams.

(A) Limits for Wild and Scenic Rivers and Ozark National Scenic Riverways and Drainages Thereto.

1. The following limitations represent the maximum amount of pollutants which may be discharged from any point source, water contaminant source, or wastewater treatment facility to waters included in this section.

2. Discharges from wastewater treatment facilities, which receive primarily domestic waste, or from POTWs are limited as follows:

A. New releases from any source are prohibited;

B. Discharges from sources that existed before June 29, 1974, or if additional stream segments are placed in this section, discharges that were permitted at the time of the designation will be allowed.

3. Industrial, agricultural and other non-domestic contaminant sources, point sources, or wastewater treatment facilities which are not included under subparagraph (6)(A)2.B. **of this rule** shall not be allowed to discharge. Agrichemical facilities shall be designed and constructed so that all bulk liquid pesticide nonmobile storage containers and all bulk liquid fertilizer nonmobile storage containers are located within a secondary containment facility. Dry bulk pesticides

and dry bulk fertilizers shall be stored in a building so that they are protected from the weather. The floors of the buildings shall be constructed of an approved design and material(s). At an agrichemical facility, all transferring, loading, unloading, mixing, and repackaging of bulk agrichemicals shall be conducted in an operational area. All precipitation collected in the operational containment area or secondary containment area as well as process generated wastewater shall be stored and disposed of in a no-discharge manner.

4. Monitoring requirements.

A. The department will develop a wastewater and sludge sampling program based on design flow that will require, at a minimum, one (1) wastewater sample per year for each twenty-five thousand (25,000) gpd of effluent, or fraction thereof, except that—

(I) Point sources that discharge less than five thousand (5,000) gpd may only be required to submit an annual report;

(II) Point sources that discharge more than one point three (1.3) mgd will be required at a minimum to collect fifty-two (52) wastewater samples per year; and

(III) Sludge sampling will be established in the permit.

B. Sampling frequency shall be spread evenly throughout the discharge year. This means that a point source with a continuous discharge shall take samples on a regular schedule, while point sources with seasonal discharges shall collect samples during the season of discharge.

C. Sample types shall be as follows:

(I) Samples collected from lagoons may be grab samples;

(II) Samples collected from mechanical plants shall be twenty-four (24)-hour composite samples, unless otherwise specified in the operating permit; and

(III) Sludge samples shall be a grab sample unless otherwise specified in the operating permit.

D. The monitoring frequency and sample types stated in paragraph (6)(D)3. **of this rule** are minimum requirements. The permit writer shall establish monitoring frequencies and sampling types to fulfill the site-specific informational needs of the department.

(B) Limits for Outstanding State Resource Waters as per Water Quality Standards.

1. Discharges shall not cause the current water quality in the streams to be lowered.

2. Discharges will be permitted as long as the requirements of paragraph (6)(B)1. **of this rule** are met and the limitations in section (8) **of this rule** are not exceeded.

(7) Effluent Limitations for Subsurface Waters.

(A) No person shall release any water into aquifers, store or dispose of water in a way which causes or permits it to enter aquifers either directly or indirectly unless it meets the appropriate groundwater protection criteria set in 10 CSR 20-7.031, Table A at a point ten feet (10') under the release point except as provided in subsections (7)(E) and (F) **of this rule**. The permit writer shall review the complete application and other data to determine which parameter to include in the permit.

(B) No wastewater shall be introduced into sinkholes, caves, fissures, or other openings in the ground which do or are reasonably certain to drain into aquifers except as provided in section (4) of this rule.

(C) All abandoned wells and test holes shall be properly plugged or sealed to prevent pollution of subsurface waters, as per the requirements of the [Missouri Department of Natural Resources] department.

(D) Where any wastewater treatment facility or any water contaminant source or point source incorporates the use of land treatment systems which allows or can reasonably be expected to allow wastewater effluents to reach the aquifer. Compliance with subsection (7)(A) **of this rule** shall be determined by a site specific monitoring plan.

(E) The effluent limitations specified in subsection (7)(A) **of this rule** shall not apply to facilities designed and constructed to meet

department design criteria provided these designs have been reviewed and approved by the [Department of Natural Resources] department. The [Department of Natural Resources] department has the right to require monitoring, reporting, public notice, and other information as deemed appropriate. This exemption may be revoked by the department should any monitoring indicate an adverse effect on a beneficial water use or if the numeric criteria in the Water Quality Standards are being exceeded.

(F) Any person not included in subsection (7)(E) of this rule who releases, stores, or disposes of water in a manner which results in releases of water to an aquifer having concentrations in excess of one (1) or more parameter limitations provided in subsection (7)(A) of this rule may be allowed to resample for purposes of verification of the excess. At their discretion, persons may demonstrate, at the direction of the [Department of Natural Resources] department, that the impact on the water quality in the aquifer is negligible on the beneficial uses. The demonstration shall consider, at a minimum, the following factors:

1. Site geology;
2. Site geohydrology;
3. Existing and potential water uses;
4. Existing surface water and groundwater quality;
5. Characteristics of wastes or wastewater contained in facilities; and
6. Other items as may be required by the [Department of Natural Resources] department to assess the proposal.

A. Demonstrations conducted under 10 CSR 25-18.010 shall be reviewed by the department in accordance with such rules. If the demonstrations show that the impact on groundwater quality will not result in an unreasonable risk to human health or the environment, alternate effluent limitations will be established by the department.

[A./B.] All other demonstrations shall be reviewed by the department. *[i]* If the demonstrations show that the impact on groundwater quality will not result in an unreasonable risk to human health or the environment *[the public]*, alternate effluent limitation(s) will be proposed by the [Department of Natural Resources] department and presented to the Clean Water Commission for approval. The Clean Water Commission has the right to require monitoring, reporting, public notice, and other information as deemed appropriate in the approval of the alternate limitation for one (1) or more parameters from (7)(A) of this rule. The Clean Water Commission may hold a public hearing to secure public comment prior to final action on an alternate limitation.

[B./C.] No alternate limitations will be granted which would impair beneficial uses of the aquifer or threaten human health or the environment.

[C./D.] Alternate limitations may be revoked by the department should any monitoring indicate an adverse effect on a beneficial water use or violations of the alternate limitation.

(8) Effluent Limitations for All Waters, Except Those in Paragraphs (1)(A)1.-6. of this rule.

[(A)] The following limitations represent the maximum amount of pollutants which may be discharged from any point source, water contaminant source, or wastewater treatment facility.

[(B)](A) Discharges from wastewater treatment facilities which receive primarily domestic waste or POTWs shall undergo treatment sufficient to conform to the following limitations:

1. BOD₅ and *[NFRs]* TSS equal to or less than a monthly average of thirty *[(30) mg/L] milligrams per liter (30 mg/L)* and a weekly average of forty-five *[(45) mg/L] milligrams per liter (45 mg/L)*;
2. pH shall be maintained in the range from six to nine (6-9) standard units;
3. The limitations of paragraphs (8)(B)1. and 2. of this rule will be effective unless a water quality impact study has been conducted by the department, or conducted by the permittee and approved by

the department, showing that alternate limitation will not cause violations of the Water Quality Standards or impairment of the uses in the standards. When a water quality impact study has been completed to the satisfaction of the department, the following alternate limitation may be allowed:

A. If the facility is a wastewater lagoon, the *[NFRs]* TSS shall be equal to or less than a monthly average of eighty *[(80) mg/L] milligrams per liter (80 mg/L)* and a weekly average of one hundred twenty *[(120) mg/L] milligrams per liter (120 mg/L)* and the pH shall be maintained above 6.0 and the BOD₅ shall be equal to or less than a monthly average of forty-five *[(45) mg/L] milligrams per liter (45 mg/L)* and a weekly average of sixty-five *[(65) mg/L] milligrams per liter (65 mg/L)*;

B. If the facility is a trickling filter plant, the BOD₅ and *[NFRs]* TSS shall be equal to or less than a monthly average of forty-five *[(45) mg/L] milligrams per liter (45 mg/L)* and a weekly average of sixty-five *[(65) mg/L] milligrams per liter (65 mg/L)*;

C. Where the use of effluent limitations set forth in section (8) of this rule is known or expected to produce an effluent that will endanger water quality, the department will set specific effluent limitations for individual dischargers to protect the water quality of the receiving streams. When a waste load allocation study is conducted for a stream or stream segment, all permits for discharges in the study area shall be modified to reflect the limits established in the waste load allocation study; **and**

D. The department may require more stringent limitations than authorized in subsections (3)(A) and (B) of this rule under the following conditions:

(I) If the facility is an existing facility, the department may set the BOD₅ and *[NFR]* TSS limits based upon an analysis of the past performance, rounded up to the next five *[(5) mg/L] milligrams per liter (5 mg/L)* range; and

(II) If the facility is a new facility, the department may set the BOD₅ and *[NFR]* TSS limits based upon the design capabilities of the plant considering geographical and climatic conditions $[:]$:

(a) A design capability study has been conducted for new lagoon systems. The study reflects that the effluent limitations should be BOD₅ equal to or less than a monthly average of forty-five *[(45) mg/L] milligrams per liter (45 mg/L)*, a weekly average of sixty-five *[(65) mg/L] milligrams per liter (65 mg/L)*, *[NFRs]* TSS equal to or less than a monthly average of seventy *[(70) mg/L] milligrams per liter (70 mg/L)* and a weekly average of one hundred ten *[(110) mg/L] milligrams per liter (110 mg/L)*; **or**

(b) A design capability study has been conducted for new trickling filter systems and the study reflects that the effluent limitations should be BOD₅ and *[NFR]* TSS equal to or less than a monthly average of forty *[(40) mg/L] milligrams per liter (40 mg/L)* and a weekly average of sixty *[(60) mg/L] milligrams per liter (60 mg/L)*; *[and]*

[E] If the facility is a POTW wastewater treatment facility providing at least primary treatment during a precipitation event and discharges on a noncontinuous basis, the discharge may be allowed provided that:

(I) BOD₅ and *NFRs* are equal to or less than a weekly average of forty-five (45) mg/L. The *NFR* (total suspended solids) limit may be higher than forty-five (45) mg/L for combined sewer overflow treatment devices when organic solids are demonstrated to be an insignificant fraction of total inorganic storm water generated solids, and the permittee can demonstrate that achieving a limit of forty-five (45) mg/L is not cost effective relative to water quality benefits. In these cases, an alternative total suspended solids limit would be developed.

(II) pH shall be maintained in the range from six to nine (6-9) units; **and**

(III) Only the wastewater in excess of the capacity of the noncontinuous wastewater treatment plant hydraulic capacity may be discharged;

4. Fecal coliform.

A. Discharges to streams identified as whole body contact areas, discharges within two (2) miles upstream of these areas and discharges to streams with a seven (7)-day Q_{10} flow of zero (0) in metropolitan areas where the stream is readily accessible to the public shall not contain more than a monthly geometric mean of four hundred (400) fecal coliform colonies per one hundred milliliters (100 ml) and a daily maximum of one thousand (1,000) fecal coliform colonies per one hundred milliliters (100 ml) from April 1 to October 31. The department may waive or relax this limitation if the owner or operator of the wastewater treatment facility can demonstrate that neither health nor water quality will be endangered by failure to disinfect. Facilities without disinfected effluent shall comply with the implementation schedule found in subsection (9)(H) of this rule. During periods of wet weather, a temporary suspension of accountability for bacteria standards may be established through the process described in subsection (9)(I) of this rule.

B. Where chlorine is used as a disinfectant, the effluent shall be dechlorinated except when the discharge is—

(I) Into an unclassified stream at least one (1) mile from a Water Quality Standards classified stream; or

(II) Into a flowing stream where the seven (7)-day Q_{10} flow is equal to or greater than fifty (50) times the design effluent flow;]

4. *E. coli*. The following water quality *e. coli* discharge limits apply to all waters, except those in paragraphs (1)(A)1.-6. of this rule:

A. Discharges to stream segments designated as whole body contact recreational or secondary contact recreational in Table H of 10 CSR 20-7.031 shall not exceed the water quality *e. coli* counts established in paragraph (4)(C)2. of 10 CSR 20-7.031;

B. Discharges to privately owned lakes classified as L3, as defined in subsection (1)(F) of 10 CSR 20-7.031, that are designated as whole body contact recreational or secondary contact recreational in Table G of 10 CSR 20-7.031 shall not exceed the water quality *e. coli* counts established in paragraph (4)(C)2. of 10 CSR 20-7.031. Discharges include releases into streams one-half (1/2) stream mile (.80 km) before the stream enters the lake as measured to its normal full pool;

C. Discharges located within two (2) miles upstream of stream segments or lakes designated for whole body contact recreational or secondary contact recreational in Tables H and G of 10 CSR 20-7.031 shall not exceed the water quality *e. coli* counts established in paragraph (4)(C)2. of 10 CSR 20-7.031 for the receiving stream segment or lake. As an alternative, water quality discharge limits may be calculated using the following first order decay equation:

$$C_0 = C_{(t)} e^{kt}$$

Where:

C_0 = concentration of *e. coli* at the outfall, which becomes the effluent limit;

$C_{(t)}$ = the water quality *e. coli* count established in paragraph(4)(C)2. of 10 CSR 20-7.031 for the receiving steam segment or lake that is designated as whole body contact recreational or secondary contact recreational in Tables H and G of 10 CSR 20-7.031;

e = the natural logarithmic constant;

k = decay constant for *e. coli* (use 0.75 inverse days as a default or value may be determined by sampling analysis); and

t = time required for effluent to flow from the outfall to the confluence with the closest classified receiving stream segment or lake during dry weather conditions; and

D. Facilities without disinfected effluent shall comply with the implementation schedule found in subsection (9)(H) of this rule. During periods of wet weather, a temporary suspension of

accountability for bacteria standards may be established through the process described in subsection (9)(I) of this rule;

5. Sludges removed in the treatment process shall not be discharged. Sludges shall be routinely removed from the wastewater treatment facility and disposed of or used in accordance with a sludge management practice approved by the department; and

6. When the wastewater treatment process causes nitrification which affects the BOD₅ reading, the permittee can petition the department to substitute carbonaceous BOD₅ in lieu of regular BOD₅ testing. If the department concurs that nitrification is occurring, the department will set a carbonaceous BOD₅ at five [(5) mg/L] milligrams per liter (5 mg/L) less than the regular BOD₅ in the operating permit.

[(C)](B) Monitoring Requirements.

1. The department will develop a wastewater and sludge sampling program based on design flow that will require at a minimum one (1) wastewater sample per year for each fifty thousand (50,000) gpd of effluent, or fraction thereof, except that—

A. Point sources that discharge less than twenty-five thousand (25,000) gpd may only be required to submit an annual report;

B. Point sources that discharge more than one (1) mgd will be required at a minimum to collect twenty (20) wastewater samples per year unless the applicant can show that the wastewater has a consistent quality, such as once through cooling water or mine dewatering, then the department may set less frequent sampling requirements; [and]

C. Sludge sampling will be established in the permit./.; and

D. One (1) sample shall be collected for *e. coli* analysis each week during the recreational season from April 1 through October 31. Compliance with the *e. coli* water quality standard established in paragraph (4)(C)2. of 10 CSR 20-7.031 shall be determined each calendar month by calculating the geometric mean of all of the samples collected each calendar month.

2. Sampling frequency shall be spread evenly throughout the discharge year. This means that a point source with a continuous discharge shall take samples on a regular schedule, while point sources with seasonal discharges shall collect samples during their season of discharge.

3. Sample type shall be as follows:

A. Samples collected from lagoons may be grab samples;

B. Samples collected from mechanical plants shall be twenty-four (24)-hour composite samples, unless otherwise specified in the operating permit; and

C. Sludge samples shall be a grab sample unless otherwise specified in the operating permit.

4. The monitoring frequency and sample types stated in paragraph (8)(C)3. of this rule are minimum requirements. The permit writer shall establish monitoring frequencies and sampling types to fulfill the site-specific informational needs of the department.

(9) General Conditions.

(A) Monitoring, Analysis, and Reporting.

1. All construction and operating permit holders shall submit reports at intervals established by the permit or at any other reasonable intervals required by the department. The monitoring and analytical schedule shall be as established by the [Missouri Department of Natural Resources] department in the operating permit.

2. The analytical and sampling methods used must conform to the following reference methods unless alternates are approved by the department:

A. *Standard Methods for the Examination of Waters and Wastewaters* (14, 15, 16, 17, 18, 19[and 20th], 20 and 21st Edition), published by the Water Environment Federation, 601 Wythe Street, Alexandria, VA 22314;

B. *Water Testing Standards, Vol. II.01 and II.02*, published by American Society for Testing and Materials, West Conshohocken, PA 19428;

C. *Methods for Chemical Analysis of Water and Wastes* (EPA-600/4-79-020), published by the Environmental Protection Agency, Water Quality Office, Analytical Quality Control Laboratory, 1014 Broadway, Cincinnati, OH 54202; and

D. *NPDES Compliance Sampling Inspection Manual, Report no. MCD-51*, published by Environmental Protection Agency, Enforcement Division, Office of Water Enforcement, 401 Main Street, S.W., Washington DC 20460.

3. Sampling and analysis by the department to determine violations of this regulation will be conducted in accordance with the methods listed in paragraph (9)(A)2. **of this rule** or any other approved by the department. Violations may be also determined by review of the permittee's self-monitoring reports. Analysis conducted by the permittee or his/her laboratory shall be conducted in such a way that the precision and accuracy of the analyzed results can be determined.

4. If, for any reason, the permittee does not comply with or will be unable to comply with any discharge limitations or standards specified in the permit, the permittee shall provide the department with the following information, with the next discharge monitoring report as required under subsection (9)(A) **of this rule**:

A. A description of the discharge and cause of noncompliance;

B. The period of noncompliance, including exact dates and times and/or the anticipated time when the discharge will return to compliance; and

C. *[Steps]* **The steps** being taken to reduce, eliminate, and prevent recurrence of the noncompliance.

5. In the case of any discharge subject to any applicable toxic pollutant effluent standard under section 307(a) of the *[F/federal Clean Water Act*, the information required by paragraph (9)(A)4. **of this rule** regarding a violation of this standard shall be provided within twenty-four (24) hours from the time the owner or operator of the water contaminant source, point source, or wastewater treatment facility becomes aware of the violation or potential violation. If this information is provided orally, a written submission covering these points shall be provided within five (5) working days of the time the owner or operator of the water contaminant source, point source, or wastewater treatment facility becomes aware of the violation.

(B) *Dilution Water*. Dilution of treated wastewater with cooling water or other less contaminated water to lower the effluent concentration to limits required by an effluent regulation of the Clean Water Law shall not be an acceptable means of treatment.

(C) *Compliance*.

1. New sources. Water contaminant sources, point sources, and wastewater treatment facilities and their tributary sewer systems on which construction begins after the effective date of the applicable effluent guidelines shall meet all requirements of this regulation and the Missouri Clean Water Law.

2. Sources for which construction and operating permits were issued prior to the effective date of this regulation shall meet all the requirements of the existing permit. Where the existing permit contains more stringent limitations than those contained in this regulation, the permittee may apply to the department for a modification of the permit to contain the new limitations. The department will notify the applicant of its decision to modify or deny the application within sixty (60) days after receiving an application.

(D) *Compliance with New Source Performance Standards*.

1. Except as provided in paragraph (9)(D)2. **of this rule**, any new water contaminant source, point source, or wastewater treatment facility on which construction commenced after October 18, 1972, or any new source, which meets the applicable promulgated new source performance standards before the commencement of discharge, shall not be subject to any more stringent new source performance standards or to any more stringent technology-based standards under subsection 301(b)(2) of the *[F/federal Clean Water Act* for the shortest of the following periods:

A. Ten (10) years from the date that construction is completed;

B. Ten (10) years from the date the source begins to discharge process or other nonconstruction related wastewater; or

C. The period of depreciation or amortization of the facility for the purposes of section 167 or 169 (or both) of the *Internal Revenue Code* of 1954.

2. The protection from more stringent standards of performance afforded by paragraph (9)(D)1. **of this rule** does not apply to—

A. Additional or more stringent permit conditions which are not technology based, for example, conditions based on water quality standards or effluent standards or prohibitions under section 307(a) **of the federal Clean Water Act**; and

B. Additional permit conditions controlling pollutants listed as toxic under section 307(a) of the *[F/federal Clean Water Act* or as hazardous substances under section 311 of the *[F/federal Clean Water Act* and which are not controlled by new source performance standards. This exclusion includes permit conditions controlling pollutants other than those identified as hazardous where control of those other pollutants has been specifically identified as the method to control the hazardous pollutant.

(E) *Bypassing*.

1. Any bypass or shutdown of a wastewater treatment facility and tributary sewer system or any part of a facility and sewer system that results in a violation of permit limits or conditions is prohibited except—

A. Where unavoidable to prevent loss of life, personal injury, or property damages;

B. Where unavoidable excessive storm drainage or runoff would damage any facilities or processes necessary for compliance with the effluent limitations and conditions of this permit; and

C. Where maintenance is necessary to ensure efficient operation and alternative measures have been taken to maintain effluent quality during the period of maintenance;

2. The permittee shall notify the department by telephone within twenty-four (24) hours and follow with a written report within five (5) days of all bypasses or shutdowns that result in a violation of permit limits or conditions. POTWs that bypass during storm water infiltration events need only report on their discharge monitoring reports. This section does not excuse any person from any liability, unless this relief is otherwise provided by the statute.

(F) *Sludge facilities* shall meet the applicable control technology for sewage sludge treatment, use, and disposal as published by the *[Environmental Protection Agency (EPA)] EPA* in 40 CFR 503 and applicable state standards and limitations published in 10 CSR 20 and 10 CSR 80. Where there are no standards available or applicable, or when more stringent standards are appropriate to protect human health and the environment, the department shall set specific limitations in permits on a case-by-case basis using best professional judgment.

(G) *Industrial, agricultural and other nondomestic water contaminant sources, point sources, or wastewater treatment facilities* which are not included under subsection (2)(B), (3)(B), (4)(B), or (8)(B) **of this rule**—

1. These facilities shall meet the applicable control technology currently effective as published by the EPA in 40 CFR 405-471. Where there are no standards available or applicable, the department shall set specific parameter limitations using best professional judgment. pH shall be maintained in the range from six to nine (6-9) standard units, except that discharges of uncontaminated cooling water and water treatment plant effluent may exceed nine (9) standard units, but may not exceed ten and one-half (10.5) standard units, if it can be demonstrated that the pH will not exceed nine (9) standard units beyond the regulatory mixing zone; and

2. Agrichemical facilities shall be designed and constructed so that all bulk liquid pesticide nonmobile storage containers and all bulk liquid fertilizer nonmobile storage containers are located within a secondary containment facility. Dry bulk pesticides and dry bulk

fertilizers shall be stored in a building so that they are protected from the weather. The floors of the buildings shall be constructed of an approved design and material(s). At an agrichemical facility, the following procedures shall be conducted in an operational area: all transferring, loading, unloading, mixing, and repackaging of bulk agrichemicals. All precipitation collected in the operational containment area or secondary containment area as well as process generated wastewater shall be stored and disposed of in a no-discharge manner or treated to meet the applicable control technology referenced in paragraph (9)(G)1. **of this rule.**

(H) Implementation Schedule for Protection of Whole Body Contact and Secondary Contact Recreation.

1. For all *[permitted]* existing wastewater discharges containing bacteria, the department shall, upon the issuance or first renewal or first significant modification of each permit *[on or after December 31, 2005]*, include within each permit a compliance schedule that provides up to five (5) years for the permittee to *[either install disinfection systems,]* **meet permit limits. Permitted facilities may present an evaluation sufficient to show that disinfection is not required to protect one (1) or both designated recreational uses, or present a]. A use attainability analysis (UAA) [that demonstrates] may be conducted to demonstrate one (1) or both designated recreational uses are not attainable in the classified waters receiving the effluent. [This provision does not apply to permits issued for construction applications submitted to the department after December 31, 2005.]**

2. Notwithstanding the provisions of **paragraph (9)(H)1. of this rule**, all permits shall insure compliance with effluent limits to protect whole body contact and secondary contact recreation by no later than December 31, 2013, unless the permittee presents an evaluation sufficient to show that disinfection is not required to protect one (1) or both designated recreational uses, or a *[use attainability analysis (UAA)]* **UAA** demonstrates that one (1) or both designated recreational uses are not attainable in the classified waters receiving the effluent.

(I) Temporary Suspension of Accountability for Bacteria Standards during Wet Weather. The accountability for bacteria standards may be temporarily suspended for specific discharges when conditions contained in paragraphs (9)(I)1. through 3. **of this rule** are met.

1. No existing recreational uses downstream of the discharge will be impacted during the period of suspension as confirmed through a water quality review for reasonable potential for downstream impacts and a *[use attainability analysis]* **UAA** performed in accordance with the *[Recreational Use Attainability Analysis Protocol approved by the Missouri Clean Water Commission on November 3, 2004]* **Missouri Recreational Use Attainability Analysis approved by the Missouri Clean Water Commission.**

2. The period of suspension must be restricted to the defined wet weather event that corresponds to the period when recreational uses are unattainable. The period must be determinable at any time by the discharger and the general public (such as from stream depth or flow readings or other stream conditions on which publicly accessible records are kept).

3. The suspension shall be subject to public review and comment, Missouri Clean Water Commission approval, and *[U.S. Environmental Protection Agency]* **EPA** approval before becoming effective and shall be contained as a condition in a discharge permit or other written document developed through public participation.

(10) Control of Combined Sewer Overflows (CSOs). The permitting and control of CSOs shall conform to EPA's CSO Control Policy, EPA Number 830/B-94-001 (published by EPA April 19, 1994, at 59 Fed. Reg. 18688) as referenced by Section 402 (q) of the Clean Water Act, 33 USC 1342(q). The CSO Control Policy is hereby incorporated by reference, without any later amendments or additions. This document is available by writing to U.S. Environmental Protection Agency, Office of Water Resource

Center, Mail Code RC-4100T, 1200 Pennsylvania Avenue NW, Washington, DC 20460 or upon request from the Department of Natural Resources, Water Protection Program, Water Pollution Control Branch, PO Box 176, Jefferson City, MO 65102-0176. Effluent monitoring commitments for CSOs shall be addressed in the long term control plans required under EPA's CSO Control Policy.

AUTHORITY: section 644.026, RSMo 2000. Original rule filed June 6, 1974, effective June 16, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 28, 2009.

PUBLIC COST: The proposed amendment will cost publicly-owned wastewater treatment facilities \$196.4 million annually. 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: The proposed amendment will cost privately-owned wastewater treatment facilities nine hundred fifty-five thousand five hundred fifty-seven dollars (\$955,557) annually. The total annual aggregate cost to private entities is expected to recur for the life of the rule, vary with inflation, and increase at the rate projected by the Legislative Oversight Committee.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Division of Environmental Quality, Water Protection Program, John Rustige, PO Box 176, Jefferson City, MO 65102. Comments may be sent with name and address through email to john.rustige@dnr.mo.gov. Public comments must be received by January 13, 2010. The public hearing is scheduled at a meeting of the Clean Water Commission to be held at 9 a.m., on January 6, 2010, at the Renaissance St. Louis Grand and Suites, 800 Washington Avenue, St. Louis, MO 63101.*

**FISCAL NOTE
 PUBLIC COST**

- I. Department Title: Department of Natural Resources**
- Division Title: Clean Water Commission**
- Chapter Title: Water Quality**

Rule Number and Name:	<i>10 CSR 20-7.015 Effluent Regulations</i>
Type of Rulemaking:	<i>Proposed Rule Amendment</i>

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
<i>Department of Natural Resources</i>	N/A
<i>Publicly Owned Treatment Works</i>	The cost of compliance is \$196.4M.

III. WORKSHEET

POTW FISCAL IMPACT	FY 2010 (4 Mo.)	FY 2011	FY 2012	FY 2013	FY 2014
<p>Publicly Owned Treatment Works (POTWs)</p> <p>474 Facilities will collect and analyze 30 samples per season (approx. 1 sample per wk) @ \$50 per sample = \$711,000. Operating permits are issued with 5-year terms, and the new monitoring requirements will only be incorporated into permits as they are renewed. During the first full recreational season it is approximately one-fifth of the facilities will have permits up for renewal.</p> <ul style="list-style-type: none"> • FY 2010 costs are estimated as: $\\$711,000 * (1/5) * (3/7) = \\$60,933$. Only three-sevenths of the first season falls within FY2010. • FY 2011, an additional one-fifth of the facilities will have monitoring incorporated into their permit: $\\$711,000 * (3\%) = \\$732,330 * (2/5) = \\$292,892$. • FY 2012, an additional one-fifth of the facilities will have monitoring incorporated into their permit: $\\$732,330 * (3\%) = \\$754,299 * (3/5) = \\$452,579$. • FY 2013 costs are estimated as: $\\$754,299 * (3\%) = \\$754,299 * (4/5) = \\$603,439$. • FY 2014, an additional one-fifth of the facilities will have monitoring incorporated into their permit: $\\$754,299 * (3\%) = \\$776,928 * (5/5) = \\$776,928$. <p>3% added for inflation for FY 2011 through FY 2014 FY 2010 through FY 2014 reflects a multi-year aggregate The Season for this required sampling is April through October FY2010 (3/7) of 30 samples collected, April through June FY2011 – FY2014 30 samples * \$50 per sample * 3% per full season (April through October)</p>	<p>\$60,933</p>	<p>\$292,892</p>	<p>\$452,579</p>	<p>\$603,439</p>	<p>\$776,928</p>

COSTS ASSOCIATED WITH THE REMOVAL OF PERMIT LIMITS THAT ALLOW DISCHARGES OF PARTIALLY-TREATED WASTEWATER DURING PEAK WET WEATHER FLOWS	FY 2010 (4 Mo.)	FY 2011	FY 2012	FY 2013	FY 2014
<p>Publicly Owned Treatment Works (POTW's)</p> <p>53 specific communities will be required to eliminate wastewater outfalls that do not receive secondary treatment unless the conditions meet the federal definition for allowable bypasses. Costs were estimated in the most conservative manner based on the difference between current sewer rates (0.549 percent of median household income) and rates that would reflect a full 2 percent of the affected communities' median household income (which EPA uses as a guideline for affordability). The actual costs are expected to be below this.</p> <p>Estimated number of households = 303,000 Median Household Income = \$39,508 \$39,508*303,000*(0.02-0.00549) = \$173.8M</p> <p>Operating permits are issued with 5-year terms, and elimination of these outfalls will only be incorporated into permits as they are renewed. During the first full recreational season approximately one-fifth of the facilities will have permits up for renewal.</p> <ul style="list-style-type: none"> • FY 2010 costs are estimated as: \$173.8M * (1/5) * (3/7) = \$14.9M. Only three-sevenths of the first season falls within FY2010. • FY 2011, an additional one-fifth of the facilities will have to eliminate these outfalls in permit: \$173.8M * (3%) = \$179M* (2/5) = \$71.6M. • FY 2012, an additional one-fifth of the facilities will to eliminate these outfalls in their permit: \$179M * (3%) = \$184.4M * (3/5) = \$110.7M. • FY 2013, an additional one-fifth of the facilities will have to eliminate these outfalls in permit: \$184.4M * (3%) = \$189.9M * (4/5) = \$152.0M. • FY 2014, an additional one-fifth of the facilities will to eliminate these outfalls in their permit: \$189.9M * (3%) = 195.6M * (5/5) = \$195.7M. <p>3% added for inflation for FY 2011 through FY 2014 FY 2010 through FY 2014 reflects a multi-year aggregate</p>	<p>\$14.9M</p>	<p>\$71.6M</p>	<p>\$110.7M</p>	<p>\$152.0M</p>	<p>\$195.7M</p>
TOTAL COSTS	\$15.0M	\$71.9M	\$111.1M	\$152.6M	\$196.4M

IV. ASSUMPTIONS

The duration of the proposed rule is indefinite. There is no sun-set clause. Costs imposed by the proposed rule are shown on an annual basis. It is assumed that additional years will be consistent with the assumptions used to calculate the annual costs identified in this fiscal note. The above estimates are based on current dollar values, except that a 3% inflation rate was applied. The rule is assumed to be effective June 30, 2010.

This proposed amendment will cost public entities up to \$195.7M in the aggregate to eliminate intermittent secondary wet-weather outfalls by improving wastewater collection systems, adding peak flow storage, and increasing wastewater treatment plant capacity. In addition, public entities will incur annual monitoring costs of \$776,928 to collect and analyze effluent for *escherichia coli*. It is anticipated that the operation, maintenance and reporting costs will recur over the life of the rule and will vary with inflation.

The costs in the Summary of Fiscal Impact above are calculated in the **Worksheet** as multi-year aggregates for both the 474 wastewater treatment facilities and the 53 specific communities. This multi-year aggregate reflects the cyclical nature of the 5-year renewal cycle for operating permits and reflects the continuous/seasonal monitoring process requirements for *e. coli*. Communities (specifically 53) are required to eliminate wastewater outfalls not receiving secondary treatment, unless the conditions meet the federal definition for allowable bypasses, at the time of renewal. Rate costs for these communities are estimated as the difference in costs between current sewer rates and rates that reflect a full 2 % of the affected communities' median household income. Actual costs are on-going for these specific communities.

Amend language to make it consistent throughout the regulation -

No cost will be associated with these revisions.

Update Technical References Related to Sampling and Analytical Methods -

No cost will be associated with these revisions.

Alternative Effluent Limits for Risk-Based Corrective Action Projects -

The amendment will allow alternative groundwater clean-up goals for subsurface waters for sites undergoing risk-based corrective clean-up actions, so long as it can be demonstrated that the discharge will not result in an unreasonable risk to human health or the environment. This amendment is directly tied to a regulatory effort being undertaken by the Missouri Hazardous Waste Management Commission (10 CSR 25-18.010 *Risk-Based Corrective Action*). 10 CSR 25-18.010 provides a framework for cleanup decisions that facilitates the constructive use of contaminated sites by protecting human health and the environment for current and future site use

under various authorities. The Hazardous Waste rule was developed in an effort to provide a consistent and predictable regulatory process under the various state environmental programs to streamline site cleanup and eventual redevelopment. While application of the rule may result in more contamination being left in-place, required long-term stewardship activities will ensure such contamination does not result in increased and unacceptable risks in the future. There are no costs anticipated with this portion of the rulemaking.

CSOs -

On April 19, 1994, EPA published the "Combined Sewer Overflow Control Policy." Contained in the policy are provisions for developing appropriate, site-specific permit requirements for all combined sewer systems that overflow as a result of wet weather events. For example, the policy lays out two alternative approaches—the "demonstration" and the "presumption" approaches—that provide communities with targets for CSO controls that achieve compliance with the Clean Water Act, particularly protection of water quality and designated uses. The rule amendment adopts this policy by reference. The policy recognizes the unique challenges for CSO communities, and provides flexibility and cost savings over traditional permitting regulations while still guaranteeing that water quality uses are protected. There are no costs anticipated with this portion of the rulemaking.

Replace fecal coliform with e.coli -

This portion of the rule will replace fecal coliform with *e. coli* as the biological indicator for establishing effluent limits to reflect the water quality standards in 10 CSR 20-7.031 *Water Quality Standards*. The costs associated with effluent disinfection were included in a previous amendment to 10 CSR 20-7.031 *Water Quality Standards*, which became effective on August 30, 2008. There are no costs anticipated with this portion of the rulemaking.

E.coli monitoring -

The **Worksheet** above presents the summary of costs associated with *e. coli* monitoring.

This portion of the amendment requires weekly effluent monitoring during the recreation season (April 1 to October 31) for *e. coli*; compliance with the standard is to be determined by calculating the geometric mean of all monitoring results obtained during each calendar month.

Following research that was conducted during the last triennial review of water quality standards, Missouri adopted *e. coli* as the indicator bacteria for water bodies that are designated for whole body contact recreational. This rule amendment will provide a mechanism to place *e. coli* bacteria limits and effluent monitoring requirements in permits.

In "Ambient Water Quality Criteria for Bacteria" published by EPA in January of 1986 (EPA440/5-84-002) EPA recommended an *e. coli* standard of 126 colonies per 100 milliliters of sample expressed as a geometric mean. Compliance should be based on a

statistically sufficient number of samples (generally not less than 5 samples equally spaced over a 30-day period). Based on this publication, the frequency of effluent monitoring for *e. coli* is once per week, with compliance to be determined by calculating the geometric mean of all of the samples collected in an individual month. This frequency will best accommodate a wastewater treatment plant operator's work schedule, and aligns closely with the frequency EPA used to develop the standard.

Elimination of Wet-Weather Discharges From Publicly Owned Treatment Works (POTWs) of Effluent Not Provided Secondary Treatment –

The Worksheet above presents a summary of the costs associated with the Elimination of Wet-Weather POTW Discharges for Effluent Not Provided Secondary Treatment.

This portion of the amendment removes provisions in the rule that allowed non-continuous wet-weather discharges, limited to a 45 milligram per liter (mg/L) weekly average, for Biological Oxygen Demand (BOD) and Total Suspended Solids (TSS) that do not meet the definition of secondary treatment.

Citizens and national stakeholder groups raised concerns with EPA about peak wet-weather flow diversions that potentially have adverse environmental or public health effects because of the higher pollutant load of the diverted flow. In response to these concerns EPA developed a draft policy that declared the limited circumstances under which the wastewater diversions around secondary treatment process are allowed. EPA only allows diversions in instances when 1) a wastewater treatment plant has "no feasible alternatives" to diversion, 2) the diversion from secondary treatment units receives a minimum of primary treatment and any feasible auxiliary treatment, and 3) the resulting discharges meet applicable effluent limits based on secondary treatment. In light of these requirements, EPA notified Missouri that certain provisions of 10- CSR 20-7.015 *Effluent Regulations* allowing non-continuous wet weather discharges limited to 45 milligram per liter (mg/L) weekly average for Biological Oxygen Demand (BOD) and Total Suspended Solids (TSS) do not meet the definition of secondary treatment. The proposed amendment to 10 CSR 20-7.015 is a response to this notification. The proposed amendment will not authorize discharges that do not receive secondary treatment unless the discharges meet the federal conditions for allowable bypasses. The rule revision will comply with federal requirements by eliminating the option of providing these secondary outfalls 45mg/L BOD and TSS effluent limits.

Communities required to eliminate these previously permitted outfalls will necessitate the selection of a suite of engineering solutions. These options range from addressing inflow and infiltration (I/I) in the public portion of the sewage collection system, developing policies or local ordinances to address with I/I originating from private sewers, the installation of wastewater storage in the collection system, the construction of additional storage at the wastewater treatment plant, the addition of high rate treatment, to the expansion of existing treatment capacity. The scope of the engineering solutions is dependent upon the design and condition of the existing wastewater treatment facility and collection system. Selection of the appropriate approach for each individual community will require thoughtful design and consideration.

The cost of the solution for each community will be different. For the purpose of demonstrating cost estimations a list of the engineering solutions and example costs are presented below. Few communities will need to implement all of the engineering